# TOWN OF JACKSON
# LAND DEVELOPMENT REGULATIONS

(UPDATED 1/5/17 TO INCLUDE AMENDMENTS EFFECTIVE THROUGH 1/4/17, ORD. 1166)


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# Article 1. General Provisions


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# Div. 1.1. Title (1/1/15, Ord. 1074)

This Ordinance shall be known as the "Town of Jackson Land Development Regulations" and may also be referred to as "the LDRs" or "these LDRs."

# Div. 1.2. Authority (1/1/15, Ord. 1074)

The Town Council of the Town of Jackson (hereinafter "Town") has the authority to adopt these LDRs in accordance with Article 13, Section 1 of the Wyoming Constitution, and Section 15-1-601, et. seq., Section 9-8-101, et. seq., and Section 34-12-101, et. seq., Wyoming Statutes, and such other authorities and provisions that are established in the statutory and common law of the State of Wyoming.

# Div. 1.3. Purpose and Intent

Based on the legislative discretion of the Town Council, these LDRs are in accordance with the Jackson/Teton County Comprehensive Plan. Their purpose is to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety, and general welfare of the present and future inhabitants of the community with the intent listed below.

## 1.3.1. Implement the Community Vision (1/1/15, Ord. 1074)

Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for current and future generations.

## 1.3.2. Implement the Common Values of Community Character (1/1/15, Ord. 1074)

### A. Ecosystem Stewardship

1. Maintain healthy populations of all native species and preserve the ability of future generations to enjoy the quality natural, scenic, and agricultural resources that largely define our community character.

2. Consume less nonrenewable energy as a community in the future than we do today.

### B. Growth Management

1. Direct future growth into a series of connected, Complete Neighborhoods in order to preserve critical habitat, scenery and open space in our Rural Areas.

2. The Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational, and cultural activities.

### C. Quality of Life

1. Ensure a variety of workforce housing opportunities exist so that at least 65% of those employed locally also live locally.

2. Develop a sustainable, vibrant, stable and diversified local economy.

3. Residents and visitors will safely, efficiently, and economically move within our community and throughout the region using alternative modes of transportation.

4. Timely, efficiently, and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.

### 1.3.3. Implement the Illustration of Our Vision (1/1/15, Ord. 1074)

A. Achieve the desired future character identified for each Character District.

B. Implement the policy objectives for each Character District.

C. Achieve the character-defining features identified for each Subarea.

### 1.3.4. Predictable Regulations, Incentives, and Allowances (1/1/15, Ord. 1074)

A. Ensure standards are consistently applied to similar applications and circumstances.

B. Ensure landowners, the public, and decision-makers know the amount, location, and type of growth to expect.

C. Use data analysis and best practices to inform standards and implement the adaptive management philosophy of the Growth Management Program.

### 1.3.5. Coordination Between Jurisdictions (1/1/15, Ord. 1074)

A. Implement the joint Town/County Vision through coordinated, supportive actions.

B. Maintain a common structure, format, and definitions in Town and County LDRs.

## Div. 1.4. Organization of the LDRs (1/1/15, Ord. 1074)

These LDRs constitute the Town's zoning and subdivision regulations. They have two organizing principles. Primarily, they are organized by zone in order to implement and emphasize the community's character-based planning approach. Secondarily, to provide ease of use, they are organized to answer three questions:

- What can be built or physically developed?
- What uses are allowed?
- How can the land be developed or subdivided?

The LDRs contain 9 articles.

## General

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|---|---|
| **Article 1:** General Provisions | This article establishes the purpose and intent of the LDRs and the zones. It includes general provisions that identify the Town's authority to adopt the LDRs, outlines the organization of the LDRs, and establishes to whom the LDRs apply. It also establishes the rules governing nonconformities. |
| **Article 9:** Definitions | This article consolidates definitions for terms necessary to understand and enforce the LDRs. It also provides rules of construction for interpreting terms, rules of measurement that establish methodologies for the measurement of common standards (e.g., setbacks, height, etc.), and a list of abbreviations. |

## Zone Specific Standards

Articles 2-4 establish the zones and zone standards. Each zone section includes a purpose and intent statement, the specific standards applicable in the zone, and the general standards from Articles 5-7 that may be applicable in the zone. The provisions in each zone are organized by: Physical Development, Use and Development Options and Subdivision.

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| **Article 2:** Complete Neighborhood Zones | This article establishes the zones that implement the vision for Complete Neighborhoods identified in the Illustration of Our Vision Chapter of the Jackson/Teton County Comprehensive Plan. |
| **Article 3:** Rural Area Zones | This article establishes the zones that implement the vision for Rural Areas identified in the Illustration of Our Vision Chapter of the Jackson/Teton County Comprehensive Plan. |
| **Article 4:** Special Purpose Zones | This article establishes the resort, civic, and other special purpose zones that apply to unique places in the community to protect and support their special character. |

## Standards Applicable to All Zones

Articles 5-7 establish the physical development, use, development option and subdivision standards that apply across multiple zones. These standards may only apply in certain overlays, or may apply in all zones. They apply in conjunction with the zone-specific standards of Articles 2-4.

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| **Article 5:** Physical Development Standards | This article establishes the standards for the location, mass, and form of physical development. Environmental, scenic, and natural hazard protections, as well as landscaping, sign, stormwater, and grading and erosion control standards are also included. Standards applicable in the Natural Resource and Scenic Resources Overlays are established in this article. |
| **Article 6:** Use Standards | This article establishes and defines the allowed uses. Use-based standards such as parking and employee housing are included in this article, as are operational standards. |
| **Article 7:** Development Option & Subdivision Standards | This article establishes and defines the allowed development options. It also establishes subdivision standards and includes subdivision-based requirements such as affordable housing, development exactions, required transportation facilities and required utilities. |

## Administration

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| **Article 8:** Administrative Procedures | This article establishes the procedures and review standards for the permits or approvals that are used to ensure development complies with the standards of these LDRs. It also establishes the enforcement provisions for the LDRs. The applicable procedures are referenced within the zone standards (Articles 2-4) and standards applicable in all zones (Articles 5-7). |

# Div. 1.5. Applicability

## 1.5.1. Effective Date (1/1/15, Ord. 1074)

These LDRs shall become effective on January 1, 2015, and repeal and replace the Town of Jackson Land Development Regulations, as originally adopted on November 9, 1994, as subsequently amended. This repeal does not revive any other provisions, resolutions, ordinances, codes, or other regulations repealed by the aforementioned Ordinance.

## 1.5.2. General Applicability (1/1/15, Ord. 1074)

A. These LDRs shall apply to all physical development, use, development options, and subdivision within the corporate limits of the Town, unless expressly provided to the contrary in these LDRs.

B. Unless exempted, no land shall be physically developed, used, or subdivided without compliance with these LDRs and all other applicable Town, state, and federal regulations.

## 1.5.3. Application to Governmental Entities (1/1/15, Ord. 1074)

### A. Teton County and the Town of Jackson

Physical development, use, exercise of development options and subdivision by the County or the Town, and their respective agencies, shall comply with the procedures and standards of these LDRs.

### B. All Other Governmental Entities

Physical development, use, exercise of development options and subdivision by the State of Wyoming, the federal government, and all other government entities and their respective agencies, shall comply with the procedures and standards of these LDRs to the extent permitted by law.

# Div. 1.6. Relationship Between Regulations

## 1.6.1. References to Other Laws or Documents (1/1/15, Ord. 1074)

Whenever any provision of these LDRs refers to or cites a section of the Wyoming Statutes, the federal statutes, or any other document, and that section, statute, or document is later amended or superseded, these LDRs shall be deemed amended to refer to the amended section or the section that corresponds to the superseded section.

## 1.6.2. Certain Maximums Not Guaranteed (1/1/15, Ord. 1074)

Maximum densities and intensities are not guaranteed to be achievable by the terms of these LDRs. All standards and requirements shall be met and actual achievable densities and intensities may be limited by factors such as product type, site location and configuration, natural and scenic resource limitations, or parking requirements.

## 1.6.3. Conflicts within These LDRs (1/1/15, Ord. 1074)

Where provisions of these LDRs are in direct conflict, the zone-specific provision shall govern. If neither provision is zone-specific, the provision that is more specific to the characteristics of the application being reviewed shall govern.

## 1.6.4. Conflicts with Other Town Codes or Regulations (1/1/15, Ord. 1074)

If a provision of these LDRs is inconsistent with a provision found in other adopted codes or ordinances of the Town, the more restrictive provision shall govern.

## 1.6.5. Conflicts with State or Federal Law (1/1/15, Ord. 1074)

If a provision of these LDRs is inconsistent with a provision found in the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law. The Town shall not be responsible for enforcing state or federal law, nor shall compliance with these LDRs absolve any responsibilities under state or federal law.

## 1.6.6. Conflicts with Private Agreements (1/1/15, Ord. 1074)

Nothing in these LDRs is intended to supersede, annul, or interfere with any easement, covenant, deed restriction, or other agreement between private parties, but such agreements shall not excuse a failure to comply with these LDRs. The Town shall not be responsible for monitoring or enforcing private agreements.

# Div. 1.7. Establishment of Zones

## 1.7.1. General (1/1/15, Ord. 1074)

The purpose of this Section is to establish the zones and overlays that regulate physical development, use, development options, and subdivision. Zone and overlay standards are established in order to achieve the desired future character articulated in the Jackson/Teton County Comprehensive Plan. The zones are grouped into Complete Neighborhood zones, Rural Area zones, and Special Purpose zones based on the vision of the Comprehensive Plan. Zones are further organized into character zones and legacy zones. Character zones are character-based and established to implement the Comprehensive Plan. Legacy zones are carried forward from the previous LDRs and it is the intent that they will be phased out over time as character zones are adopted and applied.

## 1.7.2. Establishment of Zones and Overlays (1/1/15, Ord. 1074)

The Town of Jackson is divided into the minimum number of zones necessary to achieve the vision of the Jackson/Teton County Comprehensive Plan and the purpose and intent of these LDRs. The zones are established in Article 2. - Article 4. Overlays address critical issues that cross more than one zone and are established in Articles 5 and 6.

## 1.7.3. Official Zoning Map Incorporated by Reference (1/1/15, Ord. 1074)

The zones and overlays established by these LDRs are bounded and defined as shown on the Town of Jackson Official Zoning Map (hereinafter "Official Zoning Map"). The Official Zoning Map, and all explanatory materials contained thereon, is hereby established and adopted as part of these LDRs, incorporated into these LDRs by reference, and made a part hereof. The Official Zoning Map is located on the Teton County Map Server at http://maps.greenwoodmap.com/tetonwy/mapserver/. A hard copy of the Official Zoning Map is available for inspection in the Planning Department during normal business hours.

## 1.7.4. Interpretation of Official Zoning Map Boundaries (1/1/15, Ord. 1074)

The following rules shall be used to determine the precise location of any zone boundary shown on the Official Zoning Map:

### A. Jurisdictional Boundaries

Boundary lines shown as following or approximately following County or Town boundaries shall be construed as following such limits.

### B. Streets or Alleys

Boundary lines shown as following or approximately following streets or alleys shall be construed as following the centerline of such streets or alleys.

### C. Street Vacations

Whenever any street is lawfully vacated, and the lands within the boundaries of the vacated land attach to and become a part of lands adjoining such street, the lands formerly within the vacated street shall be subject to the same zone classification that is applicable to lands to which the vacated land attaches.

### D. Section Lines, Platted Lot Lines, Park or Forest Service Boundaries

Boundary lines shown as following, or approximately following, current or past, section lines, platted lot lines, park or forest service boundaries, or other property lines shall be construed as following such lines.

### E. Streams or Rivers

Boundary lines shown as following, or approximately following, the centerline of streams, or rivers, or other continuously flowing watercourses shall be construed as following the thread of the channel of such watercourses. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zone boundary shall be construed as moving with the thread. In any instance where the thread extends beyond a Town boundary, the boundary shall become coterminous with the Town boundary.

### F. Ridgelines

Boundaries following or approximately following ridgelines shall be construed as following such lines.

### G. Bench Lines or Levees

Boundaries shown as following or approximately following bench lines shall be construed as following the top of the bench. Boundaries shown as following or approximately following levees shall be construed as following the upland toe of the levee where the slope sharply increases.

### H. Vegetation Lines

Boundaries shown as following or approximately following vegetation lines shall be deemed to follow the vegetation line that existed on June 13, 1993, on Horizon aerials, which are incorporated into these LDRs by reference, or the current vegetation line, whichever results in the largest area in the most restrictive zone. Copies of the Horizon aerials are available in the County Planning Department.

### I. Parallel Boundaries

Boundaries shown as separated from, and parallel or approximately parallel to, any of the features identified above, shall be construed to be parallel to such features and at such distances as shown on the Official Zoning Map.

### J. Map Scale

Where the location of a zone boundary cannot be determined by one or more of the methods provided in this Section, it shall be determined by use of the map scale shown on the Official Zoning Map.

## 1.7.5. Sites in Multiple Zones (1/1/15, Ord. 1074)

A site in more than one zone may be used and developed as a single site.

### A. Minimum Site Area

The entire site may be used to meet minimum site area requirements in either zone.

### B. Maximum Density/Intensity

The density or intensity calculation shall be based on the acreage existing in each zone.

### C. Location

In general, the majority of development shall be located in the area that is designated for higher intensity use. This standard may be deviated from if it can be demonstrated that the location proposed will improve scenic views and lessen adverse environmental impacts.

## 1.7.6. Change of Jurisdiction (1/4/17, Ord. 1158)

When land changes jurisdiction by transfer, trade, or sale from state or federal agencies to a private landowner, the land shall be assigned to an appropriate zone, pursuant to the procedure of Sec. 8.7.2., prior to any physical development, use, development option, or subdivision of the land.

# Div. 1.8. Transitional Provisions

This Division establishes standards for how the current LDRs apply to existing applications and approvals. The standards of this Division apply to applications and approvals made under previous LDRs. The standards of this Division also apply to applications and approvals made before these LDRs were amended.

## 1.8.1. Applicable LDRs for Review Determined at Sufficiency

(1/1/15, Ord. 1074)

An application shall be processed in good faith under the standards and procedures of the LDRs in place at the time the application is determined sufficient. An application that is substantially changed following being determined sufficient, or an application that fails to comply with the required time frames or any terms or conditions of its approval, shall expire and future applications shall be subject to the current LDRs.

## 1.8.2. Approved Permits and Approvals (1/4/17, Ord. 1158)

### A. Approvals Valid Until Expiration

1. A permit or approval shall remain valid until its expiration date and may be carried out in accordance with the terms and conditions of the approval. If the permit or approval is completed, expires, or is revoked (e.g. for failure to comply with the terms and conditions of approval), any subsequent application shall be subject to the current LDRs.

2. A pre-application conference, zoning compliance verification, environmental analysis, neighborhood meeting, or other review or action completed prior to submittal of an application shall not constitute an approval that may be carried out in exception to Sec. 1.8.1.

### B. Nonconformities

A lawfully established physical development, use, development option or subdivision that does not comply with these LDRs is nonconforming and subject to the provisions of Div. 1.9.

### C. PUDs and Other Special Projects

The following projects shall remain valid and shall not be considered nonconforming regardless of their compliance with these LDRs; however, references to previous LDRs in a project's approval shall be construed to reference the equivalent standard in these LDRs.

1. Planned Unit Developments (PUDs) with PUD zoning.

    a. The standards of the PUD shall apply except where the PUD is silent, in which case the standards of the underlying zoning shall apply.

2. Planned Unit Developments (PUDs) approved under a PUD regulation, that can demonstrate common law vested rights in accordance with state law, but do not have PUD zoning.

3. Planned Mixed-Use Developments (PMDs) that have not expired and have vested their rights.
4. Complete Neighborhood Master Plans that have vested their rights.
5. Master plans approved prior to November 9, 1994 as Conditional Use Permits (CUPs) that have vested their rights.

## 1.8.3. Amendments to Approved Permits and Approvals (1/1/15, Ord. 1074)

A proposed minor deviation or amendment to an existing permit or approval shall be reviewed pursuant to the standards and procedures of Sec. 8.2.13.

## 1.8.4. Transition to New Zones (1/1/15, Ord. 1074)

[Reserved]

## 1.8.5. Voluntary Compliance with these LDRs (1/1/15, Ord. 1074)

A landowner subject to an existing approved permit or approval may voluntarily extinguish and void the approved permit or approval upon approval of an application in accordance with the current LDRs.

## 1.8.6. Violations Continue (1/1/15, Ord. 1074)

Any violation of the previous LDRs shall continue to be a violation under these LDRs, unless the physical development, use, development option, or subdivision complies with the express terms of these LDRs.

# Div. 1.9. Nonconformities

## 1.9.1. General Applicability (1/4/17, Ord. 1158)

### A. Purpose

There exist physical developments, uses, development options, subdivisions, and signs that were lawfully established before these LDRs were adopted or amended, which now do not conform to these LDRs. It is the intent of these LDRs to allow these nonconformities to continue until they are discontinued, but not to encourage their expansion except under the standards established in this Division. The purpose of this Division is to establish standards to allow the continued existence of those nonconforming physical developments, uses, development options and subdivision, and signs.

### B. Applicability

This Division applies to nonconformities. A nonconformity is a lawfully established physical development, use, development option, subdivision, or sign that does not comply with these LDRs. A physical development, use, development option, subdivision, or sign that has been granted relief pursuant to Div. 8.8. is not nonconforming.

### C. Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this Division.

### D. Determination of Nonconformity Status

The burden of establishing that a nonconformity lawfully exists shall be the responsibility of the landowner. The landowner shall provide to the Planning Director photos, permits, licenses, records, or other documentation that establishes the date the nonconformity was established and the continuous existence of the nonconformity since establishment.

### E. Nonconformity Runs With the Land

A nonconformity shall run with the land. No change of ownership or right to possession of land shall prevent the continuance of a nonconformity. Nor shall a nonconformity be relocated unless the relocation results in compliance with these LDRs.

### F. Increase in Nonconformity

Except as authorized by this Division, no person shall engage in activity that increases a nonconformity. Where authorized, the cumulative total of an expansion is the sum of all expansions from the date the physical development, use, development option, or subdivision became nonconforming, including all expansions under prior LDRs if the nonconformity began under prior LDRs and remains nonconforming.

### G. Multiple Nonconformities

On a site with multiple nonconformities, the standards of this Division shall apply to each nonconformity separately, unless stated otherwise.

> **EXAMPLE:** In the case of a nonconforming use within a nonconforming physical development the nonconforming use shall be subject to the standards of Sec. 1.9.3. and the nonconforming physical development shall be subject to the standards of Sec. 1.9.2.

### H. Life Safety

Life safety modifications to existing structures or sites which are required by local, state, or federal government shall be exempt from the requirements in this Division.

### I. Occupancy Prohibited

If a structure or site, or portion thereof, becomes physically unsafe or unlawful due to lack of repairs, maintenance, payment of taxes, or other reason and the Town declares occupancy of the structure or site to be prohibited, it shall be removed, rebuilt, redeveloped, reused, or repaired in conformance with these LDRs.

### J. Government Acquisition

If a conforming physical development, use, or lot of record becomes out of compliance with these LDRs due to governmental acquisition of a portion of the lot of record for a public purpose, the physical development, use, or lot of record shall be considered conforming and future physical development, use, development options and subdivision of that lot of record shall comply with these LDRs to the maximum extent practicable.

## 1.9.2. Nonconforming Physical Development (1/4/17, Ord. 1158)

### A. Applicability

Nonconforming physical development is declared generally incompatible with the character of the zone or overlay in which it is located. This Section shall apply to lawful physical development (other than signs) that does not meet the physical development standards applicable to the zone or overlay. Physical development standards applicable to all zones are found in Article 5. Physical development standards applicable to specific zones are found in Subsection B of the zone-specific sections found in Article 2.-Article 4.

## B. Maintenance, Alteration, Expansion, and Replacement

Maintenance, alteration, replacement, or expansion of a nonconforming physical development shall only be permitted if all 6 of the following standards are met.

1. **No Increase in Nonconformity.** Maintenance, alteration, replacement, or expansion shall not increase the nonconformity and shall otherwise comply with all applicable standards of these LDRs.

   > **EXAMPLE:** An addition must meet all setbacks, floor area limits, and other standards even if a portion of the structure being added to does not meet a setback.

2. **Maintenance and Alteration.** A nonconforming physical development may be maintained or altered.

3. **Expansion.** A nonconforming physical development shall be brought into compliance with all applicable standards of these LDRs upon cumulative expansion of greater than 20% of its floor area or site area. Cumulative expansion is the sum of all expansions from the date the physical development became nonconforming, including all expansions under prior LDRs if the physical development became nonconforming under prior LDRs and remains nonconforming. The following exceptions shall apply to this limit on expansion.

   a. **Historic Buildings.** This standard shall not limit expansion of a building included on the Teton County Historical Preservation Board (TCHPB) list of historically significant properties, or that is otherwise deemed in writing by the TCHPB to be historically significant.

   b. **Workforce Housing Incentive.** Floor area added using the Deed Restricted Housing Exemption (Sec. 7.8.3.) or Workforce Housing Floor Area Bonus (Sec. 7.8.4.) shall not be included in the calculation of expansion.

   c. **Nonconforming Bulk and Form Standards.** This standards shall not limit expansion of a building that is nonconforming with one or more of the following standards.

      i. Minimum stories in a street setback

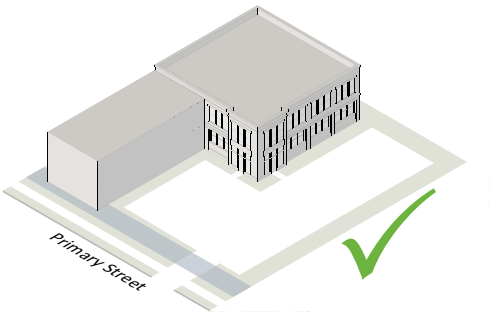
      ii. Building stepback

      iii. Pedestrian frontage

      iv. Building frontage

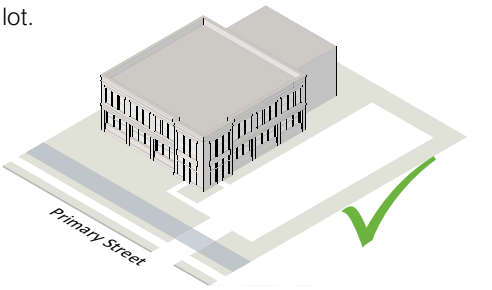
d. Nonconforming Building Facade Width

i. **Additions.** Expansion of an existing building that is unable to meet the building facade width requirement must comply with the following provisions.



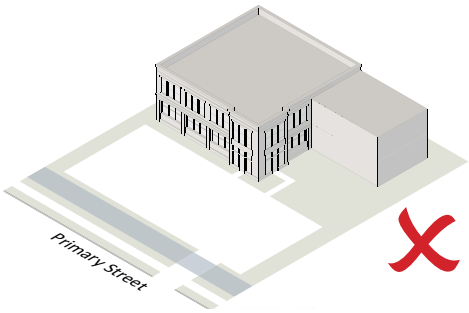

Front: Addition

Any addition to the front must be placed in the street setback range. The addition does not have to meet the required building facade width for the lot.




Rear: Addition

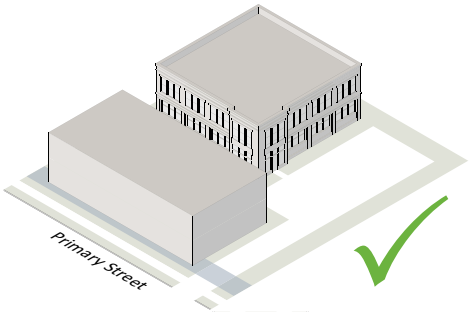
Rear additions are allowed because the extension does not increase the degree of the nonconformity.




Side: Addition

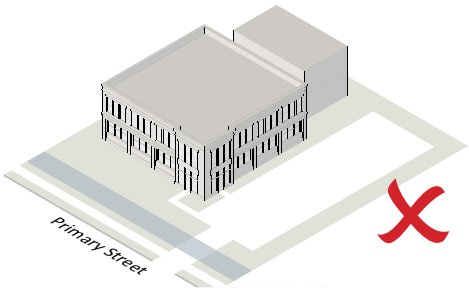
Side additions are not allowed because the extension increases the width of the building not located in the street setback range.

ii. **New Buildings.** Where a new building is being constructed on a lot with an existing building that doesn't meet the building facade width requirement, the following provisions apply.



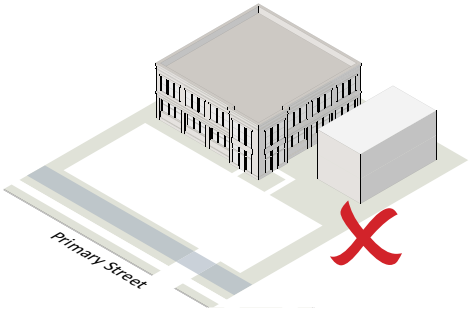

Front: New Building

All new buildings must be placed in the street setback range until the required building facade width for the lot has been met.




Rear: New Building

New buildings located outside of the street setback range are not allowed until the required building facade width for the lot has been met.




Side: New Building

New buildings located outside of the street setback range are not allowed until the required building facade width for the lot has been met.

4. **Replacement.** A nonconforming physical development shall be brought into compliance with all applicable standards of these LDRs upon willful demolition of any structural support for the portion of the physical development that is nonconforming. Except that this subsection shall not prohibit any of the following.

   a. **Replacement After Damage by Natural Disaster.** A nonconforming physical development that is demolished or destroyed by a natural disaster or through any manner not willfully accomplished by the owner, regardless of the extent of the demolition or destruction, may be replaced to the nonconforming condition that existed prior to the damage.

   b. **Interior Remodel.** Interior remodel of a nonconforming building.

   > **EXAMPLE:** A site has an existing 2,000 sf home that is partially located in a creek setback. Any interior remodel is allowed without resolving the nonconformity. Any nonstructural modification to the exterior of the building (i.e. re-siding, re-roofing, replacing windows) is allowed without resolving the nonconformity. An expansion of up to 400 sf is allowed without remedying the nonconformity. But, if the portion of the building in the setback is demolished it cannot be built back, and an expansion of greater than 400 sf would require demolition of the nonconforming portion of the building.

5. **Required Compliance for Non-Building Nonconformities.** In addition to the above standards, a nonconforming physical development that is not a building shall be brought into compliance with all applicable standards of these LDRs upon cumulative expansion of greater than 20% of the total floor area or use on a site. Except that, a non-building physical development that is nonconforming with an LDR that protects a public right-of-way shall be brought into compliance will all applicable standards of these LDRs upon cumulative expansion of greater than 5% of the floor area or use on a site.

   > **EXAMPLE:** A site has an existing 2,000 sf home that does not meet setbacks and more site development than is permitted. Construction of a 500 sf detached garage on the site would require that the site development be brought into compliance with these LDRs, but the existing home would not have to be relocated.

6. **Complete Within 18 Months.** Maintenance, alteration, replacement, or expansion of an existing nonconforming physical development pursuant to this Section shall be completed, or an application to complete shall be sufficient, within 18 months of the date of commencement or destruction.

## C. Use, Development Options, and Subdivision

1. A nonconforming physical development shall be used in compliance with these LDRs. Nonconforming use of a nonconforming physical development shall be subject to Sec. 1.9.3..

2. A nonconforming building shall not be subdivided into condominiums or townhomes, unless the subdivision brings the physical development into compliance with these LDRs.

3. A boundary adjustment pursuant to Sec. 8.5.5. of a site that includes nonconforming physical development shall not increase the nonconformity of the physical development.

4. A subdivision or development option on a site with nonconforming physical development shall require all physical development on the site, except existing buildings, comply with these LDRs.

## 1.9.3. Nonconforming Uses (1/4/17, Ord. 1158)

### A. Applicability

A nonconforming use is declared generally incompatible with the character of the zone or overlay in which it is located. This Section shall apply to:

1. A lawfully established use that is not allowed in the zone or overlay;

2. A lawfully established conditional or special use that does not have an approved Conditional Use Permit or Special Use Permit; and

3. A lawfully established use that does not comply with the use standards applicable to the zone or overlay. Use standards applicable to all zones are found in Article 6. Use standards applicable to specific zones are found in Subsection C of the zone-specific sections found in Article 2.-Article 4.

### B. Expansion

1. A nonconforming use may only be expanded a cumulative total of 20% in the floor area and site area occupied and/or the daily and annual duration of operation.

2. An expansion of a nonconforming use shall not create or increase nonconformity with use-based standards such as parking and employee housing.

3. An expansion of a nonconforming use shall comply with all physical development, development option, and subdivision standards of these LDRs.

4. An expansion of a use that is nonconforming because it does not have an approved CUP or SUP requires approval of a CUP or SUP upon 20% cumulative total expansion in the floor area and site area occupied and/or the daily and annual duration of operation.

### C. Change in Use

A nonconforming use may be changed to another nonconforming use provided all 3 of the following standards are met.

1. The new use is a materially less intense nonconforming use. The determination of the level of intensity shall include, but is not limited to, consideration of traffic generated (amounts and type), impacts on access, parking demand, proposed level of activity, operational characteristics, and other potentially adverse impacts on neighboring lands.

2. The new use shall not create or increase nonconformities with use-based standards such as parking and employee housing.

3. The new use shall obtain a Conditional Use Permit pursuant to Sec. 8.4.2.

## D. Discontinuance

1. If a nonconforming use is operationally discontinued for a period of more than one year, whether or not the equipment or furniture is removed, the use shall not be reestablished or resumed, and any subsequent use of the site shall conform to these LDRs.

2. When government action other than those described in 1.9.1.I., a natural disaster, or any other action not considered a willful act of the owner or occupant can be documented as the reason for discontinuance, the nonconforming use may be discontinued for longer than one year provided an application to reconstruct or reestablish the use is submitted to the Planning Director within one year from cessation of the use, and reconstruction or reestablishment is completed within the time period established in the permit approved for the reconstruction or reestablishment.

3. Once a nonconforming principal use is discontinued, all associated accessory uses shall discontinue within 31 days or a sufficient application to permit each accessory use in association with another principal use shall be submitted within 31 days.

4. Time spent maintaining, altering, replacing, or expanding a structure or site devoted to the nonconforming use is not considered a discontinuance of 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.

## E. Subdivision of a Nonconforming Use Prohibited.

Subdivision or Exempt Land Division of a structure or land containing a nonconforming use shall constitute discontinuance of the nonconforming use.

# 1.9.4. Nonconforming Development Options and Subdivisions

(5/4/16, Ord. 1115)

## A. Applicability

A nonconforming development option or subdivision is declared generally incompatible with the character of the zone or overlay in which it is located. This Section shall apply to:

1. Lawfully created developments or subdivisions that do not have the required development permits; and

2. Lawfully created lots of record that were intended to be buildable but do not meet the development option or subdivision standards applicable to the zone or overlay. Development option and subdivision standards applicable to all zones are found in Article 7. Development option and subdivision standards applicable to specific zones are found in Subsection D of the zone-specific sections found in Article 2.-Article 4.

## B. Use and Physical Development of a Nonconforming Lot of Record

1. Use and physical development of a nonconforming lot of record is permitted if the nonconforming lot of record was intended to be buildable and the use or physical development does not increase the nonconformity; except that, use or physical development of a nonconforming lot of record created through Exempt Land Division pursuant to Sec. 8.5.4. shall require that the lot of record comply with all standards of these LDRs except the standards of Div. 7.2..

   **EXAMPLE:** A parcel is subdivided to sell a portion of the parcel to an Improvement Service District. When an application for a building permit is submitted on the new parcel, road and utility standards must be met.

2. Use and physical development of a nonconforming lot of record shall comply with all applicable standards of these LDRs.

## C. Change of Nonconforming Lot of Record

The boundaries of a nonconforming lot of record may be modified if the adjustment results in no increase in the nonconformity; except that, with regard to minimum lot size one nonconforming lot of record can be made more nonconforming in order to make another nonconforming lot of record less nonconforming if:

1. The benefit of the increased compliance of one lot of record outweighs the detriment of the increased noncompliance of the other lot of record, resulting in a greater overall compliance with the intent and/or standards of these LDRs;

2. The overall capability of the lots of record to safely accommodate physical development is not diminished, particularly by providing needed land area for water supply and wastewater systems; and

3. The acreage transferred from one lot of record to another does not allow for increased density on the subject lots of record.

### D. Development Option and Subdivision

A nonconforming development option or lot of record shall not be included in a development option or subdivided unless the development option or subdivision brings the development option or lot of record into compliance with these LDRs.

## 1.9.5. Nonconforming Signs (5/4/16, Ord. 1115)

### A. Applicability

A nonconforming sign is declared generally incompatible with the character of the zone in which it is located. This Section shall apply to any lawfully erected sign that does not comply with the requirements of Div. 5.6.

### B. Maintenance, Alteration, Replacement, or Expansion

1. A nonconforming sign may be maintained.

2. A nonconforming sign shall not be expanded, replaced, reworded (other than readerboard signs), redesigned or altered in any way, except to conform to these LDRs. Businesses that change names shall be required to conform to these LDRs.

### C. Historically Significant Signs

When a nonconforming sign is determined by the Planning Director to be historically significant, routine maintenance, including painting and replacement of lights, shall be permitted. Historically significant signs are signs designated by the Planning Director or Historical Society as having significant historical value to the Town.

### D. Multiple Tenant Structures

Structures with a previously approved master sign plan shall be permitted to replace signs on structures and freestanding signs, provided the replacement signs maintain the sign size previously approved for each business. The replacement signs shall conform to all other standards of these LDRs. .

### E. Removal of Abandoned and Dangerous Nonconforming Signs

The classification and removal of abandoned, dangerous, and defective nonconforming signs shall be consistent with 5.6.1.H.

# Div. 1.10. Severability (1/1/15, Ord. 1074)

The legislative intent of the Town Council in adopting these LDRs is that if any article, division, section, subsection, paragraph, clause, provision, or portion of these LDRs is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these LDRs shall not be affected

# Article 2. Complete Neighborhood Zones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# Div. 2.1. All Complete Neighborhood Zones

Complete neighborhood zones are intended to enhance the locations in the community that are most appropriate for use and development into the most desirable places to live, work, and play. There are 2 types of complete neighborhood zones.

## 2.1.1. Character Zones (11/23/16, Ord. 1149)

Character zones, established in Div. 2.2., are character-based and established to implement the Comprehensive Plan. The character zones include:

A. Downtown Core (DC)

B. Commercial Residential-1 (CR-1)

C. Commercial Residential-2 (CR-2)

D. Office Residential (OR)

## 2.1.2. Legacy Zones (11/23/16, Ord. 1149)

Legacy zones, established in Div. 2.3., are carried forward from the previous LDRs, and it is the intent that they will be phased out over time as character zones are adopted and applied. The legacy zones include:

A. Town Square (TS)

B. Urban Commercial (UC)

C. Urban Residential (UR)

D. Auto Urban Commercial-Town (AC-ToJ)

E. Auto Urban Residential-Town (AR-ToJ)

F. Business Park-Restricted Uses (BP-R)

G. Business Park-Town (BP-ToJ)

H. Business Conservation-Town (BC-ToJ)

I. Residential Business (RB)

J. Mobile Home Park-Town (MHP-ToJ)

K. Neighborhood Conservation-Town (NC-ToJ)

L. Neighborhood Conservation-Two-Family (NC-2)

M. Suburban-Town (S-ToJ)

# Div. 2.2. Complete Neighborhood Character Zones

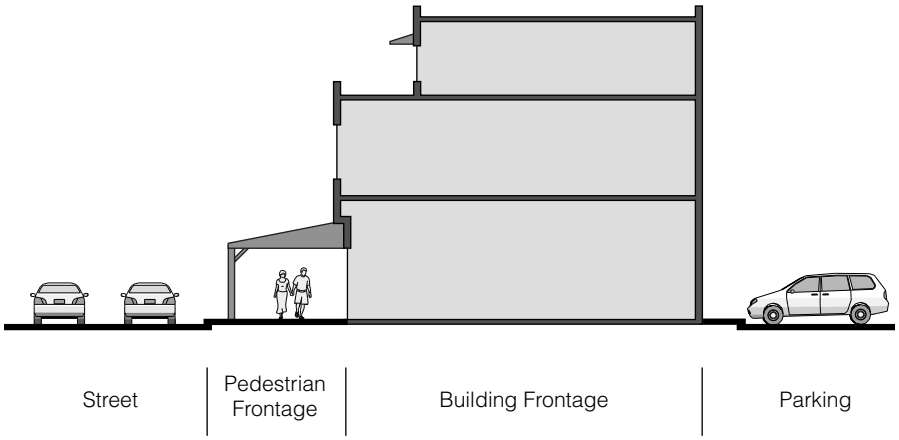
This division provides the development standards that apply to all Complete Neighborhood Character Zones. The standards are organized into three categories: 1) lot standards; 2) bulk standards; and 3) form standards. Each character zone contains specific standards related to these three categories.

## 2.2.1. Rules Applicable to All Complete Neighborhood Character Zones (11/23/16, Ord. 1149)

### A. Form Standards

The form rules for character zones are set out in the following categories (as illustrated below):

1. Streets;
2. Pedestrian Frontages;
3. Building Frontages; and
4. Parking.




### B. Streets

See the Town of Jackson 2015 Community Streets Plan for street cross-sections intended for locations throughout the Town.

## C. Pedestrian Frontages

Pedestrian frontages are the spaces that occur on public or private property between the curb and the building, and are required along all primary and secondary streets. Good pedestrian frontages are essential for fostering mixed-use, walkable, and pedestrian-oriented development. Specific rules for each pedestrian frontage are listed below.

A pedestrian frontage is composed of three parts:

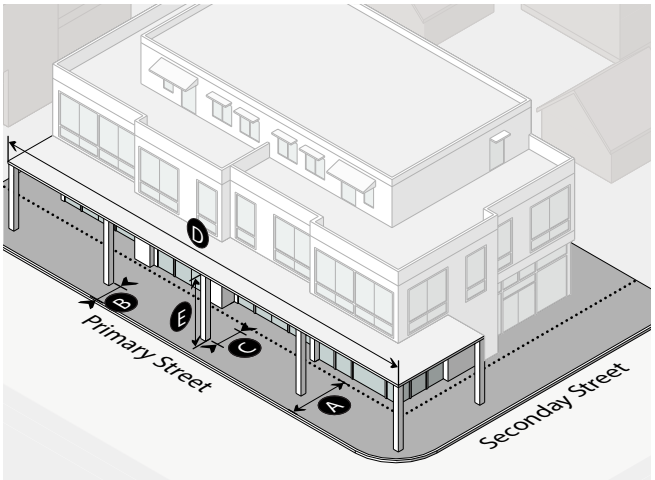
- Furnishing/Planting Area. The furnishing/planting area is the area between the back of curb and the clear sidewalk. This area provides for columns, required plantings, accessible ramps, signs, fire hydrants, snow storage, parked vehicle overhang or door swing, etc.
- Clear Sidewalk. The clear sidewalk is the primary pedestrian travelway and shall be clear of any obstacles or protruding objects.
- Building Transition Area. The remaining space between the clear sidewalk and building facade is a semi-public/private, building transition area that provides room for front door swings, planter boxes, window shopping, outdoor cafe seating, street furniture, public art, etc.

Where private property is used for a furnishing/planting area or a clear sidewalk, an easement may be permanently dedicated to the Town.

See Sec. 2.2.2. through Sec. 2.2.5. to determine which pedestrian frontages may be allowed in each zone. The Planning Director will determine the appropriate pedestrian frontage from the options for a zone based on the established pedestrian frontage and desired pedestrian frontage described in the Community Streets Plan.

The Planning Director may establish lesser standards in any pedestrian frontage pursuant to the procedure of Sec. 8.8.1.. in order to achieve consistency between the established pedestrian frontage and the desired pedestrian frontage described in the Community Streets Plan.

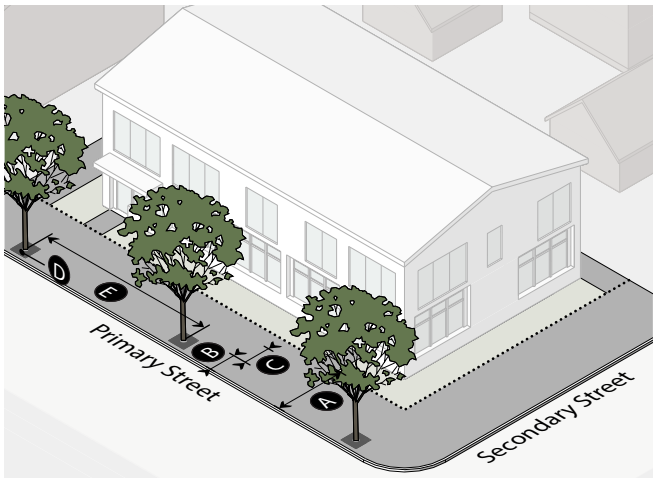
### 1. Covered Walkway




| Description | | |
|---|---|---|
| A covered walkway provides visual interest along the street edge, reduces the perceived mass of the building facade, and provides shelter from the rain, snow, and sun throughout the year. A covered walkway also reduces winter maintenance and improves pedestrian safety. A covered walkway is supported by posts or columns, or cantilevered from the building facade. | | |
| **Pedestrian Frontage Dimensions** | | |
| Total width from back of curb (min) | 13’ | A |
| Furnishing/planting area (min-max) | 18” - 3’ | B |
| Clear sidewalk width (min) | 8’ | C |
| **Additional Specifications** | | |
| Gallery must be contiguous and extend for at least 75% of the street facade width | | D |
| Clear height above sidewalk (min) | 9’ | E |
| The furnishing/planting area shall be hardscape other than slab concrete (e.g. pavers, bricks) | | |
| The building transition area shall be hardscape | | |

Covered Walkway

## 2. Trees in Grates




### Description

Trees in grates provide a moderate amount of landscaping to screen buildings and provide shade, while remaining easy to maintain.

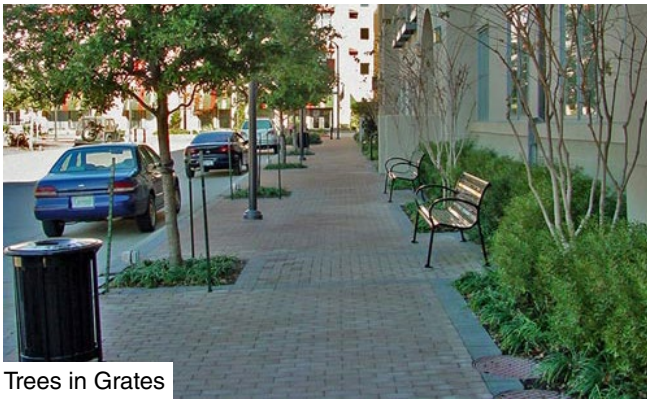
### Pedestrian Frontage Dimensions

| | | |
|---|---|---|
| Total width from back of curb (min) | 13.5’ | A |
| Furnishing/planting area (min) | 5’ | B |
| Clear sidewalk width (min) | 6’ | C |

### Additional Specifications

| | | |
|---|---|---|
| Planting type | Tree grate | D |
| Tree spacing (on center) | 30’ to 40’ | E |

The furnishing/planting area that is not tree grates shall be hardscape other than slab concrete (e.g. pavers, bricks)



Trees in Grates

## 3. Trees in Lawn

### Description

Trees in lawn provide a continuous landscape buffer that separates pedestrians from traffic with planted trees that also screen buildings and provide shade.

### Pedestrian Frontage Dimensions

| | | |
|---|---|---|
| Total width from back of curb (min) | 13.5’ | A |
| Furnishing/planting area (min) | 5’ | B |
| Clear sidewalk width (min) | 6’ | C |

### Additional Specifications

| | | |
|---|---|---|
| Planting type | Tree lawn | D |
| Tree spacing (on center) | 30’ to 40’ | E |

Trees in Lawn

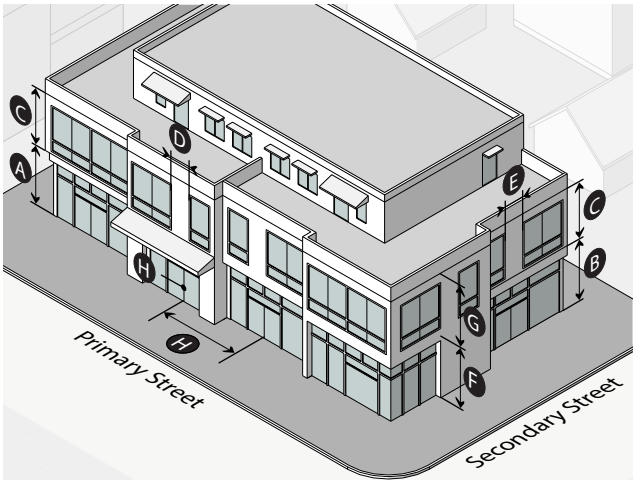
## D. Building Frontages

Building frontages set standards for building facades that face streets, and are required along all primary and secondary streets. Building frontages help to ensure that buildings address each street appropriately. They play an important role in shaping the built environment and enhancing the pedestrian experience. Specific rules for each building frontage are listed below. See Sec. 2.2.2.through Sec. 2.2.5. to determine which options are allowed in each zone. The rules of measurement for a building frontage are in Div. 9.4..

Any use allowed in the applicable zoning district is allowed in any building frontage type, provided the use meets all other zoning and building code requirements. The applicant may use multiple building frontages along the same street frontage, provided that each frontage type is allowed in the applicable zoning district.

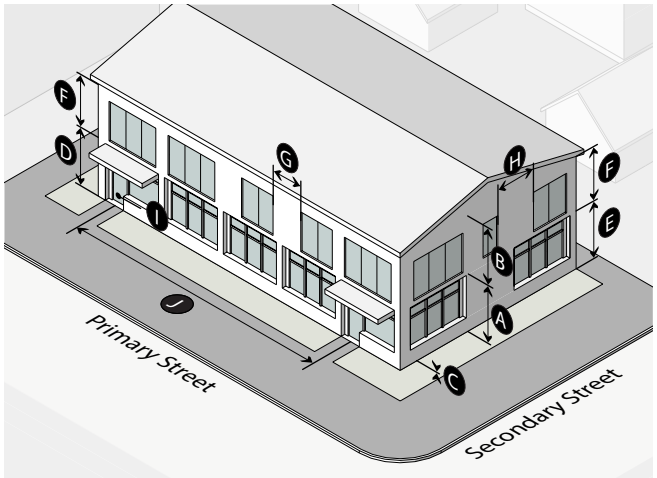
Institutional and transportation/Infrastructure uses may be allowed to comply with the building frontages on an 'as practicable' basis with Planning Director approval.

### 1. Shopfront




| Description | | |
|---|---|---|
| In the Shopfront Frontage, the main facade of the building is located at or near the public sidewalk, often with at-grade entrances spaced at regular intervals. The Shopfront Frontage is intended primarily for retail uses, and has substantial glazing (windows and doors) at the sidewalk level. | | |
| **Story Height** | Sec. 9.4.13. | |
| Ground story height (min) | 12' | A |
| Upper story height (min) | 9' | B |
| Ground floor elevation (min-max) | 0' - 2' | C |
| **Transparency** | Sec. 9.4.14. | |
| Ground story, primary street (min) | 60% | D |
| Ground story, secondary street (min) | 30% | E |
| Upper story, primary/secondary street (min) | 20% | F |
| **Blank Wall Area** | Sec. 9.4.15. | |
| Blank wall area, primary street (max) | 15' | G |
| Blank wall area, secondary street (max) | 30' | H |
| **Pedestrian Access** | Sec. 9.4.16. | |
| Entrance facing primary street (max) | Required | I |
| Entrance spacing along primary street (max) | 50' | J |

## 2. Office




### Description

In the Office Frontage, the main facade of the building is set back from the sidewalk with a street-facing entrance. The Office Frontage is intended primarily for employment, and secondary residential uses, and has moderate glazing (windows and doors) at the sidewalk level.

| Story Height | Sec. 9.4.13. | |
|---|---|---|
| Ground story height (min) | 10’ | A |
| Upper story height (min) | 9’ | B |
| Ground floor elevation (min-max) | 0’ - 2’ | C |
| **Transparency** | Sec. 9.4.14. | |
| Ground story, primary street (min) | 40% | D |
| Ground story, secondary street (min) | 20% | E |
| Upper story, primary/secondary street (min) | 20% | F |
| **Blank Wall Area** | Sec. 9.4.15. | |
| Blank wall area, primary street (max) | 25’ | G |
| Blank wall area, secondary street (max) | 40’ | H |
| **Pedestrian Access** | Sec. 9.4.16. | |
| Entrance facing primary street | Required | I |
| Entrance spacing along primary street (max) | 100’ | J |

## 3. Residential

### Description

In the Residential Frontage, the main facade of the building is set back from the sidewalk to protect privacy, with a street-facing entrance or series of entrances. The Residential Frontage is intended primarily for residential uses, and has limited glazing (windows and doors) at the sidewalk level.

| Story Height | Sec. 9.4.13. | |
|---|---|---|
| Ground story height (min) | 9’ | A |
| Upper story height (min) | 9’ | B |
| Ground floor elevation (min-max) | 0’ - 5’ | C |
| **Transparency** | Sec. 9.4.14. | |
| Ground story, primary street (min) | 20% | D |
| Ground story, secondary street (min) | 20% | E |
| Upper story, primary/secondary street (min) | 20% | F |
| **Blank Wall Area** | Sec. 9.4.15. | |
| Blank wall area, primary street (max) | 35’ | G |
| Blank wall area, secondary street (max) | 50’ | H |
| **Pedestrian Access** | Sec. 9.4.16. | |
| Entrance facing primary street | Required for each ground floor unit | I |
| Entrance spacing along primary street (max) | n/a | |

## 4. Lodging

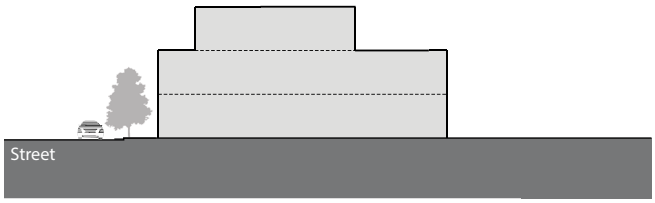
### Description

In the Lodging Frontage, the main facade of the building is either set back or pulled up to the sidewalk with a street-facing entrance or series of entrances. The Lodging Frontage is intended primarily for lodging uses, and has a variety of glazing (windows and doors) at the sidewalk level.

| Story Height | Sec. 9.4.13. | |
|---|---|---|
| Ground story height (min) | 12’ | A |
| Upper story height (min) | 7’ 6” | B |
| Ground floor elevation (min-max) | 0’ - 5’ | C |
| **Transparency** | Sec. 9.4.14. | |
| Ground story, primary street (min) | 40% | D |
| Ground story, secondary street (min) | 20% | E |
| Upper story, primary/secondary street (min) | 20% | F |
| **Blank Wall Area** | Sec. 9.4.15. | |
| Blank wall area, primary street (max) | 35’ | G |
| Blank wall area, secondary street (max) | 50’ | H |
| **Pedestrian Access** | Sec. 9.4.16. | |
| Entrance facing primary street | Required | I |
| Entrance spacing along primary street (max) | n/a | |

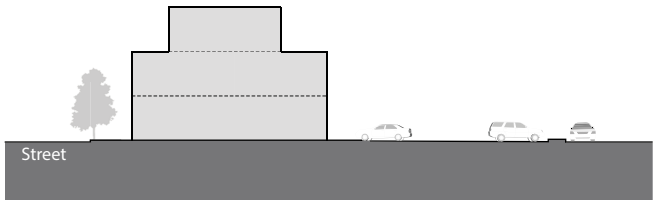
## E. Parking Types

The location of parking is very important. Improper treatment can have a negative effect on walkability. A variety of parking type options are illustrated below. See Sec. 2.2.2. through Sec. 2.2.5. to determine which options are allowed in each zone.



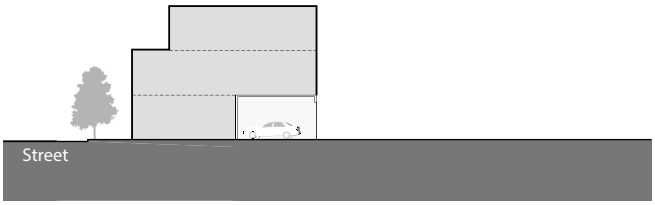

### 1. On-Street Parking

On-street parking provides off-site, at grade parking in the public right-of-way.



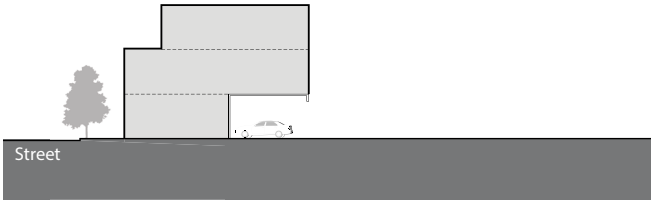

### 2. Surface Parking

Surface parking provides uncovered, at-grade parking. Surface parking must be located behind or to the side of buildings and must be screened from view from any street (except an alley).



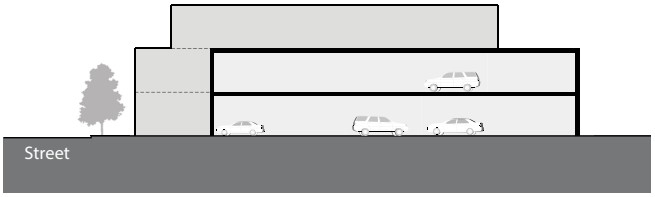

### 3. Enclosed Parking

Enclosed parking provides at grade parking located beneath the upper-stories of a building. Parking must be fully enclosed and be screened by a building facade.



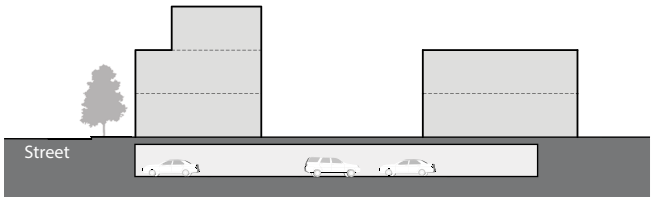

### 4. Tuck-Under Parking

Tuck-under parking provides at grade parking located beneath the upper-stories of a building. Tuck-under parking must be located to the rear of the building.




### 5. Structured Parking

Structured parking provides parking fully integrated within a building. Active street fronts must be provided to the extent practical.




### 6. Underground Parking

Underground parking provides below grade parking.

## 2.2.2. DC: Downtown Core (1/4/17, Ord. 1159)

### A. Intent

1. General Intent. The intent of the Downtown Core (DC) zone is to provide for a vibrant mixed-use area with a variety of uses and amenities, consisting of wide sidewalks and retail shopfronts pulled up to the street.

2. Buildings. Buildings can be up to 3 stories in height. Massing, articulation, openings, and step backs are used to reduce bulk and mass. Buildings are located close to the sidewalk, creating an attractive street edge. Large storefront windows invite and encourage pedestrian activity.

3. Parking. Parking is primarily provided off-site on public lots and on-street. Parking provided on-site is underground or screened from view by buildings.

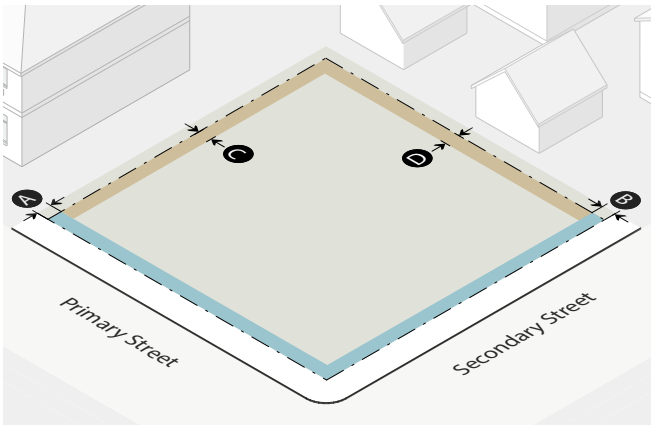
4. Land Use. Active and engaging uses are encouraged on ground floors but not required, with offices, apartments, single-family attached, and lodging primarily located on upper stories.

5. Comprehensive Plan. Based primarily on sub area 2.3 of the Comprehensive Plan.

### B. Physical Development

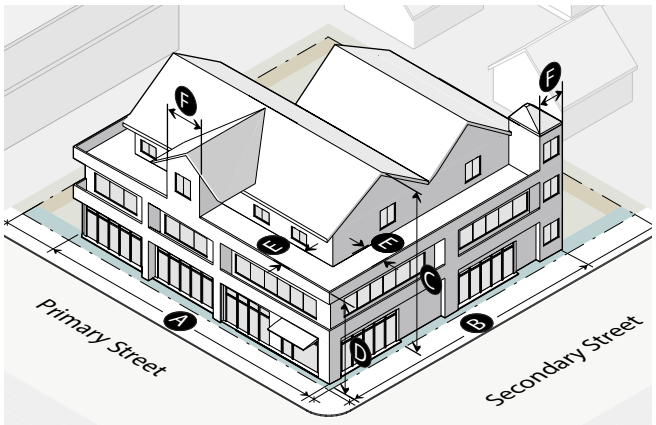
Standards applicable to physical development are provided in this Section. Where a cross-reference is listed, see the referenced division or section for additional standards. Standards in Article 5. apply unless stated otherwise.

### 1. Lot Standards



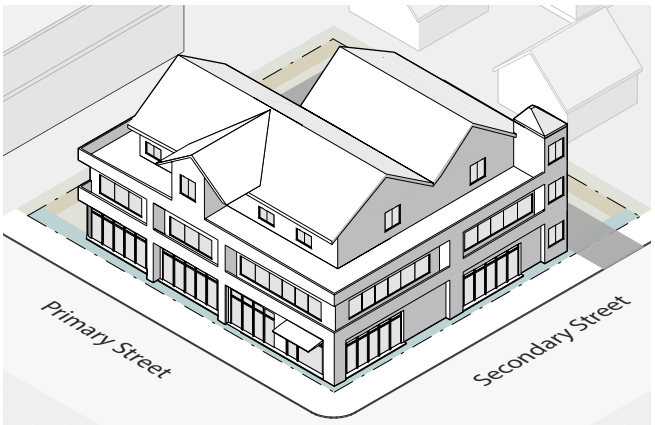

| Building Setbacks | Sec. 9.4.8. | |
|---|---|---|
| Primary street setback range (min-max) | 0' - 5' | A |
| Secondary street setback range (min-max) | 0' - 5' | B |
| Side interior (min) | 0' or 5' | C |
| Rear (min) | 0' or 5' | D |
| Abutting protected zone (min) | 10' | |
| **Landscaping** | Div. 5.5. | |
| Landscape surface ratio (min) | n/a | |
| Plant units (min) | n/a | |
| **Fencing** | | |
| Height in any street or side yard (max) | 4' | |
| Height in rear yard (max) | 6' | |
| Setback from pedestrian frontage (min) | 1' | |
| Setback from side or rear lot line (min) | 0' | |
| **Parking Setbacks** | Sec. 9.4.8. | |
| Primary street, above ground (min) | 30' | |
| Secondary street, surface parking (min) | 30' | |
| Secondary street, tuck-under, enclosed, or structured parking screened by bldg. (min) | 0' | |
| **Access** | | |
| Curb cut width (max) | 24' | |

## 2. Bulk Standards




| Street Facade | Sec. 9.4.11. | |
|---|---|---|
| Width of ground and 2nd story in primary street setback range | | A |
| % of lot width (min) | 80% | |
| Length from street corner (min) | 30' | |
| Width of ground and 2nd story in secondary street setback range | | B |
| % of lot width (min) | 80% | |
| Length from street corner (min) | 30' | |
| **Building Height** | Sec. 9.4.9. | |
| Height (max) if roof pitch ≥ 5/12 | 46' | C |
| Height (max) if roof pitch < 5/12 | 42' | C |
| Stories (max) | 3 | C |
| Stories or Height (min) in any street setback range | 2 or 24' | D |
| **Building Stepback** | Sec. 9.4.12. | |
| Stepback for any 3rd story street facade or street facade over 30' (min) | 10' | E |
| Encroachment in stepback (max % of overall facade width) | 60% | F |
| A building with only residential use that has at least 4 units is exempt from the stepback requirement | | |
| **Scale of Development** | | |
| Floor area ratio (FAR) (max) (E.3.) | 1.3 | |
| Deed restricted housing exemption | Sec. 7.8.3. | |
| Workforce housing floor area bonus | Sec. 7.8.4. | |

## 3. Form Standards




| Design Guidelines | Div. 5.8. |
|---|---|
| These requirements apply to all development, except where exempted by Planning Director for additions of 20% or less that are consistent with existing architecture. | |
| **Pedestrian Frontage** | |
| Planning Director will establish one of the following as the pedestrian frontage | |
| Covered walkway | see Sec. 2.2.1.C.1 |
| Trees in grates | see Sec. 2.2.1.C.2 |
| **Building Frontage Options** | |
| Shopfront | see Sec. 2.2.1.D.1 |
| Residential | see Sec. 2.2.1.D.3 |
| Lodging | see Sec. 2.2.1.D.4 |
| **Parking Type Options** | |
| On-street parking | see Sec. 2.2.1.E.1 |
| Surface parking | see Sec. 2.2.1.E.2 |
| Tuck-Under Parking | see Sec. 2.2.1.E.4 |
| Enclosed parking | see Sec. 2.2.1.E.3 |
| Structured parking | see Sec. 2.2.1.E.5 |
| Underground parking | see Sec. 2.2.1.E.6 |

| 4. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | Sec. 5.1.1. |
| Cache Creek south of Cache Creek Dr. | 20’ |
| Flat Creek north of Hansen Ave. | 25’ |
| Flat Creek south of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | Sec. 7.7.4.D. |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO)** | Sec. 5.2.1. |
| **5. Scenic Standards** | |
| **Exterior Lighting** | Sec. 5.3.1. |
| Light trespass is prohibited. | |
| All lights over 600 lumens shall be fully shielded. | |
| Lumens per site (max) | 3 |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO)** | Sec. 5.3.2. |
| **6. Natural Hazards to Avoid** | |
| **Steep Slopes** | Sec. 5.4.1. |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Parcel with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | Sec. 5.4.2. |
| **Fault Area** | Sec. 5.4.3. |
| **Floodplains** | Sec. 5.4.4. |
| **Wildland Urban Interface** | Sec. 5.4.5. |

| 7. Signs (nonresidential) | Div. 5.6. |
|---|---|
| Number of signs (max) | 3 per business per |
| Background color | No white or yellow |
| **Sign Area** | |
| Total sign area (max) | 3 sf per linear ft of street facade width up to 150 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7’6” from average grade |
| Setback (min) | 18” from back of curb |
| Freestanding sign | |
| Height (max) | 6’ |
| Setback (min) | 5’ |
| Projecting sign | |
| Height (max) | 24’ above grade |
| Clearance (min) | 7’6” from average grade |
| Setback (min) | 18” from back of curb |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary signs | Sec. 5.6.1. |
| **8. Grading, Erosion Control, Stormwater** | |
| **Grading** | Sec. 5.7.2. |
| **Erosion Control** | Sec. 5.7.3. |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | Sec. 5.7.4. |
| No increase in peak flow rate or velocity across property lines | |

**9. Physical Development Permits Required**

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4. | Floodplain Permit |
|---|---|---|---|---|---|---|---|
| Floor Area | | | | | | | |
| < 19,500 sf | | | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| 19-500 - 39,000 sf | | X | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| > 39,000 sf | X | X | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| > 39,000 sf for only residential use | optional | X | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| Sign | | | | | X | Sec. 5.7.1. | Sec. 5.4.4. |

## C. Allowed Uses and Use Standards

Standards applicable to use are provided below. Where a cross-reference is listed see the referenced division or section for additional standards. Allowed uses are listed in subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to Sec. 6.1.2.C. All standards in Article 6. are applicable unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | Individual Use (max) | Density (max) | Parking (min) (Div. 6.2.) (E.1.) | Employee Housing (min) (Div. 6.3.) |
| Residential Uses | | | | | |
| Attached Single-Family Unit (6.1.4.B.) | B | 8,000 sf habitable excluding basement | n/a | 1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU | n/a |
| Apartment (6.1.4.D.) | B | | | | |
| Dormitory (6.1.4.F.) | C | n/a | n/a | 0.251/bed | n/a |
| Group Home (6.1.4.G.) | C | n/a | n/a | 0.5/bed | n/a |
| Lodging | | | | | |
| Conventional Lodging (6.1.5.B.) | B (LO) | n/a | n/a | 0.75/room | 47 sf/1,000 sf |
| Short-term Rental Unit (6.1.5.C.) | B (LO) | n/a | n/a | 1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU | n/a |
| Commercial Uses | | | | | |
| Office (6.1.6.B.) | B | n/a | n/a | 1.65/1,000 sf | 14 sf/1,000 sf |
| Retail (6.1.6.C.) | B | 12,500 sf excluding basement storage | n/a | 2.25/1,000 sf | 156 sf/1,000 sf |
| Service (6.1.6.D.) | B | | n/a | 1.5/1,000 sf | 56 sf/1,000 sf |
| Restaurant/Bar (6.1.6.E.) | B | | n/a | 1/110 sf dining area + 1/60 sf bar area | 378 sf/1,000 sf |
| Amusement/Recreation | | | | | |
| Amusement (6.1.7.B.) | B | n/a | n/a | 1/60 sf seating area or independent calculation | independent calculation |
| Developed Recreation (6.1.7.D.) | B | n/a | n/a | 2.25/1,000 s | independent calculation |
| Outfitter/Tour Operator (6.1.7.E.) | C | n/a | n/a | independent calculation | independent calculation |
| Institutional Uses | | | | | |
| Assembly (6.1.8.B.) | C | n/a | n/a | independent calculation | exempt |
| Day Care/Education (6.1.8.C.) | B | n/a | n/a | independent calculation | exempt |

Y = Use allowed, no use permit required B = Basic Use Permit (Sec. 8.4.1.) C = Conditional Use Permit (Sec. 8.4.2.)
(LO) = Lodging Overlay Only

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | Individual Use (max) | Density (max) | Parking (min) (Div. 6.2.) (E.1.) | Employee Housing (min) (Div. 6.3.) |
| Transportation/Infrastructure | | | | | |
| Parking (6.1.10.B.) | C | n/a | n/a | n/a | independent calculation |
| Utility Facility (6.1.10.C. | C | n/a | n/a | 0.5/employee + 0.5/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 0.5/employee + 0.5/stored vehicle | independent calculation |
| Minor | B | n/a | n/a | | |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) | B | n/a | n/a | 1/DU | n/a |
| Home Occupation (6.1.11.D.) | B | n/a | n/a | n/a | n/a |
| Family Home Daycare (6.1.11.F.) | B | n/a | n/a | 0.5/employee + 0.5 off-street pick-up/drop-off | exempt |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | n/a | n/a | 0.5/1,000 sf outdoor display area + 0.5/ employee | exempt |
| Farm Stand (6.1.12.E.) | B | n/a | n/a | 2.5/1,000 sf display area | exempt |

Y = Use allowed, no use permit required B = Basic Use Permit (Sec. 8.4.1.) C = Conditional Use Permit (Sec. 8.4.2.)
(LO) = Lodging Overlay Only

| 3. Operational Standards | |
|---|---|
| **Outdoor Storage** | Sec. 6.4.1. |
| Outdoor Storage | Prohibited |
| Freestanding storage units (trailers, sheds, “Bully Barns”, tarpaulin structures, etc.) not made a permanent part of a structure | Prohibited |
| **Refuse and Recycling** | Sec. 6.4.2. |
| Trash & recycling enclosure | Required |
| **Noise** | Sec. 6.4.3. |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | Sec. 6.4.4. |
| **Electrical Disturbances** | Sec. 6.4.5. |
| **Fire and Explosive Hazards** | Sec. 6.4.6. |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision are provided below. Where a cross-reference is provided see the referenced division or section for additional standards. All standards in Article 7. are applicable unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | |
|---|---|---|---|---|---|---|
| Option | GSA (min) | Lot Size (min) | Density (max) | LSR (min) | FAR (max) | Option Standards |
| Allowed Subdivision Options | | | | | | |
| Land Division | n/a | 5,000 sf | n/a | determined by physical development | | Sec. 7.2.3. |
| Townhouse Condominium Subdivision | n/a | n/a | n/a | n/a | n/a | Sec. 7.2.4. |
| **2. Residential Subdivision Requirements** | | | | | | |
| **Affordable Housing** | | | | | | |
| Required Affordable Housing | | | | 1 affordable unit per 4 market units | | |
| **Schools and Parks Exaction** | | | | | | |
| Schools exaction | | | | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit | | |
| Parks exaction | | | | 9 acres per 1,000 resident | | |
| **3. Infrastructure** | | | | | | |
| **Transportation Facilities** | | | | | | (Div. 7.6.) |
| Access | | | | | | required |
| Right-of-way for Minor Local Road (min) | | | | | | 60’ |
| Paved travel way for Minor Local Road (min) | | | | | | 20’ |
| **Required Utilities** | | | | | | (Div. 7.7.) |
| Water | | | | | | public |
| Sewer | | | | | | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |

## E. Additional Zone-Specific Standards

### 1. Provision of Nonresidential, Nonlodging Parking

a. **Applicability.** The following options for providing required parking shall apply to allowed uses except:

i. Residential Uses (Sec. 6.1.4.);

ii. Lodging Uses (Sec. 6.1.5.); and

iii. Accessory Residential Unit (Sec. 6.1.11.).

b. **Existing Parking Credits.** For properties with established parking credits per the Town Parking Credit Table (on reference with the Planning Department), the landowner may use such credits toward required parking. Credits are based on the amount of parking provided in 1988, as determined in 2005. Parking credits run with the land and are not transferable.

c. **On-street Parking.** Required parking may be provided on-street provided the following standards are met.

i. An on-street parking space shall have the following length of uninterrupted curb adjoining to the lot of record of the use.

| Uninterrupted Curb per On-street Parking Space | |
|---|---|
| Parking Space Angle | Uninterrupted Curb |
| Parallel | 22’ |
| 45˚/60˚ | 18’ |
| 90˚ | 9’ |

ii. On-street parking shall not be provided along a red curb or other no-parking area put in place by the Town or WYDOT.

iii. The on-street parking shall follow the established configuration of existing on-street parking.

iv. On-street parking spaces shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces shall be permitted.

d. **Fee-In-Lieu.** Required parking may be provided off-site through the Town’s in-lieu fee program pursuant to the following standards.

i. **Fee.** The fee shall be a one-time fee commensurate with the cost of providing off-street parking and shall be used exclusively for such purpose. The Town Clerk shall accept fees in accordance with the parking fee schedule set forth by Resolution.

ii. **Assignment of Credits.** Parking credits purchased by fee-in-lieu run with the land and are not transferable.

iii. **Banking of Fee-in-Lieu Spaces.** Fee-in-lieu spaces may be purchased in advance and “banked” for future use.

2. Loading Requirement. Sufficient off-street loading facilities must be provided. The requirements of Sec. 6.2.2.E. are not applicable. The applicant must address how their specific loading needs are being met in the proposed application.

3. Existing Floor Area Allowed. Where the existing floor area on a site exceeds the allowed floor area ratio (FAR), the maximum allowed floor area shall be the lawfully existing floor area. The burden of establishing the amount of lawfully existing floor area shall be the responsibility of the landowner.

# 2.2.3. CR-1: Commercial Residential-1

(1/4/17, Ord. 1159)

## A. Intent

1. General Intent. The intent of the Commercial Residential-1 (CR-1) zone is to provide for mixed-use development consisting primarily of offices, retail and residential development. Lodging uses are allowed within the Lodging Overlay. This zone will often be located on secondary corridors and may serve as a transition zone between higher intensity commercial areas and residential neighborhoods.

2. Buildings. Buildings can be up to 3 stories in height. Buildings are pulled up to the street, awnings, galleries, porches, stoops, and windows and doors work in concert to provide an attractive pedestrian environment that complements and serves the surrounding neighborhood.

3. Parking. Parking is primarily provided on-site, to the rear or side of buildings and screened from view.

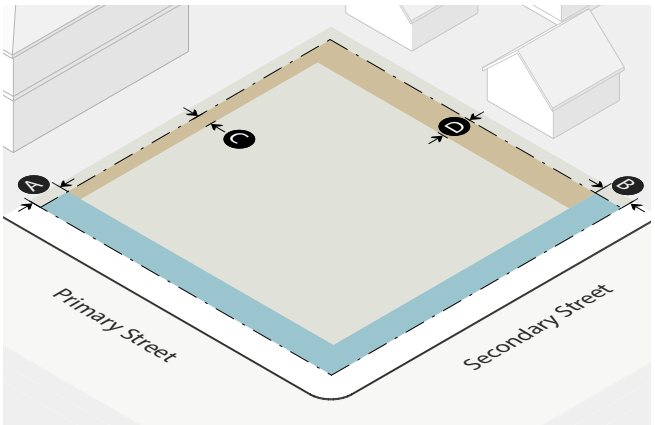
4. Land Use. Ground-level uses add vitality and street life at a scale consistent with neighboring residential structures and uses. Upper floors primarily accommodate residential, office and lodging uses, but these uses are allowed on the ground floor as well.

5. Comprehensive Plan. Based primarily on sub area 2.2 of the Comprehensive Plan.

## B. Physical Development

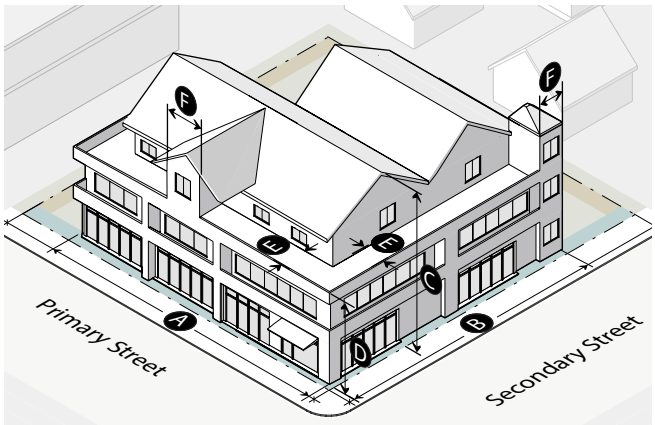
Standards applicable to physical development are provided on the following pages. Where a cross-reference is listed, see the referenced division or section for additional standards. Standards in Article 5. apply unless stated otherwise.

### 1. Lot Standards



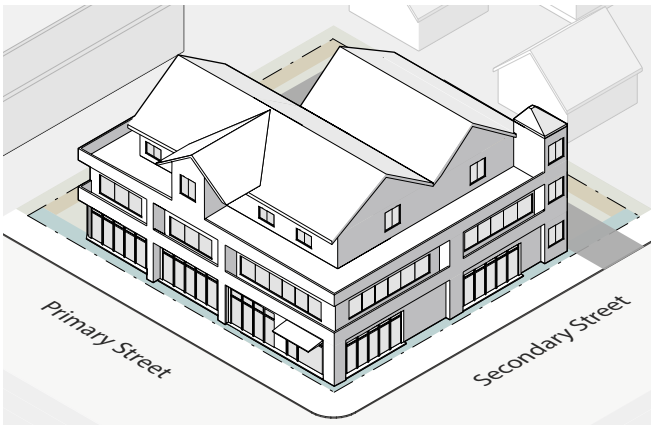

| Building Setbacks | Sec. 9.4.8. | |
|---|---|---|
| Primary street setback range (min-max) | 0' - 5' | A |
| Secondary street setback range (min-max) | 0' - 5' | B |
| Side interior (min) | 0' or 5' | C |
| Rear (min) | 10' | D |
| Abutting protected zone (min) | 10' | |
| **Landscaping** | Div. 5.5. | |
| Landscape surface ratio (min) | 10% | |
| **Plant Units** | | |
| All uses | 1/1,000 sf of landscape areas | |
| Parking lot (all uses) | 1/12 parking spaces | |
| **Fencing** | | |
| Height in any street or side yard (max) | 4' | |
| Height in rear yard (max) | 6' | |
| Setback from pedestrian frontage (min) | 1' | |
| Setback from side or rear lot line (min) | 0' | |
| **Parking Setbacks** | Sec. 9.4.8. | |
| Primary street, above ground (min) | 30' | |
| Secondary street, surface parking (min) | 30' | |
| Secondary street, tuck-under, enclosed, or structured parking (min) | 0' | |
| **Access** | | |
| Curb cut width (max) | 24' | |

## 2. Bulk Standards




| Street Facade | Sec. 9.4.11. | |
|---|---|---|
| Width of ground and 2nd story in primary street setback range | | A |
| % of lot width (min) | 80% | |
| Length from street corner (min) | 30' | |
| Width of ground and 2nd story in secondary street setback range | | B |
| % of lot width (min) | 40% | |
| Length from street corner (min) | 30' | |
| **Building Height** | Sec. 9.4.9. | |
| Height (max) if roof pitch ≥ 5/12 | 46' | C |
| Height (max) if roof pitch < 5/12 | 42' | C |
| Stories (max) | 3 | C |
| Stories or Height (min) in any street setback range | 2 or 24' | D |
| **Building Stepback** | Sec. 9.4.12. | |
| Stepback for any 3rd story street facade or street facade over 30' (min) | 10' | E |
| Encroachment in stepback (max % of overall facade width) | 60% | F |
| A building with only residential use that has at least 4 units is exempt from the stepback requirement | | |
| **Scale of Development** | | |
| Floor area ratio (FAR max) (E.3.) | 0.65 | |
| Additional FAR for lodging use | 0.15 | |
| Deed restricted housing exemption | Sec. 7.8.3. | |
| Workforce housing floor area bonus | Sec. 7.8.4. | |

## 3. Form Standards




| Design Guidelines | Div. 5.8. |
|---|---|
| These requirements apply to all development, except where exempted by Planning Director for additions of 20% or less that are consistent with existing architecture. | |
| **Pedestrian Frontage** | |
| Trees in grates | see Sec. 2.2.1.C.2. |
| **Building Frontage Options** | |
| Shopfront | See Sec. 2.2.1.D.1. |
| Office | see Sec. 2.2.1.D.2. |
| Residential | see Sec. 2.2.1.D.3. |
| Lodging | see Sec. 2.2.1.D.4. |
| **Parking Type Options** | |
| On-street parking | see Sec. 2.2.1.E.4. |
| Surface parking | see Sec. 2.2.1.E.2. |
| Enclosed parking | see Sec. 2.2.1.E.3. |
| Tuck-Under Parking | see Sec. 2.2.1.E.4. |
| Structured parking | see Sec.2.2.1.E.5. |
| Underground parking | see Sec. 2.2.1.E.6. |

| 4. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | Sec. 5.1.1. |
| Cache Creek south of Cache Creek Dr. | 20’ |
| Flat Creek north of Hansen Ave. | 25’ |
| Flat Creek south of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | Sec. 7.7.4.D. |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO)** | Sec. 5.2.1. |

| 5. Scenic Standards | |
|---|---|
| **Exterior Lighting** | Sec. 5.3.1. |
| Light trespass is prohibited. | |
| All lights over 600 lumens shall be fully shielded. | |
| Lumens per site (max) | 3 |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO)** | Sec. 5.3.2. |

| 6. Natural Hazards to Avoid | |
|---|---|
| **Steep Slopes** | Sec. 5.4.1. |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Parcel with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | Sec. 5.4.2. |
| **Fault Area** | Sec. 5.4.3. |
| **Floodplains** | Sec. 5.4.4. |
| **Wildland Urban Interface** | Sec. 5.4.5. |

| 7. Signs (nonresidential) | Div. 5.6. |
|---|---|
| Number of signs (max) | 3 per business per frontage |
| Background color | No white or yellow |
| **Sign Area** | |
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7’6” from average grade |
| Setback (min) | 18” from back of curb |
| Freestanding sign | |
| Height (max) | 6’ |
| Setback (min) | 5’ |
| Projecting sign | |
| Height (max) | 24’ above grade |
| Clearance (min) | 7’6” from average grade |
| Setback (min) | 18” from back of curb |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary signs | Sec. 5.6.1. |

| 8. Grading, Erosion Control, Stormwater | |
|---|---|
| **Grading** | Sec. 5.7.2. |
| **Erosion Control** | Sec. 5.7.3. |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | Sec. 5.7.4. |
| No increase in peak flow rate or velocity across property lines | |

9. Physical Development Permits Required

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) | Floodplain Permit |
|---|---|---|---|---|---|---|---|
| Floor Area | | | | | | | |
| < 9,750 sf | | | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| 9,750 - 19,500 sf | | X | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| > 19,500 sf | X | X | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| > 19,500 sf for only residential use | optional | X | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| Sign | | | | | X | Sec. 5.7.1. | Sec. 5.4.4. |

## C. Allowed Uses and Use Standards

Standards applicable to use are provided below. Where a cross-reference is listed see the referenced division or section for additional standards. Allowed uses are listed in subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to Sec. 6.1.2.C. All standards in Article 6. are applicable unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | Individual Use (max) | Density (max) | Parking (min) (Div. 6.2.) (E.1.) | Employee Housing (min) (Div. 6.3.) |
| Residential Uses | | | | | |
| Attached Single-Family Unit (6.1.4.B.) | B | 8,000 sf habitable excluding basement | n/a | 1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU | n/a |
| Apartment (6.1.4.D.) | B | | | | |
| Dormitory (6.1.4.F.) | C | n/a | n/a | 0.25/bed | n/a |
| Group Home (6.1.4.G.) | C | n/a | n/a | 0.5/bed | n/a |
| Lodging | | | | | |
| Conventional Lodging (6.1.5.B.) | B (LO) | n/a | n/a | 0.75/room | 47 sf/1,000 sf |
| Short-term Rental Unit (6.1.5.C.) | B (LO) | n/a | n/a | 1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU | n/a |
| Commercial Uses | | | | | |
| Office (6.1.6.B.) | B | n/a | n/a | 2.47/1,000 sf | 14 sf/1,000 sf |
| Retail (6.1.6.C.) | B | 6,000 sf excluding basement storage | n/a | 3.37/1,000 sf | 156 sf/1,000 sf |
| Service (6.1.6.D.) | B | | n/a | 2.25/1,000 sf | 56 sf/1,000 sf |
| Restaurant/Bar (6.1.6.E.) | B | | n/a | 1/73 sf dining area + 1/40 sf bar area | 378 sf/1,000 sf |
| Amusement/Recreation | | | | | |
| Amusement (6.1.7.B.) | B | n/a | n/a | 1/40 sf seating area or independent calculation | independent calculation |
| Developed Recreation (6.1.7.D.) | B | n/a | n/a | 3.37/1,000 sf | independent calculation |
| Outfitter/Tour Operator (6.1.7.E.) | B | n/a | n/a | independent calculation | independent calculation |
| Institutional Uses | | | | | |
| Assembly (6.1.8.B.) | C | n/a | n/a | independent calculation | exempt |
| Day Care/Education (6.1.8.C.) | B | n/a | n/a | independent calculation | exempt |

Y = Use allowed, no use permit required B = Basic Use Permit (Sec. 8.4.1.) C = Conditional Use Permit (Sec. 8.4.2.)
(LO) = Lodging Overlay Only

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | Individual Use (max) | Density (max) | Parking (min) (Div. 6.2.) (E.1.) | Employee Housing (min) (Div. 6.3.) |
| Transportation/Infrastructure | | | | | |
| Parking (6.1.10.B.) | C | n/a | n/a | n/a | independent calculation |
| Utility Facility (6.1.10.C.) | C | n/a | n/a | 0.75/employee + 0.75/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 0.75/employee + 0.75/stored vehicle | independent calculation |
| Minor | B | n/a | n/a | | |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) | B | n/a | n/a | 1/DU | n/a |
| Home Occupation (6.1.11.D.) | B | n/a | n/a | n/a | exempt |
| Family Home Daycare (6.1.11.F.) | B | n/a | n/a | 0.75/employee + 0.75 off-street pick-up/drop-off | exempt |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | n/a | n/a | 0.75/1,000 sf outdoor display area + 0.75/ employee | exempt |
| Farm Stand (6.1.12.E.) | B | n/a | n/a | 3.75/1,000 sf display area | exempt |

Y = Use allowed, no use permit required B = Basic Use Permit (Sec. 8.4.1.) C = Conditional Use Permit (Sec. 8.4.2.)
(LO) = Lodging Overlay Only

| 3. Operational Standards | |
|---|---|
| **Outdoor Storage** | Sec. 6.4.1. |
| Outdoor Storage | Prohibited |
| Freestanding storage units (trailers, sheds, “Bully Barns”, tarpaulin structures, etc.) not made a permanent part of a structure | Prohibited |
| **Refuse and Recycling** | Sec. 6.4.2. |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | Sec. 6.4.3. |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | Sec. 6.4.4. |
| **Electrical Disturbances** | Sec. 6.4.5. |
| **Fire and Explosive Hazards** | Sec. 6.4.6. |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision are provided below. Where a cross-reference is provided see the referenced division or section for additional standards. All standards in Article 7. are applicable unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | |
|---|---|---|---|---|---|---|
| Option | GSA (min) | Lot Size (min) | Density (max) | LSR (min) | FAR (max) | Option Standards |
| Allowed Subdivision Options | | | | | | |
| Land Division | n/a | 7,500 sf | n/a | determined by physical development | | Sec. 7.2.3. |
| Townhouse Condominium Subdivision | n/a | n/a | n/a | n/a | n/a | Sec. 7.2.4. |

| 2. Residential Subdivision Requirements | |
|---|---|
| **Affordable Housing** | |
| Required Affordable Housing | 1 affordable unit per 4 market units |
| **Schools and Parks Exaction** | |
| Schools exaction | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | 9 acres per 1,000 resident |

| 3. Infrastructure | |
|---|---|
| **Transportation Facilities** | (Div. 7.6.) |
| Access | required |
| Right-of-way for Minor Local Road (min) | 60’ |
| Paved travel way for Minor Local Road (min) | 20’ |
| **Required Utilities** | (Div. 7.7.) |
| Water | public |
| Sewer | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |

## E. Additional Zone-Specific Standards

### 1. Provision of Nonresidential, Nonlodging Parking

a. **Applicability.** The following options for providing required parking shall apply to allowed uses except:

i. Residential Uses (Sec. 6.1.4.);

ii. Lodging Uses (Sec. 6.1.5.); and

iii. Accessory Residential Unit (6.1.11.B.).

b. **Existing Parking Credits.** For properties with established parking credits per the Town Parking Credit Table (on reference with the Planning Department), the landowner may use such credits toward required parking. Credits are based on the amount of parking provided in 1988, as determined in 2005. Parking credits run with the land and are not transferable.

c. **On-street Parking.** Required parking may be provided on-street provided the following standards are met.

i. An on-street parking space shall have the following length of uninterrupted curb adjoining to the lot of record of the use.

| Uninterrupted Curb per On-street Parking Space | |
|---|---|
| Parking Space Angle | Uninterrupted Curb |
| Parallel | 22’ |
| 45˚/60˚ | 18’ |
| 90˚ | 9’ |

ii. On-street parking shall not be provided along a red curb or other no-parking area put in place by the Town or WYDOT.

iii. The on-street parking shall follow the established configuration of existing on-street parking.

iv. On-street parking spaces shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces shall be permitted.

d. **Fee-In-Lieu.** Required parking may be provided off-site through the Town’s in-lieu fee program pursuant to the following standards.

i. **Fee.** The fee shall be a one-time fee commensurate with the cost of providing off-street parking and shall be used exclusively for such purpose. The Town Clerk shall accept fees in accordance with the parking fee schedule set forth by Resolution.

ii. **Assignment of Credits.** Parking credits purchased by fee-in-lieu run with the land and are not transferable.

iii. **Banking of Fee-in-Lieu Spaces.** Fee-in-lieu spaces may be purchased in advance and “banked” for future use.

2. Loading Requirement. Sufficient off-street loading facilities must be provided. The requirements of Sec. 6.2.2.E. are not applicable. The applicant must address how their specific loading needs are being met in the proposed application.

3. Existing Floor Area Allowed. Where the existing floor area on a site exceeds the allowed floor area ratio (FAR), the maximum allowed floor area shall be the lawfully existing floor area. The burden of establishing the amount of lawfully existing floor area shall be the responsibility of the landowner.

# 2.2.4. CR-2: Commercial Residential-2

(1/4/17, Ord. 1159)

## A. Intent

1. General Intent. The intent of the Commercial Residential-2 (CR-2) zone is to provide for a vibrant mixed-use zone consisting primarily of retail, office, lodging and residential uses. This zone will often be located on the periphery of the core of Downtown and helps to serve as a transition to lower density residential areas.

2. Buildings. Buildings can be up to 3 stories in height. Massing, articulation, openings, and step backs are used to reduce bulk and mass. Front setbacks are varied, with some buildings pulled up to the street and others set back with landscaping in front, creating an attractive and green street edge.

3. Parking. Parking is primarily provided on-site, to the rear or side of buildings and screened from view.

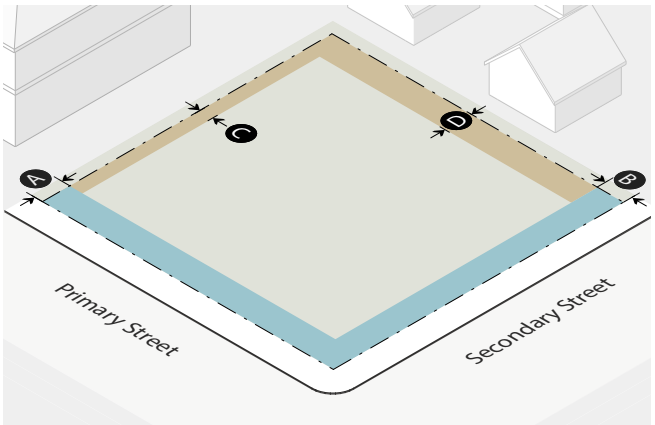
4. Land Use. Active uses, such as retail and service, are encouraged on the ground level, often with lodging, residential, or office on the upper floors. Buildings of all residential uses are encouraged.

5. Comprehensive Plan. Based primarily on sub areas 2.3 and 2.5 of the Comprehensive Plan.

## B. Physical Development

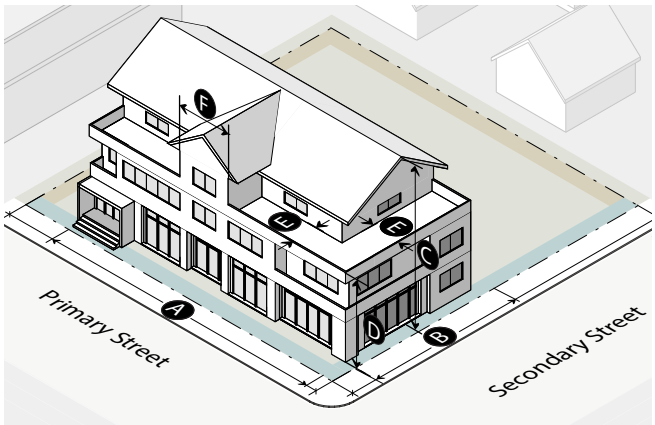
Standards applicable to physical development are provided on the following pages. Where a cross-reference is listed, see the referenced division or section for additional standards. Standards in Article 5. apply unless stated otherwise.

### 1. Lot Standards



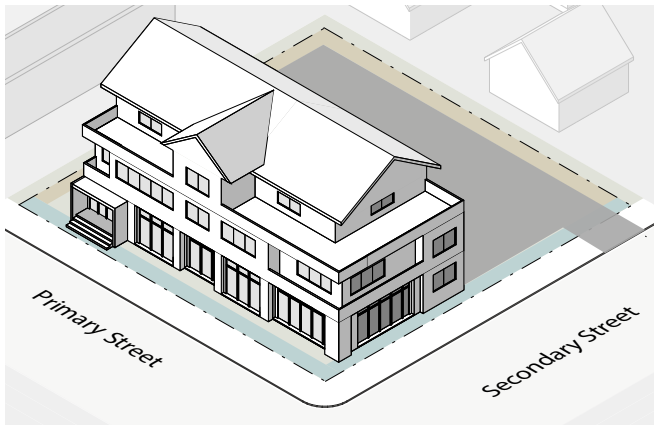

| Building Setbacks | Sec. 9.4.8. | |
|---|---|---|
| Primary street setback range (min-max) | 0' - 10' | A |
| Secondary street setback range (min-max) | 0' - 10' | B |
| Side interior (min) | 5' | C |
| Rear (min) | 10' | D |
| Abutting protected zone (min) | 10' | |
| **Landscaping** | Div. 5.5. | |
| Landscape surface ratio (min) | 10% | |
| **Plant Units** | | |
| All uses | 1/1,000 sf of landscape area | |
| Parking lot (all uses) | 1/12 parking spaces | |
| **Fencing** | | |
| Height in any street or side yard (max) | 4' | |
| Height in rear yard (max) | 6' | |
| Setback from pedestrian frontage (min) | 1' | |
| Setback from side or rear lot line (min) | 0' | |
| **Parking Setbacks** | Sec. 9.4.8. | |
| Primary street, above ground (min) | 30' | |
| Secondary street, surface parking (min) | 30' | |
| Secondary street, tuck-under, enclosed, or structured parking (min) | 0' | |
| **Access** | | |
| Curb cut width (max) | 24' | |

## 2. Bulk Standards




| Street Facade | Sec. 9.4.11. | |
|---|---|---|
| Width of ground and 2nd story in primary street setback range | | A |
| % of lot width (min) | 70% | |
| Length from street corner (min) | 30' | |
| Width of ground and 2nd story in secondary street setback range | | B |
| % of lot width (min) | 35% | |
| Length from street corner (min) | 30' | |
| **Building Height** | Sec. 9.4.9. | |
| Height (max) if roof pitch ≥ 5/12 | 46' | C |
| Height (max) if roof pitch < 5/12 | 42' | C |
| Stories (max) | 3 | C |
| Stories or Height (min) in any street setback range | 2 or 24' | D |
| **Building Stepback** | Sec. 9.4.12. | |
| Stepback for any 3rd story street facade or street facade over 30' (min) | 10' | E |
| Encroachment in stepback (max % of overall facade width) | 60% | F |
| A building with only residential use that has at least 4 units is exempt from the stepback requirement | | |
| **Scale of Development** | | |
| Floor area ratio (FAR max) (E.3.) | 0.46 | |
| Additional FAR for lodging use | 0.34 | |
| Deed restricted housing exemption | Sec. 7.8.3. | |
| Workforce housing floor area bonus | Sec. 7.8.4. | |

## 3. Form Standards




| Design Guidelines | Div. 5.8. |
|---|---|
| These requirements apply to all development, except where exempted by Planning Director for additions of 20% or less that are consistent with existing architecture. | |
| **Pedestrian Frontage** | |
| Trees in grates | see Sec. 2.2.1.C.2. |
| **Building Frontage Options** | |
| Shopfront | see Sec. 2.2.1.D.1. |
| Office | see Sec. 2.2.1.D.2 |
| Residential | see Sec. 2.2.1.D.3 |
| Lodging | see Sec. 2.2.1.D.4 |
| **Parking Type Options** | |
| On-street parking | see Sec. 2.2.1.E.1. |
| Surface parking | see Sec. 2.2.1.E.2 |
| Enclosed parking | see Sec. 2.2.1.E.3. |
| Tuck-Under Parking | see Sec. 2.2.1.E.4. |
| Structured parking | see Sec. 2.2.1.E.5 |
| Underground parking | see Sec. 2.2.1.E.6 |

| 4. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | Sec. 5.1.1. |
| Cache Creek south of Cache Creek Dr. | 20’ |
| Flat Creek north of Hansen Ave. | 25’ |
| Flat Creek south of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | Sec. 7.7.4.D. |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO)** | Sec. 5.2.1. |

| 5. Scenic Standards | |
|---|---|
| **Exterior Lighting** | Sec. 5.3.1. |
| Light trespass is prohibited. | |
| All lights over 600 lumens shall be fully shielded. | |
| Lumens per site (max) | 3 |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO)** | Sec. 5.3.2. |

| 6. Natural Hazards to Avoid | |
|---|---|
| **Steep Slopes** | Sec. 5.4.1. |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Parcel with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | Sec. 5.4.2. |
| **Fault Area** | Sec. 5.4.3. |
| **Floodplains** | Sec. 5.4.4. |
| **Wildland Urban Interface** | Sec. 5.4.5. |

| 7. Signs (nonresidential) | Div. 5.6. |
|---|---|
| Number of signs (max) | 3 per business per frontage |
| Background color | No white or yellow |
| **Sign Area** | |
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7’6” from average grade |
| Setback (min) | 18” from back of curb |
| Freestanding sign | |
| Height (max) | 6’ |
| Setback (min) | 5’ |
| Projecting sign | |
| Height (max) | 24’ above grade |
| Clearance (min) | 7’6” from average grade |
| Setback (min) | 18” from back of curb |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary signs | Sec. 5.6.1 |

| 8. Grading, Erosion Control, Stormwater | |
|---|---|
| **Grading** | Sec. 5.7.2. |
| **Erosion Control** | Sec. 5.7.3. |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | Sec. 5.7.4. |
| No increase in peak flow rate or velocity across property lines | |

9. Physical Development Permits Required

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) | Floodplain Permit |
|---|---|---|---|---|---|---|---|
| Floor Area | | | | | | | |
| < 6,900 sf | | | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| 6,900 - 13,800 sf | | X | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| > 13,800 sf | X | X | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| > 13,800 sf for only residential use | X | X | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| Sign | | | | | X | Sec. 5.7.1. | Sec. 5.4.4. |

## C. Allowed Uses and Use Standards

Standards applicable to use are provided below. Where a cross-reference is listed see the referenced division or section for additional standards. Allowed uses are listed in subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to Sec. 6.1.2.C. All standards in Article 6. are applicable unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | Individual Use (max) | Density (max) | Parking (min) (Div. 6.2.) (E.1.) | Employee Housing (min) (Div. 6.3.) |
| Residential Uses | | | | | |
| Attached Single-Family Unit (6.1.4.B.) | B | 8,000 sf habitable excluding basement | n/a | 1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU | n/a |
| Apartment (6.1.4.D.) | B | | | | |
| Dormitory (6.1.4.F.) | C | n/a | n/a | 0.25/bed | n/a |
| Group Home (6.1.4.G.) | C | n/a | n/a | 0.5/bed | n/a |
| Live-Work Unit (6.1.4.H.) | B | 750 sf min, 2,000 sf max habitable | n/a | 1.5 /DU or 1.5/1,000 sf | n/a |
| Lodging | | | | | |
| Conventional Lodging (6.1.5.B.) | B (LO) | n/a | n/a | 0.75/room | 47 sf/1,000 sf |
| Short-term Rental Unit (6.1.5.C.) | B (LO) | n/a | n/a | 1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU | n/a |
| Commercial Uses | | | | | |
| Office (6.1.6.B.) | B | n/a | n/a | 2.47/1,000 sf | 14 sf/1,000 sf |
| Retail (6.1.6.C.) | B | 6,000 sf excluding basement storage | n/a | 3.37/1,000 sf | 156 sf/1,000 sf |
| Service (6.1.6.D.) | B | | n/a | 2.25/1,000 sf | 56 sf/1,000 sf |
| Restaurant/Bar (6.1.6.E.) | B | | n/a | 1/73 sf dining area + 1/40 sf bar area | 378 sf/1,000 sf |
| Amusement/Recreation | | | | | |
| Amusement (6.1.7.B.) | B | n/a | n/a | 1/40 sf seating area or independent calculation | independent calculation |
| Developed Recreation (6.1.7.D.) | B | n/a | n/a | 3.37/1,000 sf | independent calculation |
| Outfitter/Tour Operator (6.1.7.E.) | B | n/a | n/a | independent calculation | independent calculation |
| Institutional Uses | | | | | |
| Assembly (6.1.8.B.) | C | n/a | n/a | independent calculation | exempt |
| Day Care/Education (6.1.8.C.) | B | n/a | n/a | independent calculation | exempt |

Y = Use allowed, no use permit required B = Basic Use Permit (Sec. 8.4.1.) C = Conditional Use Permit (Sec. 8.4.2.)
(LO) = Lodging Overlay Only

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | Individual Use (max) | Density (max) | Parking (min) (Div. 6.2.) (E.1.) | Employee Housing (min) (Div. 6.3.) |
| Transportation/Infrastructure | | | | | |
| Parking (6.1.10.B.) | C | n/a | n/a | n/a | independent calculation |
| Utility Facility (6.1.10.C.) | C | n/a | n/a | 0.75/employee + 0.75/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 0.75/employee + 0.75/stored vehicle | independent calculation |
| Minor | B | n/a | n/a | | |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) | B | n/a | n/a | 1/DU | n/a |
| Home Occupation (6.1.11.D.) | B | n/a | n/a | n/a | exempt |
| Family Home Daycare (6.1.11.F.) | B | n/a | n/a | 0.75/employee + 0.75 off-street pick-up/drop-off | exempt |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | n/a | n/a | 0.75/1,000 sf outdoor display area + 0.75/ employee | exempt |
| Farm Stand (6.1.12.E.) | B | n/a | n/a | 3.75/1,000 sf display area | exempt |

Y = Use allowed, no use permit required B = Basic Use Permit (Sec. 8.4.1.) C = Conditional Use Permit (Sec. 8.4.2.)
(LO) = Lodging Overlay Only

| 3. Operational Standards | |
|---|---|
| **Outdoor Storage** | Sec. 6.4.1. |
| Outdoor Storage | Prohibited |
| Freestanding storage units (trailers, sheds, “Bully Barns”, tarpaulin structures, etc.) not made a permanent part of a structure | Prohibited |
| **Refuse and Recycling** | Sec. 6.4.2. |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | Sec. 6.4.3. |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | Sec. 6.4.4. |
| **Electrical Disturbances** | Sec. 6.4.5. |
| **Fire and Explosive Hazards** | Sec. 6.4.6. |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision are provided below. Where a cross-reference is provided see the referenced division or section for additional standards. All standards in Article 7. are applicable unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | |
|---|---|---|---|---|---|---|
| Option | GSA (min) | Lot Size (min) | Density (max) | LSR (min) | FAR (max) | Option Standards |
| Allowed Subdivision Options | | | | | | |
| Land Division | n/a | 7,500 sf | n/a | determined by physical development | | Sec. 7.2.3. |
| Townhouse Condominium Subdivision | n/a | n/a | n/a | n/a | n/a | Sec. 7.2.4. |
| **2. Residential Subdivision Requirements** | | | | | | |
| **Affordable Housing** | | | | | | |
| Required Affordable Housing | | | | 1 affordable unit per 4 market units | | |
| **Schools and Parks Exaction** | | | | | | |
| Schools exaction | | | | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit | | |
| Parks exaction | | | | 9 acres per 1,000 resident | | |
| **3. Infrastructure** | | | | | | |
| **Transportation Facilities** | | | | | | (Div. 7.6.) |
| Access | | | | | | required |
| Right-of-way for Minor Local Road (min) | | | | | | 60’ |
| Paved travel way for Minor Local Road (min) | | | | | | 20’ |
| **Required Utilities** | | | | | | (Div. 7.7.) |
| Water | | | | | | public |
| Sewer | | | | | | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |

## E. Additional Zone-Specific Standards

### 1. Provision of Nonresidential, Nonlodging Parking

a. **Applicability.** The following options for providing required parking shall apply to allowed uses except:

i. Residential Uses (Sec. 6.1.4.);

ii. Lodging Uses (Sec. 6.1.5.); and

iii. Accessory Residential Unit (6.1.11.B.).

b. **Existing Parking Credits.** For properties with established parking credits per the Town Parking Credit Table (on reference with the Planning Department), the landowner may use such credits toward required parking. Credits are based on the amount of parking provided in 1988, as determined in 2005. Parking credits run with the land and are not transferable.

c. **On-street Parking.** Required parking may be provided on-street provided the following standards are met.

i. An on-street parking space shall have the following length of uninterrupted curb adjoining to the lot of record of the use.

| Uninterrupted Curb per On-street Parking Space | |
|---|---|
| Parking Space Angle | Uninterrupted Curb |
| Parallel | 22’ |
| 45˚/60˚ | 18’ |
| 90˚ | 9’ |

ii. On-street parking shall not be provided along a red curb or other no-parking area put in place by the Town or WYDOT.

iii. The on-street parking shall follow the established configuration of existing on-street parking.

iv. On-street parking spaces shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces shall be permitted.

d. **Fee-In-Lieu.** Required parking may be provided off-site through the Town’s in-lieu fee program pursuant to the following standards.

i. **Fee.** The fee shall be a one-time fee commensurate with the cost of providing off-street parking and shall be used exclusively for such purpose. The Town Clerk shall accept fees in accordance with the parking fee schedule set forth by Resolution.

ii. **Assignment of Credits.** Parking credits purchased by fee-in-lieu run with the land and are not transferable.

iii. **Banking of Fee-in-Lieu Spaces.** Fee-in-lieu spaces may be purchased in advance and “banked” for future use.

2. Loading Requirement. Sufficient off-street loading facilities must be provided. The requirements of Sec. 6.2.2.E.are not applicable. The applicant must address how their specific loading needs are being met in the proposed application.

3. Existing Floor Area Allowed. Where the existing floor area on a site exceeds the allowed floor area ratio (FAR), the maximum allowed floor area shall be the lawfully existing floor area. The burden of establishing the amount of lawfully existing floor area shall be the responsibility of the landowner.

# 2.2.5. OR: Office Residential (1/4/17, Ord. 1159)

## A. Intent

1. General Intent. The intent of the Office Residential (OR) zone is to provide for employment with a mix of higher intensity housing options. Limited neighborhood-serving retail at key nodes is allowed to serve surrounding residential neighborhoods.

2. Buildings. Buildings can be up to 2 stories in height. Massing and articulation is used to enhance residential character and reduce bulk and mass. Buildings are set back with landscaping in front, creating an attractive and green street edge.

3. Parking. Parking is primarily provided on-site, to the rear or side of buildings, and screened from view.

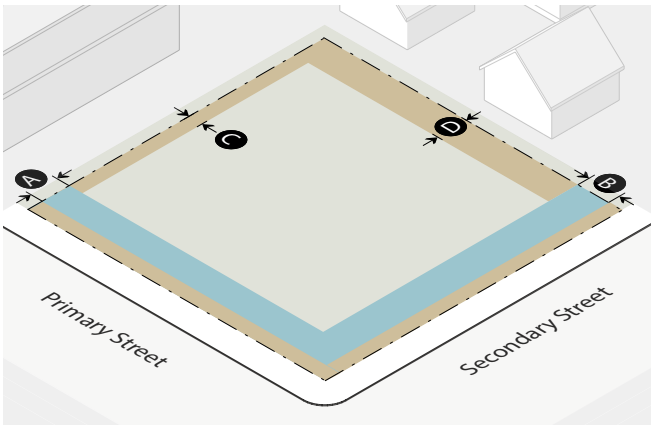
4. Land Use. Office, residential, and neighborhood serving retail are located at ground level with office or residential above and behind. Institutional uses serve as anchors to the local economy that provide jobs and services to the community.

5. Comprehensive Plan. Based primarily on sub area 2.6 of the Comprehensive Plan.

## B. Physical Development

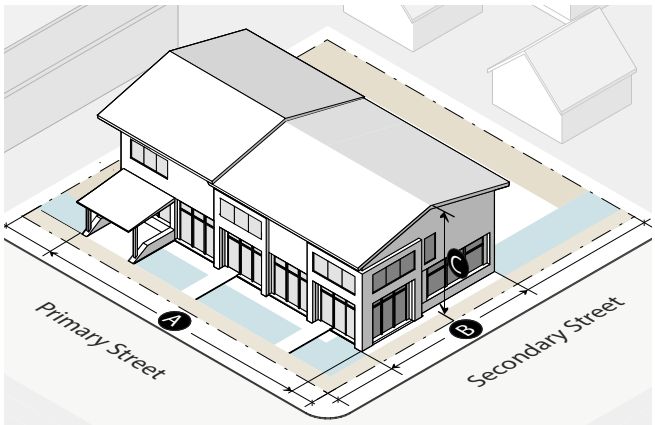
Standards applicable to physical development are provided on the following pages. Where a cross-reference is listed, see the referenced division or section for additional standards. Standards in Article 5. apply unless stated otherwise.

### 1. Lot Standards



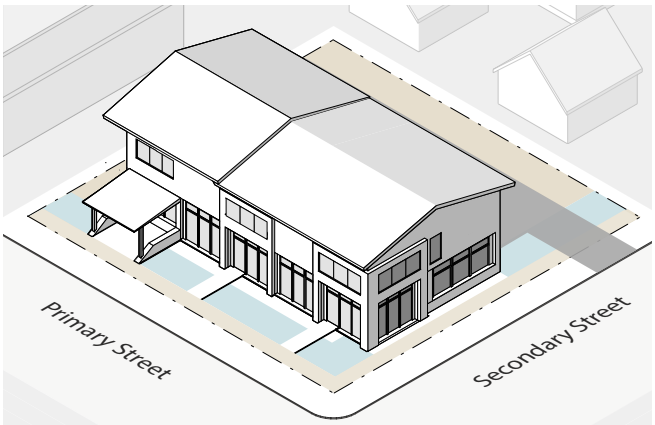

| Building Setbacks | Sec. 9.4.8. | |
|---|---|---|
| Primary street setback range (min-max) | 5' - 15' | A |
| Secondary street setback range (min-max) | 5' - 15' | B |
| Side interior (min) | 5' | C |
| Rear (min) | 10' | D |
| Abutting protected zone (min) | 10' | |
| **Landscaping** | Div. 5.5. | |
| Landscape surface ratio (min) | 20% | |
| **Plant Units** | | |
| All uses | 1/1,000 sf of landscape area | |
| Parking lot (all uses) | 1/12 parking spaces | |
| **Fencing** | | |
| Height in any street or side yard (max) | 4' | |
| Height in rear yard (max) | 6' | |
| Setback from pedestrian frontage (min) | 1' | |
| Setback from side or rear lot line (min) | 0' | |
| **Parking Setbacks** | Sec. 9.4.8. | |
| Primary street, above ground (min) | 30' | |
| Secondary street, surface parking (min) | 10' | |
| Secondary street, tuck-under, enclosed, or structured parking (min) | 5' | |
| **Access** | | |
| Curb cut width (max) | 24' | |

## 2. Bulk Standards




| Street Facade | Sec. 9.4.11. | |
|---|---|---|
| Width of ground and 2nd story in primary street setback range | | A |
| % of lot width (min) | 70% | |
| Length from street corner (min) | 30' | |
| Width of ground and 2nd story in secondary street setback range | | B |
| % of lot width (min) | 35% | |
| Length from street corner (min) | 30' | |
| **Building Height** | Sec. 9.4.9. | |
| Height (max) | 30' | C |
| Stories (max) | 2 | C |
| **Building Stepback** | Sec. 9.4.12. | |
| n/a | | |
| **Scale of Development** | | |
| Floor area ratio (FAR max) (E.4.) | 0.46 | |
| Deed restricted housing exemption | Sec. 7.8.3. | |
| Workforce housing floor area bonus | Sec. 7.8.4. | |

## 3. Form Standards




| Design Guidelines | Div. 5.8. |
|---|---|
| These requirements apply to all development, except where exempted by Planning Director for additions of 20% or less that are consistent with existing architecture. | |
| **Pedestrian Frontage** | |
| Trees in grates | see Sec. 2.2.1.C.2. |
| **Building Frontage Options** | |
| Office | see Sec. 2.2.1.D.2. |
| Residential | see Sec. 2.2.1.D.3 |
| **Parking Type Options** | |
| On-street parking | see Sec. 2.2.1.E.1. |
| Surface parking | see Sec. 2.2.1.E.2. |
| Enclosed parking | see Sec. 2.2.1.E.3. |
| Tuck-Under Parking | see Sec. 2.2.1.E.4. |
| Structured parking | see Sec. 2.2.1.E.5. |
| Underground parking | see Sec. 2.2.1.E.6. |

| 4. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | Sec. 5.1.1. |
| Cache Creek south of Cache Creek Dr. | 20’ |
| Flat Creek north of Hansen Ave. | 25’ |
| Flat Creek south of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | Sec. 7.7.4.D. |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO)** | Sec. 5.2.1. |

| 5. Scenic Standards | |
|---|---|
| **Exterior Lighting** | Sec. 5.3.1. |
| Light trespass is prohibited. | |
| All lights over 600 lumens shall be fully shielded. | |
| Lumens per site (max) | 3 |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO)** | Sec. 5.3.2. |

| 6. Natural Hazards to Avoid | |
|---|---|
| **Steep Slopes** | Sec. 5.4.1. |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Parcel with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | Sec. 5.4.2. |
| **Fault Area** | Sec. 5.4.3. |
| **Floodplains** | Sec. 5.4.4. |
| **Wildland Urban Interface** | Sec. 5.4.5. |

| 7. Signs (nonresidential) | Div. 5.6. |
|---|---|
| Number of signs (max) | 3 per business per frontage |
| Background color | No white or yellow |
| **Sign Area** | |
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7’6” average grade |
| Setback (min) | 18” from back of curb |
| Freestanding sign | |
| Height (max) | 6’ |
| Setback (min) | 5’ |
| Projecting sign | |
| Height (max) | 24’ above grade |
| Clearance (min) | 7’6” from average grade |
| Setback (min) | 18” from back of curb |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary signs | Sec. 5.6.1. |

| 8. Grading, Erosion Control, Stormwater | |
|---|---|
| **Grading** | Sec. 5.7.2. |
| **Erosion Control** | Sec. 5.7.3. |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | Sec. 5.7.4. |
| No increase in peak flow rate or velocity across property lines | |

## 9. Physical Development Permits Required

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) | Floodplain Permit |
|---|---|---|---|---|---|---|---|
| Floor Area | | | | | | | |
| < 6,900 sf | | | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| 6,900 - 13,800 sf | | X | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| > 13,800 sf | X | X | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| > 13,800 sf for only residential use | X | X | X | X | | Sec. 5.7.1. | Sec. 5.4.4. |
| Sign | | | | | X | Sec. 5.7.1. | Sec. 5.4.4. |

## C. Allowed Uses and Use Standards

Standards applicable to use are provided below. Where a cross-reference is listed see the referenced division or section for additional standards. Allowed uses are listed in subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to Sec. 6.1.2.C. All standards in Article 6. are applicable unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | Individual Use (max) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing (min) (Div. 6.3.) |
| Residential Uses | | | | | |
| Attached Single-Family Unit (6.1.4.B.) | B | 8,000 sf habitable excluding basement | n/a | 1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU | n/a |
| Apartment (6.1.4.D.) | B | | | | |
| Dormitory (6.1.4.F.) | C | n/a | n/a | 0.25/bed | n/a |
| Group Home (6.1.4.G.) | C | n/a | n/a | 0.5/bed | n/a |
| Live-Work Unit (6.1.4.H.) | B | 750 sf min, 2,000 sf max habitable | n/a | 1.5 /DU or 1.5/1,000 sf | n/a |
| Commercial Uses | | | | | |
| Office (6.1.6.B.) | B | n/a | n/a | 2.47/1,000 sf | 14 sf/1,000 sf |
| Retail (6.1.6.C.) (E.3.) | B | 2,000 sf excluding basement storage | E.3.. | exempt | 156 sf/1,000 sf |
| Service (6.1.6.D.) (E.3.) | B | | E.3. | exempt | 56 sf/1,000 sf |
| Institutional Uses | | | | | |
| Assembly (6.1.8.B.) | C | n/a | n/a | independent calculation | exempt |
| Day Care/Education (6.1.8.C.) | B | n/a | n/a | independent calculation | exempt |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | n/a | n/a | 0.75/employee + 0.75/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 0.75/employee + 0.75/stored vehicle | independent calculation |
| Minor | B | n/a | n/a | | |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) | B | n/a | n/a | 1/DU | n/a |
| Home Occupation (6.1.11.D.) | B | n/a | n/a | n/a | exempt |
| Family Home Daycare (6.1.11.F.) | B | n/a | n/a | 0.75/employee + 0.75 off-street pick-up/drop-off | exempt |

Y = Use allowed, no use permit required B = Basic Use Permit (Sec. 8.4.1.) C = Conditional Use Permit (Sec. 8.4.2.)

| 3. Operational Standards | |
|---|---|
| **Outdoor Storage** | Sec. 6.4.1. |
| Outdoor Storage | Prohibited |
| **Refuse and Recycling** | Sec. 6.4.2. |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | Sec. 6.4.3. |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | Sec. 6.4.4. |
| **Electrical Disturbances** | Sec. 6.4.5. |
| **Fire and Explosive Hazards** | Sec. 6.4.6. |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision are provided below. Where a cross-reference is provided see the referenced division or section for additional standards. All standards in Article 7. are applicable unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | |
|---|---|---|---|---|---|---|
| Option | BSA (min) | Lot Size (min) | Density (max) | LSR (min) | FAR (max) | Option Standards |
| Allowed Subdivision Options | | | | | | |
| Land Division | n/a | 7,500 sf | n/a | determined by physical development | | Sec. 7.2.3. |
| Townhouse Condominium Subdivision | n/a | n/a | n/a | n/a | n/a | Sec. 7.2.4. |

| 2. Residential Subdivision Requirements | |
|---|---|
| **Affordable Housing** | |
| Required Affordable Housing | 1 affordable unit per 4 market units |
| **Schools and Parks Exaction** | |
| Schools exaction | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | 9 acres per 1,000 resident |

| 3. Infrastructure | |
|---|---|
| **Transportation Facilities** | (Div. 7.6.) |
| Access | required |
| Right-of-way for Minor Local Road (min) | 60’ |
| Paved travel way for Minor Local Road (min) | 20’ |
| **Required Utilities** | (Div. 7.7.) |
| Water | public |
| Sewer | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |

## E. Additional Zone-Specific Standards

### 1. Provision of Nonresidential, Nonlodging Parking

a. **Applicability.** The following options for providing required parking shall apply to allowed uses except:

i. Residential Uses (Sec. 6.1.4.);

ii. Lodging Uses (Sec. 6.1.5.); and

iii. Accessory Residential Unit (6.1.11.B.).

b. **Existing Parking Credits.** For properties with established parking credits per the Town Parking Credit Table (on reference with the Planning Department), the landowner may use such credits toward required parking. Credits are based on the amount of parking provided in 1988, as determined in 2005. Parking credits run with the land and are not transferable.

c. **On-street Parking.** Required parking may be provided on-street provided the following standards are met.

i. An on-street parking space shall have the following length of uninterrupted curb adjoining to the lot of record of the use.

| Uninterrupted Curb per On-street Parking Space | |
|---|---|
| Parking Space Angle | Uninterrupted Curb |
| Parallel | 22’ |
| 45˚/60˚ | 18’ |
| 90˚ | 9’ |

ii. On-street parking shall not be provided along a red curb or other no-parking area put in place by the Town or WYDOT.

iii. The on-street parking shall follow the established configuration of existing on-street parking.

iv. On-street parking spaces shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces shall be permitted.

2. Loading Requirement. Sufficient off-street loading facilities must be provided. The requirements of Sec. 6.2.2.E. are not applicable. The applicant must address how their specific loading needs are being met in the proposed application.

3. Local Convenience Commercial. The intent of allowing retail and service use in the OR zone is that the goods sold and services provided are primarily of convenience nature to provide for the needs of residents and employees in the surrounding area.

    a. Goods and services sold shall not be of a specialty nature that rely on and attract customer and vehicle traffic from the community as a whole.

    b. Only one retail or service use may exist on a lot of record.

4. Existing Floor Area Allowed. Where the existing floor area on a site exceeds the allowed floor area ratio (FAR), the maximum allowed floor area shall be the lawfully existing floor area. The burden of establishing the amount of lawfully existing floor area shall be the responsibility of the landowner.

# Div. 2.3. Complete Neighborhood Legacy Zones

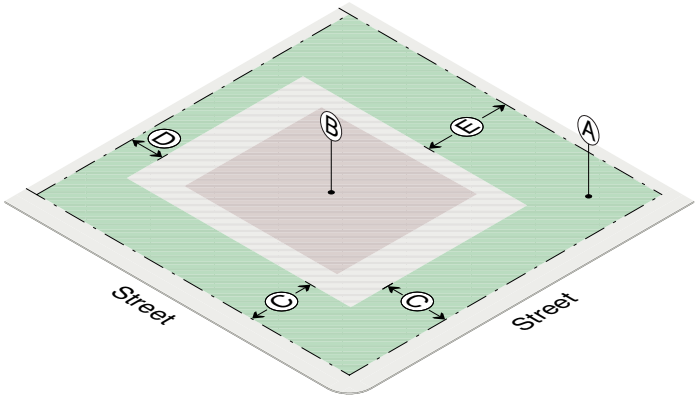
## 2.3.1. Town Square (TS) (1/4/17, Ord. 1159)

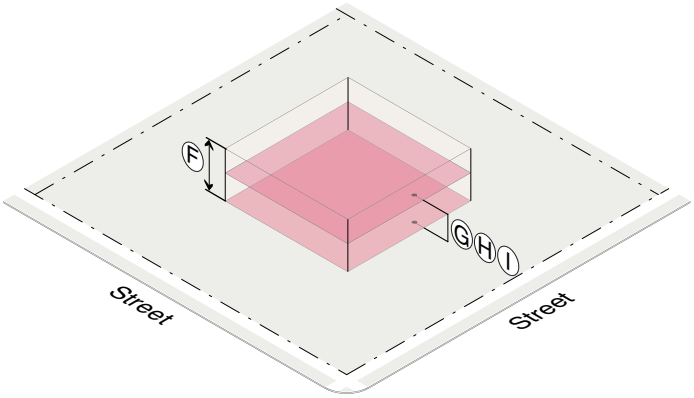
### A. Intent

The purpose of the Town Square (TS) Zone is to provide development standards that preserve and enhance the unique character, qualities, and pedestrian-oriented environment of the Jackson Town Square and its immediate vicinity. An essential component of the tourism environment for Teton County and the Town of Jackson is the Town Square and the commercial environment that has developed in the immediate vicinity of the Square. This area is important to both the County and the Town because the character of the area is the cornerstone of tourism commercial activity in the community.

### B. Physical Development

Standards applicable to physical development in the TS zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the TS zone. This Subsection is intended to indicate all of the physical development standards applicable in the TS zone, however, all standards in Article 5. are applicable in the TS zone, unless stated otherwise.




| 1. Structure Location and Mass | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ | Ⓘ |
| | LSR (min) | Lot Coverage (max) | Street Setback (min) (E.1.) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | Stories (LO) (max) | FAR (max) |
| Allowed use | .0 | n/a | 0’ | 0’ | 0’ | 35’ | 2 | 3 | 1.83 |
| Detached accessory structure | n/a | n/a | 30’ | 5’ | 5’ | 28’ | 2 | n/a | n/a |

| Exceptions |
|---|
| FAR. A 25% increase in FAR is allowed provided the increased floor area is devoted to on-site permanently affordable housing (deed restricted) and/or employee housing. |
| Side/Rear yard residential projections. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard |
| Rear yard setback for nonresidential uses. Minimum rear setback of 22 feet on the ground level with the exception of structural elements supporting the upper floor. |
| Detached Accessory Structure Separation. 10’ |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (gross floor area) (max)** | |
| Single building | 15,000 sf |
| Single building in LO with CUP | 35,000 sf |
| **3. Building Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | |
| Side/rear yard | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Nonresidential | 1 per 1,000 sf of landscape area |
| Parking Lot (all uses) | 1 per 12 parking spaces |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./Sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |

| 7. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 3 |
| Lumens per site (max) | |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| Number of Signs (max) | 2 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |

| Sign Area | |
|---|---|
| Total sign area (max) | 2.5 sf per ft of street facade width up to 125 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 6' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| **Grading** | (Sec. 5.7.2.) |
| **Erosion Control** | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

12. Required Physical Development Permits

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
|---|---|---|---|---|---|---|
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the TS zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the TS zone. This Subsection is intended to indicate all of the use standards applicable in the TS zone, however, all standards in Article 6. are applicable in the TS zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) (E.2.) | Employee Housing Area (min) (Div. 6.3.) |
| Lodging | | | | | |
| Conventional Lodging (6.1.5.B.) | C(LO) | 0 sf | n/a | 0.75/LU + 1 per 150 sf assembly area | 47 sf/1,000 sf |
| Short-term Rental Unit (6.1.5.C.) | C(LO) | 0 sf | n/a | 1.5/1,000 sf, max 2 | n/a |
| Commercial Uses | | | | | |
| Office (6.1.6.B.) | B | 0 sf | n/a | 1.65/1,000 sf | 14 sf/1,000 sf |
| Retail (6.1.6.C.) | B | 0 sf | n/a | 2.25/1,000 sf | 156 sf/1,000 sf |
| Service (6.1.6.D.) | B | 0 sf | n/a | 1.5/1,000 sf | 56 sf/1,000 sf |
| Restaurant/Bar (6.1.6.E.) | B | 0 sf | n/a | 1/110 sf dining area + 1/60 sf bar area | 378 sf/1,000 sf |
| Amusement/Recreation | | | | | |
| Amusement (6.1.7.B.) | C | 0 sf | n/a | 1/60 sf seating area or independent calculation | independent calculation |
| Transportation/Infrastructure | | | | | |
| Wireless Communications Facilities (6.1.10.D.) | | | | 0.5/employee + 0.5/stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) | B | 0 sf | n/a | 1.25/DU | n/a |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | n/a |

Y = Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.), (LO)= Lodging Overlay Only

| 3. Maximum Scale of Use | |
|---|---|
| **Individual Use (floor area) (max)** | |
| Individual retail use excluding basement | 12,500 sf habitable |
| Lodging operation with multiple buildings | 90,000 sf habitable |

| 4. Operational Standards | |
|---|---|
| Outdoor Storage | (Sec. 6.4.1.) |
| Refuse and Recycling | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| Noise | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| Vibration | (Sec. 6.4.4.) |
| Electrical Disturbances | (Sec. 6.4.5.) |
| Fire and Explosive Hazards | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the TS zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the TS zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the TS zone, however, all standards in Article 7. are applicable in the TS zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Option | BSA (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | | |
| Land Division | n/a | 5,000 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| Condominium/Townhouse | n/a | n/a | n/a | n/a | determined by physical development | | | (Sec. 7.2.4.) |
| **2. Residential Subdivision Requirements** | | | | | | | | |
| Affordable Housing | | | | | | | | (Div. 7.4.) |
| Required Affordable Housing | | | | | | | | 1 affordable unit per 4 market units |
| Schools and Parks Exaction | | | | | | | | (Div. 7.5.) |
| Schools exaction | | | | | | | | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | | | | | | | | 9 acres per 1,000 resident |
| **3. Infrastructure** | | | | | | | | |
| Transportation Facilities | | | | | | | | (Div. 7.6.) |
| Access | | | | | | | | required |
| Right-of-way for Minor Local Road (min) | | | | | | | | 60’ |
| Paved travel way for Minor Local Road (min) | | | | | | | | 20’ |
| Required Utilities | | | | | | | | (Div. 7.7.) |
| Water | | | | | | | | public |
| Sewer | | | | | | | | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the TS zone.

1. **Pedestrian Facilities.** All new development, redevelopment and infill development in the TS zone and Lodging Overlay zones shall provide a minimum setback of 10 feet from the back of curb to the closest point on the building. Such space shall be clear space unencumbered by doors, windows, bay windows or any other building projections except for required canopies. New development shall provide amenities in this space. Those amenities may include sidewalks, boardwalks, canopies, benches, bike racks, snow storage, landscaping, bus stops or any other reasonable and appropriate amenity as determined by the Town Council upon recommendation from the Design Review Committee. Minor deviations from this standard may be approved by the Planning Director in the event of mapping errors, irregular surveys, atypical layout of rights of way, or other good cause shown by the applicant.

2. Provision of Nonresidential, Nonlodging Parking

   a. **Applicability.** The following options for providing required parking shall apply to allowed uses except:

      i. Residential Uses (Sec. 6.1.4.);

      ii. Lodging Uses (Sec. 6.1.5.); and

      iii. Accessory Residential Unit (6.1.11.B.).

   b. **Existing Parking Credits.** For properties with established parking credits per the Town Parking Credit Table (on reference with the Planning Department), the landowner may use such credits toward required parking. Credits are based on the amount of parking provided in 1988, as determined in 2005. Parking credits run with the land and are not transferable.

   c. **On-street Parking.** Required parking may be provided on-street provided the following standards are met.

i. An on-street parking space shall have the following length of uninterrupted curb adjoining to the lot of record of the use.

| Uninterrupted Curb per On-street Parking Space | |
|---|---|
| Parking Space Angle | Uninterrupted Curb |
| Parallel | 22’ |
| 45˚/60˚ | 18’ |
| 90˚ | 9’ |

ii. On-street parking shall not be provided along a red curb or other no-parking area put in place by the Town or WYDOT.

iii. The on-street parking shall follow the established configuration of existing on-street parking.

iv. On-street parking spaces shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces shall be permitted.

d. Fee-In-Lieu. Required parking may be provided off-site through the Town’s in-lieu fee program pursuant to the following standards.

i. Fee. The fee shall be a one-time fee commensurate with the cost of providing off-street parking and shall be used exclusively for such purpose. The Town Clerk shall accept fees in accordance with the parking fee schedule set forth by Resolution.

ii. Assignment of Credits. Parking credits purchased by fee-in-lieu run with the land and are not transferable.

iii. Banking of Fee-in-Lieu Spaces. Fee-in-lieu spaces may be purchased in advance and “banked” for future use.

3. Loading Requirement. Sufficient off-street loading facilities must be provided. The requirements of Sec. 6.2.2.E. are not applicable. The applicant must address how their specific loading needs are being met in the proposed application.

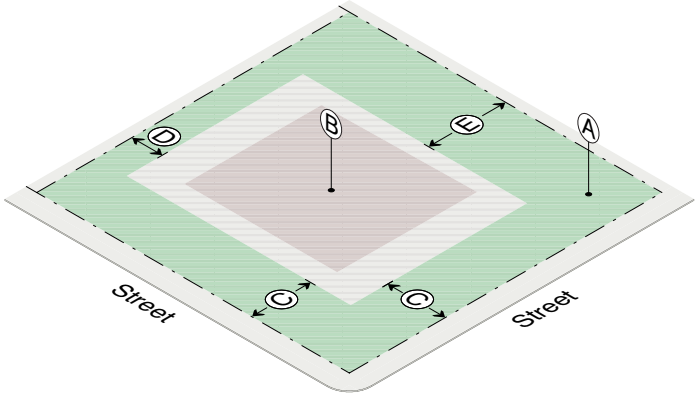
## 2.3.2. Urban Commercial (UC) (1/4/17, Ord. 1159)

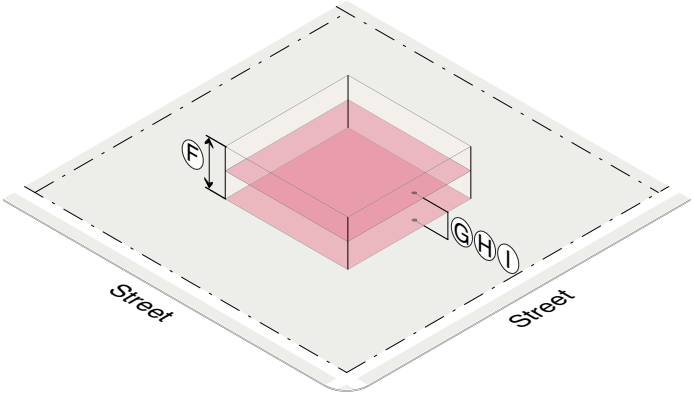
### A. Intent

The purpose of the Urban Commercial (UC) Zone is to provide for relatively intense mixed-use development of lodging, restaurants, financial, retail, and visitor-oriented services, and the full range of residential uses. The UC Zone is intended to be applied to central, pedestrian-oriented commercial areas and dense residential areas associated with these commercial areas.

### B. Physical Development

Standards applicable to physical development in the UC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the UC zone. This Subsection is intended to indicate all of the physical development standards applicable in the UC, however, all standards in Article 5. are applicable in the UC zone, unless stated otherwise.




| 1. Structure Location and Mass | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ | Ⓘ |
|---|---|---|---|---|---|---|---|---|---|
| | LSR (min) (E.1.) | Lot Coverage (max) | Street Setback (min) (E.4.) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | Stories (LO) (max) | FAR (max) |
| Detached single-family unit | .30 | .40 | 12’ | 5’ | 20’ | 28’ | 2 | 3 | .45 |
| Other principal use | .10 | n/a | 0’ | 0’ | 0’ | 35’ | 2 | 3 | 1.3 |
| Accessory use | See standards for primary use with which associated | | | | | | | | |
| Detached accessory structure | n/a | n/a | 30’ | 5’ | 5’ | 28’ | 2 | n/a | n/a |

| Exceptions |
|---|
| FAR. A 25% increase in FAR is allowed, provided the increased floor area is devoted to on-site permanently affordable housing (deed restricted) and/or employee housing. |
| Side/Rear Yard Residential Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard. |
| Rear yard for nonresidential uses. Minimum rear setback of 22 feet on the ground level with the exception of structural elements supporting the upper floor. |
| Detached Accessory Structure Separation. 10’ |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (gross floor area) (max)** | |
| Single building | 15,000 sf |
| Single building in LO with CUP | 35,000 sf |
| **3. Building Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | |
| Side/rear yard if next to residential | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Residential | 1 per du |
| Nonresidential | 1 per 1,000 sf of landscape area |
| Parking Lot (all uses) | 1 per 12 parking spaces |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./Sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |

| 7. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 3 |
| Lumens per site (max) | |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| Number of Signs (max) | 3 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |

| Sign Area | |
|---|---|
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 6' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| **Grading** | (Sec. 5.7.2.) |
| **Erosion Control** | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

## 12. Required Physical Development Permits

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
|---|---|---|---|---|---|---|
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the UC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the UC zone. This Subsection is intended to indicate all of the use standards applicable in the UC zone, however, all standards in Article 6. are applicable in the UC zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) (E.5.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Residential Uses | | | | | |
| Detached Single-Family Unit (6.1.4.B.) | Y | 0 sf | n/a | 1.5/1,000 sf, max 2 | n/a |
| Attached Single-Family Unit (6.1.4.C.) (E.2.) | B | 0 sf | n/a | 1.5/1,000 sf, max 2 | n/a |
| Apartment (6.1.4.D.) (E.2.) | B | 0 sf | n/a | 1.5/1,000 sf, max 2 | n/a |
| Dormitory (6.1.4.F.) | C | 0 sf | 35 rooms per acre | 1/bed | n/a |
| Group Home (6.1.4.G.) | C | 0 sf | 35 rooms per acre | 0.5/bed | n/a |
| Lodging | | | | | |
| Conventional Lodging (6.1.5.B.) | B(LO) | 0 sf | n/a | 0.75/LU + 1 per 150 sf assembly area | 47 sf/1,000 sf |
| Short-term Rental Unit (6.1.5.C.) | B(LO) | 0 sf | n/a | 1.5/1,000 sf, max 2 | n/a |
| Commercial Uses | | | | | |
| Office (6.1.6.B.) | B | 0 sf | n/a | 1.65/1,000 sf | 14 sf/1,000 sf |
| Retail (6.1.6.C.) | B | 0 sf | n/a | 2.25/1,000 sf | 156 sf/1,000 sf |
| Service (6.1.6.D.) | B | 0 sf | n/a | 1.5/1,000 sf | 56 sf/1,000 sf |
| Restaurant/Bar (6.1.6.E.) | B | 0 sf | n/a | 1/110 sf dining area + 1/60 sf bar area | 378 sf/1,000 sf |
| Amusement/Recreation | | | | | |
| Amusement (6.1.7.B.) | C | 0 sf | n/a | 1/60 sf seating area or independent calculation | independent calculation |
| Developed Recreation (6.1.7.D.) | B | 0 sf | n/a | 2.25/1,000 s | independent calculation |
| Outfitter/Tour Operator (6.1.7.E.) | C | 0 sf | n/a | independent calculation | independent calculation |
| Institutional Uses | | | | | |
| Assembly (6.1.8.B.) | C | 0 sf | n/a | independent calculation | exempt |
| Day Care/Education (6.1.8.C.) | B | 0 sf | n/a | independent calculation | exempt |

Y = Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.), (LO)= Lodging Overlay Only

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) (E.5.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 0.5/employee + 0.5/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 0.5/employee + 0.5/stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) | B | 0 sf | n/a | 1.25/DU | n/a |
| Bed and Breakfast (6.1.11.C.) | B(LO) | 0 sf | n/a | 0.75/LU | 47 sf/1,000 sf |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Home Business (6.1.11.E.) | B | 0 sf | n/a | 0.5 per employee | exempt |
| Family Home Daycare (6.1.11.F.) | B | 0 sf | n/a | 0.5/employee + 0.5 off-street pick-up/drop-off | exempt |
| Home Daycare Center (6.1.11.G.) | B | 0 sf | n/a | 0.5/employee + 1 off-street pick-up/drop-off | exempt |
| Drive-in Facility (6.1.11.H.) | B | 0 sf | n/a | n/a | exempt |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | 0 sf | n/a | 0.5/1,000 sf outdoor display area + 0.5/ employee | exempt |
| Temporary Shelter (6.1.12.D.) | Y | | 1 unit per lot | 1.5/1,000 sf, max 2 | exempt |
| Farm Stand (6.1.12.E.) | B | 0 sf | n/a | 2.5/1,000 sf display area | exempt |
| Temporary Gravel Extraction & Processing (6.1.12.F.) | B | 0 sf | n/a | 0.5/employee | exempt |

Y = Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.), (LO)= Lodging Overlay Only

| 3. Maximum Scale of Use | |
|---|---|
| Individual Use (floor area) (max) | |
| Single-family unit (detached, attached, or apartment) | |
| Habitable floor area excluding basement | 8,000 sf |
| Gross floor area excluding basement | 10,000 sf |
| Individual retail use excluding basement | 12,500 sf habitable |
| Lodging operation with multiple buildings | 90,000 sf habitable |

| 4. Operational Standards | |
|---|---|
| Outdoor Storage | (Sec. 6.4.1.) (E.3.) |
| Refuse and Recycling | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| Noise | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| Vibration | (Sec. 6.4.4.) |
| Electrical Disturbances | (Sec. 6.4.5.) |
| Fire and Explosive Hazards | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the UC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the UC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the UC zone, however, all standards in Article 7. are applicable in the UC zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Option | BSA (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | | |
| Land Division | n/a | 5,000 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| Condominium/Townhouse | n/a | n/a | n/a | n/a | determined by physical development | | | (Sec. 7.2.4.) |
| Allowed Development Options | | | | | | | | |
| Urban Cluster Development (UCD) | 15,000 sf | n/a | 23.5 du/ac | .20 | n/a | .65 | n/a | (Sec. 7.1.3.) |
| Planned Unit Development (PUD-ToJ) | 15,000 sf | n/a | n/a | n/a | .30 | .65 | .5 | (Sec. 4.4.2.) |

| 2. Residential Subdivision Requirements | |
|---|---|
| Affordable Housing | (Div. 7.4.) |
| Required Affordable Housing | 1 affordable unit per 4 market units |
| Schools and Parks Exaction | (Div. 7.5.) |
| Schools exaction | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | 9 acres per 1,000 resident |

| 3. Infrastructure | |
|---|---|
| **Transportation Facilities** | (Div. 7.6.) |
| Access | required |
| Right-of-way for Minor Local Road (min) | 60’ |
| Paved travel way for Minor Local Road (min) | 20’ |
| **Required Utilities** | (Div. 7.7.) |
| Water | public |
| Sewer | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |
| Non-subdivision development option (UCD or PUD-ToJ) | | | | | |
| 0 - 4 Units | X (PUD) | | | X | |
| 5 -10 Units | X (PUD) | | X | | |
| > 10 Units | X (PUD) | X | X | | |

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the UC zone.

1. **LSR Surfaces.** The Town Council may substitute on-site hardscape improvements to satisfy the LSR requirement in the UC zone if the application for development can incorporate one or more of the following design elements: pervious or decorative pavers, sidewalks, boardwalks or similar amenity.

2. **Attached Single-Family and Apartment Units.** Attached single-family and apartment units shall be located on the second or third floor.

3. Open Storage

   a. The open storage of vehicles and equipment is prohibited.

b. No use shall be permitted to include any freestanding storage units of any kind, including but not limited to trailers, sheds, "Bully Barns," tarpaulin structures, or any other contrivance not made a permanent part of the principal structure as that term is defined in these LDRs.

4. **Pedestrian Facilities.** All new development, redevelopment and infill development in the Lodging Overlay and UC zone shall provide a minimum setback of 10 feet from the back of curb to the closest point on the building. Such space shall be clear space unencumbered by doors, windows, bay windows or any other building projections except for required canopies. New development shall provide amenities in this space. Those amenities may include sidewalks, boardwalks, canopies, benches, bike racks, snow storage, landscaping, bus stops or any other reasonable and appropriate amenity as determined. by the Town Council upon recommendation from the Design Review Committee. Minor deviations from this standard may be approved by the Planning Director in the event of mapping errors, irregular surveys, atypical layout of rights of way, or other good cause shown by the applicant.

5. Provision of Nonresidential, Nonlodging Parking

a. **Applicability.** The following options for providing required parking shall apply to allowed uses except:

i. Residential Uses (Sec. 6.1.4.);

ii. Lodging Uses (Sec. 6.1.5.); and

iii. Accessory Residential Unit (6.1.11.B.).

b. **Existing Parking Credits.** For properties with established parking credits per the Town Parking Credit Table (on reference with the Planning Department), the landowner may use such credits toward required parking. Credits are based on the amount of parking provided in 1988, as determined in 2005. Parking credits run with the land and are not transferable.

c. **On-street Parking.** Required parking may be provided on-street provided the following standards are met.

i. An on-street parking space shall have the following length of uninterrupted curb adjoining to the lot of record of the use.

| Uninterrupted Curb per On-street Parking Space | |
|---|---|
| Parking Space Angle | Uninterrupted Curb |
| Parallel | 22' |
| 45˚/60˚ | 18' |
| 90˚ | 9' |

ii. On-street parking shall not be provided along a red curb or other no-parking area put in place by the Town or WYDOT.

iii. The on-street parking shall follow the established configuration of existing on-street parking.

iv. On-street parking spaces shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces shall be permitted.

d. **Fee-In-Lieu.** Required parking may be provided off-site through the Town's in-lieu fee program pursuant to the following standards.

i. **Fee.** The fee shall be a one-time fee commensurate with the cost of providing off-street parking and shall be used exclusively for such purpose. The Town Clerk shall accept fees in accordance with the parking fee schedule set forth by Resolution.

ii. **Assignment of Credits.** Parking credits purchased by fee-in-lieu run with the land and are not transferable.

iii. **Banking of Fee-in-Lieu Spaces.** Fee-in-lieu spaces may be purchased in advance and "banked" for future use.

6. **Loading Requirement.** Sufficient off-street loading facilities must be provided. The requirements of Sec. 6.2.2.E. are not applicable. The applicant must address how their specific loading needs are being met in the proposed application.

## 2.3.3. [deleted] (11/23/16, Ord. 1149)

[Section number reserved, original Section deleted]

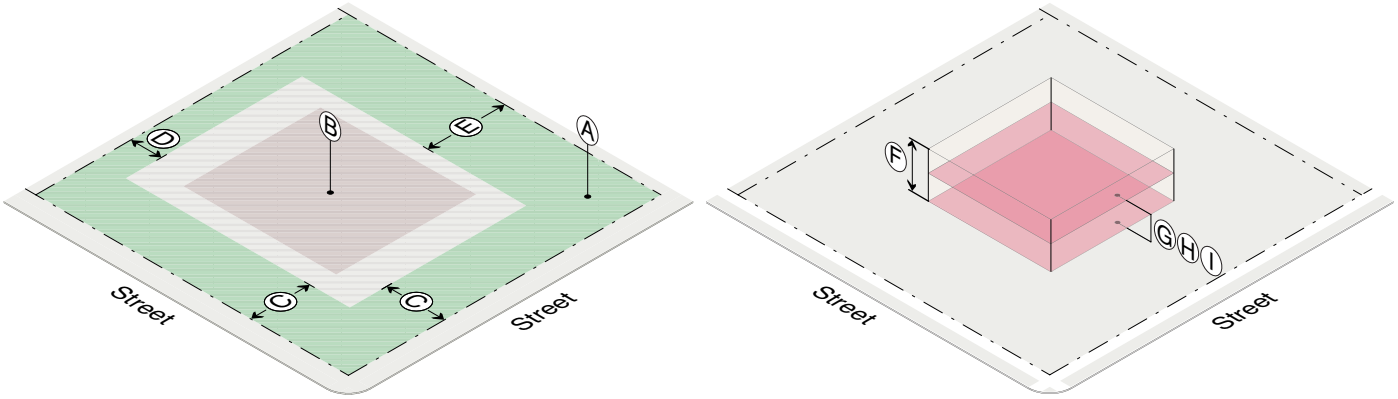
## 2.3.4. Urban Residential (UR) (1/4/17, Ord. 1159)

### A. Intent

The purpose of the Urban Residential (UR) Zone is to provide for high density residential areas and promote affordable housing types as part of a full range of residential uses in a pedestrian-oriented environment.

### B. Physical Development

Standards applicable to physical development in the UR zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the UR. This Subsection is intended to indicate all of the physical development standards applicable in the UR, however, all standards in Article 5. are applicable in the UR, unless stated otherwise.




| 1. Structure Location and Mass | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ | Ⓘ |
| | LSR (min) | Lot Coverage (max) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | Stories (LO) (max) | FAR (max) |
| Allowed use | .30 | .40 | 12’ | 5’ | 20’ | 28’ | 2 | 3 | .45 |
| **Exceptions** | | | | | | | | | |
| FAR. A 25% increase in FAR is allowed provided the increased floor area is devoted to on-site permanently affordable housing (deed restricted) and/or employee housing. | | | | | | | | | |
| Residential Projections. Covered and uncovered decks, porches and balconies may encroach into a front yard by not more than 6 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys and similar architectural features may encroach into a side or rear yard by not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard. | | | | | | | | | |
| Detached Accessory Structure Separation. 10’ | | | | | | | | | |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (gross floor area) (max)** | |
| Single building | n/a |
| **3. Building Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | |
| Side/rear yard | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Residential | 1 per du |
| Nonresidential | 1 per 1,000 sf of landscape area |
| Parking Lot (all uses) | 1 per 12 parking spaces |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./Sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |

| 7. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 3 |
| Lumens per site (max) | |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| Number of Signs (max) | 3 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |

| Sign Area | |
|---|---|
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 6' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| **Grading** | (Sec. 5.7.2.) |
| **Erosion Control** | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

## 12. Required Physical Development Permits

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
|---|---|---|---|---|---|---|
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Use Standards

Standards applicable to uses in the UR zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the UR. This Subsection is intended to indicate all of the use standards applicable in the UR, however, all standards in Article 6. are applicable in the UR, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area per 1,000 sf (min) (Div. 6.3.) |
| Residential | | | | | |
| Detached Single-Family Unit (6.1.4.B.) | Y | 0 sf | 1 unit per lot | 2/DU | n/a |
| Attached single-family unit (6.1.4.C.) | B | 0 sf | n/a | 2/DU + 0.5/DU if ≥ 3 units served by lot | n/a |
| Apartment (6.1.4.D.) | B | 0 sf | n/a | 2/DU + 0.5/DU if ≥ 3 units served by lot | n/a |
| Dormitory (6.1.4.F.) | C | 0 sf | 35 rooms/ acre | 1/bed | n/a |
| Group Home (6.1.4.G.) | C | 0 sf | 35 rooms/ acre | 0.5/bed | n/a |
| Institutional | | | | | |
| Assembly (6.1.8.B.) | C | 0 sf | n/a | independent calculation | exempt |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Accessory Uses | | | | | |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Home Business (6.1.11.E.) | C | 0 sf | n/a | 1/employee | exempt |
| Family Home Daycare (6.1.11.F.) | B | 0 sf | n/a | 1/employee + 1 off-street pick-up/drop-off | exempt |
| Home Daycare Center (6.1.11.G.) | C | 0 sf | n/a | 1/employee + 2 off-street pick-up/drop-off | exempt |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | 0 sf | n/a | 1/1,000 sf outdoor display area + 1/employee | exempt |
| Real Estate Sales Office (6.1.12.C.) | B | 0 sf | n/a | 3.3/1,000 sf | exempt |
| Temporary Shelter (6.1.12.D.) | B | 0 sf | 1 unit per lot | 2/DU | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)

| 3. Maximum Scale of Use | |
|---|---|
| **Individual Use (floor area) (max)** | |
| Single-Family unit (detached, attached, or apartment) | |
| Habitable floor area excluding basement | 8,000 sf |
| Gross floor area excluding basement | 10,000 sf |
| **4. Operational Standards** | |
| **Outdoor Storage** | (Sec. 6.4.1.) |
| **Refuse and Recycling** | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | (Sec. 6.4.4.) |
| **Electrical Disturbances** | (Sec. 6.4.5.) |
| **Fire and Explosive Hazards** | (Sec. 6.4.6.) |

## D. Development Options

Standards applicable to development options and subdivision in the UR zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the UR zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the UR zone, however, all standards in Article 7. are applicable in the UR zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Option | BSA (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | | |
| Land Division | n/a | 5,000 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| Condominium/Townhouse | n/a | n/a | n/a | n/a | determined by physical development | | | (Sec. 7.2.4.) |
| Allowed Development Options | | | | | | | | |
| Urban Cluster Development (UCD) | 15,000 sf | n/a | 23.5 du/ac | .20 | n/a | .65 | n/a | (Sec. 7.1.3.) |
| Planned Unit Development (PUD-ToJ) | 15,000 sf | n/a | n/a | n/a | .30 | .65 | .5 | (Sec. 4.4.2.) |

| 2. Residential Subdivision Requirements | |
|---|---|
| **Affordable Housing** | (Div. 7.4.) |
| Required Affordable Housing | 1 affordable unit per 4 market units |
| **Schools and Parks Exaction** | (Div. 7.5.) |
| Schools exaction | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | 9 acres per 1,000 resident |

| 3. Infrastructure | |
|---|---|
| **Transportation Facilities** | (Div. 7.6.) |
| Access | required |
| Right-of-way for Minor Local Road (min) | 60’ |
| Paved travel way for Minor Local Road (min) | 20’ |
| **Required Utilities** | (Div. 7.7.) |
| Water | public |
| Sewer | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | X (PUD) | | X | | X |
| > 10 Lots | X (PUD) | X | X | | X |
| Condominium/Townhouse | | | | | X |
| Non-subdivision development option (UCD or PUD-ToJ) | | | | | |
| 0 - 4 Units | X (PUD) | | | X | |
| 5 -10 Units | X (PUD) | | X | | |
| > 10 Units | X (PUD) | X | X | | |

## E. Additional Zone-specific Standards

1. **PUD-ToJ Height.** For a PUD-ToJ proposed in the UR zoning district, structure height may be 48 feet provided the following criteria are met.

   a. The following standards apply to the amount of additional floor area achieved through the increase in structure height; however, the actual floor area to which the following standards apply may be distributed throughout the structure.

      i. It shall be deed restricted workforce, affordable, or employee housing with an occupancy restriction;

      ii. It may have an employment and/or price restriction.

      iii. It shall be exempt from the calculation of affordable housing required by Division 7.4, but shall not be used to meet the affordable housing requirement for the project.

   b. The project shall provide the affordable housing required by Division 7.4 on site.

   c. The site shall be at least 2 acres to provide opportunity for sufficient setback from, and building height step down to small scale development.

   d. The site shall be served by transit within 1/4 mile.

   e. The site shall be within 1/4 mile walking distance from numerous commercial services routinely needed by residents.

   f. The additional building height shall not increase the floor area allowance or decrease the required open space.

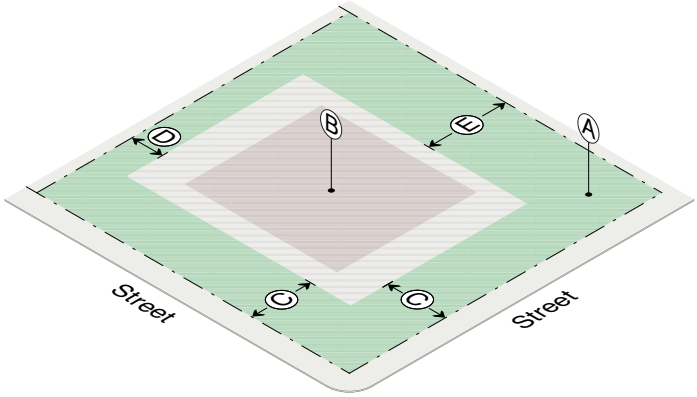
# 2.3.5. Auto Urban Commercial-Town (AC-ToJ) (1/4/17, Ord. 1159)

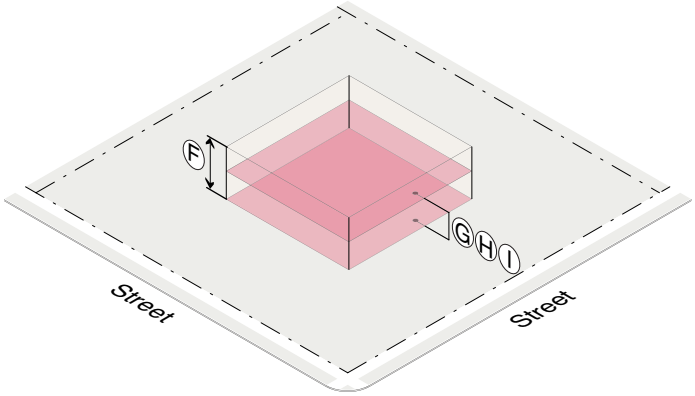
## A. Intent

The purpose of the Auto-Urban Commercial-Town (AC-ToJ) Zone is to provide for commercial development that is oriented to the street and is easily accessed by automobiles with adequate parking and pedestrian connections to adjoining developments in order to promote non-vehicular movement between buildings in commercial areas. Uses in the AC-ToJ zone primarily serve residents' commercial needs, and provide some tourist service uses. The AC-ToJ zone is intended to be applied to community-serving commercial areas.

## B. Physical Development

Standards applicable to physical development in the AC-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AC-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the AC-ToJ zone, however, all standards in Article 5. are applicable in the AC-ToJ zone, unless stated otherwise.




| 1. Structure Location and Mass | Ⓐ LSR (min) | Ⓑ Lot Coverage (max) | Ⓒ Street Setback (E.3.,E.4.) (min) | Ⓓ Side Setback (min) | Ⓔ Rear Setback (min) | Ⓕ Height (max) | Ⓖ Stories (max) | Ⓗ Stories (LO) (max) | Ⓘ FAR (max) |
|---|---|---|---|---|---|---|---|---|---|
| Detached single-family unit | .50 | .28 | 20' | 10' | 30' | 26' | 2 | 3 | .30 |
| with attached accessory unit | .48 | .30 | 20' | 10' | 20' | 26' | 2 | 3 | .32 |
| with detached accessory unit | .48 | .30 | n/a | n/a | n/a | n/a | n/a | n/a | .32 |
| with 2 accessory units | .45 | .32 | n/a | n/a | n/a | n/a | n/a | n/a | .35 |
| Live/Work unit | .50 | .28 | 20' | 10' | 30' | 26' | 2 | 3 | .40 |
| Office | .25 | n/a | 20' | 10' | 20' | 35' | 2 | 3 | .40 |
| Lodging in the LO | .20 | n/a | 10' | 0' | 20' | 35' | n/a | n/a | .80 |
| Other principal use | .20 | n/a | 20' | 10' | 20' | 35' | 2 | 3 | .25 |
| Pre-1994 lot ≤ 15,000 sf | .20 | n/a | 20' | 10' | 20' | 35' | 2 | 3 | .46 |
| Accessory use | See standards for primary use with which associated | | | | | | | | |
| Detached accessory structure | n/a | n/a | 30' | 5' | 5' | 28' | 2 | n/a | n/a |

| Exceptions |
|---|
| Street/Side Yard - U.S. Highway 26-89-189-191. No structure shall be located within 20 feet of the highway right-of-way of U.S. Highway 26-89-189-191. The design, development, and operation of the proposed building or structure shall minimize or mitigate adverse effect, including visual impact of the proposed building or structure on adjacent properties. |
| FAR. A 25% increase in FAR is allowed provided the increased floor area is devoted to on-site permanently affordable housing (deed restricted) and/or employee housing. |
| Side/Rear Yard Residential Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard. |
| Accessory Structure Detached Separation. 10' |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (gross floor area) (max)** | |
| Single building | 15,000 sf |
| Single building in LO with CUP | 35,000 sf |
| Single building out of LO with CUP | 50,000 sf |
| **3. Building Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | |
| Side/rear yard | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Residential | 1 per du |
| Nonresidential | 1 per 1,000 sf of landscape area |
| Parking Lot (all uses) | 1 per 12 parking spaces |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./Sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |

| 7. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 3 |
| Lumens per site (max) | |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **10. Signs** | (Div. 5.6.) |
| Number of Signs (max) | 3 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |

| Sign Area | |
|---|---|
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 12'; LO: 6' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| Grading | (Sec. 5.7.2.) |
| Erosion Control | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| Stormwater Management | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

12. Required Physical Development Permits

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
|---|---|---|---|---|---|---|
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the AC-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AC-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the AC-ToJ zone, however, all standards in Article 6. are applicable in the AC-ToJ zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Open Space | | | | | |
| Outdoor Recreation (6.1.3.C.) | C | 0 sf | n/a | independent calculation | independent calculation |
| Residential | | | | see also 6.2.6.B | |
| Detached Single-Family Unit (6.1.4.B.) | Y | 0 sf | 1 unit per lot | 2/DU | n/a |
| Attached Single-Family Unit (6.1.4.C.) (E.1.) | B | 0 sf | n/a | 2/DU + 0.5/DU if ≥ 3 units served by lot | n/a |
| Apartment (6.1.4.D.) (E.1.) | B | 0 sf | n/a | 2/DU + 0.5/DU if ≥ 3 units served by lot | n/a |
| Dormitory (6.1.4.F.) | C | 0 sf | 30 rooms per acre | 1/bed | n/a |
| Group Home (6.1.4.G.) | C | 0 sf | 30 rooms per acre | 0.5/bed | n/a |
| Live/Work Unit (6.1.4.H.) | B | 0 sf | n/a | 1.5/DU or 1.5/1,500 sf | n/a |
| Lodging | | | | | |
| Conventional Lodging (6.1.5.B.) | B(LO) | 0 sf | n/a | 0.75/LU + 1/150 sf of assembly area | 47 sf/1,000 sf |
| Short-Term Rental Unit (6.1.5.C.) | B(LO) | 0 sf | n/a | 2/LU (see also 6.2.6.B) | 47 sf/1,000 sf |
| Commercial | | | | | |
| Office (6.1.6.B.) | B | 0 sf | n/a | 3.3/1,000 sf | 14 sf/1,000 sf |
| Retail (6.1.6.C.) | B | 0 sf | n/a | 4.5/1,000 sf | 156 sf/1,000 sf |
| Service (6.1.6.D.) | B | 0 sf | n/a | 3/1,000 sf | 56 sf/1,000 sf |
| Restaurant/Bar (6.1.6.E.) | B | 0 sf | n/a | 1/55 sf dining area + 1/30 sf bar area | 378 sf/1,000 sf |
| Heavy Retail/Service (6.1.6.F.) | C | 0 sf | n/a | 2/1,000 sf + 3/repair bay + 1/wash bay | 16 sf/1,000 sf |
| Mini-Storage Warehouse (6.1.6.G.) | C | 0 sf | n/a | 1/10 storage units + 1/employee | independent calculation |
| Nursery (6.1.6.H.) | B | 0 sf | n/a | 2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee | independent calculation |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.), (LO) = Only allowed in Lodging Overlay

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Amusement/Recreation | | | | | |
| Amusement (6.1.7.B.) | B | 0 sf | n/a | 1/30 sf seating area | independent calculation |
| Developed Recreation (6.1.7.D.) | B | 0 sf | n/a | 4.5/1,000 sf | independent calculation |
| Outfitter/Tour Operator (6.1.7.E.) | C | 0 sf | n/a | independent calculation | independent calculation |
| Institutional | | | | | |
| Assembly (6.1.8.B.) | C | 0 sf | n/a | independent calculation | exempt |
| Daycare/Education (6.1.8.C.) | B | 0 sf | n/a | independent calculation | exempt |
| Industrial | | | | | |
| Light Industry (6.1.9.B.) | C | 0 sf | n/a | 1/1,000 sf + 1/company vehicle | 8 sf/1,000 sf |
| Transportation/Infrastructure | | | | | |
| Parking (6.1.10.B.) | C | 0 sf | n/a | n/a | independent calculation |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Heliport (6.1.10.E.) | C | 0 sf | n/a | 7/daily aircraft movement | independent calculation |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) | B | 0 sf | n/a | 1.25/DU | n/a |
| Bed and Breakfast (6.1.11.C.) | B | 0 sf | n/a | 0.75/LU | exempt |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Home Business (6.1.11.E.) | C | 0 sf | n/a | 1/employee | exempt |
| Family Home Daycare (6.1.11.F.) | B | 0 sf | n/a | 1/employee + 1 off-street pick-up/drop-off | exempt |
| Home Daycare Center (6.1.11.G.) | B | 0 sf | n/a | 1/employee + 2 off-street pick-up/drop-off | exempt |
| Drive-In Facility (6.1.11.H.) | B | 0 sf | n/a | n/a | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.), (LO) = Only allowed in Lodging Overlay

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | 0 sf | n/a | 1/1,000 sf outdoor display area + 1/employee | exempt |
| Temporary Shelter (6.1.12.D.) | B | 0 sf | 1 unit per lot | 2/DU | exempt |
| Farm Stand (6.1.12.E.) | B | 0 sf | n/a | 5/1,000 sf display area | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.), (LO) = Only allowed in Lodging Overlay

| 3. Maximum Scale of Use | |
|---|---|
| **Individual Use (floor area) (max)** | |
| Single-family unit (detached, attached, or apartment) | |
| Habitable floor area excluding basement | 8,000 sf |
| Gross Floor area excluding basement | 10,000 sf |
| Live/work unit | 750 sf min/2,000 sf max habitable |
| Lodging operation with multiple buildings | 90,000 sf habitable |
| Individual retail use excluding basement | |
| without CUP | 12,500 sf habitable |
| with CUP | 50,000 sf habitable |
| **4. Operational Standards** | |
| **Outdoor Storage** | (Sec. 6.4.1.) (E.3.) |
| **Refuse and Recycling** | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | (Sec. 6.4.4.) |
| **Electrical Disturbances** | (Sec. 6.4.5.) |
| **Fire and Explosive Hazards** | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the AC-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AC-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the AC-ToJ zone, however, all standards in Article 7. are applicable in the AC-ToJ zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Option | BSA (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | | |
| Land Division | n/a | 7,500 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| Condominium/Townhouse | n/a | n/a | n/a | n/a | determined by physical development | | | (Sec. 7.2.4.) |
| Allowed Development Options | | | | | | | | |
| Urban Cluster Development (UCD) | 22,500 sf | n/a | 11.7 du/ac | .40 | n/a | .40 | .35 | (Sec. 7.1.3.) |
| Planned Unit Development (PUD-ToJ) | 22,500 sf | n/a | n/a | n/a | .45 | .40 | .30 | (Sec. 4.4.2.) |
| **2. Residential Subdivision Requirements** | | | | | | | | |
| **Affordable Housing** | | | | | | | | (Div. 7.4.) |
| Required Affordable Housing | | | | | | | | 1 affordable unit per 4 market units |
| **Schools and Parks Exaction** | | | | | | | | (Div. 7.5.) |
| Schools exaction | | | | | | | | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | | | | | | | | 9 acres per 1,000 resident |
| **3. Infrastructure** | | | | | | | | |
| **Transportation Facilities** | | | | | | | | (Div. 7.6.) |
| Access | | | | | | | | required |
| Right-of-way for Minor Local Road (min) | | | | | | | | 60’ |
| Paved travel way for Minor Local Road (min) | | | | | | | | 20’ |
| **Required Utilities** | | | | | | | | (Div. 7.7.) |
| Water | | | | | | | | public |
| Sewer | | | | | | | | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |
| Non-subdivision development option (UCD or PUD-ToJ) | | | | | |
| 0 - 4 Units | X (PUD) | | | X | |
| 5 -10 Units | X (PUD) | | X | | |
| > 10 Units | X (PUD) | X | X | | |

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the AC-ToJ zone.

1. **Attached Single-Family and Apartment Units.** Attached single-family and apartment units shall be located on the second or third floor.

2. **Open Storage.** The open storage of vehicles and equipment is prohibited.

3. **Pedestrian Facilities.** All new development, redevelopment and infill development in the Lodging Overlay and AC-ToJ zone shall provide a minimum setback of 10 feet from the back of curb to the closest point on the building. Such space shall be clear space unencumbered by doors, windows, bay windows or any other building projections except for required canopies. New development shall provide amenities in this space. Those amenities may include sidewalks, boardwalks, canopies, benches, bike racks, snow storage, landscaping, bus stops or any other reasonable and appropriate amenity as determined. by the Town Council upon recommendation from the Design Review Committee. Minor deviations from this standard may be approved by the Planning Director in the event of mapping errors, irregular surveys, atypical layout of rights of way, or other good cause shown by the applicant.

4. **Highway Frontage Setback.** Where the highway frontage setback is 20 feet, the minimum parking area setback shall be 20 feet. This setback shall be landscaped generally in accordance with Div. 5.5, Landscaping Standards. In addition, where a 20 foot structure setback is required from the right-of-way of U.S. Highway 26-89-189-191, the first 20 feet adjacent to the right-of-way (as a minimum) must be landscaped. The objectives for highway setback landscaping shall be to provide for an attractive, high-quality streetscape, and where applicable, entryways to the Town of Jackson. Plant units shall maximize year-round screening. Public sidewalks and pathways may traverse landscaped areas, and monument signage is encouraged.

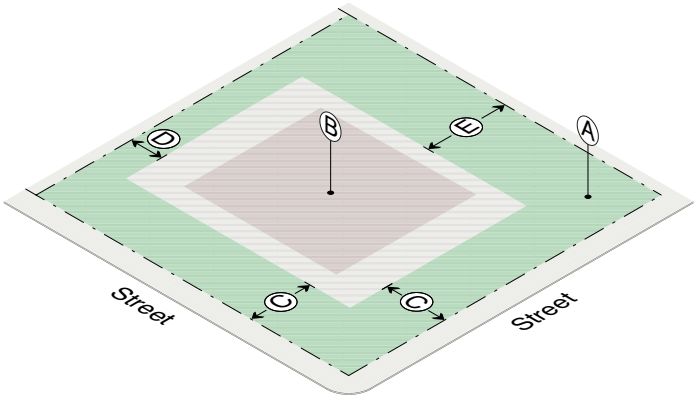
# 2.3.6. Auto Urban Residential-Town (AR-ToJ) (1/4/17, Ord. 1159)

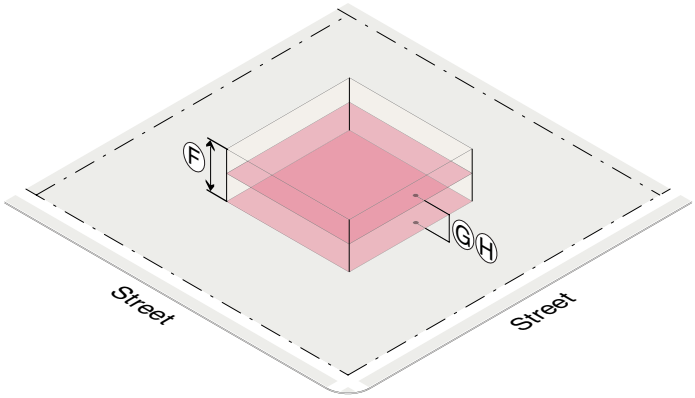
## A. Intent

The purpose of the Auto-Urban Residential-Town (AR-ToJ) Zone is to maintain the character and cohesiveness of residential neighborhoods while allowing for a wide range of residential types, including affordable housing.

## B. Physical Development

Standards applicable to physical development in the AR-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AR-ToJ zone . This Subsection is intended to indicate all of the physical development standards applicable in the AR-ToJ zone, however, all standards in Article 5. are applicable in the AR-ToJ zone, unless stated otherwise.




| 1. Structure Location and Mass | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ |
| | LSR (min) | Lot Coverage (max) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | FAR (max) |
| Detached single-family unit | .50 | .28 | 20’ | 10’ | 30’ | 26’ | 2 | .30 |
| with attached accessory unit | .48 | .30 | 20’ | 10’ | 20’ | 26’ | 2 | .32 |
| with detached accessory unit | .48 | .30 | n/a | n/a | n/a | n/a | n/a | .32 |
| with 2 accessory units | .45 | .32 | n/a | n/a | n/a | n/a | n/a | .35 |
| Other principal use | .45 | n/a | 20’ | 10’ | 30’ | 26’ | 2 | .35 |
| Accessory use | See standards for primary use with which associated | | | | | | | |
| Detached accessory structure | n/a | n/a | 30’ | 5’ | 5’ | 26’ | 2 | n/a |

| Exceptions |
|---|
| FAR. A 25% increase in FAR is allowed provided the increased floor area is devoted to on-site permanently affordable housing (deed restricted) and/or employee housing. |
| Residential Projections. Covered and uncovered decks, porches and balconies may encroach into a front yard by not more than 6 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys and similar architectural features may encroach into a side or rear yard by not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard. |
| Accessory Structure Detached Separation. 10’ |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (gross floor area) (max)** | |
| Single building | 10,000 sf |
| **3. Building Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | |
| Side/rear yard | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Residential | 1 per du |
| Nonresidential | 1 per 1,000 sf of landscape area |
| Parking Lot (all uses) | 1 per 12 parking spaces |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./Sidewalk | 1’ |
| Side or rear Yard lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |

| 7. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 3 |
| Lumens per site (max) | |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| Number of Signs (max) | 3 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |

| Sign Area | |
|---|---|
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 6' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| **Grading** | (Sec. 5.7.2.) |
| **Erosion Control** | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

| 12. Required Physical Development Permits | | | | | | |
|---|---|---|---|---|---|---|
| **Physical Development** | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the AR-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to Section 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AR-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the AR-ToJ zone, however, all standards in Article 6. are applicable in the AR-ToJ zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Open Space | | | | | |
| Agriculture (6.1.3.B.) | B | 0 sf | n/a | n/a | exempt |
| Outdoor Recreation (6.1.3.C.) | C | 0 sf | n/a | independent calculation | independent calculation |
| Residential | | | | | |
| Detached Single-Family Unit (6.1.4.B.) | Y | 0 sf | 1 unit per lot | 2/DU | n/a |
| Dormitory (6.1.4.F.) | C | 0 sf | 25 rooms per acre | 1/bed | n/a |
| Group Home (6.1.4.G.) | C | 0 sf | 25 rooms per acre | 0.5/bed | n/a |
| Commercial | | | | | |
| Office (6.1.6.B.) | B(OF) | 0 sf | n/a | 3.3/1,000 sf | 14 sf/1,000 sf |
| Institutional | | | | | |
| Assembly (6.1.8.B.) | C | 0 sf | n/a | independent calculation | exempt |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) (E.1.) | B | 0 sf | 2 units per lot | 1.25/DU | n/a |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Home Business (6.1.11.E.) | C | 0 sf | n/a | 1/employee | exempt |
| Family Home Daycare (6.1.11.F.) | B | 0 sf | n/a | 1/employee + 1 off-street pick-up/drop-off | exempt |
| Home Daycare Center (6.1.11.G.) | C | 0 sf | n/a | 1/employee + 2 off-street pick-up/drop-off | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.), (LO) = Only allowed in Lodging Overlay, (OF) = Only allowed in Office Overlay

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Temporary Uses | | | | | |
| Real Estate Sales Office (6.1.12.C.) | B | 0 sf | n/a | 3.3/1,000 sf | exempt |
| Temporary Shelter (6.1.12.D.) | B | 0 sf | 1 unit per lot | 2/DU | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.), (LO) = Only allowed in Lodging Overlay, (OF) = Only allowed in Office Overlay

| 3. Maximum Scale of Use | |
|---|---|
| **Individual Use (floor area) (max)** | |
| Single-Family unit (detached) | |
| Habitable floor area excluding basement | 8,000 sf |
| Gross floor area excluding basement | 10,000 sf |
| Accessory residential unit | 800 sf habitable |
| **4. Operational Standards** | |
| **Outdoor Storage** | (Sec. 6.4.1.) |
| **Refuse and Recycling** | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | (Sec. 6.4.4.) |
| **Electrical Disturbances** | (Sec. 6.4.5.) |
| **Fire and Explosive Hazards** | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the AR-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AR-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the AR-ToJ zone, however, all standards in Article 7. are applicable in the AR-ToJ zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Option | BSA (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | | |
| Land Division | n/a | 7,500 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| Condominium/Townhouse | n/a | n/a | n/a | n/a | determined by physical development | | | (Sec. 7.2.4.) |
| Allowed Development Options | | | | | | | | |
| Urban Cluster Development (UCD) | 22,500 sf | n/a | 11.7 du/ac | .40 | n/a | .40 | .35 | (Sec. 7.1.3.) |
| Planned Unit Development (PUD-ToJ) | 22,500 sf | n/a | n/a | n/a | .45 | .40 | .30 | (Sec. 4.4.2.) |

| 2. Residential Subdivision Requirements | |
|---|---|
| **Affordable Housing** | (Div. 7.4.) |
| Required Affordable Housing | 1 affordable unit per 4 market units |
| **Schools and Parks Exaction** | (Div. 7.5.) |
| Schools exaction | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | 9 acres per 1,000 resident |

| 3. Infrastructure | |
|---|---|
| **Transportation Facilities** | (Div. 7.6.) |
| Access | required |
| Right-of-way for Minor Local Road (min) | 60’ |
| Paved travel way for Minor Local Road (min) | 20’ |
| **Required Utilities** | (Div. 7.7.) |
| Water | public |
| Sewer | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |
| Non-subdivision development option (UCD or PUD-ToJ) | | | | | |
| 0 - 4 Units | X (PUD) | | | X | |
| 5 -10 Units | X (PUD) | | X | | |
| > 10 Units | X (PUD) | X | X | | |

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the AR-ToJ zone.

1. Accessory Residential Units (ARUs)

a. Accessory residential units are only permitted in conjunction with a detached single-family unit.

b. No more than 2 accessory units per lot are allowed.

c. If only one accessory unit per lot is constructed, it may be attached to or detached from the principal structure.

d. If 2 accessory units are constructed on one lot, one shall be attached to the principal structure, the other shall be detached. The minimum separation between detached units shall be 10 feet.

## 2.3.7. [deleted] (11/23/16, Ord. 1149)

[Section number reserved, original Section deleted]

## 2.3.8. [deleted] (11/23/16, Ord. 1149)

[Section number reserved, original Section deleted]

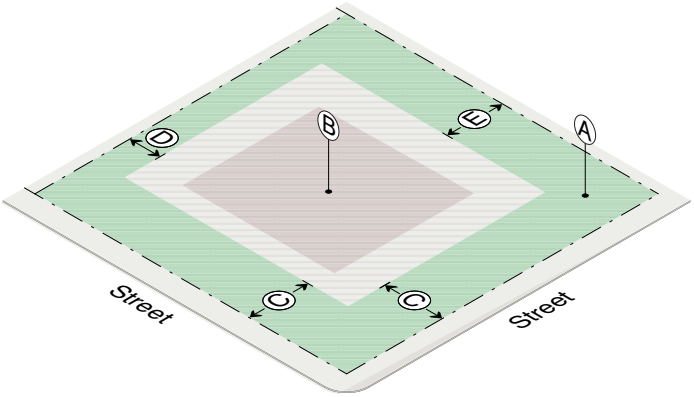
## 2.3.9. Business Park-Restricted Uses (BP-R) (1/4/17, Ord. 1159)

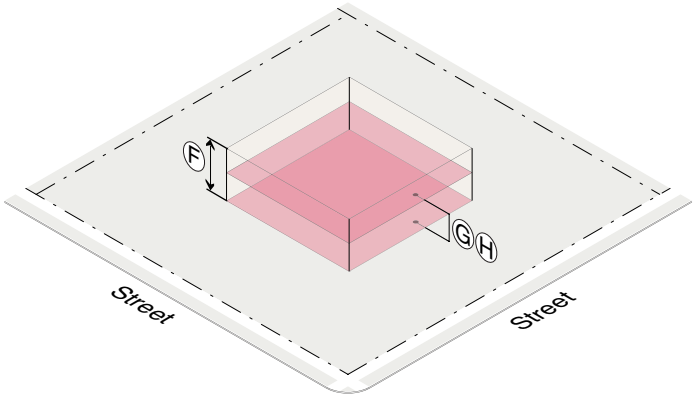
### A. Intent

The purpose of the Business Park-Restricted Uses (BP-R) Zone is to provide suitable locations and environs for not only industrial, wholesaling, distribution and service commercial uses typically allowed in the Business Park-Town (BP-ToJ) Zone, but also uses such as office, commercial retail, certain services, restaurant/bar, drive-in facilities, and Urban Cluster Development to meet general community needs.

### B. Physical Development

Standards applicable to physical development in the BP-R zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BP-R zone. This Subsection is intended to indicate all of the physical development standards applicable in the BP-R zone, however, all standards in Article 5. are applicable in the BP-R zone, unless stated otherwise.




| 1. Structure Location and Mass | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ |
| | LSR (min) | Lot Coverage (max) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) (E.3.) | Stories (max) | FAR (max) |
| Live-work unit | .15 | n/a | 20’ | 10’ | 20’ | 35’ | 2 | .40 |
| Office | .25 | n/a | 20’ | 10’ | 20’ | 35’ | 2 | .40 |
| Retail, services (E.2.), restaurant, bar | .20 | n/a | 20’ | 10’ | 20’ | 35’ | 2 | .25 |
| Other principal use | .15 | n/a | 20’ | 10’ | 20’ | 35’ | 2 | .41 |
| Accessory use | See standards for primary use with which associated | | | | | | | |

| Exceptions |
|---|
| Street/Side Yard – U.S. Highway 26-89-189-191. No structure shall be located within 20 feet of the highway right-of-way of U.S. Highway 26-89-189-191. The design, development, and operation of the proposed building or structure shall minimize or mitigate adverse effect, including visual impact of the proposed building or structure on adjacent properties. |
| FAR. A 25% increase in FAR is allowed in all nonresidential zones, provided the increased floor area is devoted to on-site permanently affordable housing (deed restricted) and/or employee housing. |
| Detached Accessory Structure Separation. 10’ |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (gross floor area) (max)** | |
| Single nonresidential building | 15,000 sf |
| Single nonresidential building with CUP | 50,000 sf |
| **3. Building Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | (E.5.) |
| Side/rear yard | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Residential | 1 per du |
| Nonresidential | 1 per 1,000 sf of landscape area |
| Parking Lot (all uses) | 1 per 12 parking spaces |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./Sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |

| 7. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 3 |
| Lumens per site (max) | 100,000 |
| All fixtures | |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| Number of Signs (max) | 3 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |

| Sign Area | |
|---|---|
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 12' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| **Grading** | (Sec. 5.7.2.) |
| **Erosion Control** | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

| 12. Required Physical Development Permits | | | | | | |
|---|---|---|---|---|---|---|
| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the BP-R zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BP-R zone. This Subsection is intended to indicate all of the use standards applicable in the BP-R zone, however, all standards in Article 6. are applicable in the BP-R zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) (E.5.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Open Space | | | | | |
| Outdoor Recreation (6.1.3.C.) | C | 0 sf | n/a | independent calculation | independent calculation |
| Residential | | | | | |
| Attached Single-Family Unit (6.1.4.C.) | B | 0 sf | n/a | 2/DU + 0.5/DU if ≥ 3 units served by lot | n/a |
| Apartment (6.1.4.D.) | B | 0 sf | n/a | 2/DU + 0.5/DU if ≥ 3 units served by lot | n/a |
| Live/Work Unit (6.1.4.H.) | C | 0 sf | n/a | 1.5/DU or 1.5/1,500 sf | n/a |
| Commercial | | | | | |
| Office (E.4.) (6.1.6.B.) | C | 0 sf | n/a | 3.3/1,000 sf | 14 sf/1,000 sf |
| Retail (E.4.) (6.1.6.C.) | C | 0 sf | n/a | 4.5/1,000 sf | 156 sf/1,000 sf |
| Service (E.2. & E.4.) (6.1.6.D.) | C | 0 sf | n/a | 3/1,000 sf | 56 sf/1,000 sf |
| Restaurant/Bar (E.4.) (6.1.6.E.) | C | 0 sf | n/a | 1/55 sf dining area + 1/30 sf bar area | 378 sf/1,000 sf |
| Heavy Retail/Service (6.1.6.F.) | B | 0 sf | n/a | 2/1,000 sf + 3/repair bay + 1/wash bay | 16 sf/1,000 sf |
| Mini-Storage Warehouse (6.1.6.G.) | B | 0 sf | n/a | 1/10 storage units + 1/employee | independent calculation |
| Nursery (6.1.6.H.) | C | 0 sf | n/a | 2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee | independent calculation |
| Amusement/Recreation | | | | | |
| Developed Recreation (6.1.7.D.) | C | 0 sf | n/a | 4.5/1,000 sf | independent calculation |
| Outfitter/Tour Operator (6.1.7.E.) | C | 0 sf | n/a | independent calculation | independent calculation |
| Institutional | | | | | |
| Assembly (6.1.8.B.) | C | 0 sf | n/a | independent calculation | exempt |
| Daycare/Education (6.1.8.C.) | C | 0 sf | n/a | independent calculation | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.), (LO) = Only allowed in Lodging Overlay, (OF) = Only allowed in Office Overlay

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) (E.5.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Industrial | | | | | |
| Light Industry (6.1.9.B.) | B | 0 sf | n/a | 1/1,000 sf + 1/company vehicle | 8 sf/1,000 sf |
| Heavy Industry (6.1.9.C.) | C | 0 sf | n/a | 2/1,000 sf + 1/company vehicle | 8 sf/1,000 sf |
| Disposal (6.1.9.D.) | C | 0 sf | n/a | 1/employee | 8 sf/1,000 sf |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Heliport (6.1.10.E.) | C | 0 sf | n/a | 7/daily aircraft movement | independent calculation |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) | C | 0 sf | n/a | 1.25/DU | n/a |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Family Home Daycare (6.1.11.F.) | B | 0 sf | n/a | 1/employee + 1 off-street pick-up/drop-off | exempt |
| Home Daycare Center (6.1.11.G.) | C | 0 sf | n/a | 1/employee + 2 off-street pick-up/drop-off | exempt |
| Drive-In Facility (6.1.11.H.) | C | 0 sf | n/a | n/a | exempt |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | 0 sf | n/a | 1/1,000 sf outdoor display area + 1/ employee | exempt |
| Real Estate Sales Office (6.1.12.C.) | B | 0 sf | n/a | 3.3/1,000 sf | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.), (LO) = Only allowed in Lodging Overlay, (OF) = Only allowed in Office Overlay

| 3. Maximum Scale of Use | |
|---|---|
| **Individual Use (floor area) (max)** | |
| Single family unit (attached, or apartment) | |
| Habitable floor area excluding basement | 8,000 sf |
| Gross floor area excluding basement | 10,000 sf |
| Individual retail use excluding basement | |
| without CUP | 12,500 sf habitable |
| with CUP | 50,000 sf habitable |
| Accessory residential unit | 800 sf habitable |
| **4. Operational Standards** | |
| **Outdoor Storage** | (Sec. 6.4.1.) |
| **Refuse and Recycling** | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | (Sec. 6.4.4.) |
| **Electrical Disturbances** | (Sec. 6.4.5.) |
| **Fire and Explosive Hazards** | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the BP-R zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BP-R zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the BP-R zone, however, all standards in Article 7. are applicable in the BP-R zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Option | BSA (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | | |
| Land Division | n/a | 5,000 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| Condominium/Townhouse | n/a | n/a | n/a | n/a | determined by physical development | | | (Sec. 7.2.4.) |
| Allowed Development Options | | | | | | | | |
| Urban Cluster Development (UCD) | 22,500 sf | n/a | 11.7 du/ac | .40 | n/a | .40 | .35 | (Sec. 7.1.3.) |

| 2. Residential Subdivision Requirements | |
|---|---|
| **Affordable Housing** | (Div. 7.4.) |
| Required Affordable Housing | 1 affordable unit per 4 market units |
| **Schools and Parks Exaction** | (Div. 7.5.) |
| Schools exaction | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | 9 acres per 1,000 resident |
| **3. Infrastructure** | |
| **Transportation Facilities** | (Div. 7.6.) |
| Access | required |
| Right-of-way for Minor Local Road (min) | 60’ |
| Paved travel way for Minor Local Road (min) | 20’ |
| **Required Utilities** | (Div. 7.7.) |
| Water | public |
| Sewer | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |
| Non-subdivision development option (UCD) | | | | | |
| 0 - 4 Units | | | | X | |
| 5 -10 Units | | | X | | |
| > 10 Units | | X | X | | |

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the BP-R zone.

1. Attached single-family and apartment units shall be located on the second or third floor.

2. Allowed service uses exclude gunsmithing, taxidermy, mortuary/funeral home, kennels and veterinary services), restaurant/bar, and drive-in facility uses.

3. Mixed-use structures with a residential component for which a Conditional Use Permit has been approved may be raised up to 46 feet upon compliance with the following conditions:

a. The top 2 stories of the structure must be used for residential purposes only.

b. The roof pitch must be at least 4 feet in 12 feet.

c. The setback from U.S. Highway 26, 89, 189, High School Road and South Park Loop County Road and 191 shall be not less than 150 feet.

d. The rear setback shall be not less than 50 feet.

e. Building height shall not exceed 35 feet as measured from an elevation equal to the elevation of the adjacent Highway 26, 89, 189 and 191 at its highest point adjacent to the project.

4. Allowed Retail, Office, Service, and Restaurant/Bar uses are required to take their primary access and be primarily oriented towards Teton County Road No. 22-1 or U.S. Highway 26/89/189/191 or High School Road in order to minimize traffic impacts on internal roads in the adjacent lands zoned BP-ToJ.

5. Where the highway frontage setback is 20 feet, the minimum parking area setback shall be 20 feet. This setback shall be landscaped generally in accordance with Div. 5.5., Landscaping Standards. In addition, where a 20 foot structure setback is required from the right-of-way of U.S. Highway 26-89-189-191, the first 20 feet adjacent to the right-of-way (as a minimum) must be landscaped. The objectives for highway setback landscaping shall be to provide for an attractive, high-quality streetscape, and where applicable, entryways to the Town of Jackson. Plant units shall maximize year-round screening. Public sidewalks and pathways may traverse landscaped areas, and monument signage is encouraged.

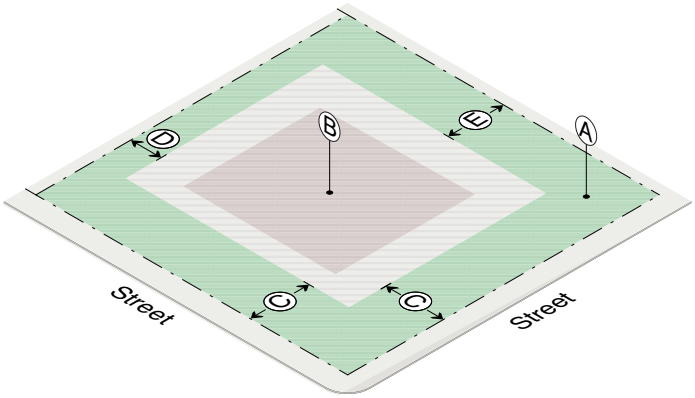
## 2.3.10. Business Park-Town (BP-ToJ) (1/4/17, Ord. 1159)

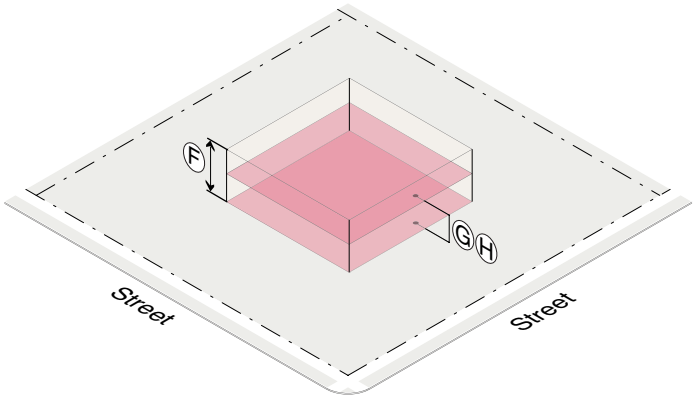
### A. Intent

The purpose of the Business Park-Town (BP-ToJ) Zone is to provide suitable locations and environs for a variety of industrial, wholesaling, distribution, and service commercial types of uses to meet general community needs.

### B. Physical Development

Standards applicable to physical development in the BP-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BP-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the BP-ToJ zone, however, all standards in Article 5. are applicable in the BP-ToJ zone, unless stated otherwise.




| 1. Structure Location and Mass | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ |
| | LSR (min) | Lot Coverage (max) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | FAR (max) |
| Live-work unit | .15 | n/a | 20’ | 10’ | 20’ | 35’ | 2 | .40 |
| Other principal use | .15 | n/a | 20’ | 10’ | 20’ | 35’ | 2 | .41 |
| Accessory use | See standards for primary use with which associated | | | | | | | |

| Exceptions |
|---|
| Street/Side Yard - U.S. Highway 26-89-189-191. No structure shall be located within 20 feet of the highway right-of-way of U.S. Highway 26-89-189-191. The design, development, and operation of the proposed building or structure shall minimize or mitigate adverse effect, including visual impact of the proposed building or structure on adjacent properties. |
| FAR. A 25% increase in FAR is allowed in all nonresidential zones, provided the increased floor area is devoted to on-site permanently affordable housing (deed restricted) and/or employee housing. |
| Detached Accessory Structure Separation. 10’ |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (gross floor area) (max)** | |
| Single building | 15,000 sf |
| **3. Building Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| Design review shall only apply to selection of exterior materials | |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | (E.2.) |
| Side/rear yard if next to residential | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Nonresidential | 1 per 1,000 sf of landscape area |
| Parking Lot (all uses) | 1 per 12 parking spaces |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./Sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |

| 7. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 3 |
| Lumens per site (max) | |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| Number of Signs (max) | 3 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |

| Sign Area | |
|---|---|
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 12' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| Grading | (Sec. 5.7.2.) |
| Erosion Control | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| Stormwater Management | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

12. Required Physical Development Permits

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
|---|---|---|---|---|---|---|
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the BP-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BP-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the BP-ToJ zone, however, all standards in Article 6. are applicable in the BP-ToJ zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) (E.1.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Open Space | | | | | |
| Outdoor Recreation (6.1.3.C.) | C | 0 sf | n/a | independent calculation | independent calculation |
| Residential | | | | | |
| Live/Work Unit (6.1.4.H.) | C | 0 sf | n/a | 1.5/DU or 1.5/1,500 sf | n/a |
| Commercial | | | | | |
| Heavy Retail/Service (6.1.6.F.) | B | 0 sf | n/a | 2/1,000 sf + 3/repair bay + 1/wash bay | 16 sf/1,000 sf |
| Mini-Storage Warehouse (6.1.6.G.) | B | 0 sf | n/a | 1/10 storage units + 1/employee | independent calculation |
| Nursery (6.1.6.H.) | C | 0 sf | n/a | 2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee | independent calculation |
| Amusement/Recreation | | | | | |
| Developed Recreation (6.1.7.D.) | C | 0 sf | n/a | 4.5/1,000 sf | independent calculation |
| Outfitter/Tour Operator (6.1.7.E.) | C | 0 sf | n/a | independent calculation | independent calculation |
| Institutional | | | | | |
| Assembly (6.1.8.B.) | C | 0 sf | n/a | independent calculation | exempt |
| Daycare/Education (6.1.8.C.) | C | 0 sf | n/a | independent calculation | exempt |
| Industrial | | | | | |
| Light Industry (6.1.9.B.) | B | 0 sf | n/a | 1/1,000 sf + 1/company vehicle | 8 sf/1,000 sf |
| Heavy Industry (6.1.9.C.) | C | 0 sf | n/a | 2/1,000 sf + 1/company vehicle | 8 sf/1,000 sf |
| Disposal (6.1.9.D.) | C | 0 sf | n/a | 1/employee | 8 sf/1,000 sf |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) (E.1.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Major | C | 0 sf | n/a | | |
| Heliport (6.1.10.E.) | C | 0 sf | n/a | 7/daily aircraft movement | independent calculation |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) | C | 0 sf | n/a | 1.25/DU | n/a |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Family Home Daycare (6.1.11.F.) | B | 0 sf | n/a | 1/employee + 1 off-street pick-up/drop-off | exempt |
| Home Daycare Center (6.1.11.G.) | C | 0 sf | n/a | 1/employee + 2 off-street pick-up/drop-off | exempt |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | 0 sf | n/a | 1/1,000 sf outdoor display area + 1/employee | exempt |
| Real Estate Sales Office (6.1.12.C.) | B | 0 sf | n/a | 3.3/1,000 sf | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)

| 3. Maximum Scale of Use | |
|---|---|
| **Individual Use (floor area) (max)** | |
| Live/Work unit | 750 sf min. 2,000 sf max habitable |
| Accessory residential unit | 800 sf habitable |
| **4. Operational Standards** | |
| **Outdoor Storage** | (Sec. 6.4.1.) (E.3.b.) |
| **Refuse and Recycling** | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | (Sec. 6.4.4.) |
| **Electrical Disturbances** | (Sec. 6.4.5.) |
| **Fire and Explosive Hazards** | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the BP-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BP-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the BP-ToJ zone, however, all standards in Article 7. are applicable in the BP-ToJ zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Option | BSA (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | | |
| Land Division | n/a | 10,000 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| Condominium/Townhouse | n/a | n/a | n/a | n/a | determined by physical development | | | (Sec. 7.2.4.) |

| 2. Residential Subdivision Requirements | |
|---|---|
| **Affordable Housing** | (Div. 7.4.) |
| Required Affordable Housing | 1 affordable unit per 4 market units |
| **Schools and Parks Exaction** | (Div. 7.5.) |
| Schools exaction | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | 9 acres per 1,000 resident |

| 3. Infrastructure | |
|---|---|
| **Transportation Facilities** | (Div. 7.6.) |
| Access (E.3.a.) | required |
| Right-of-way for Minor Local Road (min) | 60’ |
| Paved travel way for Minor Local Road (min) | 20’ |
| **Required Utilities** | (Div. 7.7.) |
| Water | public |
| Sewer | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the BP-ToJ zone.

1. **Parking for Industrial Uses.** Off-street parking facilities shall be located within 500 feet of the structure the parking is to serve. Off-site parking must be permanent. Leaseholds are not acceptable.

2. Parking Setback

   a. **Highway Frontage Setback.** Where the highway frontage setback is 20 feet, the minimum parking area setback shall be 20 feet. This setback shall be landscaped generally in accordance with Div. 5.5., Landscaping Standards. In addition, where a 20 foot structure setback is required from the right-of-way of U.S. Highway 26-89-189-191, the first 20 feet adjacent to the right-of-way (as a minimum) must be landscaped. The objectives for highway setback landscaping shall be to provide for an attractive, high-quality streetscape, and where applicable, entryways to the Town of Jackson. Plant units shall maximize year-round screening. Public sidewalks and pathways may traverse landscaped areas, and monument signage is encouraged.

   b. **Minor Industrial Streets.** For nonresidential development on properties in the BP-ToJ zone served by the minor industrial streets of Berger Lane, Martin Lane, Carol Lane, or any private street, parking and service areas may be located in the front setback. In addition, backing movements into such streets are not limited as to numbers of vehicles.

3. Nonresidential Development

   a. **Access.** Wherever possible, developments shall not take direct access from a State or United States highway.

   b. **Open Storage.** Open storage of materials, vehicles, and equipment is allowed, provided that the standards of 5.5.3.D. Loading Area Requirement, are met.

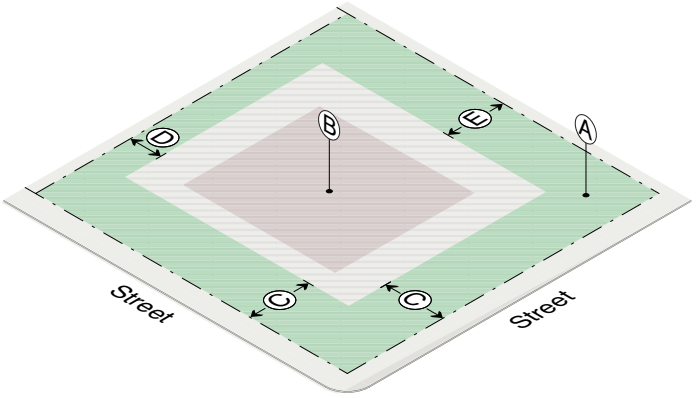
# 2.3.11. Business Conservation-Town (BC-ToJ) (1/4/17, Ord. 1159)

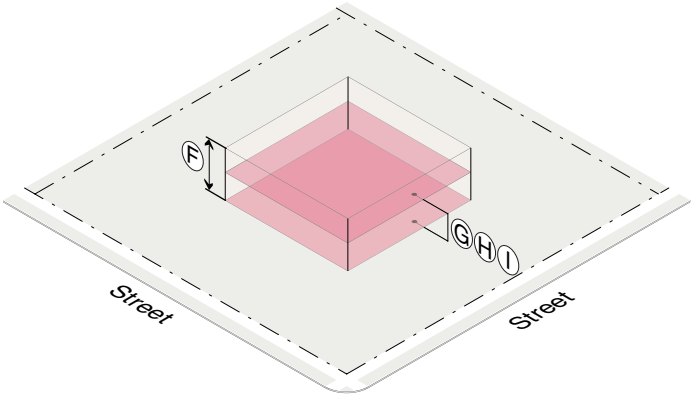
## A. Intent

The purpose of the Business Conservation-Town (BC-ToJ) Zone is to provide for the continuation of existing commercial development where the expansion of the nonresidential use into a commercial node is considered inappropriate. The BC-ToJ zone recognizes existing business uses as conforming, but requires a Conditional Use Permit for any change of use. The BC-ToJ zone shall not be expanded except to allow for a remedy of a nonconformity of an existing business.

## B. Physical Development

Standards applicable to physical development in the BC-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BC-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the BC-ToJ zone, however, all standards in Article 5. are applicable in the BC-ToJ zone, unless stated otherwise.




| 1. Structure Location and Mass | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ | Ⓘ |
|---|---|---|---|---|---|---|---|---|---|
| | LSR (min) | Lot Coverage (max) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | Stories (L0) (max) | FAR (max) |
| Detached single-family unit | .50 | n/a | 20’ | 10’ | 30’ | 26’ | 2 | 3 | .30 |
| with attached accessory unit | .48 | n/a | 20’ | 10’ | 20’ | 26’ | 2 | 3 | .32 |
| with detached accessory unit | .48 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | .32 |
| with 2 accessory units | .45 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | .35 |
| Other principal use | .30 | n/a | 20’ | 10’ | 20’ | 26’ | 2 | 3 | .30 |
| Accessory use | See standards for primary use with which associated | | | | | | | | |
| Detached accessory structure | n/a | n/a | 30’ | 5’ | 5’ | 26’ | 2 | n/a | n/a |

| Exceptions |
|---|
| FAR. A 25% increase in FAR is allowed in all, provided the increased floor area is devoted to on-site permanently affordable housing (deed restricted) and/or employee housing. |
| Side/Rear Yard Residential Projections. Covered and uncovered decks, porches and balconies may encroach into a front yard by not more than 6 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys and similar architectural features may encroach into a side or rear yard by not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard. |
| Detached Accessory Structure Separation. 10’ |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (gross floor area) (max)** | |
| Single building (not lodging) | 6,000 sf |
| Lodging building in the LO | 15,000 sf |
| **3. Building Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | |
| Side/rear yard | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Residential | 1 per du |
| Nonresidential | 1 per 1,000 sf of landscape area |
| Parking Lot (all uses) | 1 per 12 parking spaces |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./Sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |

| 7. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 3 |
| Lumens per site (max) | |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | |
| Number of Signs (max) | 3 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |

| Sign Area | |
|---|---|
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 12'; LO: 6' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| Grading | (Sec. 5.7.2.) |
| Erosion Control | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| Stormwater Management | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

12. Required Physical Development Permits

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
|---|---|---|---|---|---|---|
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the BC-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BC-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the BC-ToJ zone, however, all standards in Article 6. are applicable in the BC-ToJ zone, unless stated otherwise

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Open Space | | | | | |
| Agriculture (6.1.3.B.) | C | 0 sf | n/a | n/a | exempt |
| Outdoor Recreation (6.1.3.C.) | C | 0 sf | n/a | independent calculation | independent calculation |
| Residential | | | | | |
| Detached Single-Family Unit (6.1.4.B.) | Y | 0 sf | 1 unit per lot | 2/DU | n/a |
| Attached Single-Family Unit (6.1.4.C., E.5.) | C | 0 sf | n/a | 2/DU + 0.5/DU if ≥ 3 units served by lot | n/a |
| Apartment (6.1.4.D., E.5.) | C | 0 sf | n/a | 2/DU + 0.5/DU if ≥ 3 units served by lot | n/a |
| Dormitory (6.1.4.F.) | C | 0 sf | 30 rooms per acre | 1/bed | n/a |
| Group Home (6.1.4.G.) | C | 0 sf | 30 rooms per acre | 0.5/bed | n/a |
| Lodging (E.4.) | | | | | |
| Conventional Lodging (6.1.5.B.) | C (LO) | 0 sf | n/a | 0.75/LU + 1/150 sf of assembly area | 47 sf/1,000 sf |
| Short-Term Rental Unit (6.1.5.C.) | C (LO) | 0 sf | n/a | 2/LU | 47 sf/1,000 sf |
| Commercial | | | | | |
| Office (6.1.6.B.) | C | 0 sf | n/a | 3.3/1,000 sf | 14 sf/1,000 sf |
| Retail (6.1.6.C.) | C | 0 sf | n/a | 4.5/1,000 sf | 156 sf/1,000 sf |
| Service (6.1.6.D.) | C | 0 sf | n/a | 3/1,000 sf | 56 sf/1,000 sf |
| Restaurant/Bar (6.1.6.E.) | C | 0 sf | n/a | 1/55 sf dining area + 1/30 sf bar area | 378 sf/1,000 sf |
| Heavy Retail/Service (6.1.6.F.) | C | 0 sf | n/a | 2/1,000 sf + 3/repair bay + 1/wash bay | 16 sf/1,000 sf |
| Mini-Storage Warehouse (6.1.6.G.) | C | 0 sf | n/a | 1/10 storage units + 1/employee | independent calculation |
| Nursery (6.1.6.H.) | C | 0 sf | n/a | 2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee | independent calculation |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.),

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Amusement/Recreation | | | | | |
| Developed Recreation (6.1.7.D.) | C | 0 sf | n/a | 4.5/1,000 sf | independent calculation |
| Outfitter/Tour Operator (6.1.7.E.) | C | 0 sf | n/a | independent calculation | independent calculation |
| Institutional | | | | | |
| Assembly (6.1.8.B.) | C | 0 sf | n/a | independent calculation | exempt |
| Industrial | | | | | |
| Light Industry (6.1.9.B.) | C | 0 sf | n/a | 1/1,000 sf + 1/company vehicle | 8 sf/1,000 sf |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Heliport (6.1.10.E.) | C | 0 sf | n/a | 7/daily aircraft movement | independent calculation |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) | B | 0 sf | n/a | 1.25/DU | n/a |
| Bed and Breakfast (6.1.11.C.) | C (LO) | 0 sf | n/a | 0.75/LU | exempt |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Home Business (6.1.11.E.) | C | 0 sf | n/a | 1/employee | exempt |
| Family Home Daycare (6.1.11.F.) | B | 0 sf | n/a | 1/employee + 1 off-street pick-up/drop-off | exempt |
| Drive-In Facility (6.1.11.H.) | C | 0 sf | n/a | n/a | exempt |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | 0 sf | n/a | 1/1,000 sf outdoor display area + 1/employee | exempt |
| Temporary Shelter (6.1.12.D.) | B | 0 sf | 1 unit per lot | 2/DU | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.),

| 3. Maximum Scale of Use | |
|---|---|
| **Individual Use (floor area) (max)** | |
| Single-family unit (detached) | |
| Habitable floor area excluding basement | 8,000 sf |
| Gross floor area excluding basement | 10,000 sf |
| Lodging operation with multiple buildings | 90,000 sf habitable |
| Individual retail use excluding basement | 12,500 sf habitable |
| **4. Operational Standards** | |
| **Outdoor Storage** | (Sec. 6.4.1.) |
| **Refuse and Recycling** | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | (Sec. 6.4.4.) |
| **Electrical Disturbances** | (Sec. 6.4.5.) |
| **Fire and Explosive Hazards** | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the BC-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BC-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the BC-ToJ zone, however, all standards in Article 7. are applicable in the BC-ToJ zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Option | BSA (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | | |
| Land Division | n/a | 7,500 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| **2. Residential Subdivision Requirements** | | | | | | | | |
| **Affordable Housing** | | | | | | | | (Div. 7.4.) |
| Required Affordable Housing | | | | | | | | 1 affordable unit per 4 market units |
| **Schools and Parks Exaction** | | | | | | | | (Div. 7.5.) |
| Schools exaction | | | | | | | | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | | | | | | | | 9 acres per 1,000 resident |

| 3. Infrastructure | |
|---|---|
| **Transportation Facilities** | (Div. 7.6.) |
| Access | required |
| Right-of-way for Minor Local Road (min) | 60’ |
| Paved travel way for Minor Local Road (min) | 20’ |
| **Required Utilities** | (Div. 7.7.) |
| Water | public |
| Sewer | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the BC-ToJ zone.

1. **Expansion Permitted**. The land use existing on the site as of November 9, 1994 shall be allowed an expansion of 20 percent of the size of the structure so long as all the standards of this Section and these LDRs are met. In instances where expansion of 20% permits less expansion than the Floor Area Ratio listed in 2.3.11.B. Structure Location and Mass, expansion to the FAR shall be permitted, pursuant to the conditions of this Section and these LDRs.

    a. **Determining Size.** The 20% expansion permitted shall be determined by the size of the structure in which the use is located on November 9, 1994. For example, the expansion of habitable building square footage shall be based upon the total square footage of all existing habitable building square footage.

    b. **Expansion of Existing Use.** Expansion which exceeds 5,000 square feet shall require a Conditional Use Permit pursuant to Sec. 8.4.2., in addition to required physical development permits.

    c. **ADA Necessitated Expansions Exempt.** Expansions to existing buildings for the primary purpose of meeting requirements of the American With Disabilities Act (ADA) shall be exempt from any limitations on expansions imposed in this Section. Expansions to meet ADA requirements may include, but shall not be limited to, covered wheelchair ramps, lifts, handicap accessible rest rooms, etc.

2. Change Signs or Lighting. Proposals to change signs or lighting shall not increase the discrepancy between the existing sign and the standards of Div. 5.6., Sign Standards, and Sec. 5.3.1., Exterior Lighting Standards.

3. Change of Use Permitted. The change shall be limited to uses of equal or lesser intensity only. The following standards shall be used in evaluating the change of use:

   a. Uses. All uses permitted in the AC-ToJ zone are eligible uses for change of use applications.

   b. Level of Intensity. Determination of the level of intensity shall include consideration of the size of structures, traffic generation (amount and type), impacts on access, parking demand, level of outdoor activity, operational characteristics, and other potential adverse impacts on neighboring uses.

   c. Signs and Lighting. If the use is changed pursuant to this Subsection, the sign for the use shall comply with the standards of Div. 5.6., Sign Standards, and Sec. 5.3.1., Exterior Lighting Standards.

4. Lodging. Lodging is permitted in the BC-ToJ zone pursuant to the standards of this Section, regardless of the location of the subject property with respect to the Lodging Overlay (LO) zone.

5. Residential Use. Change of use to a conditional residential use shall meet the following standards.

   a. Nonresidential Use Abandoned. Conditional residential use shall be the only use permitted on the BC site; all nonresidential use shall be abandoned.

   b. Density/Intensity. The conditional residential use shall have an intensity less than the intensity of the existing non-residential use. The determination of the level of intensity shall include consideration of traffic generated (amounts and type), impact on access, parking demand, proposed level of activity, operational characteristics, and other potentially adverse impacts on neighboring lands.

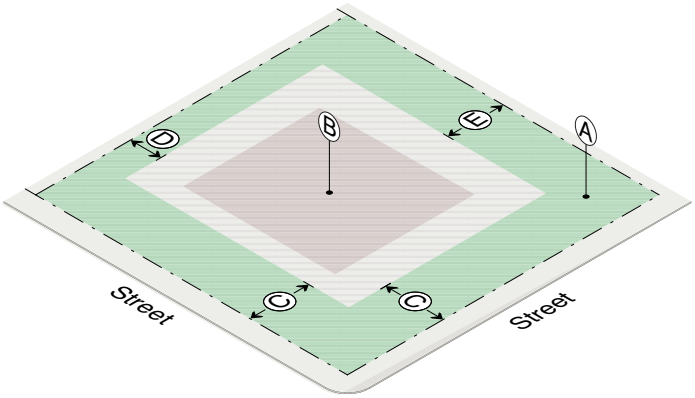
# 2.3.12. Residential Business (RB) (1/4/17, Ord. 1159)

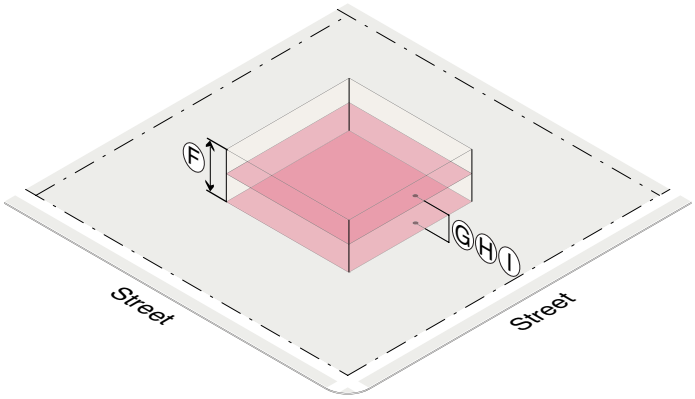
## A. Intent

The purpose of the Residential Business (RB) zone is to provide for the conduct of small scale businesses on a lot where the principal use is residential.

## B. Physical Development

Standards applicable to physical development in the RB zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the RB zone. This Subsection is intended to indicate all of the physical development standards applicable in the RB zone, however, all standards in Article 5. are applicable in the RB zone, unless stated otherwise.




| 1. Structure Location and Mass | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ | Ⓘ |
| | LSR (min) | Lot Coverage (max) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | Stories (L0) (max) | FAR (max) |
| Allowed use | .30 | n/a | 25’ | 10’ | 25’ | 30’ | 2 | 3 | .32 |
| Detached accessory structure | n/a | n/a | 30’ | 5’ | 5’ | 30’ | 2 | 3 | n/a |

| Exceptions |
|---|
| FAR. A 25% increase in FAR is allowed provided the increased floor area is devoted to on-site permanently affordable housing (deed restricted) and/or employee housing. |
| Side/Rear Yard Residential Projections. Covered and uncovered decks, porches and balconies may encroach into a front yard by not more than 6 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys and similar architectural features may encroach into a side or rear yard by not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard. |
| Detached Accessory Structure Separation. 10’ |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (gross floor area) (max)** | |
| Single building | 10,000 sf |
| **3. Building Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | |
| Side/rear yard | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Residential | 1 per du |
| Nonresidential | 1 per 1,000 sf of landscape area |
| Parking Lot (all uses) | 1 per 8 parking spaces |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./Sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |

| 7. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 1.5 |
| Lumens per site (max) | |
| All fixtures | 60,000 |
| Unshielded fixtures | 4,000 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| **Hillside Area Standards** | (Sec. 5.4.1.) |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | |
| Number of Signs (max) | 3 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |

| Sign Area | |
|---|---|
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 12'; LO: 6' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| **Grading** | (Sec. 5.7.2.) |
| **Erosion Control** | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

| 12. Required Physical Development Permits | | | | | | |
|---|---|---|---|---|---|---|
| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the RB zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the RB zone. This Subsection is intended to indicate all of the use standards applicable in the RB zone, however, all standards in Article 6. are applicable in the RB zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Residential | | | | | |
| Detached Single-Family Unit (6.1.4.B.) | Y | 0 sf | 1 unit per lot | 2/DU | n/a |
| Attached Single-Family Unit (6.1.4.C.) | B | 0 sf | n/a | 2/DU +0.5 per DU if ≥ 3 units served by lot | n/a |
| Apartment (6.1.4.D.) | B | 0 sf | n/a | 2/DU +0.5 per DU if ≥ 3 units served by lot | n/a |
| Dormitory (6.1.4.F.) | C | 0 sf | 25 rooms per acre | 1/bed | n/a |
| Group Home (6.1.4.G.) | C | 0 sf | 25 rooms per acre | 0.5/bed | n/a |
| Commercial | | | | | |
| Office (6.1.6.B.) | B | 0 sf | n/a | 3.3/1,000 sf | 14 sf/1,000 sf |
| Service (6.1.6.D.) | C | 0 sf | n/a | 3/1,000 sf | 56 sf/1,000 sf |
| Heavy Retail/Service (6.1.6.F.) | C | 0 sf | n/a | 2/1,000 sf + 3/repair bay + 1/wash bay | 16 sf/1,000 sf |
| Mini-Storage Warehouse (6.1.6.G.) | C | 0 sf | n/a | 1/10 storage units + 1/employee | independent calculation |
| Institutional | | | | | |
| Assembly (6.1.8.B.) | C | 0 sf | n/a | independent calculation | exempt |
| Industrial | | | | | |
| Light Industry (6.1.9.B.) | C | 0 sf | n/a | 1/1,000 sf + 1/company vehicle | 8 sf/1,000 sf |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) | B | 0 sf | n/a | 1.25/DU | n/a |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Home Business (6.1.11.E.) | B | 0 sf | n/a | 1/employee | exempt |
| Family Home Daycare (6.1.11.F.) | B | 0 sf | n/a | 1/employee + 1 off-street pick-up/drop-off | exempt |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | 0 sf | n/a | 1/1,000 sf outdoor display area + 1/employee | exempt |
| Temporary Shelter (6.1.12.D.) | B | 0 sf | 1 unit per lot | 2/DU | exempt |
| Farm Stand (6.1.12.E.) | B | 0 sf | n/a | 5/1,000 sf display area | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)

| 3. Maximum Scale of Use | |
|---|---|
| **Individual Use (floor area) (max)** | |
| Single-family unit (detached, attached, or apartment) | |
| Habitable floor area excluding basement | 8,000 sf |
| Gross floor area excluding basement | 10,000 sf |
| Nonresidential use | Less than residential |
| **4. Operational Standards** | |
| **Outdoor Storage** | (Sec. 6.4.1.) |
| **Refuse and Recycling** | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | (Sec. 6.4.4.) |
| **Electrical Disturbances** | (Sec. 6.4.5.) |
| **Fire and Explosive Hazards** | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the RB zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the RB zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the RB zone, however, all standards in Article 7. are applicable in the RB zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Option | Site Area (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | | |
| Land Division | n/a | 7,500 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| Condominium/Townhouse | n/a | n/a | n/a | n/a | determined by physical development | | | (Sec. 7.2.4.) |
| **2. Residential Subdivision Requirements** | | | | | | | | |
| **Affordable Housing** | | | | | | | | (Div. 7.4.) |
| Required Affordable Housing | | | | | | | | 1 affordable unit per 4 market units |
| **Schools and Parks Exaction** | | | | | | | | (Div. 7.5.) |
| Schools exaction | | | | | | | | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | | | | | | | | 9 acres per 1,000 resident |
| **3. Infrastructure** | | | | | | | | |
| **Transportation Facilities** | | | | | | | | (Div. 7.6.) |
| Access | | | | | | | | required |
| Right-of-way for Minor Local Road (min) | | | | | | | | 60’ |
| Paved travel way for Minor Local Road (min) | | | | | | | | 20’ |
| **Required Utilities** | | | | | | | | (Div. 7.7.) |
| Water | | | | | | | | public |
| Sewer | | | | | | | | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the RB zone.

1. **Primary Use Residential.** The primary use of any property or development within the RB zone shall be residential.

2. **Residential Types and Standards.** In addition to conventional single-family units and accessory residential units as provided in 2.3.12.C., Allowed Uses and Use Standards, 2-family structures are allowed in the RB zone. All residential uses and unit types are subject to the standards in 2.3.12.B., Structure Location and Mass.

3. **Nonresidential Use Accessory.** Any nonresidential use of a property or development in the RB zone shall be accessory to the residential use. No nonresidential use may occupy more than 50% of the total allowable floor area on any property. All nonresidential activity and structures shall be located to the rear of the primary residence(s).

4. **Open Storage.** Open storage of materials, vehicles, and equipment is allowed provided it is adequately screened from residential areas of adjacent properties.

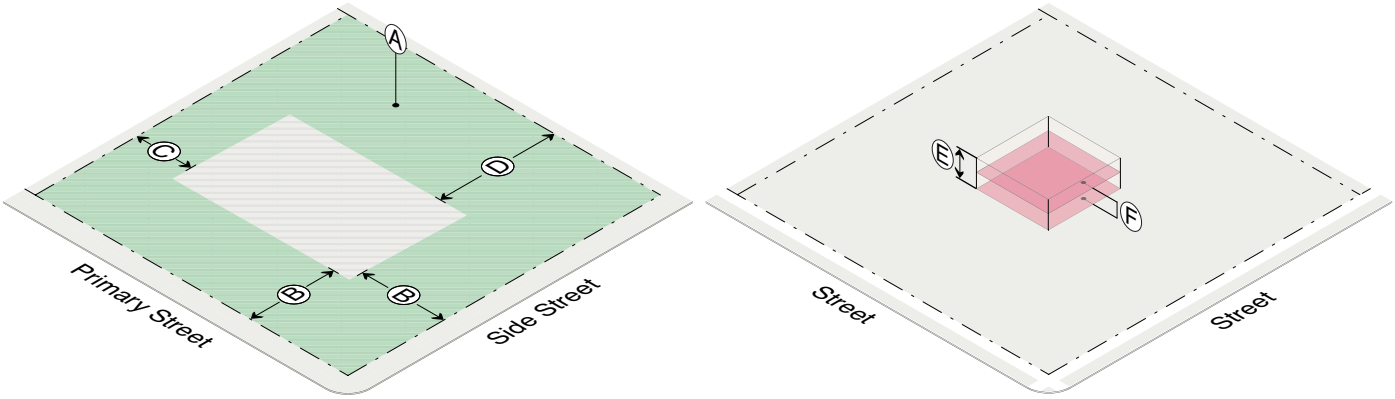
# 2.3.13. Mobile Home Park-Town (MHP-ToJ) (1/4/17, Ord. 1159)

## A. Intent

The purpose of the Mobile Home Park - Town of Jackson (MHP-ToJ) zone is to provide locations for mobile homes in a park-like setting and to provide for the continuation and redevelopment of existing mobile homes.

## B. Physical Development

Standards applicable to physical development in the MHP-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the MHP-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the MHP-ToJ zone, however, all standards in Article 5. are applicable in the MHP-ToJ zone, unless stated otherwise.




| 1. Structure Location and Mass | | | | | | |
|---|---|---|---|---|---|---|
| | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ |
| | LSR (min) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) | FAR (max) |
| Mobile home | | | | | 18’ | |
| in an existing mobile home park | see E.1. | | | | | |
| in a new mobile home park | Standards established through Mobile Home Park approval | | | | | |
| Other principal uses | .60 | 25’ | 15’ | 40’ | 28’ | .30 |
| Accessory Uses | See standards for primary use with which associated | | | | | |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (max gross FA)** | |
| n/a | |
| **3. Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | |
| Side/rear yard | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Residential | 1 per du |
| Nonresidential | 1 per 1,000 sf of landscape area |
| Parking lot | 1 per 8 parking spaces |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |
| **7. Environmental Standards** | |
| **Natural Resource Buffers (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |

| 8. Scenic Standards | |
|---|---|
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 3 |
| Lumens per site (max) | |
| All fixtures | 100,000’ |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 30% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Areas** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| **Allowable Signage** | |
| Home occupation/business | 1 unlighted wall sign |
| **Sign Area (max)** | |
| Home occupation/business | 2 sf |
| **11. Grading, Erosion Control, Stormwater** | |
| **Grading** | (Sec. 5.7.2.) |
| **Erosion Control** | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

| 12. Required Physical Development Permits | | | | | | |
|---|---|---|---|---|---|---|
| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the MHP-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the MHP-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the MHP-ToJ zone, however, all standards in Article 6. are applicable in the MHP-ToJ zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employees Required to be Housed (min) (Div. 6.3.) |
| Residential | | | | | |
| Mobile Home (E.1.) (6.1.4.E.) | B | 0 sf | n/a | 2/DU | n/a |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Accessory Uses | | | | | |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Temporary Uses | | | | | |
| Temporary Shelter (6.1.12.D.) | B | 0 sf | 1 unit per lot | 2/DU | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)

| 3. Maximum Scale of Use | |
|---|---|
| not applicable | |
| **4. Operational Standards** | |
| **Outside Storage** | (Sec. 6.4.1.) |
| **Refuse and Recycling** | (Sec. 6.4.2.) |
| Trash and recycling enclosure required | >4 DUs and all nonresidential |
| **Noise** | (Sec. 6.4.3.) |
| Max sound level at property line | 55 DBA |
| **Vibration** | (Sec. 6.4.4.) |
| **Electrical Disturbances** | (Sec. 6.4.5.) |
| **Fire and Explosive Hazards** | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the MHP-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the MHP-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the MHP-ToJ zone, however, all standards in Article 7. are applicable in the MHP-ToJ zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | |
|---|---|---|---|---|---|---|---|
| Option | BSA (min) | Lot Size (min) | Density (max) | OSR (min) | FAR (max) | Height (max) | Option Standards |
| Allowed Subdivision Options | subdivision prohibited | | | | | | |
| Allowed Development Options | | | | | | | |
| Mobile Home Park | n/a | see Sec. 7.1.4. for standards | | | | 18’ | (Sec. 7.1.4.) |
| **2. Residential Subdivision Requirements** | | | | | | | |
| **Affordable Housing** | | | | | | | (Div. 7.4.) |
| Required Affordable Housing | 1 affordable unit per 4 market units | | | | | | |
| **Schools and Parks Exactions** | | | | | | | (Div. 7.5.) |
| School Exaction | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit | | | | | | |
| Park Exaction | 9 acres per 1,000 resident | | | | | | |
| **3. Infrastructure** | | | | | | | |
| **Transportation Facilities** | | | | | | | (Div. 7.6.) |
| Access | required | | | | | | |
| Right-of-way for a Minor Local Road (min) | 60’ | | | | | | |
| Paved travel way for a Minor Local Road (min) | 20’ | | | | | | |
| **Required Utilities** | | | | | | | (Div. 7.7.) |
| Water | public | | | | | | |
| Sewer | public | | | | | | |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Mobile Home Park | | | | | |
| 0 - 4 units | | | | X | n/a |
| 5 -10 units | | | X | | n/a |
| > 10 units | | X | X | | n/a |

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the MHP-ToJ zone.

1. **Mobile Homes.** A mobile home shall be located within a mobile home park.

   a. A new mobile home park shall be developed pursuant to the standards of Sec. 7.1.4.

   b. Existing Mobile Home Parks. Existing mobile home parks within the MHP-ToJ zone shall be allowed to continue, expand, and redevelop, provided the standards in this Subsection are met.

      i. **Density.** The number of units in an existing mobile home park in the MHP-ToJ zone shall not be limited.

      ii. **Area.** Each mobile home within an expansion area or redeveloped park shall have a lot or pad land area that equals or exceeds the average size of a mobile home lot or pad in the existing mobile home park, not including open space areas clearly heretofore undeveloped. Land that typically serves as yard area between mobile homes shall be included in the existing land area per individual mobile homes, unless the area between 2 particular mobile homes is clearly in excess of the average, to the extent that another mobile home could be located there.

      iii. **Impervious Surface.** The impervious coverage per mobile home lot or pad in the expansion area or redeveloped park shall be equal to or less than the average amount of impervious coverage per mobile home lot or pad in the existing park.

      iv. **Yards.** Each mobile home within the expansion area or redeveloped park shall have yards that equal or exceed the average yards for the mobile homes in the existing park. Front, side, and rear yards in the expansion area or redeveloped park shall equal or exceed the average front, side, and rear yards respectively.

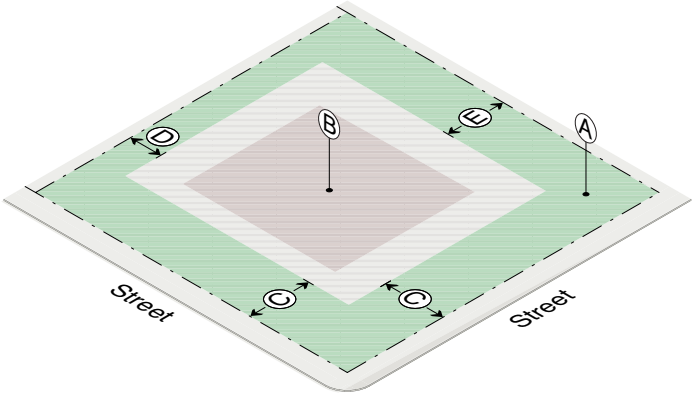
# 2.3.14. Neighborhood Conservation-Town (NC-ToJ) (1/4/17, Ord. 1159)

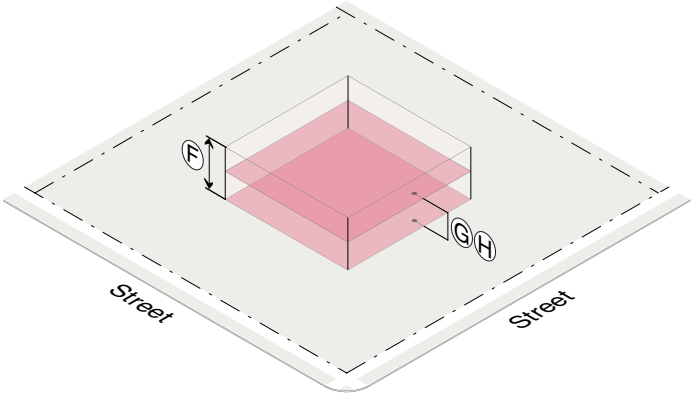
## A. Intent

The purpose of the Neighborhood Conservation - Town (NC-ToJ) Zone is to recognize existing residential neighborhoods and subdivisions and allow development to continue in a way that is consistent with the existing neighborhood character. The NC-ToJ zone is intended primarily for single-family detached dwellings and accessory uses and structures. The NC-ToJ zone shall not be applied to vacant land, except to allow for in-fill development, and shall not be permitted to expand beyond its original boundaries.

## B. Physical Development

Standards applicable to physical development in the NC-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the NC-ToJ zone, however, all standards in Article 5. are applicable in the NC-ToJ zone, unless stated otherwise.




| 1. Structure Location and Mass | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ |
| | LSR (min) | Lot Coverage (max) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | FAR (max) |
| Allowed use | .45 | .32 | 25’ | 10’ | 25’ | 30’ | 2 | .40 |
| Detached accessory structure | n/a | n/a | 30’ | 5’ (E.3.) | 5’ (E.3.) | 28’ | 2 | n/a |

| Exceptions |
|---|
| Street/Side Yard- U.S. Highway 26-89-189-191. No structure shall be located within 20 feet of the highway right-of-way of U.S. Highway 26-89-189-191. The design, development and operation of the proposed building or structure shall minimize or mitigate adverse effect, including visual impact of the proposed building or structure on adjacent properties. |
| Residential Projections. Covered and uncovered decks, porches, and balconies may encroach into a front yard by not more than 6 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys, patios and similar architectural features may encroach into a side or rear yard not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios that are at grade may extend to any portion of a side or rear yard. |
| Detached Accessory Structure Separation. 10’ |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (gross floor area) (max)** | |
| n/a | |
| **3. Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | |
| Side/rear yard | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Residential | 1 per du |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./Sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |
| **7. Environmental Standards** | |
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |

| 8. Scenic Standards | |
|---|---|
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 1.5 |
| Lumens per site (max) | |
| All fixtures | 60,000 |
| Unshielded fixtures | 4,000 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| Number of Signs (max) | 3 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |
| **Sign Area** | |
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |

| Sign Type Standards | |
|---|---|
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 6' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| Grading | (Sec. 5.7.2.) |
| Erosion Control | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| Stormwater Management | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

## 12. Required Physical Development Permits

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
|---|---|---|---|---|---|---|
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the NC-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the NC-ToJ zone, however, all standards in Article 6. are applicable in the NC-ToJ zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Open Space | | | | | |
| Agriculture (6.1.3.B.) | B | 0 sf | n/a | n/a | exempt |
| Residential | | | | | |
| Detached Single-Family Unit (6.1.4.B.) | Y | 0 sf | 1 unit per lot | 2/DU | n/a |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Accessory Uses | | | | | |
| Accessory Residential Unit (Sec. 6.1.11., E.3.) | B | 0 sf | see E.3. | 1/bedroom | exempt |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Home Business (6.1.11.E.) | C | 0 sf | n/a | 1/employee | exempt |
| Family Home Daycare (6.1.11.F.) | B | 0 sf | n/a | 1/employee + 1 off-street pick-up/drop-off | exempt |
| Temporary Uses | | | | | |
| Temporary Shelter (6.1.12.D.) | B | 0 sf | 1 unit per lot | 2/DU | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)

| 3. Maximum Scale of Use | |
|---|---|
| Individual Use (floor area) (max) | |
| Single-Family unit (detached) | |
| Habitable floor area excluding basement | 8,000 sf |
| Gross floor area excluding basement | 10,000 sf |
| Accessory Residential Unit | |
| Detached ARU on Lot < 11,250 sf | 500 sf habitable |
| All other ARUs | 800 sf habitable |

| 4. Operational Standards | |
|---|---|
| Outdoor Storage | (Sec. 6.4.1.) |
| Refuse and Recycling | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| Noise | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| Vibration | (Sec. 6.4.4.) |
| Electrical Disturbances | (Sec. 6.4.5.) |
| Fire and Explosive Hazards | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the NC-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the NC-ToJ zone, however, all standards in Article 7. are applicable in the NC-ToJ zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Option | Site Area (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | | |
| Land Division (E.1 & E.2) | n/a | 7,500 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| **2. Residential Subdivision Requirements** | | | | | | | | |
| Affordable Housing | | | | | | | | (Div. 7.4.) |
| Required Affordable Housing | | | | | | | | 1 affordable unit per 4 market units |
| Schools and Parks Exaction | | | | | | | | (Div. 7.5.) |
| Schools exaction | | | | | | | | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | | | | | | | | 9 acres per 1,000 resident |
| **3. Infrastructure** | | | | | | | | |
| Transportation Facilities | | | | | | | | (Div. 7.6.) |
| Access | | | | | | | | required |
| Right-of-way for Minor Local Road (min) | | | | | | | | 60’ |
| Paved travel way for Minor Local Road (min) | | | | | | | | 20’ |
| Required Utilities | | | | | | | | (Div. 7.7.) |
| Water | | | | | | | | public |
| Sewer | | | | | | | | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the NC-ToJ zone.

1. **Subdivision.** All new divisions of land within the NC-ToJ zone shall comply with Sec. 8.3.2., Sec. 8.5.3., and this Section. The maximum number of lots into which any given lot of record may be subdivided in the NC-ToJ zone shall be determined as follows:

    a. **Maximum Number of Lots According to Prior Regulations.** The maximum number of lots into which a lot of record in the NC-ToJ zone can be subdivided shall not exceed the maximum number of lots that would have been permitted on the lot of record in the zones mapped on the Zoning Map, Town of Jackson, Wyoming, adopted on April 5, 1967, as amended from time to time with a final revision date of December 31, 1993, and as follows:

        i. **LR-1.** The minimum lot area shall be 12,000 square feet per dwelling or building.

        ii. **S-ToJ, MR-2 and All Others.** The minimum lot area shall be 7,500 square feet.

2. **Resubdivision.** Lots of record may not be combined with other lots of record for the purpose of resubdividing to increase density. However, resubdivision for other purposes where overall existing densities are retained or reduced shall be permitted.

3. Accessory Residential Units (ARUs)

   a. Accessory residential units are prohibited north of West Broadway accessed via Budge Drive and West Broadway Avenue.

   b. A maximum of 1 ARU shall be permitted per lot; except that, 2 units may be permitted on lots that meet minimum lot size and have alley access or reverse street frontage.

   c. Home Occupations and Home Businesses in ARUs are prohibited.

   d. Detached

      i. Detached ARUs shall only be permitted on lots that meet minimum lot size.

      ii. Detached ARUs less than 14' in height shall have at least 5' side and rear setbacks, otherwise they shall have at least 10' side and rear setbacks. Second floor decks shall also have at least 10' side and rear setbacks. The exception to this standard is that detached ARUs located on an alley or lot with reverse street frontage are permitted at least 5' rear setbacks regardless of height.

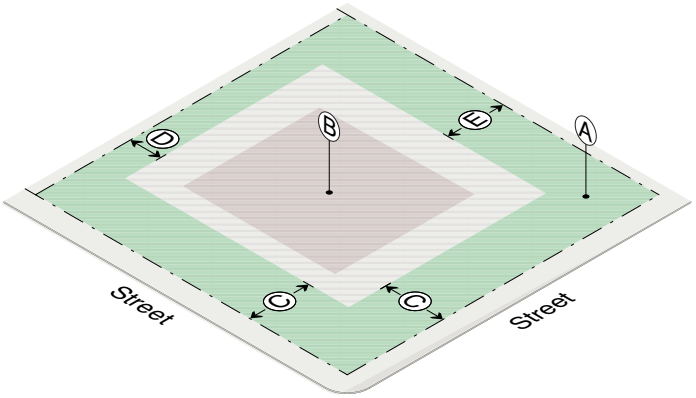
# 2.3.15. Neighborhood Conservation-2-Family (NC-2) (1/4/17, Ord. 1159)

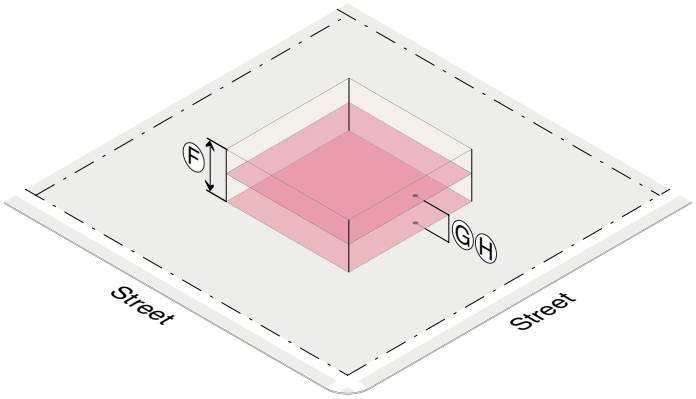
## A. Intent

The purpose of the Neighborhood Conservation 2 family (NC-2) zone is to recognize existing residential neighborhoods and subdivisions and allow development to continue in a way that is consistent with the existing neighborhood character. The NC-2 zone is intended primarily for single-family detached and duplex dwellings and accessory uses and structures. The NC-2 zone shall not be applied to vacant land, except to allow for in-fill development, and shall not be permitted to expand beyond its original boundaries.

## B. Physical Development

Standards applicable to physical development in the NC-2 zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-2 zone. This Subsection is intended to indicate all of the physical development standards applicable in the NC-2 zone, however, all standards in Article 5. are applicable in the NC-2 zone, unless stated otherwise.




| 1. Structure Location and Mass | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ |
|---|---|---|---|---|---|---|---|---|
| | LSR (min) | Lot Coverage (max) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | FAR (max) |
| Detached single-family unit | | | | | | | | |
| 2 units on lot | .45 | .34 | 20’ | 10’ | 15’ | 28’ | 2 | .42 |
| 1 unit on lot | .45 | .32 | 25’ | 10’ | 25’ | 30’ | 2 | .40 |
| Attached single-family unit | n/a | n/a | 20’ | 10’ | 15’ | 28’ | 2 | .30 |
| Other principal use | .45 | .34 | 20’ | 10’ | 15’ | 28’ | 2 | .42 |
| Accessory use | See standards for primary use with which associated | | | | | | | |
| Detached accessory structure | n/a | n/a | 30’ | 5’ (E.5.) | 5’ (E.5.) | 28’ | 2 | n/a |

| Exceptions |
|---|
| Street/Side Yard- U.S. Highway 26-89-189-191. No structure shall be located within 20 feet of the highway right-of-way of U.S. Highway 26-89-189-191. The design, development and operation of the proposed building or structure shall minimize or mitigate adverse effect, including visual impact of the proposed building or structure on adjacent properties. |
| Residential Projections. Covered and uncovered decks, porches, and balconies may encroach into a front yard by not more than 6 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys, patios and similar architectural features may encroach into a side or rear yard not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios that are at grade may extend to any portion of a side or rear yard. |
| Detached Accessory Structure Separation. 10’ |

| 2. Maximum Scale of Development | |
|---|---|
| n/a | |
| **3. Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | |
| Side/rear yard | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Residential | 1 per du |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./Sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |
| **7. Environmental Standards** | |
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek (South of Cache Creek Drive) | 20’ |
| Flat Creek north of Hansen Ave. | 25’ |
| Flat Creek south of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |

| 8. Scenic Standards | |
|---|---|
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 1.5 |
| Lumens per site (max) | |
| All fixtures | 60,000’ |
| Unshielded fixtures | 4,000 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| Number of Signs (max) | 3 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |
| **Sign Area** | |
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |

| Sign Type Standards | |
|---|---|
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 6' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| Grading | (Sec. 5.7.2.) |
| Erosion Control | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| Stormwater Management | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

12. Required Physical Development Permits

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
|---|---|---|---|---|---|---|
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the NC-2 zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-2 zone. This Subsection is intended to indicate all of the use standards applicable in the NC-2 zone, however, all standards in Article 6. are applicable in the NC-2 zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Open Space | | | | | |
| Agriculture (6.1.3.B.) | B | 0 sf | n/a | n/a | exempt |
| Residential | | | | | |
| Detached Single-Family Unit (6.1.4.B.) | Y | 0 sf | 2 units per lot | 2/DU | n/a |
| Attached Single-family Unit (6.1.4.C.) | B | 0 sf | 2 units per lot | 2/DU +0.5 per DU if ≥ 3 units served by lot | n/a |
| Apartment | B | 0 sf | 2 units per lot | | |
| Dormitory (6.1.4.F.) | C | 0 sf | 7 rooms per acre | 1/bed | n/a |
| Group Home (6.1.4.G.) | C | 0 sf | 7 rooms per acre | 0.5/bed | n/a |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B., E.5.) | B | 0 sf | 2 units per lot | 1/bedroom | exempt |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Home Business (6.1.11.E.) | C | 0 sf | n/a | 1/employee | exempt |
| Family Home Daycare (6.1.11.F.) | B | 0 sf | n/a | 1/employee + 1 off-street pick-up/drop-off | exempt |
| Temporary Uses | | | | | |
| Temporary Shelter (6.1.12.D.) | B | 0 sf | 1 unit per lot | 2/DU | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)

| 3. Maximum Scale of Use | |
|---|---|
| **Individual Use (floor area) (max)** | |
| Single family unit (detached, attached, or apartment) | |
| Habitable floor area excluding basement | 8,000 sf |
| Gross floor area excluding basement | 10,000 sf |
| Accessory Residential Unit | |
| Detached ARU on Lot < 11,250 sf | 500 sf habitable |
| All other ARUs | 800 sf habitable |
| **4. Operational Standards** | |
| **Outdoor Storage** | (Sec. 6.4.1.) |
| **Refuse and Recycling** | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | (Sec. 6.4.4.) |
| **Electrical Disturbances** | (Sec. 6.4.5.) |
| **Fire and Explosive Hazards** | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the NC-2 zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-2 zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the NC-2 zone, however, all standards in Article 7. are applicable in the NC-2 zone, unless stated otherwise.

| 1. Development Options and Subdivision | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Option | Site Area (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
| Allowed Subdivision Options (E.1.,E.4.) | | | | | | | | |
| Land Division | n/a | 7,500 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| Condominium/Townhouse | n/a | n/a | n/a | n/a | determined by physical development | | | (Sec. 7.2.4..) |
| Allowed Development Options | | | | | | | | |
| Urban Cluster Development (UCD) | 22,500 sf | n/a | 11.7 du/ac | .40 | n/a | .40 | .35 | (Sec. 7.1.3.) |

| 2. Residential Subdivision Requirements | |
|---|---|
| **Affordable Housing** | (Div. 7.4.) |
| Required Affordable Housing | 1 affordable unit per 4 market units |
| **Schools and Parks Exaction** | (Div. 7.5.) |
| Schools exaction | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | 9 acres per 1,000 resident |
| **3. Infrastructure** | |
| **Transportation Facilities** | (Div. 7.6.) |
| Access | required |
| Right-of-way for Minor Local Road (min) | 60’ |
| Paved travel way for Minor Local Road (min) | 20’ |
| **Required Utilities** | (Div. 7.7.) |
| Water | public |
| Sewer | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |
| Non-subdivision development option (UCD) | | | | | |
| 0 - 4 Units | | | | X | |
| 5 -10 Units | | | X | | |
| > 10 Units | | X | X | | |

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the NC-2 zone.

1. Development is allowed according to the standards for single-family development and Urban Cluster Development in the AR/AC-ToJ zones.

2. There shall be 25 feet minimum separation between principal structures.

3. Subdivision. All new divisions of land within the NC-2 zone shall comply with Sec. 8.3.2., Sec. 8.5.3., and this Section. The maximum number of lots into which any given lot of record may be subdivided in the NC-2 zone shall be determined as follows:

a. Maximum Number of Lots According to Prior Regulations. The maximum number of lots into which a lot of record in the NC-2 zone can be subdivided shall not exceed the maximum number of lots that would have been permitted on the lot of record in the zone mapped on the Zoning Map, Town of Jackson, Wyoming, adopted on April 5, 1967, as amended from time to time with a final revision date of December 31, 1993, and as follows:

i. LR-1. The minimum lot area shall be12,000 square feet per dwelling or building.

ii. S-ToJ, MR-2 and All Others. The minimum lot area shall be 7,500 square feet.

4. Resubdivision. Lots of record may not be combined with other lots of record for the purpose of resubdividing to increase density. However, resubdivision for other purposes where overall existing densities are retained or reduced shall be permitted.

5. Accessory Residential Units (ARUs)

a. Where there are two primary dwelling units per site, there may only be a single ARU per primary dwelling unit.

b. Home Occupations and Home Businesses in ARUs are prohibited.

c. Detached

i. Detached ARUs shall only be permitted on lots that meet minimum lot size.

ii. Detached ARUs less than 14’ in height shall have at least 5’ side and rear setbacks, otherwise they shall have at least 10’ side and rear setbacks. Second floor decks shall also have at least 10’ side and rear setbacks. The exception to this standard is that detached ARUs located on an alley or lot with reverse street frontage are permitted at least 5’ rear setbacks regardless of height.

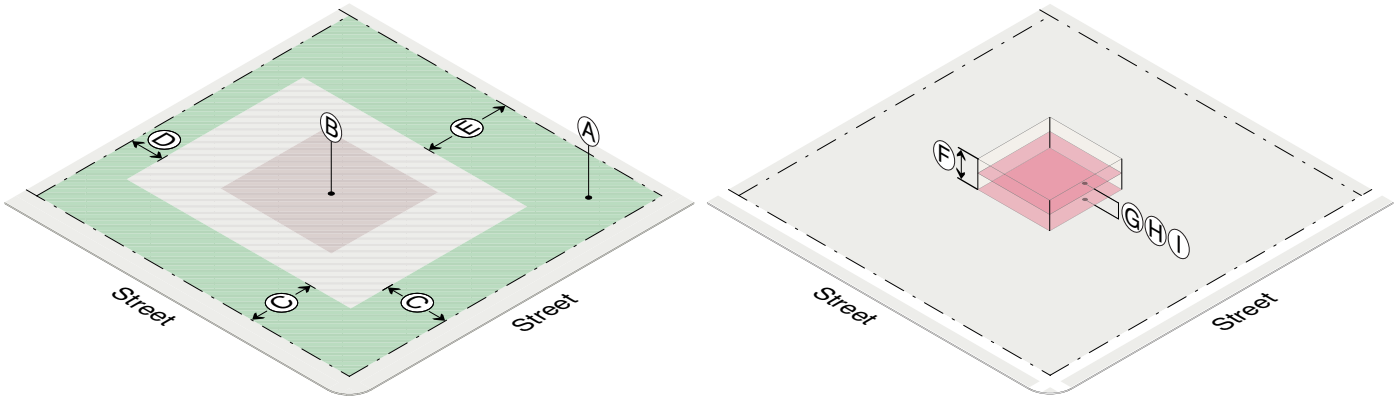
# 2.3.16. Suburban-Town (S-ToJ) (1/4/17, Ord. 1159)

## A. Intent

The purpose of the Suburban-Town (S-ToJ) Zone classification is to provide for places with enough open space and sufficient lot size to provide a predominance of landscape over buildings, where there is less human interaction than in the Urban zones, where a stronger sense of privacy is maintained through building orientation and landscaping, and where shared open space is provided. The S-ToJ Zone is also intended to provide for low to moderate density residential development with a range of primary residential and associated uses.

## B. Physical Development

Standards applicable to physical development in the S-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the S-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the S-ToJ zone, however, all standards in Article 5. are applicable in the S-ToJ zone, unless stated otherwise.




| 1. Structure Location and Mass | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ | Ⓘ |
| | LSR (min) | Lot Coverage (max) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | Stories (LO) (max) | FAR (max) |
| Allowed use | .60 | .26 | 25’ | 15’ | 40’ | 28’ | 2 | 3 | .30 |
| Detached accessory structure | n/a | n/a | 30’ | 5’ (E.2.) | 5’ (E.2.) | 28’ | 2 | 3 | n/a |
| Exceptions | | | | | | | | | |
| Residential Projections. Covered and uncovered decks, porches, and balconies may encroach into a front yard by not more than 6 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys, patios and similar architectural features may encroach into a side or rear yard not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios that are at grade may extend to any portion of a side or rear yard. | | | | | | | | | |
| Detached Accessory Structure Separation. 10’ | | | | | | | | | |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (gross floor area) (max)** | |
| Single building | 10,000 sf |
| **3. Building Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | |
| Side/rear yard | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb Cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Residential | 1 per du |
| Nonresidential | 1 per 1,000 sf of landscape area |
| Parking Lot (all uses) | 1 per 12 parking spaces |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line/R.O.W./Sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |

| 7. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 1.5 |
| Lumens per site (max) | |
| All fixtures | 60,000 |
| Unshielded fixtures | 40,000 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| Number of Signs (max) | 3 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |

| Sign Area | |
|---|---|
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 6' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| **Grading** | (Sec. 5.7.2.) |
| **Erosion Control** | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

12. Required Physical Development Permits

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
|---|---|---|---|---|---|---|
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the S-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the S-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the S-ToJ zone, however, all standards in Article 6. are applicable in the S-ToJ zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Open Space | | | | | |
| Agriculture (6.1.3.B.) | B | 0 sf | n/a | n/a | exempt |
| Outdoor Recreation (6.1.3.C.) | C | 0 sf | n/a | independent calculation | independent calculation |
| Residential | | | | | |
| Detached Single-Family Unit (6.1.4.B.) | Y | 0 sf | 1 unit per lot | 2/DU | n/a |
| Dormitory (6.1.4.F.) | C | 0 sf | 15 rooms per acre | 1/bed | n/a |
| Group Home (6.1.4.G.) (E.1.) | C | 0 sf | 15 rooms per acre | 0.5/bed | n/a |
| Institutional | | | | | |
| Assembly (6.1.8.B.) | C | 0 sf | n/a | independent calculation | exempt |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B., E.2.) | B | 0 sf | 1 unit per lot | 1/bedroom | exempt |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Home Business (6.1.11.E.) | C | 0 sf | n/a | 1/employee | exempt |
| Family Home Daycare (6.1.11.F.) | B | 0 sf | n/a | 1/employee + 1 off-street pick-up/drop-off | exempt |
| Home Daycare Center (6.1.11.G.) | C | 0 sf | n/a | 1/employee + 2 off-street pick-up/drop-off | exempt |
| Temporary Uses | | | | | |
| Real Estate Sales Office (6.1.12.C.) | B | 0 sf | n/a | 3.3/1,000 sf | exempt |
| Temporary Shelter (6.1.12.D.) | B | 0 sf | 1 unit per lot | 2/DU | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)

| 3. Maximum Scale of Use | |
|---|---|
| **Individual Use (floor area)** | |
| Single-family unit (detached) | |
| Habitable floor area excluding basement (max) | 8,000 sf |
| Gross floor area excluding basement (max) | 10,000 sf |
| Habitable floor area (min) | 1,000 sf |
| Accessory Residential Unit | |
| Detached ARU on Lot < 18,000 sf | 500 sf habitable |
| All other ARUs | 800 sf habitable |
| **4. Operational Standards** | |
| **Outdoor Storage** | (Sec. 6.4.1.) |
| **Refuse and Recycling** | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | (Sec. 6.4.4.) |
| **Electrical Disturbances** | (Sec. 6.4.5.) |
| **Fire and Explosive Hazards** | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the S-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the S-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the S-ToJ zone, however, all standards in Article 7. are applicable in the S-ToJ zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Option | Site Area (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | | |
| Land Division | n/a | 12,000 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| Townhouse Condominium Subdivision | n/a | n/a | n/a | n/a | determined by physical development | | | (Sec. 7.2.4.) |
| Allowed Development Options | | | | | | | | |
| Urban Cluster Development | | | | | | | | (Sec. 7.1.3.) |
| 25% ratio | 80,000 sf | n/a | 3.64 du/ac | .25 | n/a | .30 | .35 | |
| 35% ratio | 80,000 sf | n/a | 4.0 du/ac | .35 | n/a | .30 | .38 | |
| Planned Unit Development (PUD) | 80,000 sf | n/a | n/a | n/a | .70 | .20 | .25 | (Sec. 4.4.2.) |

| 2. Residential Subdivision Requirements | |
|---|---|
| Affordable Housing | (Div. 7.4.) |
| Required Affordable Housing | 1 affordable unit per 4 market units |
| Schools and Parks Exaction | (Div. 7.5.) |
| Schools exaction | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | 9 acres per 1,000 resident |

| 3. Infrastructure | |
|---|---|
| Transportation Facilities | (Div. 7.6.) |
| Access | required |
| Right-of-way for Minor Local Road (min) | 60’ |
| Paved travel way for Minor Local Road (min) | 20’ |
| Required Utilities | (Div. 7.7.) |
| Water | public |
| Sewer | public |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |
| Non-subdivision development option (UCD or PUD-ToJ) | | | | | |
| 0 - 4 Units | X (PUD) | | | X | |
| 5 -10 Units | X (PUD) | | X | | |
| > 10 Units | X (PUD) | X | X | | |

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the S-ToJ zone.

### 1. Group Home Use Standards

Group Home uses shall be located at least 300 feet from an existing dwelling unit, unless the group home use was proposed as part of a development that included both the group home use and the dwelling units.

### 2. Accessory Residential Units (ARUs)

a. Home Occupations and Home Businesses in ARUs are prohibited.

b. Detached

i. Detached ARUs shall only be permitted on lots that meet minimum lot size.

ii. Detached ARUs less than 14' in height shall have at least 5' side and rear setbacks, otherwise they shall have at least 10' side and rear setbacks. Second floor decks shall also have at least 10' side and rear setbacks. The exception to this standard is that detached ARUs located on an alley or lot with reverse street frontage are permitted at least 5' rear setbacks regardless of height.

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# Article 3. Rural Area Zones

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Div. 3.2. Rural Area Character Zones (1/1/15, Ord. 1074)....3-2

Div. 3.3. Rural Area Legacy Zones....3-3

3.3.1. Rural Residential-Town (R-ToJ) (1/4/17, Ord. 1160)....3-3

# Div. 3.1. All Rural Area Zones (1/1/15, Ord. 1074)

Rural area zones are intended to preserve wildlife habitat, habitat connections, scenic vistas, and undeveloped open spaces to the extent possible, given existing development patterns. There are 2 types of rural area zones:

1. Character zones, established in Div. 3.2., are character-based and established to implement the Comprehensive Plan;
2. Legacy zones, established in Div. 3.3., are carried forward from the previous LDRs, and it is the intent that they will be phased out over time as character zones are adopted and applied.

# Div. 3.2. Rural Area Character Zones (1/1/15, Ord. 1074)

[Reserved for future zones]

# Div. 3.3. Rural Area Legacy Zones

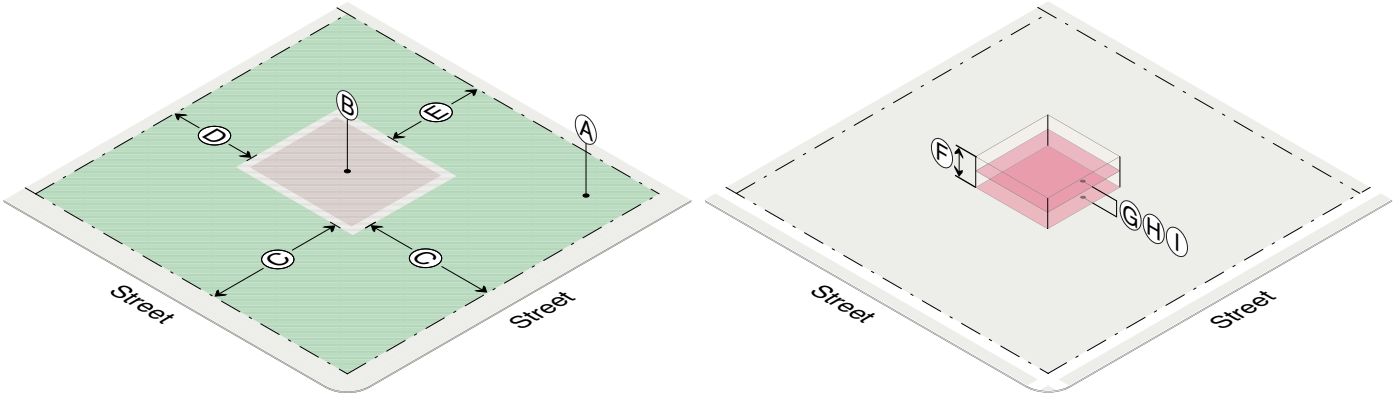
## 3.3.1. Rural Residential-Town (R-ToJ) (1/4/17, Ord. 1160)

### A. Intent

The purpose of the Rural Residential-Town (R-ToJ) Zone classification is to preserve the existing character in rural areas of the Town, typified by expansive open areas, natural features and resources, and agricultural lands.

### B. Physical Development

Standards applicable to physical development in the R-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the R-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the R-ToJ zone, however, all standards in Article 5. are applicable in the R-ToJ zone, unless stated otherwise.




| 1. Structure Location and Mass | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ | Ⓘ |
| | LSR (min) | Lot Coverage (max) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | Stories (LO) (max) | FAR (max) |
| Detached Single-family unit | n/a | E.1.,E.2. | 50’ | 30’ | 40’ | 30’ | 2 | 3 | n/a |
| Other principal uses | n/a | n/a | 50’ | 30’ | 40’ | 35’ | 2 | 3 | n/a |
| Accessory uses | See standards for primary use with which associated (E.5.) | | | | | | | | |
| **Exceptions** | | | | | | | | | |
| Residential Projections. Covered and uncovered decks, porches and balconies may encroach into a front yard by not more than 6 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys and similar architectural features may encroach into a side or rear yard by not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard. | | | | | | | | | |
| Detached Accessory Structure Separation. 10’ | | | | | | | | | |

| 2. Maximum Scale of Development | |
|---|---|
| **Individual Building (gross floor area) (max)** | |
| Single building | 10,000 sf |
| **3. Building Design Requirements** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| **4. Site Development** | |
| **Site Development Setbacks (min)** | |
| Side / rear yard | 5’ |
| Front yard | |
| 40% of lineal frontage | 0’ |
| 60% of lineal frontage | structure setback |
| **Curb cut (max)** | 40% of lineal frontage |
| **5. Landscaping** | (Div. 5.5.) |
| **Plant Units (min)** | |
| Residential | 1 per du |
| Nonresidential | 1 per 1,000 sf of landscape area |
| Parking Lot (all uses) | 1 per 8 parking spaces |
| **6. Fencing** | |
| **Height (max)** | |
| In street yard | 4’ |
| In side or rear yard | 6’ |
| **Setback** | |
| Front lot line / R.O.W. / Sidewalk | 1’ |
| Side or rear lot line | 0’ |
| **Orientation** | |
| The finished side of the fence shall face out to the neighbor, posts ans supports shall face in to the owner | |

| 7. Environmental Standards | |
|---|---|
| **Natural Resource Setback (min)** | (Sec. 5.1.1.) |
| Cache Creek South of Cache Creek Dr. | 20’ |
| Flat Creek North of Hansen Ave. | 25’ |
| Flat Creek South of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation Ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 1.5 |
| Lumens per site (max) | |
| All fixtures | 60,000 |
| Unshielded fixtures | 4,000 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |
| **9. Natural Hazards to Avoid** | |
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| Hillside CUP required | Lot with average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Area** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| Number of Signs (max) | 3 per business per frontage |
| Home occupation/business | 1 unlighted wall sign |
| Background Color | No white or yellow |

| Sign Area | |
|---|---|
| Total sign area (max) | 3 sf per ft of street facade width up to 150 sf |
| Home occupation/business | 2 sf |
| Penalty | 10% per projecting and freestanding sign |
| **Sign Type Standards** | |
| Canopy sign | |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Freestanding sign | |
| Height (max) | 6' |
| Setback (min) | 5' |
| Projecting sign | |
| Height (max) | 24' above grade |
| Clearance (min) | 7'6" from average grade |
| Setback (min) | 18" from back of curb |
| Wall sign | |
| Window sign | |
| Window surface coverage (max) | 25% up to 16 sf |
| Temporary Signs | (Sec. 5.6.1.) |

| 11. Grading, Erosion Control, Stormwater | |
|---|---|
| Grading | (Sec. 5.7.2.) |
| Erosion Control | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| Stormwater Management | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

## 12. Required Physical Development Permits

| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
|---|---|---|---|---|---|---|
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Allowed Uses and Use Standards

Standards applicable to uses in the R-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the R-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the R-ToJ zone, however, all standards in Article 6. are applicable in the R-ToJ zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Open Space | | | | | |
| Agriculture (6.1.3.B.) | B | 0 ac | n/a | n/a | exempt |
| Outdoor Recreation (6.1.3.C.) | C | 0 ac | n/a | independent calculation | independent calculation |
| Residential | | | | | |
| Detached Single-Family Unit (6.1.4.B.) | Y | 0 ac | 1 unit per lot | 2/DU | n/a |
| Dormitory (6.1.4.F.) | C | 0 ac | 7 rooms per acre | 1/bed | n/a |
| Group Home (6.1.4.G.) (E.3.) | C | 0 ac | 7 rooms per acre | 0.5/bed | n/a |
| Commercial | | | | | |
| Nursery (6.1.6.H.) | C | 0 ac. | n/a | 2 per 1,000 sf + 1 per 4,000 sf outdoor display area + 1 per employee | independent calculation |
| Institutional | | | | | |
| Assembly (6.1.8.B.) | C | 0 ac | n/a | independent calculation | exempt |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 ac | n/a | 1/employee + 1/stored vehicle | independent calculation |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | independent calculation |
| Minor | B | 0 sf | n/a | | |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B., E.5.) | B | 0 sf | 1 unit per lot | 1/bedroom | exempt |
| Home Occupation (6.1.11.D.) | B | 0 ac | n/a | n/a | exempt |
| Home Business (6.1.11.E.) | C | 0 ac | n/a | 1/employee | exempt |
| Family Home Daycare (6.1.11.F.) | B | -- | n/a | 1/employee + 1 off-street pick-up/drop-off | exempt |

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. 8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employee Housing Floor Area (min) (Div. 6.3.) |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | 0 ac | n/a | 1 per 1,000 sf outdoor display area + 1 per employee | exempt |
| Farm Stand (6.1.12.E.) | B | 0 ac | n/a | 5 per 1,000 sf display area | exempt |
| Real Estate Sales Office (6.1.12.C.) | B | 0 ac | n/a | 3.3/1,000 sf | exempt |
| Temporary Shelter (6.1.12.D.) | B | 0 ac | 1 unit per lot | 2/DU | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 ac | n/a | 1/employee | exempt |

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. 8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

| 3. Maximum Scale of Use | |
|---|---|
| **Individual Use (floor area) (max)** | |
| Single family unit (detached) | |
| Habitable floor area excluding basement | 8,000 sf |
| Gross floor area excluding basement | 10,000 sf |
| Accessory Residential Unit | |
| Detached ARU on Lot < 18,000 sf | 500 sf habitable |
| All other ARUs | 800 sf habitable |
| **4. Operational Standards** | |
| **Outdoor Storage** | (Sec. 6.4.1.) |
| **Refuse and Recycling** | (Sec. 6.4.2.) |
| Trash & recycling enclosure required | > 4 DUs and all nonresidential |
| **Noise** | (Sec. 6.4.3.) |
| Sound level at property line (max) | 65 DBA |
| **Vibration** | (Sec. 6.4.4.) |
| **Electrical Disturbances** | (Sec. 6.4.5.) |
| **Fire and Explosive Hazards** | (Sec. 6.4.6.) |

## D. Development Options and Subdivision

Standards applicable to development options and subdivision in the R-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the R-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the R-ToJ zone, however, all standards in Article 7. are applicable in the R-ToJ zone, unless stated otherwise.

### 1. Allowed Subdivision and Development Options

| Option | Site Area (min) | Lot Size (min) | Density (max) | OSR (min) | LSR (min) | FAR (max) | Lot Coverage (max) | Option Standards |
|---|---|---|---|---|---|---|---|---|
| Allowed Subdivision Options | | | | | | | | |
| Land Division | n/a | 12,000 sf | n/a | n/a | determined by physical development | | | (Sec. 7.2.3.) |
| **2. Residential Subdivision Requirements** | | | | | | | | |
| **Affordable Housing** | | | | | | | | (Div. 7.6.) |
| Required Affordable Housing | | | | | | | | 1 affordable unit per 4 market units |
| **Schools and Parks Exaction** | | | | | | | | (Div. 7.5.) |
| Schools exaction | | | | | | | | .020 acres per 1- or 2-family unit<br>.015 acres per multi-family unit |
| Parks exaction | | | | | | | | 9 acres per 1,000 resident |
| **3. Infrastructure** | | | | | | | | |
| **Transportation Facilities** | | | | | | | | (Div. 7.6.) |
| Access | | | | | | | | required |
| Right-of-way for Minor Local Road (min) | | | | | | | | 60’ |
| Paved travel way for Minor Local Road (min) | | | | | | | | 20’ |
| **Required Utilities** | | | | | | | | (Div. 7.7.) |
| Water | | | | | | | | public |
| Sewer | | | | | | | | public |

### 4. Required Subdivision and Development Option Permits

| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
|---|---|---|---|---|---|
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |

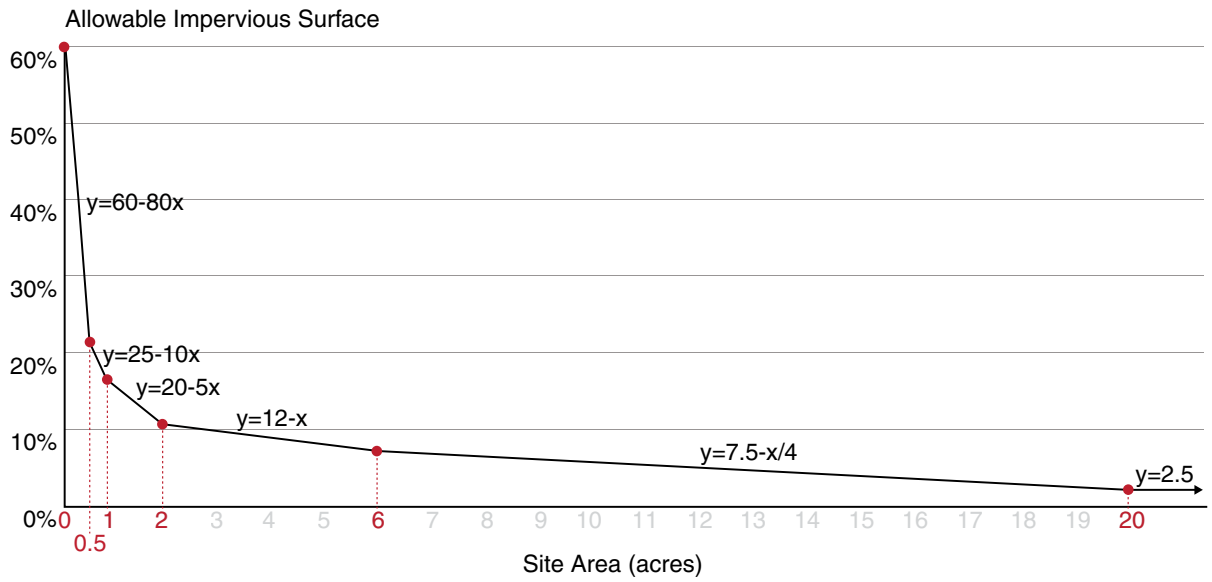
## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the R-ToJ zone.

1. For lots in developments with required open space, the lot coverage shall be calculated for the entire project area and allocated to each lot at the time a Development Plan is approved.

2. Impervious Surface Coverage for Residential Lots

   a. Impervious surface coverage for R-ToJ zone lots of 20 acres or less in size shall be determined by the table below:




   b. Impervious surface coverage for R-ToJ zone lots that are greater than 20 acres is 2.5 percent.

3. Group Home Use Standards. Group Home uses shall be located at least three hundred (300) feet from an existing dwelling unit unless the group home use was proposed as part of a development that included both the group home use and the dwelling units.

4. Building Envelopes. The building envelope for lots can be up to 2 acres in size, and the balance of the lot can count toward the open space requirement established in D.1.

5. Accessory Residential Units (ARUs)

   a. Home Occupations and Home Businesses in ARUs are prohibited.

   b. Detached

      i. Detached ARUs shall only be permitted on lots that meet minimum lot size.

      ii. Detached ARUs shall have a street setback of at least 30'.

      iii. Detached ARUs less than 14' in height shall have at least 5' side and rear setbacks, otherwise they shall have at least 10' side and rear setbacks. Second floor decks shall also have at least 10' side and rear setbacks. The exception to this standard is that detached ARUs located on an alley or lot with reverse street frontage are permitted at least 5' rear setbacks regardless of height.

# Article 4. Special Purpose Zones

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Div. 4.2. Civic Zones ....4-2

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# Div. 4.1. All Special Purpose Zones (1/1/15, Ord. 1074)

Special purpose zones are intended to provide for development and uses that are desired by the community, but not easily incorporated into the complete neighborhood and rural area zones. There are 3 types of special purpose zones:

1. Civic zones, established in Div. 4.2., accommodate public and semi-public uses that are necessary to the community and require flexibility from the standards of the complete neighborhood and rural area zones.

2. Planned Resort zones, established in Div. 4.3., provide for and guide the creation or continuation of planned development configured around a major recreational activity.

3. Planned Unit Development (PUD) zones, established in Div. 4.4., permit variation from the strict application of the zones in order to achieve specific community goals that enhance the community's implementation of the Jackson/Teton County Comprehensive Plan.

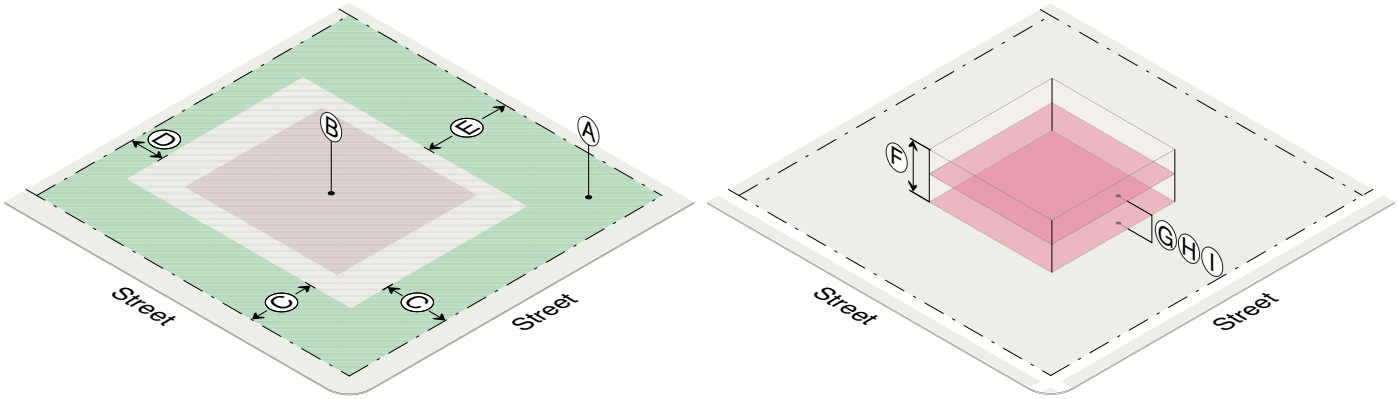
# Div. 4.2. Civic Zones

Civic zones accommodate public and semi-public uses that are necessary to the community and require flexibility from the standards of the complete neighborhood and rural area zones.

# 4.2.1. Public/Semi-Public - Town (P/SP-ToJ) (1/4/17, Ord. 1161)

## A. Intent

The purpose of the Public/Semi Public - Town (P/SP-ToJ) zone is to provide locations for new and existing uses and facilities of a public or semi-public nature. In particular, the P/SP-ToJ zone is intended to allow flexibility for public and semi-public uses and facilities that often have unique functional needs, such as for height, floor area, setbacks, and impervious surface, that cannot be accommodated in other zoning districts. Land in the P/SP-ToJ zone and/or facilities operated therein may be under the control of federal, state, or local governments, or other governmental entities such as a school district or hospital district. It is not the intent of these LDRs that property in the P/SP-ToJ zone retain that designation after the property is divested by the public entity. At the time P/SP-ToJ designated land is transferred, or is proposed to be transferred, into private ownership, the property shall be reclassified to an appropriate zoning district to allow private use pursuant to the Jackson/Teton County Comprehensive Plan.




## B. Physical Development

Standards applicable to physical development in the P/SP-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P/SP-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the P/SP-ToJ zone, however, all standards in Article 5. are applicable in the P/SP-ToJ zone, unless stated otherwise.

### 1. Structure Location and Mass

| | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ | Ⓘ |
|---|---|---|---|---|---|---|---|---|---|
| Use | LSR (min) | Lot Coverage (max) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | Stories (LO) (max) | FAR (max) |
| All allowed uses | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |

| 2. Maximum Scale of Development | |
|---|---|
| not applicable | |
| **3. Building Design** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| **4. Site Development** | |
| not applicable | |
| **5. Landscaping** | (Div. 5.5.) |
| not applicable | |
| **6. Fencing** | |
| not applicable | |
| **7. Environmental Standards** | |
| **Natural Resource Buffers (min)** | (Sec. 5.1.1.) |
| Cache Creek (south of Cache Creek Dr.) | 20’ |
| Flat Creek north of Hansen Ave. | 25’ |
| Flat Creek south of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 3 |
| Lumens per site (max) | |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |

| 9. Natural Hazards to Avoid | |
|---|---|
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| CUP required | Lot average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Areas** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| not applicable | |
| **11. Grading, Erosion Control, Stormwater** | |
| **Grading** | (Sec. 5.7.2.) |
| **Erosion Control** | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

| 12. Required Physical Development Permits | | | | | | |
|---|---|---|---|---|---|---|
| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Use Standards

Standards applicable to uses in the P/SP-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P/SP-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the P/SP-ToJ zone, however, all standards in Article 6. are applicable in the P/SP-ToJ zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employees Required to be Housed (min) (Div. 6.3.) |
| Open Space | | | | | |
| Agriculture (6.1.3.B.) | Y | 0 sf | n/a | n/a | exempt |
| Outdoor Recreation (6.1.3.C.) | C | 0 sf | n/a | independent calculation | exempt |
| Residential | | | | | |
| Dormitory (6.1.4.F.) | C | 0 sf | n/a | 1/bed | exempt |
| Group Home (6.1.4.G.) | C | 0 sf | n/a | 0.5/bed | exempt |
| Commercial | | | | | |
| Office (6.1.6.B.) | C | 0 sf | n/a | 3.3/1,000 sf | exempt |
| Service (6.1.6.D.) | C | 0 sf | n/a | 3/1,000 sf | exempt |
| Heavy Retail/Service (6.1.6.F.) | C | 0 sf | n/a | 2/1,000 sf + 3/repair bay + 1/wash bay | exempt |
| Mini-Storage Warehouse (6.1.6.G.) | C | 0 sf | n/a | 1/10 storage units + 1/employee | exempt |
| Amusement/Recreation | | | | | |
| Developed Recreation (6.1.7.D.) | C | 0 sf | n/a | 4.5/1,000 sf | exempt |

Y=Use allowed, no permit required B=Basic Use Permit (Sec. 8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employees Required to be Housed (min) (Div. 6.3.) |
| Institutional | | | | | |
| Assembly (6.1.8.B.) | C | 0 sf | n/a | independent calculation | exempt |
| Daycare/Education (6.1.8.C.) | C | 0 sf | n/a | independent calculation | exempt |
| Industrial | | | | | |
| Light Industry (6.1.9.B.) | C | 0 sf | n/a | 1/1,000 sf + 1/company vehicle | exempt |
| Heavy Industry (6.1.9.C.) | C | 0 sf | n/a | 2/1,000 sf | exempt |
| Disposal (6.1.9.D.) | C | 0 sf | n/a | 1/employee | exempt |
| Transportation/Infrastructure | | | | | |
| Parking (6.1.10.B.) | C | 0 sf | n/a | n/a | exempt |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | exempt |
| Wireless Communications Facilities (6.1.10.D.) | | | | 1/employee + 1 per stored vehicle | exempt |
| Minor | B | 0 sf | n/a | | |
| Major | C | 0 sf | n/a | | |
| Heliport (6.1.10.E.) | C | 0 sf | n/a | 7/daily aircraft movement | exempt |
| Accessory Uses | | | | | |
| Accessory Residential Unit (6.1.11.B.) | B | 0 sf | n/a | 1.25/DU | exempt |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Home Daycare Center (6.1.11.G.) | B | 0 sf | n/a | 1/employee + 2 off-street pick-up/drop-off | exempt |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | 0 sf | n/a | 1/1,000 sf outdoor display area + 1/employee | exempt |
| Farm Stand (6.1.12.E.) | B | 0 sf | n/a | 5/1,000 sf display area | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no permit required B=Basic Use Permit (Sec. 8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

| 3. Maximum Scale of Use |
|---|
| not applicable |

| 4. Nuisance Standards | |
|---|---|
| Outside Storage | (Sec. 6.4.1.) |
| Refuse and Recycling | (Sec. 6.4.2.) |
| Trash and recycling enclosure required | >4 DUs and all nonresidential |
| Noise | (Sec. 6.4.3.) |
| Max sound level at property line | 65 DBA |
| Vibration | (Sec. 6.4.4.) |
| Electrical Disturbances | (Sec. 6.4.5.) |
| Fire and Explosive Hazards | (Sec. 6.4.6.) |

## D. Development Options

Standards applicable to development options and subdivision in the P/SP-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P/SP-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the P/SP-ToJ zone, however, all standards in Article 7. are applicable in the P/SP-ToJ zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | |
|---|---|---|---|---|---|---|---|
| Option | BSA (min) | Lot Size (min) | Density (max) | OSR (min) | FAR (max) | Height (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | |
| Land Division | n/a | n/a | n/a | n/a | determined by physical development | | (Sec. 7.2.3.) |
| Condominium/Townhouse | n/a | n/a | n/a | n/a | determined by physical development | | (Sec. 7.2.4.) |
| **2. Residential Subdivision Requirements** | | | | | | | |
| Affordable Housing | | | | | | | (Div. 7.4.) |
| Required Affordable Housing | | | | | | | 1 affordable unit per 4 market units |
| Schools and Parks Exactions | | | | | | | (Div. 7.5.) |
| Schools exaction | | | | | | | 0.02 acres per 1- or 2-family unit<br>0.015 acres per multi-family unit |
| Parks exaction | | | | | | | 9 acres per 1,000 residents |
| **3. Infrastructure** | | | | | | | |
| Transportation Facilities | | | | | | | (Div. 7.6.) |
| Access | | | | | | | required |
| Required Utilities | | | | | | | (Div. 7.7.) |
| Water | | | | | | | Connection to public supply required |
| Sewer | | | | | | | Connection to public supply required |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2. ) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |

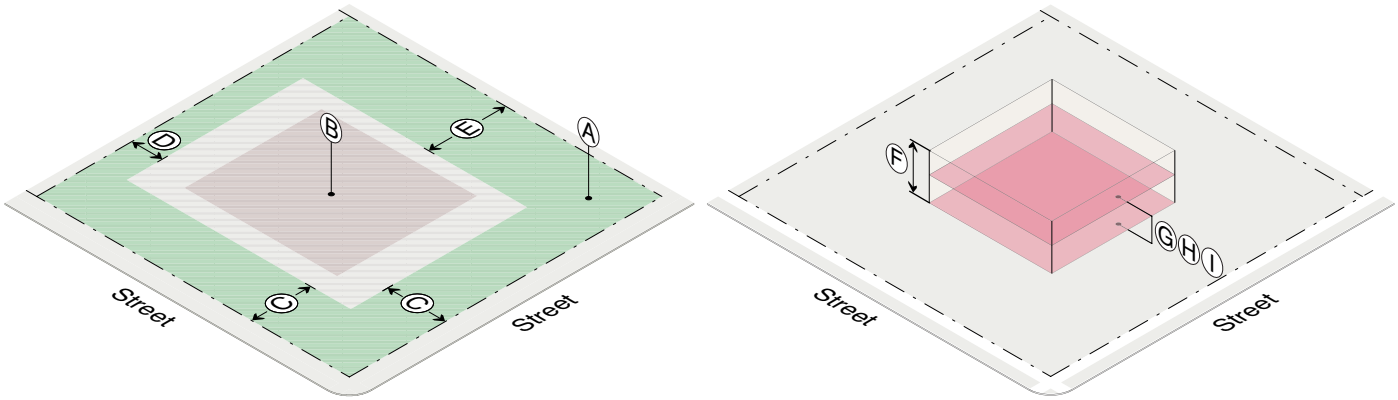
# 4.2.2. Park and Open Space - Town (P-ToJ) (1/4/17, Ord. 1161)

## A. Intent

The purpose of the Park and Open Space - Town (P-ToJ) zone is to designate land which is owned by the Town, County, State or Federal agencies, or special districts, and whose primary purpose is to provide public recreational opportunities for residents, tourists and visitors. The P-ToJ zone provides for active recreational facilities or open space opportunities in these areas.

## B. Physical Development

Standards applicable to physical development in the P-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the P-ToJ zone, however, all standards in Article 5. are applicable in the P-ToJ zone, unless stated otherwise.




| 1. Structure Location and Mass | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Ⓐ | Ⓑ | Ⓒ | Ⓓ | Ⓔ | Ⓕ | Ⓖ | Ⓗ | Ⓘ |
| Use | LSR (min) | Lot Coverage (max) | Street Setback (min) | Side Setback (min) | Rear Setback (min) | Height (max) | Stories (max) | Stories (LO) (max) | FAR (max) |
| All allowed uses | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |

| 2. Maximum Scale of Development | |
|---|---|
| not applicable | |
| **3. Building Design** | |
| **Nonresidential Design Guidelines** | (Div. 5.8.) |
| Design review required for all nonresidential development, unless exempted by Planning Director | |
| **4. Site Development** | |
| not applicable | |
| **5. Landscaping** | (Div. 5.5.) |
| not applicable | |
| **6. Fencing** | |
| not applicable | |
| **7. Environmental Standards** | |
| **Natural Resource Buffers (min)** | (Sec. 5.1.1.) |
| Cache Creek (south of Cache Creek Dr.) | 20’ |
| Flat Creek north of Hansen Ave. | 25’ |
| Flat Creek south of Hansen Ave. | 50’ |
| Wetland | 30’ |
| **Irrigation Ditch Setback (min)** | (7.7.4.D.) |
| Irrigation ditch | 15’ |
| **Natural Resource Overlay (NRO) Standards** | (Sec. 5.2.1.) |
| **8. Scenic Standards** | |
| **Exterior Lighting** | (Sec. 5.3.1.) |
| Light trespass prohibited. | |
| All lights over 600 initial lumens shall be fully shielded. | |
| Lumens per sf of site development (max) | 3 |
| Lumens per site (max) | |
| All fixtures | 100,000 |
| Unshielded fixtures | 5,500 |
| Light Color | ≤3000 Kelvin |
| **Scenic Resource Overlay (SRO) Standards** | (Sec. 5.3.2.) |

| 9. Natural Hazards to Avoid | |
|---|---|
| **Steep Slopes** | (Sec. 5.4.1.) |
| Development prohibited | Slopes > 25% |
| CUP required | Lot average cross-slope ≥ 10% |
| **Areas of Unstable Soils** | (Sec. 5.4.2.) |
| **Fault Areas** | (Sec. 5.4.3.) |
| **Floodplains** | (Sec. 5.4.4.) |
| **Wildland Urban Interface** | (Sec. 5.4.5.) |
| **10. Signs** | (Div. 5.6.) |
| not applicable | |
| **11. Grading, Erosion Control, Stormwater** | |
| **Grading** | (Sec. 5.7.2.) |
| **Erosion Control** | (Sec. 5.7.3.) |
| Erosion shall be controlled at all times | |
| **Stormwater Management** | (Sec. 5.7.4.) |
| No increase in peak flow rate or velocity across property lines | |

| 12. Required Physical Development Permits | | | | | | |
|---|---|---|---|---|---|---|
| Physical Development | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Building Permit (Sec. 8.3.3.) | DRC Review (Sec. 8.2.6.) | Sign Permit (Sec. 8.3.5.) | Grading Permit (Sec. 8.3.4.) |
| Dwelling Unit | | | | | | |
| < 5 units | | | X | | | (Sec. 5.7.1.) |
| 5 - 10 units | | X | X | | | (Sec. 5.7.1.) |
| > 10 units | X | X | X | | | (Sec. 5.7.1.) |
| Nonresidential Floor Area | | | | | | |
| ≤ 5,000 sf | | | X | X | | (Sec. 5.7.1.) |
| 5,001 - 15,000 sf | | X | X | X | | (Sec. 5.7.1.) |
| > 15,000 sf | X | X | X | X | | (Sec. 5.7.1.) |
| Sign | | | | | X | (Sec. 5.7.1.) |

## C. Use Standards

Standards applicable to uses in the P-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the P-ToJ zone, however, all standards in Article 6. are applicable in the P-ToJ zone, unless stated otherwise.

| 1. Allowed Uses | | | | 2. Use Requirements | |
|---|---|---|---|---|---|
| Use | Permit | BSA (min) | Density (max) | Parking (min) (Div. 6.2.) | Employees Required to be Housed (min) (Div. 6.3.) |
| Open Space | | | | | |
| Agriculture (6.1.3.B.) | Y | 0 sf | n/a | n/a | exempt |
| Outdoor Recreation (6.1.3.C.) | C | 0 sf | n/a | independent calculation | exempt |
| Transportation/Infrastructure | | | | | |
| Utility Facility (6.1.10.C.) | C | 0 sf | n/a | 1/employee + 1/stored vehicle | exempt |
| Wireless Communications Facilities (6.1.10.D.) | | | | | |
| Minor | B | 0 sf | n/a | 1/employee + 1 per stored vehicle | exempt |
| Major | C | 0 sf | n/a | | |
| Temporary Uses | | | | | |
| Christmas Tree Sales (6.1.12.B.) | Y | 0 sf | n/a | 1/1,000 sf outdoor display area + 1/employee | exempt |
| Temp. Gravel Extraction and Processing (6.1.12.F.) | B | 0 sf | n/a | 1/employee | exempt |

Y=Use allowed, no permit required B=Basic Use Permit (Sec. 8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

| 3. Maximum Scale of Use | |
|---|---|
| not applicable | |
| **4. Nuisance Standards** | |
| **Outside Storage** | (Sec. 6.4.1.) |
| **Refuse and Recycling** | (Sec. 6.4.2.) |
| Trash and recycling enclosure required | >4 DUs and all nonresidential |
| **Noise** | (Sec. 6.4.3.) |
| Max sound level at property line | 65 DBA |
| **Vibration** | (Sec. 6.4.4.) |
| **Electrical Disturbances** | (Sec. 6.4.5.) |
| **Fire and Explosive Hazards** | (Sec. 6.4.6.) |

## D. Development Options

Standards applicable to development options and subdivision in the P-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the P-ToJ zone, however, all standards in Article 7. are applicable in the P-ToJ zone, unless stated otherwise.

| 1. Allowed Subdivision and Development Options | | | | | | | |
|---|---|---|---|---|---|---|---|
| Option | BSA (min) | Lot Size (min) | Density (max) | OSR (min) | FAR (max) | Height (max) | Option Standards |
| Allowed Subdivision Options | | | | | | | |
| Land Division | n/a | n/a | n/a | n/a | determined by physical development | | (Sec. 7.2.3.) |
| Condominium/Townhouse | n/a | n/a | n/a | n/a | determined by physical development | | Sec. 7.2.4. |
| **2. Residential Subdivision Requirements** | | | | | | | |
| **Affordable Housing** | | | | | | | (Div. 7.4.) |
| Required Affordable Housing | | | | | | | 1 affordable unit per 4 market units |
| **Schools and Parks Exactions** | | | | | | | (Div. 7.5.) |
| Schools exaction | | | | | | | 0.02 acres per 1- or 2-family unit<br>0.015 acres per multi-family unit |
| Parks exaction | | | | | | | 9 acres per 1,000 residents |
| **3. Infrastructure** | | | | | | | |
| **Transportation Facilities** | | | | | | | (Div. 7.6.) |
| Access | | | | | | | required |
| **Required Utilities** | | | | | | | (Div. 7.7.) |
| Water | | | | | | | Connection to public supply required |
| Sewer | | | | | | | Connection to public supply required |

| 4. Required Subdivision and Development Option Permits | | | | | |
|---|---|---|---|---|---|
| Option | Planned Unit Development (Sec. 8.7.3.) | Sketch Plan (Sec. 8.3.1.) | Development Plan (Sec. 8.3.2.) | Development Option Plan (Sec. 8.5.2.) | Subdivision Plat (Sec. 8.5.3.) |
| Land Division | | | | | |
| ≤ 10 Lots | | | X | | X |
| > 10 Lots | | X | X | | X |
| Condominium/Townhouse | | | | | X |

# Div. 4.3. Planned Resort Zones

The Planned Resort Zones provide for and guide the creation or continuation of planned development configured around a major recreational activity.

## 4.3.1. All Planned Resort Zones (1/4/17, Ord. 1161)

### A. Purpose and Intent

The purpose of the Planned Resort Zone is to provide for a mix of recreational, retail, and service-oriented activities which have a high degree of self-containment and provides economic and other benefits to the community. The Planned Resort Zone is intended to guide the creation or continuation of a planned development configured around a major recreational activity. The intent of this development type is to:

1. encourage recreational activities that rely on indigenous natural attributes of the area, contribute to the community's character and economy and have had a long-standing, beneficial role in the community;
2. provide flexibility for planning and developing recreational resort facilities in a creative, efficient and coordinated manner in order to provide quality visitor experiences;
3. create a process in which Teton County and the Town of Jackson collaborate with landowners in planning and designing resort master plans that meet community goals and respond to the unique circumstances of the resort area;
4. permit resort development that contributes to expanding the winter and shoulder economic seasons;
5. ensure that resort plans incorporate a mix of land uses, promote alternative modes of transportation, and provide a pedestrian-oriented community in order to alleviate traffic-related impacts;
6. ensure resort plans are consistent with the Comprehensive Plan, and therefore, are beneficial to the community;
7. enable long-range planning for infrastructure, capital facilities, and community land use patterns by establishing a level of predictability in the maximum potential size and character of each resort area;
8. ensure a balance is maintained between tourism and community that promotes social diversity but does not cause undesired shifts away from rural, western community character; and
9. produce resort plans that make significant contributions toward protecting attributes of the community that are considered critical to the community's long-term health, welfare, and well being.

## B. Applicability

Only those lands described below shall be eligible for Planned Resort zoning. The intent is that a limited number of PR Districts be created and only in locations that are consistent with the Jackson/Teton County Comprehensive Plan.

1. **Snow King Ski and Summer Resort.** For the purposes of this Division, this area shall be known as "Snow King Resort" and shall encompass the property described in Sec. 4.3.2.

2. **Teton Village.** The Teton Village Resort Zone is comprised of 2 Planned Unit Developments (PUDs) known as Teton Village I and Teton Village II. For the purposes of this Division, this area in its entirety shall be known as "Teton Village" and shall encompass the property described in Sec. 4.3.3. and Sec. 4.3.4.

3. **Jackson Hole Golf and Tennis Club.** For the purposes of this Division, this area shall be known as "Golf and Tennis" and shall encompass the property described in Sec. 4.3.5.

4. **Snake River Canyon Ranch.** For the purposes of this Division, this area, formerly known as Astoria Mineral Hot Springs, shall be known as "Snake River Canyon Ranch" and shall encompass the property described in Sec. 4.3.6.

5. **Grand Targhee.** For the purposes of this Section, this area shall be known as "Grand Targhee" and shall encompass the property described in Sec. 4.3.7.

## C. Legislative Act

Each Planned Resort Zone is subject to the legislative authority of the Town Council and to the findings and procedural standards outlined in Sec. 8.7.3. An approved Planned Resort master plan shall establish the development standards for that Planned Resort Zone.

## D. Findings for Approval

A Planned Resort master plan shall be approved only if all of the following findings are made.

1. **Consistency with Comprehensive Plan.** The Planned Resort master plan is consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan.

2. **Consistency with Purpose and Intent.** The Planned Resort master plan is substantially consistent with the purpose and intent of this Section, as set forth in 4.3.1.A.

3. **Affordable and Employee Housing.** The Planned Resort master plan ensures a supply of affordable and employee housing that is in accordance with the requirements for housing created by development within the Planned Resort.

4. Design Guidelines. The Planned Resort master plan contains design guidelines that

   a. establish standards for buildings, spaces, signs, and lighting within the Planned Resort;

   b. promote the design concepts set forth in F.7.; and

   c. establish a method for consistent implementation of the guidelines.

5. Transportation Element. The Planned Resort master plan contains a traffic impact analysis and transportation demand management plan that:

   a. promote multimodal forms of transportation that are consistent with the transportation goals of the Jackson/Teton County Comprehensive Plan;

   b. manage the generation of resort related traffic to avoid undermining community character and endangering the public health, safety, and welfare; and

   c. identify an equitable cost sharing plan for transportation facilities and services.

6. Capital Improvements Plan. The Planned Resort master plan contains a capital improvements plan that ensures infrastructure and essential services will be provided in an efficient and timely manner to accommodate projected resort demands.

7. Land Use Element. The Planned Resort master plan promotes land uses that support and maintain the character of the resort as specified in Sec. 4.3.2.-Sec. 4.3.7.

8. Phasing Plan. The Planned Resort master plan contains a phasing plan that ensures:

   a. development of the resort, its amenities, and public facilities necessary to serve the resort, occur in logical sequence, and

   b. an adequate monitoring program is established for determining accomplishment of proposed remedies and mitigation measures for projected impacts on the community.

9. Character Element. The Planned Resort master plan ensures the resort's development will be in keeping with the community's character and the planned character for the vicinity of the resort.

## E. Procedure

A Planned Resort master plan shall be reviewed pursuant to the standard procedures set forth for review of a PUD in Sec. 8.7.3. In addition, all Planned Resort master plans shall comply with the following procedural standards.

1. **Collaboration.** This procedure is intended to promote collaboration among landowners, Teton County, and the Town of Jackson in designing land development standards specific for each resort area. While one or more landowners may propose a Planned Resort master plan, and maintain the role of the applicant as identified herein, all landowners within a resort area are encouraged to participate in the design of the master plan. Participation of all landowners within a proposed Planned Resort Zone, however, is not required for the Town Council to adopt a Planned Resort Zone.

2. **Purpose and Intent of Master Plan.** The purpose of a Planned Resort master plan is to establish the development standards and serve as a guide to all future development within the Planned Resort. The Planned Resort master plan is intended to be of sufficient detail to describe the amount, type, size, location, and impact of the proposed resort, but technical specifications of the proposed development, such as fully engineered plans or fully detailed architectural drawings, are not required.

3. **Submittal Components.** A Planned Resort master plan application shall include all lands in a given resort area, as listed in 4.3.1.B. The minimum requirements for a master plan application shall be established by the Planning Director and shall include, but not be limited to:

    a. Statement of Purpose

    b. Master Site Plan

    c. Dimensional Limitation Plan

    d. Design Guidelines

    e. Transportation Demand Management Plan

    f. Housing Mitigation Plan

    g. Capital Improvements Plan

    h. Land Use Plan

    i. Phasing Plan

    j. Community Services Element (optional)

4. **Joint Review by Town and County.** The Town Planning Commission and the Town Council shall receive and consider recommendations from the County Planning Commission and Board of County Commissioners regarding any Planned Resort master plan application in the Town. For the same purpose, The Town Planning Commission and Town Council shall make recommendations to the County Planning Commission and Board of County Commissioners regarding any Planned Resort master plan application within the County.

a. **Purpose.** The purpose of the County's and Town's review of any Planned Resort in the other jurisdiction is to recognize the impact of resorts on neighboring jurisdictions and to provide an opportunity for cooperation in planning and mitigation of potential impacts.

b. **Intent.** The intent of review is for the County Planning Commission and Board of County Commissioners to have an opportunity for review and comment of a Planned Resort. The County's role is advisory only and does not include a voting participation in review of the Planned Resort master plan.

5. **Recordation.** Upon approval, the Planned Resort Master Plan shall be prepared and recorded pursuant to the procedures outlined in the 8.7.3.D.

6. **Amendment to Official Zoning District Map.** Approval of a Planned Resort master plan also shall constitute an amendment to the Official Zoning District Map to establish the Planned Resort Zone. The public hearing notice for the Planned Resort master plan shall be accomplished so as to comply with the requirements set forth in Sec. 8.7.2.

7. **Effect of Approval.** After approval of a Planned Resort master plan, Physical Development and Use Permit approvals are required prior to commencement of any construction or operation of any new land use within the Planned Resort. Procedural standards for Physical Development and Use Permits are outlined in Div. 8.3. and Div. 8.4. No Physical Development or Use Permits shall be approved, unless the proposal is consistent with the Planned Resort master plan. Physical Development and Use Permits may encompass only an increment of the total resort development in accordance with an approved phasing plan.

8. **Standing of Planned Resort Master Plan.** An approved Planned Resort master plan, as amended, shall specify the development standards for the Planned Resort Zone. Once approved, a Planned Resort master plan shall be subject to the following standards:

a. **Amendment of Master Plan.** Any landowner within a Planned Resort District may apply for amendment to the Planned Resort master plan. The amendment shall be reviewed and acted upon pursuant to the procedures set forth in Sec. 8.2.13. Minor deviations from a Planned Resort master plan may be approved by the Planning Director, pursuant to Sec. 8.2.13.

b. Expiration

i. **Time-frame.** A Planned Resort master plan shall expire 3 years from the date of its approval, unless a sufficient application for Final Development Plan in accordance with the approved phasing plan, is filed with the Planning Department. A Planned Resort master plan shall expire 5 years from the date of its approval, unless there is commencement of construction or operation of land uses or activities in accordance with the approved phasing plan. Notwithstanding, alternate time frames for expiration of a Planned Resort master plan may be established in an approved phasing plan.

ii. **Effect.** Upon expiration, approval of a Planned Resort master plan shall become null and void, and all rights that are established by the master plan shall expire.

c. **Extension.** A Planned Resort master plan approval may be extended by the Town Council provided a written request for extension is received at least 30 days prior to expiration of the Planned Resort master plan.

i. **Procedure.** The request for extension shall be reviewed by the Town Council at a regularly scheduled meeting, by which time a public hearing notice shall be advertised and any necessary information pertinent to the extension request can be made available. The Planned Resort master plan shall be deemed extended until the Town Council acts upon the request for extension.

ii. **Grounds for Extension.** The grounds for extending a Planned Resort master plan approval shall be specified by the Town Council and shall include, but not be limited to, the following:

a). **No Change in Conditions.** Conditions in the community have not substantially changed since the original Planned Resort master plan approval. No extension shall be granted if the Town Council finds that changes in the community result in the resort plan being inconsistent with the community's land use patterns, these LDRs, or the community's ability to provide infrastructure and services to accommodate the resort.

b). **Good Faith Efforts.** Activities and investments on the part of landowners within the Planned Resort demonstrate good faith efforts in pursuing the development permitted by the Planned Resort master plan.

d. **Reconsideration.** If development within a Planned Resort fails to proceed in general accordance with the approved phasing plan, the Town Council may require reconsideration of the Planned Resort master plan and either amend the phasing plan or revoke the master plan, as appropriate.

i. **Amendment.** Amendment of the phasing plan shall be appropriate if either an acceptable alternative phasing plan that meets the standards of this Section or a development schedule acceptable to the Town Council for regaining compliance with the original phasing plan is presented.

ii. **Revocation.** Revocation of the master plan shall have the effect of forfeiting all rights within the Planned Resort to any further development according to the Planned Resort master plan and shall be appropriate if:

a). no material progress has been made in development of the resort for 10 consecutive years, or

b). there is substantial noncompliance with the performance objectives specified in the conditions of approval, or the monitoring program, and no agreement can be reached between representatives of the landowners within the Planned Resort or applicant of record and the Town Council for bringing the resort development into compliance with the standards of this Section.

iii. **Procedure.** The Town Council shall hold a public hearing, in accordance with Sec. 8.2.10., for the purpose of examining the development that has occurred within the Planned Resort and its consistency with the Planned Resort master plan. The Town Council shall issue a determination as to whether amendment or revocation of the master plan is appropriate, in accordance with the above specified standards. Revocation of the master plan shall be accomplished by amending the resort area on the Official Zoning District Map from Planned Resort Zone to the zoning district that existed prior to approval of the Planned Resort master plan.

## F. Standards Applying to All Planned Resorts

1. **Consistency with Comprehensive Plan.** Planned Resort master plans shall be consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan.

2. **Compliance with LDRs.** A Planned Resort master plan shall comply with the standards of these LDRs. Notwithstanding, the applicant for a Planned Resort master plan may propose, and the Town Council may approve, alternative standards for development that are consistent with the purpose and intent of this Section. It is fully consistent with this Section that Planned Resorts may have dimensional, design, and other development standards different from those described in other sections of these LDRs due to the unique circumstances of, and community objectives for, resort development. All standards and regulations of the prior zoning district not altered pursuant to an approved Planned Resort master plan shall apply.

3. **Statement of Purpose.** The Planned Resort master plan shall have a Statement of Purpose which describes the applicant's rationale for resort expansion and the design theme of the resort development. The Statement also shall describe how the resort master plan fulfills the intents of this Section, as specified in 4.3.1.A.

4. **Master Site Plan.** The Planned Resort master plan shall have a Master Site Plan that clearly illustrates the proposed development and the site to the satisfaction of the Planning Director.

5. **Dimensional Limitation Plan.** The Planned Resort master plan shall have a Dimensional Limitation Plan, which specifies dimensional limitations necessary to achieve the design theme identified by the applicant. The plan shall include floor areas and floor area ratios, densities, landscape ratios, height, setbacks, building envelopes, etcetera, or other lines delineating areas on which restrictions of development are to be imposed and areas in square feet for each lot or building.

6. **Housing Element.** The Planned Resort master plan shall have a housing element to ensure a supply of affordable and employee housing that is commensurate to the demand for housing created by development within the Planned Resort.

   a. **Affordable Housing.** Affordable housing shall be provided in conjunction with residential development pursuant to Div. 7.4., of these LDRs.

   b. **Employee Housing.** Employee housing shall be provided in conjunction with nonresidential development pursuant to Div. 6.3.

      i. **Employee Housing Calculations.** Since development of a Planned Resort may span time periods over which numbers of employees and their salaries may fluctuate, the calculations performed in developing a Housing Mitigation Plan shall use data current for the most recent full year prior to application for Planned Resort master plan.

      ii. **Master Plan Estimate.** The number of employees required to be housed and the locations where they will be housed, as presented in the Planned Resort master plan, shall be treated as an estimate/concept, and shall be finalized by the Planning Director as Final Development Plans within the Planned Resort are reviewed and acted upon. Each approved Final Development Plan shall establish the actual number of employees required to be housed and the locations in which they will be housed for that portion of the Planned Resort master plan.

7. **Design Element.** The Planned Resort master plan shall include design guidelines, and a mechanism for their implementation, that establish design parameters for both buildings and spaces in the Planned Resort. The design theme of the resort shall be defined by the applicant and be consistent with the standards of this Section. This Subsection establishes concepts that the design guidelines shall address; the design guidelines shall be evaluated as to whether or not they address these concepts, as well as character objectives for specific resorts set forth in Sec. 4.3.2.-Sec. 4.3.7. The design guidelines shall be prepared by an architect or landscape architect licensed in the State of Wyoming; preparation by a person or persons of similar expertise may be permitted by the Planning Director.

   a. **General.** There shall be visual continuity among the resort structures and design elements without unduly limiting variety in design. Development shall be compatible with the surrounding built and natural environment in both scale and character. The design theme of the Planned Resort shall have an emphasis on outdoor recreational activities and create a sense of place. A sense of place is created when site planning and architecture:

      i. concentrate activities and human interaction into identifiable spaces, such as a plaza or mall;

      ii. assemble a built environment that connects buildings, spaces and structures through common scale, design and materials;

      iii. incorporate into the built environment the natural features and cultural heritage of the area; and

iv. produce an identifiable image that is associated with the planned resort and with Jackson Hole.

b. Architecture. Building design guidelines shall reflect:

i. the community's architectural character and themes

ii. a human scale, pedestrian-orientation, which are created when:

a). the height of buildings does not overwhelm people walking beside the buildings; and

b). the ground level doors, windows and design features of buildings create an interesting diversity for people walking past the buildings

iii. a built environment in keeping with the cultural and aesthetic values of the community

iv. natural attributes of the immediate vicinity

v. building materials and colors compatible with the surrounding natural and built environment.

c. Bulk and Scale. The design guidelines shall ensure the bulk and scale of individual buildings within the Planned Resort achieve compatibility with:

i. other structures within the Planned Resort when the resort development is completed, and

ii. neighboring structures that are not a part of the resort, and

iii. the natural environment.

d. Signs. The design guidelines shall include a sign component that sets forth the sign theme for the Planned Resort and specifies criteria for determining permitted sign sizes, types, and locations. The guidelines shall contain prototypical examples of all types of signs, including wall, canopy, freestanding, directional, and informational signs. The flexibility extended to Planned Resorts via this Section, to propose standards for signs different from those specified in Division 5.6, Sign Standards, is encouraged with the purpose of having sign guidelines in keeping with the unique character and needs of the resort.

e. Lighting. The design guides shall include an analysis of proposed project lighting. Areas to be illuminated (parking areas, walkways, entries, etc.) shall be identified, and general standards shall be set forth. Identification of models and types of standards and fixtures is encouraged, but specific illumination plans and photometric footprints are not required. Generally, lighting shall be low-intensity, low-profile, and shielded to avoid "light pollution" and glare to off-site areas. General illumination standards are set forth in Sec. 5.3.1.

f. Site Planning

i. **Orientation and Aspect.** Structures and public spaces within the Planned Resort, generally, shall be arranged with views of, and access to, the principal resort recreational amenity.

ii. **Entrance Features.** Entrances to the Planned Resort shall create a sense of arrival. A sense of arrival is created when the entrance into the Planned Resort is easily identifiable and is consistent with the design theme of the resort.

iii. **Natural Resources.** The site design shall highlight the natural resources within the Planned Resort and integrate them into the layout of the resort in order to promote a connection to the natural environment. Consequently, natural features of the site, such as significant vegetation, rock outcroppings, water bodies, etc., shall be preserved and incorporated into the project design to the extent practicable.

iv. **Pathways and Pedestrian Facilities.** Pathways and pedestrian facilities, including access for the disabled, shall be integral components of the site design. The site shall provide an attractive, outdoor atmosphere that encourages use and reliance upon pathways and walkways.

a). **Safe, Convenient, and Direct Access.** Pathway and pedestrian systems shall provide safe, convenient, and direct access throughout the resort, to public lands, transit facilities and the existing or planned community pathway system, when adjacent to the resort.

b). **Pathways.** Pathways shall be provided for nonmotorized transportation, except motorized wheelchairs for the disabled shall be permitted. Bicycle racks, ski racks, etc., shall be provided at various destination points within the resort.

v. **Transportation Facilities.** Site design shall integrate safe, convenient, and direct access to transportation services and facilities (i.e., bus shelters, information kiosks) and shall incorporate the facilities necessary for the proper functioning of the Transportation Demand Management Plan (see 8.b. below.)

vi. **Circulation.** The layout of local streets, alleyways, and parking lots shall be sensitive to the natural terrain and landscape. Cut and fill areas shall be minimized, and natural features of the site such as wooded areas, rock outcroppings, and waterbodies, shall be preserved to the maximum extent practical.

vii. **Access.** Safe vehicular access appropriate for refuse removal, recycling, emergency services, and delivery shall be provided. Service access shall not create unsafe conflicts with automobile and pedestrian access to primary destinations within the resort.

viii. **Landscaping.** Project landscaping, including hardscape areas, shall be consistent with the overall design theme of the resort. Use of indigenous plant materials is encouraged. Existing vegetation shall be preserved and incorporated into the design of the project to the extent practical, especially wooded areas and other significant vegetation which provides shelter or habitat for wildlife.

g. **Character Objectives.** Sec. 4.3.2.-Sec. 4.3.7. outline character objectives specific to each resort area that shall be incorporated into the design guidelines.

8. Transportation Element

The Planned Resort master plan shall have a transportation element to ensure that resort development does not produce an amount of vehicular traffic that undermines the community's character, and endangers the public health, safety and welfare (i.e., noise, air quality and traffic impacts.) The Planned Resort master plan shall provide an optimum mix of automobile, transit, and pathway facilities within the resort, encourage coordination of all resort transportation facilities with the County-wide transportation system, promote design and management which encourages shifts from single-occupancy vehicle trips to multi-occupancy trips, or other transportation modes, and provide equitable cost sharing for facilities and services.

a. **Traffic Impact Analysis.** A traffic impact and access analysis is required. At a minimum, this analysis shall contain:

i. Projections of external vehicle trips generated by the Planned Resort.

ii. Analysis of levels of service (LOS) impacts on roadway system segments and intersections serving the Planned Resort.

iii. Specification of any improvements needed to roadway system segments and intersections as a result of increased traffic from the Planned Resort.

b. **Transportation Demand Management Plan.** The Planned Resort master plan shall include a Transportation Demand Management (TDM) Plan that demonstrates how the travel behavior of resort visitors and employees will be managed to minimize the number of vehicle trips on the roadway network resulting from the resort development. The Transportation Plan will allocate a number of vehicle trips to various roadway segments, based upon the projected traffic demand and the planned character of the roadway segments. A goal of the applicant's TDM Plan shall be to manage the transportation demands of the resort so that it is consistent with the allocation of vehicle trips to the various roadway segments that serve the Planned Resort. Potential mechanisms for managing travel behavior may include, but are not limited to:

i. Increasing average vehicle occupancy

ii. Shifting vehicular trips (resident and visitor) to public transit

iii. Shifting vehicular trips (resident and visitor) to walking, bicycling and other nonmotorized means

iv. Reducing vehicular trips through internal capture associated with mixed land use patterns.

c. Parking and Loading. The Planned Resort master plan shall provide parking and loading areas of sufficient amount and type to accommodate the resort's projected demand including parking for visitors and lodging guests, waiting and loading areas for transit vehicles and their passengers, and loading areas for delivery vehicles. Parking shall be designed to encourage nonmotorized transportation, transit and high occupancy vehicle use and discourage single-occupancy vehicle use.

9. Capital Improvements Element. The Planned Resort master plan shall have a capital improvements element to ensure that infrastructure and essential services will be provided in an efficient and timely manner to accommodate projected resort demands. Planned Resort master plans shall include a capital improvements element that identifies service providers, analyzes impacts and proposes a capital improvements plan for facilities and services needed by the resort. Such facilities and services may include, but are not limited to: transportation (including transit, parking and pathways;) potable water and wastewater treatment services; waste management (hazardous and solid;) utilities; stormwater management and snow storage facilities.

a. Identification and Acknowledgment of Service Providers. The applicant shall identify the provider of all infrastructure facilities and services included in the plan. Where services are to be provided by an entity other than the applicant, documents from the service provider shall demonstrate the commitment and ability to provide such service according to the Planned Resort master plan.

b. Impact Analysis. An impact analysis shall be performed for all facilities and services, unless waived by the Planning Director. Each impact analysis shall identify the following:

i. The maximum daily peak capacity of existing facilities.

ii. The current daily peak demand on existing capacity.

iii. The daily peak capacity available for new development.

iv. The projected daily peak demand generated by new development in the Planned Resort.

v. When development outside of a resort is reasonably anticipated to utilize the same infrastructure system as the resort, the Town of Jackson shall provide the applicant with estimated peak demand.

vi. Any planned improvements by other entities, such as the Town of Jackson or the Teton Village Water and Sewer District, and the timing of such improvements.

vii. Any deficits in daily peak capacity potentially resulting from development within the Planned Resort--either from a strict demand standpoint or from a timing standpoint--taking into account other potential new development outside the Planned Resort.

c. Capital Improvements Program. The capital improvements plan shall be consistent with the impact analyses and specify how any deficiencies in infrastructure will be remedied or mitigated, including descriptions of the infrastructure improvements, the responsibility and sources of funding for the improvements, and the timing for completion of improvements. Concept plans for improvements shall be included in the capital improvements plan; engineered plans shall be provided in the final development plan application for subsequent development.

10. Land Use Element. The Planned Resort development shall have a land use element that identifies the land uses within a proposed Planned Resort. The land uses shall be consistent with both the applicant's design theme and the character objectives for the resort, as specified in Sec. 4.3.2.-Sec. 4.3.7.

a. Permitted Uses. The type of development permitted within a Planned Resort shall be set forth in the Planned Resort master plan and shall be consistent with the following:

i. Residential uses shall be permitted.

ii. Uses necessary for operation of the resort's primary recreational activity (ski area, hot springs) shall be permitted.

iii. Nonresidential uses that provide for the basic needs of the resort's lodging guests, day visitors, employees and vicinity residents shall be permitted.

iv. Regional-serving commercial uses which rely upon vehicle trips from a community-wide market area rather than the Planned Resort vicinity shall be prohibited, unless they are determined by the Town Council to be resort-related amenities.

v. Commercial amusement activities that are detrimental to the outdoor, natural resource character of Teton County shall be prohibited.

vi. Special events such as music and dance festivals, art and craft shows, concerts, live theater, and similar events which are compatible with the resort and its facilities shall be permitted.

b. Amount and Type of Development. The amount and type of development in a Planned Resort master plan shall be consistent with:

i. The applicant's rationale for resort expansion and the character objectives for the resort area pursuant to Sec. 4.3.2.-Sec. 4.3.7.

ii. The overall amount of development that can be permitted while preserving community character, as reflected in the Jackson/Teton County Comprehensive Plan and the Town and County's LDRs.

iii. The amount of infrastructure capacity that can be provided while maintaining consistency with community character goals.

iv. Providing a level of self-sufficiency within the resort, such that vehicle trips ending outside the resort are minimized.

11. **Phasing Element.** The Planned Resort development shall have a phasing element to ensure that development within a Planned Resort occurs in logical sequence within the Planned Resort, including amenities and necessary public service expansions. Planned Resort master plans shall contain a phasing plan that identifies the sequence of resort structures, uses and amenities, installation of infrastructure, implementation of the Transportation Demand Management Plan, Housing Mitigation Plan, and implementation of Planned Resort master plan conditions of approval.

a. **Description.** All structures, land use activities, mitigation strategies and infrastructure expansions proposed, including such activities and improvements on public lands, shall be included in the phasing plan.

b. **Functional Phases.** Each phase shall be self-sufficient, in conjunction with existing elements of the Planned Resort, i.e., transportation and parking needs, as well as amenities, for each phase shall be satisfied within each phase and shall not be dependent upon a future phase. Each phase shall represent a logical and compact extension of infrastructure and public services. In order to develop certain improvements in logical increments that provide for economies of scale, the phasing plan may propose that improvements required for an earlier phase be provided in a later phase only if:

i. The delayed construction of the improvement does not create a negative impact or exacerbate an existing problematic condition, and

ii. Financial assurance, in a form acceptable to the Town Council, is provided, i.e., letter of credit, that the improvement required for the earlier phase will be developed within a certain time-frame, even if later phases remain undeveloped.

c. **Coordinated With Public Services.** Phasing shall be coordinated with the improvements schedule or capital improvements program of public or semipublic service providers, as identified in the Capital Improvements Element.

d. **Relationship of Phasing to Overall Resort Plan.** Phasing shall implement the stated purpose of the Planned Resort master plan, i.e., if a destination ski area is the basis for the resort plan, the ski area facilities should not be the last increment of development. Similarly, open space dedications,

amenities, and required performances that mitigate the impacts of the resort shall be developed or provided in proportion to the type and amount of development in each phase.

e. Performance Objectives. The Town shall establish performance objectives as part of the Planned Resort master plan approval that ensure that development within the Planned Resort achieves the required mitigation of projected impacts on the community. The resort developers shall be responsible for ensuring that proposed mitigation measures are effective. For example, the resort approval may require vehicle trip reduction techniques in order to avoid undesired vehicle trips; performance objectives shall be identified and incorporated into a monitoring program, described below.

f. Monitoring Program. A program for monitoring compliance with performance objectives for each phase of development shall be designed in a collaborative effort between the applicant(s) and the Town, and shall be set forth in the Planned Resort master plan approval. The monitoring program shall be implemented by the applicant, or an entity that equitably represents all landowners within the Planned Resort, and will include monitoring of TDM components, employee housing developments, and other such elements as identified by the Town Council.

i. Program Contents. The monitoring program shall specify data collection needs, responsibility for data collection, techniques to be used in analyzing data, how the data shall be used to determine achievement of performance objectives, and the schedule for reporting to the Town the results of the monitoring effort.

ii. Program Results. Representatives of the landowners within the Planned Resort shall have 3 reporting opportunities to demonstrate achievement of performance objectives. If, by the third scheduled report, the resort has been unable to meet any specified performance objective, the Planned Resort master plan may be subject to reconsideration pursuant to E.8.d.

g. Achievement of Performance Objectives. Approval of future final development plans may be delayed until the performance objectives of the previous phases are met or a strategy for achieving them has been approved by the Town Council.

12. Community Services Element (Optional). Resorts function as integral parts of the community by participating in civic initiatives and implementing the goals of the community. The optional community services element is intended to be a component of the Planned Resort master plan in which the benefits that the resort area provides to the community are acknowledged. Landowners within Planned Resorts are encouraged to continue with, and expand upon, programs designed to retain local access to the resort's main recreational activity and facilities. Community service programs help to maintain a balance at the resort between out-of-town visitors and the community, and contribute to the quality of life in the community. Examples of community services currently provided are:

a. Hosting activities for local disabled persons

b. Hosting Parks & Recreation Department activities

c. Providing trail head access to public forest land

d. Hosting local nonprofit events, including free recreational activities and transportation

e. Offering reduced facility rates for community events and nonprofit organizations

f. Offering local appreciation and promotional reduction in activity fees

g. Offering activity fees that are affordable to the permanent population

13. **Character Element.** Each Planned Resort master plan shall have a character element to ensure that resort development is in keeping with the community's character and the planned character for the vicinity in which the resort development is located.

a. **Establishment of Character.** Character standards are unique to each resort area in order to recognize the differences between the individual resorts, the planned character of their neighborhoods, and the community's expectation of resort development in that vicinity. The character for each Planned Resort Zone is established in Sec. 4.3.2.-Sec. 4.3.7.

b. **General.** The standards specified for each Planned Resort Zone (Sec. 4.3.2.-Sec. 4.3.7.) are the minimum required, or maximum permitted, as indicated by a "no less than" or "no more than" statement. Minimum requirements may be increased in order to avoid or mitigate impacts of a specific Planned Resort master plan proposal, better achieve the character objectives for the resort, or better implement the goals and objectives of the Comprehensive Plan. Similarly, an applicant's ability to achieve the maximums permitted is dependent upon the Planned Resort master plan's avoidance or mitigation of negative impacts on the community, its achievement of the character objectives for the resort, or its contribution toward achievement of the goals and objectives of the Comprehensive Plan.

c. **Definitions.** The following definitions shall be used when evaluating each Planned Resort Zone:

i. **Guest.** A guest is a person who is accommodated in overnight lodging facilities within the Planned Resort. The number of guests is calculated by the "average peak occupancy" of the lodging accommodations.

ii. **Average Peak Occupancy.** For the purposes of this Section, the following average peak occupancies (APOs) shall be used in calculating the capacity of guest accommodations:

a). **Hotel, Motel, or Similar Lodging Unit.** A hotel, motel, or similar lodging unit that exists as sleeping quarters only, and does not contain other types of living spaces such as a living room or kitchen, shall be assigned an APO of two.

b). **Dwelling Unit.** A dwelling unit, used for short term rental, shall be assigned an APO of four.

c). **Other.** Other lodging facilities that do not meet the definitions above shall have an APO assigned that is the sum of the number of bedrooms the lodging facility contains multiplied by two.

## 4.3.2. Snow King (1/1/15, Ord. 1074)

### A. Area Description

The Snow King Planned Resort Zone consists of those areas zoned PR-SK on the Official Zoning Map. The Snow King Planned Resort Zone is governed by the Snow King Resort Master Plan; however, the Snow King Master Plan does not address public lands, including lands owned by the Town of Jackson, within the resort zone.

### B. Character and Design

As indicated in the description of Character District Subarea 2.1: Snow King Resort in the Jackson/Teton County Comprehensive Plan, Snow King Resort will continue its role as a unique, resort-oriented urban commercial node serving both visitors and residents. Improvements and expansions at Snow King will solidify its role as the main convention and conference facility in the community. Factors and resort characteristics important in Snow King's future development include:

1. Capitalization on the location at the terminus of Snow King Avenue.
2. Creation of a sense of arrival.
3. Creation of an active, attractive, pedestrian streetscape along the eastern end of Snow King Avenue.
4. An attractive, safe, and direct pedestrian streetscape connection to the Town Square.
5. A layout that blends the edges of the resort into neighboring developments, creating a porous edge to the resort that encourages pedestrian travel into and through the area.
6. Structure sizes and layout that draw people into the resort area.
7. A continuity of architecture and activities within the resort, creating a multi-use sense of place.
8. Pathways throughout the resort and connections to the Jackson Hole pathways system.
9. Continued provision of the amenities of "town hill" skiing.

## C. Capacity

1. **Lodging.** Lodging capacity shall be for no more than 2,460 guests shall be provided within the Planned Resort.

2. **Buildings.** There shall be no more than a total of 1,080,000 square feet of gross floor area for all facilities and all uses located within both the Building Envelopes and the Recreation Land Use Zones within Sub-Areas 1-6 as defined in the Snow King Master Plan, as well as, all development within Sub-Area 7 located within the Planned Resort Zone, but not part of the Snow King Master Plan (Pitchfork, Clark's Knoll, Grand Vista, Stevens, Remington). For purposes of allocating square footage 915,000 square feet shall be allocated to Sub Areas 1-6 and 165,000 square feet to Sub Area 7. The 1,080,000 square feet of gross floor area shall include all structures, both new, existing and all additions and/or redevelopment of structures. All floor area devoted to employee housing shall be exempt from the gross floor area calculation. With the exception of floor area devoted to employee housing, the total gross floor area shall include all floor area as defined by the Town's Land Development Regulation and as defined in the Planned Resort Master Plan for Snow King.

## D. Land Use

Convention center facilities shall be provided necessary to serve a year-round convention market, including community needs for convention space. Commercial services provided, in addition to convention facilities, shall be essential services to on-site guests and supplemental neighborhood services. The commercial space shall be sized and designed for serving the needs of on-site guests of the resort and nearby residents.

## E. Landscape Surface Area

Within areas of the Planned Resort to be developed as lodging, conference, commercial and related facilities, the minimum landscape surface ratio shall be .25, exclusive of the already permitted residential development that exists upon the enactment of this Division (Clark's Knoll, Pitchfork Townhomes, Love Ridge, and Love Ridge Addition.) Notwithstanding, the Town Council may reduce the minimum landscape surface area to no less than 20% upon demonstration by the applicant that the following objectives are achieved with a reduced landscape surface area. The primary purposes of the landscaped areas within Snow King are to:

1. Create visually strong and attractive streetscapes.

2. Create a porous edge to the Planned Resort such that residents and visitors in the surrounding areas are invited to enter the resort through attractive pedestrian ways.

3. Support high quality urban design, including integral public spaces for interaction and public events.

### F. Environmental or Visual Analysis

An EA with a visual component or a Visual Resources Analysis dealing with the potential visual impacts of development shall be performed pursuant to the procedures and standards of Sec. 5.3.2. An EA shall be performed which recommends any action necessary to mitigate impacts to wildlife, migration corridors and crucial winter range.

### G. Relationship to Town Square

Programs and facilities shall be established that encourage nonmotorized access and public transit access to the Town Square and other Town tourist environs, in conjunction with Town of Jackson planning efforts and goals.

### H. Properties Not Part of the Snow King Master Plan

Privately owned lots of record within the Snow King Planned Resort Zone but not part of the Snow King Master Plan may be developed in accordance with the physical development limitations and standards, uses and development options listed for Auto-Urban Residential - Town (AR-ToJ) zone.

## 4.3.3. Teton Village I (1/1/15, Ord. 1074)

[Section number reserved, standards only applicable in County]

## 4.3.4. Teton Village II (1/1/15, Ord. 1074)

[Section number reserved, standards only applicable in County]

## 4.3.5. Jackson Hole Golf and Tennis Club (1/1/15, Ord. 1074)

[Section number reserved, standards only applicable in County]

## 4.3.6. Snake River Canyon Ranch (1/1/15, Ord. 1074)

[Section number reserved, standards only applicable in County]

## 4.3.7. Grand Targhee (1/1/15, Ord. 1074)

[Section number reserved, standards only applicable in County]

# Div. 4.4. Planned Unit Development Zones

## 4.4.1. All Planned Unit Development (PUD) Zones (1/4/17, Ord. 1161)

### A. Purpose

Planned Unit Development (PUD) zones permit variation from the strict application of the zoning districts in order to achieve specific community goals that enhance the community's implementation of the Jackson/Teton County Comprehensive Plan. The intent of PUD zones is that large or complex developments under unified control be planned as a single, continuous project with greater design flexibility.

### B. Applicability

The standards of this Section apply to:

1. Existing PUDs and other special projects listed in 1.8.2.C. of these LDRs.
2. Applications for establishment of PUD zoning.

### C. Content of a PUD

A PUD is the equivalent of the zone-specific standards found in Articles 2 and 3. A PUD is not intended to have the level of detail of a physical development plan. A PUD shall include:

1. A surveyed map of the area to which the PUD applies
2. A master plan that establishes the general configuration and relationship of the principal elements of the proposed development and specifies terms and conditions defining development parameters, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing.

### D. Development of a PUD

1. The development standards for each PUD are established by the approved PUD master plan. All physical development, use, and subdivision under the PUD shall comply with the master plan.
2. Where development standards are not addressed or established in the approved PUD master plan, the development standards of the underlying zoning district shall apply.
3. PUD approval does not permit actual physical development or use of a site. All appropriate permits and approvals shall be obtained under the administrative procedures of these LDRs prior to any physical development, use, or subdivision of land allowed by the PUD.

### E. Establishment of a New PUD

Establishment of PUD zoning shall be achieved through an application for approval of a PUD development option established in this Division. PUD applications shall be reviewed pursuant to Sec. 8.7.3.

### F. Amendment of an Existing PUD or Other Special Project

An amendment to an existing PUD or other special project listed in 1.8.2.C. shall be reviewed and approved pursuant to 8.2.13.D.

### G. PUD Option Schedule

The below table establishes the PUD options allowed in each zoning district and references the standards for each option. Any PUD option not specifically established in this Division is prohibited.

| PUD Option Schedule: Character Zones | | | | | |
|---|---|---|---|---|---|
| | Complete Neighborhood Zones | | | | Rural Area Zones |
| | DC | CR-1 | CR-2 | OR | n/a |
| PUD-TOJ (Sec. 4.4.2.) | -- | -- | -- | -- | n/a |

Key: P = PUD option allowed with permit
-- = PUD option prohibited

| PUD Option Schedule: Legacy Zones | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Complete Neighborhood Zones | | | | | | | | | | | | | Rural Area Zones | Civic Zones | |
| | TS | UC | UR | AC-ToJ | AR-ToJ | BP-R | BP-ToJ | BC-ToJ | RB | MHP-ToJ | NC-ToJ | NC-2 | S-ToJ | R-ToJ | P/SP-ToJ | P-ToJ |
| PUD-TOJ (Sec. 4.4.2.) | -- | P | P | P | P | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | -- |

Key: P = PUD option allowed with permit -- = PUD option prohibited

## 4.4.2. Planned Unit Development - Town (PUD-ToJ) (7/7/16, Ord. 1119)

### A. Purpose and Intent

The Planned Unit Development - Town (PUD-ToJ) option is intended to provide a mechanism for land development through an overall, unified approach rather than the traditional lot by lot approach. The PUD-ToJ allows for a variety of types of residential development and encourages appropriate mixes of residential product types. The purpose of the PUD-ToJ option is:

1. To encourage flexibility, innovation of design and variety of development types in order to promote the most suitable use of a site.

2. To facilitate efficient provision of streets, utilities and municipal services.

3. To provide a functional system of pathways, both on and off site.

4. To achieve a compatible land use relationship with the surrounding area.

5. To preserve the unique, natural, scenic, historical and cultural features of a site.

6. To develop and preserve usable open space.

7. To encourage a high quality of design.

8. To encourage the conservation of energy.

9. To promote and encourage affordable housing.

## B. Unified Control

The development site of a PUD-ToJ shall be under unified control, and shall be planned as a whole.

## C. Phasing

Phasing of development and associated public and private improvements is permitted subject to an approved phasing schedule. All requirements of these LDRs, as well as all standards established by PUD-ToJ approval, shall be met at each development phase.

## D. Permitted Dwelling Unit Types

PUD-ToJ zones shall be permitted all principal and accessory residential uses and are encouraged to provide a variety and mix of residential types and sizes. Permitted unit types may include, but shall not be limited to, single-family homes (attached and detached), townhouses, condominiums, apartments, and accessory residential units. Mobile homes, mobile home parks, and mobile home subdivisions are not permitted as PUD-ToJ zones.

## E. Application and Review Procedures

All PUD-ToJ zones shall be submitted, processed, and reviewed according to the provisions of Sec. 8.7.3.

1. **Criteria for Review.** All PUD-ToJ zones shall demonstrate substantial compliance with the following criteria as applicable to the specific proposal.

    a. **Conformance with Comprehensive Plan.** Projects proposed pursuant to this Section shall demonstrate substantial compliance with the Jackson/Teton County Comprehensive Plan in terms of furthering or helping achieve and implement the goals, objectives, policies, and recommendations contained therein.

    b. **Conformance with Other Applicable Regulations.** PUD-ToJ zones shall conform with the requirements of these LDRs, all other applicable Resolutions of the Town, County, and Wyoming State Statutes, except as modified by this Section.

c. Density. Proposed density shall be appropriate and compatible both in terms of the surrounding neighborhood and the zoning district in which the PUD-ToJ is located.

d. Variety of Unit Types. As a general standard, PUD-ToJ zones are encouraged to provide a mix of appropriate dwelling unit types and sizes, or, provide a unit(s) which broadens the variety across the community, or, offer a unit for which there is a recognized need. Large-scale projects which offer little or no diversity and variety of dwelling unit offerings may be denied on that basis.

e. Open Space. All PUD-ToJ zones shall provide functional open space and landscape areas as appropriate. Open spaces shall be adequate to provide light, air circulation, and privacy. Open spaces may be used to protect existing vegetation or other environmental features of the site, or they may be used to provide amenities. All units should have access to open space.

f. Historical and Cultural Resources. The PUD-ToJ process encourages the preservation of historic and cultural resources. When encountered in the course of development or redevelopment, such resources should be preserved and incorporated into the project design to the extent possible, and in a manner which preserves the integrity and community value of the resource.

g. Arrangement and Design. Structures shall be separated and arranged to provide privacy and to allow opportunities for use of borrowed space. Structures should be oriented to common areas such that open space is shared among units. The configuration of lots or units within the project shall provide each lot, unit, or building with a building site that is suitable when considering topography and other natural features. The development shall be compatible with the surrounding neighborhood in terms of bulk, scale, structural mass, and character. Additionally, PUD-ToJ zones should enhance the sense of order, cohesiveness, and/or distinctive identity of the neighborhood in which they are located.

h. Access. Safe and adequate access shall be provided to all areas of the proposed development, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way, or a commonly owned easement. Points of access shall be located and designed to maximize vehicle and pedestrian safety. Access which forces relatively large volumes of traffic through lower density neighborhoods via minor streets shall be avoided. Where a proposed project abuts a collector, arterial road or highway, direct access to such road or highway from individual lots, units, or buildings in the project shall be avoided. Double frontage or reverse frontage lots or buildings shall be prohibited, except where necessary to limit vehicular access to arterial roads and highways; or to provide separation of development from through traffic; or to overcome specific disadvantages of topography or other natural features of the site.

i. Circulation. The circulation system shall be designed to provide access to areas of the site which need to be accessible to vehicles (parking areas, garages, etc.). “Automobile free” areas and pedestrian only access to individual units are encouraged.

j. Emergency Access. Adequate, approved access to all structures by emergency vehicles shall be provided.

k. Streetscapes. All PUD-ToJ zones with frontage on a public street or approved private street shall provide safe, inviting, and attractive streetscapes. Where appropriate, residential units, including outdoor spaces such as porches, decks, and balconies, shall be oriented to the street yard, and where appropriate, streetscapes shall not be dominated by parked vehicles and garage entrances. Trash enclosures and dumpsters shall not be located in street yards or adjacent to any street.

l. Pedestrian System. Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, project facilities and amenities, and principal off-site pedestrian destinations. Provision shall be made for pedestrian and bicycle travel in accordance with Pathways Master Plan - The Town of Jackson & Teton County, Wyoming, March 2007. Linkages to schools, parks, public lands, and pathways existing on adjacent properties shall be provided.

2. Findings for Approval. Any PUD-ToJ proposal may be approved only if all of the following findings are made:

a. That the proposed project substantially achieves the stated purposes (as applicable) of this Section, and that it is an appropriate and legitimate application of the PUD-ToJ process; and

b. That the proposed project is in substantial compliance with all applicable standards and criteria of this Section; and

c. That the proposed project substantially meets the character objectives of preservation or enhancement of the zoning district and neighborhood in which it is to be located. Projects which are found to be out of scale and character with their surroundings will not be approved; and

d. That streets and intersections serving the project will not be reduced to unacceptable levels of service, nor will the safety of motorists, pedestrians, and cyclists be jeopardized; and

e. That the density and distribution of population resulting from the project will not overburden schools, parks, utilities, or other public services; and

f. That all adverse impacts associated with the proposed project are effectively mitigated to the extent possible.

## F. Base Development Standards

The base development standards for the PUD-ToJ option are established in the zoning districts in which the PUD-ToJ is allowed, which can be found in Article 2. and Article 3..

## G. Flexible Development Standards

All other development standards of density, height, setbacks, and required parking are open and flexible, and are to be established for each individual PUD-ToJ based upon the criteria provided below.

1. **Front Setbacks (Street Yards).** Front setbacks shall reflect the general standards of the neighborhood, character area, and zoning district in which the PUD-ToJ is located. (For example, front setbacks will tend to be smaller in urban areas, deeper in auto-urban areas, and deeper yet in areas of suburban character.) Front setbacks should be somewhat varied, especially in auto-urban and suburban single-family detached situations, to avoid regimentation and monotony. The primary purposes of front setbacks are:

    a. attractive streetscapes which provide a comfortable and pleasing pedestrian environment, including such features as decks, porches, balconies, etc., to enliven the streetscape,

    b. functional open space, and

    c. light, air, and separation of the structure from the activity of the street.

2. **Side and Rear Setbacks.** Setbacks for side and rear yards are critical factors in terms of neighborhood compatibility. Generally, side and rear setbacks in PUD-ToJ zones should reflect those in the immediate neighborhood and should mirror those of adjacent properties. The primary purposes of side and rear setbacks are:

    a. functional open space (primarily in rear yards),

    b. to provide light, air circulation, and privacy,

    c. to provide separation between buildings which allows for vistas, the use of borrowed space and linkages to common open space as appropriate,

    d. to provide private outdoor space (primarily in rear yards); decks, patios, balconies, etc.

    While side setbacks may be reduced to zero in appropriate urban applications, no setback shall be reduced to the extent that rain, snow, or snow melt falls on to adjacent property.

3. **Density.** In a PUD-ToJ, density is a function of the base standards, the type and mix of units proposed, and the character of the surrounding neighborhood. The density proposed should be appropriate and compatible with the neighborhood

in terms of both total population and bulk, scale, and massing of structures. Project density should not result in traffic or any other external impacts which will adversely impact the surrounding neighborhood or adjacent property.

4. Height of Structures. The structural height proposed should be in scale with the surrounding neighborhood. Structural heights should be appropriate to the terrain of the project site and to the type of unit(s) proposed. Generally, perimeter setbacks should increase with structural height, and taller structures should be located toward the interior of the site, or elsewhere if the potential for adverse impacts is lessened. Structures in a PUD-ToJ are not limited as to the number of levels above finished grade. No structure may exceed 35 feet in height, except in response to extraordinary slope or to provide workforce, affordable or emplyee housing in the UR zone as provided in 2.3.4.E..

5. Parking Requirements. Parking standards for PUD-ToJ zones shall be set on an individual, project-by-project basis. The standards set forth in Div. 6.2. shall be a guide in determining appropriate standards. Parking demand is a function of the following factors:

   a. project location,

   b. unit type,

   c. size/value of unit, and

   d. target market.

6. Cross Aisles. Cross aisles and drive aisles which are not abutted by parking may be reduced to no less than 20 feet in width in the interior of a PUD-ToJ, provided that vehicle, pedestrian, and resident safety, and emergency access are not compromised.

7. Tandem Parking. Tandem parking may be permitted in a PUD-ToJ regardless of the number of units, provided that the resulting tandem spaces are assigned to the same unit. No more than 2 vehicles parked in tandem are permitted.

8. Backing onto Roads and Public Streets. The backing of vehicles onto roads and public streets in groups of vehicles greater than 3 may be permitted, provided that vehicle, pedestrian, and bicycle safety are not compromised. This provision applies to minor residential streets and cul-de-sacs only. On all other streets, the standard in 6.2.5.B.3. applies.

9. Public and Private Streets. Standards for public and private streets may be reduced from those set forth in Div. 7.6. of these LDRs, provided that vehicle, pedestrian, bicycle, and resident safety are not compromised. Street design shall be based upon the type and density of land use served, and total projected vehicle trips. Public streets must be readily maintainable and shall not be a maintenance cost liability to the Town of Jackson.

## H. List of Approved Planned Unit Development Zones - Town (PUD-ToJ)

The following PUD-ToJ Zones have been approved by the Town. The approved physical development, use, development option, and subdivision standards are hereby adopted by reference into the LDRs and are on file for public review with the Town Clerk and Planning Department. A copy of the approved development plan for each PUD-ToJ is also on file for review with the Town Clerk and Planning Department.

1. Planned Unit Development - Urban Residential (P15-029) (PUD-UR (P15-029)) (135 West Kelly Avenue)
2. Planned Unit Development - Urban Residential (P16-017) (PUD-UR (P16-017)) (1255 West Highway 22)
3. Planned Unit Development - Urban Residential (P16-019) (PUD-UR (P16-019)) (655 Powederhorn Lane)
4. Planned Unit Development - Auto-Urban Residential (P16-061) (PUD-AR (P16-061)) (335 Redmond Street)

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# Div. 5.1. General Environmental Standards

The purpose of this Division is to maintain healthy populations of native species and preserve and enhance water and air quality. Wildlife and natural resources are an essential component of the character of the community.

## 5.1.1. Waterbody and Wetland Buffers (1/4/17, Ord. 1162)

### A. Purpose

This Section establishes the protection standards for waterbodies and wetlands. In order to protect the community as a whole from potential negative impacts caused by physical development and use that may affect these resources or their functions, this Section prohibits physical development and use on and within a certain distance of these resources.

### B. Findings

Waterbodies and wetlands provide critical functions in controlling flood waters, providing wildlife habitat, cleansing the water resources, and contributing to the special scenic quality of the Town of Jackson.

### C. Resource Definitions

1. **Waterbodies.** Waterbodies are natural features (i.e., rivers, streams, lakes) that convey or contain surface water.

    a. **River.** River means the Snake River, the Gros Ventre River, the Hoback River, or the Buffalo River.

    b. **Stream.** Stream means a body of running water that is neither one of the identified rivers nor an irrigation ditch, and has one or more of the following characteristics:

        i. **Flow Level.** Has an average annual flow of 3 cfs. or greater including return water from subirrigation practices.

        ii. **Habitat.** Provides a winter habitat for trumpeter swans or serves as a cutthroat trout spawning area.

    c. **Cache Creek.** Cache Creek is only considered a stream south of its crossing of Cache Creek Drive. Where it is above ground north of Cache Creek Drive it is considered a ditch.

    d. **Natural Lake/Pond.** A natural lake/pond means a body of standing water, usually at least 6 feet deep, which was created by natural processes.

2. **Riparian Plant Community.** Riparian plant communities associated with watercourses shall be delineated using Youngblood, A.P., Padgett, W.G. and Winward, A.K., “Riparian Community Type Classification of Eastern Idaho-Western Wyoming,” USDA Forest Service, Intermtn. Reg., R4-Ecol-85-01,

Ogden, UT, 1985, and the U.S. Department of Interior Fish and Wildlife Service publication: "National List of Plant Species that Occur in Wetlands: Northwest (Region 9)," Biol. Rept. 88 (26.9), May 1988.

3. Wetlands. Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Identification of wetlands shall be according to the 1987 Corps of Engineers Wetlands Delineation Manual. This definition excludes irrigation induced wetlands.

## D. No Development, Setbacks/Buffers Required

Due to the risk of severe negative impacts on the community at large if waterbodies and wetlands are wholly or partially developed, and the necessity to protect the natural functions of these resources, physical development and use of these resources is prohibited in most cases and a setback/buffer is required. Demonstration of compliance with wetland standards shall be provided by a qualified professional.

1. Development Prohibited. Physical development and use in waterbodies and wetlands is prohibited except for essential facilities as specified below.

2. Setback/Buffer Required. All physical development and use is required to be setback from specified resources as follows:

   a. Rivers. 150 feet.

   b. Streams General. Along streams not specified below, physical development and use shall be located out of the riparian plant community, but in no case shall the required setback be less than 50 feet or more than 150 feet.

   c. Streams, Specific. Physical development and use shall be setback from streams in the Town of Jackson as specified below:

      i. Cache Creek. South of the headgate: 20 feet.

      ii. Flat Creek

         a). North of the westerly extension of the southern ROW line of Hansen Avenue. 25 feet.

         b). South of the westerly extension of the southern ROW line of Hansen Avenue. 50 feet.

   d. Natural Lake/Pond. Adjacent to natural lakes or ponds, physical development and use shall be located out of the riparian plant community, but in no case shall the required setback be less than 50 feet nor more than 150 feet.

   e. Wetlands. 30 feet.

f. **Measurement.** Setbacks shall be measured from the mean high water or top of bank, whichever is farthest from the thread of the watercourse or the center of the waterbody.

g. **Buffer.** The area protected by the setback is the "buffer" and shall remain free from physical development and use, parking, and open storage of vehicles, refuse, or any other material. Terrain disturbance for flood protection, wildlife habitat enhancement, or public pathways are permitted in the buffer upon receipt of applicable permits.

h. **Land Protected by a Conservation Easement.** Land protected by a conservation easement, where proposed development density is one unit per 70 acres or less and the total acreage subject to the easement is 320 acres or more, shall be exempt from certain stream setbacks required by this Subsection. The stream setback for land under a conservation easement may vary based upon the wildlife, agricultural, and scenic analyses performed as part of the design of the easement. Under no circumstances, however, shall the setback from streams be less than 50 feet.

3. Development of Essential Facilities

a. **Waterbodies.** Certain water dependent uses, bona fide stream restoration and enhancement, and essential road or utility crossings must be located in or adjacent to waterbodies. These may be permitted provided all physical development meet the following requirements.

i. **Flood Control, Irrigation, or Essential Crossings.** Only physical development that is essential to flood control or irrigation, bona fide stream restoration and enhancement, or essential road or utility crossings shall be permitted.

ii. **Not for Human Habitation.** Structures shall not be intended or designed for human habitation.

iii. **Minimize Negative Impacts on Wildlife.** All physical development and use shall be designed to minimize negative impacts on wildlife.

b. **Wetlands.** Wetlands may be physically developed or used under the following circumstances. Notwithstanding, receipt of a local permit does not absolve an applicant from obtaining all other State or Federal permits necessary to develop wetlands.

i. **High-Intensity Use Degrades Wetland/ Wetland Agriculture-Induced.** Where the intensity of adjoining use(s) cause the retained wetlands to become degraded habitats and the wetland area is suitable for physical development or use due to planning, location, and other factors, or where the wetland is induced by irrigation.

ii. **Necessary to Reshape Wetland to Provide Building Site.** Where, due to the shape of the lot of record and its interaction with topography, it is necessary to reshape the wetland boundary to provide a building envelope, filling up to 5% of the wetland on the lot of record, not to exceed 1 acre, is permitted.

iii. **Essential Crossings When No Alternate Site.** Essential utility and road crossings shall be permitted to impact wetlands where it is demonstrated that the proposed crossings cannot be practically located without impacting wetlands.

iv. **Wetland Impacts Require Mitigation.** When wetlands that are not irrigation induced are impacted in accordance with this Section, the following mitigation standards shall apply.

a). **All Practical Measures to Reduce Impact.** It shall be demonstrated that reasonable project modification measures have been taken to reduce wetland loss and degradation.

b). **On-Site Mitigation Wherever Practicable.** On-site mitigation shall be provided wherever practicable. Where it is demonstrated that on-site mitigation is not practicable, off-site mitigation shall be permitted. All mitigation shall be at a ratio of 2 acres of new wetland for every one acre of wetland impacted. The new wetlands shall restore lost wetland functions and values. A wetland scientist or other professional with experience in wetland creation shall prepare the Habitat Enhancement Plan, pursuant to 5.2.1.E.2., and shall be responsible for implementation of the plan as approved.

c). **Encroachment Into the Buffer.** Encroachment into the buffer is permitted in accordance with this Section and does not require wetland mitigation for impacts to the buffer.

d). **Wetland Replanting.** The new wetland area shall be planted with a hydric tolerant mix of seeds in suitable areas, wetland plants, and suitable seed bank soils. A wetlands biologist, or other professional with experience in wetland creation, shall certify the planting plan.

e). **Persistence.** It shall be demonstrated that the created or restored wetland will be at least as persistent as the impacted wetland system it replaces.

f). **Buffer.** Buffers in accordance with this Section shall be provided around wetlands that are created pursuant to this Subsection.

## 5.1.2. Wildlife Friendly Fencing (1/1/15, Ord. 1074)

### A. Findings

Fencing is a structural element that can create an impediment for wildlife movement, resulting in both injuries to wildlife and damage to the fencing.

## B. Applicability

Fences in the NRO shall comply with the standards of this Section.

## C. Fencing Height

Fencing, for purposes other than livestock control, shall be no higher than 38 inches above the ground. Fencing for livestock control shall be no higher than 42 inches above the ground. For both of the above fence types, spacing between the top two wires or top pole/rail and adjacent wire shall be at least 12 inches.

## D. Materials and Design

Fencing materials and design shall comply with the following standards:

1. Wood (or similar material) top poles, and either wood rails or wire strands are permitted as horizontal elements in fencing. The wire strands shall be smooth or twisted wire. Barbed wires may be used in the middle strands, not including the top and bottom strands, when necessary to control livestock.

2. The required fencing design includes a top level of a wood (or similar material) pole rather than wire. The bottom rail or wire strand shall be at least 16 inches above the ground.

3. The spacing of fence posts shall be on 12-foot centers unless topography prohibits this spacing. The posts shall have extra height to allow for any necessary lower or raising of the top rail. Spacing of the second and third wire shall be evenly spaced. Spacing distances may vary from 7-8 inches depending on the height of the fence.

4. Buck and rail fencing shall be avoided. When buck and rail fencing is necessary due to rocky soil, a portion of the fence shall be laid down or constructed to a lower height, not to exceed 38 inches, to allow wildlife movement.

5. The top level of a newly constructed fence shall be flagged immediately after construction. The flagging shall be white and maintained for at least 1 year.

## E. Special Purpose Fencing

Notwithstanding the provisions of this Section, the Planning Director may exempt special purpose fencing from this Section, provided the fencing meets the below standards.

> **EXAMPLE:** Examples of special purpose fencing include fencing for a dog kennel, certain types of agricultural fencing (such as bull enclosure, pig pens, sheep enclosure, fencing to secure stored livestock feed, fencing for winter livestock feeding sites, and fencing for 4-H projects), securing a construction site, swimming pool enclosure, screening of refuse facilities, recycling containers, dumpsters, and small yard enclosure.

1. Smallest area. The special purpose fencing shall encompass the smallest area necessary to achieve the purpose.

2. **Specific design.** Special purpose fencing is constructed for a particular use and requires a specific design to accomplish the purpose of the fence.

## 5.1.3. Wild Animal Feeding (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

## 5.1.4. Air Quality (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

## 5.1.5. Water Quality (1/1/15, Ord. 1074)

[Section reserved for future standards]

# Div. 5.2. Environmental Standards Applicable in Specific Areas

The purpose of this Division is to maintain healthy populations of native species by protecting crucial habitats Wildlife and natural resources are an essential component of the character of the community.

## 5.2.1. Natural Resources Overlay (NRO) Standards (1/4/17, Ord. 1162)

### A. Purpose of the NRO

The purpose of the Natural Resources Overlay (NRO) is to provide protection to the most important and sensitive natural areas throughout the Town and County that provide critical winter habitat and migration routes that are essential for survival of the elk, mule deer, moose, and trumpeter swans; nesting habitat that is essential to the survival of the bald eagle and trumpeter swan; spawning areas that are essential to the survival of the cutthroat trout; and the natural resources and bio-diversity that support wildlife populations. This is done through the establishment of the NRO, which protects these areas through standards, mitigation, and habitat enhancement.

### B. Establishment of the NRO

There is hereby established the Natural Resources Overlay (NRO), which, in areas where it applies, shall overlay all zones established by these LDRs.

1. **Included within the NRO.** Included within the NRO are:

    a. the migration routes and crucial winter ranges of elk;

    b. the migration routes and crucial winter ranges of mule deer;

    c. the crucial winter habitat of moose;

    d. the nesting areas and winter habitat of trumpeter swans;

    e. the spawning areas of cutthroat trout; and

    f. the nesting areas and crucial winter habitat of bald eagles.

2. **Map of the NRO / Site Specific Analysis Is Required.** The NRO shown on the Official Zoning Map identifies, on a general scale, the locations of those areas protected by the NRO. Its purpose is to place a landowner on notice that land may be within the NRO and to assist in the general administration of this Section. A site-specific analysis of whether land is included within the NRO is required pursuant to Sec. 8.2.2.

3. **NRO Definitions.** The following definitions shall apply in the NRO.

    a. **Crucial Elk Migration Routes.** Crucial elk migration routes are the migration routes used by elk 8 out of every 10 years to migrate from summer ranges to winter ranges. Elk migration occurs over a few days or may span several weeks, depending upon the weather and other factors.

b. Crucial Elk Winter Range. Crucial elk winter range generally consists of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types, that are used during winter months by elk 8 out of every 10 years. Crucial winter ranges are essential to the survival of these animals during the critical periods of winter. Elk find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

c. Crucial Mule Deer Migration Routes. Crucial mule deer migration routes are used by mule deer 8 out of every 10 years to migrate from summer ranges to winter ranges. Generally, mule deer migration routes remain constant over a general area, if there is no significant human disturbance. Although specific mule deer migration routes are less common than elk migration routes, a few very important routes have been identified as crucial to Teton County mule deer.

d. Crucial Mule Deer Winter Range. Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types which are used during the crucial winter months by the mule deer 8 out of every 10 years. This crucial winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial winter range is essential to the survival of mule deer. Mule deer find food and/or cover on those sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

e. Crucial Moose Winter Habitat. Crucial moose winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood, and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. These habitat types are used by moose during winter 8 out of every 10 years. Crucial winter habitat is essential to the survival of the moose. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.

f. Trumpeter Swan Nest. Trumpeter swan nest is a nest created by a trumpeter swan for the purpose of procreation and are generally found on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. A trumpeter swan nest is active when eggs have been laid in it or when a trumpeter swan is attempting to lay eggs in it. For the purposes of these LDRs, a known trumpeter swan nest shall be an active trumpeter swan nest. Important attributes of trumpeter swan nesting areas include: proximity to feeding areas which have early ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building materials; availability and dispersion of feeding areas for cygnets 1-40

days old; and juxtaposition and interspersion of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).

g. Trumpeter Swan Winter Habitat. Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than 2 inches in depth, winter water depths of less than 4.3 feet, watercourse channels of 50 feet or more, and banks with little or no shrubbery or tree cover and gradual slopes. These habitats attract trumpeter swans 8 out of every 10 years. Trumpeter swan winter habitat is essential to their survival during critical winter periods. Trumpeter swans find food and/or cover in these areas during the most inclement and difficult winter weather conditions due to their hydrologic and vegetative characteristics.

h. Cutthroat Trout Spawning Areas. Cutthroat trout spawning areas generally occur in well-oxygenated waters within palustrine and upper perennial-unconsolidated shore and bottom habitat types. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. Cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs in these areas. Redds are generally constructed in gravel substrate and range in size from 0.5 - 2.5 inches in diameter.

i. Bald Eagle Nesting Areas. Bald eagle nesting areas generally occur in uneven-aged, multi-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are often located near waterbodies and watercourses which provide foraging opportunities. Nests are generally in one of the largest trees in the stand and in most instances are located so that the bald eagle is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nesting habitat best suited for reproduction.

j. Bald Eagle Crucial Winter Habitat. Bald eagle crucial winter habitat consists of the bald eagle nesting area, defined as the nest tree and its associated buffer and bald eagle perch and roost sites along the Snake River corridor.

k. Bald Eagle Nest. A bald eagle nest is a nest created by a bald eagle for the purpose of procreation. A pair of bald eagles may have more than one nest within its nesting territory. There are three types of bald eagle nests. An occupied nest is one in which evidence (such as fresh nest material, droppings, feathers, or prey remains in or below the nest, or the birds themselves) indicates that a pair of eagles is present. An active nest is an occupied nest in which eggs have been laid or young eagles are present, indicating that the mated pair are actively attempting to produce young. An

inactive nest is one which occurs within the nesting territory but shows no evidence of occupation. For the purpose of these LDRs, a bald eagle nest is either an occupied nest, an active nest, or an inactive nest.

## C. Findings for the NRO

1. **General.** Teton County is internationally known for the abundant wildlife that results from the County's location in the Greater Yellowstone Ecosystem and its proximity to Grand Teton National Park, Yellowstone National Park, and the Bridger-Teton National Forest. Although all wildlife species are important, premier species with significant biological, ecological, economic, educational and aesthetic values to Teton County include elk, mule deer, moose, bald eagles, trumpeter swans, and cutthroat trout. These species and their respective habitats must be protected in order to assure their continued survival in Teton County.

2. Elk

   a. **General.** The elk, or "wapiti," is a large ungulate and a member of the deer family. Teton County supports one of the largest elk herds in North America (approximately 15,000 animals) and the presence of these animals attracts visitors from all over the world. A variety of consumptive and non-consumptive human activities center around the presence of elk in Teton County.

   b. **Elk Migrate between Summer Range and Winter Range.** Elk are known as grazers and rely primarily on grasses and some shrubs for forage. Because of their diet and the climate in Teton County, elk are migratory animals, moving between summer ranges and winter habitat.

   c. **Summer Range.** Elk summer ranges are extensive and occur primarily within the mountains around Teton County.

   d. **Migration Required in Winter.** When heavy snow accumulation occurs in the mountains, food availability is reduced within the elk's summer range, and they are forced to migrate to low elevation winter range. Migration from summer ranges to winter ranges occur over a few days or may span several weeks, depending upon the weather.

   e. **Migration Routes Essential to Survival.** Generally, elk migration routes remain spatially constant without human disturbance and those in Teton County that have not been significantly impacted by development or hunting pressures continue to be used by elk. These migration routes are essential to the elk's survival, because without them elk cannot migrate to their winter ranges.

   f. **Crucial Winter Ranges Essential to Survival.** Elk winter range is classified as either crucial or non-crucial. Crucial elk winter ranges generally consist of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types that are used by the elk 8 out of every 10 years during winter months. Crucial winter ranges

are essential to the survival of these animals. During the most inclement and difficult winter weather conditions elk find food and/or cover on these sites because of their physiographic and vegetative characteristics.

g. National Elk Refuge State-Operated Feedgrounds Provide Some Crucial Winter Range. A major portion of the Teton County elk herd winters on the National Elk Refuge (NER) and state-operated feedgrounds and these areas represent a portion of the crucial winter range available to elk. Because of the pressures the elk population is placing on these limited land areas, artificial feeding is necessary on all feedgrounds. Artificial feeding programs are not a perfect solution to providing crucial winter range to the elk; in fact, feedgrounds are believed to perpetuate the disease, brucellosis, which reduces the reproductive potential of this species.

h. Native Crucial Winter Ranges. In addition to the NER and state-operated feedgrounds there are native crucial elk winter ranges in Teton County. These naturally occurring winter ranges are also vitally important in maintaining the elk population in Teton County.

i. Essential to Protect Crucial Winter Range. In order to sustain elk populations at current levels, it is essential that all crucial elk winter ranges be maintained and protected; without their protection, elk could not survive the typically harsh winters common to Teton County.

3. Mule Deer

a. General. The mule deer is another large ungulate species native to Teton County. Teton County supports a relatively small population of mule deer in comparison to elk, but these animals are particularly obvious during the winter and are enjoyed by many valley residents and visitors.

b. Mule Deer Migrate between Summer and Fall Habitat to Crucial Winter Range. Mule deer are known as browsers, and rely on a variety of shrub and scrub trees for forage. Because of their diet, and the climate in Teton County and the Greater Yellowstone Ecosystem, mule deer are migratory animals, moving from summer and fall habitat to low elevation winter range. Mule deer winter ranges are classified as either crucial or non-crucial.

c. Summer Range. Mule deer summer range is widely distributed throughout Teton County in both lowland and upland areas, but primarily occurs on public lands in the mountains which surround the valley.

d. Migration to Winter Range. Heavy snow accumulation on summer ranges reduces food availability and forces mule deer to migrate to low elevation winter range. Non-crucial winter ranges are used first by mule deer until environmental conditions cause deer to move to crucial winter range.

e. Migration Routes Essential to Survival. Although mule deer rely less on traditionally used migration routes than elk, they do use the same general route while moving to and from winter ranges and between crucial and non-crucial winter ranges. These “movement corridors,” which allow

unencumbered access to both crucial and non-crucial winter range, are essential to the survival of Teton County mule deer and are classified as crucial migration routes.

f. Crucial Winter Range Essential to Survival. Crucial mule deer winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types that mule deer use during the crucial winter months 8 out of every 10 years. Crucial winter range is essential to the survival of these animals. Mule deer find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

g. Location of Crucial Winter Range. Primary crucial winter range for mule deer in Teton County is generally confined to five areas: (1) the Gros Ventre Buttes (East and West); (2) the west slopes along WY Highway 26, 89, 189 above and to the east of South Park; (3) the Hoback Canyon; (4) the Snake River Canyon; and (5) Miller Butte and the slopes east and west of the National Elk Refuge. In addition, some mule deer are known to irregularly winter within the Snake River riparian zone, depending on the severity of the winter and/or the availability of artificial foods intentionally or unintentionally provided by humans.

h. Essential to Protect Crucial Winter Range. It is essential that crucial mule deer winter ranges be maintained and protected, because without it, mule deer could not survive the harsh, energy-demanding winters of Teton County.

4. Moose

a. General. The shiras moose is an ungulate and the largest member of the deer family. Estimates suggest that the moose population in Teton County may number as many as 2,300 animals.

b. Widely Distributed in Teton County During Summer. Moose are known as browsers and rely on a variety of woody plant species for forage. Since their arrival, the moose population has inhabited Teton County on a year-round basis. During summer months, moose are widely distributed in Teton County and exploit a wide range of habitat types found at both low and high elevations.

c. Winter Reduces Food Availability on High Elevation Summer Habitats. As winter approaches, heavy snow accumulation in high elevation summer range severely reduces food availability, forcing nearly all moose to move to lower elevation winter range. During winter, the Teton County moose population is confined primarily to riparian areas within the valley, low elevation sub-alpine fir forests, and some shrub-land habitat types.

d. Crucial Winter Habitat Essential to Survival. Moose winter habitat is classified as either crucial or non-crucial. The crucial winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. Moose use these crucial winter habitats 8 out of every 10 years during winter months and these habitats are essential to their survival. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.

e. Essential to Protect Crucial Winter Habitat. In order to maintain the Teton County moose population at current levels, it is essential that crucial winter habitat be protected; without it, moose could not survive the harsh Teton County winters.

5. Trumpeter Swans

a. General. The trumpeter swan is the largest species of waterfowl in the world. Its pure white coloration makes it a truly striking bird to observe whether in flight or on the water.

b. Species Close to Extinction in Early 1900's. The historic commercial swan skin trade, sport hunting, and habitat loss nearly drove the trumpeter swan to extinction in the early 1900's. Although a few remnant populations persisted, including one in the Greater Yellowstone Ecosystem (of which Teton County is a part), the large-scale slaughter of these birds resulted in the disruption of traditional migration patterns.

c. Federal and State Recognition. Due to their low reproductive potential and continued threats to nesting and winter habitat, trumpeter swans are a Threatened Species under the Federal Endangered Species Act. The Wyoming Game and Fish Department presently classifies trumpeter swans as a "Priority 1 non-game management species," a designation given to species which are vulnerable to extirpation or significant population declines in Wyoming. Recent estimates indicate that less than 10,000 trumpeter swans reside in North America.

d. Teton County Part of Largest Breeding Area in Contiguous U.S. The Greater Yellowstone Ecosystem is home for the Tri-state subpopulation of trumpeter swans. It is the largest breeding area for trumpeter swans in the lower 48 states. Teton County is part of this Tri-state area (which includes Wyoming, Montana, and Idaho).

e. Present Population in Teton County. The present trumpeter swan flock found wintering in the Teton County area totals approximately 215 birds.

f. Population Breeds and Winters in Teton County. In spite of the harsh winter conditions, trumpeter swans which breed in Teton County also winter here, apparently because they have lost the knowledge of traditional migration routes to more hospitable wintering areas.

g. Viable Maintenance Requires Protection of Nesting Areas and Winter Habitat. Protection of nesting areas and winter habitat is critical to the viable maintenance of the trumpeter swan population.

h. Breeding Territories in Teton County. Thirty-one breeding territories have been identified in Teton County, but not all of these territories are used every year. In fact, the Teton County breeding pairs constitute the largest number of nesting pairs documented in the Greater Yellowstone Ecosystem since detailed records were first kept in 1981.

i. Nesting Area Most Critical to Breeding. The most critical portion of the breeding territory to the trumpeter swan is the nesting area.

j. Nesting Areas. Generally, trumpeter swans build their nests on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. Important attributes of trumpeter swan nesting areas include: proximity to feeding areas which have early ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building materials; availability and dispersion of feeding areas for cygnets 1-40 days old; and juxtaposition and interspersion of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).

k. Essential to Protect Nest Areas. For the viable maintenance of the trumpeter swan population, it is essential that the trumpeter swan nesting areas be protected, because without its maintenance the trumpeter swan would not be able to procreate and survive.

l. Winter Swan Habitat. Because the trumpeter swan does not migrate from Teton County during winter, as waterfowl normally do, maintenance of its winter habitat is also crucial to its survival. Trumpeter swans, like other waterfowl species, require rooted aquatic vegetation for food. This vegetation grows in soft sediment along shallow stream and creek bottoms and in shallow ponds and lakes. During winter, not all aquatic features are available to trumpeter swans due to surface freezing. This limits the amount of winter habitat available to trumpeter swans. This, in combination with competition for food with other swans and waterfowl species, makes winter a very critical time for trumpeter swans.

m. Trumpeter Swan Winter Habitat. Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than 2 inches in depth, winter water depths of less than 4.3 feet, watercourse channels of 50 feet or more, banks with little or no shrubbery or tree cover and gradual slopes, which trumpeter swans use during the crucial winter months 8 out of every 10 years. Trumpeter swan winter habitat is essential to the survival of the animal during the critical periods of winter because the swan finds food and/ or cover in these areas during the most inclement and difficult winter weather conditions due to the habitat their hydrologic and vegetative characteristics.

n. Essential to Protect Trumpeter Swan Winter Habitat. For the viable maintenance of the trumpeter swan population, it is essential that the trumpeter swan winter habitat be maintained and protected, because without its maintenance the trumpeter swan would not survive the critical periods of winter.

6. Cutthroat Trout

a. General. The Snake River fine-spotted cutthroat trout (hereinafter "cutthroat trout") is indigenous to Teton County. It only inhabits the upper reaches of the Snake River in Wyoming and extreme eastern Idaho, Jackson Lake, and the Palisades Reservoir.

b. Economic Importance. The cutthroat trout is a sport fish which attracts many fishermen to Teton County. Without a healthy cutthroat trout population, the County would lose significant tourist dollars.

c. Development Has Affected Trout. In earlier times, it was relatively easy to maintain a strong and viable population of cutthroat trout because suitable spawning and nursery habitat could be found in most of the valley's spring-creeks. Today, however, this is not the case because of the construction and maintenance of flood control levees along the Snake River, and concomitant water quality impacts caused by ranching, irrigation, and other agricultural practices have degraded this spawning habitat.

d. Cutthroat Trout Spawning Area Limited. Today, cutthroat trout spawning in Teton County is confined to small sections of a few spring-fed creeks flowing into the Snake River.

e. Cutthroat Trout Spawning Areas. The cutthroat trout spawning sites generally fall within areas of palustrine-unconsolidated shore and bottoms and upper perennial-unconsolidated shore and bottoms. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. In these areas, cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs. Redds are generally constructed in gravel substrate which ranges in size from 0.5 - 2.5 inches in diameter.

f. Spawning, Hatching, and Nursery. Cutthroat trout typically enter spring-creeks between March and April with the spawning occurring between March and June, depending upon the location. Fry emerge throughout late spring and early summer, and reside in the creeks throughout their first year.

g. Essential Spawning Area Be Protected. It is critical that these spawning areas be protected in order to maintain a viable population of cutthroat trout.

7. Bald Eagle

a. General. The bald eagle is part of a group of "fish eagles" distributed throughout the world. The contrasting black, white, and yellow coloration of this raptor is visually striking. An Act of Congress in 1782 officially adopted the bald eagle as the symbol of the United States, representing freedom,

strength, and beauty. Although individual eagles are truly powerful and impressive birds, the species as a whole is very sensitive and susceptible to disturbance.

b. Federal Recognition. Once listed as a federally endangered species, bald eagle populations have rebounded from the brink of extinction. Although populations have steadied, the federal government continues to protect the bald eagle under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

c. Bald Eagle Population in GYE Is One of Most Important. The bald eagle population residing in the Greater Yellowstone Ecosystem (of which Teton County is a part) is one of the most important bald eagle breeding populations in the United States.

d. Survival of Bald Eagles. The survival of bald eagles depends, in part, on the availability of suitable habitat, the abundance of food, and reproductive success (which is closely linked to the availability of forage and the lack of disturbance).

e. Important to Protect Bald Eagle Nesting Areas. Because bald eagles are sensitive to human development and activity, especially during time of breeding and nesting, it is essential to protect bald eagle nesting areas to ensure the animal's survival.

f. Bald Eagle Nest Area. Generally, bald eagle nesting areas occur in uneven-aged, multi-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are generally located near watercourses and waterbodies which provide foraging opportunities. Nests are generally in one of the largest trees in a given stand and, in most instances, are located so that the bird is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nest area best suited for reproduction.

g. Crucial Nesting Habitat Essential to Survival. The Snake River floodplain between Moose and Palisades Reservoir and its associated riparian zone represents crucial nesting habitat for the bald eagle. It is crucial to the survival of bald eagles in Teton County that this habitat be protected from the impacts of development. The loss of this habitat would profoundly impact and detrimentally modify the behavior patterns of bald eagles, including their feeding, breeding, and reproductive capabilities.

h. Spring, Summer, and Fall Habitat Occurs in Riparian Areas. During spring, summer, and fall, bald eagles forage primarily in riparian areas for fish, waterfowl, and other prey items.

i. **Winter Habitat Is Important.** During winter, heavy snow accumulation and freezing water surfaces reduces the availability of spring, summer, and fall habitat. At these times, bald eagles forage on wild ungulate and livestock carrion, supplemented by fish and waterfowl carcasses. Ungulate carrion is readily available but sparsely distributed on ungulate winter ranges, meaning that in addition to its nesting habitat, the crucial ungulate winter ranges also become critical to the bald eagle's survival.

j. **Additional Crucial Winter Habitat Essential to Survival.** It is vital that bald eagle crucial winter habitat be protected to ensure the survival of this species in Teton County.

## D. Applicability of NRO Standards

In addition to all other standards required by these LDRs, all physical development, use, development options and subdivision within the NRO shall comply with all standards of this Section, unless exempted below. Demonstration of compliance with the standards of this Section shall come from a qualified professional, even if an EA is exempt.

1. **Alterations and Additions.** Structural alterations and additions to existing structures shall be exempt from the standards of this Section.

2. **NC-ToJ Zoned Lands.** All physical development, use, and development options, except new subdivisions, within the NC-ToJ zone shall be exempt from the standards of this Section, except that F.4., F.6., and Sec. 5.1.2. shall apply.

3. **Land in Conservation Easement.** Land protected by a conservation easement where proposed development density is one house per 70 acres or less and the total acreage subject to the easement is 320 acres or more, shall be exempt from the standards of this Section, except that F.4. and F.6., shall apply.

## E. Impacting the NRO

The base site area shall not be reduced because a portion of the lot of record is in the NRO. When conflicts exist between the NRO and SRO, the standards of this Section shall have priority and be achieved to the maximum extent practical. The requirements of Sec. 5.3.2. shall receive second priority. Where densities/intensities permitted cannot be achieved by locating development outside of the NRO, then lands protected by the NRO may be impacted pursuant to the standards of this Subsection.

1. **Minimizes Wildlife Impact.** The location of the proposed development shall minimize impacts on the areas protected (e.g., crucial migration routes, crucial winter range, nesting areas). For the purposes of this standard, "minimize" is defined as locating development to avoid higher quality habitats or vegetative cover types for lesser quality habitats or vegetative cover types. Only when avoidance is not practicable due to significant topographical constraints related to the property, may higher quality habitats or vegetative cover types be impacted.

2. **Habitat Enhancement.** The developer provides mitigation and habitat enhancement for the land impacted, either on-site or off-site, on a basis of 2 acres of mitigation/habitat enhancement for every one acre of land impact. This shall be completed pursuant to a mitigation/enhancement plan, which includes a monitoring program.

## F. Crucial Habitat Protection Standards

1. Elk

   a. **Crucial Elk Migration Routes.** No physical development, use, development option, or subdivision shall occur within crucial elk migration routes, unless the applicant can demonstrate that it can be located in such a way that it will not detrimentally affect the ability of elk to migrate from their summer ranges to their crucial winter ranges.

   b. **Crucial Elk Winter Range.** No physical development, use, development option, or subdivision shall occur on crucial elk winter range, unless the applicant can demonstrate that it can be located in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the elk, or detrimentally affect the potential for survival of the elk using the crucial winter range.

2. Mule Deer

   a. **Crucial Mule Deer Migration Routes.** No physical development, use, development option, or subdivision shall occur within crucial mule deer migration routes, unless the applicant can demonstrate that if can be located within the mule deer migration route in such a way that it will not detrimentally affect the ability of mule deer to migrate from their summer ranges to their crucial winter ranges.

   b. **Crucial Mule Deer Winter Range.** No physical development, use, development option, or subdivision shall occur on crucial mule deer winter range, unless the applicant can demonstrate that it can be located within the mule deer crucial winter range in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the mule deer, or detrimentally affect the potential for survival of the mule deer using the crucial winter range.

3. **Crucial Moose Winter Habitat.** No physical development, use, development option, or subdivision shall occur within crucial moose winter habitat, unless the applicant can demonstrate that it can be located within the moose crucial winter habitat in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter habitat to the moose, or detrimentally affect the potential for survival of the moose using the crucial winter habitat.

4. Trumpeter Swan

a. Trumpeter Swan. Notwithstanding the boundaries of the NRO, no physical development, use, development option, or subdivision shall occur within a radius of 300 feet of a trumpeter swan nest.

b. Trumpeter Swan Winter Habitat. No physical development, use, development option, or subdivision shall occur within trumpeter swan winter habitat, unless the applicant can demonstrate that it can be located within the trumpeter swan winter habitat in such a way that it will not detrimentally affect the food supply and/or cover provided by the winter habitat to the trumpeter swan, or detrimentally affect the potential for survival of the trumpeter swan using the trumpeter swan winter habitat.

5. Cutthroat Trout Spawning Areas. Notwithstanding the boundaries of the NRO, no physical development, use, development option, or subdivision shall occur within 150 feet of cutthroat trout spawning areas, unless the applicant can demonstrate that it will cause no run-off into the stream and have no detrimental effect on the water quality of the stream where the cutthroat trout spawning area is located, and cause no disturbance which would have a detrimental impact on the spawning, incubation, hatching, or rearing of cutthroat trout.

6. Bald Eagle

a. Bald Eagle Nest Area. Notwithstanding the boundaries of the NRO, no physical development, use, development option, or subdivision shall occur within a radius of 660 feet of a standing/occupied, active or inactive nest. This setback/buffer may be administratively varied by the Planning Director under the following circumstances:

i. Temporary Activities. Temporary activities (including but not limited to, the use of loud machinery, temporary gravel extraction, grading, wildland/urban interface mitigation, habitat enhancement, and on-going agricultural activities) outside of the nesting period, defined as February 1st through August 15th or as determined by the Wyoming Game and Fish Department, may be permitted within the setback/buffer. If the temporary activity requires removal of vegetation, roost trees, nest trees or screening trees, which shield the line of site to the nest, they shall be identified by a qualified wildlife biologist prior to initiating activity and preserved.

ii. Nest Not Visible. Where the nest would not be visible from the proposed physical development, use, development option, or subdivision, it may be permitted within the setback/buffer under the following circumstances:

a). If it can be demonstrated that locating the physical development, use, development option, or subdivision outside of the 660 foot setback/buffer is not practical, then the setback may be reduced to no less than 330 feet.

b). If the proposed physical development, use, development option, or subdivision is an alteration, expansion or addition, the proposed development may be within the 660 foot setback/buffer but no closer than the existing physical development, use, development option, or subdivision to be altered, expanded or added to.

c). When the 660 foot setback/buffer is reduced, the following standards shall apply:

1). Residential and nonresidential lots of record within the 660 foot setback/buffer shall not be increased.

2). The proposed physical development, use, development option, or subdivision shall be conducted outside the bald eagle nesting period defined as February 1st through August 15th or as determined by the Wyoming Game and Fish Department.

iii. **Nest Visible.** Where the nest would be visible from the proposed physical development, use, development option, or subdivision, development within the setback/buffer may be permitted if the following standards are met:

a). If it can be demonstrated that locating the physical development, use, development option, or subdivision outside of the 660 foot setback/buffer is not practical, then it shall not be closer to the nest than existing similar physical developments, uses, development options, or subdivisions within 660 feet of the nest and under no circumstances shall the physical development, use, development option, or subdivision be closer than 330 feet; or if the proposed physical development, use, development option, or subdivision is an alternation, expansion or addition, it may be within the 660 foot setback/buffer of the nest but no closer than the existing physical development, use, development option, or subdivision to be altered, expanded or added to; and

b). Residential and nonresidential lots of record within the 660 foot setback/buffer shall not be increased; and

c). The proposed physical development, use, development option, or subdivision within 660 foot setback/buffer will be screened with trees to shield the line of site to the nest; and

d). All physical development, use, development option, or subdivision activity is conducted outside the bald eagle nesting period, defined as February 1st through August 15th or as determined by the Wyoming Game and Fish Department.

b. **Bald Eagle Crucial Winter Habitat.** No physical development, use, development option, or subdivision may occur within bald eagle crucial winter habitat unless the applicant can demonstrate that the development

can be located within the bald eagle crucial winter habitat in such a way that it will not detrimentally affect the food supply provided by the crucial winter habitat, or detrimentally affect the potential survival of the bald eagle using the crucial winter habitat.

c. **Exemptions.** The Bald Eagle standards are exempt where a bald eagle nest is established subsequent to initiating land disturbing activities pursuant to a Permit.

d. **Consistency.** Notwithstanding the standards provided in this Section, the goals of this Section are intended to be consistent with the current National Bald Eagle Management Guidelines and US Fish and Wildlife Service recommendations.

### G. Other NRO Standards

1. **Fencing.** Fencing in the NRO shall comply with Sec. 5.1.2.

## 5.2.2. Bear Conflict Area Standards (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

# Div. 5.3. Scenic Standards

The purpose of this Division is to maintain the scenic resources of the community. Scenic resources, natural landforms, and dark skies are vital to the community's natural character. Mountains moraines, meadows, and other natural viewsheds provide residents and guests with a constant reminder of their location within the Greater Yellowstone Ecosystem. Interruption of these natural forms by the built environment detracts from Teton County's scenic character and should be avoided.

## 5.3.1. Exterior Lighting Standards (11/23/16, Ord. 1151)

The purpose of this Section is to allow necessary and reasonable lighting of public and private property for the safety, security, and convenience of occupants and the general public, while eliminating or reducing the nuisance and hazards of light pollution, including, but not limited to: glare, light trespass, sky glow, energy waste, and negative impacts on the nocturnal environment.

A. Applicability. All exterior lighting, unless exempted below, shall comply with the regulations set forth in this Section. This includes, but is not limited to: lighting attached to structures, poles, the earth, or any other location.

1. Exempt Lighting

a. Lighting in the public right of way.

b. Open flame gas lamps.

c. Flagpole lighting that is shielded and directed downward from the top of the flagpole.

d. Underwater lighting in swimming pools and other water features

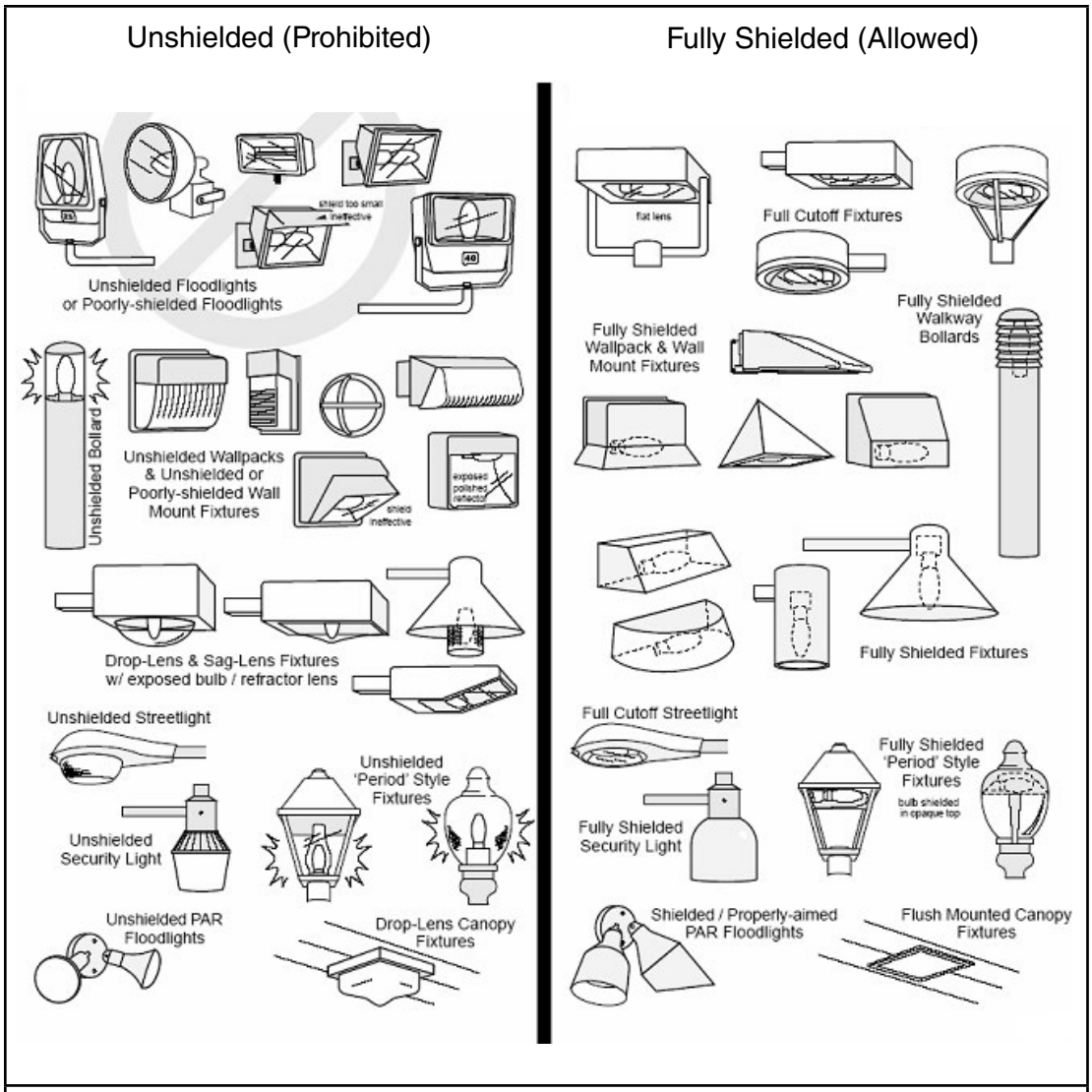
e. Lighting that is only used by emergency response personnel

f. Lighting solely for signs (lighting for signs is regulated by Div. 5.6)

g. Lighting used solely for agricultural purposes.

B. Standards

1. Fully Shielded Light Fixtures. Any light source whose initial output exceeds 600 lumens shall be fully shielded. Any structural part of the luminaire providing full shielding shall be attached. Fixtures shall be mounted such that no light is emitted above the horizontal plane of the fixture. Light fixtures that project light above the horizontal plane of the fixture may be used where the architecture of the building restricts light above the horizontal plane. Examples of Unshielded (Prohibited) and Fully Shielded (Allowed) lights and luminaires limiting light to the horizontal plane are shown below.




Illustrations by Bob Crelin, used with permission

2. **Total Exterior Light Output.** Total exterior light output for light fixtures on a site shall not exceed the limits shown in the table below.

| How much light is permitted? | All Fixtures | Unshielded Fixtures (for lights emitting fewer than 600 lumens) |
|---|---|---|
| **Maximum lumens per sq ft of site development** | | |
| DC, CR-1, CR-2, OR, TS, UC, UR, AC-ToJ, AR-ToJ, BP-R, BP-ToJ, BC-ToJ, MHP-ToJ, P/SP, P-ToJ, NC-2 | 3 | Not applicable |
| R-ToJ, S-ToJ, NC-ToJ, RB | 1.5 | Not applicable |
| **Maximum lumens per site** | | |
| DC, CR-1, CR-2, OR, TS, UC, UR, AC-ToJ, AR-ToJ, BP-R, BP-ToJ, BC-ToJ, MHP-ToJ, P/SP, P-ToJ, NC-2 | 100,000 | 5,500 |
| R-ToJ, S-ToJ, NC-ToJ, RB | 60,000 | 4,000 |

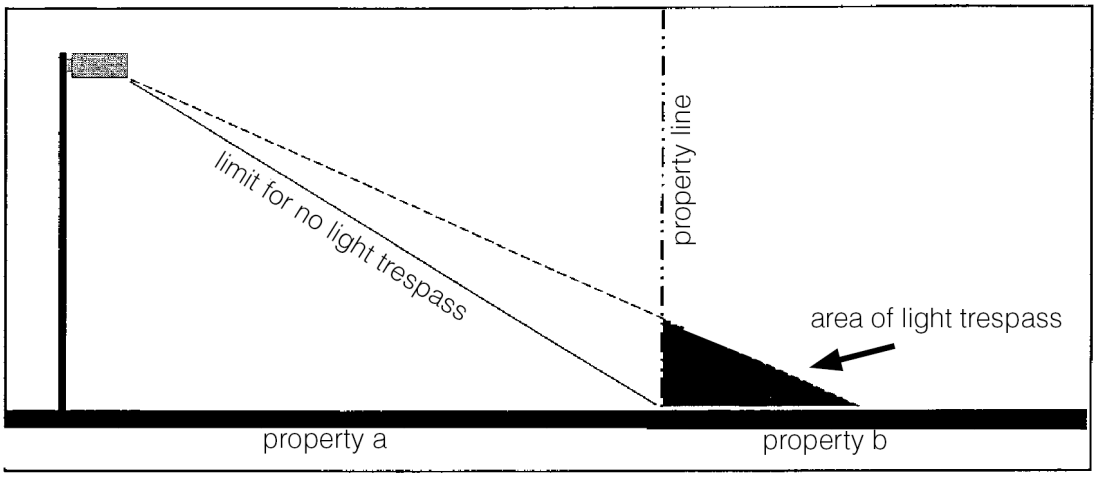
a. These lumen limits are upper limits and not a design goal; the design goal should be the lowest levels of lighting possible.

b. Individuals with visual impairments and organizations that primarily serve individuals with visual impairments (e.g. retirement communities, hospices, and hospitals) may use up to 4 times the illumination allowed by this section.

3. Light Color. Correlated color temperature of any exterior light source shall not exceed 3000 Kelvin.

> **EXAMPLE:** Many light bulb manufacturers include correlated color temperature on packaging. Where packaging does not indicate light color in Kelvins, it is often indicated in descriptive terms. Lights with a "cool" quality typically exceed 3000 Kelvin in color temperature. Light bulbs that create a more "warm" tone are typically under 3000 K..

4. Light Trespass. All lighting fixtures shall limit horizontal light levels such that no light falls onto the adjacent property as shown in the diagram below.




5. Maximum Pole Height of Light Fixture.

| Zone | Maximum Pole Height of Light Fixtures |
|---|---|
| DC, CR-1, CR-2, OR, TS, UC, UR, AC-ToJ, AR-ToJ, BP-R, BP-ToJ, BC-ToJ, MHP-ToJ, P/SP, P-ToJ, NC-2 | 18 feet |
| R-ToJ, S-ToJ, NC-ToJ, RB | 15 feet |

6. Controls. All nonresidential lighting fixtures shall employ automatic lighting controls that extinguish exterior lighting when sufficient daylight is available. Such controls include, but are not limited to: timers, wireless remote monitoring with turn on/off capabilities, photo sensitive light controls, photoelectric switches, astronomic time switches or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.

a. Exceptions:

i. Lighting required by Building Code

ii. Lighting necessary for public safety

iii. Lighting under canopies

iv. Lighting for tunnels, parking garages, garage entrances, and similar conditions.

7. **Lighting Reduction.** After 12:00 AM nonresidential sites shall extinguish or reduce their total exterior lighting by at least 30%.

a. Exceptions:

i. Motion activated lighting

ii. Lighting required by Building Code

iii. Lighting necessary for public safety

iv. Lighting governed by a conditional use permit in which times of operation are specifically identified

v. When the exterior lighting consists of only one luminaire

## C. Prohibited Lighting

The following lighting systems are prohibited from being installed or used.

1. **Flickering or Flashing Lights.** No flickering or flashing lights shall be permitted.

2. **Searchlights.** No searchlights, laser lights, aerial lasers, or holograms are permitted.

3. **Strings of Lights.** Strings or strands of lights used to highlight a sign, perimeter of a sign, or any portion of a building are not permitted, except for holiday-type decorative lighting displayed between November 1 and April 15.Lighting in which any single luminaire exceeds 20,000 initial lumens.

## D. Complex Uses

1. Complex uses such as stadiums, ball diamonds, playing fields, outdoor rinks, ski areas, rodeo grounds, special events, tennis courts, construction sites, parking structures, urban parks, theme and amusement parks, ornamental and architectural lighting of bridges, public monuments, statuary and public buildings, correctional facilities, and industrial sites all have unique requirements for nighttime visibility and often have limited hours of operation. They shall be exempted from the above standards of this Section, if the below standards are met or if their lighting has been approved via issuance of a Conditional Use Permit or Special Event Permit.

2. **Maximum height.** Exterior luminaires shall not exceed a maximum post height of 60 feet.

3. **Fully Shielded.** Each luminaire shall be fully shielded in either its orientation or by landscaping to prohibit glare and light trespass to adjacent residential property and must be installed and maintained with minimum aiming angles of 25 degrees downward from the horizontal.

4. **Lights Extinguished.** Lights shall be extinguished by 10:00 PM or at the conclusion of the event, whichever is later. Lighting is not allowed to remain on overnight.

5. **Maximum lumens.** Overall site illumination for a complex use shall not exceed 6 lumens per square feet of site development, nor shall it exceed a total of 550,000 lumens.

## 5.3.2. Scenic Resources Overlay (SRO) Standards (1/4/17, Ord. 1162)

### A. Purpose

The purpose of the Scenic Resources Overlay (SRO) is to preserve and maintain the County's most frequently viewed scenic resources that are important to both its character and economy. This is done through the establishment of several Scenic Areas within the SRO, within which the location, design, and landscaping of physical development and use is regulated to maintain and/or complement the County's important scenic resources.

### B. Establishment of the SRO

To protect important scenic resources, which are frequently seen from State highways, Spring Gulch Road, South Park Loop Road and Alta County Road, and which set an image of the rural and western ranching heritage of the County the Scenic Resources Overlay (SRO) is established.

1. **Foregrounds.** The Scenic Resources Overlay (SRO) includes the foreground of the scenic areas described below. Foreground is the open area immediately adjacent to the public road that extends back to where there is either a distinct topographic change, such as the edge of a hillside or butte, or a drop in elevation toward a river bottom, or where dense vegetation screens views to areas behind the vegetation. The Foreground provides the setting for views to distant mountain ranges and valley buttes.

2. **Skylines.** The Scenic Resources Overlay (SRO) includes all butte and hillside skylines as viewed from state highways, Spring Gulch Road, South Park Loop Road and Alta County Road. The skyline is the visual line at which the earth or vegetation and the sky appear to meet. The skyline is typically viewed as the top of a ridge, hillside, or butte.

3. **Map of the SRO Scenic Areas.** The foregrounds and skylines included in the Scenic Resources Overlay (SRO) are generally organized into the following Scenic Areas. These Scenic Areas are generally described below and mapped on the Official Zoning Map. Butte and hillside skylines as viewed from state

highways, Spring Gulch Road, South Park Loop Road and Alta County Road are still included in the SRO even if they are not mapped on the Official Zoning Map or included in one of following Scenic Areas.

a. Moose-Wilson Road Scenic Area. The Moose-Wilson Road Scenic Area extends along the eastern and western side of Moose-Wilson Road from Lake Creek to Grand Teton National Park. It is an important County-wide scenic resource because of the vistas it offers of the Teton, Gros Ventre, and Snake River mountain ranges, and of the West Gros Ventre Butte, which frames the area's broad and open meadows.

b. Highway 22 Scenic Area. The Highway 22 Scenic Area consists of four distinct areas. They are described below.

   i. Trail Creek Ranch. The Trail Creek Ranch portion of the Highway 22 Scenic Area extends along the north and south sides of Highway 22, from the lower reaches of Teton Pass to the western edge of Wilson. It is an important County-wide scenic resource because of the panoramic views of Teton County that it provides as well as setting the western entry to Wilson, defining Wilson as a unique and special place.

   ii. Wilson Approach. The Wilson Approach portion of the Highway 22 Scenic Area extends from the eastern edge of Wilson along the north side of Highway 22 to Highway 390 and along the south side of Highway 22 to Green Lane. It is an important County-wide scenic resource because of its broad open meadows and the unobstructed views provided to surrounding mountains, which create a dramatic sense of arrival to Wilson.

   iii. Walton Ranch/Skyline Ranch. The Walton Ranch/Skyline Ranch portion of the Highway 22 Scenic Area extends along the northern and southern portion of the Highway 22 Scenic Area from the Wilson Snake River Bridge to the West Gros Ventre Butte. The Walton Ranch portion is an important County-wide scenic resource because it provides one of the most frequently experienced vistas of meadows and pasture backed by the Teton mountain range. The Skyline Ranch portion is an important County-wide scenic resource because it provides an open space setting for views to the Snake River range.

   iv. West Gros Ventre Butte/Antelope Butte. The West Gros Ventre Butte/Antelope Butte portion of the Highway 22 Scenic Area extends along both sides of Highway 22, and includes all of the West Gros Ventre Butte on the north and all of Boyles Hill, the Indian Springs, Brown and Poodle Ranches, and Antelope Butte on the south. The views encompass imposing steep sided buttes which rise abruptly from the foreground and long views across open meadows to the Snake River range on the south.

c. Spring Gulch Road Scenic Area. The Spring Gulch Road Scenic Area extends along the eastern and western sides of Spring Gulch Road from Highway 22 to the Gros Ventre River and includes the East Gros Ventre

Butte. It is an important County-wide scenic resource because it provides a combination of scenic quality and traditional western character in a location proximate to the Town.

d. Highway 89 Scenic Area. The Highway 89 Scenic Area consists of three distinct areas. They are described below.

i. Broadway and North Highway 89 Scenic Area. The Broadway and North Highway 89 Scenic Area extends along the western boundary of the Town of Jackson from South Park Loop road on the south to the Grand Teton National Park boundary on the north, and includes all of Boyles Hill and the East Gros Ventre Butte. Views from the public roads, including Spring Gulch Road, are of the steep sided butte in the immediate foreground which provide a backdrop to the urban development of the Town of Jackson, the flat expanses of the Elk Refuge, the pastures of Spring Gulch as well as glimpses of the Teton Range in notches of the ridgelines.

ii. South Highway 89 Scenic Area. The South Highway 89 Scenic Area extends along the western side of South Highway 89 from the State of Wyoming Elk Feeding Area and Game Creek County Road, where the road rises to provide an initial sense of entry into the Jackson area to High School Road. The eastern side of South Highway 89 also is included for a distance of 1.3 miles south from High School Road. The northern and southern portions of the South Highway 89 Scenic Area are split to exclude the Rafter J subdivision, and the South Park Commercial zones. The South Highway 89 Scenic Area is an important County-wide scenic resource because of the powerful image it projects of the community with its exceptionally broad meadows and panoramic views to Rendezvous Bowl and the Snake River range. The meadows are dotted with existing development, including both ranch compounds and residential developments at varying densities, but the meadows' exceptional breadth and the location of the meadows below the highway preserves the open feel of the area and the background views.

iii. Snake River Canyon Scenic Area. The Snake River Canyon Scenic Area extends along both sides of South Highway 89 from the northern South Park Bridge to the County line and encompasses those areas which are at approximately the same or a higher elevation than the highway. More specifically, this scenic area includes the western side of South Highway 89 from the northern bridge to the US Forest Service boundary, land east of the Highway between the Snake River and Old Henry's Road, and land west of Hoback Junction on both sides of the Highway, but excluding Deer Creek and Palmer Creek subdivisions. The Scenic Area provides views of the Snake River, the east slopes of Munger Mountain and the Teton, Gros Ventre, Wyoming and Snake River Mountain ranges.

e. South Park Loop Scenic Area. The South Park Loop Road Scenic Area extends along the eastern and western sides of South Park Loop Road, from the South Park Ranches subdivision to High School Road and includes

Hufsmith Hill. It provides an important County-wide scenic resource because the road corridor is framed by cottonwood trees planted along irrigation ditches which line the road. The scenic quality of this area is dependent upon the preservation of the cottonwood corridor, which helps to filter views to development in the adjoining hay meadows. These meadows provide Foreground settings to views of Rendezvous Bowl and the Snake River range.

f. Hoback Canyon Scenic Area. The Hoback Canyon Scenic Area extends along both sides of Highway 191 beginning at the west line of the Gilgrease Foundation property, approximately 1 mile east of Hoback Junction, to the County line and encompasses those areas which are at approximately the same or a higher elevation than the highway. The scenic area provides views of the Gros Ventre and Wyoming Mountain ranges and the Hoback River.

g. Teton Canyon Scenic Area. The Teton Canyon Scenic Area extends along the south side of Alta Road from Lake Nolo to the boundary with the Targhee National Forest. It is an important County-wide scenic resource because the broad, open meadow of its Foreground is framed by a dense vegetative border, which provides the setting for vistas to the west side of the Teton range. The entire Teton Canyon Scenic Area also establishes a segment of the entry image for visitors driving or biking through Alta to Grand Targhee Resort.

h. Buffalo Valley Scenic Area. The Buffalo Valley Scenic Area extends along the northern and southern sides of US 26/287 from Moran to the Blackrock ranger station. It is an important County-wide scenic resource because it provides a classic mountain valley setting framed by the Teton range. The Buffalo Valley Scenic Area provides monumental views of the entire Teton range, as viewed across very broad, open meadows dotted with small ranch buildings. These vistas foreshadow the views which are again encountered within Grand Teton National Park, thereby integrating the Buffalo Valley Scenic Area with the image of the National Park.

## C. Findings for the SRO

An essential component of the physical environment for which Teton County is internationally known is the scenic vistas of jagged mountains rising from broad, open meadows, which set an image of the County's rural and western ranching heritage. These scenic resources are important to both the County and Town because they serve as a cornerstone to the local economy by attracting tourists and other visitors. The scenic resources which are instrumental in the creation of the County's unique character are the vistas to the Teton, Gros Ventre, Wyoming and Snake River mountain ranges that are frequently seen by residents and travelers across wide pastures and meadows from the major public roads that enter the Town of Jackson, Wilson, Grand Teton National Park, Teton Village, Alta, and Teton Pass.

## D. Applicability

1. **Foreground Standards.** All physical development, use, development options, and subdivision within the Foreground of the Scenic Areas described above shall comply with the foreground standards of 5.3.2.G.

2. **Development in Skyline.** All physical development, use, development options, and subdivision within the Skyline of the SRO shall comply with the skyline standards of 5.3.2.H.

3. Exemptions

   a. **NC-ToJ Zone.** All physical development, use, and development options, except new subdivisions, within the NC-ToJ Zone shall be exempt from the foreground standards of 5.3.2.G.

   b. **Remodeling or Expansion of Existing Structures.** Remodeling or expansion of structures that existed prior to November 9, 1994, shall be exempt from the foreground standards of 5.3.2.G.

   c. **Land in Conservation Easement.** Land protected by a conservation easement where proposed development density is one house per 70 acres or less and the total acreage subject to the easement is 320 acres or more, shall be exempt from the foreground standards of 5.3.2.G.

## E. Impact on SRO

1. The base site area shall not be reduced because a portion of a lot of record is located within the SRO.

2. When conflicts exist between the NRO and SRO, the standards of Sec. 5.2.1. shall have priority and be achieved to the maximum extent practical. The requirements of this Section shall receive second priority.

## F. Visual Resource Analysis

1. If a proposed physical development, use, development option, or subdivision is in the SRO, the application shall contain a visual analysis narrative, provide a photographic simulation or other comparable visual analysis of the proposed development, depict the boundaries of the SRO, compare the visual impacts of alternative site designs, if any, and include plans identifying how the proposal complies with the standards of this Section.

2. A visual resource analysis shall demonstrate and document for review the visual impact of the proposed development on surrounding designated scenic corridors and viewpoints. The analysis shall show, in accurate perspective format, what portions of the proposed development are visible from various points along the scenic corridor or from critical viewpoints. Multiple perspectives may be required along scenic corridors to accurately reflect the appearance of the development as the viewpoint is moved along the corridor.

3. For development which is shown to be visible from the designated corridors or viewpoints, the analysis shall demonstrate, in accurate perspective format, the measures proposed to blend the development into the context of the setting. The setting shall include the view frame of the picture when viewing the development from a particular viewpoint and will typically include the backdrop of natural topography, existing vegetation as well as surrounding vegetation and structures. Development features which shall be shown to be compatible with the setting include: bulk and scale of buildings, building and roof forms, texture of materials used on the buildings, colors, and proposed plantings for screening.

## G. Foreground Standards

All physical development, use, development options, and subdivision within the Foreground of the Scenic Areas described above shall comply with the following standards.

1. General Location of Structures. Physical development, use, development options, and subdivision in the Foreground shall be sited in one or a combination of the following locations: (1) at the rear edge of the Foreground at the back of an open meadow or pasture; (2) at the side edges of the Foreground where there is an open meadow or pasture; (3) behind an existing stand of vegetation; (4) behind or built into a change in natural topography; or (5) within a pasture or meadow, clustered in the form of a ranch compound, or adjacent to or integrated into an existing ranch compound. Standards for each of these locations are as follows.

    a. Rear Edge of Foreground behind Meadow or Pasture. When located at the rear of the Foreground at the back of an open meadow or pasture, the physical development, use, development options, and subdivision shall comply with the following standards.

        i. Distance. It shall be located at the greatest possible distance from the major public road and, where applicable, it shall be located adjacent to existing development.

        ii. Edge of Meadow or Pasture. It shall be located along the rear edge of the meadow or pasture, where the meadow or pasture meets the toe of the hillside, or on a relatively less steep, lower hillside area behind the meadow.

        iii. Separate Areas. It shall be located so as to separate areas of physical development or use from natural areas and pastures and to preserve open space in the largest continuous pieces possible.

        iv. Supplementary Vegetation. Where it is located within 1,320 feet of a State Highway or County designated Scenic Road, native vegetation shall be planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the Planning Director will be at liberty to vary the requirements of 5.5.3.E.. As with all

proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

b. Side Edges of the Foreground Where There Is an Open Meadow or Pasture. When a physical development, use, development option, or subdivision is located at the side edges of the Foreground where there is an open meadow or pasture, it shall comply with the following standards.

i. Separate Areas. It shall be located so as to separate areas of physical development or use from natural areas and pastures and to preserve open space in the largest continuous pieces possible.

ii. Supplementary Vegetation. Where it is located within 1,320 feet of a State Highway or County designated Scenic Road, native vegetation shall be planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the planning director will be at liberty to vary the requirements of 5.5.3.E. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

c. Behind Existing Stand of Vegetation. When located in the Foreground behind an existing stand of vegetation, including vegetation which has grown naturally on the site and vegetation planted as an agricultural wind row, the physical development, use, development option, or subdivision shall comply with the following standards.

i. Scale. The scale of the physical development, use, development option, or subdivision shall not interrupt or obscure the existing occurring stand of vegetation behind which it is located.

ii. Supplementary Vegetation. Where natural vegetation does not adequately screen the physical development, use, development option, or subdivision as determined by the visual analysis, native vegetation shall be planted to augment the existing vegetation and maintain the visual integrity of the view shed.

iii. Preservation of Existing Vegetation. Existing vegetation shall be preserved to the maximum extent practical.

d. Behind or Built into Natural Topographic Break. When located in the Foreground behind a natural topographic break or built into the natural topography in an earth-sheltered design, physical development, use, development option, or subdivision shall comply with the following standards.

i. Scale. Scale and height shall be subordinate to the natural change in topography.

ii. **Earth Moving.** Earth moving may be used to the minimum extent necessary to extend a naturally occurring topographic change and screen the physical development, use, development option, or subdivision, but not to create a new, man-made landform.

e. **Ranch Compound within Irrigated Pasture or Meadows.** When physical development, use, development option, or subdivision is located within an irrigated pasture or meadow in the form of a ranch compound or adjacent to or integrated into an existing ranch compound, it shall comply with the following standards.

i. **Not Preclude View of Designated Vistas.** It shall not entirely preclude views from the public road to the rear portions of the Foreground.

ii. **Clustered Design.** It shall consist of a cluster design.

iii. **Vegetation.** Native vegetation shall be planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the Planning Director will be at liberty to vary the requirements of 5.5.3.E. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

2. **Exceptions to General Location of Structures.** If it is demonstrated that the maximum amount of density/intensity allowed for the land has been located pursuant to the general location of structures standards above, the remaining density/intensity allowed for the land shall be located at other locations, subject to the following standards:

a. **Along Front Edge of Meadow or Pasture.** To the extent practicable, it shall be located along the front edge of the meadow or pasture. To the extent possible, it should be located in proximity to similarly situated development on adjacent lands.

b. **Maintain Contiguous Open Space.** It shall be located so as to maintain the largest amount of contiguous open space practicable, in relation to the scenic view being regulated.

c. **Screening.** The physical development, use, development option, or subdivision shall be screened with native vegetation planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the Planning Director will be at liberty to vary the requirements of 5.5.3.E. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

3. Exterior of Structures

   a. Earth Tone Materials. The exterior of all physical development, except that located and designed in the form of a ranch compound, shall be built or painted with indigenous earth tone materials.

   b. Traditional Ranch Colors. The exterior of a ranch compound shall be built or painted with indigenous earth tone materials, or shall be painted or stained using local, traditional ranch colors, which shall include shades of red or brown. Paints or stains which simulate weathered barn wood also shall be permitted.

4. Roof Materials

   a. Color that of Surrounding Natural Features. The color of all roofs shall be similar to the colors of surrounding vegetation or land features.

   b. Treat Reflective Materials. Reflective roof materials shall not be used, unless the materials are treated to eliminate reflection.

5. Earth Moving and Berms

   a. Earth Moving for Earth Sheltering. The creation of man-made land forms is prohibited in the Foreground, except that earth moving may be used in the design of a structure located along a hillside, to the extent it is necessary to create an earth sheltered design, built into and mimicking the natural topography of the land.

   b. Berms. Berms may be used to screen structures located within a meadow or pasture provided the side of the berm exposed to critical views from designated scenic roads rises at no greater than a 5% grade. Berms may be used to screen structures located in undulating terrain provided the berm is designed to appear as a naturally occurring extension of the existing topography. Berms must be planted to replicate the surrounding plant communities.

   c. Revegetation of Disturbed Areas. Lands disturbed by earth moving or berms shall be revegetated using native species which are already growing on or near the site. Top soil shall be stock piled and placed on disturbed areas. Irrigation shall be provided to the revegetated areas if it is necessary to ensure survival of native species planted.

6. Roads and Driveways

   a. Avoid Dividing Meadows and Pastures. To the maximum extent practical, roads and driveways shall be located to skirt the edge of and avoid dividing meadows and pastures. Roads and driveways shall take advantage of the screening potential of natural topography and existing vegetation. Existing roads and driveways shall be used where practical. To enhance screening, ditches may be dug parallel to roads or driveways, and a row of cottonwood trees may be planted along the roads or driveways.

b. **Soft Edges.** To the maximum extent practical, roads and driveways located around the edge of or in meadows shall be laid out with soft, curving edges and shall avoid straight line corridors which are incongruous with the natural setting.

## H. Skyline Standards

The following standards shall apply to physical development, use, development options, and subdivisions within the Skyline of all buttes and hillsides viewed from state highways, Spring Gulch Road, South Park Loop Road and Alta County Road.

1. **Skyline Penetration Prohibited.** Physical development shall not penetrate the Skyline on buttes and hillsides, as viewed from State highways, Spring Gulch Road, South Park Loop Road and Alta County, except in the case of an existing lot of record where there is no other siting alternative that complies with the standards of these LDRs.

2. **Mitigation of Necessary Skyline Penetration.** In the case of an existing lot of record where no other siting alternative is available that complies with the standards of these LDRs, physical development may penetrate the Skyline on hillsides and buttes by complying with the following standards.

   a. **Pursue Variation of Regulations First.** Attempts shall first be made to obtain variance of other regulations, such as setbacks, that would enable the proposed physical development to comply with the skyline penetration prohibition.

   b. **Height.** The height of physical development shall not exceed 20 feet above original grade.

   c. **Mass.** The mass of the physical development shall be designed so as to be broken into distinct, smaller forms, which may involve repeating similar forms at a more modest scale, breaking facades and roof lines into smaller segments, or stepping the building mass into the hillside. To the maximum extent practical, buildings shall be placed down the hill or cut into the slope to minimize the skyline penetration.

   d. **Form.** The form of the physical development, particularly its roof form, shall re-create the natural form of the hillside or butte. If the natural form of a butte top Skyline that is being penetrated is flat, the building shall have a flat roof form. If the natural form of a hillside Skyline is rounded or jagged, the building shall use a hipped or similar roof form.

   e. **Exterior of Structure.** The exterior of all physical development shall be built or painted with earth tone materials or colors.

   f. **Roof Materials.** The color of all roofs shall be the color of surrounding vegetation or land features. Reflective roof materials shall not be used, unless the materials are treated to eliminate reflection.

g. Earth Moving. Physical development shall minimize the need for earth moving or disturbance to the maximum extent practicable. Earth moving on a slope to create a flat platform on which development is placed shall be prohibited. Areas disturbed for earth moving shall be revegetated using native species which are already growing on or near the site. Topsoil shall be stock piled and placed on disturbed areas. Provision shall be made for irrigation, if it is necessary to ensure survival of the indigenous species planted.

h. Landscape Screening. Physical development shall be located so as to preserve, to the maximum extent practical, existing vegetation which may help to screen its appearance. Native species shall be planted to supplement existing vegetation. Native species shall be selected from "Landscape Plant Material from the Teton County Area," a copy of which is available at the Planning Department. Native species shall be planted so as to screen at least 50% of the physical development within 3 years of its occupancy, as measured during the summer.

# Div. 5.4. Natural Hazard Protection Standards

The purpose of this Division is to limit development in naturally hazardous areas. Development in hazardous areas threatens the health, safety and welfare of human inhabitants, steep slopes, poor soils, avalanche chutes, floodplains, dense forest and areas along fault lines offer unique opportunities for interaction with the environment, but when natural events do occur in these areas the results can be disastrous.

## 5.4.1. Steep Slopes (1/4/17, Ord. 1162)

### A. Slopes in Excess of 25%

No physical development shall be permitted on natural slopes in excess of 25%.

### B. Exceptions

1. **NC-ToJ Zone.** In the NC-ToJ Zone, no physical development shall be permitted on natural slopes in excess of 30%.

2. **Manmade Slopes.** Physical development on manmade slopes is permitted, provided that the proposed finish grade complies with all other applicable standards of these LDRs.

3. **Small Slopes.** Physical development of isolated slopes that cover less than 1,000 square feet and have less than 10 feet of elevation change is permitted.

4. **Essential Access.** Physical development of steep slopes is permitted to provide essential access for vehicles and/or utilities when no other alternative access exists.

### C. Standards in Hillside Areas

The purpose of this Section is to provide requirements, standards, criteria, and review procedures which are supplementary to those found elsewhere in these LDRs, and which apply only to hillside areas of the Town of Jackson.

1. **Definition.** For purposes of this Section, hillside areas within the Town of Jackson shall be defined as any lot of record which has an average cross-slope (in any direction) of 10% or greater. This definition shall include any lot of record upon which proposed physical development, use, development option, or subdivision may affect any portion of said lot of record having a slope of 10% or greater, even though the average cross-slope of the subject property may be less than 10%.

2. **Applicability and Exceptions.** The requirements and procedures of this Subsection shall apply when any hillside area is proposed for subdivision, lot split, or development or terrain disturbance of any kind, including a building permit. The only exception shall be in the case of a detached single-family unit on a lot which has been legally platted prior November 9, 1994.

3. Conditional Use Permit Required. Prior to any terrain disturbance, removal of vegetation, or any physical development, use, development option, or subdivision, a Conditional Use Permit shall be required.

4. Criteria and Standards. In addition to the general Conditional Use Permit criteria and standards, the following standards shall be considered:

    a. The amount of terrain disturbance related to the otherwise allowable or conditioned uses for the property and the proposed mitigation efforts;

    b. Retention or replacement of native, existing vegetation consistent with any proposed lawful use of the property;

    c. Mitigation measures for mitigating impacts on wildlife or crucial winter range; and

    d. Mitigation measures for avoiding or minimizing visual impacts, subsurface, and any other natural hazards associated with hillside development.

5. Findings. The following finding shall be made before granting a Conditional Use Permit for hillside areas: that the mitigation measures identified will be effective in mitigating any adverse impacts identified, and associated with the proposed physical development, uses, development option, or subdivision.

6. Submittal Requirements. In addition to the required information set forth in this Section, additional submittals and information may be required by the Planning Director. The purpose of such submittals and additional information shall be to assure compliance with the special criteria and standards set forth in this Section. Such submittals and additional information may include, but shall not be limited to the following:

    a. Report summarizing wildlife use of the subject property and any potential impacts from the proposed development.

    b. Reconnaissance level soil and subsurface investigation.

    c. Visual impact analysis.

    d. A complete grading and drainage plan to include existing and proposed contours at 2 foot intervals containing grading, stabilization, revegetation, and structural elements pertaining to retention stabilization and protection systems for all disturbed terrain. The provided materials shall also include proposed access drives, the areas of encroachment into the public right-of-way for said access drives, as well as the grading and drainage work to be completed in the public right-of-way.

    e. Plan for any proposed supplementary landscaping or plat materials.

7. **Bond for Required Improvements.** Prior to the issuance of any building permit pursuant to this Section, the applicant shall post a performance bond for all restorative and mitigative treatments pursuant to Sec. 8.2.11.

## 5.4.2. Unstable Soils (1/1/15, Ord. 1074)

No physical development, use, development option, or subdivision shall be permitted on unstable soil as determined by the Town/County Engineer except under the following conditions:

### A. Potential for Movement Only in Shallow Surface Area that Can Be Controlled

When the potential for soil movement is only in a shallow surface area and risk to the physical development can be prevented with appropriate anchoring to a solid substrate; or

### B. Instability Limited

The instability is limited to localized slumpage at cuts or foundations and appropriate revegetation, drainage, and structural devices can prevent increased instability; and

### C. Not in an Avalanche Chute

The proposed developed area is not in an avalanche chute.

## 5.4.3. Faults (1/1/15, Ord. 1074)

### A. Comply with Building Code for Seismic Zone 3

All structures shall comply with the currently adopted Building Code for Seismic Zone 3. The Town Engineer may require a report from a geotechnical engineer registered in the State of Wyoming if the proposed physical development is within 200 feet of a fault line and the Town Engineer considers that the proposed physical development creates a dangerous situation.

### B. Notification on Development Plan/Final Plat

On lots of record where a fault line exists according to fault line maps for the area, a note shall be placed on all development plans and plats stating that a Seismic Zone 3 fault line potentially subject to movement exists on the lot of record.

### C. Review by Town Engineer

All proposed physical development shall be reviewed by the Town Engineer for appropriateness of the proposed structure for the site.

## 5.4.4. Floodplains (1/1/15, Ord. 1074)

All physical development within the floodplain shall comply with Chapter 15.30, Flood Damage Prevention, Municipal Code of the Town of Jackson. In the event of a discrepancy in regulation between Chapter 15.30 and these LDRs, the more stringent regulation shall control.

## 5.4.5. Wildland Urban Interface (1/1/15, Ord. 1074)

See the Town Building Codes for wildland urban interface design standards that apply to physical development, use, development options, and subdivision as defined by these LDRs.

# Div. 5.5. Landscaping Standards

## 5.5.1. Purpose (1/1/15, Ord. 1074)

### A. General Purpose

The purpose of these landscaping standards is to assist in maintaining the character of the zones by providing minimum planting, buffering, and screening around and within physical development. Landscape surface area and/or plant units are required for both residential and nonresidential use based upon the zone in which the use is located.

## 5.5.2. Landscape Plan (1/1/15, Ord. 1074)

### A. General

A landscape plan shall be submitted for review, along with the appropriate application for a physical development permit for all physical development except that detached single-family units shall be exempted from the provisions of this Section, but shall be landscaped in accordance with the remaining standards of this Division.

### B. Standards

The landscape plan shall comply with the following standards.

1. **Landscape Architect Required.** A landscape plan shall be prepared by a landscape architect registered in the State of Wyoming.

2. **Approval and Bond Required.** Prior to issuance of any physical development permit that requires a landscape plan, a performance bond for completion of the approved landscape plan shall be submitted to the Planning Director pursuant to Sec. 8.2.11.

### C. Requirements of Landscape Plan

The landscape plan shall include the following elements.

1. **Mapping of Existing Vegetation.** A map identifying all deciduous trees of 3 inches in caliper or greater, and all coniferous trees of 3 inches in caliper or greater, within an area proposed for clearing and within 25 feet of any area to be cleared. In addition, all trees or shrubs proposed to be retained and counted towards complying with the landscaping standards of this Division shall be mapped. This mapping requirement may be combined with the mapping completed pursuant to Sec. 8.2.2.

2. **Calculation to Determine Required Landscaping.** A summary of all calculations used to determine the total amount of landscaping required.

3. **Plant Schedule.** A plant schedule, identifying symbols, quantity, size, and type of all proposed landscaping and existing vegetation that is proposed for credit.

4. **Planting Plan.** The planting plan shall indicate the location of all proposed landscaping and existing landscaping that is proposed for credit.

5. **Irrigation Statement.** An irrigation statement describing how plant material will be irrigated for a minimum 2 year period or until plant establishment.

6. **Erosion Control.** A description of how erosion is to be controlled on-site, both permanently and during construction.

7. **Cost Estimates.** Cost estimates to implement the landscape plan.

## 5.5.3. Required Plant Units (11/23/16, Ord. 1151)

### A. General

1. **Sum of All Requirements.** The plant units required shall be the sum of all of the plant units prescribed by the standards of this Section.

> **EXAMPLE:** A nonresidential development with a parking lot shall provide the plant units required for the nonresidential development and the plant units required for the parking lot.

2. **Measurement.** One plant unit shall be the minimum amount provided by any development; fractional plant units of one-half or more shall be treated as a requirement of one plant unit.

3. **Credit for Existing Vegetation.** Retention of existing vegetation is encouraged. Any retained existing plant material which satisfies, or with 5 years of growth would satisfy, the required plant units shall be counted towards satisfying the required plant units.

### B. Requirements

Except as specified below, plant units shall be provided at a rate of one plant unit per 1,000 square feet of required landscaped surface area.

1. **Nonresidential in the R-ToJ.** Nonresidential development in the R-ToJ zone shall be provided at a rate of one plant unit per 1,000 square feet of gross floor area.

2. **Residential in Legacy Zones.** All new residential development in a Legacy Zone (Div. 2.3. & Div. 3.3.) shall provide one plant unit per dwelling unit.

3. **Location of Plant Units in Single-Family Subdivisions.** For residential development within single-family subdivisions, the landscaping required per dwelling unit shall be located on each lot of record.

## C. Parking Lot Requirements

1. **General.** All parking lots shall comply with the plant unit requirements below.

| Required Plant Units per Parking Space by Use and Zone | | | | |
|---|---|---|---|---|
| | Use | | | |
| Zone | Agriculture | Residential | Institutional | All Other Uses |
| R | 0 | -- | -- | 1 per 8 spaces |
| S | -- | 1 per 12 spaces | -- | 1 per 8 spaces |
| MHP-ToJ | -- | -- | -- | 1 per 8 spaces |
| AR-ToJ | -- | 1 per 12 spaces | 1 per 12 spaces | 1 per 8 spaces |
| AC-ToJ | -- | -- | 1 per 12 spaces | 1 per 8 spaces |
| BP-ToJ | -- | -- | -- | 1 per 16 spaces |
| UC | -- | -- | -- | 1 per 12 spaces |
| UR | -- | -- | -- | 1 per 12 spaces |
| TS | -- | -- | -- | 0 |
| BC-ToJ | -- | -- | -- | 1 per 12 spaces |
| NC-ToJ | -- | -- | -- | 1 per 8 spaces |
| RB | -- | -- | -- | 1 per 8 spaces |
| DC | -- | -- | -- | 0 |
| CR-1 | -- | -- | -- | 1 per 12 spaces |
| CR-2 | -- | -- | -- | 1 per 12 spaces |
| OR | -- | -- | -- | 1 per 12 spaces |
| P/SP-ToJ | -- | -- | -- | 1 per 8 spaces |

2. **Existing Trees Can Be Counted.** Existing trees that can be preserved by leaving the area under their canopy substantially undisturbed shall count towards the plant unit requirement for parking lots.

3. **Landscape Objectives.** The primary objectives of parking lot plant units shall be:

   a. To avoid large, unbroken expanses of asphalt;

   b. To screen or soften parked vehicles as viewed from off site;

   c. To provide attractive, pleasing streetscapes; and

   d. To better define and organize vehicular and pedestrian spaces.

## D. Loading Area Requirement

Except in the UC, DC, CR-1, CR-2, and OR zones, two plant units per loading bay shall be provided.

## E. Standard Plant Unit

This Section describes a standard landscaping element called a "plant unit." It serves as a basic measure of plant material.

1. **Standard Plant Units.** Three standard plant unit alternatives are identified in the table below. Any one or a combination of the alternatives may be used. Some of the alternatives, however, may be required upon review of the proposed landscape plan.

> **EXAMPLE:** Where year-round screening is needed, Alternative C may be required. Plant sizes given are minimums. All plant units shall be in scale with the development proposed, and shall be of adequate installed size to clearly achieve the purpose of the required plant units (e.g. screening, buffering, softening of structural mass, community character enhancement).

| Standard Plant Unit Alternatives | | |
|---|---|---|
| Alternative | Quantity, Size & Type of Plants Required | |
| A | 1 | 3" caliper canopy tree |
| | 6 | 6' – 8' large shrubs or multi-stem trees |
| | 4 | #5 container shrubs |
| B | 2 | 3" caliper canopy trees |
| | 2 | 6' – 8' large shrubs or multi-stem trees |
| | 3 | 8' high evergreen trees |
| C (preferred for year-round screening) | 3 | 6' – 8' large shrub or multi-stem trees |
| | 3 | 8' high evergreen trees |
| | 2 | #5 container shrubs |

2. **Plant Guidelines.** The following plant types are provided as guidelines:

   a. 3-Inch Caliper Canopy Tree - Cottonwood or Aspen.

   b. 6 to 8-Foot Large Shrub or Multi-Stem Trees - Chokecherry or Amur Maple.

   c. #5 Container Shrub - Dogwood or Willow.

   d. 8-Foot Evergreen - Spruce.

3. **Alternative to Standard Plant Units.** The Planning Director may relieve an applicant from the standard plant units pursuant to Sec. 8.8.1. if it can be demonstrated that:

   a. The design intent of the proposed project is compromised by the use of the standard plant units; and

   b. The alternative proposed meets the objectives of softening and integrating the project into the existing landscape.

4. **Substitutions for Standard Plant Units.** The following substitutions in plant units may be made where it is demonstrated that the substitution achieves the objectives of the standard plant unit for which it is being substituted; or the objectives of the requirement are achieved but additional plant units are required.

    a. **Movable Planters.** Ten square feet of permanent or movable planters containing flowers, flowering shrubs or similar vegetation may be substituted for 4 – #5 container shrubs. Notwithstanding, moveable planters shall not be substituted for required landscaping in parking lots.

    b. **Bench.** One bench seating at least 2 people, or a similar seating arrangement, may be substituted for 1 canopy tree.

    c. **Bike Rack.** One bike rack designed to accommodate at least 6 bikes may be substituted for one canopy tree.

    d. **Public Art.** Public Art integrated as a functional architectural feature or as a stand-alone installation may be substituted as an alternative to plant units. Public art shall be accessible to the public.

## 5.5.4. General Landscaping Standards (1/4/17, Ord. 1162)

### A. Vegetation Required

All landscaped areas proposed for vegetation shall be planted with lawn, pasture, or native groundcover unless such vegetation is already fully established. Once landscaped, landscape areas shall be maintained to support plant life.

### B. Plant Materials

1. **Approved Plant Material.** Plant material shall not be invasive as designated by the noxious weeds and pests list maintained by the Teton County Weed and Pest Control District and shall not be a noxious weed that appears on the designated list under the Wyoming Weed and Pest Control Act of 1973.

    a. **Wyoming Seed Law.** All seed used for site revegetation or restoration must be used in accordance with WS 11-12-101 - 125 certified as weed free and acquired through a dealer licensed by the Wyoming Department of Agriculture.

    b. **Wyoming Nursery Stock Law.** All nursery stock used for site revegetation or restoration must be used in accordance with W.S. 11-9-101 through 109 accompanied by a valid health certificate and acquired through a dealer licensed by the Wyoming Department of Agriculture.

2. **Native Vegetation.** All plant material should be native vegetation, which duplicates adjacent plant communities both in species composition and spatial distribution patterns.

**EXAMPLE:** Landscaping placed on a hillside or slope should consist of plant material that is typically found on a similar hillside or slope. Similarly, landscaping plant material placed in a floodplain or drainageway should be native vegetation that is generally found in a similar floodplain or drainageway. Further, the use of native vegetation should acknowledge the relative attractiveness of certain plant species to wildlife. Responsive planting designs should therefore position plants, which are palatable to wildlife in areas where browsing damage will not affect the screening or ornamental qualities of the planting plan.

### C. Removal of Existing Vegetation Prohibited

Removal of specimen trees of 3 inch caliper or greater, and removal of shrub stands and rows with an average height of 3 feet or greater is prohibited in the DC, CR-1, CR-2, OR, UC, AC-ToJ, PRD, MHP-ToJ, RB, and BP-ToJ zones except in accordance with an approved landscape plan. Removal of dead, diseased, or damaged trees and shrubs which are a potential hazard to life and property may be approved by the Planning Director. In addition, vegetation may be removed to meet fuel reduction mitigation measures required by the Fire Marshal.

### D. Use of Landscaped Areas

No portion of a site required to be landscaped shall be used for the parking of vehicles or for open storage of any kind.

### E. Open Space Standards

All areas of required open space that are presently covered with natural vegetation and are to remain undisturbed shall not be required to be landscaped. Areas of open space that have been disturbed, except those to be used as sports fields and other areas that are to be paved, must be restored to prior conditions, as much as feasible. In addition, adequate ground cover shall be provided so that no landscaped ground areas are exposed to erosion. Noxious weeds appearing on the designated list under the Wyoming Weed and Pest Control Act of 1973 shall be controlled.

### F. Landscaping in Public Rights-of-Way

In addition to required landscaping on private property, the property owner shall be responsible for the provision and maintenance of landscaping in accordance with the requirements of this Section for that area between the property line and the back of curb or the edge of the traveled way of any public street, alley or other public way, in a manner which provides consistency of landscaping and maintenance between the public properties to be landscaped and maintained and the adjacent private property. When such property lies within the right-of-way of a street or highway maintained by the Wyoming Department of Transportation (WYDOT), a landscape permit from WYDOT must be obtained.

## 5.5.5. Installation and Maintenance (1/1/15, Ord. 1074)

### A. Irrigation

Landscape surface areas and plant units that cannot naturally be provided with adequate moisture for the types of plants installed shall be equipped with an irrigation system.

### B. Phasing

Landscape plans and the installation of required plant materials may be phased consistent with the development phasing approved for a project.

### C. Required Time for Completion

All landscaping shall be in place prior to occupancy. The Planning Director may allow occupancy without required landscaping in place if the landscaping will be in place within one year. In such cases the Planning Director may require submittal of a bond or other financial surety pursuant to Sec. 8.2.11. for installation of the landscaping.

### D. Maintenance

All landscaping required by these LDRs shall be maintained. Maintenance shall include control of those noxious weeds that appear on the designated list under the Wyoming Weed and Pest Control Act of 1973. Maintenance shall be the responsibility of the landowner, and shall be carried out regularly so that the intent and integrity of the required landscaping is preserved. If any plant materials die or are damaged, they shall be replaced by the landowner.

# Div. 5.6. Sign Standards

## 5.6.1. Town Sign Standards (1/4/17, Ord. 1162)

### A. Purpose

The purpose of this Division is to afford the business and residential community equal and fair opportunity to advertise and promote its products and services without discrimination; to protect and enhance the community character and visual environment; to preserve the right of the citizens to enjoy our Town's scenic beauty; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

### B. Applicability

1. **Permit Required.** The provisions of this Section shall apply to all signs located within the Town boundaries, except as specified in these LDRs. No sign shall be erected, altered, or relocated without prior authorization pursuant to this Section.

2. **Administrative Adjustment.** The administrative adjustment procedure is intended to allow for flexibility in the regulations when a standard is inapplicable or inappropriate to a specific use or design. The Planning Director shall have the authority to approve or deny administrative adjustment requests for the standards within this Section pursuant to the procedures of Sec. 8.8.1.

3. **Maintenance and Repainting Exempt.** The repainting, changing of parts, and maintenance of legally conforming signs shall not require a permit, provided that the changes do not enlarge or change the sign significantly.

4. **Exempt Signs.** The following signs shall be exempt from the provisions of this Section, provided that they satisfy the requirements set forth below.

    a. **Traffic Signs.** All signs erected in a public right-of-way by a public agency or on a private road right-of-way for controlling or directing traffic.

    b. **Political Signs.** Political signs pertaining to a specific election, which are displayed not earlier than 30 days prior to the primary election and are then removed by the candidate or property owner who placed the sign within 5 days after the general election; if there is no primary election, the sign shall be erected not earlier than 30 days prior to the general election, and the sign shall be removed 5 days after the general election. All signs shall be located on private property and shall not impede the public right-of-way.

    c. **Flags.** Official, State, and Nation flags shall be permitted. Corporate flags are permitted and shall be limited to one flag 15 square feet in size, which shall not be deducted from the total signage permitted. Flagpoles are permitted provided that a building permit is obtained and that the height of the pole does not exceed the maximum height for structures within the zone that the property is located.

d. Property Notification Signs. Private warning signs and for sale or for rent signs are permitted, provided that they do not exceed 4 square feet per side, for a total of 8 square feet.

e. Street Numbers. Numbers placed on a structure for purposes of identifying the address or the location.

f. Vehicular Signs. All signs placed in or upon a vehicle or trailer, including mass transit vehicles.

g. Construction Signs. Construction signs for buildings or projects, naming owners, contractors, subcontractors and architects shall be permitted, provided that they do not exceed one sign of 35 square feet for each street frontage of the building or project.

h. Town, State, or National Historical Signs. Those buildings designated by the Town Council, the State of Wyoming, or the United States as having historical significance to the community are permitted one historical plaque per street frontage.

i. Informational Signs. An on-premise sign designed to provide courtesy information or direction to the public by using such words as “entrance”, “exit”, “parking”, “drive-up”, “restrooms”, “parking”, or similar directional instruction, but not including any advertising of the business. The directional signs shall not exceed 6 square feet in area. The maximum height should be 4 feet unless attached to an existing freestanding sign.

j. Posted Notice. Notice of a meeting or hearing that meets the standards of Section 8.2.14.C.4..

## C. Allowable Signage

1. Allowable Signage by Sign District. For the purpose of determining allowable sizes, numbers, materials, placement, and other requirements for restrictions on signs as set forth in this Section, the Town sign districts are described below.

a. Town Square Sign District

i. Town Square Sign District Boundary. The Town Square Sign District is coincident with the Town Square zone.

ii. Permitted Amount of Signage

a). Two and one-half square feet of sign area for each lineal foot of street facade width up to a maximum of 125 square feet of total sign area is permitted, unless adjusted as hereinafter provided.

b). Two signs are permitted for each business per each street frontage.

iii. Permitted Sign Types. Canopy, projecting, and wall signs. Freestanding signs that are used as directories for more than 3 businesses within a structure that do not have a street frontage are permitted.

iv. **Prohibited Signs.** In addition to the prohibited signs list in 5.6.1.D. single-tenant freestanding signs are prohibited in the Town Square Sign District.

b. General Sign District

i. **General Sign District Boundary.** The general sign district is comprised of all property within the Town that is not in the Town Square Sign District.

ii. Permitted Amount of Signage

a). 3 square feet of sign area for each lineal foot of street facade width up to a maximum of 150 square feet of total sign area is permitted, unless adjusted as hereinafter provided.

b). 3 signs are permitted for each business per each street frontage.

c). For each projecting or freestanding sign approved a 10% penalty per sign shall accrue.

iii. **Permitted Sign Types.** Canopy, wall, freestanding, and projecting signs.

2. **Multiple Tenant Sign Area Adjustments.** To allow and encourage certain types of signs, as well as to provide adequate advertising for multiple tenant and mixed use structures.

a. For buildings containing 3 or more tenants, the maximum total square footage allowable for all signs may be increased by 25% for each additional tenant or business up to an increase of 150% of total sign area.

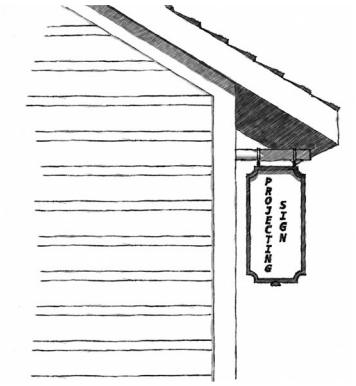
b. Preliminary Master Sign Plans depicting the size and proposed location(s) of all signs for any structure with 3 or more tenants are encouraged to be submitted with development plan applications.

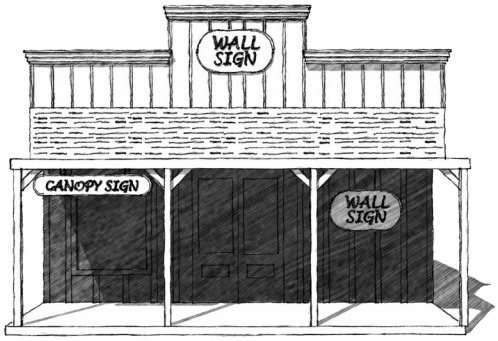
3. **Window Signs.** Signs displayed on the inside or outside of windows in buildings are permitted, provided that they comply with the following standards. For the purposes of this Section, window displays, such as clothing, merchandise and real estate photographs, shall be exempt, provided that they are displayed inside the window.

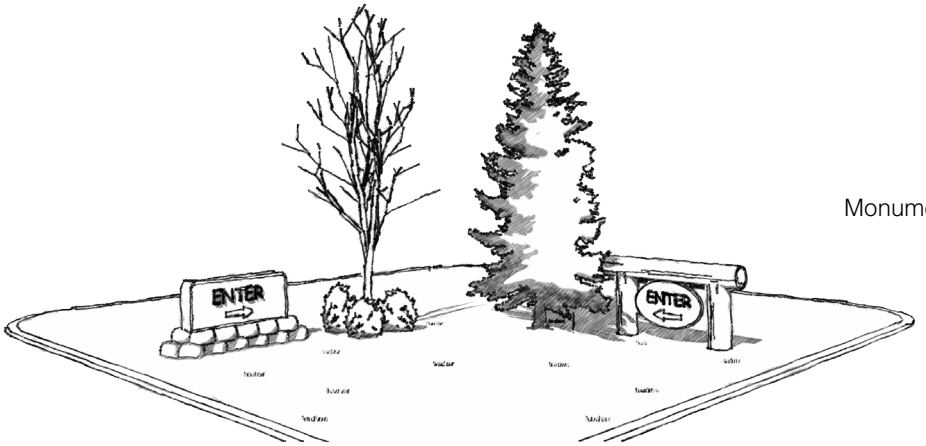
a. Window signs shall not count toward the total allowable signage for a structure, provided that the signage does not advertise the business name or logo. Window signs that advertise the business name shall be counted toward the total signage for the business.

b. Window signage may occupy no more than 25% of the area of the entire window surface in which it is displayed. In no event shall window signage exceed 16 square feet in any window surface.

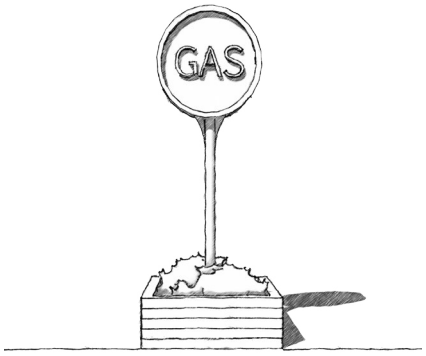
c. Prohibited features of window signs shall include profanity, flashing lights, rotating beacons, scrolling pictures, and electronic or mechanical features. Sexually explicit nudity is expressly prohibited within windows.



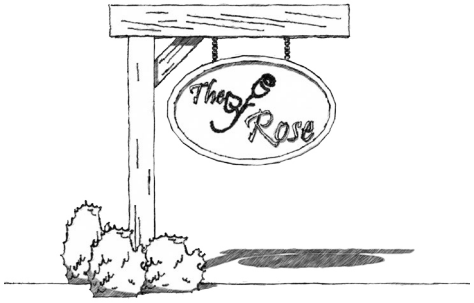



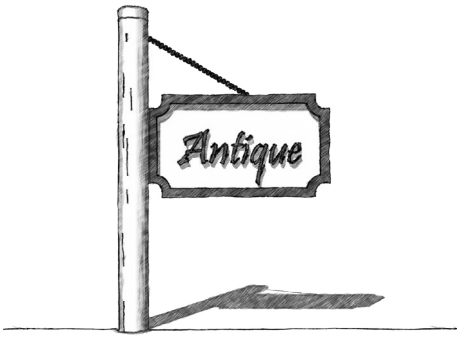

Monument and Entry Signs



Conventional Freestanding Signs

Rustic Freestanding Signs



4. Temporary Signs - Permitted Uses

a. Temporary banners advertising grand openings on a one-time basis, provided that a sign permit is obtained. The banner may be placed on the structure for no more than 2 weeks and shall be wholly contained on private property.

b. Temporary banners, sandwich boards, and A-frame signs for privately sponsored outdoor expositions, provided that an outdoor exposition license and a sign permit are obtained. A maximum of 2 banners shall be permitted, and the banner(s) shall be displayed on the starting day of the event and shall be removed on the last day of the event. All approved banners shall be contained on private property and shall not impede the public right-of-way. Party type balloons shall be permitted in order to attract attention to the outdoor exposition, provided that they are maintained on the subject property and are removed immediately following the close of the event.

c. Temporary banners, sandwich boards, and A-frame signs sponsored by profit and nonprofit groups, organizations and associations, provided that a special event license and a sign permit are obtained. A maximum of 4 temporary signs are permitted, and the signage shall be displayed on the starting day of the event and shall be removed on the last day of the event. For events that are sponsored by non-profit groups, proof of Tax Exempt status must be provided or a copy of the Business License submitted with the sign permit application. Off-site banners are permitted with written consent from the property owner(s). Banners shall not impede the public right-of-way. Party type balloons shall be permitted in order to attract attention to the special event, provided that they are maintained on the subject property and are removed immediately following the close of the event.

d. Town Council approval shall be required for temporary signs used for events not requiring a Special Event License or Exposition License.

e. Temporary uses shall be permitted one 16 square foot sign, provided that it is maintained on private property and is removed immediately following the close of the temporary use.

f. For special events for non-profit groups, organizations, and associations, a sign permit may be obtained to utilize the light pole banners located along West Broadway Avenue and North Cache Drive. These banners shall not contain any commercial advertisements or sponsors. The Jackson Hole Chamber of Commerce shall review and approve all light pole banners prior to installation.

g. Community signboards for the display of special events signage shall be approved by the Town Council. Display standards and locations for said signs shall be provided for review and approval by the Town Council.

5. Exceptions to Prohibited Signs

a. Electrical and Changing Signs. Signs denoting the correct time and temperature for the convenience of the public shall be permitted and shall not include more information than that stated above and the name of the business in ownership of the sign. Said sign shall not exceed 12 square feet for a single-sided sign and 24 square feet for a double-sided sign. The size of the sign shall be deducted from the allotted signage permitted for the business.

b. Neon Signs. Vacancy and No Vacancy signs and Open and Closed signs shall be permitted, provided that the proposed sign does not exceed 10 square feet in size.

c. Readerboard Signs

i. Readerboards for movie theaters, playhouses, theaters, and restaurants and bars with changing entertainment shall be permitted, provided that they are manually changed only. These signs shall conform to the design, material and freestanding sign standards set forth in this Division and shall not be internally lighted. A signage area increase of 50% shall be permitted for entertainment businesses requiring a readerboard.

ii. Readerboards for churches indicating the times of services, the clergy, quotes of scripture and special events are permitted, provided that they are manually changed only. These signs shall conform to the design, material and freestanding sign standards set forth in this Division and shall not be internally lighted.

iii. Gasoline service stations are permitted a maximum of 2 readerboard signs for the purposes of displaying fuel prices, provided that they are manually changed only. These signs shall conform to the design and material standards set forth in this Division and shall not be internally lighted. Fuel prices shall not be changed more than 1 time per day.

d. Barbershop Poles. Barbershop poles with rotating stripes and internal lighting shall be permitted for traditional barbershops only (those businesses offering haircutting services without salons or spas), provided that the pole does not exceed 4 feet in height and 1 foot in width. The pole shall only be lighted and rotating during business hours and shall be attached to the structure in which the business is located.

e. Directional Signs. An off-premise sign identifying and containing directional information to public places owned or operated by federal, state, or local governments or one of their agencies; or an off-premises sign identifying and containing directional information to sites, which the Town Council has

determined to have a historic, cultural, educational, scientific, and religious significance to the community and visitors, and which are difficult to locate without such a sign. Information on directional signs shall be limited to the name of the site, directional arrow, and mileage to the site. Signs shall not exceed 6 square feet in area. The maximum height of the sign shall be the same as freestanding signs in the zone in which the sign is located.

## D. Prohibited Signs

The following shall be prohibited in all sign districts unless explicitly allowed above.

1. **Rotating Beacon Lights.** Rotating lights attached to any sign structure, sign, or building.

2. **Moving Signs.** Flashing, blinking, fluttering, undulating, swinging (non canopy signs), rotating, or otherwise moving signs, pennants, balloons, holograms, light beams, or other free flowing decorations.

3. **Temporary Signs.** Banners, banner signs, portable signs or any device which can be classified as a portable sign, including, but not limited to: Signs with wheels that can be rolled onto the sidewalk or street right-of-way, signs supported by an A-frame apparatus, signs supported by a heavy weight at the base, that can be rolled into place, or any other device in the form of a sign that is of a temporary nature and not permanently affixed to a building or sign structure. Refer to Section 4670.I. Temporary Signs-Permitted Uses for exceptions.

4. **Off-Premises Signs.** Signs for advertising or identification of a business not located on the same premises as the sign. For the purposes of this definition, this shall include the outdoor display of items, which are not for sale within the business.

5. **Neon Signs or Valances.** Any neon sign located on the outside of a building or attached to a sign structure.

6. **Readerboard or Changeable-Copy Signs.**

7. **Roof Signs.** Any sign placed or painted upon or above the roof or parapet wall of a structure.

8. Profane Language on Signs.

9. Sexually Explicit Nudity on Signs.

## E. Sign Materials and Design

1. **Materials.** Signs may be constructed of, but not limited to painted, stained or carved wood; brick or stone; glass; high density urethane foam; gold leaf and silver leaf; metal, which is painted, rusted, or anodized, rust resistant, or otherwise treated to prevent reflective glare. Prohibited materials include: plexiglass, polymers, plastics, acrylic, lexan, and flex face, with the exception of those used for letters, as defined in E.6.

a. Background colors may include any color, with the exception of white or yellow, fluorescents, and certain tints of said colors. A complete color palette is available in the Town Planning Department, and paint samples are required with the application submittal for all tints of white and yellow for proposed backgrounds of signs. For the purposes of this Section, a background shall include any part of a building altered or painted for the purposes of displaying a sign.

b. White and yellow letters and/or graphics are permitted on a sign, provided that they do not exceed 50% of the entire face of the sign.

c. Readerboard signs shall be permitted to have a white background for the copy portion of the sign only.

2. Measurement Standards for Signs

a. All signs shall be measured by the outer portion of the sign and shall include any designs, logos, and pictures.

b. The square footage of each side of projecting, canopy, and freestanding signs shall be counted toward the total square footage of signage permitted for the business.

c. For signs that consist of letters or pictures placed directly upon a building, a box shall be drawn around all letters, designs, logos, and pictures for measurement purposes. No more than 4 boxes may define a sign area. All letters contained within each word on a sign shall be measured by 1 box drawn around the entire word.

3. Support Structures. Exposed metal support structures for signs shall be faced or covered with wood or stone or shall consist of wrought iron or other decorative or artistic metal, which shall be reviewed and approved by the Planning Director. Metal connecting devices, such as straps, chains, bolts, eyebolts, sleeves or collars used for connecting the sign to the sign structure or building are permitted and shall not be considered a support structure.

4. Display Standards. The display of all signs regulated by this Division shall conform to the standards set forth in this Section.

a. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of traffic signs, signals, or other devices for traffic control. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals or devices, nor shall they be lighted in a way, as to cause glare or impair driver visibility upon roads.

b. Signs shall not be erected, relocated, or maintained in such a way that prevents free ingress or egress from any door, window, or fire escape.

c. Signs shall not be mounted on permanent natural feature on the site, with the exception of imported rocks and stone. No natural feature shall be defaced for the purpose of displaying a sign. Rocks and stones imported to the site may be engraved with signage.

d. Signs shall not be located in such a way as to impede clear sight distance or located in such a way as to obstruct devices and signs that control traffic. Signs that impede the clear sight distance or obstruct traffic control devices will be removed by the Town of Jackson and/or the Wyoming Department of Transportation.

e. Signs shall not be permitted within the public right-of-way, and will be removed by the Town of Jackson and/or the Wyoming Department of Transportation.

5. Height and Clearance

a. Projecting signs are permitted no higher than 24 feet above grade on any structure.

b. The clearance of a projecting, canopy, or roof sign shall be a minimum of 7.5 feet from the average grade. Canopy and projecting sign clearance shall be measured from the top of the sidewalk to the bottom of the sign.

c. No projecting sign or canopy sign shall extend from a building to a point beyond 18 inches from the back of the adjacent curb.

6. Sign Lighting. The following section describes the types of lighting and the criteria for lighting signs within the Town.

a. Exterior Lighting. Exterior lighting may be permitted, provided that the following criteria is satisfied:

i. Lights shall be designed, located, shielded and directed in such a manner that the light source is fixed and is not directly visible from, and does not cast glare or direct light upon any adjacent public right-of-way, surrounding property, residential property or motorist's vision.

ii. At the Planning Director's discretion, any proposed external lighting application may be required to submit professional Engineering and/or Architect plans and photometric maps depicting the types of lighting to be used.

iii. All signs containing electrical wiring shall be subject to the provisions of the Electrical Code in place at that time and the electrical components shall bear the label of an approved testing agency. Said wiring components shall be submitted to the Electrical Inspector for review and approval.

b. Internally Lighted. Internal lighting may be permitted, provided that the following criteria are satisfied:

i. The total surface area of the sign that emits lighting shall not exceed 15% of the overall surface of the sign. A two-sided freestanding sign shall be permitted 30% of total surface area of both sides of the sign.

ii. Plastics, polymers, acrylics, and like materials may be used for letters, with the exception of white plastics, provided that the plastic exceeds no more than 15% of the total surface area of the sign or 30% of a 2 sided sign.

iii. The proposed light source shall not be visible from the exterior of the sign, which shall include the back, edges, and sides.

iv. Florescent and/or neon lighting is not permitted as a source of internal lighting.

v. Any proposed internally lighted sign application shall submit professional Engineering and/or Architect plans and photometric maps depicting the types of lighting to be used. The percentage of lighting, not to exceed 15%, shall be depicted on the plans.

vi. All signs containing electrical wiring shall be subject to the provisions of the Electrical Code in place at that time and the electrical components shall bear the label of an approved testing agency. Said wiring components shall be submitted to the Electrical Inspector for review and approval.

c. Backlit Signs. Backlit signs may be permitted, provided that the following criteria are satisfied:

i. Signs shall be lighted from a source mounted on the wall behind the proposed sign and shall not be visible through the sign. Lighting shall be visible only along the edges of the sign and light shall not extend more than 3 inches beyond the sign edges.

ii. Florescent and/or neon lighting is not permitted as a source for backlighting.

iii. Plastics, polymers, acrylics, and like materials may be used for letters, with the exception of white plastics, provided that the plastic exceeds no more than 15% of the total surface area of the sign or 30% of a 2 sided sign.

iv. Any proposed backlit sign application shall submit professional Engineering and/or Architect plans and photometric maps depicting the types of lighting to be used.

v. All signs containing electrical wiring shall be subject to the provisions of the Electrical Code in place at that time and the electrical components shall bear the label of an approved testing agency. Said wiring components shall be submitted to the Electrical Inspector for review and approval.

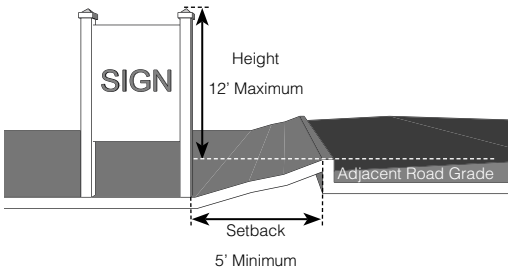
7. Freestanding Signs

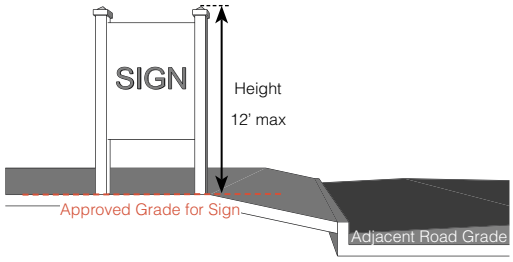
a. Height

i. Permitted freestanding signs and support structures within the Town Square Sign District and DC, CR-1, CR-2, OR, UC, AC-ToJ/LO, BC-ToJ, RB, UR, AR-ToJ, S-ToJ, and NC-ToJ zones in the General Sign District and shall not exceed 6 feet in height.

ii. Permitted freestanding signs and support structures within the AC-ToJ, BP-ToJ, and R-ToJ zones in the General Sign District shall not exceed 12 feet in height.

iii. Sign heights for freestanding signs including support structures and any decorative extensions above the sign shall be measured from the adjacent road grade to the top of the sign including support structures. If the adjacent road grade is lower than the proposed freestanding sign, the sign shall be measured from the approved grade at the base of the proposed sign to the top of the sign including support structures.



b. Setbacks

i. Permitted freestanding signs within the Town Square Sign District shall meet the minimum structure setbacks required for the zone or established in an approved development plan.

ii. Freestanding signs in the General Sign District shall be set back a minimum of 5 feet from the property line, provided that no utilities exist under the proposed sign location.

c. **Incorporated with Landscaping.** Where applicable, signs shall be incorporated into proposed landscape plans for approved developments and shall be reviewed in conjunction with the development plan.

d. **Architecturally Integrated.** Signs shall be architecturally integrated with the structure by including materials, shapes, and/or colors utilized in the building design.

## F. Sign Construction Standards

Signs and sign structures shall be designed and constructed to resist wind and seismic force, as specified in the Building Division in place at that time. All freestanding signs shall be reviewed by the Planning and Building Department and the Public Works Department and may require a Building Permit. If there is any indication that the proposed sign or sign structure does not comply with the wind, seismic loads, or stresses, a Wyoming registered engineer's certification on the sign's structural plans shall be required.

## G. Maintenance and Repair

1. Every sign, including, but not limited to, those signs for which permits are required or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural condition at all times. This shall include the repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign.

2. The Planning Department shall require compliance with all standards of this Division. If the sign is not made to comply with adequate safety and maintenance standards, the Planning Director shall require its removal in accordance with this Division.

## H. Removal and Disposition of Signs

1. **Abandoned Signs.** Any sign that is located on property that becomes vacant and unoccupied for a period of three months or more, or any sign that pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. The owner of the premises on which the sign is located shall remove abandoned signs.

2. **Dangerous or Defective Signs.** No persons shall maintain or be permitted to maintain a sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or the owner of the sign.

Upon failure of the owners to remove or repair a dangerous or defective sign, the Planning Department, in conjunction with the Police Department, shall issue a citation and/or applicable fines for the removal of said sign.

3. Removal of Signs. The Planning Director shall have the authority to remove any sign that endangers the public safety and welfare of the community, in ill repair, or that has not been issued a sign permit.

4. Cost of Removal. Any sign removed by the Planning Director pursuant to the provisions of this Section shall become the property of the Town and may be disposed of in any manner deemed appropriate. The owner shall pay any and all costs associated with the removal. If the cost is not paid within a reasonable time, the unpaid balance shall be considered a lien against the property. The cost of removal shall include any and all incidental expenses incurred in connection with the removal of the sign.

## 5.6.2. County Sign Standards (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

# Div. 5.7. Grading, Erosion Control, and Stormwater Management

## 5.7.1. Purpose and Applicability (1/4/17, Ord. 1162)

### A. Purpose

It has been determined that runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State of Wyoming and the Town. Therefore, it is the purpose of this Division to preserve natural resources; to protect the quality of the waters of the State of Wyoming and the Town; and to protect and promote the health, safety, and welfare of the people to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, and wetlands. In addition, this Division is also intended to protect the health, safety and welfare of the citizens of the Town from geologic hazards which may result through improper grading practices.

### B. Applicability

This Division shall apply to all land disturbing activity and all excavations unless explicitly exempted. Agriculture meeting the standards for exemption in Section 6.1.3.B. is not considered a land disturbing activity, unless it disturbs natural slopes of 25% or greater.

> **EXAMPLE:** Examples of land disturbing activities include, but are not limited to, grading, topsoil removal, filling, road or drive cutting, altering or enlargement of a stream or channel, removal of streambed materials, channel clearing, ditching, drain tile laying, dredging, lagoon construction, soil and water conservation structures, and the extraction or placement of rock, sand, or gravel. Grading permits shall be reviewed and approved pursuant to Sec. 8.3.4. Also refer to the Teton Conservation District's Stormwater Pollution Prevention Plan Guide.

### C. Varied Standards for Levee Construction and Maintenance

The standards of this Division may be varied as necessary to allow for construction and maintenance of flood control structures, such as levees.

### D. Grading Permit Required

A grading permit shall be submitted to describe the site grading, erosion controls, and stormwater management that will be used to meet the requirements of this Division. A grading permit is required for all land disturbing activities unless explicitly exempted. There are 2 levels of grading permit.

1. **Statement Level Grading Permit.** The purpose of the statement level grading permit is to allow the Town Engineer to review land disturbances that, while small in area, may impact other landowners and the environment.

2. **Plan Level Grading Permit.** All plan level grading permit applications shall be prepared by a professional engineer or landscape architect registered in the State of Wyoming.

3. **Geotechnical Report.** A geotechnical report shall be submitted with a plan level grading permit application for construction sites with existing slopes greater than 25% or when considered necessary by the Town Engineer in consideration of soil type and stability and the proposed structure; the report may be waived by the Town Engineer, when applicable. The report shall be prepared by a professional geotechnical engineer registered in the State of Wyoming.

4. **Required Permit.** The table below establishes the type of grading permit required for various grading proposals. The required permit shall be the most rigorous requirement that applies to the proposal.

> **EXAMPLE:** A proposal that would result in 41% impervious surface coverage or more requires a Grading Plan regardless of the amount of disturbance or slope.

| Required Grading Permit Submittal | | | |
|---|---|---|---|
| | Required Grading Permit | | |
| Grading Proposal | Exempt | Statement Level | Plan Level |
| Disturbance location | See below | See below | Within required yards |
| Proposed impervious surface | See below | See below | ≥ 41% |
| Total land disturbance | See below | ≥ 600 sf and < 1,000 sf | ≥ 1,000 sf |
| Disturbance of slopes ≤ 5% | < 600 sf | ≥ 600 sf and < 1,000 sf | ≥ 1,000 sf |
| Disturbance of slopes > 5% & ≤ 15% | < 400 sf | ≥ 400 sf and < 800 sf | ≥ 800 sf |
| Disturbance of slopes > 15% | n/a | ≤ 400 sf | > 400 sf |

5. **Permit Exemptions.** Grading proposals exempt below or in Sec. 5.7.1. shall be exempt from the requirements to obtain a Grading Permit; however, all activities shall comply with the standards of this Division regardless of whether or not a permit is required. In addition to the exemptions established in Sec. 5.7.1. the following activities shall be exempt from the requirement to obtain a Grading Permit:

   a. **Agricultural Activities.** Earthmoving operations occurring on natural slopes that are less than 25%, which are commonly associated with agricultural use, construction and maintenance of field access improvements, and construction and maintenance of irrigation systems.

b. **Emergency Flood Control Work.** A grading permit is not required prior to earthmoving operations occurring as emergency flood control measures; however, an after-the-fact grading permit is required to document the grading completed.

6. **Stormwater Management Plan.** Regardless of the grading permit requirement or exemption, the Town Engineer may require submittal of a stormwater management plan, prepared by an engineer or landscape architect licensed in the State of Wyoming, if it is necessary to determine compliance with Sec. 5.7.4. The stormwater management plan shall be approved by the Town Engineer prior to any physical development.

## 5.7.2. Grading Standards (1/4/17, Ord. 1162)

### A. General Standards

The following general standards shall be met before a grading permit is issued.

1. **Avoid Risk of Landslides.** The grading shall avoid the risk of landslides or other forms of slope failure, rock-falls, and avalanches.

2. **Not Significantly Increase Rate of Stormwater or Snowmelt Runoff.** The grading shall not significantly change the rate of stormwater or snowmelt runoff, and shall avoid or minimize the erosion of natural or constructed slopes and sediment accumulation in natural drainage channels or watercourses.

3. **Not Significantly Alter Drainage Patterns.** The grading shall not significantly alter natural drainage patterns.

4. **Conforms to General Natural Forms.** The grading shall preserve and conform to the general natural form and contours of the land surface.

5. **Preserves Natural or Established Vegetation.** The grading shall be designed to preserve natural or established vegetation as much as is practically possible.

6. **Provides for Revegetation.** The affected site area shall be revegetated as is necessary for the stabilization of disturbed surfaces with the exception of areas covered by impervious surfaces and/or structures. Revegetation plans should contain components as identified in Teton County Weed and Pest District's Revegetation Guide (www.tcweed.org/education-resources/land-development/).

7. **Allows Most Rapid Possible Recovery of Disturbed Lands.** The grading shall allow for the most rapid possible recovery of disturbed lands to natural or introduced vegetation.

8. **Stabilizes Slope.** The revegetation shall stabilize the slope and shall be compatible with native vegetation.

9. **Minimizes Cut and Fill.** The plan shall minimize cut and fill on a site. An application for a grading and erosion control permit shall be denied if it is determined that its issuance would result in excessive cutting and filling and that the intended structure or use would be feasible with less alteration of the natural terrain.

10. **Discovery of Historic or Prehistoric Ruins and Monuments.** Whenever during excavation there are uncovered, or become apparent, any historic or prehistoric ruins or monuments not previously accounted for in the issuance of a permit, all work in the immediate area shall cease until the Wyoming State Archaeologist determines what precautions shall be taken to preserve the historic or prehistoric artifacts.

11. **Maintenance and Repair Measures.** All graded surfaces, sedimentation basins, and other control measures necessary to meet the requirements of this Section shall be maintained by the applicant, landowner, or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate protection from erosion and to prevent nuisance conditions. Nuisance conditions include, but are not limited to, the tracking of dirt and mud onto public streets, and fugitive dust. Should any dredging or soil removal occur for the construction of temporary sedimentation basins or other control measures, such areas shall be restored when the temporary sedimentation basin or other control measures are removed.

## B. Grading Standards

All grading activities shall meet the following technical standards.

1. **Removal of Organic Materials.** Fill areas shall be properly prepared by removing organic materials, such as vegetation and rubbish, and any other material which is detrimental to the proper compaction of the site or not otherwise conducive to the stability of the site.

2. **Site Vegetation Removal and Revegetation.** The removal of existing vegetation shall not occur more than 30 days prior to the commencement of grading, and permanent revegetation shall be commenced as soon as practical after the completion of grading. Site specific native seed mixtures shall be used to revegetate all disturbed areas with the exception of lawn and landscaped areas. Mulching shall be used in order to assure vegetation growth.

3. **Topsoil, Stripping, Stockpiling, and Redistribution.** The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.

4. **Retaining Walls and Facings.** All retaining walls or facings with a total vertical projection in excess of 4 feet shall be designed as structural members keyed into stable foundations capable of sustaining the design loads, and shall be designed by a professional engineer registered in the State of Wyoming.

5. **Compaction on Structural Load Bearing Areas of the Site.** Fills on structural load bearing areas or roadways shall be compacted to at least 95% of maximum density, as determined by the American Association of State Highway and

Transportation Officials (AASHTO T99, most recent edition) and/or the American Society of Testing Materials (ASTM D698, most recent edition), or to the compaction level deemed necessary by a Wyoming registered professional engineer, considering the types of soil, groundwater infiltration and percolation, degree of slope, exposure, and other factors pertaining to slope stability.

6. **Interceptor Ditches.** Interceptor ditches shall be provided above all cut slopes greater than 5 feet, with a drainage area of 13,000 square feet, unless deemed unnecessary by the Town Engineer taking into account vegetation, soil type, total drainage area, topography and potential rain and snow fall. Interceptor ditches may also be required when the drainage area is less than 13,000 square feet at the discretion of the Town Engineer in consideration of the factors listed above. The intercepted water shall be conveyed to a stable channel or natural drainageway with adequate capacity to carry the flow.

7. **Fill Slopes near Roads.** On roads, fill slopes shall not be located where the base of the slope is within 15 feet horizontally of the top of an exterior or planned cut slope, except at road switchbacks.

8. **Cut and Fill within Site Boundaries.** In the absence of a mutual grading easement between adjacent land owners, the tops and toes of cut and fill slopes shall be within the property lines of the proposal. Where adjacent landowners agree to waive this requirement for all or a portion of their common boundary, an easement for the grading activity, maintenance activity and the final grading configuration shall be required for each lot of record affected. A copy of the easement(s) shall be submitted for staff review as a part of the grading approval process. The easement(s) shall be recorded by the Teton County Clerk and recorded against the subject lots of record.

9. **Borrowing for Fill Prohibited.** Except for existing quarries, borrowing for fill shall be prohibited unless the fill material is obtained from a cut authorized by the issuance of a grading and erosion control permit obtained for some purpose other than to produce fill material.

10. **Cut and Fill Slopes.** Cut and fill slopes shall be graded to a slope no steeper than 2:1, or 50%, to allow for permanent revegetation or landscaping unless a retaining wall is used or a steeper slope is approved by the Town Engineer. The Town Engineer may require the submission of a detailed engineering report and analysis prepared by a registered State of Wyoming professional engineer relative to the safety of such cuts and fills, if necessary considering soil type, soil stability, and any proposed structures.

## 5.7.3. Erosion Control Standards (1/1/15, Ord. 1074)

### A. Erosion Control

Erosion is to be controlled on-site, both permanently and during construction to reduce erosion and attendant pollution.

### B. Design Criteria, Standards, and Specifications for Erosion Control Measures

The following standards shall apply to all grading activities during land disturbance.

1. **Site Dewatering.** Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up-slope chambers, hydro-cyclones, swirl concentrators, filter fences, or other appropriate controls as determined by the Town Engineer. Water may not be discharged in a manner that causes erosion of the site or receiving channels. All required State discharge permits for discharging to surface waters or groundwaters shall be obtained and applicable State requirements met prior to discharge.

2. **Waste and Material Disposal.** All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel, basin, or storm sewer system. No on-site burial of construction wastes or unused materials is allowed.

3. **Drain Inlet Protection.** All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier.

4. **Site Erosion Control.** The following criteria apply only to land development or land disturbing activities that result in runoff leaving the site:

    a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described in this Section. Sheet flow runoff from adjacent areas greater than 13,000 square feet shall also be diverted around disturbed areas unless shown to have non-scouring velocities. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

    b. All activities on the site shall be conducted in logical sequence to minimize the area of bare soil exposed at any one time.

    c. Runoff from the entire disturbed area on the site shall be controlled by filter fences, straw bales, or equivalent control measures placed along all side slope and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

## 5.7.4. Stormwater Management Standards (1/1/15, Ord. 1074)

### A. General Provisions

1. **Limitation of the Amount of Stormwater Runoff.** No physical development, use, development option, or subdivision shall cause adjacent landowners, water courses, channels, or conduits to receive stormwater runoff from the proposed development site at a higher peak flow rate or at higher velocities than would have resulted from the same storm event occurring over the site of the proposed development, use, or subdivision with the land in its previous condition. The range of storms considered shall be the 1 year through 100 year event.

2. Limitation of the Velocity of Stormwater Runoff. Stormwater runoff shall be managed so that the velocity of flow does not cause scour or erosion. (Reference the most recent edition of the U.S. Soil Conservation Service Handbook, "Water Management and Sediment Control for Urbanizing Areas.")

3. Stormwater Detention Basins Required. Detention basins or equivalent management facilities shall be provided within the development in order to properly limit surface runoff as set forth under this Section.

4. Timing of Stormwater Management Facility Construction. Where the physical development, use, development option, or subdivision of a site could result in danger to persons, land, or wildlife due to runoff during construction, the facilities for stormwater runoff control shall be constructed prior to any earth moving or drainage construction on the site.

5. Location. All stormwater management facilities shall be constructed within the confines of the proposed physical development, use, development option, or subdivision, except in the case of approved regional stormwater detention facilities.

6. Drainageways. The following standards shall apply to all drainageways.

    a. Preserve and Use Natural Surface Drainage System, When Possible. Retention of surface drainage in drainageways is encouraged. Natural drainageways shall be preserved and used, wherever feasible, for a natural surface drainage system.

    b. Design to Slow Time of Surface Water Concentration. The drainage shall be designed to slow the time of surface water concentration on the site and retain maximum infiltration into the ground.

    c. Design as Grassed Swales, Wetlands, or Mesic Grasslands. Where flows permit, the channels shall be designed as grassed swales, wetlands, or mesic grasslands encouraging sheet flow.

    d. Natural Edges Using Plant Materials. All wet basin retention ponds shall be designed to have natural edges using approved native plant materials from the lists provided in the office of the Planning Director.

    e. Restore Disturbed Area to Natural State. Any disturbed areas shall be restored to a natural state including revegetation. The proposed restoration plan, which shall include a schedule, shall be designed by a landscape architect registered in the State of Wyoming.

    f. Contact Town Engineer. Prior to construction, improvement or alteration of drainageways, the Town Engineer must be contacted and apprised in writing of the intended activity.

## B. Design Requirements for Stormwater Management Facilities

1. **Storage Capacity.** All stormwater storage facilities shall be designed with sufficient capacity to maintain a post-development runoff rate that is equal to or lower than the pre-development runoff rate. The stormwater storage facilities shall be designed for the range of storms from the 1 year through 100 year storm events.

2. **Design Regulations.** All stormwater management facilities and improvements required by this Section shall comply with the following standards:

   a. **Method of Calculation.** The "rational method" shall be used to calculate peak flow rates. The "modified-rational method" shall be used to calculate volumetric requirements for drainage areas of 10 acres or less. The "Soil Conservation Service method" shall be used to calculate volumetric requirements when the drainage area is more than 10 acres. Intensity, duration, frequency data included in the table below shall be used. Calculations for sites known to have greater precipitation shall increase these figures by an appropriate amount. Data 20% greater shall be used for the Teton Village area.

| Intensity-Duration-Frequency Curve Data | | |
|---|---|---|
| | Intensity (inches/hour) | |
| Duration (minutes) | 10 Year Storm Event Recurrence Frequency: 10% | 100 Year Storm Event Recurrence Frequency: 1% |
| 5 | 1.80 | 3.00 |
| 10 | 1.42 | 2.33 |
| 15 | 1.19 | 1.90 |
| 20 | 1.05 | 1.65 |
| 30 | 0.83 | 1.30 |
| 40 | 0.67 | 1.08 |
| 50 | 0.57 | 0.95 |
| 60 | 0.51 | 0.82 |
| 70 | 0.47 | 0.74 |
| 80 | 0.43 | 0.65 |
| 90 | 0.40 | 0.61 |
| 100 | 0.37 | 0.56 |
| 110 | 0.35 | 0.52 |
| 120 | 0.33 | 0.48 |

   b. **Outlet Control Structures.** Outlet control structures shall be designed as simply as possible and shall operate automatically. They shall be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed the runoff of the site in its pervious condition.

c. Spillway. Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity.

d. Dry Bottom Basin. For basins designed without permanent pools:

i. Interior Drainage. Provisions must be made to facilitate interior drainage to include providing natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains.

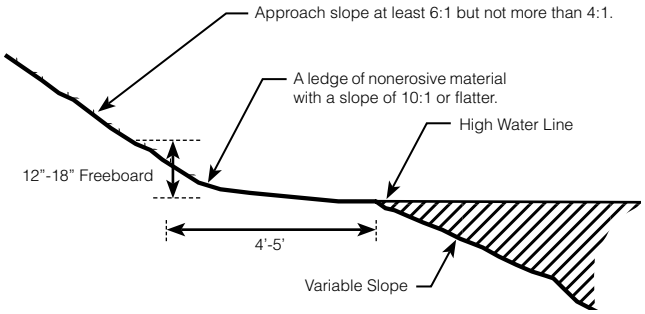
ii. Multi-Purpose Features. Dry bottom basins may be designed to serve secondary purposes for recreation, open space, or other types of use, which will not be adversely affected by occasional or intermittent flooding.

e. Wet Basins. Wet basins shall not be considered for river, stream, or lake bank buffer protection. Wet basins require a Reservoir Permit from the State Engineer's Office. For basins designed with permanent pools:

i. Depth for Fish. If fish are anticipated at least 1/4 of the area of the permanent pool must have a minimum depth of 10 feet.

ii. Facilities for Emptying. For emergency purposes, cleaning, or shoreline maintenance facilities shall be provided, or plans prepared, for the use of auxiliary equipment to permit emptying and drainage.

iii. Safety Considerations. Public access to wet basins shall be restricted by appropriately designed and constructed perimeter fences or other approved safety provisions. If access is not restricted, the wet basin shall be constructed as depicted below within approach slopes of at least 6:1 horizontal to vertical, but not more than 4:1 sloping toward the basin. A ledge shall be of non-erosive material with a slope of 10:1 or flatter. The ledge shall be 4 - 6 feet wide and slope gently toward the shore to prevent people or objects from sliding into deep water. There shall be a freeboard of no less than 12 inches above the high-water elevation on all retention basins. Alternate designs for side slopes may be considered under special circumstances where good engineering practice is demonstrated. The below illustration presents this concept.




f. Cleaning of Basins. Basins shall be designed to allow periodic cleaning and removal of sediments. Sediment traps shall be designed to permit periodic cleaning and maintenance.

g. Parking Lot Storage. Paved parking lots may be designed to provide temporary detention storage of stormwater on a portion of their surfaces. Depths of storage shall not exceed 6 inches.

h. Pollution Abatement. Where a physical development, use, development option, or subdivision will cause the introduction of new pollutants into the runoff water, adequate provision shall be made for the storage, treatment, and removal of such pollutants.

3. Inspection of Facilities. The developer's engineer or landscape architect shall be required to inspect all drainage facilities under construction and certify their compliance with approved plans. In addition the Town Engineer, or the Town Engineer's designated representative, may inspect all drainage facilities while under construction and after completion of construction to ensure that stormwater control facilities are being properly maintained and provided that such inspections shall be conducted during normal weekday working hours. In addition, the Town may install hydrological measuring devices in drainage facilities within any development. When facilities are not constructed according to approved plans, the Town has the explicit authority to compel compliance and require correction of any situation which is not according to the approved plans.

# Div. 5.8. Design Guidelines

## 5.8.1. Applicability (11/23/16, Ord. 1151)

### A. General

The following applications shall be required to complete design review based upon criteria established in the Town's Design Guidelines prior to the issuance of a building permit or development plan, as established in Div. 8.3.

1. All applications for nonresidential development and redevelopment within the Town.
2. All applications within the DC, CR-1, CR-2, and OR zones.

### B. Zone-Specific Applicability

In certain zones only portions of the Town's Design Guidelines apply. The zone-specific applicability of the design guidelines is established in Article 2.-Article 4.

### C. Planning Director Exemption

The Planning Director may exempt certain building additions and exterior modifications to existing buildings that require only a building permit approval, provided that the modifications do not expand the floor area of the building by more than 20% and such additions and modifications are consistent with the materials and architecture of the existing structure.

## 5.8.2. Design Guidelines (1/1/15, Ord. 1074)

The Town's Design Guidelines are established and adopted pursuant to Resolution No. 04-02 and are available in the office of the Planning Department or on the Town's website: www.townofjackson.com.

## 5.8.3. Design Review Committee (1/1/15, Ord. 1074)

Procedures and requirements for conduct of the Town's Design Review Committee are established in Article 8.

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# Div. 6.1. Allowed Uses

## 6.1.1. Use Schedule (1/4/17, Ord. 1163)

The Use Schedule establishes the principal, accessory, and temporary uses allowed in each zone. The definitions and standards for each use are established in Sec. 6.1.2.-Sec. 6.1.12. and referenced in the table. Additional uses may be allowed in a zone as part of an allowed development option as specified in Div. 7.1. The permit required for each allowed use is designated using the following symbols.

A. "Y" denotes an allowed use that does not require a use permit. Physical development permits are still required as applicable.

B. "B" denotes an allowed use that requires a Basic Use Permit to be obtained pursuant to Sec. 8.4.1.

C. "C" denotes an allowed use that requires a Conditional Use Permit to be obtained pursuant to Sec. 8.4.2. A conditional use is generally compatible with the character of a zone but requires individual review of its configuration, density, and intensity in order to mitigate effects that may be adverse to the desired character of the zone.

D. "S" denotes an allowed use that requires a Special Use Permit to be obtained pursuant to Sec. 8.4.3. Special uses are inherently incompatible with the character of the zone, but essential to the community; and therefore some provision must be made for their existence and operation. Special uses require specified locations due to common neighborhood opposition. These locations shall be determined by a comprehensive community-wide selection process designed to identify locations that best serve the special use while minimizing the negative impacts and obtrusiveness. Special uses also require individual review of their configuration, density, and intensity in order to mitigate effects that are adverse to the desired character of the zone.

### E. Permit Exemption for Emergency Response

From time to time, a use may be a necessary part of an emergency response under the Comprehensive Emergency Management Plan, implemented by Teton County Emergency Management. In such instances, the requirement for a use permit shall be waived.

> **EXAMPLE:** A heliport is an aviation use requiring a Conditional Use Permit. Temporary heliports are sometimes established in proximity to a forest fire for purposes of helicopter fire suppression. In the case of an emergency response, the requirement for a CUP is waived.

### F. Use Schedule

The use schedule is established in the following tables.

| Town Character Zones | | | | | | |
|---|---|---|---|---|---|---|
| USE CATEGORY | Complete Neighborhood Zones | | | | Rural Area Zones | Def/ Stds |
| Specific Use | DC | CR-1 | CR-2 | OR | n/a | |
| Open Space | | | | | | 6.1.2. |
| Agriculture | -- | -- | -- | -- | -- | 6.1.3.B. |
| Outdoor Recreation | -- | -- | -- | -- | -- | 6.1.3.C. |
| Residential | | | | | | 6.1.4. |
| Detached Single-Family Unit | -- | -- | -- | -- | -- | 6.1.4.B. |
| Attached Single-Family Unit | B | B | B | B | -- | 6.1.4.C. |
| Apartment | B | B | B | B | -- | 6.1.4.D. |
| Mobile Home | -- | -- | -- | -- | -- | 6.1.4.E. |
| Dormitory | C | C | C | C | -- | 6.1.4.F. |
| Group Home | C | C | C | C | -- | 6.1.4.G. |
| Live/Work Unit | -- | -- | B | B | -- | 6.1.4.H. |
| Lodging | | | | | | 6.1.5. |
| Conventional Lodging | B(LO) | B(LO) | B(LO) | -- | -- | 6.1.5.B. |
| Short-Term Rental Unit | B(LO) | B(LO) | B(LO) | -- | -- | 6.1.5.C. |
| Commercial | | | | | | 6.1.6. |
| Office | B | B | B | B | -- | 6.1.6.B. |
| Retail | B | B | B | B[Z] | -- | 6.1.6.C. |
| Service | B | B | B | B[Z] | -- | 6.1.6.D. |
| Restaurant/Bar | B | B | B | -- | -- | 6.1.6.E. |
| Heavy Retail/Service | -- | -- | -- | -- | -- | 6.1.6.F. |
| Mini-Storage Warehouse | -- | -- | -- | -- | -- | 6.1.6.G. |
| Nursery | -- | -- | -- | -- | -- | 6.1.6.H. |
| Amusement/Recreation | | | | | | 6.1.7. |
| Amusement | B | B | B | -- | -- | 6.1.7.B. |
| Developed Recreation | B | B | B | -- | -- | 6.1.7.D. |
| Outfitter/Tour Operator | C | B | B | -- | -- | 6.1.7.E. |
| Institutional | | | | | | 6.1.8. |
| Assembly | C | C | C | C | -- | 6.1.8.B. |
| Daycare/Education | B | B | B | B | -- | 6.1.8.C. |

Y = Use allowed, no use permit required (LO) = Only allowed in Lodging Overlay -- = Use not allowed
B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required
[Z] = Use subject to zone specific standards

| | Town Character Zones | | | | | |
|---|---|---|---|---|---|---|
| USE CATEGORY | Complete Neighborhood Zones | | | | Rural Area Zones | Def/ Stds |
| Specific Use | DC | CR-1 | CR-2 | OR | n/a | |
| Industrial | | | | | | 6.1.9. |
| Light Industry | -- | -- | -- | -- | -- | 6.1.9.B. |
| Heavy Industry | -- | -- | -- | -- | -- | 6.1.9.C. |
| Disposal | -- | -- | -- | -- | -- | 6.1.9.D. |
| Transportation/Infrastructure | | | | | | 6.1.10. |
| Parking | C | C | C | -- | -- | 6.1.10.B. |
| Utility Facility | C | C | C | C | -- | 6.1.10.C. |
| Wireless Communication Facilities | | | | | | 6.1.10.D. |
| Minor | B | B | B | B | -- | |
| Major | -- | -- | -- | -- | -- | |
| Heliport | -- | -- | -- | -- | -- | 6.1.10.E. |
| Accessory Uses | | | | | | 6.1.11. |
| Accessory Residential Unit | B | B | B | B | -- | 6.1.11.B. |
| Bed and Breakfast | -- | -- | -- | -- | -- | 6.1.11.C. |
| Home Occupation | B | B | B | B | -- | 6.1.11.D. |
| Home Business | -- | -- | -- | -- | -- | 6.1.11.E. |
| Family Home Daycare | B | B | B | B | -- | 6.1.11.F. |
| Home Daycare Center | -- | -- | -- | -- | -- | 6.1.11.G. |
| Drive-In Facility | -- | -- | -- | -- | -- | 6.1.11.H. |
| Temporary Uses | | | | | | 6.1.12. |
| Christmas Tree Sales | Y | Y | Y | -- | -- | 6.1.12.B. |
| Real Estate Sales Office | -- | -- | -- | -- | -- | 6.1.12.C. |
| Temporary Shelter | -- | -- | -- | -- | -- | 6.1.12.D. |
| Farm Stand | B | B | B | -- | -- | 6.1.12.E. |
| Temp. Gravel Extraction and Processing | -- | -- | -- | -- | -- | 6.1.12.F. |

Y = Use allowed, no use permit required (LO) = Only allowed in Lodging Overlay -- = Use not allowed
B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required
[Z] = Use subject to zone specific standards

| Town Legacy Zones | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| USE CATEGORY | Complete Neighborhood Zones | | | | | | | | | | | | | Rural Area Zones | Civic Zones | | Def/ Stds |
| Specific Use | TS | UC | UR | AC-ToJ | AR-ToJ | BP-R | BP-ToJ | BC-ToJ | RB | MHP-ToJ | NC-ToJ | NC-2 | S-ToJ | R-ToJ | P/SP-ToJ | P-ToJ | |
| **Open Space** | | | | | | | | | | | | | | | | | 6.1.2. |
| Agriculture | -- | -- | -- | -- | B | -- | -- | C | -- | -- | B | B | B | B | Y | Y | 6.1.3.B. |
| Outdoor Recreation | -- | -- | -- | C | C | C | C | C | -- | -- | -- | -- | C | C | C | C | 6.1.3.C. |
| **Residential** | | | | | | | | | | | | | | | | | 6.1.4. |
| Detached Single-Family Unit | -- | Y | Y | Y | Y | -- | -- | Y | Y | -- | Y | Y | Y | Y | -- | -- | 6.1.4.B. |
| Attached Single-Family Unit | -- | B [Z] | B | B [Z] | -- | B [Z] | -- | -- | B [Z] | -- | -- | B | -- | -- | -- | -- | 6.1.4.C. |
| Apartment | -- | B [Z] | B | B [Z] | -- | B [Z] | -- | -- | B [Z] | -- | -- | B | -- | -- | -- | -- | 6.1.4.D. |
| Mobile Home | -- | -- | -- | -- | -- | -- | -- | -- | -- | B [Z] | -- | -- | -- | -- | -- | -- | 6.1.4.E. |
| Dormitory | -- | C | C | C | C | -- | -- | C | C | -- | -- | C | C | C | C | -- | 6.1.4.F. |
| Group Home | -- | C | C | C | C | -- | -- | C | C | -- | -- | C | C [Z] | C [Z] | C | -- | 6.1.4.G. |
| Live/Work Unit | -- | -- | -- | B | -- | C | C | -- | -- | -- | -- | -- | -- | -- | -- | -- | 6.1.4.H. |
| **Lodging** | | | | | | | | | | | | | | | | | 6.1.5. |
| Conventional Lodging | C(LO) | B(LO) | -- | B(LO) | -- | -- | -- | C(LO) [Z] | -- | -- | -- | -- | -- | -- | -- | -- | 6.1.5.B. |
| Short-Term Rental Unit | C(LO) | B(LO) | -- | B(LO) | -- | -- | -- | C(LO) [Z] | -- | -- | -- | -- | -- | -- | -- | -- | 6.1.5.C. |
| **Commercial** | | | | | | | | | | | | | | | | | 6.1.6. |
| Office | B | B | -- | B | B(OF) | C [Z] | -- | C | B [Z] | -- | -- | -- | -- | -- | C | -- | 6.1.6.B. |
| Retail | B | B | -- | B | -- | C [Z] | -- | C | -- | -- | -- | -- | -- | -- | -- | -- | 6.1.6.C. |
| Service | B | B | -- | B | -- | C [Z] | -- | C | C [Z] | -- | -- | -- | -- | -- | C | -- | 6.1.6.D. |
| Restaurant/Bar | B | B | -- | B | -- | C [Z] | -- | C | -- | -- | -- | -- | -- | -- | -- | -- | 6.1.6.E. |
| Heavy Retail/Service | -- | -- | -- | C | -- | B | B | C | C [Z] | -- | -- | -- | -- | -- | C | -- | 6.1.6.F. |
| Mini-Storage Warehouse | -- | -- | -- | C | -- | B | B | C | C [Z] | -- | -- | -- | -- | -- | C | -- | 6.1.6.G. |
| Nursery | -- | -- | -- | B | -- | C | C | C | -- | -- | -- | -- | -- | C | -- | -- | 6.1.6.H. |

Key: Y = Use allowed, no use permit required (LO) = Only allowed in Lodging Overlay (OF) = Only allowed in Office Overlay -- = Use not allowed
B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required [Z] = Use subject to zone specific standards

| USE CATEGORY | Town Legacy Zones | | | | | | | | | | | | | | | | Def/ Stds |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Complete Neighborhood Zones | | | | | | | | | | | | | Rural Area Zones | Civic Zones | | |
| Specific Use | TS | UC | UR | AC-ToJ | AR-ToJ | BP-R | BP-ToJ | BC-ToJ | RB | MHP-ToJ | NC-ToJ | NC-2 | S-ToJ | R-ToJ | P/SP-ToJ | P-ToJ | |
| **Amusement/Recreation** | | | | | | | | | | | | | | | | | 6.1.7. |
| Amusement | C | C | -- | B | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | 6.1.7.B. |
| Developed Recreation | -- | B | -- | B | -- | C | C | C | -- | -- | -- | -- | -- | -- | C | -- | 6.1.7.D. |
| Outfitter/Tour Operator | -- | C | -- | C | -- | C | C | C | -- | -- | -- | -- | -- | -- | -- | -- | 6.1.7.E. |
| **Institutional** | | | | | | | | | | | | | | | | | 6.1.8. |
| Assembly | -- | C | C | C | C | C | C | C | C [Z] | -- | -- | -- | C | C | C | -- | 6.1.8.B. |
| Daycare/Education | -- | B | -- | B | -- | C | C | -- | -- | -- | -- | -- | -- | -- | C | -- | 6.1.8.C. |
| **Industrial** | | | | | | | | | | | | | | | | | 6.1.9. |
| Light Industry | -- | -- | -- | C | -- | B | B | C | C [Z] | -- | -- | -- | -- | -- | C | -- | 6.1.9.B. |
| Heavy Industry | -- | -- | -- | -- | -- | C | C | -- | -- | -- | -- | -- | -- | -- | C | -- | 6.1.9.C. |
| Disposal | -- | -- | -- | -- | -- | C | C | -- | -- | -- | -- | -- | -- | -- | C | -- | 6.1.9.D. |
| **Transportation/Infrastructure** | | | | | | | | | | | | | | | | | 6.1.10. |
| Parking | -- | -- | -- | C | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | C | -- | 6.1.10.B. |
| Utility Facility | -- | C | C | C | C | C | C | C | C [Z] | C | C | C | C | C | C | C | 6.1.10.C. |
| Wireless Communication Facilities | | | | | | | | | | | | | | | | | 6.1.10.D. |
| Minor | B | B | B | B | B | B | B | B | B [Z] | B | B | B | B | B | B | B | |
| Major | -- | -- | -- | -- | -- | -- | C | -- | -- | -- | -- | -- | -- | -- | C | C | |
| Heliport | -- | -- | -- | C | -- | C | C | C | -- | -- | -- | -- | -- | -- | C | -- | 6.1.10.E. |

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B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required [Z] = Use subject to zone specific standards

| USE CATEGORY | Town Legacy Zones | | | | | | | | | | | | | | | | Def/ Stds |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Complete Neighborhood Zones | | | | | | | | | | | | | Rural Area Zones | Civic Zones | | |
| Specific Use | TS | UC | UR | AC-ToJ | AR-ToJ | BP-R | BP-ToJ | BC-ToJ | RB | MHP-ToJ | NC-ToJ | NC-2 | S-ToJ | R-ToJ | P/SP-ToJ | P-ToJ | |
| **Accessory Uses** | | | | | | | | | | | | | | | | | 6.1.11. |
| Accessory Residential Unit | B | B | -- | B | B [Z] | C | C | B | B | -- | B | B | B | B | B | -- | 6.1.11.B. |
| Bed and Breakfast | -- | B(LO) | -- | B(LO) | -- | -- | -- | C(LO) | -- | -- | -- | -- | -- | -- | -- | -- | 6.1.11.C. |
| Home Occupation | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B | -- | 6.1.11.D. |
| Home Business | -- | B | C | C | C | -- | -- | C | B | -- | C | C | C | C | -- | -- | 6.1.11.E. |
| Family Home Daycare | -- | B | B | B | B | B | B | B | B | -- | B | B | B | B | -- | -- | 6.1.11.F. |
| Home Daycare Center | -- | B | C | B | C | C | C | -- | -- | -- | -- | -- | C | -- | B | -- | 6.1.11.G. |
| Drive-In Facility | -- | B | -- | B | -- | C | -- | C | -- | -- | -- | -- | -- | -- | -- | -- | 6.1.11.H. |
| **Temporary Uses** | | | | | | | | | | | | | | | | | 6.1.12. |
| Christmas Tree Sales | -- | Y | Y | Y | -- | Y | Y | Y | Y | -- | -- | -- | -- | Y | Y | Y | 6.1.12.B. |
| Real Estate Sales Office | -- | -- | B | -- | B | B | B | -- | -- | -- | -- | -- | B | B | -- | -- | 6.1.12.C. |
| Temporary Shelter | -- | B | B | B | B | -- | -- | B | B | B | B | B | B | B | -- | -- | 6.1.12.D. |
| Farm Stand | -- | B | -- | B | -- | -- | -- | -- | B | -- | -- | -- | -- | B | B | -- | 6.1.12.E. |
| Temp. Gravel Extraction and Processing | -- | B | B | B | B | B | B | B | B | B | B | B | B | B | B | B | 6.1.12.F. |

Key: Y = Use allowed, no use permit required (LO) = Only allowed in Lodging Overlay (OF) = Only allowed in Office Overlay -- = Use not allowed
B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required [Z] = Use subject to zone specific standards

## 6.1.2. Classification of Uses (1/4/17, Ord. 1163)

### 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. 6.1.2.)

    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.

## 6.1.3. Open Space Uses (1/4/17, Ord. 1163)

### A. All Open Space Uses

1. **Definition.** An open space use is the enjoyment or maintenance of land that occurs predominately outside of any structure.

### B. Agriculture

1. **Definition.** Agriculture is the farming or ranching of land.
    a. Includes:
        i. cultivation of the soil
        ii. production of forage, crops, or timber
        iii. growing of ornamental or landscaping plants
        iv. greenhouses
        v. rearing, feeding, and management of livestock
2. Standards
    a. **Purpose.** The purpose of these standards is to:
        i. protect and maintain the existing and potential agricultural lands for the purpose of perpetuating agriculture;

ii. minimize conflicts between agricultural operations and neighboring developments by encouraging protection of large, contiguous blocks of open space; and

iii. to preserve agricultural open space which is crucial to the wildlife, scenic and community values of Teton County, as outlined in the Comprehensive Plan.

b. **Active.** Agricultural land shall be actively farmed or ranched.

c. **Ancillary retail prohibited.** Retail sale of agricultural products on-site is prohibited unless permitted as a separate use.

d. **Exemptions.** The following exemptions apply to agricultural uses:

i. **Regulation Exemptions.** Agricultural uses are exempt from certain provisions of the regulations listed below. Refer to the referenced LDR section for specifics of the exemption.

a). Grading, Erosion Control, and Stormwater except on natural slopes of 25% or greater (Sec. 5.7.2. - Sec. 5.7.4.)

b). Employee Housing Requirements (Sec. 6.3.1.)

ii. **Permit Exemptions.** Agricultural uses are exempt from obtaining the following permits. However, exemption from the requirement to obtain a permit does not grant exemption from any regulations. See subsection 6.1.3.B.2.d.i., above for applicable regulation exemptions.

a). Grading Permits except on natural slopes of 25% or greater (Sec. 5.7.1.)

## C. Outdoor Recreation

1. **Definition.** Outdoor recreation is the use of land for passive or active recreational or athletic purposes that requires minimal permanent physical development relative to the open space.

a. **Includes:**

i. parks

ii. arboretums

iii. athletic fields not in stadiums

iv. equestrian centers

v. nordic ski trails

vi. downhill ski areas

vii. outdoor receptions (4 or more events per year, excluding non-profit events)

b. Does Not Include:

i. Golf course

2. Standards

a. Operations Plan. An outdoor recreation use shall be subject to an operations plan approved as part of its use permit. The purpose of the operations plan is to outline management practices and techniques to mitigate the impact of the use on natural resources and neighboring properties. The operations plan shall address the following, if applicable.

i. Strategies or mitigation measures to minimize glare from night lighting; and

ii. Hours of operation.

## 6.1.4. Residential Uses (1/4/17, Ord. 1163)

### A. All Residential Uses

1. Definition. A residential use is a living facility, certified under the International Residential or Building Code or by HUD, that includes permanent provision for living, sleeping, eating, cooking, and sanitation.

2. Standards.

a. No residential unit or portion of a residential unit may be rented such that occupancy is limited to less than 31 days. Short-term rental of less than 31 days shall be considered a lodging use subject to the standards of Sec. 6.1.5. A time-share condominium is considered a residential use as long as the ownership intervals are 31 days or longer. Any ownership intervals of less duration shall be considered a lodging use.

b. A residential unit shall have a maximum of one kitchen.

c. Occupancy of a camping unit is not a residential use. A camping unit may only be occupied as permitted by 6.1.12.D..

### B. Detached Single-Family Unit

1. Definition. A detached single-family unit is a single residential unit occupied by not more than one family having no roof, wall, or floor in common with any other residential unit or nonresidential unit, except as modified below.

a. Includes:

i. Single-family units attached to accessory residential units

ii. Detached townhouse units

## C. Attached Single-Family Unit

1. Definition. An attached single-family unit is a residential unit occupied by not more than one family, which is connected to at least one other dwelling unit or nonresidential unit by one or more common walls.

    a. Includes:

        i. Attached townhouse unit

        ii. Condominium

    b. Does Not Include:

        i. Apartments

        ii. Single-family units attached to accessory residential units

## D. Apartment

1. Definition. An apartment is a single-family unit that cannot be owned as a separate, single unit.

2. Does Not Include:

    a. Townhouse

    b. Condominium

    c. Accessory residential unit

## E. Mobile Home

1. Definition. A mobile home is a movable or portable dwelling unit, built on a chassis or frame, for use with or without a permanent foundation, fabricated in an off-site location, which conforms to the applicable US Housing and Urban Development (HUD) construction and safety standards as amended, and is intended for occupancy as a single-family dwelling when connected to utility systems.

    a. Includes:

        i. Manufactured home

    b. Does Not Include:

        i. Camping Unit

        ii. Homes built to meet the requirements of the International Residential or Building Code

2. Standards

    a. The mobile home shall be of a color and placed or landscaped in such a way as to be visually unobtrusive.

b. The mobile home's roof shall use nonmetallic, nonreflective materials and shall have a minimum pitch of 3 in 12.

c. The mobile home shall be skirted.

## F. Dormitory

1. **Definition.** A dormitory is a residential unit occupied by a group of unrelated people not residing as a single family.

   a. Includes:

      i. boarding houses or rooming houses

      ii. residential facilities for students and staff of schools

      iii. residential facilities associated with other types of instruction, education, training, and religious activity

2. Standards

   a. **Maximum density.** For purposes of the density calculation, a room shall mean a sleeping room designed for an occupancy of no more than 2 people.

## G. Group Home

1. **Definition.** A group home is a residential unit occupied by more than 3 unrelated individuals, which typically offers shelter, medical and mental health services, and other care-related services to residents.

   a. Includes:

      i. nursing homes and various assisted living centers

      ii. group living facilities with related sheltered care facilities

      iii. residential facilities for the developmentally disabled including on-site training facilities

2. Standards

   a. **Maximum density.** For purposes of the density calculation, a room shall mean a sleeping room designed for an occupancy of no more than 2 people.

## H. Live/Work Unit

1. **Definition.** A live/work unit is a single-family unit used jointly for residential and nonresidential purposes where the nonresidential use of the unit is incidental to the primary use of the unit as a residence.

2. Purpose

   a. To provide for the appropriate development of units which incorporate both living and working space.

   b. To provide locations for new businesses to start up.

   c. To provide opportunities for people to live in mixed-use industrial and commercial areas where compatible with existing uses.

3. Standards

   a. Only the following nonresidential uses may be incorporated into live/work units, and only if the use is allowed in the zone:

      i. Office (6.1.6.B.)

      ii. Retail (6.1.6.C.)

      iii. Services (6.1.6.D.)

      iv. Heavy retail/service (6.1.6.F.)

   b. The resident of the live/work unit shall work in the nonresidential component of the unit. At least one resident in each Live/Work Unit shall maintain at all times a valid Business License for a business on the premises.

   c. A minimum of 25% and no more than 50% of the floor area of each live/work unit shall be devoted to nonresidential use;

   d. Prior to the Certificate of Occupancy or Final Plat, whichever occurs first, a deed restriction or note on the Final Plat shall be recorded indicating requirements of this Subsection.

   e. Change of Use to or from Live/Work Units.

      i. Live/Work Units may not be changed to residential use, nor may the portion of the Live/Work Unit devoted to residential space be increased above the percentage of residential space when the unit was established.

      ii. Live/Work Units may be changed to exclusively nonresidential use. The increase in nonresidential square footage will be subject to the provisions of Div. 6.3.

## 6.1.5. Lodging Uses (11/23/16, Ord. 1152)

### A. All Lodging Uses

1. **Definition.** A lodging use is a sleeping unit or residential unit rented such that occupancy is limited to less than 31 days.

2. Establishment of Lodging Overlay (LO)

There is hereby established the Lodging Overlay (LO) which, in areas where it applies, shall overlay all other base zones established by these LDRs.

a. **Findings.** As a resort and residential community, a balance must be maintained between the amount of lodging available to visitors and concomitant visitor and resident services. The balance between these uses is necessary if the community is to retain its resident population and its attraction to visitors.

b. **Purpose.** The purpose of the LO is to provide lands which are appropriate for lodging uses, and to ensure that a balance is maintained between the amount of lodging uses and other visitor and resident-oriented uses and services.

c. **Location.** The LO shall apply to lands as identified on the Official Zoning Map.

d. **Existing Lodging Uses Outside the LO.** Notwithstanding the floor area limitations in Div. 1.9. and the zone in which it exists, an existing lodging use outside the LO shall be permitted to expand a maximum of 10% in gross floor area for the purpose of adding amenities or support facilities. The additions shall not add lodging rooms. This 10% limitation applies cumulatively to all additions since November 9, 1994.

## B. Conventional Lodging

1. **Definition.** Conventional lodging is any lodging use other than those specifically defined elsewhere in this Section.

   a. **Includes:**

      i. hotels

      ii. motels

      iii. convention centers with lodging facilities

   b. **Does Not Include:**

      i. short-term rental unit

      ii. campgrounds

      iii. bed and breakfasts

      iv. dude/guest ranches

## C. Short-term Rental Unit

1. **Definition.** Short-term rental means the rental of all or a portion of a residential unit such that occupancy is limited to less than 31 days.

2. Standards

   a. No residential unit or portion of a residential unit may be rented so as to limit occupancy to less than 31 days unless permitted for short-term rental.

   b. Developments that have been approved for short-term rentals of less than 31 days prior to November 9, 1994 will be allowed to continue such rentals in accordance with Div. 1.9. or in accordance with the PUD approval, whichever is applicable.

   c. A short-term rental unit shall be subject to the stricter of the two standards when residential and nonresidential standards would apply.

> **EXAMPLE:** A short-term rental unit is subject to residential affordable housing requirements rather than nonresidential employee housing requirements.

## 6.1.6. Commercial Uses (1/4/17, Ord. 1163)

### A. All Commercial Uses

1. Definition. A commercial use is the sale of goods or services.

### B. Office

1. Definition. Office use is a professional service or other activity customarily provided in an office environment where appointments are scheduled.

   a. Includes:

      i. legal, accounting, investment, and financial services

      ii. medical, dental, and other health services

      iii. engineering, architectural, and other design services

      iv. counseling and social services

      v. insurance and real estate

      vi. broadcast studios for television and radio

      vii. administrative and sales offices for business, industry, and government, provided that only administrative, bookkeeping, and clerical types of activities are conducted on site.

2. Establishment of Office Overlay.

   a. Establishment. There is hereby established the Office Overlay (OF) which, in areas where it applies, shall allow office uses.

   b. Location. The Office Overlay shall apply to lands as identified on the Official Zoning Map.

## C. Retail

1. **Definition.** Retail is the sale of goods.

   a. **Includes:**

      i. retail sale of antiques, souvenirs, apparel and accessories, art, books, cameras and accessories, sporting goods, hardware, liquor, home furnishings, and other general specialty merchandise

      ii. food stores, delis, health food, drug stores, bakeries

      iii. candy and ice cream/yogurt shops

      iv. video rental shops

      v. incidental seating for consumption of goods that meets the definition of Incidental Use (6.1.2.B.2.).

   b. **Does Not Include:**

      i. Restaurant/Bar

## D. Service

1. **Definition.** Service is the provision of a service outside of an office environment, in a typically non-scheduled environment.

   a. **Includes:**

      i. banks, savings and loans, and credit unions

      ii. laundry and dry cleaners, including self-service laundries

      iii. beauty and barber shops

      iv. tanning and massage

      v. repair and maintenance of small appliances, TV and electronics, furniture, garments, shoes and other leather goods, including tack

      vi. gunsmithing

      vii. taxidermy

      viii. photographic studios

      ix. mortuary/funeral home

      x. pet grooming, kennels and veterinary service, with indoor runs only

## E. Restaurant/Bar

1. **Definition.** A restaurant or bar is an establishment that serves food and/or beverages for seated consumption onsite.

a. Includes:

i. Micro-brewery, micro-distillery or micro-winery.

2. Standards.

a. Breweries, distilleries and wineries are generally considered light industrial uses. In order to be considered a restaurant/bar, a micro-brewery, micro-distillery or micro-winery must include a tasting room in which guests or customers may sample the product, and the facility must produce no more than the following beverage volumes on-site each year:

i. 15,000 barrels of fermented malt beverages;

ii. 15,000 barrels of spirituous beverages; or

iii. 100,000 gallons of vinous beverages.

## F. Heavy Retail/Service

1. Definition. Heavy retail/service uses are retail or service uses that are of a greater intensity and impact than other retail or service uses.

a. Includes:

i. retail sales of lumber and building supplies and materials

ii. retail sales of fuels, including gasoline service stations

iii. feed and seed outlets

iv. rental and servicing of light motorized and non-motorized tools and equipment

v. motorized vehicle rental, sales, service, and repair

vi. farm implement supplies, sales and repair

vii. outdoor storage

viii. veterinary and other pet and livestock services

ix. landscaping services

x. the boarding of horses

## G. Mini-Storage Warehouses

1. Definition. Mini-warehouse means a building or group of buildings in a compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of a customer's goods or wares.

2. Standards

   a. no sales, service, repair, or other activities shall be conducted from a storage area

   b. storage of junk, explosives, flammable materials, or other noxious or dangerous materials is specifically prohibited

   c. maximum leasable space per stall shall be 1,000 square feet

   d. pick-up or delivery by semi-tractor trailers shall be prohibited

   e. outdoor storage shall be screened

H. Nursery

1. Definition. Nursery means an establishment primarily engaged in the retail or wholesale sale of horticultural specialties such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.

## 6.1.7. Amusement and Recreation Uses (1/4/17, Ord. 1163)

A. All Amusement and Recreation Uses

1. Definition. An amusement and recreation use is the provision of entertainment.

B. Amusement

1. Definition. Amusement is the provision of non-recreation entertainment.

   a. Includes:

      i. bowling alleys

      ii. movie theaters

      iii. music halls

      iv. video arcades

      v. miniature or putt-putt golf course

      vi. pool and billiard halls

      vii. shooting arcades

C. [subsection deleted]

D. Developed Recreation

1. Definition. Developed recreation is the use of a physical development for active recreation or athletic purposes.

   a. Includes:

      i. gymnasiums

ii. swimming pools

iii. tennis

iv. skateboarding

v. rodeos

vi. skating rinks

vii. racquetball

viii. handball courts

ix. rock climbing practice facilities

x. health and exercise clubs

### E. Outfitter/Tour Operator

1. **Definition.** The base of operations for providing guides, materials, supplies, and equipment for outdoor activities.

   a. Includes:

      i. rafting/boat trips

      ii. fishing or hunting guide operations

      iii. raft and boat rental

      iv. snowmobile tours

      v. mountain bike tours

      vi. horseback trail rides and pack trips

## 6.1.8. Institutional Uses (1/4/17, Ord. 1163)

### A. All Institutional Uses

1. **Definition.** An institutional use is the provision of a public or semi-public service by a public or private entity.

### B. Assembly

1. **Definition.** An assembly use is an institutional use typically characterized by a public or semi-public gathering area.

   a. Includes:

      i. cemeteries

      ii. churches

      iii. community centers

iv. libraries

v. museums

vi. hospitals

vii. reception halls

C. Daycare/Education

1. Definition. A daycare or education use is the provision of educational instruction and/or care for part of the day.

a. Includes:

i. schools

ii. childcare centers

2. Standards

a. Wyoming Statutes. Each daycare or education use shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety and fire codes.

## 6.1.9. Industrial Uses (1/1/15, Ord. 1074)

A. All Industrial Uses

1. Definition. An industrial use is the manufacturing, assembly, processing, or distribution of material.

B. Light Industry

1. Definition. Light industry is an industrial use with relatively less impact than heavy industry.

a. Includes:

i. sheet metal fabrication and wood work

ii. building contractors and special trade contractors such as cabinetry, carpet and flooring, insulation, roofing, mechanical, and plumbing and heating

iii. processing and packaging of meat and game

iv. wholesale sales and distributors

v. welding and machine shops

vi. industrial laundries and laundry services

vii. food service and distribution

viii. cleaning and janitorial service and supply

### C. Heavy Industry

1. **Definition.** Heavy industry is an industrial use with relatively more impact than light industry.

   a. Includes:

      i. truck and transport terminals

      ii. bulk storage and distribution facilities for fuels, explosives, pesticides, solvents, corrosives

      iii. disinfecting or pest control services

      iv. paving, excavation, hauling and other contracting services involving heavy equipment

      v. maintenance and repair of trucks and heavy equipment

      vi. lumber milling

      vii. stone, clay, and glass product manufacturing

### D. Disposal

1. **Definition.** Disposal is an operation dedicated to doing away with material.

   a. Includes:

      i. sanitary landfills

      ii. sludge disposal or storage

      iii. resource recovery or recycling facilities

      iv. composting operations of a commercial scale or for commercial purposes

      v. trash compaction

      vi. transfer stations

   b. Does Not Include:

      i. hazardous waste disposal

## 6.1.10. Transportation and Infrastructure Uses (1/4/17, Ord. 1163)

### A. All Transportation and Infrastructure Uses

1. **Definition.** A transportation or infrastructure use is the use of land or water to provide for the movement or storage of vehicles, water, sewage, power, or other utilities.

## B. Parking

1. Definition. Parking is the use of a property for parking of motor vehicles that is not ancillary to another use on-site.

   a. Includes:

      i. Surface parking

      ii. Parking structure

## C. Utility Facility

1. Definition. A utility facility is a central component to the provision of a public or semi-public utility that requires a structure.

   a. Includes:

      i. substations for electrical, natural gas, and other similar utilities

      ii. sewage treatment plants and related septic dump facilities, and substations

      iii. water supply facilities including water tanks and treatment facilities

      iv. solid waste facilities including collection and transfer facilities

      v. broadcasting towers and dish antenna for radio and TV

   b. Does Not Include:

      i. residential satellite dishes

      ii. antennas used for the reception of television broadcast signals

      iii. transformers

      iv. junction boxes

      v. standard underground utilities such as water, sewer, natural gas, power, and telephone lines

      vi. booster pumps, lift stations, and other small structures appurtenant to standard underground utilities

      vii. wireless communications facilities

      viii. pedestals

      ix. other appurtenances that do not require a structure.

2. Standards

   a. Utilities listed above in 1.b. do not require a use permit. The physical development associated with them is not required to meet structure or site development setbacks if the physical development is located within an easement or lot designated for the utility proposed.

b. All utility facilities shall be located and designed to minimize negative impacts on natural resources, designated scenic areas, agricultural operations, and residential development and uses. A landscaping plan, pursuant to Div. 5.5. shall be submitted that is designed to screen the utility as viewed from roads and habitable structures.

c. Utility facilities housing equipment shall be designed with as low a profile as possible. If the surrounding uses are residential, the building style shall be compatible with the surrounding land uses.

## D. Wireless Communications Facilities

1. Definitions.

a. A Wireless Facility is a facility consisting of a Base Station and any structure or modifications to a structure constructed or designed to support a Base Station or any portion of a Base Station. The term specifically includes, but is not limited to a Tower.

b. Wireless Communications Facility - Major is any new Wireless Facility and any modification to an Existing Wireless Facility other than a modification for which an applicant seeks a Basic Use Permit pursuant to Section IV.

c. Wireless Communications Facility – Minor is an Eligible Facilities Request under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. 1455(a), or as amended, for so long as the Town is obligated by federal law to consider requests submitted under that section.

2. Exempt Facilities. The following are exempt from all approval processes:

a. A Carrier on Wheels or Cell on Wheels (COW) temporary wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Town of Jackson designee; except that such facility must comply with all federal and state requirements. No communications facility shall be exempt from the provisions of these LDRs beyond the duration of the state of emergency.

b. A COW temporary wireless communications facility for the purposes of providing coverage of a special event, and subject to federal and state requirements. Said communications facility may be exempt from the provisions of this section up to one week before and after the duration of the special event.

3. Standards for Wireless Facility Permits.

a. Not in Lieu of Other Required Permits or Authorizations. Any permit to place a Wireless Facility issued under this ordinance and any exemption under subsection C authorizes placement of a facility at a location as proposed and as approved in the permit or as provided within the exemption, with the permission of the entity that controls access to that property. It is not in lieu of building permits, electrical permits, or any other permits or authorizations

that may be required as a condition of construction or operation of a Wireless Facility, and it does not excuse compliance with any other law, regulation, practice or other requirement under federal, state or local law; nor does it authorize any action that creates a hazard.

b. A Wireless Facility Conditional Use Permit is valid for 5 years.

c. A Wireless Basic Use Permit shall be valid for the shorter of (a) 5 years; or (b) for such period as the FCC rules in effect on June 20, 2015 remain in effect and are applicable to the facility. The Wireless Basic Use Permit is issued solely to comply with a requirement established by federal law, and is not intended to grant any rights under state or local law or to survive any alteration to the federal law or associated regulations.

d. Standards for Wireless Facility Conditional Use Permit.

i. All Telecommunications Conditional Use Permit applications must contain the following:

a). Application form signed by applicant;

b). Copy of a lease or letter of authorization from property owner evidencing applicant's authority to pursue the application. Such submissions need not disclose financial lease terms;

c). Site plans detailing proposed improvements which must include the details consistent with the Administrative Manual;

d). Documentation from a licensed professional engineer of calculation of the Fall Zone and certification that the new wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this ordinance;

e). Documentation proving compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation: In order to protect the public from excessive exposure to electromagnetic radiation, the facility applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC;

f). Affirmation by the applicant in a written statement that the proposed facility complies with all FCC regulations, including, but not limited to "The Enhanced Best Practices Guide," as set forth in Appendix D of FCC 04-168 (released August 6, 2004, or as amended). The applicant shall submit a statement that the application is in compliance with all FCC rules regarding interference to other radio services and the applicant shall submit a statement of compliance with all FCC rules regarding human exposure to radio frequency energy;

g). Affirmation by the applicant in a written statement that the new Tower and, if applicable, the modified Tower or Base Station, comply with all non-discretionary structural, electrical, energy, building, and safety codes; and

ii. Design Review Committee: All Wireless Communications Facility – Major uses shall be subject to review by the Design Review Committee (DRC) prior to submission of the Planning Commission. The DRC shall review such facilities for consistency with the stealth requirements in 6.1.10.D.3.f.

iii. Procedure, Timing, Final Decision.

a). Refer to 8.2.5.D. and 8.2.8.B.

iv. Bonding.

a). Refer to Sec. 8.2.11.

v. Permit Revocation and Suspension.

a). Refer to Div. 8.9.

vi. Zones where allowed use.

a). Business Park-Town (BP-ToJ)

b). Public/Semi-Public - Town (P/SP-ToJ)

c). Park and Open Space - Town (P-ToJ)

d). Planned Resort District (PR-ToJ)

e. Standards for Wireless Facility Basic Use Permit

i. All notice only applications must contain the following:

a). Statement certifying that the request is being made pursuant to Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. 1455(a) and complies with all regulations set forth therein.

b). The location of where the modification work will take place.

c). The date(s) and time(s) during which the work will take place.

d). Statement certifying compliance with all non-discretionary structural, electrical, energy, building, and safety codes.

ii. Procedure Timing, Final Decision.

a). Refer to 8.2.5.E. and 8.2.8.B.

f. General Standards and Design Requirements

i. All Wireless Facilities permitted under this ordinance are required to be Stealth Facilities unless it can be clearly demonstrated to the satisfaction of the Planning Director or his or her designee that a non-Stealth Facility will have concealment elements that more effectively minimize visual impacts than a Stealth Facility (which showing may be made for the Wireless Facility as a whole, or particular elements of the facility), there is a demonstrated need for a non-Stealth Facility, or the facility is an exempt facility as set forth above in Sec. 6.1.10.D.2.; or is not subject to Stealth obligations under federal law. Every Wireless Facility shall employ concealment elements to minimize visual impacts.

ii. All Wireless Facilities shall be subject to the following standards, except to the extent federal law prevents the application of the standards to a Basic Use Permit.:

a). **Determination of Need.** No Tower shall be permitted unless the applicant demonstrates that no existing public facility or Tower can accommodate the applicant's proposed use without causing a substantial change to an existing Tower, or otherwise creating a greater visual impact, or that use of an existing Tower would prohibit or have the effect of prohibiting provision of personal wireless services in the area to be served by the new Tower. No modification of a Wireless Facility, other than a modification permitted under 6.1.10.D.3.e., shall be permitted unless applicant shows, denying the modification as proposed that would prohibit or have the effect of prohibiting provision of personal wireless services in the area to be served by the new Tower.

b). **Concealment Element.** A Concealment Element is defeated for purposes of this ordinance if the modification:

1). Fails to meet a condition of approval;

2). Frustrates the purpose of a condition of approval;

3). Changes a Stealth-Designed Facility or alters a Concealment Element such that the modified facility will no longer be as effectively concealed or disguised;

4). Changes a Stealth-Designed Facility or alters a Concealment Element such that the modified facility no longer blends in with its surrounding nature or architecture; or

5). Changes a Stealth-Designed Facility or alters a Concealment Element such that the presence, purpose or nature of the facility become more readily apparent to a reasonable observer.

c). **Height.**

1). The highest point of any free-standing Wireless Facility shall be 30 feet above ground level.

2). The highest point of any roof-mounted Wireless Facility shall be 5 feet above the roof on which it is affixed.

d). Setbacks. Wireless Facilities shall be subject to the setbacks described below:

1). If the supporting structure has been constructed using breakpoint design technology, the minimum setback distance must be equal to, at minimum, 110% of the distance from the top of the supporting structure to the breakpoint level of the structure, or the minimum yard setback requirement, whichever is greater. EXAMPLE: On a 50-foot tall Monopole with a breakpoint at 20 feet, the minimum setback distance would be 33 feet (110% of 30 feet, the distance from the top of the Monopole to the breakpoint) or the minimum yard setback requirements.

2). If the supporting structure is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the supporting structure.

e). Other Conditions. Wireless facility sites designed and maintained to be visually compatible with adjoining terrain and structures, shall not be used for the storage of any excess equipment or hazardous materials, and shall not have in or around them any outdoor storage.

f). Landscaping. Wireless facility sites shall be landscaped with the intent of screening and buffering. At minimum 75% of the ground mounted elements of the Wireless Facility (not including a Tower or supporting structure) must be obscured within 3 years of construction completion.

g). Signage. Commercial messages shall not be displayed on any Tower, Base station, or transmission equipment. Required noncommercial signage shall be restricted to ASR (Antenna Structure Registration Number as required by the FAA and FCC) and shall list the party responsible for operation and maintenance of the facility and a 24-hour telephone number at which an operator can be reached in case of emergency, and security and/or safety signage required by law or expressly permitted by the Town.

h). Lighting. Lighting shall be prohibited on all Wireless Facilities unless required by the Federal Aviation Administration (FAA) or by the FCC. Lighting required by the FAA shall satisfy, but not exceed, the minimum standards and shall be of minimum intensity and number of flashes per minute allowed by the FAA, or shall be a dual lighting system.

i). **Quantity Limit.** Only one Tower shall be permitted per legally created parcel of property.

j). **Emergency Generators.** Emergency generators are permitted and are exempt from noise requirements during emergencies.

k). **Noise Level.** All sounds or noise emanating from a Wireless Facility, whether temporary or permanent, must comply with Sec. 6.4.3..

l). **Visibility.** In addition to the foregoing:

1). Lattice and guyed Towers are prohibited.

2). Antennas shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flushmounted antennas will not meet the network objectives of the desired coverage area, will not allow for concealment elements and/or will not allow for a Stealth Facility, are inconsistent with the proposed design, or prohibit collocation.

3). New towers shall be constructed to accommodate collocation of as many antenna arrays as feasible without causing interference, subject to height limits, stealth facility requirements, and concealment elements.

m). **Notice Requirements.** Refer to 8.2.14.C.2.iii..

n). **Access.** No facility shall be built so as to cause the Right-of-Way in which the facility is located to fail to comply with the Americans with Disabilities Act or otherwise obstruct access.

o). **Security.** All facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions, which would result in hazardous conditions, visual blight, or attractive nuisances. However, all security designs and measures must be consistent with the concealment elements of the wireless facility.

p). **Building Design.** Roof-mounted or structure-mounted Towers shall be in scale and architecturally integrated with the building design to appear visually unobtrusive. The highest point of any structure-mounted Tower shall be 5 feet above the structure.

g. Miscellaneous Provisions

i. Abandoned or Discontinued Use of Wireless Facility

a). Each permittee who intends to abandon or terminate the use of any Wireless Facility shall notify the Town of such intentions no less than 60 days prior to the final day of use. Said notification shall be in writing, shall specify the date of termination, the date the Tower or Base Station or Transmission Equipment will be removed, and the method of removal.

b). Non-operation, disuse (including, but not limited to, cessation of wireless services) or disrepair for 90 days or more shall constitute abandonment by the permittee under this section. The Planning Director shall send a written notice of abandonment to the permittee.

c). If a Wireless Facility is abandoned but not removed within the specified time frame, the Town may remove the facility and place a lien on the property. Towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision.

d). An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Planning Director may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the Tower or antenna is not removed within this time, the Town may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the Town may cause removal of the Wireless Facility.

e). Upon removal of the Wireless Facility and/or any other accompanying structures, the Wireless Facility owner shall return the site to its natural state and topography and vegetation consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which shall be reduced to below finished grade. If the Tower owner failed to remove the Wireless Facility and/or any other accompanying structures in accordance with this provision and failed to pay for the removal of the abovementioned facility and appurtenances, the owner must pay the Town for the cost it incurred in removing the Tower and appurtenances and remediating the site. The Town may, in lieu of storing the removed Wireless Facility and/or any other accompanying structures, convert it to the Town's use, sell it, or dispose of it in any manner deemed appropriate by the Town.

h. Facilities that Exist on the Date of Adoption of this Ordinance

i. Activities at Non-Conforming Wireless Support Structures. Notwithstanding any provision of this Ordinance:

a). Collocation that does not cause a substantial change to an Existing non-conforming Tower shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming Tower.

b). Any change to an Existing Tower or Base Station that would be substantial if made must be permitted under the Telecommunication Conditional Use Permit process in 6.1.10.D.3. and deprives the Tower or Base Station of its non-conforming status.

### E. Heliport

1. Definition. A heliport is the area or buildings necessary for landing, takeoff, and/or refueling of helicopters or other aircraft capable of hovering.

   a. Includes:

      i. helicopter pads

2. Standards

   a. The use shall be removed from residential areas to the extent practical.

   b. Typical flight paths shall be identified, and must not cross residential areas or places of assembly such as schools or churches. Approaches shall be free of towers or other hazards.

   c. Providers of overhead utilities shall be given an opportunity to review the approach corridors and plans. Any marking of utility lines in the area requested by the providers shall be done at the developer's expense.

   d. In order to minimize noise and other negative impacts on the general public, commercial air tour operations are prohibited.

## 6.1.11. Accessory Uses (1/4/17, Ord. 1163)

### 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, 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. Mobile Home

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. Zone Specific Standards Also Apply. In addition to the standards of this subsection, applicable standards for an ARU may also be found in Subsection C and/or E for the Section of the Zone in which the ARU is located.

b. 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 Jackson/Teton County Housing Rules and Regulations; or

ii. The occupants shall be members of the same family occupying the principal 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.

c. Primary Use Is Not Residential. Accessory residential units may be counted to satisfy any requirements set forth in Div. 6.3.

## 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

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.

## 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 no more than 10 persons.

   b. A family home daycare shall be operated by a person residing within the dwelling.

   c. 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 no more than 15 persons.

   b. A home daycare center shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety and fire codes.

### 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.

   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.

## 6.1.12. Temporary Uses (1/4/17, Ord. 1163)

### A. All Temporary Uses

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

2. **Standards**

   a. **Entrance and Exit/Adequate Sight Distances.** The entrance and exit locations shall have adequate sight distances to ensure safe entry and exit based on the speed of the road, as specified in Div. 7.6.

   b. **Electrical and Sanitary Inspections.** The temporary use shall pass electrical and sanitary inspections before being opened to the public.

   c. **Bond.** A bond for the cleanup and restoration of the temporary use area may be required in an amount sufficient to restore the area to its prior condition or to the condition specified by reclamation standards in this Section.

d. Compliance with Title V. All temporary uses shall comply fully with Title V, Business License and Regulations, of the Jackson Municipal Code.

## B. Christmas Tree Sale

1. Definition. A Christmas tree sale is the outdoor sale of evergreen trees during the Christmas holiday season.

## C. Real Estate Sales Office

1. Definition. Real estate sales office means a structure placed on a development site and used as a sales office or meeting place only during an initial period of marketing a project for sale or lease.

2. Standards

a. A real estate sales office use shall only be on the site of a new development and shall sell only the lots or units on the site of the development.

b. The real estate sales office shall be removed when 75% of all lots or units in the new development have been sold, leased, or rented.

## D. Temporary Shelter

1. Definition. Temporary shelter means a mobile home or camping unit temporarily occupied while a residential unit with a valid building permit is being constructed.

2. Standards

a. A temporary shelter may also be permitted when fire or natural disaster has rendered an existing residential unit unfit for human habitation; provided that a building permit for rehabilitation or reconstruction is obtained within a reasonable period of time, as determined by the Town Council.

b. The temporary shelter may be permitted for a period not to exceed one year. An extension may be granted by the Planning Director for a period not to exceed 2 additional years for good cause.

## E. Farm Stand

1. Definition. A farm stand means a temporary or permanent structure or vehicle used in the sale of regional farm products such as fruits, vegetables, and juices during the time of year when such products are fresh.

2. Standards

a. Farm stands shall not be located on sidewalks or in other areas of public rights-of-way.

## F. Temporary Gravel Extraction and Processing

1. Definition. Temporary gravel extraction and processing is:

   a. Gravel extraction and processing permitted for project specific purposes or needs, for projects that have been reviewed and approved through a public hearing process. Project specific needs include the excavation and processing of gravel for use in road construction, or the excavation of ponds for typical water amenity or wildlife habitat enhancement.

2. Standards

   a. Exemptions. Incidental extraction of 1,000 cubic yards or less for incidental residential or wildlife habitat enhancement purposes shall be exempt from this Subsection.

   b. Permitted Projects

      i. Specific Private Projects. Gravel extraction and processing to provide gravel for a specific private project. The project for which the products of gravel extraction and processing will be used shall be a development that has been reviewed and approved through an official public hearing process conducted by the applicable governmental agency. The gravel extraction and processing site must be located either:

         a). on the same property as the project,

         b). on a contiguous property, or

         c). on a noncontiguous property only if written approval is granted from all intervening property owners.

         d). Products of the gravel extraction and processing shall be used solely for the specific private project. Sale, barter, or gift of products for other purposes is expressly prohibited. Materials may be imported or recycled as part of the gravel processing, so long as their use is the for the specified project.

      ii. Specific Public Projects. Gravel extraction and processing to provide gravel for a specific public project. The project for which the products of gravel extraction and processing will be used shall be a public works project approved and sponsored by a governmental agency. Products of the gravel extraction and processing shall be used solely for the specific public project. Sale, barter, or gift of products for other uses is expressly prohibited. Materials may be imported or recycled as part of the gravel processing, so long as their use is for the specific project.

      iii. Wildlife Habitat Enhancement Projects and Fire Ponds. Gravel extraction to excavate or construct a pond or watercourse for wildlife habitat enhancement, or to construct a fire pond, that removes 15,000 cubic yards or less of material and disturbs no more than 5 acres of land. A wildlife habitat project must be designed by a wildlife

biologist, approved by the Wyoming Game and Fish Department, and significantly benefit a species of special concern in the opinion of the Game and Fish Department. Sale of products for off-site use is permitted.

c. Operational Standards

i. DEQ Small Mining Permit Required. A DEQ Small Mining Permit is required. A 15 acre exemption is unacceptable.

ii. Traffic and Road Impacts

a). Infrastructure. Projected traffic impacts shall be addressed according to AASHTO guidelines and the cost of all improvements required, on and off-site, shall be borne entirely by the applicant. A payment to compensate for the additional wear and tear on Town streets, as determined by the Town Engineer, also may be required of the applicant.

iii. Hours of Operation. Hours of operation shall occur between 8:00 a.m. and 5:00 p.m., Monday through Friday unless otherwise specified by the Town Council. The hours of operation may be reduced to mitigate adverse impacts on nearby houses or extended to expedite the completion of an operation. Setbacks. A minimum 300 foot setback from all property lines shall be provided. Written permission from adjacent property owners to reduce the required setback shall be obtained if necessary.

iv. Duration. Duration of the gravel extraction and processing shall be no longer than 6 consecutive months. If a project is phased over 2 or more years, then the total number of days the gavel extraction and processing activities are conducted shall be no more than 180 days.

v. Health and Safety Protection. The proposed gravel extraction and processing area shall be bermed, fenced, or otherwise enclosed, where necessary, for health and safety protection.

vi. Grading and Erosion Control. Requirements pursuant to Div. 5.7. shall be met.

vii. Activities In or Near Waterbodies

a). Controlled Watercourses

1). Extraction proposed in the Snake or Gros Ventre Rivers shall be in a location and manner specified in the Restoration Study.

2). If the Restoration Study is not yet completed and approved by the County, then the following standards shall apply.

3). Extraction may be proposed in a location approved by the Planning Director and the Levee Supervisor. In no case shall a location and time of excavation be approved that may have negative impacts on endangered or threatened species, or

species of special concern, as described in Teton County Wildlife-Habitat Assessment Final Report, by Biota Research and Consulting, Inc., dated July 1, 1991.

4). A report and recommendations from a Hydrologist shall be submitted detailing how the extraction can be accomplished in a manner most beneficial to the river system; the applicant shall be required to abide by the report's recommendations.

b). Uncontrolled/Natural Watercourses. When working in uncontrolled, or naturally flowing, watercourses, the proposed operation shall be conducted in a manner that improves fisheries and waterfowl habitat. A report and recommendations from a Fisheries Biologist shall be required detailing how the proposed operation will accomplish habitat improvements and the operator shall be required to abide by the report's recommendations.

c). Minimum Buffer. A minimum 50 foot border of natural vegetation between the water's edge and any plant site on the permitted area shall be left undisturbed subject to the operator's right to normal access to the river or stream. When the materials extracted are not processed after removal and no plant is located on the property, the operator shall take all necessary precautions to preserve the integrity of the river or stream bank.

d). Setbacks from Structures. The County Road and Levee Supervisor and the Wyoming Department of Transportation shall be contacted in reference to setback requirements from bridges, levees, and other structures for in-stream excavation activity.

e). No Negative Impact. No extraction shall be permitted that is deemed by the County to have a negative impact on the river, or on landowners adjacent to the river with respect to bank erosion or potential flooding. If more than one river extraction site has been approved or executed within the same vicinity as the extraction site in question, the cumulative impacts of such river extraction shall also be considered when assessing potential negative impacts on the river or on landowners adjacent to the river.

# Div. 6.2. Parking and Loading Standards

## 6.2.1. Purpose (1/1/15, Ord. 1074)

This Division establishes parking and loading standards for various uses. The standards are intended to lessen congestion on streets and to ensure an adequate supply of parking and loading spaces within a reasonable distance of development.

## 6.2.2. Required Parking and Loading (1/4/17, Ord. 1163)

### A. Required Parking

The table below establishes the minimum required parking spaces that shall be provided for each use in these LDRs, unless otherwise specified in Subsection C.2 of a specific zone. Where a minimum requirement is not listed in the table it shall be determined by the Panning Director upon finding the proposed use has need for parking. Calculations that reference floor area shall be based on the gross floor area. Calculations that reference employees shall be based on the maximum number of employees normally on duty at any one time.

| Required Parking | | |
|---|---|---|
| Use | Parking Spaces | Queuing Spaces |
| Open Space Uses | | |
| Agriculture | n/a | |
| Outdoor recreation | independent calculation | |
| Residential Uses | | |
| Detached single-family unit | 2 per DU | |
| Attached single-family unit | 2 per DU +0.5 per DU if ≥ 3 units served by lot | |
| Apartment | 2 per DU +0.5 per DU if ≥ 3 units served by lot | |
| Mobile home | 2 per DU | |
| Dormitory | 1 per bed | |
| Group home | 0.5 per bed | |
| Live/Work unit | 1.5 per DU or 1.5 per 1,000 sf | |
| Lodging Uses | | |
| Conventional lodging | 0.75 per LU + 1 per 150 sf assembly area | |
| Short-term rental | 2 per LU | |
| Campground | 1 per campsite +1 per 7.5 campsites | |
| Commercial Uses | | |
| Office | 3.3 per 1,000 sf | |
| Retail | 4.5 per 1,000 sf | |
| Service | 3 per 1,000 sf | |
| Restaurant/Bar | 1 per 55 sf dining area + 1 per 30 sf bar area | |
| Heavy retail/Service | 2 per 1,000 sf + 3 per repair bay + 1 per wash bay | 2 per wash bay |
| Mini-storage warehouse | 1 per 10 storage units + 1 per employee | |
| Nursery | 2 per 1,000 sf + 1 per 4,000 sf outdoor display area + 1 per employee | |

| Required Parking | | |
|---|---|---|
| Use | Parking Spaces | Queuing Spaces |
| Amusement/Recreation Uses | | |
| Amusement | 1 per 30 sf seating area or independent calculation | |
| Developed recreation | 4.5 per 1,000 sf | |
| Outfitter/Tour operator | independent calculation | |
| Institutional Uses | | |
| Assembly | independent calculation | |
| Daycare/Education | independent calculation | |
| Industrial Uses | | |
| Light industry | 1 per 1,000 sf + 1 per company vehicle | |
| Heavy industry | 2 per 1,000 sf + 1 per company vehicle | |
| Disposal | 1 per employee | |
| Infrastructure Uses | | |
| Parking | n/a | |
| Utility facility | 1 per employee + 1 per stored vehicle | |
| Wireless communication facility | 1 per employee + 1 per stored vehicle | |
| Heliport | 7 per daily aircraft movement | |
| Accessory Uses | | |
| Accessory residential unit | 1.25 per DU | |
| Bed and breakfast | 0.75 per LU | |
| Home occupation | n/a | |
| Home business | 1 per employee | |
| Family home daycare | 1 per employee | 1 off-street for pick-up |
| Home daycare center | 1 per employee | 2 off-street for pick-up |
| Drive-in facility | n/a | 3 per service lane |
| Temporary Uses | | |
| Christmas tree sales | 1 per 1,000 sf outdoor display area + 1 per employee | |
| Real estate sales office | 3.3 per 1,000 sf | |
| Temporary shelter | 2 per DU | |
| Farm stand | 5 per 1,000 sf display area | |
| Temporary gravel extraction | 1 per employee | |

1. **Administrative Adjustment.** The Planning Director may establish a lesser parking requirement pursuant to the procedure of Sec. 8.8.1. based on information from reliable sources that demonstrates a lesser standard is workable due to anticipated parking demand and alternative transportation services available.

2. **Change of Use.** An applicant for a change of use shall only be required to additionally provide the difference between the parking requirement of the existing use and proposed use, regardless of the actual parking that exists.

## B. Shared Parking

If two or more uses occupy a site or structure, the required parking, queuing and loading shall be the additive total for each individual use unless the Planning Director determines uses are compatible for sharing parking based on the following standards.

1. **Residential and Nonresidential Uses.** A percentage of the parking spaces required for nonresidential uses may be considered shared with on-site residential uses in accordance with the table below, and the extent to which:

   a. The residential use provides on-site employee housing; and

   b. The location and design of the development enhances the shared parking function.

| Percentage of Nonresidential Parking Spaces that May Be Shared | | |
|---|---|---|
| Nonresidential Use | Affordable/Employee Housing or ARU | Other Residential Use |
| Retail | 100% | 25% |
| Office | 100% | 75% |
| Restaurant/Bar | 100% | 20% |
| Service | 100% | 25% |
| All Industrial Uses | 100% | 75% |
| Other nonresidential uses | 100% | 20% |

2. **Other Compatible Uses.** Notwithstanding the standard percentages established in the table above, reductions in total parking requirements between and among any uses may be granted in one or more of the following circumstances:

   a. When it is intended that patrons frequent more than one use in a single trip (example: lodging and restaurant)

   b. When operating hours are substantially different (example: movie theater and office)

   c. When peak trip generation characteristics are substantially different (example: lodging and retail)

## C. Required Disability Parking

All nonresidential uses and residential uses served by a parking lot shall provide parking spaces in the parking lot for use by motor vehicles which transport disabled persons in accordance with the following standards.

1. **Requirement.** The required number of disability parking spaces is set forth in the table below. In addition, 1 disability space shall also be provided for each dwelling unit that is designed for occupancy by the physically disabled.

| Required Disability Parking Spaces | |
|---|---|
| Parking Spaces Provided | Disability Spaces Required |
| 1-25 | 1 |
| 26-50 | 2 |
| 51-75 | 3 |
| 76-100 | 4 |
| 101-150 | 5 |
| 151-200 | 6 |
| >200 | 6 + 1 per 100 parking spaces provided |

2. Counts Toward Required Parking. Those parking spaces required for the disabled by this Subsection shall count toward fulfilling the total parking requirement of this Division.

3. Location. Parking spaces provided for use by disabled persons shall be located on-site, off-street, and as close as possible to an entrance which allows such persons to enter and leave the parking area and building without assistance.

4. Dimensions. Parking spaces provided for use by disabled persons shall be a minimum of 8 feet wide by 20 feet long with an adjacent parallel access aisle 5 feet wide. The adjacent parallel access aisle may be shared by 2 disability parking spaces. One in every eight 8 disability spaces shall have an access aisle which is a minimum of 8 feet wide (rather than 5 feet) and shall be signed "Van Accessible."

5. Posted and Marked. Disability parking spaces shall be posted and marked with both a ground-mounted sign and pavement marking which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by disabled persons.

## D. Required Bicycle Parking

All nonresidential uses shall provide on-site parking spaces for use by non-motorized vehicles.

1. Standard. One bicycle parking space shall be provided for every 10 vehicle spaces required.

2. Required Facilities. Bicycle parking requirements shall be fulfilled through the installation of lockers, racks, or equivalent structures in or upon which a bicycle may be locked by the user. All racks shall be securely anchored to the ground or building surface. Racks shall be designed to accommodate U-shaped locks.

3. Location. Bicycle parking shall be located in a clearly designated, safe and convenient location. A safe parking location is defined as a location whereby activity around bicycle parking is easily observable, conveniently located to

the bicyclist's destination, and adequately separated from motor vehicles and pedestrians. Surfaces around bicycle parking facilities shall be maintained, mud, and dust free.

### E. Required Loading

A structure, or a complex of structures, which contains uses that require deliveries or shipments, shall provide loading facilities that are designed so as not to interfere with any emergency or disability access. An application shall address how the specific loading needs of the proposed use are being addressed.

## 6.2.3. Location of Required Parking (1/1/15, Ord. 1074)

### A. On-site, Off-street

Unless a shared parking agreement is approved, all parking spaces, aisles, and turning areas shall be located off-street and entirely within the boundaries of the land served.

1. **Residential Uses.** For all residential uses all off-street parking shall be located within 150 feet of the structure the parking is to serve.

### B. Off-Site, Off-Street

Required parking may be provided off-site with the approval of a shared parking agreement. The off-site parking shall be within 1,000 feet of the use it serves as measured along an established pedestrian route. A deed restriction may be required to ensure the off-site parking is permanent.

### C. Parking Areas Shall Not Encroach

All parking spaces, aisles, and turning areas shall not encroach on any road or other public right-of-way. No parked vehicle shall encroach into any road or public right-of-way.

## 6.2.4. Maintenance of Off-Street Parking and Loading (1/1/15, Ord. 1074)

### A. General

All off-street parking and loading areas shall be maintained adequately for all weather use and be properly drained.

### B. Storage Prohibited

Off-street parking spaces shall be available for the parking of operable passenger automobiles of the residents, customers, patrons, and employees of the use for which they are required by this Division. The storage of inoperable vehicles or materials, or the parking of delivery trucks in such spaces shall be prohibited.

### C. Display of Vehicles for Sale

Vehicles shall not be displayed for sale in nonresidential parking areas except licensed bona-fide automobile dealerships, and excepting casual display by vehicle owners who are employees or patrons present on the premises at the times of such display.

### D. Repair Work Prohibited

No repair work that renders the vehicle inoperable for more than 24 hours shall be permitted on off-street parking or loading facilities.

### E. Snow Storage Prohibited

The storage of plowed snow for more than 48 hours is prohibited in required off-street parking and loading areas.

## 6.2.5. Off-Street Parking and Loading Design Standards (1/1/15, Ord. 1074)

All off-street parking and loading facilities shall meet the following design standards:

### A. Surface and Drainage

1. **Paving Required.** Outdoor, off-street parking and loading areas, aisles and access drives shall be paved, except parking areas, aisles and access drives for detached single-family units which may be gravel.

2. **Paving Standards.** Paved parking and loading areas, aisles and access drives shall be paved with concrete, grasscrete, paving blocks, asphalt, or another all weather surface.

3. **Landscape Islands.** Parking lots shall include landscaped islands to avoid large expanses of asphalt and shall be screened from off-site, or their view substantially filtered by vegetation.

4. **Compaction and Drainage.** Parking and loading areas, aisles, and access drives shall be compacted and paved or surfaced in conformity with applicable specifications to provide a durable surface, shall be graded and drained so as to dispose of surface water runoff without damage to private or public land, roads, or alleys, and shall conform with any additional standards for drainage prescribed by these LDRs, or other applicable regulations and standards.

### B. Access and Circulation Standards

1. **Unobstructed Access.** Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley except for approved tandem parking.

2. Tandem Parking. Tandem parking (one vehicle parking directly behind another) is not permitted, and shall not be credited toward meeting any parking requirement of this Division except for residential uses not exceeding 4 units on one lot, provided that the tandem parking spaces are assigned to the same residential unit.

3. Backing onto Roads and Public Streets Prohibited. Except for parking facilities serving detached single-family residential lots and parking facilities accommodating 4 vehicles or less, all off-street parking spaces shall open directly onto a parking aisle and be designed so that it will not be necessary for vehicles to back out into any road or public street.

4. Traffic Interference Prohibited. All off-street parking and loading facilities shall be designed with access to a street or alley in one or more locations which cause the least interference with traffic movements.

5. Nonresidential Use Access Drive Width. Access drives to nonresidential uses shall have a minimum width of 15 feet for drives posted as one-way, or 24 feet for two-lane and 36 feet for three-lane drives.

6. Access Drive Intersections. Intersections of parking lot aisles shall be at least 40 feet from a curb cut.

## C. Snow Storage Standards

All parking and loading areas shall comply with the following snow storage standards.

1. General. Adequate on-site snow storage areas shall be developed to accommodate snow removed from off-street parking and loading areas or the removal of snow from elsewhere on the site.

2. On-Site Snow Storage Standards for Parking and Loading Area. If an off-site snow repository is not used, adequate on-site snow storage shall be provided using the following standards:

   a. A minimum site area representing 2.5% of the total required off-street parking and loading area, inclusive of aisles and access drives, shall be provided as the snow storage area.

   b. Adequate drainage of the snow storage area shall be provided to accommodate snowmelt, and no snowmelt shall drain onto contiguous lands.

   c. Required yards and open space may be used to accommodate the required snow storage area, including landscaped areas properly designated for snow storage. However, stored snow shall not restrict access and circulation, nor create a visual obstruction for motorists and pedestrians.

## D. Parking Facility Dimensions

1. Parking Space Dimensions

   a. **Width.** A parking space shall be 9 feet in width.

   b. Length

      i. **Standard Parking Space.** A standard parking space shall be 20 feet in length.

      ii. **Over Hang With Wheel Stop.** The length of parking spaces may be reduced to 18 feet, including wheel stop, if an additional space of 2 feet in length is provided for the front overhang of the car, provided that an overhang shall not reduce the width of an adjacent walkway to less than 4 feet in width.

      iii. **Ally Access.** Any parking space accessed directly from any alley shall have a minimum length of 22 feet.

      iv. **Parallel Parking Space.** All parallel parking spaces shall have a minimum length of 22 feet.

   c. **Vertical Clearance.** Parking spaces shall have a vertical clearance of at least 7 feet.

2. **Parking Module Dimensions.** The table below specifies the minimum widths for parking rows, aisles, and modules. The figures below illustrate the standards.

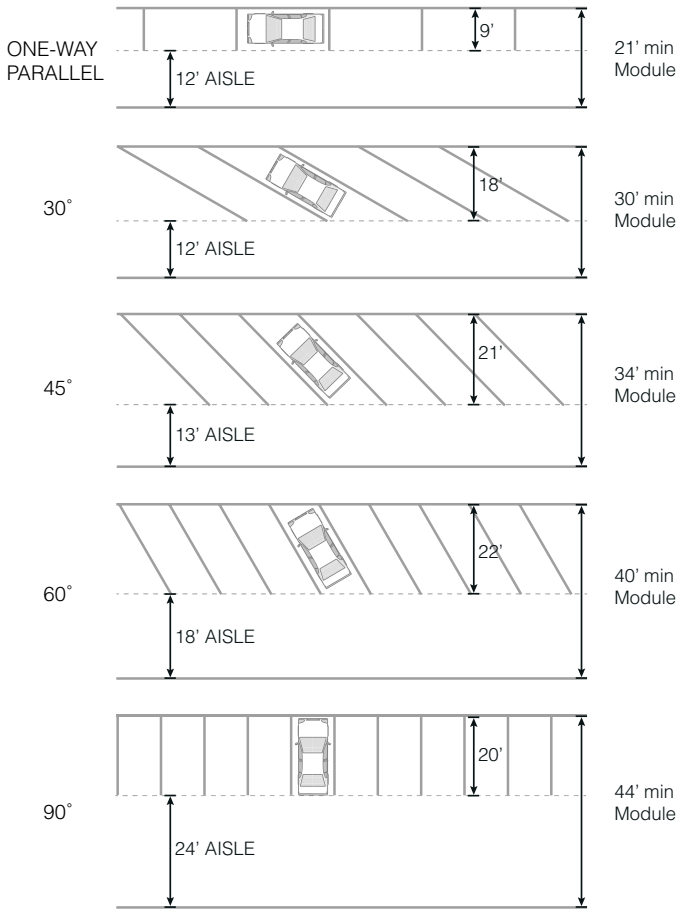
3. **Gravel Area Dimensions.** The minimum size of a gravel parking area shall be 10% larger than required of a paved area.

4. **Underground Parking Facility Design Guidelines.** Town-wide underground parking facility design guidelines have been established and adopted by the Town pursuant to Resolution No. 09-25 and are available in the Planning Department Office or on the Town's website: www.townofjackson.com.

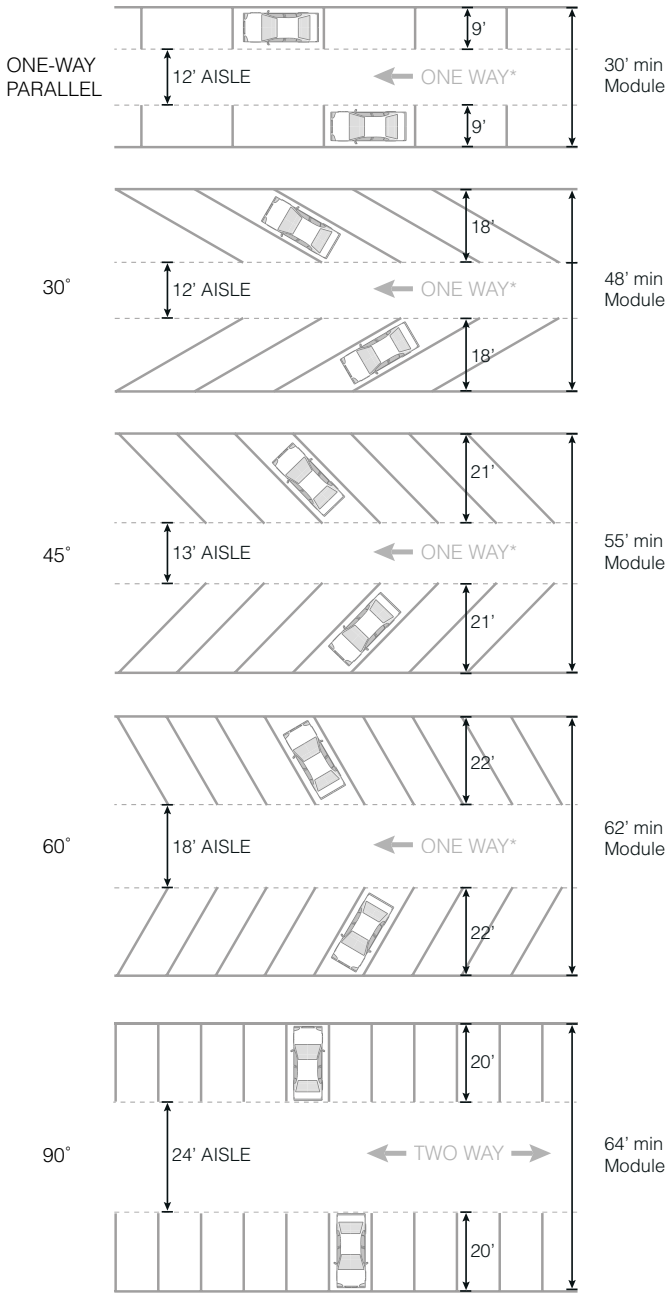
5. **Queuing Space Design Standards.** Queuing spaces shall be a minimum of 20 feet in length and 10 feet in width. All required queuing shall be contained on-site, shall not encroach into any public right-of-way, and shall not be designed so as to block entry or exit from other on-site parking.

| Minimum Dimensions for Parking Modules | | | | | |
|---|---|---|---|---|---|
| | Space Angle | | | | |
| | Parallel | 30º | 45º | 60º | 90º |
| **Single Row of Parking** | | | | | |
| Parking Space Depth | 9’ | 18’ | 21’ | 22’ | 20’ |
| Drive Aisle Width | 12’ | 12’ | 13’ | 18’ | 24’ |
| Total Module Width | 21’ | 30’ | 34’ | 40’ | 44’ |
| **Two Rows of Parking** | | | | | |
| Parking Space Depth | 9’ | 18’ | 21’ | 22’ | 20’ |
| Drive Aisle Width | 12’ | 12’ | 13’ | 18’ | 24’ |
| Total Module Width | 30’ | 48’ | 55’ | 62’ | 64’ |

One Row of Parking



Two Rows of Parking




*Increase to 24' if two-way.

# Div. 6.3. Employee Housing Requirements

## 6.3.1. Town Employee Housing Standards (1/4/17, Ord. 1163)

### A. Purpose

The purpose of this Division is to provide for a reasonable supply of affordable, attainable housing suitable for the needs of the seasonal work force in Teton County. It is the intent of this Division to set forth standards, guidelines, and requirements for such housing to be equitably provided in conjunction with nonresidential use.

### B. Applicability

The standards of this Division apply to all nonresidential uses unless exempted herein.

### C. Exemptions

The following uses are exempted from the standards of this Division.

1. **Redevelopment of Preexisting Uses.** Redevelopment or remodeling of a nonresidential use existing prior to December 18, 1995 is exempt from the standards of this Division, provided no additional floor area is created by the redevelopment or remodeling activity. In the event new floor area is created, only the area that existed prior to the redevelopment or remodeling shall be exempt from the standards of this Division.

2. **Change of Use.** Any change of use which would result in an employee housing requirement less than or equal to a prior use legally existing on December 18, 1995 is exempt from the provisions of this Division. In the event that a change of use results in an employee housing requirement, which is greater than that of the prior legally existing use, only the difference in the employee housing requirement is subject to being provided pursuant to this Division.

3. **Use of a Lot of Record for Which Employee Housing Standard has Already Been Met.** Any use for which the employee housing standard, pursuant to this Division, has already been met through provision of employee housing, conveyance of land, or payment of fees-in-lieu, is exempt from the standards of this Division.

4. **Agriculture Use.** Agriculture use is exempt from the standards of this Division.

5. **Institutional Uses.** Any institutional use is exempt from the standards of this Division.

6. **Accessory Uses.** Nonresidential accessory uses are exempt from the standards of this Division.

7. **Temporary Uses.** Temporary uses are exempt from the standards of this Division.

8. **Utility Facilities.** Utility facilities are exempt from the standards of this Division.

9. **Home Uses.** Home occupations and home businesses are exempt from the standards of this Division.

10. **P/SP Uses.** Any use in the P/SP zone is exempt from the standards of this Division.

## D. Calculation of Employee Housing Requirement

The standards in the table below are the result of calculating the number of summer (peak) season employees who are in need of housing, accounting for those who may already live in the community and accounting for average wages paid by various land uses (see Seasonal Employee Housing Needs Assessment, Appendix D, Jackson/Teton County Comprehensive Plan.) The conversion from number of employees to square footage is based upon minimum dwelling unit size as established in Jackson/Teton County Housing Rules and Regulations. The employee housing standards for all nonresidential development not exempted shall be as follows.

| Employee Housing Requirement | |
|---|---|
| Use | Floor Area to be Designated for Employee Housing (per 1,000 sf) |
| Conventional Lodging | 47 sf |
| Office | 14 sf |
| Retail | 156 sf |
| Service | 56 sf |
| Restaurant/Bar | 378 sf |
| Heavy retail/service | 16 sf |
| All Industrial uses | 8 sf |
| Other Uses Not Listed | Determined by independent calculation (6.3.1.H.) |

## E. Method for Providing Employee Housing

One or a combination of the following methods may meet employee housing standards.

1. **On-Site Housing.** Where permitted by these LDRs, the applicant may provide employee housing on-site through mixed-use development subject to all applicable dimensional standards. This is the primary and preferred method for providing employee housing, and should be used whenever possible and wherever practicable. Accessory residential units may comprise the residential component of a mixed-use development, in whole or in part. When on-site housing is provided, any square footage requirement that would create a unit smaller than the minimum unit size is waived.

2. **Alternative Compliance Methods.** The applicant shall be required to provide employee housing using an alternative compliance method should the applicant demonstrate that on-site development of employee housing is not practical. Alternative compliance to these employee housing requirements may be achieved through any of the following methods listed by order of preference:

a. Off-Site Housing. The applicant may provide or cause to be provided, off-site conventional residential housing, either single family or multiple family, or dormitories. Applicants with obligations to provide employee housing may pool their required units with employee or affordable units from other developments to create a viable off-site housing project. The purchase or otherwise designation, assignment, or commitment of existing housing stock is not permitted for purposes of meeting the requirements of this Division.

b. Payment of In-Lieu Fees. The applicant may pay an in-lieu fee for each square foot of floor area required by this Division. The fees shall be set by resolution of the Town Council updated from time to time as necessary.

i. Time of Payment and Use of Funds. Payment of the in-lieu fee shall be made to the Town of Jackson prior to, and on a proportionate basis to the issuance of any building permits for the free market portion of the development. The Town shall transfer the funds to an interest bearing trust fund. The funds, and any interest accrued, shall be used only for the purposes of planning for, subsidizing or developing employee housing units.

ii. Refund of Fees. Fees collected pursuant to this Section may be returned to the then present owner of property for which a fee was paid, including any interest earned, if the fees have not been encumbered within 7 years from the date of payment, unless the Town Council shall have earmarked the funds for expenditure on a specific project, in which case the Town Council may extend the time period by up to 3 years. To obtain the refund, the present owner must submit a written request to the Planning Director within one year following the end of the 7th year from the date payment was received.

iii. Sequence of Expenditures. Fees paid pursuant to this Section are deemed to be spent or encumbered in the sequence in which they were received.

iv. Refunds for Expired Permits. Any payment for a project for which a use permit has expired due to non-commencement of the use may be refunded provided a request for refund is submitted to the Planning Director within 3 months of the date of the expiration of the building permit. All requests shall be accompanied by proof that the applicant is the current owner of the property and a copy of the dated receipt issued for payment of the fee.

v. Credit for Non-Refunded Payments. Any payments made for a use that is not realized for any reason, and for which a refund has not been requested in accordance with this Subsection, shall be retained by the Town of Jackson and a credit shall be established. Such credit runs with the land, is not transferable to other property, and may only be used against future employee housing obligations on the subject property. The Town shall maintain a record of such credit.

## F. Employee Housing Development Standards

1. **Rent.** Rents charged for any on-site residential unit produced to satisfy the standards of this Division may not exceed 30% of the seasonal employee's gross wages, in accordance with Jackson/Teton County Housing Rules and Regulations.

2. **Maintenance.** All employee units shall be regularly maintained, and kept in a safe, sanitary, livable, and rentable condition.

3. **Location.** Employee Housing units may be located within the Town limits.

4. **Minimum Size.** No employee-housing unit shall be less than 400 square feet. Developments that generate an employee-housing requirement of less than 400 square feet may pay the fee in lieu.

5. **Deed Restrictions.** All employee-housing units shall be subject to deed restrictions to ensure long-term use and affordability to employees. All deed restrictions are subject to review and recommendation by the Jackson/Teton County Affordable Housing Department and final approval by Town Council. Such deed restriction shall be recorded prior to issuance of a certificate of occupancy for the subject property.

## G. Housing Mitigation Plan

A housing mitigation plan shall be submitted for all uses not exempted.

1. **Content.** The housing mitigation plan shall include the following:

   a. **Requirement Calculations.** Calculations determining the employee housing standard that indicate each step of the calculation, from total floor area that generates an employee housing requirement to the actual amount of floor area required to be provided.

   b. **Method.** The method by which housing is to be provided, in compliance with the primary method or alternative compliance methods contained in this Division.

   c. **Unit Descriptions.** A conceptual site plan and building floor plan (if applicable), illustrating the number of units proposed, their location, and the number of bedrooms and size (square feet) of each unit. A tabulation of this information shall also be submitted.

   d. **Proposed Deed Restrictions.** If employee-housing units are proposed to be developed, the proposed deed restrictions that will be placed on the units to ensure the units will remain available as employee housing units.

   e. **Fee Calculations.** If fees-in-lieu are proposed, the calculations for determining the required fee amounts.

2. **Review Process.** Review of the housing mitigation plan shall occur at the time of the initial review of the nonresidential use permit.

3. Review Standards. The Town Council shall approve the housing mitigation plan if it complies with the standards of this Division, addresses the need for employee housing, and is consistent with the Jackson/Teton County Comprehensive Plan.

### H. Independent Calculation

1. General. An applicant may submit an independent calculation requesting modification to the amount of employee housing required to be provided, and/or the in-lieu fee amount.

2. Calculation Contents. Local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence that supports the proposed modification shall support the independent calculation.

3. Procedure and Standards. The Town Council shall review the independent calculation. If the materials and information supporting the calculation demonstrate by competent substantial evidence that there is a reasonable basis to modify the standards of this Division because of unique circumstances related to the proposed development, the Town Council may approve the independent calculation and make the appropriate modifications.

## 6.3.2. County Employee Housing Standards (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

# Div. 6.4. Operational Standards

## 6.4.1. Outside Storage (1/1/15, Ord. 1074)

### A. Use of Front Yards

The use of the front yard (street yard) of a residential use for the storage of boats, snowmobiles, trailers, RVs, and similar motor vehicles and equipment is prohibited.

### B. Storage of Structures

The storing of structures of any kind is not permitted in any residential zone.

### C. Vehicle and Equipment Storage - Vacant Property

The storage of any vehicle on vacant property in a residential zone for more than 3 consecutive days is prohibited. This includes boats, rafts, trailers, snowmobiles, campers, RVs and similar vehicles, and equipment. This also includes heavy equipment, construction equipment, and construction materials. Nothing herein shall be construed to prohibit the storage of vehicles and equipment for temporary construction, provided the storage area is fenced, well marked, and posted. For purposes of this provision, lots which are normally kept and maintained as yard area for an adjacent residence shall not be considered vacant property, provided the vehicles, equipment, and materials stored thereon are owned, supervised, and controlled by an occupant of the adjacent residence.

### D. Outdoor Display

The organized outdoor display of goods for sale in association with a nonresidential use is allowed, provided it is contained on private property.

## 6.4.2. Refuse and Recycling (1/1/15, Ord. 1074)

### A. Town Trash and Recycling Enclosures

Trash and recycling enclosures shall be provided for all nonresidential uses and multi-family developments of 4 or more units. Enclosures shall be of similar material and color to the building. Enclosures shall be entirely enclosed with the side facing the street or alley to be a gate whenever feasible. Enclosures shall provide adequate space for recycling as determined by the Planning Director. Enclosures shall be consolidated wherever possible.

## 6.4.3. Noise (11/23/16, Ord. 1152)

All uses shall conform with the following standards.

### A. Maximum Noise

Noises shall not exceed the maximum sound levels prescribed in the table below, beyond the site boundary lines, except that when a nonresidential activity in contiguous to a residential zone, the residential zone standard shall govern.

| Noise Level Restrictions | |
|---|---|
| Zone | Maximum Permitted Sound Level |
| R, S, NC-ToJ, AR-ToJ, MHP-ToJ | 55 DBA |
| All other zones | 65 DBA |

B. Exceptions

1. **General.** Noises of vehicles, home appliances, and chain saws in private use, occasionally used safety signals, warning signals, emergency pressure relief valves, and temporary construction operations shall be exempt from the requirements of this Section.

2. **Limited Exception/Limited Interval of Time/One Day.** The maximum permitted sound level may be exceeded by 10 DBA for a single period, not to exceed 15 minutes, in any one day.

3. **Impact Noises.** For the purposes of this Section, impact noises are those noises whose peak values are more than 6 DBA higher than the values indicated on the sound level meter, and are of short duration, such as the noise of a forging hammer or punch press. For impact noises, the maximum permitted sound level may be exceeded by 10 DBA.

C. Measurement

Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accord with ANSI S1.2-1962 "American Standard Method for the Physical Measurement of Sound" (or most current standards). Measurements may be made at any point along a zone boundary or site boundary line.

## 6.4.4. Vibration (1/4/17, Ord. 1163)

All uses shall conform with the following standards:

A. General

Vibration shall be measured at the site boundary line. Except for temporary construction operations and blasting for avalanche control, no activity shall cause or create a displacement for the frequencies prescribed in the table below.

| Maximum Permitted Steady State Vibration Displacement | |
|---|---|
| Frequency (cycles per second) | Vibration Displacement (inches) |
| 10 and below | 0.0008 |
| 10-20 | 0.0005 |
| 20-30 | 0.0003 |
| 30-40 | 0.0002 |
| 40 and over | 0.0001 |

### B. Impact Vibrations

For impact vibrations, the maximum permitted vibration displacement shall be twice that permitted for steady state vibrations.

### C. Temporary Construction Operations

For temporary construction operations occurring between the hours of 7:00 a.m. and 7:00 p.m., steady state vibrations and impact vibrations shall not exceed 2 times that permitted for permanent operations.

### D. Maximum Vibration Frequency

In no instance, except for temporary construction operations, shall an activity be permitted which creates a vibration beyond the boundaries of the site of the activity sufficient to cause a displacement of 0.003 inches.

### E. Measurement

For the purposes of this Section, vibration refers to ground transmitted oscillations. Earthborne vibrations are measured with a seismograph or accelerometer. With the portable seismograph, the earth vibrations are measured in 3 mutually perpendicular directions (1 vertical and 2 horizontal). The 3 motions are added vertically, and the resultant maximum vibration given as a single number. Steady state vibrations are earthborne oscillations that are continuous, with discrete pulses that occur at or more frequently than 100 times per minute. The frequency is the number of oscillations per second of vibration. Impact vibrations are earthborne oscillations occurring in discrete pulses at less than 100 pulses per minute.

## 6.4.5. Electrical Disturbances (1/1/15, Ord. 1074)

A. No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that affect the operation of any equipment, such as radio and television interference, beyond the boundaries of the site.

## 6.4.6. Fire and Explosive Hazards (1/1/15, Ord. 1074)

### A. Compliance with Fire Codes

All manufacture, possession, storage, transportation and use of hazardous materials which include explosives and blasting agents, flammable and combustible liquids, liquified petroleum gas, and hazardous chemicals shall be required to comply with the fire codes adopted by the State of Wyoming and the Town.

### B. Structural Storage Facilities

Structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids and gases, or other toxic materials which could be hazardous to public health or safety, shall be located at elevations above maximum possible flood levels in 100-year flood areas and in the Flat Creek winter flood area.

## 6.4.7. Heat and Humidity (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

## 6.4.8. Radioactivity (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

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# Div. 7.1. Development Option Standards

## 7.1.1. Development Options Schedule (11/23/16, Ord. 1153)

The table below establishes the development options allowed in each zone. The standards for each development option are established in this Division The density and intensity requirements for each development option are located in the standards for the zone, found in Article 2.-Article 4. The thresholds for permitting allowed development options are also established by zone.

| Town Character Zones - Development Options | | | | | | |
|---|---|---|---|---|---|---|
| | Complete Neighborhood Zones | | | | Rural Area Zones | |
| Option | DC | CR-1 | CR-2 | OR | n/a | Stds |
| UCD | -- | -- | -- | -- | -- | 7.1.3. |
| MHP | -- | -- | -- | -- | -- | 7.1.4. |

Key: P = Development option allowed with appropriate permit -- = Development option prohibited

| Town Legacy Zones - Development Options | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Complete Neighborhood Zones | | | | | | | | | | | | | Rural Area Zones | Civic Zones | | |
| Option | TS | UC | UR | AC-ToJ | AR-ToJ | BP-R | BP-ToJ | BC-ToJ | RB | MHP-ToJ | NC-ToJ | NC-2 | S-ToJ | R-ToJ | P/SP-ToJ | P-ToJ | Stds |
| UCD | -- | P | P | P | P | P | -- | -- | -- | -- | -- | P | P | -- | -- | -- | 7.1.3. |
| MHP | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | -- | -- | -- | -- | 7.1.4. |

Key: P = Development option allowed with appropriate permit -- = Development option prohibited

## 7.1.2. Planned Residential Development (PRD) (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

## 7.1.3. Urban Cluster Development (UCD) (1/1/15, Ord. 1074)

### A. Purpose

The purpose of Urban Cluster Development is to permit development that will result in improved living and working environments, promote more efficient development, encourage a variety of types of residential dwellings, encourage ingenuity and originality in total development and individual site design, allow for denser clustering of development where appropriate, and preserve open space to serve wildlife, scenic, agricultural, and recreational purposes, all within the densities established for the zone. Furthermore, it is the purpose of the Urban Cluster Development option to preserve and enhance the character and qualities of urban and suburban neighborhoods.

## B. Standards

The site, lot, and building standards for Urban Cluster Developments are given added flexibility in order to permit and encourage compact development, affordable housing, preservation of open space, innovative site planning and design, and compatibility with existing neighborhoods, in concurrence with the Comprehensive Plan. Urban Cluster Development proposals shall demonstrate substantial compliance with the following standards as applicable to the specific proposal.

1. **Conformance with Other Applicable Regulations.** Urban Cluster Developments shall conform with the requirements of these LDRs, all other applicable Resolutions of the Town, County, and Wyoming State Statutes, except as modified by this Section.

2. **Interior Yards.** Urban Cluster Developments allow increased density and flexibility over the Single-Family Detached option. However, in the interior of the project, the requirements for front, side, and rear yards may be deviated from.

3. **Perimeter Setbacks.** For any Urban Cluster Development, the minimum perimeter setbacks (street yard, side yard, and rear yard) are those set forth for a structure in the zone. Notwithstanding perimeter setbacks may be required to be increased in order to preserve the character and qualities of adjacent properties, provide adequate buffer and transition areas, provide functional open space, preserve existing vegetation, or to meet any other objectives of this Section.

4. **Dwelling Unit Types.** All Urban Cluster Developments shall be permitted and are encouraged to provide a variety and mix of dwelling unit types. Permitted unit types may include, but shall not be limited to, single-family homes (attached and detached), townhouses, condominiums, apartments, and accessory residential units. Mobile home parks are permitted provided the provisions of Sec. 7.1.4. are met.

5. **Mix of Unit Types/Sizes.** In order to provide a variety of dwelling unit types, all Urban Cluster Developments of more than 4 units must provide 2 or more types or sizes of unit. Units within a single project may vary by type, square footage of living area, or number of bedrooms. For purposes of this Section each unit type listed in B.4., above is to be considered a separate and distinct unit type from the other types listed. Units may vary in size by number of bedrooms, or by a difference in total living area of not less than 20%.

   > **EXAMPLE:** A 3-bedroom townhouse varies in size from a 2-bedroom townhouse. A 3-bedroom townhouse with 1,400 square feet of total living area varies from a 3-bedroom townhouse of 1,100 square feet. A 3-bedroom townhouse of 1,400 square feet does not vary from a 3-bedroom townhouse of 1,300 square feet.

   Units shall vary by type or size according to the schedule set forth in the table below.

| Standards for Residential Unit Mix<br>Urban Cluster Development | |
|---|---|
| Total Units | Minimum Number of Sizes or Types |
| 4 or less | 1 |
| 5 - 6 | 2 |
| 7 - 8 | 3 |
| 9 - 12 | 4 |
| 13 - 16 | 5 |
| 17 + | No one size and type may exceed 20% of total units |

7. **Open Space Required.** All Urban Cluster Developments are required to provide a certain amount of open space, as specified by the OSR requirement for the zone. Required open space shall meet the following standards.

   a. Natural resources protected pursuant to Div. 5.1. and Div. 5.2. and scenic resources protected pursuant to Sec. 5.3.2., or other lands protected by these LDRs shall constitute required open space.

   b. Land which is part of an individually owned lot of record shall be counted as required open space, if it is located outside of an identified building envelope and can be designed as part of the contiguous open space on the development.

   c. Required open space, to the greatest extent practicable, shall be configured into large contiguous areas, and not fragmented into small unconnected areas. Additionally, and to the greatest extent practicable, required open space shall connect to or expand on open spaces and rural lands on adjacent properties.

   d. Open space may be on a non-contiguous site if the proposed locations of development and the open space are consistent with the Comprehensive Plan.

   e. Open space may include pathways that connect with the Teton County/ Town of Jackson Pathways system and wildlife habitat improvements.

   f. Roads, structures, corrals and fencing associated with a bona fide agricultural operation shall be permitted in required open space.

   g. In the R-ToJ zone, open space may include non-structural recreational facilities that disturb no more than 5% of the open space area. In more urban zones, open space may be used to meet the active recreation needs of the residents of the development.

8. **Lot Coverage.** The lot coverage shall be calculated for the entire project area and allocated to each lot at the time the development plan is approved. For a UCD in the R-ToJ zone, the lot coverage may, based on site design, be

increased proportionally, based upon the proportional increase from the lowest maximum density (.029 units/acre) to the maximum gross density allowable in the selected UCD type.

9. Arrangement and Design. The configuration of lots or units within the project shall provide each lot, unit, or building with a building site that is suitable when considering the topography and other natural features of the site. The project shall be compatible with the surrounding neighborhood in terms of bulk, scale, structural mass, and character.

10. Access. Safe and adequate access shall be provided to all areas of the proposed development, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way, or a commonly owned easement.

11. Streetscapes. All Urban Cluster Developments with frontage on a public street or approved private street shall provide safe, inviting, and attractive streetscapes. Where appropriate, residential units, including outdoor spaces such as porches, decks, and balconies, shall be oriented to the street yard, and where appropriate, streetscapes shall not be dominated by parked vehicles and garage entrances.

12. Limitation of Access to Arterial Streets and Highways. Where a proposed project is contiguous to a collector, arterial road or highway, direct access to such road or highway from individual lots, units, or buildings in the project is prohibited.

13. Double or Reverse Frontage. Double frontage or reverse frontage lots or buildings shall be prohibited, except where necessary to limit vehicular access to arterial roads and highways; or to provide separation of development from through traffic; or to overcome specific disadvantages of topography or other natural features of the site.

14. Circulation. Circulation for the project shall be designed in accordance with the following:

    a. Principal Access. Principal vehicular access points shall be designed to provide smooth traffic flow and minimum hazards to vehicular, pedestrian, or bicycle traffic.

    b. Street Connections. Minor streets shall not be directly connected with streets outside the development in such a way as to encourage use of such minor streets by substantial amounts of through traffic.

    c. Access by Emergency Vehicles. Access to all structures and uses by emergency vehicles shall be provided.

    d. Efficient Circulation System. The circulation system shall be designed to provide adequate access to all areas of the development using the minimum linear footage of roadway.

e. **Pathways.** Provision shall be made for pedestrian and bicycle travel in accordance with Pathways Master Plan - The Town of Jackson & Teton County, Wyoming, March 2007. Linkages to schools, parks, public lands, and pathways existing on adjacent properties shall be provided.

15. **Parking and Drive Areas.** All parking, drive, and maneuvering areas shall be designed in accordance with Sec. 6.2.5.

16. **Pedestrian System.** Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, appropriate project facilities, and principal off-site pedestrian destinations.

17. **Adequate Facilities.** There shall be a demonstration that the development proposed is provided with adequate potable water, sewage treatment, solid waste disposal, electrical, park, school, police, and fire-fighting facilities.

C. Review Procedure and Findings for Approval

Any application for an Urban Cluster Development may be approved only if the following findings are made:

1. That the proposed project is in substantial compliance with all applicable standards of this Section;

2. That the proposed project substantially meets the character objectives of preservation or enhancement of the zone and neighborhood in which it is to be located. Projects which are out of scale and character with their surroundings will not be approved;

3. That streets and intersections serving the project will not be reduced to unacceptable levels of service, nor will the safety of motorists, pedestrians, and cyclists be jeopardized;

4. That the density and distribution of population resulting from the project will not overburden schools, parks, utilities, or other public services; and

5. That all adverse impacts associated with the proposed project are effectively mitigated to the extent possible.

## 7.1.4. Mobile Home Park (1/1/15, Ord. 1074)

Mobile Home Parks shall meet the following standards. Mobile Home Parks may be proposed in the MHP-ToJ or as an Urban Cluster Development.

A. **Existing Mobile Home Parks in the MHP-ToJ.** Existing mobile home parks within the MHP-ToJ zone shall be allowed to continue, expand, and redevelop, provided the standards in this Subsection are met.

1. **Density.** The number of units in an existing mobile home park in the MHP-ToJ shall not be limited.

2. Area. Each mobile home within an expansion area or redeveloped park shall have a lot or pad land area that equals or exceeds the average size of a mobile home lot or pad in the existing mobile home park, not including open space areas clearly heretofore undeveloped. Land that typically serves as yard area between mobile homes shall be included in the existing land area per individual mobile homes, unless the area between two particular mobile homes is clearly in excess of the average, to the extent that another mobile home could be located there.

3. Impervious Surface. The impervious coverage per mobile home lot or pad in the expansion area or redeveloped park shall be equal to or less than the average amount of impervious coverage per mobile home lot or pad in the existing park.

4. Yards. Each mobile home within the expansion area or redeveloped park shall have yards that equal or exceed the average yards for the mobile homes in the existing park. Front, side, and rear yards in the expansion area or redeveloped park shall equal or exceed the average front, side, and rear yards respectively.

## B. General Mobile Home Park Dimensional Requirements

1. Area Requirements. A lot for a single wide unit shall be at least 3,300 square feet in area and a lot for a double wide unit shall be at least 5,000 square feet in area if common recreational open area is provided pursuant to this Section. If no common recreational open area is to be provided, the above stated area requirements shall be increased to 3,800 and 5,500 square feet respectively.

2. Replacement of Single Unit Lot with Doublewide Unit. If any lot in a Mobile Home Park is initially designed to accommodate a single unit, it shall not be replaced by a doublewide unit unless all applicable setbacks and spacing between units are met, and the stand is modified to accept the double wide unit.

3. Side to Side Spacing. There shall be a minimum 20 feet side-to-side spacing between units.

4. End to Side Spacing. There shall be a minimum 15 feet end-to-side spacing between units.

5. End to End Spacing. There shall be a minimum ten 10 feet end-to-end spacing between units.

6. Contiguous to Other Lot of Record. On any lot in a Mobile Home Park site which is contiguous to another lot of record not in the Mobile Home Park, the unit shall be set back a minimum of 25 feet from the boundary line contiguous to the other lot of record.

7. Contiguous to Internal Streets. A unit shall be set back a minimum of 25 feet from an internal street or road.

8. Additions and Alterations. Any additions or alterations made to a mobile home unit, including porches, awnings, and overhangs, shall not exceed an area of one hundred 160 square feet, shall be set back a minimum distance of fifteen 15 feet from an adjacent mobile home, conform in color with the existing unit, and be of suitable material.

9. Limits of Mobile Home Space. The limits of each mobile home space shall be marked on the ground with monuments placed at each corner.

10. Adequate Support for Placement. The area of the mobile home stand shall be improved to provide adequate support for the placement of the mobile home.

11. Skirting. Skirting of mobile homes is mandatory and shall be accomplished within 60 days of placement and installation of the mobile home.

12. Height. Mobile homes, including any additions, shall not exceed 18 feet in height.

13. Accessory Structures. Accessory structures, such as storage buildings, shall not exceed one story or fifteen 15 feet in height, whichever is greater.

14. Storage Buildings. Storage buildings and structures may be provided adjacent to individual mobile homes to accommodate seasonal equipment, outdoor furniture, and other large or bulky possessions not normally stored within the mobile home unit. Such structures shall not be used as a living unit and shall not exceed two hundred fifty 250 square feet of space.

## C. Access, Traffic Circulation, and Parking

1. Internal Streets. Internal streets and walkways within the mobile home park shall be privately owned, built, and maintained, and shall be designed for safe and convenient access to all stands and parking spaces, and to facilities for common use of Mobile Home Park residents.

2. Internal Streets to Each Stand. An internal street shall be provided to each stand. The street shall be a minimum of 24 feet in width. The internal street shall be continuous and connect with other streets in the Mobile Home park or with public streets or shall be provided with a cul-de-sac having an outside roadway diameter of at least 100 feet, and a street property line diameter of at least 125 feet. No cul-de-sac shall exceed 500 feet in length.

3. Drives. All drives, including the private access to the site, shall be surfaced with a minimum of 4 inches of crushed aggregate.

4. Parking Lot. The common parking lot or guest parking lot shall be surfaced with a minimum of 4 inches of crushed aggregate.

5. Lot. Each mobile home lot shall be provided with two parking spaces thereon.

6. Guest Parking Space. A minimum of 1 guest parking space shall be maintained for every 3 mobile home lots for the purpose of guest parking. No mobile home lot shall be more than three 300 feet from such guest parking lot.

7. Internal Streets. Internal streets shall be maintained free of cracks, holes, and other hazards.

8. Street Intersections. Street intersections generally shall be at right angles for a distance of 75 feet from the point of intersection of the centerlines of intersecting streets; a right angle shall be maintained as nearly as possible with consideration for topography and the Mobile Home Park design. There shall be no intersections of streets at angles of less that 60 degrees.

9. Intersecting Streets form Jog. Where the centerlines of intersecting streets are offset to form a jog, the minimum distance between the centerlines of the offset intersecting streets shall be 100 feet.

10. Alignment and Grade of Streets Adapted to Topography. The alignment and grades of all internal streets shall be properly adapted to the topography of the Mobile Home Park and shall provide for safety of traffic and pedestrian movement, satisfactory surface and groundwater drainage, and the proper functioning of sanitary and storm sewer systems.

11. Access to Public Street. A Mobile Home Park shall have an entrance drive from a public street or highway and access to individual homes shall be from the internal roadway.

12. Entrance in Relation to Public Street Intersection. Mobile Home Park entrance drives shall not be located closer than 150 feet to intersections of public streets or highways. The entrance drive shall be at least 30 feet in width, except that the minimum width shall be at least 40 feet if the drive is divided by a landscaped median.

13. Right of Way for Public Street. Where a public street is planned, a 60 foot right-of-way shall be maintained.

## D. Common Recreational Open Area Standards

Mobile Home Parks shall comply with the standards below:

1. Common Recreational Open Area. A minimum of 300 square feet of recreational open space per mobile home unit shall be provided on portions of the Mobile Home Park site, which are free from hazards that are incompatible with the purposes of recreational areas. The common recreational open area shall be located so as to minimize hazards to users from traffic and drivers and shall be located so as to be conveniently accessible to all residents of the Mobile Home Park.

2. Permitted Uses. Common recreational open area shall not include drives, parking areas, storage areas, service areas, or areas required for setbacks, but may include playgrounds, swimming pools, tennis courts, pathways, and other outdoor recreation facilities.

3. **Location and Minimum Size.** The common recreational open area shall be provided in one or more locations within the Mobile Home Park, unless the individual lots meet the larger lot sizes as stated in this Section. The minimum size of each required common recreational open area, if applicable, shall be 5,000 square feet.

4. **Maintenance.** Maintenance of common recreational open area shall be the responsibility of the manager.

5. **Landscaping.** All common recreational open area and other common open area shall be landscaped.

### E. Landscaping Standards

1. **Setbacks and Landscaping.** Where a Mobile Home Park is contiguous to a public street, there shall be a minimum setback of 25 feet from the right-of-way line that shall be landscaped in accordance with the requirements of Div. 5.5.

2. **Landscape Area.** There shall be a landscape area of 10 feet along all other boundaries to be landscaped according to the requirements of Div. 5.5.

### F. Landscaping of Unpaved Areas

Unpaved areas between mobile homes shall be landscaped with lawns or other appropriate ground cover, and shall be maintained.

1. **Watering Systems.** Sprinklers, hose bibs, or other suitable types of watering systems shall be provided for all landscaped open spaces.

2. **Hose Bibs.** Each mobile home space shall be provided with hose bibs.

### G. Maintenance

Maintenance of all landscaping, except that on individual mobile home spaces, shall be the responsibility of the management in rental Mobile Home Parks.

### H. Water and Sewer Connections

If a proposed Mobile Home Park will generate over 2,000 gallons of wastewater per day, or require over 2,000 gallons of water per day, as determined by the Town Engineer, approval is required from the Wyoming Department of Environmental Quality. If the wastewater generated or water required will be less than 2,000 gallons per day, approval of the Town Engineer is required.

## 7.1.5. Floor Area Option (1/4/17, Ord. 1164)

[Section number reserved, standards only apply in County]

## 7.1.6. Complete Neighborhood Planned Residential Development (CN-PRD) (1/4/17, Ord. 1164)

[Section number reserved, standards only apply in County]

# Div. 7.2. Subdivision Standards

This Division contains the development standards required for subdivision, such as requirements for new roads, water and sewer infrastructure, utilities, parks, and other physical improvements necessary to safely serve newly subdivided property and minimize impacts on existing community services and infrastructure. See Sec. 8.5.3. for the procedure to subdivide property.

## 7.2.1. Subdivision Types Schedule (11/23/16, Ord. 1153)

The table below establishes the subdivision types allowed in each zone. The standards for all subdivisions and each subdivision type are established in this Division. The density and intensity requirements for each subdivision type are located in the standards for the zone, found in Article 2.-Article 4. The thresholds for permitting allowed subdivision are also established by zone.

| Town Character Zones - Subdivision Types | | | | | | |
|---|---|---|---|---|---|---|
| | Complete Neighborhood Zones | | | | Rural Area Zones | |
| | DC | CR-1 | CR-2 | OR | n/a | Stds |
| Land Division | P | P | P | P | -- | 7.2.3. |
| Condominium/Townhouse | P | P | P | P | -- | 7.2.4. |

Key: P = Development option allowed with appropriate permit
-- = Development option prohibited

| Town Legacy Zones - Subdivision Types | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Complete Neighborhood Zones | | | | | | | | | | | | | Rural Area Zones | Civic Zones | | |
| | TS | UC | UR | AC-ToJ | AR-ToJ | BP-R | BP-ToJ | BC-ToJ | RB | MHP-ToJ | NC-ToJ | NC-2 | S-ToJ | R-ToJ | P/SP-ToJ | P-ToJ | Stds |
| Land Division | P | P | P | P | P | P | P | P | P | -- | P | P | P | P | P | P | 7.2.3. |
| Condominium/ Townhouse | P | P | P | P | P | P | P | -- | P | -- | -- | P | P | -- | P | P | 7.2.4. |

Key: P = Development option allowed with appropriate permit -- = Development option prohibited

## 7.2.2. Standards Applicable to all Subdivision (1/1/15, Ord. 1074)

All subdivision shall comply with the following standards.

### A. Subdivision Improvements

#### 1. Developer Responsibility

The construction of the following improvements shall be the responsibility of the developer and shall be provided for in a Subdivision Improvements Agreement, which shall be approved with each plat. The Subdivision Improvements Agreement shall be provided in a manner which is consistent with adopted standards. No improvements shall be made until required plans, profiles, and specifications are submitted and approved for the following:

a. Roads, streets, alleys, sidewalks, and pathways, in accordance with the adopted standards;

b. Street signs and street lights;

c. Community wastewater treatment system or connection to an existing community wastewater treatment system, if proposed;

d. Community water supply, storage and distribution system or connection to an existing community water supply system, if proposed;

e. Water supply for firefighting purposes;

f. A storm drainage system and/or irrigation system, as required;

g. Utilities, such as telephone, cable TV, electric and gas services. All utilities shall be installed underground. Where applicable, utilities shall be in place prior to street or alley surfacing. Aboveground facilities necessary to serve underground facilities, other installation of peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk or feeder lines may be allowed;

h. Permanent reference monuments and monument boxes;

i. Park improvements to include parking, lawns, sprinkler/watering systems, and landscaping; and

j. Landscaping, screening, and parks improvements.

#### 2. Permits Required

No construction of required improvements shall commence until after approval of all required physical development permits.

#### 3. Installation

The time specified for the completion of the required improvements shall not exceed 12 months from the date the subdivision was approved or as specified in a phasing plan reviewed and approved by as part of the plat application.

4. Professional Engineer

   All improvements shall be designed by a professional engineer licensed to do such work in the State of Wyoming.

5. Oversize and Off-Site Improvements

   The Town Council may require installation and construction of utilities, pavement and other land improvements in excess of subdivision design needs, to assure adequate service to future development areas. Such oversize improvement requirements shall be determined by the Town Council. Such requirements shall be subject to the following standards:

   a. The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers or water lines that are necessitated by and are serving the proposed subdivision, as determined by the Town Engineer. The Town Engineer and subdivider shall mutually establish a proportionally distributed cost sharing arrangement that considers other persons who will benefit from such oversized improvements constructed to ultimately service the surrounding area.

   b. If streets or utilities are not available or adequate for services at the boundary of a proposed subdivision, the subdivider may be required to obtain necessary easements or rights-of-way and construct and pay for any extensions necessary to connect the proposed subdivision to adequate utility lines.

   c. Reimbursement for the installation of oversize improvements shall be effected only after such time as the Town accepts the subdivision improvements, a written requires for reimbursement is submitted to the Town by the subdivider, and the Town Council, acting on the advice and recommendation of the Town Engineer, authorizes the reimbursement.

6. Acceptance by Town

   a. Prior to Acceptance. The Town shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement has been formally accepted by the Town.

   b. Request for Acceptance. Upon completion of the improvements, the subdivider may request, in writing, their acceptance by the Town. This request shall be accompanied by proof that there are no outstanding judgments or liens against the land upon which the public improvements are located.

   c. Responsibility to Maintain. Upon acceptance by the Town, all responsibility for the improvements shall be assumed by the Town, except that the developer shall be subject to a one year warranty on the construction of the improvements from the time of acceptance by the Town.

d. **Final Inspection.** Upon receipt of a written request for acceptance from the subdivider, the Town Engineer will conduct a final inspection of the public improvements and will furnish a written list of any deficiencies noted. The Town Engineer will base the inspection on compliance with the approved construction plans, profiles and specifications, as required by the LDRs. Upon satisfactory completion of all construction in accordance with the approved plans, profiles, and specifications, as certified by a registered engineer in the State of Wyoming, and receipt of reproducible record drawings and satisfactory test results, the Town Engineer will notify the developer in writing of the Town's approval of the public improvements and schedule the request for acceptance for review by the Town Council.

e. **Record Drawings.** Prior to the acceptance of any completed improvements, record drawings and specifications for streets, water, sewer, drainage and other facilities must be submitted to the Town Engineer. The plans shall be submitted on 24 inches by 36 inches mylar and shall be accompanied by two sets of prints and computerized electronic media format deemed suitable by the Town Engineer. The plans shall show the detailed location of all utilities including service lines to lots. A permanent benchmark shall be described on each sheet.

   i. **Certification.** The following certification by the project engineer shall appear on the face of the record drawings:

      Records Plans Certificate

      These record plans were prepared under my direct supervision and control and are an accurate representation of the public improvements shown hereon as they were constructed. The improvements as installed conform to the requirements of the Wyoming Department of Environmental Quality, the Wyoming Department of Transportation, the Town of Jackson, and other applicable agencies. Where the improvements were constructed in a different manner, form, type, alignment, location, or material than as originally approved, they have been so noted.

      (Engineer's Signature)

      (Engineer's Name, Printed) Date

      Wyoming P.E. No.

f. **Notification of Acceptance.** Upon action of the Town Council to accept the improvements, the Town Engineer shall notify the subdivider in writing of the Town's acceptance.

## 7.2.3. Land Division Standards (1/1/15, Ord. 1074)

All divisions of land shall comply with the standards of this Section in addition to the standards applicable to all subdivision. Except that, condominium and townhouse subdivisions shall be subject to the standards of Sec. 7.2.4.

## 7.2.4. Condominium and Townhouse Subdivisions (1/1/15, Ord. 1074)

Condominium and townhouse subdivisions shall comply with the following standards in addition to the standards applicable to all subdivision.

### A. Final Plat Required.

Condominium and townhouse subdivisions shall require approval of a Subdivision Plat pursuant to Sec. 8.5.3.

### B. Building and Fire Code Applicability

Condominium and townhouse subdivisions may constitute a change of use under the currently adopted building and fire codes as well as these LDRs. The proposed condominiums or townhomes shall comply with the currently adopted building and fire codes.

1. Report on Building Required. To ensure compliance with the currently adopted building and fire codes, a written and graphic report shall be professionally prepared by an individual qualified by the County Town Building Official and submitted to the Building Official for review. The report shall identify any conditions of the existing structure(s) that do not conform to the currently adopted building and fire codes and the alterations to the structure(s) required to bring the structure(s) into compliance with the codes. A structural analysis of the existing building(s) shall not be required unless the Building Official determines the structural integrity of the building(s) is questionable under the authority granted to the Building Official by the currently adopted building and fire codes.

2. Necessary Building Upgrades. The County Town Building Official shall review the report, and structural analysis when required, and inspect the building(s) to determine any alterations to the building(s) necessary to comply with the currently adopted building and fire codes.

    a. Fire Sprinkler System. Condominium and townhouse subdivisions shall not require installation of a fire sprinkler system in the building(s) unless the subdivision includes significant alteration to the existing building(s) that require a fire sprinkler system pursuant to the currently adopted building and fire codes.

    b. Construction Plans. Construction plans to complete any required alterations shall be submitted to the County Town Building Official for review and approval, approval with conditions or denial.

## C. Tenant Notification

The owner proposing a condominium or townhouse subdivision shall, in writing, notify the current tenants of the units, provide the tenants the opportunity to purchase their unit, and provide a grace period to relocate.

1. Notice to Tenants. The owner of a proposed condominium or townhouse subdivision shall notify the current tenants, in writing, via certified and U.S. mail, of the plans to convert the development to condominiums or townhouses and provide the tenants the opportunity to purchase the unit they occupy. The tenants shall be given a minimum of 30 days to decide if they wish to purchase the unit they occupy. This written notice and 30 day decision period may run concurrently with applications for approval.

2. Grace Period to Relocate . If any tenant decides to not purchase the unit they occupy or does not respond, in writing, within 30 days to the offer to purchase their unit, the owner of the development shall provide a written notice to the tenant, via certified and U.S. Mail, to vacate the unit and provide a minimum of 60 days from receipt of said written notice to relocate.

## D. Site Compliance

Conformity of the physical development and use of a lot of record to be subdivided into townhouse or condominium lots will continue to be determined based on the boundary of the site to be subdivided, not the boundaries of the resultant townhouse lots or condominium units.

## E. Townhouse Subdivision

Townhouse subdivision is the subdivision of land around the base of a unit that is intended to separate ownership of the units in a development while still retaining the character of a single, integrated development. A Townhouse subdivision shall be exempt from the minimum lot size requirement if the following standards are met.

1. Common Element Interest Required. A lot of record may be subdivided into lots of less than the minimum lot size for the zone if each resultant lot retains an undivided interest in common elements of the lot of record.

2. Maximum Lot Size. A townhouse lot shall not exceed 125% of the area of footprint of the approved unit.

3. Building Official Review. The building official shall review and approve the proposed location of the townhouse lots.

# Div. 7.3. Open Space Standards

## 7.3.1. Purpose (1/1/15, Ord. 1074)

The purpose of this Division is to establish standards for open space that is required for approval of a physical development, use, development option or subdivision. This includes Planned Residential Development options that permit higher density in conjunction with greater amounts of open space. In return for higher density, a landowner must set aside open space that contributes to community goals as set forth in the Jackson/Teton County Comprehensive Plan.

## 7.3.2. Applicability (1/1/15, Ord. 1074)

This Division applies to all physical development, use, development options and subdivision for which an open space ratio (OSR) is specified or for which open space is otherwise required. All open space provided to satisfy an open space requirement shall comply with the standards of this Division. An Environmental Analysis shall be prepared pursuant to Sec. 8.2.2. to demonstrate compliance with this Division. If the open space proposed as part of an application subject to this Division does not meet the standards of this Division, the application associated with the proposed open space may be denied.

## 7.3.3. Configuration and Location of Required Open Space (1/1/15, Ord. 1074)

Open space required in return for higher density shall be configured and located to protect, or provide space for, the Areas of Public Benefit on the subject property. The following are the Areas of Public Benefit: 1) wildlife habitat and migration corridors; 2) scenic vistas and natural skylines; 3) natural waterbodies (rivers, streams, lakes, ponds), floodplains, and wetlands; 4) agricultural activities; 5) public pathways as depicted in the Pathways Master Plan – The Town of Jackson & Teton County, Wyoming, March 2007; and 6) public parks and accesses to public lands.

### A. Identifying the Areas of Public Benefit on the Subject Property

The following shall be used to identify the Areas of Public Benefit on the subject property:

1. Character Defining Features Maps;
2. Natural Resources Overlay and Scenic Resources Overlay;
3. 100-year floodplain as depicted on the Federal Emergency Management Agency maps;
4. Land Development Regulations:
    a. Natural resources as defined in Sec. 5.1.1.;
    b. Land used for bona fide agricultural activities;
    c. Priority 6 to Priority 10 habitats as described in 5.2.1.F.;

5. Environmental Analysis of the subject property;

6. Pathways Master Plan – The Town of Jackson & Teton County, Wyoming, March 2007; and

7. Maps and information on the existing conditions of the subject property.

## B. Order of Priority for Protecting the Areas of Public Benefit

1. Open space set-asides shall be configured and located to protect or provide Areas of Public Benefit in the following order of priority from "1" to "6" with "1" being the highest priority and "6" being the lowest priority.

   a. 1 - Wildlife habitat and migration corridors

   b. 2 - Scenic vistas and natural skylines

   c. 3 - Waterbodies (rivers, streams, lakes, ponds), floodplains, and wetlands

   d. 4 - Agricultural activities

   e. 5 - Public pathways as depicted in Pathways Master Plan – The Town of Jackson & Teton County, Wyoming, March 2007

   f. 6 - Public parks and accesses to public lands

2. When all Areas of Public Benefit have been protected, or there are no Areas of Public Benefit on the subject property, and an additional amount of open space is required, the additional required open space shall be configured and located to expand the protection of the Areas of Public Benefit, or expand an existing open space area. The Areas of Public Benefit or the existing open space could be on the subject property or on adjacent properties. The purpose of this standard is to maximize the benefit of open space, when there are no Areas of Public Benefit to be protected, by locating the open space in large, unfragmented areas.

## C. Map of Required Open Space and Areas of Public Benefit

The applicant shall submit a map that shows how the configuration and location of the required open space protects the Areas of Public Benefit, and shows how the Areas of Public Benefit are protected in priority order.

## D. Residential Lots of Record

Open space is permitted to include a portion of a residential lot of record provided it:

1. is not fenced apart from, or otherwise visually or functionally separated from, the required open space;

2. protects or provides Areas of Public Benefit as identified and prioritized in this Section; and,

3. complies with Sec. 7.3.4., Sec. 7.3.5. and Sec. 7.3.6.

### E. Noncontiguous Open Space

Required open space may be provided at a noncontiguous location, pursuant to 9.4.4.A.1., and provided that the open space meets the standards of this Division.

### F. Acreage in Rivers

Acreage within rivers shall not be eligible to satisfy required open space acreage.

## 7.3.4. Use of Open Space (1/1/15, Ord. 1074)

### A. Permitted Uses in Open Space

Required open space shall be restricted to uses consistent with the protection of the Areas of Public Benefit on the subject property.

> **EXAMPLE:** If the open space protects a designated wildlife habitat area, the uses and activities permitted on open space lands shall be consistent with protecting and maintaining the habitat value of the property. Uses of the required open space shall not reduce or diminish the Areas of Public Benefit being preserved by the required open space.

### B. Prohibited Uses in Open Space

Notwithstanding the permitted uses, areas devoted to building envelopes, parking areas, road and driveway easements, cut or fill slopes, or other permanently disturbed areas that are part of a development are prohibited in required open space, except for recreational uses. Also any commercial or industrial use, or physical development activity not related to bona fide agricultural uses, recreational uses, wildlife habitat improvement projects, or other uses permitted pursuant to 7.3.4.A. are prohibited in required open space.

### C. Separate from Exaction Requirements

Open space set aside in return for higher density, which provides public pathways or parks pursuant to this Division, shall not be credited toward land exactions required in Div. 7.5.

## 7.3.5. Physical Development Permitted in Open Space (1/1/15, Ord. 1074)

The following physical development may be permitted in open space if deemed consistent with the Areas of Public Benefit on the subject property:

A. Nonresidential structures, land disturbances, corrals, fencing, etc., for bona fide agricultural uses.

B. Outdoor recreation facilities, such as cross-country ski trails and pathways identified as implementing the Pathways Master Plan – The Town of Jackson & Teton County, Wyoming, March 2007.

C. In the S-ToJ, AR-ToJ, and AC-ToJ zones, structures and other land disturbing activities for active recreation facilities; however, evening or night facilities which require obtrusive lighting are prohibited.

D. Creation of ecologically functioning wetlands for wastewater and stormwater treatment.

E. Wildlife habitat improvements that are primarily enhancing existing wildlife habitat or are restoring existing, but degraded, habitat.

## 7.3.6. Record of Restriction (1/1/15, Ord. 1074)

Required open space shall be duly restricted, in perpetuity, by recorded instrument in a form acceptable to the County Attorney and the Board of County Commissioners. The instrument shall not be amended or varied without first obtaining approval by the Board of County Commissioners. Refer to a sample easement, which may be obtained from the Planning Department, for guidance. At minimum, the instrument shall contain the following:

A. A legal description of the property and its location;

B. The purpose of the restriction on the property;

C. Conveyance of rights to enforce the restrictions to an organization qualified and dedicated to preserving the values intended by the restrictions;

D. Specification of the uses and physical development permitted and prohibited on the property under restriction;

E. Enforcement procedures;

F. Documentation of the existing uses and condition of the property under restriction;

G. Specification that notice be given 15 days prior to any transfer of ownership, and that such notice be in a written form to the qualified organization holding the easement; and

H. A granting of the restrictions in perpetuity.

## 7.3.7. Ownership of Open Space (1/1/15, Ord. 1074)

An individual landowner, a homeowners association, or nonprofit organization may retain ownership of the required open space. Ownership does not affect the terms of the easement.

# Div. 7.4. Affordable Housing Standards

## 7.4.1. County Residential Affordable Housing Standards (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

## 7.4.2. Town Residential Affordable Housing Standards (1/4/17, Ord. 1164)

### A. Findings

The findings contained in this Section are abstracted from Appendix D, Jackson/Teton County Comprehensive Plan which is adopted by resolution of the Jackson Town Council and the Technical Analysis: Condominium Conversions (dated September, 2008). These documents are available at the office the Jackson Town Clerk.

1. **Social and Economic Diversity.** The social and economic diversity of Jackson and Teton County is heavily dependent upon a reasonable supply of affordable housing.

2. **Economic Well-Being.** The economic vitality and well-being of the community is dependent upon a reasonable supply of affordable housing. Persons employed in visitor services, as well as persons such as teachers, medical personnel, peace officers, and providers of financial and other professional services, which are vital to the community, are dependent upon the availability of affordable housing.

3. **Escalation of Housing Costs.** From 1986 to 2007, the median home price in Teton County rose from 354% to 1,448% of the county-wide median annual income.

4. **Primary Cause.** This home price escalation is primarily caused by land and housing prices which are rising in response to a vigorous demand for the ownership of “second homes” and vacation homes by persons who have lived and worked outside of the local community.

5. **Need for Regulatory Action.** The Affordable Housing Needs Assessment (Appendix D) of the Jackson/Teton County Comprehensive Plan) concludes that if a reasonable supply of housing in Teton County is to remain affordable, approximately 25% of new housing must be made available at prices which are affordable to the community’s citizens.

### B. Purpose

The purpose of this Division is to ensure that new residential development including condominium and townhouse subdivisions in Jackson and Teton County include a reasonable supply of affordable housing to meet the needs of the community’s citizens. This Division sets forth standards for affordable housing to be provided in conjunction with market rate residential development and condominium and

townhouse subdivisions. Where the provision of such housing is determined to be impractical, this Division will set forth standards for the conveyance of land or an in-lieu fee.

## C. Applicability

1. General. The standards of this Division apply to residential development options and uses unless exempted below.

2. General Obligation. It is the objective of the Town of Jackson to make measurable progress toward reducing the existing deficit of affordable housing that existed on the date of adoption (12/18/95) of this Division.

## D. Exemptions

The following residential development options and uses are exempted from the standards of this Division.

1. Redevelopment of Preexisting Uses. Redevelopment or remodeling of a use existing prior to December 18, 1995 is exempt from the requirements of this Division, provided no additional residential units are created by the redevelopment or remodeling activity. In the event new residential units are created, only the number of units that existed prior to the redevelopment or remodeling shall be exempt from the standards of this Division. For the purposes of this Subsection, conversion of an existing dwelling unit to a condominium or townhouse is a change in use, creates a new use that did not exist prior to the effective date of this Division and is not exempt from this Division.

2. Mobile Home Park. Development of a mobile home park is exempt from the standards of this Division, provided that during its review, the Jackson Town Council makes a finding that the units to be located within the development meet the purposes of this Division and, therefore, provision of added affordable housing as a consequence of the development is not required.

3. Development of Conventional Single-Family Unit on Previously Created Lot. The development of one conventional single-family unit on a legal lot of record created prior to December 18, 1995 is exempt from the requirements of this Division.

4. Development on Lot of record for Which Affordable Housing Standard Has Already Been Met. Development on any lot of record for which the affordable housing standard, pursuant to this Division, has already been met via provision of affordable housing, conveyance of land, or payment of fees-in-lieu, is exempt from the standards of this Division.

5. Employee Housing. Development of employee housing pursuant to Div. 6.3. of these LDRs is exempt from the standards of this Division.

6. Accessory Residential Unit. Development of an accessory residential unit is exempt from the standards of this Division.

7. Group Residential. Development of a dormitory or group home is exempt from the standards of this Division.

8. **Temporary Uses.** Development of a temporary use is exempt from the standards of this Division.

9. **Affordable Housing Development.** Residential developments that are designed and administered to meet the objectives of this Division, as determined by the Jackson Town Council. This may include projects developed or sponsored by non-profit organizations that are charged to promote affordable housing and projects for which agreements have been executed that provided affordable housing or land for said purpose.

10. **Subdivision.** The subdivision of a previously platted residential lot into no greater than two lots shall be exempt from the standards of this Division. Further, this exemption shall only be applied on a one-time basis.

11. **Live/Work Units.** Development of a live/work unit is exempt from the standards of this Division.

12. **Workforce Housing Floor Area Bonus.** A unit developed pursuant to Sec. 7.8.4.of these LDRs is exempt from the standards of this Division.

## E. Calculation of Affordable Housing Standards for Residential Development

The affordable housing standards for all residential development including condominium and townhouse subdivisions shall be as follows.

1. **Required Affordable Housing Percentage.** Residential development and condominium or townhouse subdivisions shall consist of at least a 1:4 ratio of affordable housing to free market housing, as determined by the following formula:

   The total number of proposed free market residential units (including units on noncontiguous lots of record), or the total number of rental units converted to condominiums or townhouses in a condominium or townhouse subdivision, whichever is applicable, multiplied by the applicable occupancy contained in the table below, shall equal the number of free market occupants of the development. The number of occupants of the required affordable housing units, shall be at least 25% of the number of free market occupants of the development. In instances where residential subdivisions are proposed without dwelling units, the applicant shall project the type of dwelling units. The Jackson Town Council shall approve the projected mix of dwelling units based on comparable developments in Teton County and the Town of Jackson as part of its review of a Housing Mitigation Plan.

| Number Of Persons Housed Per Unit | |
|---|---|
| Unit Type | Persons Housed Per Unit |
| Studio | 1.25 |
| One Bedroom | 1.75 |
| Two Bedroom | 2.25 |
| Three Bedroom | 3.00 |
| Four Bedroom | 3.75 |
| Five Bedroom | 4.50 |
| Each Additional Bedroom | 0.50 |
| Dormitory | 1.00 per 150 s.f. of net habitable area |

2. **Reduction in Percentage Requirement.** An applicant has the option of obtaining a reduction in the affordable housing by voluntarily restricting proposed units or lots so that they remain available over time to year-round residents who are employed in Teton County. Such units shall be known as "voluntary affordable housing units." The following formula shall be used to determine a reduced percentage requirement, if applicable. The units with sales prices that result in a reduction of the 25% affordable housing requirement must be restricted to occupancy by year-round residents who are employed full-time in Teton County, as set forth in the Jackson/Teton County Housing Rules and Regulations. The restriction shall be in a form acceptable to the Jackson/Teton County Affordable Housing Department. The reduced percentage requirement shall be calculated as follows:

$$\frac{P - AP \quad X \quad 0.25}{MH - AP} = \text{Percent Affordable Housing Standard* **}$$

Where

P = The price of an individual unit

AP = 3 x (1.2 x median income for Teton County)

MH = Median housing cost for Teton County

* The "Percent affordable housing standard" shall not exceed 25%.

** The formula shall apply only to prices between MH (median single family house price) and AP (affordable house price).

*** For residential developments in which no housing units are proposed, i.e., a subdivision of land only, "the price of the unit shall be 3 times the cost of the lot. For residential developments in which the price of individual lots or units varies, the formula shall be calculated for each unit; the resulting "Percent affordable housing standard" for all lots/units shall be averaged in order to obtain the reduced percentage standard for the development.

## F. Method for Providing Affordable Housing

Affordable housing standards may be met by one, or a combination of the following methods.

1. Production of New Units

a. General. An applicant shall develop or ensure the development of affordable housing units as part of the proposed development, unless it is demonstrated that the provision of affordable housing on the site is impractical or inequitable.

b. Not Required if Impractical or Inequitable. An applicant shall not be required to develop or ensure the development of affordable housing on site as part of a market rate development if it is demonstrated impractical or inequitable to do so.

i. Impractical. The development of affordable housing shall be considered impractical if it can be demonstrated that the number of units required is too small to create a viable project, or if the site location is deemed to be undesirable for affordable housing, or if it is considered more practical for the required units to be pooled with affordable housing units from other projects to create a more viable project off-site.

ii. Inequitable. The development of affordable housing shall be considered inequitable if it will result in the applicant bearing a disproportionate share of the cost of the affordable housing in relation to the need for affordable housing. In making this determination, the value of land at the proposed site shall be considered.

c. Alternative Compliance to On-Site Production of New Units. Should the applicant demonstrate that on-site development of affordable housing is impractical or inequitable, the applicant shall first be required to provide such housing off-site, as described in d.iv. and d.ii. Only if such off-site development is also proven to be impractical or inequitable shall purchase of existing housing stock, conveyance of land or payment of in-lieu fee be considered as alternative means of compliance.

d. Requirements for Affordable Units. Affordable housing units required by this Division shall meet the following requirements.

i. Sales and Occupancy Restrictions. Required affordable housing units shall be restricted to sales terms and occupancy limitations, and voluntary affordable housing units shall be restricted to occupancy requirements, both of which comply with the Jackson/Teton County Housing Rules and Regulations. The required and voluntary affordable housing units may be restricted to rental units, if it is determined they will address an affordable housing need. The restrictions shall be in a form acceptable to the Jackson/Teton County Housing Department and may include deed restrictions, rights of first refusal, and shared ownership of land and/or housing unit with an affordable housing agency.

ii. Affordable Housing Categories. The required affordable portion of each residential development shall provide housing units for persons in each of the three income categories described below, and in the percentage amounts stated herein. The housing units to be provided for persons in each income category shall be determined by the Jackson/Teton County Housing Department, in accordance with the housing unit types, minimum sizes and maximum prices described in the Jackson/Teton County Housing Rules and Regulations adopted herein by reference. Fractions in each category shall be combined to create a whole person when possible. Payment of an in-lieu fee shall be made for any remaining fraction of a person.

a). Category 1. No less than 1/3 of the persons required to be housed shall be provided with housing units affordable to low income households, unless a different proportion is recommended by the Jackson/Teton County Housing Department and approved by the Jackson Town Council.

b). Category 2. No less than 1/3 of the persons to be housed shall be provided with housing units affordable to moderate income households, unless a different proportion is recommended by the Jackson/Teton County Housing Department and approved by the Jackson Town Council.

c). Category 3. No more than 1/3 of the persons required to be housed shall be provided with housing units affordable to middle income households, unless a different proportion is recommended by the Jackson/Teton County Housing Department and approved by the Jackson Town Council.

iii. Voluntary Affordable Housing Units. The voluntary affordable housing unit portion of a residential development shall be restricted in terms of initial sales or rental prices and occupancy, as set forth in the Teton County Housing Office Affordable Housing Guidelines.

iv. Location

a). General. The affordable housing units shall be located on the same site as the free market portion of the development, unless all or a portion of the affordable units are approved, or required, to be located on another site within Teton County or the Town of Jackson.

b). Off-site location. Approval for an off-site location shall be made by the Jackson Town Council as part of the review of the Housing Mitigation Plan. Approval of an off-site location for the affordable housing units shall be based on the following criteria:

1). Proximity of the proposed off-site location to employment centers, commercial services, and infrastructure;

2). Compliance of the proposed off-site location with the Jackson/Teton County Comprehensive Plan and these LDRs. Impact of the affordable housing units on the ability of the site proposed for the residential development to properly function and the compatibility of affordable housing units with the character of surrounding lands.

3). The ability of the proposed off-site location to accommodate the dwelling units within the permitted maximum gross density.

4). The need to locate the units off-site to maintain general consistency in the value of the affordable housing subsidy with the typical value of subsidies provided by other developers.

v. Size and Materials Standards for Affordable Housing Units

a). Size limitations. Affordable housing units shall comply with the minimum size requirements established within the Teton County Housing Office Affordable Housing Guidelines, adopted herein by reference.

b). Materials. Affordable housing units shall be constructed with building materials having a compatible exterior style to other units in the development. Each affordable housing unit shall include, at a minimum, a fully equipped kitchen and bathroom, areas for living and sleeping and designated areas for storage. Units shall comply with all applicable standards of the current building codes and all other development codes adopted by the Town of Jackson.

vi. Timing of Occupancy. The affordable housing units shall be ready for occupancy no later than the date of the initial occupancy of the free market portion of the project, provided that the Jackson/Teton County Housing Department and developer have identified qualified buyers or renters, whichever is applicable. If the free market portion is to be developed in phases, the affordable housing units may be phased accordingly, provided that the Jackson/Teton County Housing Department and developer have identified qualified buyer or renters. If qualified buyers or renters have not been identified at a rate which keeps pace with the free market portion of the development, the provision of the affordable housing units may be delayed until such buyers or renters have been identified. The developer, with the support of the Jackson/Teton County Housing Department, shall make a good faith effort to market the required affordable housing units.

vii. Restricting Existing Housing Stock. When restricting existing housing stock is used to meet the affordable housing requirement such housing will be subject to the following additional standards:

a). Age. Existing housing stock more than 15 years old from the date of certificate of occupancy to the date of approval of the Housing Mitigation Plan, may be accepted by Town Council on a case-by-case basis subject to review and recommendation by the Town's Chief Building Official and Planning Director;

b). Inspection. Each unit shall be subject to inspection and approval by the Town's Chief Building Official for compliance with current building code standards for life and safety; and,

c). Housing Rules and Regulations. All units are subject to the Jackson/Teton County Housing Rules and Regulations regarding quality standards for existing housing units.

2. Conveyance of Land

a. General. If the provision of affordable units on site is found to be impractical or inequitable the Town may accept the conveyance of land in fee. Land accepted pursuant to this provision may only be used for the production of affordable housing. Such land may be on the same site as the market rate portion of the project, or may be in an alternate location suitable for affordable housing. The fair market value of the land conveyed shall be at least equal to the equivalent in-lieu fee, for all required affordable housing units not provided.

b. Establishment of Fair Market Value. Fair market value shall be established at the developer's expense by a licensed professional real estate appraiser acceptable to the Town of Jackson.

i. Preliminary Value. Fair market value shall be established on a preliminary basis at the time the housing mitigation plan is reviewed, pursuant to Subsection G.

ii. Final Value. Fair market value shall be confirmed at the time of subdivision plat approval for the free market portion of the development. For projects that do not require a plat, value shall be confirmed at the time of development plan approval.

iii. Value Net of Commission. Fair market value shall be net of any customary real estate commission for the sale of land.

c. Time of Conveyance. Land conveyance shall occur prior to the issuance of any building permit for the free market portion of the development.

d. Conditions of Approval. The Jackson Town Council may require, as a condition of approval, that land conveyed pursuant to this Section be fully developed and ready for construction, with roads, water supply, sewage disposal and other basic services in place. A soils report or other necessary environmental report may also be required, stipulating whether the land is suitable for the type of construction contemplated and identifying any special construction techniques which may prove necessary for its development.

e. Subsequent Conveyance Permitted. Land conveyed pursuant to this Section may be subsequently conveyed by the Town of Jackson subject to the following conditions:

i. Interest bearing account. All proceeds from the sale of the land shall be placed in an interest bearing trust fund.

ii. Authorized uses of proceeds. The proceeds from the sale, and any interest accrued, shall be used only for the purposes of planning for, subsidizing or developing affordable housing.

3. Payment of In-Lieu Fee

a. General. If the applicant has demonstrated that it is impractical or inequitable to provide affordable housing and it is determined that land within the proposed residential development is not appropriate for affordable housing pursuant to Subsection 2, Conveyance of Land, or if the applicant is required to provide less than one affordable housing unit, the applicant shall pay an in-lieu fee for the affordable housing units required by this Division. A fee schedule shall be set forth by resolution, and shall be reviewed and updated within 2 years of its original adoption, and at least every 2 years thereafter.

b. Time of Payment and Use of Funds. Payment of the in-lieu fee shall be made to the Town of Jackson prior to, and on a proportionate basis to, the issuance of any building permits for the free market portion of the development.

i. Interest Bearing Account. The Town of Jackson shall transfer the funds to an interest bearing trust fund.

ii. Authorized Uses of Fees. The funds, and any interest accrued, shall be used only for the purposes of planning for, subsidizing or developing affordable housing units.

c. Refund of Fees

i. Seven Year Limit. Fees collected pursuant to this Section may be returned to the then present owner of property for which a fee was paid, including any interest earned, if the fees have not been encumbered within 7 years from the date of payment, unless the Jackson Town Council shall have earmarked the funds for expenditure on a specific project, in which case the Council may extend the time period by up to 3 years.

ii. Sequence of Expenditures. Fees paid pursuant to this Section are deemed to be spent or encumbered in the sequence in which they were received.

iii. Written Request. To obtain the refund, the present owner must submit a written request to the Town Planning Director within one year following the end of the 7th year from the date payment was received.

iv. **Refunds for Expired Permits.** Any payment for a project for which a building permit has expired due to noncommencement of construction may be refunded provided a request for refund is submitted to the Town Planning Director within 3 months of the date of the expiration of the building permit. All requests shall be accompanied by proof that the applicant is the current owner of the property and a copy of the dated receipt issued for payment of the fee.

v. **Credit for Non-Refunded Payments.** Any payments made for a project which is not begun or completed for any reason, and for which a refund has not been requested shall be retained by the Town of Jackson and a credit shall be established. Such credit runs with the land, is not transferable to other property, and may only be used against future affordable housing obligations on the subject property. A record of such credit shall be maintained by the Town of Jackson.

## G. Housing Mitigation Plan

1. **Housing Mitigation Plan Required.** For all developments a housing mitigation plan shall be submitted.

   a. **Content.** The housing mitigation plan shall include the following items.

      i. **Requirement Calculations.** Calculations determining the affordable housing standard that indicate each step of the calculation, from projected market value of each unit or lot to the resulting number and type of affordable units required and voluntarily provided.

      ii. **Method.** The method by which housing is to be provided.

      iii. **Unit Descriptions.** A conceptual site plan and building floor plan (if applicable), illustrating the number of units proposed, their location, the number of bedrooms and size (s.f.) of each unit, the rental/sale mix of the development, and the categories to which each required affordable housing unit belongs. A tabulation of this information shall also be submitted.

      iv. **Units Developed.** If affordable housing units are proposed to be developed, the proposed restrictions that will be placed on the units to ensure long-term affordability.

      v. **Land Specifications.** If land is to be conveyed, the following information is required.

         a). **Location and Acreage.** The location and acreage of the land to be conveyed;

         b). **Appraisal.** An appraisal of the fair market value of the land, prepared by a licensed professional real estate appraiser; and

         c). **Additional Information.** If appropriate, any additional information necessary to determine the suitability of the land for development.

vi. **Fee Calculations.** If fees-in-lieu are proposed, the calculations for determining the required fee amounts shall be submitted.

b. **Procedure.** Review of the housing mitigation plan shall occur at the time of the initial review of the free market portion of the development plan or subdivision.

2. **Review Standards.** The Town may approve the housing mitigation plan if it complies with the standards of this Division, addresses the need for affordable housing, and is consistent with the Comprehensive Plan.

## H. Independent Calculation

1. **General.** An applicant may submit an independent calculation requesting modification to any or all of the following standards:

   a. **Occupants.** The number of occupants to be housed by a proposed development to be used in place of the occupant generation requirements in the table in 7.4.2.E.;

   b. **Housing Mix.** The mix of affordable housing to be provided by the development pursuant to F.1.d.ii.; or

   c. **Percent of Set Aside/In-Lieu Fee.** The amount of affordable housing required to be provided, and/or the in-lieu fee amount.

2. **Calculation Contents.** The independent calculation shall be supported by local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence supporting the proposed modification(s).

3. **Procedure and Standards.** The independent calculation shall be reviewed by the Jackson Town Council. If the materials and information supporting the calculation demonstrate by competent substantial evidence that there is a reasonable basis to modify the number of occupants to be housed, the housing mix, or the percent set aside for in-lieu fee, whichever is relevant, because of unique circumstances related to the proposed development, the Town Council may approve the independent calculation and make the appropriate modifications.

# Div. 7.5. Development Exaction Standards

## 7.5.1. Development Exactions (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

## 7.5.2. Park Exactions (1/1/15, Ord. 1074)

### A. Applicability

All residential subdivisions and re-subdivisions, including new condominiums and townhouse projects to be developed or constructed, and the conversion of existing dwelling units to a condominium or townhouse subdivision, which is the subject of an approved, recorded plat shall be required to dedicate lands for school and park development unless specifically exempted by other provisions of this Division.

Any subdivision, re-subdivision, or condominium or townhouse subdivision or development on land subject to a recorded plat for which exactions have been fully and properly paid pursuant to this Section shall not be subject to exactions, except for the incremental increase in the number of dwelling units, if any, over and above those permitted by the previous plat for which exactions were paid.

### B. Intent

The Town of Jackson has established a parks and recreation program to insure an ample supply of parks and recreation to satisfy the needs of residents and visitors. The program is intended to ensure:

1. An adequate supply of parks and recreation facilities to satisfy the demand for such facilities resulting from new residential development;
2. An adequate supply of open space to preserve and enhance the rural character of the County as a critical asset contributing to a high quality of life for residents and visitors;
3. Preservation of open space in certain areas to protect wildlife habitat, ranching, public lands and scenic road corridors;
4. Parks and recreation facilities and open space are dedicated on a schedule to coincide with the demand for such facilities and land generated by new residential development;
5. Land dedicated for parks/recreation/open space will remain committed to such uses and not be used for other purposes.

### C. Exemptions

The following developments are exempt from the requirements of this Division:

1. Boundary adjustments pursuant to Sec. 8.5.5.
2. Re-subdivisions of existing legally platted lots provided all of the following standards are met:

a. The replatted lots are restricted to single-family detached residential use only.

b. The replat consists only of reconfiguring or eliminating interior lot lines, with no additional land or building area added to the subdivision.

c. The replat results in no additional dwelling units or lots, and therefore, has no greater impact on park and school facilities than would the original plat.

## D. Parks/Recreation/Open Space Development Exaction Standards

1. **General.** Teton County/Jackson Parks and Recreation development exaction standards are based upon consideration of the Jackson/Teton County Comprehensive Plan and Pathways Master Plan – The Town of Jackson & Teton County, Wyoming, March 2007.

2. **Standards.** Prior to the recordation of a plat, a developer subdividing residential land shall dedicate to the Town of Jackson, platted land in a location selected by the Town Council in the ratio of 9 acres for every one 1,000 residents of a proposed subdivision (that is, the number of residents multiplied by 0.009 of an acre per resident). The number of residents attributable to a subdivision is calculated according to the schedule in the table below.

| Number of Persons Housed Per Unit | |
|---|---|
| Unit Type | Persons Housed Per Unit |
| Studio | 1.25 |
| One Bedroom | 1.75 |
| Two Bedroom | 2.25 |
| Three Bedroom | 3.00 |
| Four Bedroom | 3.75 |
| Five Bedroom | 4.50 |
| Each Additional Bedroom | 0.50 |
| Dormitory | 1.00 per 150 s.f. of net habitable area |

## E. Option for Independent Calculation of Dedication Standards

An applicant seeking approval for a residential development application may submit an independent calculation. If approved, the independent calculation will be utilized to calculate the required dedication.

1. **General.** An applicant may submit an independent calculation requesting modification to any or all of the following standards:

   a. **Occupants.** The number of occupants to be housed by a proposed development to be used in place of the occupant generation requirements of the table in 7.5.2.D. above; or

   b. **Percent of Set Aside/In-Lieu Fee.** The amount of land required to be dedicated, and/or the in-lieu fee amount.

2. Calculation Contents. The independent calculation shall be supported by local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence supporting the proposed modification(s).

3. Procedure and Standards. The independent calculation shall be reviewed by the Jackson Town Council. If the materials and information supporting the calculation demonstrate by competent substantial evidence that there is a reasonable basis to modify the number of occupants to be housed, the housing mix, or the percent set aside for in-lieu fee, whichever is relevant, because of unique circumstances related to the proposed development, the Town Council may approve the independent calculation and make the appropriate modifications.

## F. Cash-In-Lieu of Land Dedication

At the election of the Town Council, an applicant may satisfy his or her land dedication requirement by making a cash payment to the Town for an amount equal to the current market value of the land required for dedication.

1. Calculating Cash-In-Lieu Payment. The amount of the cash-in-lieu land dedication payment is calculated by multiplying the square footage of the area of land to be dedicated by the current market value per square foot of the land to be subdivided.

2. Calculating Land Value. Land value shall be market value at the time of the cash-in-lieu payment including site improvements such as streets, and utilities, but excluding residential dwelling units. Market value may be substantiated by a documented purchase price (of an arm's length transaction no more than two years old) or other mutually agreed upon recognized means, provided, however, assessed valuation shall not be relied upon as the basis of current market value. In the event, a developer and the Town fail to agree on market value, such value shall be established by a qualified real estate appraiser acceptable to both parties. The developer shall pay for the appraisal.

3. Timing of Cash-In-Lieu Payment. Payment shall be made to the Town of Jackson prior to recordation of the Final Plat.

4. Criteria to Select Method to Satisfy the Dedication Standards. The Town Council shall approve or deny a request from an applicant to pay cash-in-lieu of land dedication. The Town Council shall consider the following criteria in evaluating a request for a cash in lieu payment:

   a. Whether the development itself requires on-site parks/recreation/open space land on site; and

   b. Whether the Town has identified the applicant's proposed development site as being appropriate for parks/recreation/open space land.

## G. Fishing Easement Required

All subdivisions bordering on Flat Creek shall provide for a 10 foot fishing easement along the creek. Public access to the easement shall be required.

# 7.5.3. School Exactions (1/4/17, Ord. 1164)

## A. Applicability

1. All residential subdivisions and re-subdivisions, including new condominiums and townhouse projects to be developed or constructed, and the conversion of existing dwelling units to a condominium or townhouse subdivision, which is the subject of an approved, recorded plat, shall be required to dedicate lands for school and park development unless specifically exempted by other provisions of this Division.

2. Any subdivision, re-subdivision, or condominium or townhouse subdivision or development on land subject to a recorded plat for which exactions have been fully and properly paid pursuant to this Section shall not be subject to exactions, except for the incremental increase in the number of dwelling units, if any, over and above those permitted by the previous plat for which exactions were paid.

## B. Intent

The Teton County School District requires land for necessary school functions, which may include, but are not limited to, school buildings, support facilities, open space, and recreation areas and housing for employees and their families. The purpose of this Section is to ensure that as development occurs within the School District and school enrollment grows, the current level of service provided to students can be maintained. This is accomplished by the adoption of standards for new subdivisions to provide land, or cash-in-lieu thereof to the Town, for use by the School District. The standards are based on the number of students the development generates and the School District's current level of service standard for land area provided per student.

## C. Exemptions

The following developments are exempt from the requirements of this Division:

1. Boundary adjustments pursuant to Sec. 8.5.5.

2. Re-subdivisions of existing legally platted lots provided all of the following standards are met:

   a. The replatted lots are restricted to single-family detached residential use only.

   b. The replat consists only of reconfiguring or eliminating interior lot lines, with no additional land or building area added to the subdivision.

   c. The replat results in no additional dwelling units or lots, and therefore, has no greater impact on park and school facilities than would the original plat.

## D. Teton County School District Dedications and Payments

1. **General Formula.** Within the Teton County School District, required land dedications or fees-in-lieu of land dedications for school purposes shall be based on the following formula:

   Land area required per student x students generated per dwelling unit = land dedication standard

2. **Land Area Required Per Student.** In applying the general formula above, the following requirements for land area per student shall be used.

| Teton County School District Land Requirements Per Student | | |
|---|---|---|
| | Reasonable Capacity | Recommended Acreage |
| Elementary School | 650 | 15.5 |
| Middle School | 600 | 26.0 |
| High School | 800 | 38.0 |
| Totals | 1,950 | 79.5 |
| Total Acres/Student | | 0.04077 |
| Total SF/Student | | 1,776 |

3. **Student Generation Rates.** In applying the general formula above, the following requirements for land area per student shall be used.

| Teton County School District Student Generation Rates | |
|---|---|
| Single and Two-Family | 0.49 Student/Dwelling Unit |
| Multi-Family | 0.38 Student/Dwelling Unit |

4. **Land Dedication Requirements.** Applying the factors listed above results in the Teton County School District school land dedication requirements shown below.

| Teton County School District Land Dedication Requirements | |
|---|---|
| Single and Two-Family | 870 sf per unit or 0.020 acre |
| Multi-Family | 675 sf per unit or 0.015 acre |

5. **Cash-in-Lieu of Land Dedication.** At the discretion of the Town Council, a developer of residential housing may make a cash payment in lieu of dedicating land, or may make a cash payment in combination with a land dedication. The formula to determine the cash-in-lieu payment is as follows:

   Market value of land per acre x land dedication standard from Subsection 4 above x # of dwelling units = cash-in-lieu payment required.

## E. Option for Independent Calculation Of Dedication Standards

An applicant seeking approval for a residential development application may submit an independent calculation. If approved, the independent calculation will be utilized to calculate the required dedication.

1. **General.** An applicant may submit an independent calculation requesting modification to any or all of the following standards:

   a. **Occupants.** The number of occupants to be housed by a proposed development to be used in place of the occupant generation requirements;

b. Housing Type and Mix. The type and mix of housing to be provided by the development; or

c. Percent of Set Aside/in-Lieu Fee. The amount of land required to be dedicated, and/or the in-lieu fee amount.

2. Calculation Contents. The independent calculation shall be supported by local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence supporting the proposed modification(s).

3. Procedure and Standards. The independent calculation shall be reviewed by the Jackson Town Council. If the materials and information supporting the calculation demonstrate by competent substantial evidence that there is a reasonable basis to modify the number of occupants to be housed, the housing mix, or the percent set aside for in-lieu fee, whichever is relevant, because of unique circumstances related to the proposed development, the Town Council may approve the independent calculation and make the appropriate modifications.

## F. Procedures for Land Dedication

1. Land Dedication. Lands to be dedicated to the Town to fulfill the standards of this Section shall be identified on the development plan and shall be dedicated to the Town at the time of Plat approval.

2. Acceptance. Acceptance of the lands to be dedicated shall be at the discretion of the Town Council.

3. Criteria. Prior to acceptance, the Town Council shall consider the comments of the School District to determine whether the lands proposed to be dedicated are of adequate size and can be suitably developed for school purposes or whether the lands have the capability of being sold, with the proceeds being used for school purposes. The Town Council shall also consider the probable impacts on neighboring properties of the development of the land for school purposes. When the lands proposed to be dedicated are not adequate or suitable for school purposes and cannot feasibly be sold, the Town Council shall require a cash payment in-lieu of the land dedication.

## G. Cash-In-Lieu of Land Dedication

At the election of the Town Council, an applicant may satisfy his or her land dedication requirement by making a cash payment to the Town for an amount equal to the current market value of the land required for dedication.

1. Calculating Cash-in-Lieu Payment. The amount of the cash-in-lieu land dedication payment is calculated by multiplying the square footage of the area of land to be dedicated by the current market value per square foot of the land to be subdivided.

2. Calculating Land Value. Land value shall be market value at the time of the cash-in-lieu payment including site improvements such as streets, and utilities, but excluding residential dwelling units. Market value may be substantiated by

a documented purchase price (of an arm's length transaction no more than two years old) or other mutually agreed upon recognized means, provided, however, assessed valuation shall not be relied upon as the basis of current market value. In the event, a developer and the Town fail to agree on market value, such value shall be established by a qualified real estate appraiser acceptable to both parties. The developer shall pay for the appraisal.

3. Timing of Cash-In-Lieu Payment. Payment shall be made to the Town of Jackson prior to recordation of the Final Plat.

## H. Use of Land and Use of Funds

1. Land. All lands dedicated to the Town pursuant to this Section shall be held by the Town for the Teton County School District until such time as they shall be requested by the School District for school purposes.

    a. Maintenance. The School District shall be responsible for the maintenance of said lands in a reasonable manner while they are being held by the Town.

    b. Sale of Land. The Town may, at the request of the School District, sell lands that have been dedicated to the Town pursuant to this Section. The proceeds from the sale shall be transferred to the designated interest bearing account into which funds collected from payments in-lieu of school land dedications are transferred.

2. Funds. All funds collected pursuant to this Section shall be deposited in a designated interest bearing account.

    a. Town Shall Hold Funds. The Town shall hold the funds until such time as they shall be requested by the School District for the acquisition of land for school purposes, or for other capital outlays or growth-related planning functions for education purposes, at which time they shall be released to the School District.

3. Use of Land or Funds for Housing. If the School District decides that land or funds dedicated pursuant to this Section should be used for housing, then the School District shall place a deed restriction on those housing units, restricting their occupancy solely to employees of the applicable School District and their families. In the event the inventory of housing exceeds the applicable School District's needs, the School Board may allow occupancy of the units through the Jackson/Teton County Housing Department.

4. Periodic Review. In order to ensure that these land dedication standards are fair and represent the current level of service provided by the applicable School District, the formula and dedication schedule shall be reviewed by the Town, together with the School District, and amended as necessary.

# Div. 7.6. Transportation Facility Standards

## 7.6.1. Purpose (1/1/15, Ord. 1074)

The purpose of this Division is to control access to public roadways in a manner that maintains the safety, capacity, and function of the roadway and to provide standards for transportation facilities, including streets, alleys, access easements, and pathways.

## 7.6.2. Access to Roads, Streets and Highways (1/1/15, Ord. 1074)

Direct vehicular access to collector and arterial roads shall be limited to ensure that the congestion created by turning movements is reduced to a minimum. All development shall meet the following standards:

### A. Residential Uses

Lots of record for individual detached single-family units shall take direct access to or from local residential streets and may take direct access to a collector or arterial road only if no other access options exist, and only if the developer is unable to provide a street for access to a public or private local residential street, due to site limitations such as but not limited to topography and sight distances.

### B. Other Residential Development

Other residential development of higher density shall take direct access to collector or arterial streets to avoid infiltration of lower density neighborhoods where available.

### C. Nonresidential Uses

All nonresidential uses shall take primary access from a parking circulation aisle or drives designed to provide internal circulation within the development or for several lots of record.

1. **Direct Primary Access to Local Street.** Direct primary access to a local residential street is prohibited for nonresidential uses.

2. **Direct Primary Access to Arterial or Collector Road.** Nonresidential uses shall be permitted direct primary access to arterial or collector roads (except as provided in 7.6.2.D.)

### D. Access Limited to Collector and Arterial Road

At least 300 feet shall separate access points on collector and arterial roads with posted speeds 35 miles per hour (mph) or more.

## 7.6.3. Streets, Alleys, and Easements (1/1/15, Ord. 1074)

### A. Standards

The standards for right-of-way and street design are to be used in the design and construction of all new streets, and as guides in the improvement of the existing street system. It is recognized that standards cannot be developed which will apply

to all situations. In those instances where these standards are not applicable, the proposed design must be reviewed by the Town Engineer, and approved and accepted by the Town Council.

## B. Objectives

The purpose for presenting street development standards is to establish factors which shall be considered in the design process. The objectives presented are a mixture of proven criteria, specification standards, and performance experience bearing upon practical street design concerns. It should be clearly understood that a minimum standard defined to assure functional utility may not be adequate for some specific developments.

## C. General Standards

1. **Adequate Access.** Adequate vehicular, bicycle, and pedestrian access shall be provided to all lots of record.

2. **Minimize Through Traffic.** Local street system shall be designed to minimize through-traffic movements.

3. **Minimize Out-Of-The-Way Travel.** Street patterns shall minimize out-of-the-way vehicular travel.

4. **Logical and Comprehensible.** Street systems shall be logical and comprehensible, and systems of street names and house numbers shall be simple, consistent and understandable. All enumeration shall be in accordance with Chapter 8.28, House Numbering, of the Jackson Municipal Code.

5. **Not Detract from Efficiency.** Local circulation systems and land development patterns shall not detract from the efficiency of bordering major streets.

6. **Not Rely on Extensive Traffic Regulations.** Elements in the local circulation system shall not have to rely on extensive traffic regulations in order to function efficiently and safely.

7. **Consider Traffic Generators.** Traffic generators within residential areas shall be considered in the circulation pattern.

8. **Indicate Local Function.** Planning and construction of residential streets should clearly indicate their local function.

9. **Design for Relatively Low Volume.** The local street system shall be designed for a relatively uniform low volume of traffic.

10. **Design to Discourage Excessive Speed.** Local streets shall be designed to discourage excessive speeds.

11. **Minimize Conflicts.** Pedestrian-vehicular conflict points shall be minimized.

12. **Minimize Space Devoted to Streets.** A minimum amount of space shall be devoted to street uses.

13. Minimum Number of Intersections. There shall be a minimum number of intersections.

14. Practical Development Patterns. The arrangement of streets will permit economical and practical patterns, shapes and sizes of development sites.

15. Relation to Topography. Streets shall be related to topography from the standpoint of both economics and amenities.

16. Provision for Transit Service. Appropriate provisions for transit service within residential areas shall be established.

17. Street Layouts. Street layouts shall conform to adopted plans and policies. The developer shall not be permitted to reserve a strip of land for the purpose of controlling access to a street.

18. Alleys. Paved alleys in residential subdivisions may be permitted. Alleys or service areas shall be provided in commercial and industrial areas to provide access.

19. Easements. Easements shall be provided along lot lines as required for utilities and snow storage. Alleys that are available may be used as a substitute for some utility easements. Utility easements may be fenced, but shall be easily accessible by means of removable fence sections or gates. No permanent structures shall be erected on easements.

20. Dedicate Rights-of-Way. A developer shall be required to dedicate rights-of-way for public streets and easements that are needed to serve the area being developed. Existing roads in or adjoining the site being developed shall be dedicated to the minimum width required by the classification. Right-of-way and temporary dead-end streets shall be provided to provide access to adjacent lands and facilitate a smooth efficient circulation pattern.

## D. Provision for Extension of Roads

In all cases provisions shall be made for the extension of arterials and collectors as designated in the Comprehensive Plan. The street standards (typical sections) shown shall govern the development of designated streets in the Town.

## E. Engineering Evaluations

Decisions regarding street layout shall result from engineering evaluations of a variety of factors including topography, soil characteristics, geologic conditions, drainage patterns, potential storm runoff, length and character of streets, types and locations of contiguous land uses and purpose of individual streets. Neighborhood street layouts shall be designed to prevent, or discourage, the use of local streets as shortcuts for through traffic. To the extent feasible, the number of street intersections shall be minimized, and the overall length of streets should also be minimized. Major elements of the street system may be used to help define and buffer different land use areas enhancing their identity and cohesiveness.

## F. Access

1. **Connection to dedicated streets and pathways.** Except for courts and cul-de-sacs, streets and pathways shall connect with those already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided lots of record, or shall be a reasonable projection of streets in the nearest subdivision.

2. **Cul-de-sacs.** Local streets shall be so planned as to discourage their use by non-local traffic, but provisions must be made for adequate traffic circulation. Courts or cul-de-sacs will be permitted where topography, enhancing privacy or other conditions fit their use, so long as adequate traffic circulation is provided. Cul-de-sacs shall not be longer than 700 feet, and 500 in hillside and commercial subdivisions. A paved turnaround shall be provided at the closed end, with a radius of at least 50 feet to the inside edge of curb and gutter and a right-of-way radius of at least 65 feet, unless special provisions for snow storage are provided.

3. **Access Points.** Access points from subdivisions to major highways and arterial streets shall be limited in number, given special geometric design consideration, generally spaced 1,200 feet apart, and whenever possible located where other features are not competing for driver attention. Access points may require the construction of acceleration, deceleration and turning lanes to existing highways, or arterial streets, when warranted by expected future traffic volumes to the subject or related subdivision. Driveway entrances shall not be allowed on arterial or collector streets unless no other access option exists. Driveways shall not be located in less than 50 feet from the curb-line on a intersecting street. Driveway entrance dimensions and construction details shall be in accordance with the driveway standards.

## G. Right of Way

1. **Accommodate all Uses and Facilities.** Street right-of-way must be sufficient to accommodate vehicular traffic; bicycles; pedestrians; all public and other required utilities; snow storage; on-street parking where provided and in some cases, pathways, special storm-drainage facilities, or other special treatments such as medians or traffic channelization.

2. **Minimum Widths.** In accordance with the street standards for all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets, alleys or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification listed in the table below, and shall be in accordance with the Comprehensive Plan.

| Right-of-Way Widths | | | |
|---|---|---|---|
| | Design Speed (mph) | Capacity Average Daily Traffic (ADT) | R.O.W. |
| Major Arterial (limited access) | 55 | 8,000 and up | 100’ |
| Minor arterial | 45 | 3,500 - 8,000 | 80’ |
| Collector | 35 | 1,500 - 3,500 | 66’ |
| Collector - Hillside | 30 | 1,500 - 3,500 | 60’ |
| Local | 25 | up to 1,500 | 60’ |
| Local - Hillside | 20 | up to 1,500 | 50’ |
| Cul-de-sac | 25 | up to 1,500 | 65’ radius |
| Alley | 15 | | 25’ |
| Pathway | | | 20’ |
| Pedestrian way | | | 6’ |

3. **Drainage Easement.** A drainage easement, in addition to the provided street right-of-way width, may be required where streets parallel streams or drainage areas.

4. **Drainage Easement Width.** The widths of such drainage easements shall be determined by the Town Engineer subject to an approved drainage plan.

## H. Pavement Widths and Thickness

1. **Widths.** Street widths shall be in accordance with the table below.

   a. **Alleys.** Alleys shall have a minimum pavement width of 20 feet.

   b. **Off-Street Pedestrian Ways.** Off-street pedestrian ways shall have minimum pavement width of 5 feet.

   c. **Turning, Acceleration, and Deceleration Lanes.** Street turn-lanes provided at intersections and acceleration/deceleration lanes shall be 10 feet wide.

   d. **Pathways.** Bicycle ways shall have a minimum pavement width of 8 feet. Where bicycles and pedestrian paths are combined, the minimum width is 10 feet.

   e. **Variations.** Variations in paving widths are given to provide flexibility, reduce costs and reduce pavement areas. However, consistency within a continuous right-of-way is required.

| Street Widths (feet) | | | | |
|---|---|---|---|---|
| | Paved Travel Way | Paved Parking Lane | Paved Shoulder (no pkg) | Graded Shoulder (no curb) |
| Major Arterial (limited access) | 24 | n/a | 8 | 2 |
| Minor arterial | 24 | n/a | 6 | 2 |
| Collector | 24 | 10 | 6 | 2 |
| Collector - Hillside | 22 | 9 | 4 | 2 |
| Local | 20 | 9 | 2 | 2 |
| Local - Hillside | 20 | 9 | 2 | 2 |
| Cul-de-sac | 50 radius | n/a | n/a | n/a |

2. **Parking Lane Required.** A parking lane is required on each side of the travel way on collector and local streets. When a variance to remove a parking lane is granted by the Town Council, the paved shoulder width shall apply.

3. **Design By Registered Engineer.** The street structural section shall be designed by a registered engineer based on the physical characteristics of the soils upon which the street is to be constructed and the projected future traffic volumes for the street.

## I. Urban and Rural Classifications

The primary visual differences between urban and rural are vertical curb-and-gutter and pedestrian ways. Vertical curb-and-gutter in conformance with these standards shall be provided where the density level exceeds 4 units per acre (high). In density levels between 2 and 4 units per acre (medium), both urban and rural sections are allowed. Curb-and-gutter shall be used as described below and where intersections of roads generally in the development are closer than 500 feet apart. In densities less than two 2 units per acre (low), it shall be provided where it is determined necessary to: protect pedestrians; protect children at play; define the roadway in unusual higher traffic areas than surrounding development suggests; define and control traffic at intersections; controlled access is desired; provide for better storm drainage solutions in level terrain or poor soil/erosion conditions.

## J. Horizontal Alignment

1. **Relate to Natural Contours.** Both horizontal and vertical street alignment should relate to the natural contours of the site insofar as is practical while being consistent with safe geometric design.

2. **AASHTO Policy.** Arterial streets shall be designed in accordance with AASHTO "A Policy on Geometric Design of Highways and Streets," AASHTO, 1990, as it may be amended and updated from time to time.

3. **Radius Curve.** Collector and local street curves shall be designed with as large a radius curve as feasible, with the radius controls shown in the table below.

4. **Switchbacks.** Where topography is such that it is necessary to include "switchbacks" in the local street layout, the minimum radius may be reduced to 50 feet, provided that the street grade is not greater than 4% through the switchback and for a distance of 100 feet each way from the point of tangency.

5. **Commercial and Industrial Areas.** Street alignment in commercial and industrial areas shall be commensurate with the topography but shall be as direct as possible. Alignment in residential areas shall fit closely the existing topography to the extent possible without reducing the safety of the facility.

| Minimum Curve Radius and Tangent Lengths | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Design speed (mph) | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 | 55 |
| Minimum centerline radius (ft) | 60 | 100 | 175 | 250 | 275 | 550 | 700 | 850 | 1200 |
| Minimum tangent length between points of tangency | 50 | 75 | 100 | 150 | 200 | 250 | 250 | 250 | 250 |
| *15 and 20 mph curves restricted to hillside conditions. | | | | | | | | | |

## K. Vertical Alignment

1. **Natural Topography.** Vertical street alignments shall relate to the natural topography insofar as is practical so as to minimize the need for cuts or fills while being consistent with safe geometric design.

2. **AASHTO Policy.** Arterial streets shall be designed in accordance with AASHTO "A Policy on Geometric Design of Highways and Streets," AASHTO, 1990, as updated from time to time.

3. **Minimum Sight Distance.** All changes in street grade shall be connected by vertical curves of such length to provide for the minimum stopping sight distances noted in the table below.

| Minimum Sight Distances | | |
|---|---|---|
| | Terrain Class | |
| Street Classification | Level | Hillside |
| Arterials | 350' | 300' |
| Collectors | 250' | 150' |
| Locals | 200' | 110' |
| Marginal access | 250' | 150' |

## L. Grades

1. **Maximum Street Grades.** The table below outlines the maximum street grades for arterial, collector, and minor streets.

| Maximum Street Grades | | |
|---|---|---|
| | Normal | Hillside |
| Arterial | 6% | N/A |
| Collector/Marginal Access | 7% | 7% |
| Local | 8% (6% in commercial and industrial areas) | 8% (sustained) |

2. **Minimum Grade.** In order to provide for proper drainage, the minimum grade to be used for streets with paved gutters shall be a minimum of 0.5 of a percent. Where grades of 4% or steeper are necessary, the drainage design may become critical. On such grades, if curb and gutter is not used, an analysis of soil erosion in ditches or swales shall be performed and the mitigation of erosion provided.

3. **Crown.** All pavements on local or collector streets shall have a normal crown with a typical cross-slope of 0.015 foot per foot. Pavement cross-slope on local or collector streets at intersections or in special cases shall not exceed 0.03 foot per foot.

4. **Cut or Fill Slope.** Finished cut or fill slope shall be no steeper than 2 foot horizontal to 1 foot vertical (2:1) unless stabilized with structural support. Cut or fill slopes for roads shall not exceed 15 feet in height unless approved by the Town Engineer and said slopes have been designed considering soils properties. Fill slopes shall not be located on natural slopes 2 foot horizontal to 1 foot vertical (2:1) or steeper.

5. **Tops and Toes of Cut-and-Fill Slopes.** Tops and toes of cut-and-fill slopes shall be set back from site boundaries a distance of 5 feet plus one-half of the vertical height of the cut or fill slope, but not more than a horizontal distance of 15 feet shall be required. Tops and toes of cut-and-fill slopes shall be set back from structures a distance of 6 feet plus one-fifth the height of the cut or fill.

6. **Relation to Base of Slope.** On roads, fill slopes shall not be located where the base of the slope is within 15 feet horizontally of the top of an existing or planned cut slope, except at road switchbacks.

## M. Intersections

1. **Intersect at Right Angles.** Streets shall be laid out so as to intersect at right angles. Where topography or other site conditions justify variations, a minimum angle of intersection of two local streets shall be 70 degrees, and a minimum angle of intersection involving an arterial or collector street shall be 80 degrees.

2. **Safe Sight Distances.** Safe sight distances at all intersections shall be assured. Intersections including median openings shall be designed with adequate corner sight distance and the area kept free of obstacles. “Corner sight

distance" is defined as measured from a point on the minor road at least 15 feet from the edge of the major road pavement and measured from a height of eye of 3.75 feet on the minor road to a height of object of 4.5 feet on the major road. The intersection sight distance shall be as shown in the table in 7.6.3.K.

3. Sight Obstruction. In addition to the corner sight distance requirement, no fence, wall, entrance, hedge, shrub planting, tree or other sight obstruction above 2.5 feet above the pavement elevation shall be located within the triangular area formed by curb-lines and a line connecting them at points 30 feet from their point of intersection in residential zones and 15 feet in commercial zones.

4. Streets Entering at Opposite Sides. Streets entering the opposite sides of a street shall either be directly across from each other or offset by at least 125 feet from centerline to centerline.

5. Gradient. The gradient within 100 feet of an intersection shall not exceed 5% and shall be as flat as reasonably possible.

6. Curb Corner Radii. Curb corner radii at all intersections shall be a minimum of 15 feet, and ramps complying with the American Disabilities Act shall be provided at each corner.

7. Allow for Traffic Signal Installation. Intersections which include collector or arterial streets shall be designed to allow for future traffic-signal installation. Geometry and all other details of these intersections shall be as approved by the Town Engineer.

8. Pedestrian Crossings. Intersections shall provide for safe, visible, and functional pedestrian crossings.

## 7.6.4. Street and Road Standards (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

## 7.6.5. Easements and Right-of-Way Dedication (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

## 7.6.6. Clear View of Intersecting Streets (1/1/15, Ord. 1074)

[Section number reserved, standards only apply in County]

# Div. 7.7. Required Utilities

## 7.7.1. Purpose (1/1/15, Ord. 1074)

The design, layout and construction of utilities shall conform with the standards of this Division. The standards for design, construction, specifications, and inspection of improvements, as prescribed in this Division, shall be in addition to the standards established by other Town Departments.

## 7.7.2. Potable Water Supply (1/1/15, Ord. 1074)

### A. State Regulations

All potable water distribution systems shall comply with the Water Quality Rules and Regulations, Chapter XII, "Design and Construction Standards for Public Water Supplies," of the Wyoming Department of Environmental Quality, as adopted and filed with the Secretary of State, May 24, 1985, as may be updated from time to time.

### B. Public Distribution System Required

A public distribution system as an extension of the system maintained by the Town, and individual water meters per building ownership, shall be required in all developments. Separate water districts will not be allowed.

### C. Construction to Meet State Standards

Water system construction shall be in conformance with the Wyoming Public Works Standard Specifications-1993, as amended. Construction materials shall be approved by the Town Engineer.

### D. Connection to Mains

Water lines, where required, shall be designed to connect each lot of record with mains in accordance with applicable engineering standards.

### E. Provision for System Expansion

Appropriate extensions and appurtenances shall be provided for system expansion into adjacent areas. The Town may elect to participate in certain over-sizing to achieve overall system improvements. The Town may require over-sizing and system improvements to insure adequate service within the development and impacted areas.

### F. Extension Approval

Water main extensions shall be approved by the State of Wyoming Department of Environmental Quality and the Town.

### G. Fire Protection

Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located in residential areas so that 1 fire hydrant is available within 300 feet of every structure and 2 are available within 500 feet of every structure. For commercial, high-density

residential and industrial uses, the number and location will be required by the ISO analysis and shall be approved by the Jackson/Teton County Fire Department. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat. Fire hydrants shall be placed on a 6 inch looped pipe minimum with the ultimate pipe size sized to accommodate anticipated fire flows.

## 7.7.3. Sanitary Sewer Systems (1/1/15, Ord. 1074)

### A. Public System Required

A public sanitary sewer collection system connected to the Town sewerage system shall be required.

### B. State Regulations

All sewerage facilities shall comply with the Water Quality Rules and Regulations, Chapter XI, "Design and Construction Standards for Sewerage Systems, Treatment Works, Disposal Systems, or Other Facilities Capable of Causing or Contributing to Pollution and Mobile Home Park and Campground Sewerage and Public Water Supply Distribution Systems," of the Wyoming Department of Environmental Quality, as adopted and filed with the Secretary of State on May 11, 1984, as updated from time to time.

### C. Construction to Meet State Standards

Sewer system construction shall be in conformance with Wyoming Public Works Standard Specifications-1993, as amended. Materials of construction shall be approved by the Town Engineer.

### D. Maximum Allowable Infiltration

Maximum allowable infiltration in sewer mains and services, including manholes, connected to the Town sewerage system is 50 gallons per day per inch diameter per mile of pipe.

### E. Provision for System Expansion

Appropriate extensions and appurtenances shall be provided for system expansion into adjacent areas. The Town may elect to participate in certain over-sizing to achieve overall system improvements. The Town may require over-sizing and system improvements to insure adequate service within the development and impacted areas.

## 7.7.4. Irrigation Systems and Design (1/1/15, Ord. 1074)

### A. Surface Water Rights

If there are surface water rights appurtenant to the lands to be subdivided, the developer shall provide evidence that the requirements of Section 18-5-306(a)(12), Wyoming Statutes, 1977, as amended will be complied with.

## B. Irrigation Water

If irrigation water is to be made available in a development, it shall be the responsibility of the developer to install an approved delivery system. Such a system shall meet minimum delivery requirements for the development and shall encompass the control of wastewater, drainage water and surface water resulting from irrigation, and protect and deliver the water rights of others using the same water source. The irrigation delivery system shall be approved by the State Engineer.

## C. Restriction of Methods

The Town may restrict the methods of irrigation to be employed in order to prevent an artificial and detrimental rise of the groundwater table under the subdivided land or adjacent lands.

1. General. Physical Development shall be setback 15 feet from the edge of all irrigation ditches; notwithstanding, adequate access for maintenance of the ditch shall be provided to the entity organized to maintain the ditch or to all the water rights owners on the ditch.

2. Variation. This setback may be varied by the Planning Director when there is demonstrated evidence provided that:

    a. it will not adversely impact the water quality in the irrigation ditch or irrigation system within which the irrigation ditch is a part;

    b. it will not cause any change in the hydrology of neighboring lands;

    c. it will not cause safety problems for those persons using the proposed development;

    d. written permission is obtained from the entity organized to maintain the ditch or from at least 50% of the water rights owners on the ditch; and

    e. the requirements of all State Statutes applicable to irrigation ditches are satisfied.

3. Note on Development Plan/Subdivision Plat. Required setbacks from ditches shall be noted on all Development Plans and/or Subdivision Plats.

## D. Irrigation Ditch Alteration

The following standards apply for any alteration of an irrigation ditch. This includes moving the irrigation ditch, enclosing the irrigation ditch, or causing any other change in the characteristics of the irrigation ditch.

1. Permission of Other Water Rights Owners. Written permission shall be obtained from the entity organized by the water rights owners to maintain the ditch or from at least 50% of the water rights owners on the ditch.

2. Restriction of Methods. The Town may restrict the methods of irrigation to be employed in order to prevent an artificial and detrimental rise of the groundwater table under the subdivided land or adjacent lands.

3. **Setback from Edge of Open Ditches.** A 15 foot setback shall be maintained from the edge of all open ditches.

## 7.7.5. Other Utilities (1/1/15, Ord. 1074)

### A. Buried Utilities Required

All utilities shall be installed underground.

### B. Easements

Where utilities are not provided within a dedicated road right-of-way, easements of not less than 30 feet shall be provided for accommodating water lines, sanitary sewers and stormwater drainage. Minimum width of easements for power lines, telephone lines, and other utilities shall be 15 feet.

## 7.7.6. Fuel Storage Tanks (1/1/15, Ord. 1074)

All fuel storage tanks for private residential use, except for LP (liquid petroleum) gas and kerosene, shall be underground. All fuel tanks shall meet setbacks for accessory structures in the applicable zone, and no fuel may be buried within 50 feet from any stream, excluding irrigation ditches.

# Div. 7.8. Workforce Housing Incentive Program

## 7.8.1. Intent (11/23/16, Ord. 1153)

This Division establishes incentives for the development of workforce housing. Because not every landowner will use the incentives, this Division manages growth by limiting the actual (rather than a projected) use of the incentives. Section 7.8.2. establishes the limit on the cumulative use of the incentives over time, and the following Sections establish specific incentives.

## 7.8.2. Cumulative Limit on Incentives (11/23/16, Ord. 1153)

Use of an incentive in this Division is prohibited if the application would increase the amount of residential development allowed in the Town and County above the amount allowed and planned for since 1994.

A. The amount of residential development allowed in the Town and County is reported annually as Indicator 1 of the Jackson/Teton County Comprehensive Plan Indicator Report. Past Indicator Reports can be found at www.jacksontetonplan.com.

B. A residential unit shall be added to the amount of residential development allowed in the Town and County upon its initial approval using an incentive in this Division.

C. A residential unit approved using an incentive in this Division shall be subtracted from the amount of residential development allowed in the Town and County upon expiration, revocation, or extinguishment of the approval.

**EXAMPLE:** A project proposing 4 residential units through use of the Workforce Housing Floor Area Bonus (Sec. 7.8.4.) receives Sketch Plan approval in 2016. The 2017 Indicator Report would report an increase of 4 residential units as a result of the project. If by 2018 the units are not built and the Sketch Plan approval has expired, the 2019 Indicator Report would report a decrease of 4 residential units as a result of the project expiration. The cumulative effect of the increase reported in the 2017 and decrease reported in the 2019 would reflect that no incentive units have been built on the site.

## 7.8.3. Deed Restricted Housing Exemption (1/4/17, Ord. 1164)

### A. Intent

Deed restricted housing is required by Div. 6.3., Div. 7.4. and other standards of these LDRs. A landowner may also voluntarily deed restrict housing. In order to encourage incorporation of required and voluntary deed restricted housing into development, deed restricted housing is exempt from certain LDRs.

### B. Applicability

The exemptions of this section shall apply to the following floor area.

1. **Required Restricted Housing.** Floor area in a residential unit that is required to be restricted in order to comply with Div. 6.3.., Div. 7.4.., or another standard of these LDRs.

2. **Voluntary Restricted Housing.** Floor area in a residential unit that is subject to an affordable, employee, employment-based, or rental workforce deed restriction, acceptable to the Jackson/Teton County Housing Department, which is recorded with the County Clerk, that is not required by Div. 6.3., Div. 7.4., or another standard of these LDRs.

### C. Exemptions

Floor area meeting the applicability standards of this Section is exempt from calculation of the following standards, but is still subject to all other applicable standards of these LDRs.

1. Maximum Floor Area Ratio (FAR)

2. Thresholds for physical development permits

3. Affordable housing required by Div. 7.4.

4. Limit on 20% expansion of a nonconforming physical development

## 7.8.4. Workforce Housing Floor Area Bonus (1/4/17, Ord. 1164)

### A. Intent

In most cases, the volume of building allowed by the minimum setbacks and maximum height exceeds the volume of building allowed by the FAR of a property. The purpose of the workforce housing floor area bonus is to encourage development, especially by the private sector, of additional deed restricted housing in that excess volume by allowing additional unrestricted floor area.

### B. Applicability

The exemptions of this Section shall apply to both the deed restricted and unrestricted floor area approved pursuant to this Section.

1. **Maximum Amount of Unrestricted Housing.** The maximum amount of unrestricted floor area that can be approved pursuant to this Section is limited by the amount of restricted floor area provided pursuant to this Section, as tabulated below.

| Maximum Exempt Unrestricted Floor Area per Voluntarily Restricted Floor Area | |
|---|---|
| Zone | Unrestricted Floor Area : Restricted Floor Area |
| DC | 2:1 |
| CR-1 | 2:1 |
| CR-2 | 2:1 |
| OR | 2:1 |

2. **Restricted Housing.** The restricted floor area provided pursuant to this Section shall be subject to an affordable, employee, employment-based, or rental workforce deed restriction, acceptable to the Jackson/Teton County Housing Department, which is recorded with the County Clerk.

3. **Required Restrictions Do Not Apply.** Floor area that is required to be restricted in order to comply with Div. 6.3., Div. 7.4., or another s tandard of these LDRs shall not be included in the calculation of the maximum amount of unrestricted floor area allowed by this Section.

4. **Allowed Use.** Floor area approved pursuant to this Section shall only be used for one of the following uses:

   a. Attached Single Family Dwelling (6.1.4.C.); or

   b. Apartment (6.1.4.D.); or

   c. Dormitory (6.1.4.F.); or

   d. Group Home (6.1.4.G.).

## C. Exemptions

Floor area meeting the applicability standards of this Section is exempt from calculation of the following standards, but is still subject to all other applicable standards of these LDRs.

1. Maximum Floor Area Ratio (FAR)

2. Thresholds for physical development permits

3. Affordable housing required by Div. 7.4.

4. Limit on 20% expansion of a nonconforming physical development

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# Article 8. Administrative Procedures


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# Div. 8.1. General

## 8.1.1. Purpose and Intent (1/1/15, Ord. 1074)

The purpose of this Article is to establish uniform procedures for the administration of these LDRs. The general objectives to be achieved through these procedures are to:

A. Ensure compliance with the purpose and provisions of these LDRs;

B. Ensure equitable processing of all applications;

C. Protect the health, safety, and welfare of current and future residents of the community;

D. Ensure conformance and coordination of physical development, use, development options, and subdivision with the public improvement and other plans of the community;

E. Ensure well organized and uniform land records to facilitate the physical development, use, development options, and subdivision of land; and

F. Safeguard the interests of the public, landowners, and developers.

## 8.1.2. Organization of Procedures (1/1/15, Ord. 1074)

The administrative procedures in this article are grouped into three categories.

A. Common Procedural Standards (Div. 8.2.)

Division 8.2 establishes the generally applicable procedural standards utilized in the application review processes.

B. Specific Review Processes (Div. 8.3.-Div. 8.8.)

Divisions 8.3-8.8 establish the review processes for applications submitted pursuant to these LDRs. For each application the purpose, applicability, and findings for approval of the application are established. The steps of the review process for each application are also established in a flow chart that identifies the timing and standards that apply. The applications are organized into 6 groups.

1. Physical Development Permits (Div. 8.3.) These applications seek to permit the physical development allowed in Subsection B of each zone (Articles 2-4).
2. Use Permits (Div. 8.4.). These applications seek to permit the uses allowed in Subsection C of each zone (Article 2.-Article 4.).
3. Development Option and Subdivision Permits (Div. 8.5.). These applications seek to permit the development options and subdivision allowed in Subsection D of each zone (Article 2.-Article 4.).
4. Interpretations of the LDRs (Div. 8.6.). These applications seek to clarify the applicability of a provision of these LDRs or the compliance of a site with these LDRs.
5. Amendments to the LDRs (Div. 8.7.). These applications seek to amend the text of the LDRs, the Official Zoning Map, or both.
6. Relief from the LDRs (Div. 8.8.). These applications seek to relieve the applicant from a provision or interpretation of these LDRs.

### C. Enforcement Actions (Div. 8.9.)

Division 8.9 establishes the procedures and standards for enforcement of violations of these LDRs.

## 8.1.3. Additional Resources (1/1/15, Ord. 1074)

### A. Administrative Manual

The Planning Director is authorized to prepare an administrative manual to assist in the processing and review of applications and the administration of these LDRs. A copy shall be maintained on the Town website and in the Planning Department and made available for the public to review during normal business hours. The administrative manual may include:

1. A fee schedule adopted by resolution of the Town Council;
2. Application submittal requirements;
3. Additional details on application review procedures; and
4. Other similar details of LDR administration that implement these LDRs.

### B. Fee Schedule

A fee schedule shall be established and may be revised from time to time by the Town Council. The purpose of each fee in the fee schedule is to defray the costs of processing the application.

## 8.1.4. Informal Discussion (1/1/15, Ord. 1074)

Staff is available to answer questions about these LDRs. Discussion by staff is meant to assist in the facilitation of implementation of these LDRs, but is in no way binding on the Town.

## 8.1.5. Summary of Procedures (1/1/15, Ord. 1074)

The below table summarizes the review process for each application type. The full detail and requirements for each application process can be found in Div. 8.2.-Div. 8.7..

| Summary of Application Review Processes | | | | | |
|---|---|---|---|---|---|
| | Pre-Submittal | Submittal | Review | Decision | Post-Decision |
| **Physical Development Permits (Div. 8.3.)** | | | | | |
| Sketch Plan | PAP, EA*, Nmtg | X | Staff, PRC, DRC*, [PC] | [TC] | DP |
| Development Plan | PAP, EA*, Nmtg* | X | Staff, PRC, DRC*, [PC] | [TC] | BP, GP, S/D |
| Building Permit | PAP*, EA* | X | Staff, PRC*, DRC* | BO | |
| Grading Permit | PAP*, EA* | X | Staff, PRC* | Eng | |
| Sign Permit | | X | Staff, PRC* | PD | |
| **Use Permits (Div. 8.4.)** | | | | | |
| Basic Use Permit | EA* | X | Staff, PRC* | PD | |
| Conditional Use Permit | PAP, EA*, Nmtg* | X | Staff, PRC*, [PC] | [TC] | |
| Special Use Permit | PAP, EA*, Nmtg | X | Staff, PRC*, [PC] | [TC] | Yrly Rev. |
| **Development Option/Subdivision Permits (Div. 8.5.)** | | | | | |
| Development Option Plan | PAP, EA* | X | Staff, PRC* | PD | |
| Subdivision Plat | DP | X | Staff, PRC | [TC] | |
| Exempt Land Division | | X | Staff, PRC* | PD | |
| Boundary Adjustment | ZCV | X | Staff, PRC | PD or [TC] | |
| **Interpretations of the LDRs (Div. 8.6.)** | | | | | |
| Formal Interpretation | | X | Staff, PRC* | PD or Eng | |
| Zoning Compliance Verification | | X | Staff, PRC* | PD | |
| **Amendments to the LDRs (Div. 8.7.)** | | | | | |
| LDR Text Amendment | PAP*, Nmtg* | X | Staff, PRC*, [PC] | [TC] | |
| Zoning Map Amendment | PAP, Nmtg | X | Staff, PRC*, [PC] | [TC] | |
| Planned Unit Development | PAP, EA*, Nmtg | X | Staff, PRC, [PC] | [TC] | DP, BP, GP, S/D |
| **Relief from the LDRs (Div. 8.8.)** | | | | | |
| Administrative Adjustment | | X | Staff, PRC* | PD | |
| Variance | | X | Staff, PRC* | [BOA] | |
| Appeal of Administrative Decision | | X | HO* | [BOA] | |
| Beneficial Use Determination | | X | HO | [TC] | |
| **Enforcement (Div. 8.9.)** | | | | | |
| Revocation or Suspension of Permit | | X | | [TC] | |
| Abatement of Violation | | X | HO* | [TC] | |

X = required | * = Optional or Sometimes Required | [ ] = Public Hearing Required
PAP = Pre-application Conference | Nmtg = Neighborhood Meeting | EA = Environmental Analysis | DP = Development Plan
DRC = Design Review Committee | PRC = Plan Review Committee | PC = Planning Commission | HO = Hearing Officer
PD = Planning Director | Eng = Town Engineer | BO = Building Official | BOA = Board of Adjustment | TC = Town Council
BP = Building Permit | GP = Grading Permit | S/D = Subdivision Plat

# Div. 8.2. Common Procedural Standards

This Division establishes the review standards common to many of the processes established in this article. The applicability of these common procedures to specific processes is established in Div. 8.3.-Div. 8.9. These common procedures are organized in the same chronological manner in which they occur in the review process.

| | |
|---|---|
| Pre-Submittal | » Pre-application Conference (Sec. 8.2.1.)<br>» Environmental Analysis (Sec. 8.2.2.)<br>» Neighborhood Meeting (Sec. 8.2.3.) |
| Submittal | » Submittal (Sec. 8.2.4.)<br>» Determination of Sufficiency (Sec. 8.2.5.) |
| Review | » Staff Review and Recommendation (Sec. 8.2.6.)<br>» Planning Commission and Design Review Committee Recommendations (Sec. 8.2.7.) |
| Decision | » All Decisions (Sec. 8.2.8.)<br>» Planning Director and Town Engineer Decisions (Sec. 8.2.9.)<br>» Town Council and Board of Adjustment Decisions (Sec. 8.2.10.) |
| Post-Decision | » Performance Bonds and Guarantees (Sec. 8.2.11.)<br>» Permit Issuance (Sec. 8.2.12.)<br>» Amendment of Permits or Approvals (Sec. 8.2.13.) |
| General | » All Public Hearings (Sec. 8.2.14.) |

## PRE-SUBMITTAL

### 8.2.1. Pre-application Conference (1/1/15, Ord. 1074)

#### A. Purpose

The purpose of the pre-application conference is to identify the standards and procedures of these LDRs that would apply to a potential application prior to preparation of the final proposal and to identify the submittal requirements for the application. The intended outcome is that the applicant and the Town each understand the anticipated key issues to be evaluated in review of the proposal.

#### B. Applicability

See Div. 8.3.-Div. 8.8. for the processes that require a pre-application conference. A required pre-application conference shall be held with staff.

#### C. Optional Conferences

A pre-application conference may be requested for any application. For applications that require public hearing, an additional pre-application conference may be requested with the Design Review Committee, Planning Commission, or Town Council.

### D. Timing

A pre-application conference shall be held prior to the submittal of an application. A potential applicant shall initiate a request for a pre-application conference pursuant to Sec. 8.2.4. The pre-application conference shall be scheduled for a date acceptable to the requester that is within 60 days of receipt of the request.

### E. Conference Focus

At the pre-application conference, the applicant and representatives of the Town shall discuss the potential proposal to identify the standards and procedures that would apply to the proposal. Applicable LDR provisions not identified at the pre-application conference or amended following the pre-application conference are still applicable to the proposal. The level of detail of the Town's review will match the level of detail contained in the materials submitted with the request for the pre-application conference. The pre-application conference is intended as a means of facilitating the application review process; discussions at the meeting and the written summary of the meeting are not binding on the Town.

### F. Conference Summary

The pre-application conference requester shall be provided a written summary of the pre-application conference within 14 days of its completion.

### G. Expiration

A pre-application conference only satisfies a pre-application conference requirement if the application for which it is required is submitted within 12 months of the pre-application conference.

## 8.2.2. Environmental Analysis (EA) (1/4/17, Ord. 1165)

### A. Purpose

The purpose of an Environmental Analysis (EA) is to coordinate the application of all natural resource protection standards through identification of the natural resources on a site. An EA review does not result in application approval, it results in recommended natural resource protections for an application.

### B. Applicability

Unless exempted below, physical development, use, development options, and subdivision subject to Div. 5.1., Div. 5.2. or Sec. 7.1.2. shall complete an EA in accordance with the requirements of this Section.

#### 1. Exemptions

a. **Previous Approval.** Physical development, use, development options, and subdivision that has received approval in accordance with the LDRs.

b. **NC-ToJ.** All development located in the NC-ToJ zone, except new subdivision.

c. **Detached Single-Family Dwelling.** Physical development of a detached single-family dwelling if:

i. The proposed location is not within the NRO;

ii. It is the only dwelling unit on the lot of record, or the density on the site is less than or equal to one dwelling unit per 35 acres of base site area; and

iii. Compliance with all setback and buffer standards in Div. 5.1. and Div. 5.2. is demonstrated.

d. **Expansion.** Expansion of an existing building or the addition of an accessory structure within the impact area of the existing building.

e. **Conservation Easement.** Land subject to a conservation easement held by a formal land trust that has a mandate to protect conservation values, for which a rigorous review and study of the conservation values of the land has been performed as a basis for establishing the easement, if the applicant demonstrates that the review and study satisfies the objectives of the EA. In such instances the review and study completed for the conservation easement may be substituted for the EA.

f. **Other.** The Planning Director may waive the requirement for an EA if the development complies with the following:

i. The lot of record is outside the NRO and the application demonstrates compliance with all setback and buffer standards in Div. 5.1. and Div. 5.2.; or

ii. The lot of record is in the NRO but is also in an area that has well-documented habitat information where additional physical development, use, development options and subdivision is anticipated to have minimal additional negative impacts to animal species protected by Sec. 5.2.1. While an EA is not required for lands meeting this exemption, development on such lands shall still be subject to certain standards for development determined appropriate by the Planning Director or the Town Council.

## C. Professional Preparation

An EA shall be prepared by an environmental professional with expertise in the subject of environmental sciences based on education, professional certifications, experience in the field, and their understating of these LDRs, the Jackson/Teton County Comprehensive Plan, and the goals and objectives thereof.

## D. Substantial Changes

When changes are made to the proposal after the EA has been completed, so that the accuracy of the EA is significantly compromised, the Planning Director may require that the applicant provide updated analysis data to address the changes.

## E. Expiration

1. An EA that is completed 3 or more years before the submittal of the associated application shall not be considered current and shall not meet the requirements of this Section.

2. Notwithstanding the standard above, the Planning Director may require a wholly new or amended EA for EAs that are less than 3 years old if the standards or circumstances analyzed have been altered significantly.

3. The Planning Director may extend the expiration date of an EA beyond 3 years if:

   a. No significant development has occurred in the vicinity of the proposed development that would significantly alter wildlife patterns or habitat; and

   b. There have been no other significant changes that render the analysis and conclusions in the EA outdated or inaccurate.

## F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

## Environmental Analysis

| | | |
|---|---|---|
| EA PRE-APPLICATION CONFERENCE | Conference within 60 days of request; summary within 14 days of conference | 1. The EA consultant shall have an EA pre-application conference with staff. The purpose of the EA pre-application conference is to complete the EA checklist. It shall not take place until the applicant can accurately represent the scale, type and location of the proposed development. The meeting shall be conducted pursuant to Sec. 8.2.1. |
| HABITAT INVENTORY AND DEVELOPMENT IMPACT ASSESSMENT | | 2. The habitat inventory and development impact assessment composed of the information identified in the EA checklist shall be submitted by the EA consultant. It is only after the Habitat Inventory and Development Impact Assessment for the proposed development have been reviewed by staff that alternative site designs can be accurately identified. |
| ALTERNATIVES ANALYSIS MEETING | | 3. The EA consultant shall have an alternatives analysis meeting with staff. The purpose of the alternative analysis meeting is to identify alternative site designs to be analyzed in the EA. |
| SUBMITTAL | Within 12 months of completion of pre-application conference summary | 4. The EA consultant shall submit the full EA composed of the information identified in the EA checklist pursuant to Sec. 8.2.4. When required, a habitat enhancement plan shall be submitted and reviewed with the physical development, use, or development option permit application. In the case of a Sketch Plan review, the habitat enhancement plan shall be conceptual, with a completed habitat enhancement plan submitted with a later physical development permit. |
| SUFFICIENCY DETERMINATION | Within14 days of submittal | 5. Staff shall determine sufficiency of the EA submittal pursuant to Sec. 8.2.5. Once the EA is determined sufficient, the physical development, use, or development option permit application may be submitted. |
| STAFF REVIEW AND RECOMMENDATION | | 6. Staff shall review the EA and make a recommendation to the Planning Director pursuant to Sec. 8.2.6. |
| PLANNING DIRECTOR RECOMMENDATION | Sketch Plan: recommendation within 60 days of sufficiency<br>Other Permit: recommendation within 45 days of sufficiency | 7. Based on the data and analyses contained in the EA, the Planning Director shall recommend a site design from the analyzed alternatives that best meets the applicable standards and objectives of Div. 5.1., Div. 5.2. and the Jackson/Teton County Comprehensive Plan. This recommendation may combine elements from each of the alternative site designs. The Planning Director may also recommend conditions of approval for the project based on the content of the EA. |

NO

YES

## 8.2.3. Neighborhood Meeting (1/1/15, Ord. 1074)

### A. Purpose

The purpose of the neighborhood meeting is to inform neighbors and other interested parties about the layout and potential impacts of a physical development, use, development option, or subdivision that is to be proposed. It is equally intended to provide the applicant an opportunity to hear comments and concerns about the proposal early enough in the review process to allow for modifications to the proposal to minimize adverse impacts.

### B. Applicability

See Div. 8.3.-Div. 8.8. for the processes that require a neighborhood meeting. A neighborhood meeting is encouraged, but not required, before submittal of any other application that is subject to a public hearing, especially where significant impacts to the surrounding neighborhood are likely or where significant controversy is anticipated.

### C. Notice

Notice of the neighborhood meeting shall state the time and place of the meeting and general nature of the development proposal.

1. **Mailed Notice.** The applicant shall mail notice of the neighborhood meeting at least 10 days in advance of the meeting to the Planning Director and all persons to whom mailed notice of the public hearing on the application is required by Sec. 8.2.14.
2. **Posted Notice.** The applicant shall post and maintain notice of the neighborhood meeting on the land subject to the application. The posted notice shall meet the standards established in 8.2.14.C.

### D. Conduct of Meeting

1. **Time and Place.** The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the application.
2. **Conduct.** At the meeting, the applicant shall explain the proposal in sufficient detail to allow attendees to understand its general density, intensity, location, relationship to surrounding lands, appearance, and any other relevant issues. The applicant shall also listen to questions and concerns neighbors raise about the application.
3. **Staff Attendance.** Staff may attend the meeting for the purpose of advising attendees about applicable provisions of the LDRs and the Jackson/Teton County Comprehensive Plan, but shall not facilitate or become involved in discussions concerning the advantages or disadvantages of the development proposal.

# SUBMITTAL

## 8.2.4. Application Submittal (1/4/17, Ord. 1165)

### A. Authority to Submit

Unless expressly stated otherwise in these LDRs, applications reviewed under these LDRs shall be submitted by the owner, contract purchaser, or any other person having a recognized property interest in the land of the proposal.

1. The application may be submitted instead by a person authorized by a letter or document signed by the owner, contract purchaser, or other person having a recognized property interest in the land of the proposal.
2. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

### B. Application Acceptance

Applications required by these LDRs shall be submitted to the Planning Department in hard copy and elcetronically, as practicable, in a form provided by the Planning Department and shall be accompanied by:

1. The applicable fee required by the fee schedule maintained in the Administrative Manual; and
2. Sufficient information to determine compliance with these LDRs as determined pursuant to Sec. 8.2.5.

### C. Application Examination

Any person may examine an application and any submitted supporting or opposing materials and reviews at any time during normal business hours at the Planning Department, upon reasonable request. Copies of materials shall be made available upon reasonable notice, at cost.

### D. Application Consolidation

The application review process is intended to encourage efficient processing. Applicants are encouraged to consolidate the review of concurrent applications for a single site to the extent practical. Appropriate application consolidation will be established at the pre-application conference or by the Planning Director and may include the waiver of overlapping application requirements. The Planning Director may require application consolidation where the information from one application is necessary to review the compliance of another application.

### E. Revisions

If an application is modified after it is declared sufficient, updated digital and hard copies that identify the changes shall be submitted to the Planning Department along with a cover memo that explains all changes.

### F. Significant Modifications

If at any point during the review of an application the Planning Director deems that revisions to the application are significant enough to render previous reviews incomplete or obsolete, the Planning Director may declare that the revision is a resubmittal or a new application and declare the original application withdrawn. Such a declaration resets all review deadlines and processes, and the Planning Director may assess a new application fee.

### G. Nonresponsive

If at any point during the review of an application the applicant is nonresponsive to the requirements of the review process for 180 days, the application shall be considered withdrawn.

### H. Withdrawal

An applicant shall have the right to withdraw an application at any time prior to the decision on the application.

## 8.2.5. Determination of Sufficiency (10/7/15, Ord. 1095)

### A. Sufficiency Review

Within fourteen (14) days of the submittal of the hard copy of an application, staff shall determine if it is sufficient. A sufficient application is one that:

1. Includes the information and materials identified at the pre-application conference or in the application checklist established by the Planning Director in the Administrative Manual; and
2. Contains such information and materials in sufficient detail to determine compliance with these LDRs.

### B. Determined Insufficient

Upon determining an application is insufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) days, the application shall be considered withdrawn. If staff fails to notify the applicant of any deficiencies within fourteen (14) days of submittal of the application, the application shall be considered sufficient.

### C. Determined Sufficient

Upon determining an application is sufficient, staff shall notify the applicant and begin review of the application's compliance with these LDRs. Staff may request additional materials during review as needed to determine compliance with these LDRs.

### D. Sufficiency of Wireless Facility Conditional Use Permits

The Town of Jackson sufficiency determination and timelines are those set forth in the "Report and Order, FCC 14-153," as amended, and as may be interpreted by the FCC and/or courts of law in the future.

1. Within one hundred and fifty (150) days of the submittal of an application for a new tower or the submittal of an application to modify an existing tower and/or base station to a degree that substantially changes the structure(s), as substantial change is defined in 6.1.10.D., the Town will act on said application.

2. The Town will review the application for conformity with ordinances and completeness. An application is complete unless the Town notifies the applicant in writing, within thirty (30) calendar days of submission, of the specific information missing from the application that makes it incomplete. The one hundred and fifty (150) day time period is paused from the day the written notice is sent out until the day an applicant response is received by the Town. The one hundred and fifty (150) day time period then begins from the day it was paused.

3. The one hundred and fifty (150) day time period may be paused again only if the information remains missing after the applicant responded to the Town s original incompleteness notification and the Town so notifies the applicant within ten (10) days of receiving the applicant's response. The one hundred and fifty (150) day time period is paused from the day the written notice is sent out until the day an applicant response is received by the Town. The one hundred and fifty (150) day time period then begins from the day it was paused.

4. The Town will make a final decision to approve or disapprove the application within one hundred and fifty (150) days; and

5. The Town will advise the applicant in writing of its final decision in accordance with 8.2.8.B..

## E. Sufficiency of Wireless Facility Basic Use Permits

The Town of Jackson sufficiency determination and timelines are those set forth in the "Report and Order, FCC 14-153," as amended, and as may be interpreted by the FCC and/or courts of law in the future.

1. Within sixty (60) days of the submission of an application for a modification to an eligible facilities request, as that term is defined in 6.1.10.D., the Town will act on said application.

2. The Town will review the application for conformity with Ordinance and Completeness. An application submitted for administrative review and approval is deemed to be complete unless the Town notifies the applicant in writing, within thirty (30) calendar days of submission of the specific information missing from the application that makes it incomplete. The sixty (60) day time period is paused from the day the written notice is sent out until the day an applicant response is received by the Town. The sixty (60) day time period then begins from the day it was paused.

3. The sixty (60) day time period may be paused again only if the information remains missing after the applicant responded to the Town s original incompleteness notification and the Town so notifies the applicant within ten (10) days of receiving the applicant's response. The sixty (60) day time period is paused from the day the written notice is sent out until the day an applicant response is received by the Town. The sixty (60) day time period then begins from the day it was paused.

4. Make a final decision to approve or disapprove the application within sixty (60) days; and

5. Advise the applicant in writing of its final decision in accordance with Sec. 8.2.8.B..

# REVIEW

## 8.2.6. Staff Review and Recommendation (1/1/15, Ord. 1074)

### A. Review

Staff shall review a sufficient application for compliance with these LDRs. Staff shall consider:

1. The application and relevant support materials;

2. EA recommendations if applicable;

3. Any specific analyses or plans (such as a visual resource analysis or housing mitigation plan) required by these LDRs;

4. Public comment; and

5. Plan Review Committee comments.

### B. Distribution to Plan Review Committee

An application under review shall be distributed to all appropriate staff and review agencies for review and comment.

1. Depending on the magnitude and content of the application, it may be reviewed by any or all of the Plan Review Committee (Sec. 8.10.2.), as well as other Town staff, and state and federal agencies.

2. The applicant shall provide digital or hard copies of the application as required for review. If the copies are not provided within 7 days of an application being declared sufficient, counting of days against required timelines shall be suspended until the copies are provided.

### C. Design Review Committee Review

An application subject to the Town's Design Guidelines, as established in Div. 5.8., shall be reviewed by the Design Review Committee (DRC).

1. Review by the DRC shall occur in a meeting open to the public. At the public meeting, the DRC shall consider the application, and any relevant support materials.

2. The DRC may confer at the meeting with the applicant on changes deemed advisable to comply with the Town's Design Guidelines established in Div. 5.8.

3. At the public meeting, the DRC shall provide a recommended decision on the application based on the Town's Design Guidelines. The recommendation shall clearly state the factors considered in making the recommendation.

### D. Response to Technical Review

Staff shall notify the applicant of all issues and technical errors identified in the review. The applicant shall respond to issues raised and correct all technical errors.

### E. Public Comment

Written public comment on the application shall be collected by staff, transmitted to the applicant, and included with the application materials to be available for public inspection.

### F. Staff Report

Staff shall prepare a staff report that describes the conclusions of the review of whether the application complies with these LDRs.

1. **Recommendation.** The staff report shall include a recommended decision on the application based on the findings for the specific application being reviewed and the standards of Sec. 8.2.8. The staff report shall clearly state the factors considered in making the recommendation and the findings for the recommendation.
2. **Distribution.** The staff report shall be provided to the applicant as well as the appropriate advisory body, decision-making body, or Town official making the decision; and made available for public review.
3. **Timing.** The staff report for a public hearing shall be completed and distributed at least 4 days prior to the public hearing.

## 8.2.7. Planning Commission Recommendation (1/1/15, Ord. 1074)

A. A public hearing shall be held pursuant to Sec. 8.2.14. for applications subject to a recommendation by the Planning Commission as established in Div. 8.3.-Div. 8.8. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, staff report, and any public comments.

B. In the case of a physical development, use, or development option permit application, the Planning Commission may confer at the hearing with the applicant on changes deemed advisable to comply with these LDRs.

C. At the conclusion of the public hearing, the Planning Commission shall provide a recommended decision on the application based on the findings for the specific application being reviewed and the standards of Sec. 8.2.8.

D. The Planning Commission's recommendation shall clearly state the factors considered in making the recommendation and the findings for the recommendation.

# DECISION

## 8.2.8. All Decisions (1/1/15, Ord. 1074)

### A. Timing

All decisions shall be made within the timelines established in these LDRs but as promptly as possible in consideration of the public interest.

### B. Notification of Decision

Within 14 days of the decision on an application, the applicant shall be notified in writing of the decision, findings for the decision, and expiration of the decision. A copy of the decision shall be made available at the offices of the Planning Department for review during normal business hours.

## C. Conditions of Approval

1. **Authority.** A decision-maker may impose conditions of approval on permits and approvals to ensure compliance with the standards of these LDRs.
2. **Nexus and Proportionality.** The conditions of approval shall be related in both content and magnitude to the anticipated impacts of the proposal.
3. **Statement of Conditions.** All conditions of approval imposed on any permit or approval shall be expressly set forth in the permit or approval.

## D. Effect of Approval

1. **General.** Approval of an application in accordance with these LDRs authorizes only the proposed physical development, use, development option, subdivision, interpretation, amendment, or relief as set forth in the permit or approval.
2. **Dependant Applications.** In the event that one permit or approval is a prerequisite to another permit or approval, that permit shall not be acted upon until all required approvals are obtained, and approval of one application does not necessarily guarantee approval of any subsequent application.
3. **Additional Permits.** The applicant shall secure all permits and approvals required by other local, state or federal agencies prior to executing a proposed action approved under these LDRs. Approval under these LDRs shall not guarantee or imply approval of other permits.

## E. Expiration

Upon expiration of an approval, all rights established by the approval shall lapse and the site shall thereafter be subject to the current LDRs. The expiration time period shall not be extended by transfer of ownership.

## F. Limitation on Similar Applications

1. **Denied Application.** If an application requiring a public hearing is denied, no substantially similar application may be submitted within one year after the date of the decision unless the decision-making body waives this time limit pursuant to the following standards.
   a. An authorized person may submit a written request for waiver of the time limit, along with a fee to defray the cost of processing the request, to the Planning Director who shall transmit the request to the decision-making body.
   b. The decision-making body may grant a waiver of the time limit only on a finding by two-thirds of its membership that the landowner or agent has demonstrated that the new application to be submitted is materially different from the prior application or that the prior denial was based on a material mistake of fact.
2. **Withdrawn Application.** If an application requiring a public hearing is withdrawn after notification of the public hearing is provided, but before a decision on the application, no substantially similar application may be submitted within 6 months after the date of withdrawal.

### 8.2.9. Planning Director and Town Engineer Decisions (1/1/15, Ord. 1074)

A. For applications subject to a decision by the Planning Director or Town Engineer as established in Div. 8.3.-Div. 8.8., the Town official shall consider the application, the relevant support materials, staff report, and any public comments.

B. Within the timeframe established for the application, the Town official shall decide on the application based on the findings for the specific application being reviewed and the standards of Sec. 8.2.8.

C. If an application that would generally be subject to a decision by a Town official will have significant local and community impacts that warrant public review, the Town official may require the application be reviewed by the appropriate advisory bodies and decided upon by the appropriate decision-making body.

D. The Town official may mail notice of any application, utilizing the standards of 8.2.14.C. if the Town official deems that review of the application would benefit from neighborhood comment or the neighborhood should be alerted to the application.

### 8.2.10. Board of Adjustment and Town Council Decisions (1/1/15, Ord. 1074)

A. A public hearing shall be held pursuant to Sec. 8.2.14. for applications subject to a decision by the Board of Adjustment or Town Council as established in Div. 8.3.-Div. 8.8. At the public hearing, the decision-making body shall consider the application, the relevant support materials, staff report, advisory board recommendations, and any public comments.

B. In the case of a physical development, use, development option, or subdivision permit application, the Town Council may confer at the hearing with the applicant on changes deemed advisable to comply with these LDRs.

C. At the conclusion of the public hearing, the decision-making body shall decide on the application based on the findings for the specific application being reviewed and the standards of Sec. 8.2.8.

D. The decision shall not be considered final until minutes for the hearing at which the decision was made are approved. No action reliant on the decision shall be authorized until the decision is finalized. Procedural requirements and timelines referencing decisions shall be applicable from the date the decision is finalized.

## POST-DECISION

### 8.2.11. Performance Bonds and Guarantees (1/4/17, Ord. 1165)

A. Purpose

As a condition for issuing a permit or approval an applicant may be required to post a financial assurance that required construction or installation of improvements, performance of duties, or other financial duty is completed following the issuance.

B. Amount

The financial assurance shall be at least 125% of the cost to complete the improvements, implement the plan, or complete other work approved as part of the permit or approval. The cost shall be identified in the form of an estimate approved

by the Planning Director. The Planning Director may require that the estimate be prepared by a professional engineer, landscape architect, or other professional licensed or certified to practice in the State of Wyoming. The amount of the financial assurance required may be reviewed and adjusted from time to time by the Planning Director.

### C. Acceptable Types of Financial Assurance

The applicant shall provide one of the following types of financial assurances in a form that is acceptable to the Planning Director.

1. **Surety Bonds.** A deposit with the Town Finance Director of a good and sufficient performance bond in a form made available by the Planning Director or otherwise determined acceptable by the Town Attorney.
2. **Escrow Deposit of Cash or Certified Funds.** A deposit with the Town Treasurer of cash or certified funds.
3. **Irrevocable Letter of Credit.** A deposit with the Town Treasurer of an irrevocable letter of credit in a form made available by the Planning Director or otherwise determined acceptable by the Town Attorney.
4. **Other Types of Security.** An applicant may provide other financial assurance by other methods or instruments as approved by the Town Attorney.

### D. Financial Assurance Agreement

Unless exempted by the Planning Director, whenever financial assurance is required, the applicant shall enter into a Financial Assurance Agreement in a form acceptable to the Town Attorney. In the case of subdivision improvements this agreement shall take the form of a Subdivision Improvements Agreement.

### E. Warranty

Unless exempted by the Planning Director, all public improvements and required mitigation shall be warranted by the applicant for a period of two 2 years following completion and final inspection of all such improvements or work.

### F. Duration

The financial assurance shall remain in effect until the Planning Director has determined the required action has been completed in accordance the financial assurance agreement or other terms of the assurance. If applicable, the financial assurance shall remain in effect through the warranty period.

### G. Release of Financial Assurance

As the required actions are taken, the applicant may apply for a full or partial release of the financial assurance in accordance with this Section and the Financial Assurance Agreement. Upon verification that the required action has been completed in accordance the financial assurance agreement or other terms of the assurance, the Planning Director may authorize the Town Finance Director to release a portion or all of the assurance, provided that the amount retained for financial assurance shall not be less than 125% of the remaining cost to complete the action. The Planning Director may require that a professional engineer, landscape architect, or other professional licensed or certified to practice in the State of Wyoming certify completion of the action.

### H. Drawing on Financial Assurance

If the Planning Director determines that the applicant will not complete any or all of the required actions, the Planning Director shall draw and expend from the financial assurance such funds as necessary to complete the required actions. This may include time and expenses incurred by Town employees; in which case, each employee shall be billed at an hourly rate commensurate with the employee's skills and experience in the employee's field. In addition to, and not in-lieu of the foregoing, if an applicant defaults on its obligations under any order by or agreement with the Town, the Town shall be entitled to all remedies available to it by law or in equity, including but not limited to, the remedies described in these LDRs and the Financial Assurance Agreement with the applicant.

## 8.2.12. Issuance and Filing (1/1/15, Ord. 1074)

### A. Permits Issuance

An approved physical development, use, development option, interpretation, or relief shall not commence or be acted upon until the permit is issued.

1. Within 14 days of fulfillment of all conditions of approval that must be met prior to permit issuance, the Planning Director shall issue the permit to the applicant, and make a copy available at the offices of the Planning Department for review during normal business hours.
2. The permit shall include any outstanding conditions of approval.

### B. Filing of an Approval

An approved plat, exempt land division, boundary adjustment or amendment shall not take effect until the proper documents enacting the approval are filed with the Town or County Clerk.

## 8.2.13. Amendment of Permits or Approvals (1/4/17, Ord. 1165)

### A. Amendment not Applicable

1. **Application Type Cannot be Amended.** The following permits or approvals cannot be amended due to the nature of the findings for approval: Formal Interpretations; Zoning Compliance Verifications; LDR Text Amendments; Zoning Map Amendments; all Relief from the LDRs; exempt land divisions; and Boundary Adjustments. A change to one of these approvals shall be achieved through application for a new approval.
2. **Completed Permit.** A physical development permit or development option plan for which all approved development has been completed shall not be amended. Redevelopment of such a development shall be achieved through application for a new approval.

### B. Physical Development Permit, Use Permit, and Development Option Plan Amendment

1. **General.** All changes to an approved physical development permit, use

permit, or development option plan not qualifying as minor deviations shall be considered amendments and shall be reviewed subject to the current procedures and standards of these LDRs.

a. The threshold for review of the amendment shall be based on the net change of density or intensity, not the gross intensity of the initial approval, with the following exceptions.

i. The Planning Director may elevate the threshold for review in the case of incremental amendments that total a larger change.

ii. The Planning Director may waive the requirement for a Sketch Plan where the proposed amendment remains consistent with the original Sketch Plan approval.

b. A condition of approval placed on a permit or approval by a decision-making body shall be amended by that body at a public hearing held pursuant to Sec. 8.2.14.

c. Review of an amendment shall be limited to the proposed change. Nonchanging portions of the approval shall only be affected as explicitly required by Div. 1.9. or another portion of these LDRs.

2. **Minor Deviations.** Authorized minor deviations from an approved physical development permit, use permit, or development option plan are changes that appear necessary in light of technical or engineering considerations first discovered during development or use that were not reasonably anticipated during the initial approval process. A minor deviation may be approved by the Planning Director pursuant to the process for a Zoning Compliance Verification (Sec. 8.6.2.) upon finding that it:

a. Complies with the standards of the current LDRs;

b. Does not include reductions in the amount of open space set aside or required resource protection; and

c. Does not include increases in the amount of building floor area.

## C. Subdivision Plat Amendment

1. **Applicability.** A recorded plat may be amended through the vacation process as authorized by state statute. Any vacation or amendment to a recorded plat shall be subject to the standards of this Subsection. This includes the following corrections.

a. **Incorrect or Erroneous Survey.** Where the exterior boundaries of the subdivision must be changed due to an incorrect or erroneous survey, or an omission of a strip of land between the subdivision boundary and an aliquot part or right-of-way line, an amended plat is required.

b. **Omission of Easements.** Where the approved plat omits easements for sewer, water, or utility lines, or access easements to the subdivision or to lots of the subdivision, or through the subdivision to adjoining lands, an amended plat is required.

2. Exemptions. The following plat amendments shall be exempt from the standards of this Section.
   a. Boundary Adjustment. A partial vacation of a plat to achieve a boundary adjustment as defined in Sec. 8.5.5. shall be subject to the standards of Sec. 8.5.5.
   b. Minor Typographical Errors or Omissions. In cases of minor typographical errors or omissions on a plat such as a distance or bearing or a necessary signature, the professional land surveyor shall file an affidavit stating the corrections to be made, or reference an additional affidavit to be filed by the person where a signature was omitted. The County Clerk shall mark the changes or corrections, or reference the filed affidavit(s) on the original plat in reproducible pencil. If the corrections or changes required are greater than 5 in number, an amended plat shall be filed and approved in accordance with this Section.
3. Complete Vacation. Complete vacation of a recorded plat shall be accomplished by the filing of an affidavit with the County Clerk signed by all of the owners of land to be vacated from the plat. The effect of filing such an affidavit shall be to rescind the original plat and merge the lots, thereby reverting the land to its configuration as it existed prior to the subdivision.
4. Plat Amendment. A plat amendment is authorized by State statute as a vacation for the purpose of resubdivision and shall meet the following standards:
   a. An application for a new plat shall be submitted and reviewed pursuant to the standards of Sec. 8.5.3.;
   b. The Planning Director may require a new or amended development plan be approved prior to further processing of the application for a new plat if the Planning Director determines that the new plat does not conform to an approved development plan;
   c. The new plat shall carry the name of the original subdivision, followed by “Amended” or “Second Amended”, etc;
   d. The certificate of owners on the new plat shall have a clause vacating the original plat, signed by all owners of land contained within the plat; and
   e. If there is more than one owner of the vacated plat, instruments shall be recorded conveying ownership of the newly created individual lots of record resulting from the replat.
5. Partial Vacation Without Replat. Vacation of one or more building envelopes, notes, a lot line for the purpose of combining one or more lots, or a private road or utility easement does not require a new plat provided the following additional standards are met.
   a. Instrument Required. An instrument shall be filed with the County Clerk stating that the partial vacation does not abridge or destroy any rights and privileges of other proprietors in the plat. The instrument shall include:
      i. Acknowledgment by all parties affected by the vacation; and
      ii. Acknowledgment by the Town Council.

b. **Annotation.** Pursuant to Wyoming Statutes Section 34-12-110, the County Clerk shall make appropriate annotation on the plat referencing the vacated envelopes, notes, easements or lot lines for the purpose of lot combinations. The County Clerk shall also make a reference on said plat to the volume and page in which the required instrument of partial vacation is recorded.

c. **Building Envelope Vacation.** The Town Council may require that a map, prepared by a land surveyor registered in the State of Wyoming, of the vacated building envelopes be filed with the County Clerk concurrently with the required partial vacation instrument. In this event, the partial vacation instrument shall include a reference to said building envelope map.

   i. **Future Revisions.** Proposed changes to the building envelopes shown on any required building envelope map shall be approved by the Planning Director, provided that any such proposed change does not abridge or destroy any of the rights and privileges of other proprietors in the plat. The proposed change shall be reviewed pursuant to the standards of B.2.

d. **Lot Combination.** If a lot line is to be vacated for the purpose of combining one or more lots, the required partial vacation instrument shall include language stating that the combined lots shall be treated as one for all purposes under these LDRs and cannot be resubdivided without receiving subdivision approval under the LDRs in effect at that time.

## D. PUD Amendment

An amendment to an existing PUD or other special project listed in 1.8.2.C. shall be reviewed and approved pursuant to Sec. 8.7.3.

1. **PUD Option Available.** An amendment to an existing PUD shall, to the maximum extent practicable, meet the standards for the PUD option found in Article 4.

2. **PMD.** An amendment to an existing Planned Mixed-Use Development (PMD) shall comply with the standards for amendment of a PMD that were in place on the date of the original PMD approval.

3. **PUD Option No Longer Available.** An amendment to an existing PUD or other special project identified in 1.8.2.C. for which the original PUD option is no longer available shall:

   a. Improve the implementation of the desired future character of the area identified in the Jackson/Teton County Comprehensive Plan;

   b. Comply with the requirements of the underlying base zoning to the maximum extent practicable;

   c. Complies with the standards of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable; and

   d. Not adversely impact public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

4. **Abandonment.** An existing PUD or other special project identified in 1.8.2.C. may be abandoned by:

a. An amendment of the zoning on the site to a zone in these LDRs pursuant to Sec. 8.7.2.; or

b. Approval of a PUD option found in Article 4.

# GENERAL

## 8.2.14. All Public Hearings (1/4/17, Ord. 1165)

### A. Applicability

The following standards apply to all required public hearings. See Div. 8.3.-Div. 8.9. for the steps in the review processes that require a public hearing.

### B. Scheduling

A required public hearing to review an application shall be scheduled for a regularly scheduled meeting or a meeting specially called for the review.

1. The initial public hearing on an application, whether it is advisory or for the purposes of making a decision, shall be held within 90 days of the date that the application is determined sufficient.

2. Each additional required public hearings, whether it is advisory or for the purposes of making a decision, shall be held within 60 days of the conclusion of the previous public hearing.

3. The applicant may waive these limits upon written notice to the Planning Director, as long as the public hearing complies with all other requirements of this Section.

### C. Notice

The Planning Director shall be responsible for providing the following public notification.

1. **Notice Content.** All required public notice shall contain the following information:

   a. The type of application;

   b. A short description of the proposal;

   c. The address, legal description, and a general description of the location of the land subject to the application;

   d. The location, address, date, and time of the public hearing;

   e. Where and when the application may be examined; and

   f. Contact information for reviewing staff.

2. **Mailed Notice.** Notice of a public hearing on an application shall be mailed at least fifteen (15) days prior to the public hearing.

   a. The notice shall be mailed to:

      i. The owner(s) of the land subject to the application and designated agent(s); and

      ii. Landowners within two hundred (200) feet of the land subject to the application.

iii. Telecommunications Tower Specific Notice to Neighbors. Notice of all new towers shall be sent to all property owners within three hundred fifty (350) feet of the land subject to the Telecommunications Conditional Use Permit application.

b. The applicant shall pay a fee to the Planning Department for any mailing in excess of twenty-five (25) notices.

3. Notice in Newspaper. Each public hearing on an application shall be advertised in the legal notice section of a newspaper of general circulation in the Town no less than fifteen (15) days and no more than thirty (30) days prior to the date of the public hearing.

4. Posted Notice. The applicant shall post and maintain notice of the public hearing on the land subject to the application. The posted notice shall meet the following standards.

a. Content. The posted notice shall contain the notice content required by Subsection 1 above, except the description of the location of the land subject to the application. A template is available in the Administrative Manual.

b. Timing. The notice shall be posted for at least ten (10) days prior to the hearing, and shall be removed within five (5) days following the hearing. The applicant shall notify staff of the date posted and date removed.

c. Size. The notice shall be 3 ft by 4 ft.

d. Location and Legibility. A notice shall be placed along each front lot line so as to be legible from each access point to the site. The notice may be mounted to a building. If the notice is freestanding, it should be set back two (2) ft from any lot line or access easement.

e. Sign Permit Exempt. The notice shall be exempt from the standards of Div. 5.6. and shall not be lighted.

5. Requested Notice. Any person who makes a written request shall be provided notification of all public hearings upon payment of the costs of the processing and mailing of the notification.

6. Postponed or Continued Hearing. Additional notice is not required when a hearing is postponed or continued to a date certain.

## D. Conduct

Required public hearings shall be conducted in accordance with the rules of procedure adopted by the body holding the hearing and the following standards.

1. Rights of All Persons. Any interested person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Upon request of the Chairperson, anyone representing an organization shall present written evidence of their authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears at a public hearing shall be identified, state his/her physical address, and if appearing on behalf of an organization, state the name of the organization.

2. Order of Proceedings. The order of the proceedings shall be established by the body conducting the hearing.

3. Exclusion of Information. The chairperson conducting the public hearing may exclude information that the chairperson finds to be irrelevant, immaterial or unduly repetitious. In the event any statements or information are excluded the person offering such statements or information shall have an opportunity to make an offer of proof in regard to such statements or information for the record. Such offer shall be made at the public hearing.
4. Continuance of Public Hearing. The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place.
    a. An applicant shall have the right to request and be granted one continuance. All subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.
    b. The running of all established time periods between steps of the review process shall be suspended during any continuance.
    c. If the body conducting the public hearing continues the hearing on the application so that the applicant can provide additional information, and the applicant fails to respond to the request within 60 days, the application shall be considered withdrawn.
    d. In the event the applicant demands in writing that action be taken on a continued application, the body that continued the matter shall complete the public hearing and take action at the next regular meeting, for which the noticing requirements of this Section can be met, following receipt of the written demand.
5. Remand of Application. The body conducting the public hearing may remand the application to staff or an advisory body for further review of new information or specified issues or concerns first identified during the public hearing on the application.
    a. The running of all established time periods between steps of the review process shall be reset to the step in the process to which the application is remanded.
    b. In the event the applicant demands in writing that action be taken on a remanded application, the body that remanded the matter shall complete the public hearing and take action at the next regular meeting for which the noticing requirements of this Section can be met following receipt of the written demand.
6. Record
    a. The body conducting the public hearing shall record the public hearing by any appropriate means, including transcription or audio-recording.
    b. The written or taped record of oral proceedings, including testimony and statements of personal opinions, the minutes of the Secretary, the application, exhibits and papers submitted in any proceeding before the decision-making body, the staff report, the recommendation of any advisory body, the Jackson/Teton County Comprehensive Plan, these LDRs, and the decision of the decision-making body shall constitute the record.
    c. A copy of the public hearing record may be acquired by any person upon request and payment of a fee to cover the cost of duplication of the record.

# Div. 8.3. Physical Development Permits

Physical development permits provide for the review of proposed construction, land disturbance, and other physical development to ensure it complies with the standards of these LDRs. Physical development permits allow a finite amount of development and are active until that development is complete or the permit has expired. Conditions on physical development permits should not relate to operational characteristics of the physical development. This Division establishes 5 permit types for the review of physical development.

A. Sketch Plan (Sec. 8.3.1.)

For the largest and most complex projects, a sketch plan is required prior to review of a development plan.

B. Development Plan (Sec. 8.3.2.)

A development plan is required prior to application for a building permit or grading permit for larger projects that require public review.

C. Building Permit (Sec. 8.3.3.) or Grading Permit (Sec. 8.3.4.)

A building permit and grading permit is required before any physical development occurs. For small projects these are the only permits needed.

D. Sign Permit (Sec. 8.3.5.)

A sign permit is required prior to erection of any sign, independent of any other permits or approvals.

## 8.3.1. Sketch Plan (1/1/15, Ord. 1074)

### A. Purpose

The purpose of a sketch plan is to publicly review a large physical development or development option for general consistency with these LDRs at a preliminary, conceptual level of detail before the development is fully designed. The objectives of the sketch plan review are:

1. Identification of the opportunities to achieve the desired future character for the site;
2. Identification of development related issues to be addressed through the development plan;
3. Discussion of alternative site designs that may better implement these LDRs; and
4. Identification of natural and scenic resource protected by these LDRs.

### B. Applicability

1. Physical development that requires a sketch plan is identified in the standards for each zone. See Article 2.-Article 4. for zone standards.
2. A sketch plan application within a Planned Unit Development (PUD) must include all land in the PUD.

### C. Findings for Approval

A sketch plan shall be approved upon finding the application:

1. Is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan;
2. Achieves the standards and objective of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable;
3. Does not have significant impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMS facilities;
4. Complies with all relevant standards of these LDRs and other Town Ordinances as can be determined by the level of detail of a sketch plan; and
5. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

### D. Effect of Approval

Sketch plan approval permits the submittal of a development plan; it does not permit actual physical development or subdivision of land.

### E. Expiration

A sketch plan shall expire 2 years after the date of approval except under one of the following circumstances:

1. A sufficient development plan application to implement the sketch plan is submitted and approval of the development plan is being pursued in good faith;
2. An approved development plan is being implemented;
3. In the case of a phased development, not more than 2 years have passed since the issuance of a certificate of occupancy for physical development approved by the sketch plan; or
4. An alternate expiration is set through the approval of the sketch plan.

### F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

## Sketch Plan

**Pre-Submittal**

| | | |
|---|---|---|
| PRE-APPLICATION CONFERENCE | | 1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards. |
| ENVIRONMENTAL ANALYSIS (MAYBE) | EA must be sufficient prior to submittal | 2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards. |
| NEIGHBORHOOD MEETING | | 3. A neighborhood meeting is required. See Sec. 8.2.3. for procedural standards. |

**Submittal**

| | | |
|---|---|---|
| SUBMIT APPLICATION | Must submit within 1 year of pre-ap conference | 4. See Sec. 8.2.4. for application submittal standards. |
| DETERMINATION OF SUFFICIENCY | Determination within 14 days of submittal | 5. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards. |

NO

**Review**

| | | |
|---|---|---|
| STAFF REVIEW AND RECOMMENDATION | | 6. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards. |
| DESIGN REVIEW COMMITTEE RECOMMENDATION (MAYBE) | | 7. Design Review Committee (DRC) review at a public meeting and recommendation may be required, see the zone for applicability. See Sec. 8.2.7. for procedural standards specific to DRC recommendation. |
| PLANNING COMMISSION RECOMMENDATION | Hearing within 90 days of sufficiency | 8. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings. |

**Decision**

| | | |
|---|---|---|
| TOWN COUNCIL DECISION | Hearing within 60 days of PC recommendation | 9. The Town Council shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.10. for procedural standards specific to TC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions. |

DENY

APPROVE

**Post-Decision**

| | |
|---|---|
| PERMIT ISSUANCE | 10. The sketch plan must be issued prior to submittal of a development plan application. See Sec. 8.2.12. for procedural standards. |
| AMENDMENT OF APPROVAL | 11. An issued sketch plan may be amended pursuant to the procedural standards of Sec. 8.2.13. |

## 8.3.2. Development Plan (1/1/15, Ord. 1074)

### A. Purpose

The purpose of a development plan is to review a physical development or development option that is large and complex enough to benefit from a public review at a sufficient level of detail to determine compliance with these LDRs prior to preparation of final construction or plat documents.

### B. Applicability

Physical development and development options that require a development plan are identified in the standards for each zone. See Article 2.-Article 4. for zone standards.

### C. Findings for Approval

A development plan shall be approved upon finding the application:

1. Is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan;
2. Achieves the standards and objective of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable;
3. Does not have significant impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMS facilities;
4. Complies with the Town of Jackson Design Guidelines, if applicable;
5. Complies with all relevant standards of these LDRs and other Town Ordinances; and
6. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

### D. Effect of Approval

Approval of a development plan permits submittal of a building permit, subdivision plat, or other application to complete the proposed development; it does not permit actual physical development or constitute subdivision of land.

### E. Expiration

A development plan shall expire 18 months after the date of approval except under one of the following circumstances. The applicable circumstances shall be established in the notice of decision on the application.

1. In the case of physical development, a building permit for the entire development is issued and the certificate of occupancy for the building permit is issued within 3 years of issuance of the building permit;
2. In the case of a subdivision, a subdivision plat has been recorded with the County Clerk;
3. In the case of a development option, the action required to entitle the development option, such as the recording of a conservation easement for a development option requiring open space, has been taken;
4. In the case of a phased development, all phases are in compliance with the approved phasing plan, or not more than 18 months has passed since completion of the previous phase and the current phase is in compliance with an applicable above criteria; or
5. An alternate expiration is set through the approval of the development plan.

### F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

# Development Plan

| | | | |
|---|---|---|---|
| PRE-APPLICATION CONFERENCE | | 1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards. | Pre-Submittal |
| ENVIRONMENTAL ANALYSIS (MAYBE) | EA must be sufficient prior to submittal | 2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards. | Pre-Submittal |
| NEIGHBORHOOD MEETING (OPTIONAL) | | 3. A neighborhood meeting is optional. See Sec. 8.2.3. for procedural standards. | Pre-Submittal |
| SUBMIT APPLICATION | Must submit within 1 year of pre-ap conference | 4. See Sec. 8.2.4. for application submittal standards. | Submittal |
| DETERMINATION OF SUFFICIENCY (NO) | Determination within 14 days of submittal | 5. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards. | Submittal |
| STAFF REVIEW AND RECOMMENDATION | | 6. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards. | Review |
| DESIGN REVIEW COMMITTEE RECOMMENDATION (MAYBE) | | 7. Design Review Committee (DRC) review at a public meeting and recommendation may be required, see the zone for applicability. See Sec. 8.2.7. for procedural standards specific to DRC recommendation. | Review |
| PLANNING COMMISSION RECOMMENDATION | Hearing within 90 days of sufficiency | 8. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings. | Review |
| TOWN COUNCIL DECISION (DENY) | Hearing within 60 days of PC recommendation | 9. The Town Council shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.10. for procedural standards specific to TC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions. | Decision |
| BOND (APPROVE) | | 10. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards. | Post-Decision |
| PERMIT ISSUANCE | | 11. The development plan must be issued prior to submittal of a building permit, grading permit, or subdivision plan application. See Sec. 8.2.12. for procedural standards. | Post-Decision |
| AMENDMENT OF APPROVAL | | 12. An issued development plan may be amended pursuant to the procedural standards of Sec. 8.2.13. | Post-Decision |

## 8.3.3. Building Permit (1/1/15, Ord. 1074)

### A. Purpose

The purpose of a building permit review is to ensure that proposed physical development of a structure complies with these LDRs and adopted building codes.

### B. Applicability

Physical development that requires a building permit is identified in the standards for each zone, unless exempted by the most recently adopted Building and Fire Codes of the Town. See Article 2.-Article 4. for zone standards.

### C. Findings for Approval

A building permit shall be approved upon finding the application:

1. Complies with all relevant standards of these LDRs and all other Town Ordinances;
2. Complies with the most recently adopted Building and Fire Codes of the Town;
3. Complies with the Town of Jackson Design Guidelines, if applicable; and
4. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

### D. Effect

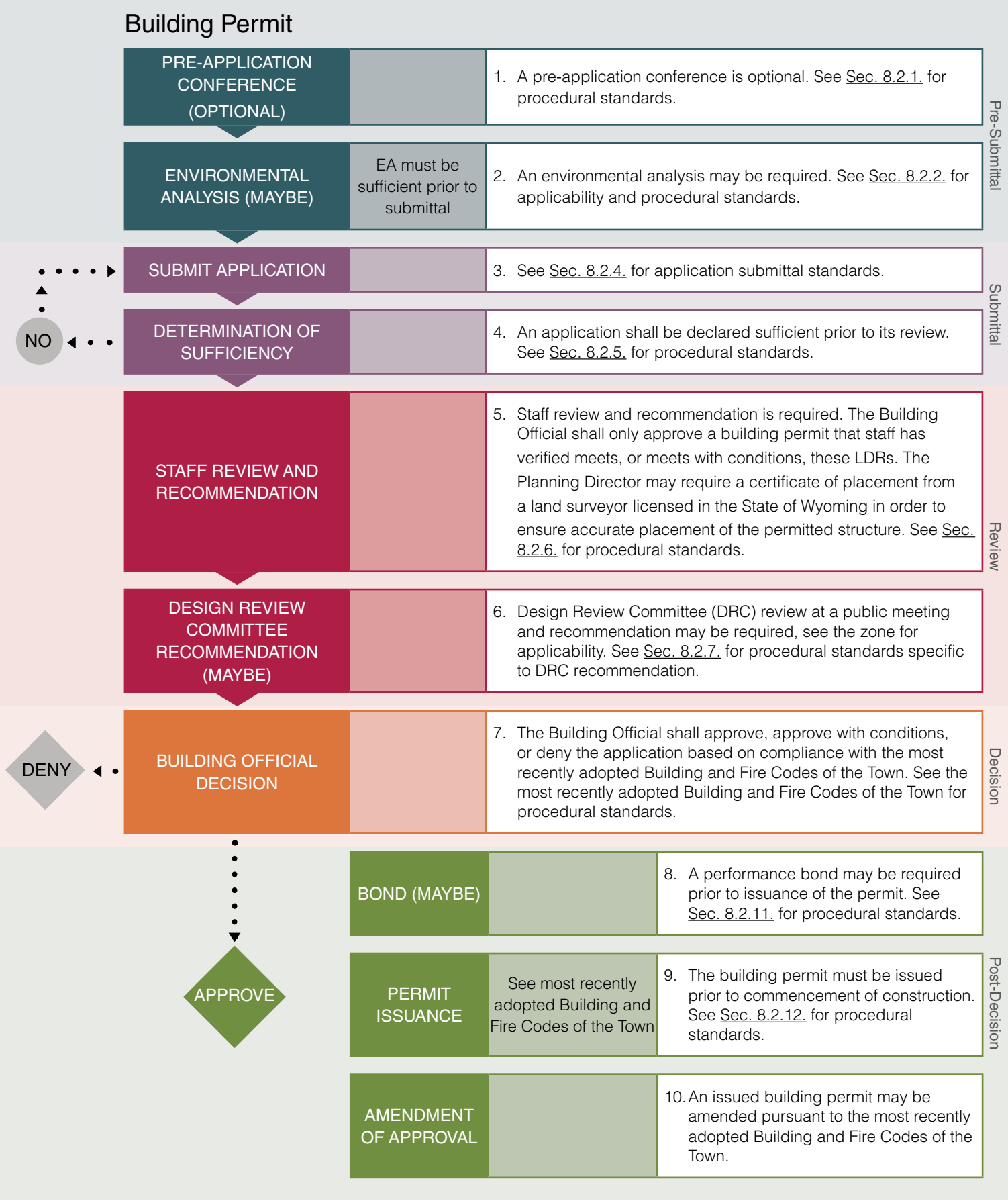
Approval of a building permit allows for the construction of a structure.

### E. Expiration

The expiration of a building permit is established in the most recently adopted Building and Fire Codes of the Town.

### F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.


Building Permit
PRE-APPLICATION CONFERENCE (OPTIONAL)
1. A pre-application conference is optional. See Sec. 8.2.1. for procedural standards.
ENVIRONMENTAL ANALYSIS (MAYBE)
EA must be sufficient prior to submittal
2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.
Pre-Submittal
SUBMIT APPLICATION
3. See Sec. 8.2.4. for application submittal standards.
NO
DETERMINATION OF SUFFICIENCY
4. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for procedural standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
5. Staff review and recommendation is required. The Building Official shall only approve a building permit that staff has verified meets, or meets with conditions, these LDRs. The Planning Director may require a certificate of placement from a land surveyor licensed in the State of Wyoming in order to ensure accurate placement of the permitted structure. See Sec. 8.2.6. for procedural standards.
DESIGN REVIEW COMMITTEE RECOMMENDATION (MAYBE)
6. Design Review Committee (DRC) review at a public meeting and recommendation may be required, see the zone for applicability. See Sec. 8.2.7. for procedural standards specific to DRC recommendation.
Review
DENY
BUILDING OFFICIAL DECISION
7. The Building Official shall approve, approve with conditions, or deny the application based on compliance with the most recently adopted Building and Fire Codes of the Town. See the most recently adopted Building and Fire Codes of the Town for procedural standards.
Decision
APPROVE
BOND (MAYBE)
8. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards.
PERMIT ISSUANCE
See most recently adopted Building and Fire Codes of the Town
9. The building permit must be issued prior to commencement of construction. See Sec. 8.2.12. for procedural standards.
AMENDMENT OF APPROVAL
10. An issued building permit may be amended pursuant to the most recently adopted Building and Fire Codes of the Town.
Post-Decision

## 8.3.4. Grading Permit (1/4/17, Ord. 1165)

### A. Purpose

The purpose of a grading permit is to ensure that proposed land disturbance includes required erosion control and stormwater management and complies with all other standards of these LDRs.

### B. Applicability

Physical development that requires a grading permit is identified in Div. 5.7.

### C. Findings for Approval

A grading permit shall be approved upon finding the application:

1. Complies with the standards of Div. 5.7.;
2. Complies with all other relevant standards of these LDRs and all other Town Ordinances; and
3. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

### D. Permit Conditions

All grading permits shall require the permittee to:

1. Notify the Town Engineer 48 hours prior to commencing any land disturbing activity;
2. Notify the Town Engineer of completion of erosion control measures within 2 calendar days after their installation;
3. Obtain permission in writing from the Town Engineer prior to modifying the grading and erosion control plan;
4. Install all control measures as identified in the approved grading and erosion control plan;
5. Maintain all road drainage systems, stormwater drainage systems, erosion control measures, and other facilities identified in the grading and erosion control plan;
6. Repair the erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities;
7. Inspect the erosion control measures after each rain and at least once each week and make needed repairs;
8. Allow the Town Engineer to enter the site for the purpose of inspecting compliance with the erosion control plan or for performing any work necessary to bring the site into compliance with the erosion control plan; and
9. Keep a copy of the erosion control plan on the site.

### E. Expiration

A grading permit shall expire one year after the date of approval except under one of the following circumstances:

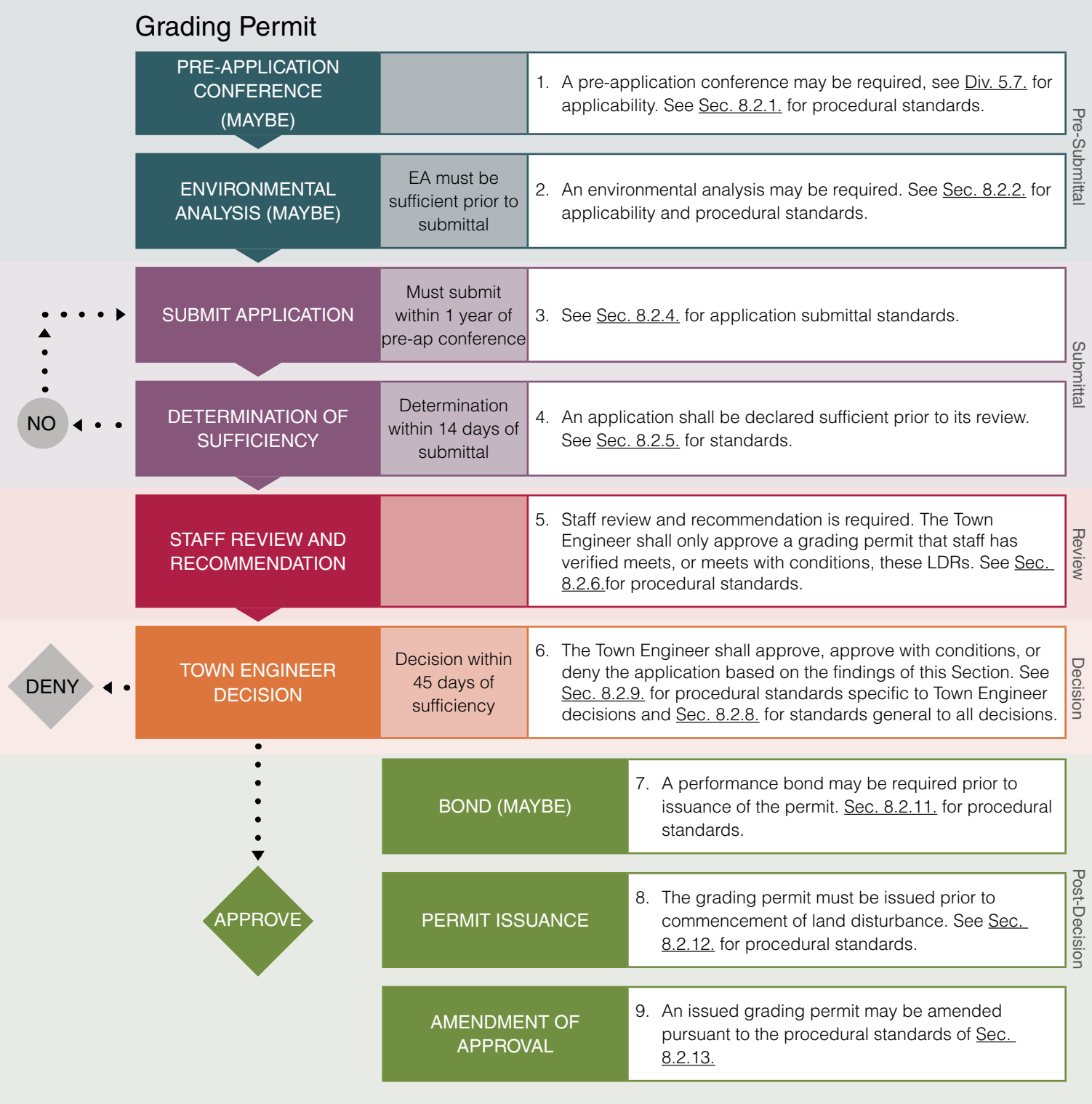
1. The grading permit is associated with a building permit or other construction authorization, in which case, it shall be valid as long as the building permit or other construction authorization is valid; or
2. An alternate expiration is set through the approval of the grading permit.

### F. Inspection

Grading plans required to be prepared by a professional engineer or landscape architect shall also require inspection and certification of compliance by the same design professional.

### G. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.


Grading Permit
PRE-APPLICATION CONFERENCE (MAYBE)
1. A pre-application conference may be required, see Div. 5.7. for applicability. See Sec. 8.2.1. for procedural standards.
ENVIRONMENTAL ANALYSIS (MAYBE)
EA must be sufficient prior to submittal
2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.
Pre-Submittal
SUBMIT APPLICATION
Must submit within 1 year of pre-ap conference
3. See Sec. 8.2.4. for application submittal standards.
NO
DETERMINATION OF SUFFICIENCY
Determination within 14 days of submittal
4. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
5. Staff review and recommendation is required. The Town Engineer shall only approve a grading permit that staff has verified meets, or meets with conditions, these LDRs. See Sec. 8.2.6.for procedural standards.
Review
DENY
TOWN ENGINEER DECISION
Decision within 45 days of sufficiency
6. The Town Engineer shall approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to Town Engineer decisions and Sec. 8.2.8. for standards general to all decisions.
Decision
APPROVE
BOND (MAYBE)
7. A performance bond may be required prior to issuance of the permit. Sec. 8.2.11. for procedural standards.
PERMIT ISSUANCE
8. The grading permit must be issued prior to commencement of land disturbance. See Sec. 8.2.12. for procedural standards.
AMENDMENT OF APPROVAL
9. An issued grading permit may be amended pursuant to the procedural standards of Sec. 8.2.13.
Post-Decision

## 8.3.5. Sign Permit (1/1/15, Ord. 1074)

### A. Purpose

The purpose of a sign permit is to ensure that all signs are in compliance with Div. 5.6., Signs.

### B. Applicability

All signs require a sign permit unless exempted in Div. 5.6.

### C. Findings for Approval

A sign permit shall be approved upon finding the application:

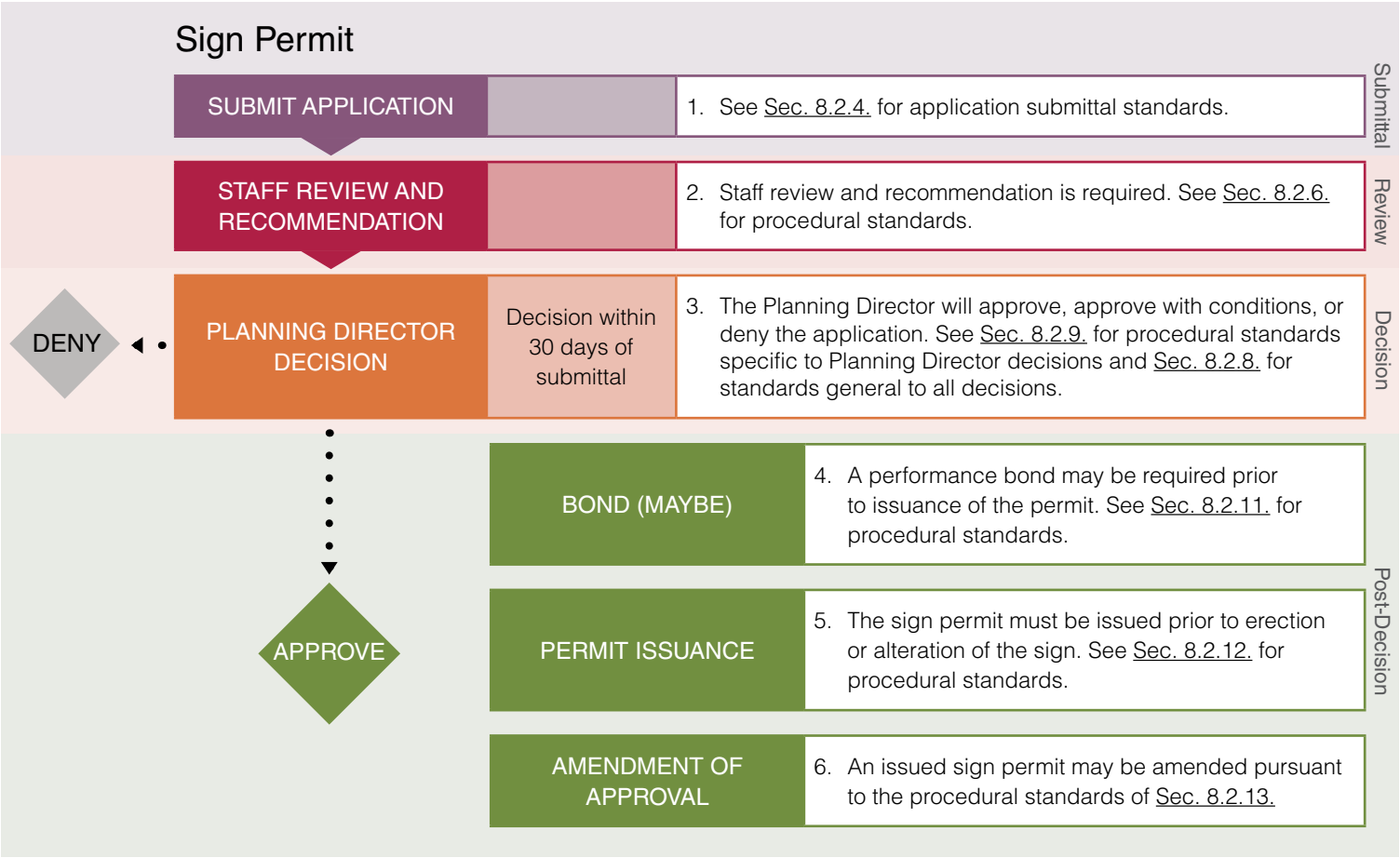
1. Complies with the standards of Div. 5.6. Sign Standards;
2. Complies with all other relevant standards of these LDRs and all other Town Ordinances; and
3. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

### D. Permit Expiration

A sign permit shall expire one year after the date of approval unless the sign has been erected or altered pursuant to the permit.

### E. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.


Sign Permit
SUBMIT APPLICATION
1. See Sec. 8.2.4. for application submittal standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
2. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
Review
DENY
PLANNING DIRECTOR DECISION
Decision within 30 days of submittal
3. The Planning Director will approve, approve with conditions, or deny the application. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions.
Decision
APPROVE
BOND (MAYBE)
4. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards.
PERMIT ISSUANCE
5. The sign permit must be issued prior to erection or alteration of the sign. See Sec. 8.2.12. for procedural standards.
AMENDMENT OF APPROVAL
6. An issued sign permit may be amended pursuant to the procedural standards of Sec. 8.2.13.
Post-Decision

# Div. 8.4. Use Permits

A use permit is a review process to ensure that the use of a property complies with these LDRs and that the impacts of the use are mitigated. Use permits run with a property and are valid as long as the use remains in operation. Conditions on use permits are often ongoing and apply throughout the life of the permit. There are 3 types of use permits in these LDRs.

### A. Basic Use Permit (Sec. 8.4.1.)

A basic use permit (BUP) permits uses that are allowed by right, but require administrative review to ensure compliance with the standards of these LDRs.

### B. Conditional Use Permit (Sec. 8.4.2.)

A conditional use permit (CUP) permits a use that is generally compatible with the character of a zone, but requires project specific conditions to limit and mitigate potential adverse impacts.

### C. Special Use Permit (Sec. 8.4.3.)

A special use permit (SUP) permits a use that is incompatible with the character of all zones, but is an essential service of the community and must be located somewhere under specific conditions to mitigate adverse impacts.

## 8.4.1. Basic Use Permit (BUP) (1/4/17, Ord. 1165)

### A. Purpose

The purpose of a basic use permit is to ensure compliance with the standards of these LDRs for uses that are compatible with the character of the zone in which they are proposed.

### B. Applicability

Uses that require a basic use permit are identified in the standards for each zone. See Articles 2-4 for zone standards.

### C. Findings for Approval

A basic use permit shall be approved upon finding the application:

1. Complies with the use specific standards of Div. 6.1. Allowed Uses and the zone;
2. Complies with all other relevant standards of these LDRs and all other Town Ordinances; and
3. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

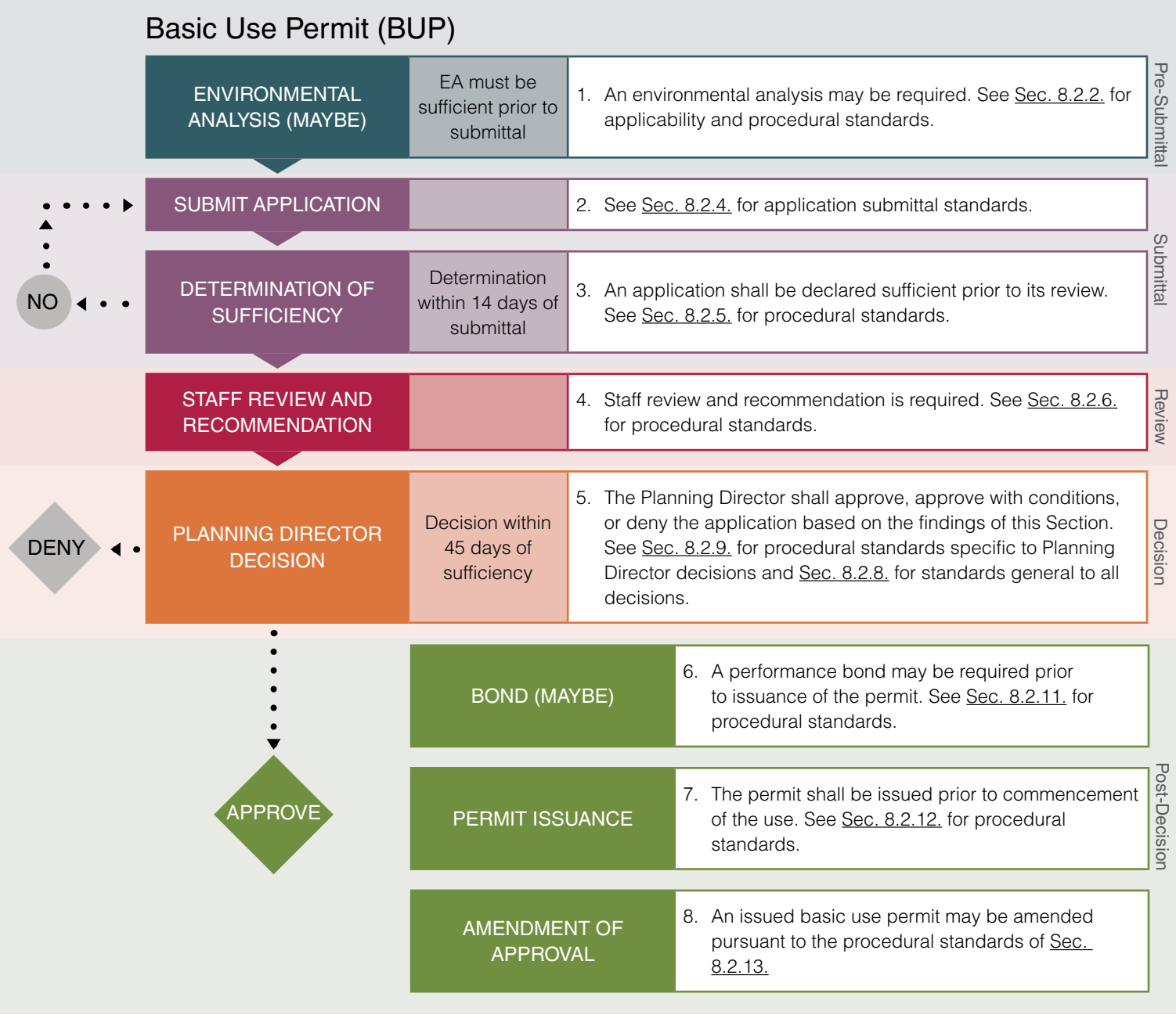
### D. Permit Expiration

A basic use permit shall expire one year after the date of approval except under one of the following circumstances:

1. The use is commenced and has not been operationally discontinued or abandoned for a period of one year or more;
2. A physical development permit has been issued and is active for physical development needed to commence the use; or
3. An alternate expiration is set through the approval of the basic use permit.

### E. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.


Basic Use Permit (BUP)
ENVIRONMENTAL ANALYSIS (MAYBE)
EA must be sufficient prior to submittal
1. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.
Pre-Submittal
SUBMIT APPLICATION
2. See Sec. 8.2.4. for application submittal standards.
NO
DETERMINATION OF SUFFICIENCY
Determination within 14 days of submittal
3. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for procedural standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
4. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
Review
DENY
PLANNING DIRECTOR DECISION
Decision within 45 days of sufficiency
5. The Planning Director shall approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions.
Decision
APPROVE
BOND (MAYBE)
6. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards.
PERMIT ISSUANCE
7. The permit shall be issued prior to commencement of the use. See Sec. 8.2.12. for procedural standards.
AMENDMENT OF APPROVAL
8. An issued basic use permit may be amended pursuant to the procedural standards of Sec. 8.2.13.
Post-Decision

## 8.4.2. Conditional Use Permit (CUP) (1/1/15, Ord. 1074)

### A. Purpose

The purpose of a conditional use permit is to individually and publicly review the configuration, density, and intensity of a use that is generally compatible with the character of a zone, but requires additional, site-specific conditions to limit and mitigate effects that may be adverse to the desired character of the zone.

### B. Applicability

Uses that require a conditional use permit are identified in the standards for each zone. See Article 2.-Article 4. for zone standards.

### C. Findings for Approval

A conditional use permit shall be approved upon finding the application:

1. Is compatible with the desired future character of the area;
2. Complies with the use specific standards of Div. 6.1.;
3. Minimizes adverse visual impacts;
4. Minimizes adverse environmental impacts;
5. Minimizes adverse impacts from nuisances;
6. Minimizes adverse impacts on public facilities;
7. Complies with all other relevant standards of these LDRs and all other Town Ordinances; and
8. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

### D. Expiration

A conditional use permit shall expire one year after the date of approval except under one of the following circumstances:

1. The use is commenced and has not been operationally discontinued or abandoned for a period of one year or more;
2. A physical development permit has been issued and is active for physical development needed to commence the use; or
3. An alternate expiration is set through the approval of the CUP.

### E. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

## Conditional Use Permit (CUP)

**Pre-Submittal**

| | | |
|---|---|---|
| PRE-APPLICATION CONFERENCE | | 1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards. |
| ENVIRONMENTAL ANALYSIS (MAYBE) | EA must be sufficient prior to submittal | 2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards. |
| NEIGHBORHOOD MEETING (OPTIONAL) | | 3. A neighborhood meeting is optional. See Sec. 8.2.3. for procedural standards. |

**Submittal**

| | | |
|---|---|---|
| SUBMIT APPLICATION | Must submit within 1 year of pre-ap conference | 4. See Sec. 8.2.4. for application submittal standards. |
| DETERMINATION OF SUFFICIENCY | Determination within 14 days of submittal | 5. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards. |

NO

**Review**

| | | |
|---|---|---|
| STAFF REVIEW AND RECOMMENDATION | | 6. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards. |
| PLANNING COMMISSION RECOMMENDATION | Hearing within 90 days of sufficiency | 7. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings. |

**Decision**

| | | |
|---|---|---|
| TOWN COUNCIL DECISION | Hearing within 60 days of PC recommendation | 8. The Town Council shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. At the request of the applicant a CUP may be approved on a temporary basis in order to determine the nature of the use and its potential adverse impacts. See Sec. 8.2.10. for procedural standards specific to TC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions. |

DENY

APPROVE

**Post-Decision**

| | |
|---|---|
| BOND (MAYBE) | 9. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards. |
| PERMIT ISSUANCE | 10. The permit shall be issued prior to commencement of the use. See Sec. 8.2.12. for procedural standards. |
| AMENDMENT OF APPROVAL | 11. An issued conditional use permit may be amended pursuant to the procedural standards of Sec. 8.2.13. |

## 8.4.3. Special Use Permit (SUP) (1/1/15, Ord. 1074)

### A. Purpose

The purpose of a special use permit is to individually and publicly review the configuration, density, and intensity of a use that is inherently incompatible with the character of all zones, but essential to the community and therefore some provision must be made for its existence and operation. Special uses require additional, site-specific conditions to limit and mitigate effects that may be adverse to the desired character of the zone.

### B. Applicability

Uses that require a special use permit are identified in the standards for each zone. See Article 2.-Article 4. for zone standards.

### C. Findings for Approval

A special use permit shall be approved upon finding the application:

1. Is an appropriate site for the use in consideration of a comprehensive community -wide location study for the use;
2. Will not constitute a substantial physical hazard to a neighboring property; and
3. Will not have a significant adverse effect on publicly-owned land;
4. Minimizes adverse environmental and visual impacts to the extent possible, considering the nature and essential existence of the use;
5. Will not damage or contaminate a public, private, residential, or agricultural water supply source;
6. Complies with all standards imposed on it by all other applicable regulatory agencies;
7. Complies with all relevant standards of these LDRs and other Town Ordinances; and
8. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

### D. Expiration

A special use permit shall expire one year after the date of approval except under one of the following circumstances:

1. The use is commenced and has not been operationally discontinued or abandoned for a period of one year or more;
2. A physical development permit has been issued and is active for physical development needed to commence the use; or
3. An alternate expiration is set through the approval of the SUP.

### E. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

# Special Use Permit (SUP)

| | | | |
|---|---|---|---|
| PRE-APPLICATION CONFERENCE | | 1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards. | Pre-Submittal |
| ENVIRONMENTAL ANALYSIS (MAYBE) | EA must be sufficient prior to submittal | 2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards. | Pre-Submittal |
| NEIGHBORHOOD MEETING | | 3. A neighborhood meeting is required. See Sec. 8.2.3. for procedural standards. | Pre-Submittal |
| SUBMIT APPLICATION | Must submit within 1 year of pre-ap conference | 4. See Sec. 8.2.4. for application submittal standards. Review of a SUP application may occur concurrently with an application to amend the text of the LDRs to identify the proposed site as an appropriate site for the use. | Submittal |
| DETERMINATION OF SUFFICIENCY | Determination within 14 days of submittal | 5. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards. | Submittal |
| STAFF REVIEW AND RECOMMENDATION | | 6. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards. | Review |
| PLANNING COMMISSION RECOMMENDATION | Hearing within 90 days of sufficiency | 7. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings. | Review |
| TOWN COUNCIL DECISION | Hearing within 60 days of PC recommendation | 8. The Town Council shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.10. for procedural standards specific to TC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions. | Decision |
| BOND | | 9. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards. | Post-Decision |
| PERMIT ISSUANCE | | 10. The permit shall be issued prior to commencement of the special use. See Sec. 8.2.12. for procedural standards. | Post-Decision |
| AMENDMENT OF APPROVAL | | 11. An issued Special Use Permit may be amended pursuant to the procedural standards of Sec. 8.2.13. | Post-Decision |

NO

DENY

APPROVE

# Div. 8.5. Development Option and Subdivision Permits

Development option permits provide for the review of an amount or type of development that is not allowed by a zone's base physical development and use standards. Development option permits are intended to permit a specific change to the amount or type of development otherwise allowed under the base requirements of these LDRs, but which requires certain standards to be met. Subdivision permits provide for the review of modifications to property configuration. Subdivision permits are intended to ensure orderly land records and the provision of adequate infrastructure, open space, and other requirements for the health, safety and welfare of the community.

Development option and subdivision permits do not permit actual physical development or change the zoning of a property. Conditions on development option and subdivision permits should relate to achievement of the development option or subdivision; they should not be on-going and create new standards for a property that have the effect of a LDR text amendment or zoning map amendment that should be processed pursuant to Div. 8.7.

This Division includes 4 review processes.

A. Development Option Plan (Sec. 8.5.2.)

Development option plan review is for development options that are allowed by right under specific circumstances. A development option plan does not require review at public hearing, but does require review of compliance with the development option standards before physical development and use permits can be reviewed. For larger developments that would benefit from public review, the development plan and sketch plan processes of Div. 8.3. are utilized instead of the development option plan.

B. Subdivision Plat (Sec. 8.5.3.)

Subdivision Plat review is a technical review of all divisions of land or airspace to ensure that property is being properly divided and conveyed. The subdivision plat process relies upon the development plan and sketch plan processes of Div. 8.3. to ensure the configuration of the subdivision complies with these LDRs.

C. Exempt Land Division (Sec. 8.5.4.)

The exempt land division procedure is for applicants seeking exemption under Wyo. Stat. § 18-5-303.

D. Boundary Adjustment (Sec. 8.5.5.)

The boundary adjustment procedure ensures that the adjustment of property lines results in property configurations that comply with the standards of these LDRs.

## 8.5.1. Sale or Transfer of Land (1/1/15, Ord. 1074)

No owner or agent of an owner of any land shall transfer, sell, agree to sell, or negotiate a binding agreement to sell any land by reference to, exhibition of, or by the use of a plat or map of subdivision or boundary adjustment before such plat or map has been approved and recorded in the applicable manner prescribed in this Division. The description of such lot or parcel by metes and bounds in the instrument of transfer or the documents

used in the process of selling or transferring shall not exempt the transaction from the provisions of this Division. Notwithstanding the foregoing, in the case of condominium or townhouse type developments, an owner may enter into binding agreements to sell lots or units subsequent to approval of a development plan. Conveyance of individual lots or units, however, shall not occur until approval and recordation of the plat.

## 8.5.2. Development Option Plan (1/1/15, Ord. 1074)

### A. Purpose

The purpose of a development option plan is to review a development option that requires a determination of compliance with these LDRs prior to preparation of physical development, use, or subdivision permit applications, but does not require public review.

### B. Applicability

Development options that require a development option plan are identified in the standards for each zone. See Article 2.-Article 4. for zone standards.

### C. Findings for Approval

A development option plan shall be approved upon finding the application:

1. Is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan;
2. Achieves the standards and objectives of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable;
3. Complies with the Town of Jackson Design Guidelines, if applicable;
4. Complies with all relevant standards of these LDRs and other Town Ordinances; and
5. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

### D. Effect of Approval

Approval of a development option plan permits submittal of a building permit, use permit, subdivision plat, or other application to complete the proposed development; it does not permit actual physical development or constitute subdivision of land.

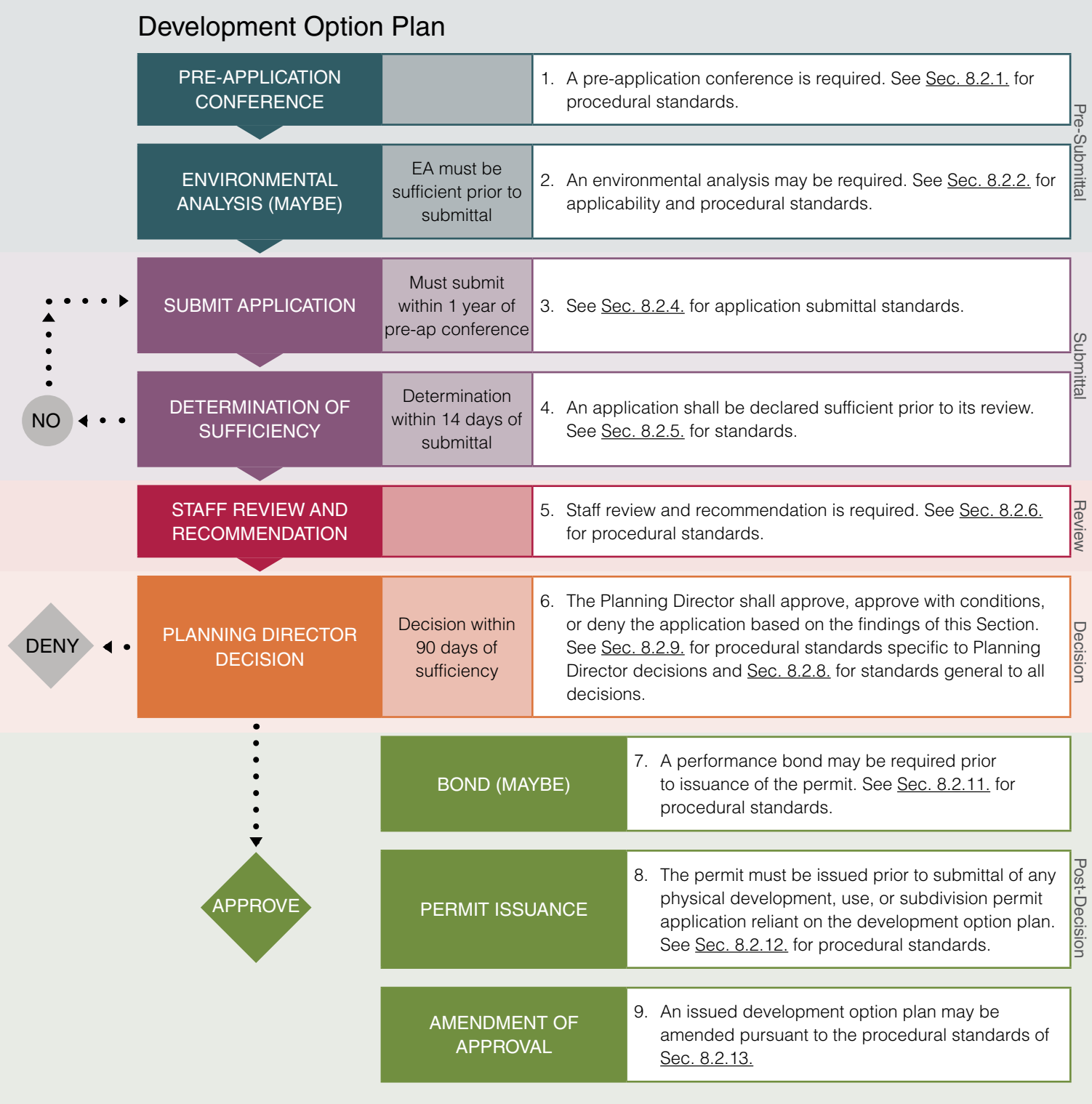
### E. Expiration

A development plan shall expire 18 months after the date of approval except under one of the following circumstances. The applicable circumstances shall be established in the notice of decision on the application.

1. In the case of a subdivision, a subdivision plat has been recorded with the County Clerk;
2. In the case of a development option, the action required to entitle the development option, such as the recording of a conservation easement for a development option requiring open space, has been taken; or
3. An alternate expiration is set through the approval of the development plan.

### F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.


Development Option Plan
PRE-APPLICATION CONFERENCE
1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards.
ENVIRONMENTAL ANALYSIS (MAYBE)
EA must be sufficient prior to submittal
2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.
Pre-Submittal
SUBMIT APPLICATION
Must submit within 1 year of pre-ap conference
3. See Sec. 8.2.4. for application submittal standards.
NO
DETERMINATION OF SUFFICIENCY
Determination within 14 days of submittal
4. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
5. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
Review
DENY
PLANNING DIRECTOR DECISION
Decision within 90 days of sufficiency
6. The Planning Director shall approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions.
Decision
APPROVE
BOND (MAYBE)
7. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards.
PERMIT ISSUANCE
8. The permit must be issued prior to submittal of any physical development, use, or subdivision permit application reliant on the development option plan. See Sec. 8.2.12. for procedural standards.
AMENDMENT OF APPROVAL
9. An issued development option plan may be amended pursuant to the procedural standards of Sec. 8.2.13.
Post-Decision

## 8.5.3. Subdivision Plat (1/4/17, Ord. 1165)

### A. Purpose

The purpose of the subdivision plat procedure is to ensure that the subdivision of land and airspace complies with the purpose and standards of these LDRs and State statute and to ensure:

1. Orderly land records;
2. Proper recordation of land ownership and property owner association records; and
3. Provision of rights-of-way for streets and utility easements.

### B. Applicability

Any division of land or airspace, including condominium and townhouse subdivisions, shall comply with this Section, unless it:

1. Meets of definition of an exempt land division pursuant to Sec. 8.5.4.;
2. Constitutes a Boundary Adjustment pursuant to Sec. 8.5.5.; or
3. Is one of the following divisions of property, which are not considered division of land or airspace.
   a. A division in interest which is created by a lien, mortgage, deed of trust, or any other security instrument, easements and rights-of-way;
   b. A division in interest which is created by the acquisition of an interest in land in the name of the husband and wife or other persons in joint tenancy or as tenants in common, and the interest shall be deemed for purposes of this Subsection as only one interest; and
   c. The sale or disposition of separate parcels of land that were separate when lawfully created or conveyed and which have not been combined by a recorded instrument of conveyance signed by all of the owners.

### C. Findings

A plat shall be approved upon a finding the proposed plat:

1. Is in substantial conformance with an approved development plan or development option plan or is a condominium or townhouse subdivision of existing physical development;
2. Complies with the standards of this Section.
3. Complies with the subdivision standards of Div. 7.2.; and
4. Complies with all other relevant standards of these LDRs and other Town Ordinances.

### D. Plat Content

1. A plat shall contain all requirements of Wyo. Stat. § 18-5-306 and § 34-12-103.
2. A plat shall contain notice of a mapped fault line pursuant to Section 5.4.3.B..
3. A plat may contain notes that effect transfer of rights and property or provide warning of nuisance.
4. A plat shall not include:
   a. Depiction of improvements;
   b. Notes designating zoning district, setbacks, right to subdivision, or any other standard under these LDRs that is subject to change at the legislative discretion of the Town Council.

### E. Subdivision Improvements Agreement

Where financial assurance is required for the installation of required subdivision improvements, the standards of Sec. 8.2.11. shall apply with the following modifications:

1. **Contract.** The Financial Assurances Agreement required shall be a Subdivision Improvements Agreement contract executed on a form provided by the Planning Director. The standard contract shall, among other things, specify that the required improvements be installed within the time stated, in accordance with the approved plans and the requirements of the Town Engineer, and, where applicable, the requirements of the Wyoming Department of Environmental Quality. The contract shall be reviewed and approved by the Town Attorney, and shall be recorded against the property by the subdivider. The Town shall record a release of the contract upon installation of the required subdivision improvements.
2. **Release of Financial Assurance.** A full or partial release of the financial assurance does not constitute certification of compliance with the standards of these LDRs or any applicable code or other requirement, or release the responsibility of the subdivider.

## F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete each step before moving to the step below.

### Subdivision Plat

| | | | |
|---|---|---|---|
| DEVELOPMENT PLAN | | 1. A plat application may only be submitted following approval of a development plan for the proposed subdivision. | Pre-Submittal |
| SUBMIT APPLICATION | | 2. See Sec. 8.2.4. for application submittal standards. | Submittal |
| DETERMINATION OF SUFFICIENCY (NO) | Determination within 14 days of submittal | 3. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards. | Submittal |
| STAFF REVIEW AND RECOMMENDATION | Correction of technical errors shall be submitted within 30 days of notification | 4. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards. | Review |
| TOWN COUNCIL DECISION (DENY) | Hearing within 90 days of sufficiency | 5. The Town Council shall review the application at a public hearing and approve or deny the application based on the findings of this Section. See Sec. 8.2.10. for procedural standards specific to TC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions. | Decision |
| SUBDIVISION IMPROVEMENT AGREEMENT (MAYBE) | | 6. A performance bond for required subdivision improvements may be required prior to recording of the plat. See 8.5.3.E. for standards. | Post-Decision |
| RECORDING OF PLAT (APPROVE) | | 7. The subdivision will not be valid until the plat is recorded with the County Clerk. See Sec. 8.2.12. for procedural standards. The plat shall be recorded within 60 days of approval. Prior to recording the plat, a digital copy of the approved plat shall be provided in a form acceptable to the maintainer of the County GIS. | Post-Decision |
| PLAT AMENDMENT | | 8. Adjustment of the boundaries of platted lots shall be achieved pursuant to Sec. 8.5.5. Any other amendment to a recorded plat shall be achieved pursuant to the procedural standards of Sec. 8.2.13. | Post-Decision |

## 8.5.4. Exempt Land Division (1/4/17, Ord. 1165)

### A. Purpose

The purpose of the exempt land division procedure is for the Planning Director to verify that a claimed exempt land division is compliant with the standards of Wyo. Stat. § 18-5-303 and not intended to evade Sec. 8.5.3.

### B. Applicability

The following divisions of land are exempt from the requirements of Sec. 8.5.3. by Wyo. Stat. § 18-5-303. However, as authorized by the same statute, they shall comply with the standards of this Section prior to recording deeds, records of survey, contracts for deeds, or other types of instruments with the County Clerk.

1. A division which creates cemetery lots.
2. A division which is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof.
3. A division which affects railroad rights-of-way;
4. A division of land creating a parcel 5 acres or less for the purpose of establishing unmanned communication facilities, compressor stations, metering stations, fiber optic booster stations, or similar unmanned facilities.

### C. Effect

This Section shall exempt applicable divisions of land from the procedural standards of Sec. 8.5.3. However, the resultant parcels shall not be exempt from the other standards of these LDRs.

### D. Recorded Documents

Prior to recording deeds, contracts for deeds, or other types of instruments with the County Clerk, the following documents shall be recorded with the County Clerk:

1. A map of survey;
2. A certificate acknowledged by all owners of record stating the division is exempted from review as a subdivision under Wyo. Stat. § 18-5-303; and
3. A certificate acknowledged by the Planning Director that states that the division is exempt pursuant to Wyo. Stat. § 18-5-303 and this Section.
4. If applicable, an instrument acceptable to the Planning Director that limits the use of the property to those purposes allowed under Wyo. Stat. § 18-5-303 for the claimed exemption.

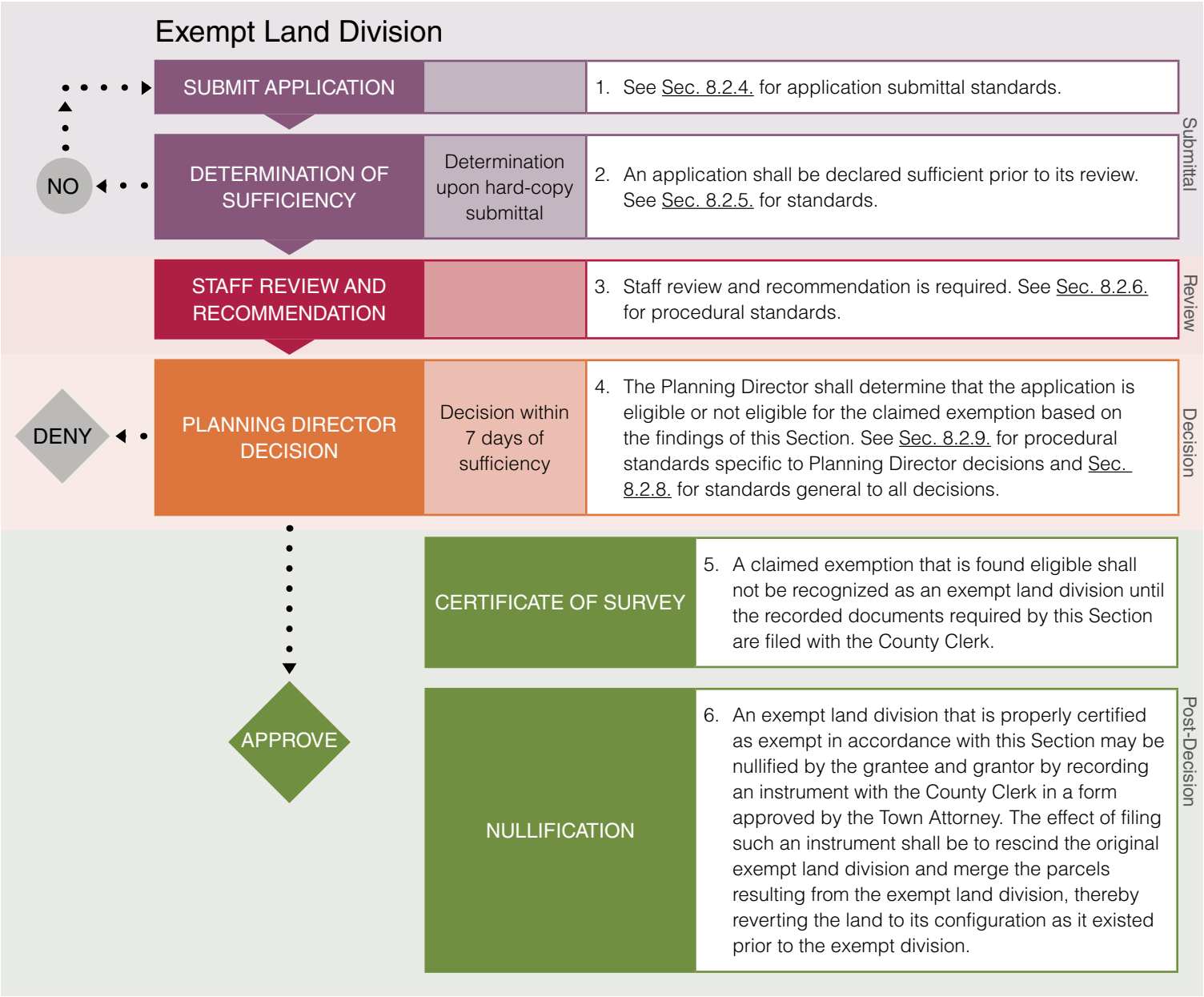
### E. Findings

A claimed exempt land division shall be found eligible if:

1. The application meets the applicability standards of this Section;
2. The required documents to be recorded are acceptable; and
3. The application is not intended to evade Sec. 8.5.3.

### F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.


Exempt Land Division
SUBMIT APPLICATION
1. See Sec. 8.2.4. for application submittal standards.
NO
DETERMINATION OF SUFFICIENCY
Determination upon hard-copy submittal
2. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
3. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
Review
DENY
PLANNING DIRECTOR DECISION
Decision within 7 days of sufficiency
4. The Planning Director shall determine that the application is eligible or not eligible for the claimed exemption based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions.
Decision
APPROVE
CERTIFICATE OF SURVEY
5. A claimed exemption that is found eligible shall not be recognized as an exempt land division until the recorded documents required by this Section are filed with the County Clerk.
NULLIFICATION
6. An exempt land division that is properly certified as exempt in accordance with this Section may be nullified by the grantee and grantor by recording an instrument with the County Clerk in a form approved by the Town Attorney. The effect of filing such an instrument shall be to rescind the original exempt land division and merge the parcels resulting from the exempt land division, thereby reverting the land to its configuration as it existed prior to the exempt division.
Post-Decision

# 8.5.5. Boundary Adjustment (1/1/15, Ord. 1074)

## A. Purpose

The purpose of the boundary adjustment process is to ensure that the adjustment of property lines results in property configurations that comply with the standards of these LDRs.

## B. Applicability

The adjustment of boundaries between lots of record that involves the division of a portion of one property so that the divided portion can be completely merged into an adjacent property shall be exempt from the standards of Sec. 8.5.3. but shall comply with the standards of this Section. Specifically, but not exclusively, this Section shall be applicable in the following situations.

1. The conveyance of a parcel from a public agency to a private party that owns land contiguous to the conveyed public land shall be treated as a boundary adjustment to the contiguous private land and not as the creation of a separate, legal, buildable lot of record.

2. The remedying of an encroachment, setback violation, bona fide boundary dispute, or similar circumstance through boundary adjustment shall comply with the standards of this Section.

3. A change in the lot configuration and/or roadway location in a limited part of a platted subdivision that does not abridge or destroy any of the rights and privileges of other landowners or others who have an interest in the plat shall be reviewed as a boundary adjustment; otherwise the change in configuration of a platted subdivision shall comply with the standards of 8.2.13.C.

## C. Recorded Documents

Adjustment of the boundaries between unplatted lots requires the recordation of different documents from the adjustment of the boundaries between platted lots.

1. **Unplatted Parcels.** In order to adjust the boundaries between unplatted lots of record the following documents shall be recorded with the County Clerk.

    a. **Map of Survey.** A map of survey of the new configuration of the lots of record shall be recorded. The map of survey shall contain a certificate of Surveyor, Certificate of Owners, and Certificate of Acceptance of Mortgagees signed by all holders of mortgages of the properties being adjusted. Each of the certificates shall be appropriately acknowledged and comply with the applicable sections of state statute.

    b. **Conveyance of Parcels.** An acceptable instrument, which shall totally merge the divided portions with and combine them into the adjoining lots of record so that no additional lots of record are created, and the resulting lots of record shall be established as single lots of record for all purposes.

2. **Platted Lots.** In order to adjust the boundaries between platted lots, or a platted lot and an unplatted parcel, the following documents shall be recorded with the County Clerk.

a. **Plat.** A new plat shall be recorded for the lots with adjusted boundaries. The new plat shall meet the following standards.

   i. The content of the new plat shall meet the standards of 8.5.3.D.

   ii. The Subdivision Improvement Agreement shall be updated as needed pursuant to the standards of 8.5.3.E.

   iii. The Certificate of Owners on the new plat shall have a clause vacating the area to be reconfigured that is signed by all owners of record of the lots involved.

   iv. All mortgagees shall acknowledge the replat.

   v. If only one subdivision is involved, the name shall be the name of the original subdivision, followed by a numerical designation. The resulting (new) lots shall be numbered consecutively with numbers different from the original subdivision. If 2 or more neighboring subdivisions are involved, the new plat shall have a name materially different than any of the original plats.

   vi. An adjusted unplatted parcel is not required to become a part of the subdivision, however the new configuration of the unplatted parcel shall be shown on the plat, to the satisfaction of the County Surveyor.

b. **Conveyance of Platted Lots.** If there is more than one owner of the vacated portion of the plat, instruments shall be recorded conveying ownership of the individual lots of record resulting from the replat.

c. **Conveyance of Unplatted Parcels.** An instrument acceptable to the Town Attorney and the Town Surveyor shall be recorded to establish a newly adjusted unplatted parcel.

## D. Findings

A boundary adjustment shall be approved upon finding that:

1. No additional lots of record are created;
2. Each of the resulting lots of record complies with the zone in which it is located as approved through a zoning compliance verification;
3. The applicability and required document provisions of this Section are met;
4. The application complies with all other relevant standards of these LDRs and other Town Ordinances; and
5. The application is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

## E. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

## Boundary Adjustments

**Pre-Submittal**

| | | |
|---|---|---|
| ZONING COMPLIANCE VERIFICATION | | 1. A zoning compliance verification shall be approved for the proposed configuration of each lot of record that would result from the boundary adjustment. See Sec. 8.6.2. for standards and procedures. |

**Submittal**

| | | |
|---|---|---|
| SUBMIT APPLICATION | Must submit within 60 days of ZCV | 2. See Sec. 8.2.4. for application submittal standards. |
| DETERMINATION OF SUFFICIENCY | Determination within 14 days of submittal | 3. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards. |

NO

**Review**

| | | |
|---|---|---|
| STAFF REVIEW AND RECOMMENDATION | Correction of technical errors shall be submitted within 30 days of notification | 4. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards. |

**Decision**

| | | |
|---|---|---|
| PLANNING DIRECTOR DECISION | Decision within 60 days of sufficiency. | 5. If the application proposes adjustment of the boundaries between unplatted parcels, the Planning Director shall approve or deny the application based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions. |

DENY

OR

| | | |
|---|---|---|
| TOWN COUNCIL DECISION | Hearing within 90 days of sufficiency | 6. If the application proposes adjustment of the boundaries between platted lots or a platted lot and unplatted parcel, the Town Council shall review the application at a public hearing and approve or deny the application based on the findings of this Section. See Sec. 8.2.10. for procedural standards specific to TC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions. In addition to the notice requirements of Sec. 8.2.14., notice of the hearing shall be sent to all proprietors in the plat to be partially vacated and replatted. |

DENY

**Post-Decision**

APPROVE

| | |
|---|---|
| BOND (MAYBE) | 7. A performance bond may be required prior to recording of the new plat or map of survey executing the boundary adjustment. See Sec. 8.2.11. for procedural standards. If the bond is associated with a Subdivision Improvement Agreement, see also 8.5.3.E. |
| RECORDING OF BOUNDARY ADJUSTMENT | 8. The adjusted boundary configuration will not be valid until the applicable required documents are recorded with the County Clerk. Prior to recording the required documents, a digital copy of the approved map or plat shall be provided in a form acceptable to the maintainer of the County GIS. |

# Div. 8.6. Interpretations of the LDRs

Interpretations of the LDRs are made throughout the review of all permit applications. These interpretations are incorporated and finalized through the processes described in other divisions of this Article and do not require a separate process. However, there are times when a clarification on the meaning of the LDRs is needed independent of an application. This Division outlines the process for 2 types of independent interpretations:

A. Formal Interpretations (Sec. 8.6.1.)

A formal interpretation provides a written answer to a specific question of how a provision of these LDRs is applied;

B. Zoning Compliance Verification (Sec. 8.6.2.)

A zoning compliance verification is a moment-in-time analysis of the compliance of a specific property with all or certain provisions of these LDRs.

## 8.6.1. Formal Interpretations (1/1/15, Ord. 1074)

### A. Purpose

The purpose of a formal interpretation is to provide a written answer to a specific question on the application of a provision of these LDRs or the boundaries or classifications of the Official Zoning Map independent from any other review procedure. A formal interpretation provides consistency in the implementation of these LDRs.

### B. Applicability

A formal interpretation may be requested to interpret any provision of these LDRs or boundary or classification of the Official Zoning Map. The Planning Director may require a different application to be filed if an interpretation should be evaluated in the context of a full application rather than as a separate question.

### C. Findings

In making a formal interpretation the Planning Director shall consider the following:

1. The Jackson/Teton County Comprehensive Plan;
2. The purposes for which the regulation was initially adopted, the Planning Director's judgment should not be substituted for the legislative intent of the Town Council;
3. Previous interpretations of similar circumstances; and
4. Flexibility to achieve the desired future character within the established protections of these LDRs is to be encouraged, while flexibility around the protections provided by the standards in these LDRs shall be prohibited.

### D. Official Record

The Planning Director shall maintain a record of all formal interpretations rendered pursuant to this Section. This record shall be available for public inspection in the Planning Department during normal business hours.

### E. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

## Formal Interpretations

| | | | |
|---|---|---|---|
| SUBMIT APPLICATION | | 1. See Sec. 8.2.4. for application submittal standards, except that application for a formal interpretation may be submitted by any landowner or resident of the Town. | Submittal |
| STAFF REVIEW AND RECOMMENDATION | | 2. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards. | Review |
| PLANNING DIRECTOR DECISION | Decision within 60 days of submittal | 3. The Planning Director shall make the formal interpretation based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions. | Decision |
| ISSUE | ISSUANCE | 4. See Sec. 8.2.12. for procedural standards. | Post-Decision |

## 8.6.2. Zoning Compliance Verification (ZCV) (1/4/17, Ord. 1165)

### A. Purpose

The purpose of a zoning compliance verification is to determine in writing if all or a portion of a property is in compliance with these LDRs at a specific point in time.

### B. Applicability

A zoning compliance verification may be requested for any property, portion of a property, or attribute of a property's physical development, use, development options, or subdivision.

> **EXAMPLE:** Examples of zoning compliance verification requests include, but are not limited to: a determination of the current development potential on a site; identification of any apparent nonconformities on a site; review of a wetland delineation or Environmental Analysis exemption prior to application submittal; and visual resource analysis that informs application submittal but is not dependent upon application information for review.

### C. Findings

In order to issue a zoning compliance verification the Planning Director shall find that the property, portion of the property, or attribute of the property in question:

1. Complies with all relevant standards of these LDRs and other Town Ordinances; and
2. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

### D. Effect

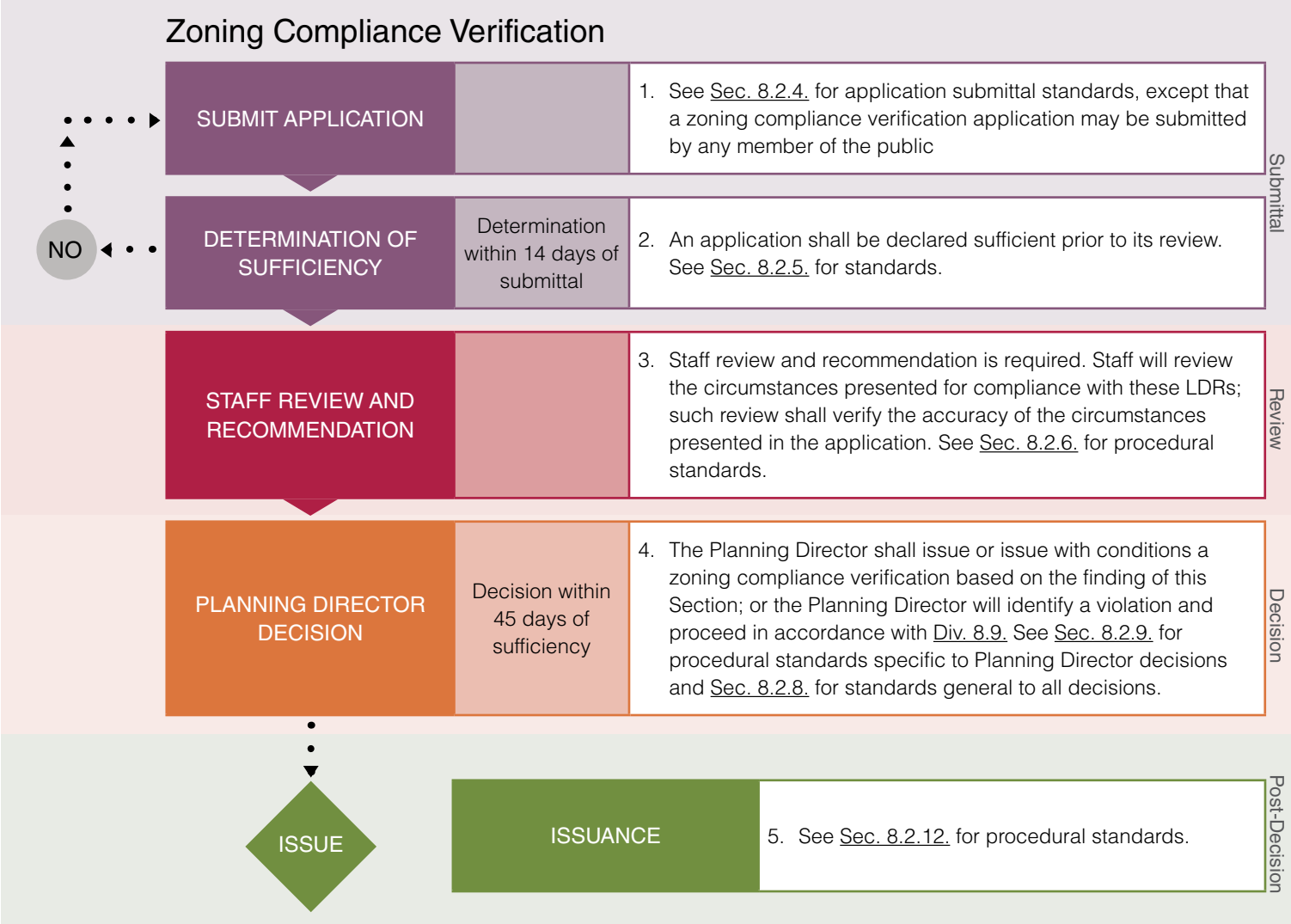
A zoning compliance verification shall only apply to the circumstances reviewed and will only be as detailed as the information provided in the request. A zoning compliance verification does not permit any physical development, use, development option, or subdivision, nor does it guarantee approval of any application.

### E. Expiration

A zoning compliance verification shall only verify zoning compliance at the time it is issued.

### F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.


Zoning Compliance Verification
SUBMIT APPLICATION
1. See Sec. 8.2.4. for application submittal standards, except that a zoning compliance verification application may be submitted by any member of the public
NO
DETERMINATION OF SUFFICIENCY
Determination within 14 days of submittal
2. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
3. Staff review and recommendation is required. Staff will review the circumstances presented for compliance with these LDRs; such review shall verify the accuracy of the circumstances presented in the application. See Sec. 8.2.6. for procedural standards.
Review
PLANNING DIRECTOR DECISION
Decision within 45 days of sufficiency
4. The Planning Director shall issue or issue with conditions a zoning compliance verification based on the finding of this Section; or the Planning Director will identify a violation and proceed in accordance with Div. 8.9. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions.
Decision
ISSUE
ISSUANCE
5. See Sec. 8.2.12. for procedural standards.
Post-Decision

# Div. 8.7. Amendments to the LDRs

Amending the LDRs is a matter committed to the legislative discretion of the Town Council. There are 3 types of amendments to the LDRs:

A. LDR Text Amendments that change the language in the LDRs;

B. Zoning Map Amendments that change the zoning classification of a property and therefore the applicable LDRs; and

C. Planned Unit Developments that establish a development-specific zoning classification and standards for a site.

## 8.7.1. LDR Text Amendment (1/1/15, Ord. 1074)

### A. Purpose

The purpose of an LDR text amendment is to publicly review a change to these LDRs to ensure that it improves implementation of the Jackson/Teton County Comprehensive Plan or address other health, safety, or welfare issues in the community.

### B. Applicability

All LDR text amendments shall be reviewed pursuant to this Section.

### C. Findings

The advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. Is consistent with the purposes and organization of the LDRs;
2. Improves the consistency of the LDRs with other provisions of the LDRs;
3. Provides flexibility for landowners within standards that clearly define desired character;
4. Is necessary to address changing conditions, public necessity, and/or state or federal legislation;
5. Improves implementation of the Comprehensive Plan; and
6. Is consistent with other adopted Town Ordinances.

### D. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

## LDR Text Amendment

**Pre-Submittal**

**PRE-APPLICATION CONFERENCE (OPTIONAL)**

1. A pre-application conference is optional. See Sec. 8.2.1. for procedural standards.

**NEIGHBORHOOD MEETING (OPTIONAL)**

2. A neighborhood meeting is optional, but suggested if the text amendment will have localized effect. See Sec. 8.2.3. for procedural standards.

**Submittal**

**SUBMIT APPLICATION**

3. See Sec. 8.2.4. for application submittal standards except that an LDR text amendment may be proposed by the Town Council, Planning Commission, Planning Director, or any member of the public. Review of a text amendment shall not occur concurrently with review of any physical development, basic use, conditional use, development option, or subdivision permit application reliant on the proposed text amendment.

**DETERMINATION OF SUFFICIENCY** — Determination within 14 days of submittal

4. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.

NO

**Review**

**STAFF REVIEW AND RECOMMENDATION**

5. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.

**PLANNING COMMISSION RECOMMENDATION** — Hearing within 90 days of sufficiency

6. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings.

**Decision**

**TOWN COUNCIL DECISION** — Hearing within 60 days of PC recommendation

7. The Town Council shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. Upon protest signed by 20% of the landowners within the area of effect of the LDR text amendment, or within 140 feet (not including the width of intervening streets and alleys) of the area of effect of the LDR text amendment, the amendment shall only be approved upon an affirmative vote of 4 members of Town Council. SeeSec. 8.2.9. for procedural standards specific to TC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions.

DENY

APPROVE

**Post-Decision**

**FILING OF AMENDMENT**

8. The text amendment shall not take effect until it is published in a newspaper of general circulation. See Sec. 8.2.12. for procedural standards. The amendment shall not be published until it has been read and approved at 3 public hearings.

## 8.7.2. Zoning Map Amendment (1/1/15, Ord. 1074)

### A. Purpose

The purpose of zoning map amendment is to publicly review a change to the Official Zoning Map to ensure that it improves implementation of the Jackson/Teton County Comprehensive Plan or address other health, safety, or welfare issues in the community.

### B. Applicability

All zoning map amendments shall be reviewed pursuant to this Section.

### C. Findings for Approval

The advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed zoning map amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. Is consistent with the purposes and organization of the LDRs;
2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan;
3. Is necessary to address changing conditions or a public necessity; and
4. Is consistent with the other adopted Town Ordinances.

### D. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

# Zoning Map Amendment

| | | | |
|---|---|---|---|
| PRE-APPLICATION CONFERENCE | Conference must be held within 1 year of submittal | 1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards. | Pre-Submittal |
| NEIGHBORHOOD MEETING | | 2. A neighborhood meeting is required. See Sec. 8.2.3. for procedural standards. | Pre-Submittal |
| SUBMIT APPLICATION | Must submit within 1 year of pre-ap conference | 3. See Sec. 8.2.4. for application submittal standards except that, a zoning map amendment may be proposed by the Town Council, Planning Commission, Planning Director, or any other member of the public. Review of a zoning map amendment shall not occur concurrently with review of any physical development, use, development option, or subdivision permit application reliant on the proposed zoning map amendment. | Submittal |
| DETERMINATION OF SUFFICIENCY | Determination within 14 days of submittal | 4. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards. | Submittal |
| STAFF REVIEW AND RECOMMENDATION | | 5. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards. | Review |
| PLANNING COMMISSION RECOMMENDATION | Hearing within 90 days of sufficiency | 6. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings. | Review |
| TOWN COUNCIL DECISION | Hearing within 60 days of PC recommendation | 7. The Town Council shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. Upon protest signed by 20% of the landowners within the area of the zoning map amendment, or within 140 feet (not including the width of intervening streets and alleys) of the area of the amendment, the amendment shall only be approved upon an affirmative vote of 4 members of Town Council. See Sec. 8.2.9.for procedural standards specific to TC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions. | Decision |
| FILING OF AMENDMENT | | 8. The zoning map amendment shall not take effect until it is published in a newspaper of general circulation. See Sec. 8.2.12. for procedural standards. The amendment shall not be published until it has been read and approved at 3 public hearings. | Post-Decision |

NO

DENY

APPROVE

## 8.7.3. Planned Unit Development (PUD)

(1/4/17, Ord. 1165)

### A. Purpose

A planned unit development is established by a zoning map amendment to rezone land to a planned unit development zoning classification that is defined by a master plan. The purpose of the planned unit development process is to publicly review the proposed master plan and certificate of standards to ensure that they enhance the implementation of the desired future character for the land of the proposal beyond what could be achieved by base zoning.

### B. Applicability

Development options that require planned unit development review and approval are identified in the standards for each zone. See Article 2.-Article 4. for zone standards. PUDs shall be reviewed pursuant to the procedures and standards of this Section.

### C. Consolidation of Applications

A PUD shall be reviewed concurrently with the initial physical development permit application required for the proposal.

> **EXAMPLE:** If the density or intensity of the project requires a sketch plan, the PUD application shall be reviewed concurrently with the sketch plan application.

### D. Findings for Approval

The advisability of amending the Official Zoning Map to include a planned unit development classification is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed planned unit development the Town Council shall consider:

1. The extent to which the PUD enhances the implementation of the desired future character for the land of the proposal beyond what could be achieved by base zoning;
2. The findings for the applicable PUD option found in Article 4.;
3. The applicable findings for the amendment of an existing PUD or other special project found in 8.2.13.D.;
4. The findings of Sec. 8.7.1.; and
5. The findings of Sec. 8.7.2.

### E. Effect

Approval of a PUD constitutes a zoning map amendment that has the effect of applying the master plan as the zone-specific standards for the site. Approval of a PUD does not permit actual physical development or use of the site, nor does it constitute subdivision of land.

### F. Expiration

1. **Expiration.** A PUD shall expire if the physical development permit with which it was approved expires except under one of the following circumstances:
   a. The PUD option in Article 4. establishes an alternative expiration; or
   b. An alternate expiration is set through the approval of the PUD.
2. **Effect of Expiration.** Upon expiration, all rights established by the master plan shall become null and void. The Town shall amend the Official Zoning Map pursuant Sec. 8.7.2. from PUD to the zone that existed on the land prior to the PUD approval. If the prior zone no longer exists, the Planning Director shall propose the appropriate zone in which to place the land.

### G. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

# Planned Unit Development (PUD)

**Pre-Submittal**

| | | |
|---|---|---|
| PRE-APPLICATION CONFERENCE | | 1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards. |
| ENVIRONMENTAL ANALYSIS (MAYBE) | EA must be sufficient prior to submittal | 2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards. |
| NEIGHBORHOOD MEETING | | 3. A neighborhood meeting is required. See Sec. 8.2.3. for procedural standards. |

**Submittal**

| | | |
|---|---|---|
| SUBMIT APPLICATION | Must submit within 1 year of pre-ap conference | 4. See Sec. 8.2.4. for application submittal standards. |
| DETERMINATION OF SUFFICIENCY | Determination within 14 days of submittal | 5. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards. |

NO

**Review**

| | | |
|---|---|---|
| STAFF REVIEW AND RECOMMENDATION | | 6. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards. |
| PLANNING COMMISSION RECOMMENDATION | Hearing within 90 days of sufficiency | 7. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.8. for procedural standards general to all public hearings. |

**Decision**

| | | |
|---|---|---|
| TOWN COUNCIL DECISION | Hearing within 60 days of PC recommendation | 8. The Town Council shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. Upon protest signed by 20% of the landowners within the area of the PUD, or within 140 feet (not including the width of intervening streets and alleys) of the area of the PUD, the amendment shall only be approved upon an affirmative vote of 4 members of Town Council. See Sec. 8.2.10. for procedural standards specific to TC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions. |

DENY

APPROVE

**Post-Decision**

| | |
|---|---|
| FILING OF AMENDMENT | 9. The PUD shall not take effect until the zoning map amendment is published in a newspaper of general circulation. See Sec. 8.2.12. for procedural standards. Designation of a PUD zone classification on the Official Zoning Map shall reference the approval of the PUD. The zoning map amendment shall not be published until it has been read and approved at 3 public hearings. |
| AMENDMENT OF APPROVAL | 10. A filed PUD may be amended pursuant to the procedural standards of Sec. 8.2.13. |

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# Div. 8.8. Relief from the LDRs

At times the strict application of these LDRs to a specific site inadvertently impedes the applicant's ability to realize the community's desired future character. In such instances relief may be sought from the strict application. There are 4 types of relief processes in this Division:

A. An Administrative Adjustment allows for minor relief from the LDRs where a public review is not necessary to determine that the protection afforded the community is upheld.

B. A variance is a larger relief from the LDRs that is a public review of the balance between the protections afforded the community by the LDRs and the hardship they place on the applicant.

C. An appeal allows for the challenge of an administrative decision.

D. A Beneficial Use Determination is a non-judicial remedy for a landowner to seek relief when the landowner believes the application of these LDRs constitutes a "takings" under the United States or Wyoming Constitution.

## 8.8.1. Administrative Adjustment (11/23/16, Ord. 1154)

### A. Purpose

The purpose of an administrative adjustment is to allow minor adjustments to certain requirements and numerical standards in these LDRs based on specific review standards. The intent is to provide relief when application of a standard creates practical difficulties in advancement of Comprehensive Plan goals or zoning district purposes.

### B. Applicability

An application may be made for administrative adjustment of the following standards of the LDRs.

1. Landscape Surface Ratio may be adjusted up to 20%.
2. Structure setbacks, not including setbacks from natural resources, may be adjusted up to 20%.
3. Site development setbacks, not including setbacks from natural resources, may be adjusted up to 20%.
4. Fencing height and setbacks may be adjusted up to 20%.
5. Grade of developable slopes may be adjusted up to 20%.
6. Any dimensional standard of a building frontage may be adjusted up to 20%.
7. Building facade width may be adjusted up to 20%.
8. Wildlife friendly fencing may be adjusted as allowed by 5.1.2.E.
9. Standard plant units may be adjusted as allowed by 5.5.3.E.3.
10. Sign standards may be adjusted as allowed by 5.6.1.B.2.
11. Parking requirement may be adjusted as allowed by 6.2.2.A.1.
12. Pedestrian frontage standards may be adjusted as allowed by 2.2.1.C..

### C. Findings

An administrative adjustment shall be approved upon finding the application:

1. Complies with the applicability standards of this Section;
2. Either:
   a. Compensates for some unusual constraint of the site or proposal that is not shared by landowners generally, or
   b. Better protects natural and scenic resources, or
   c. Better supports the purpose of the zone;
3. Is consistent with the purpose of the zone and the desired future character for the area described in the Comprehensive Plan;
4. Will not pose a danger to the public health or safety; and
5. The site is not subject to a series of incremental administrative adjustments that circumvent the purpose of this Section.

### D. Effect

Issuance of an administrative adjustment shall not ensure the approval of any other application. The decision on an administrative adjustment cannot be reversed by the Town Council through review of an associated permit application. The decision on an administrative adjustment can only be reversed through an appeal pursuant to Sec. 8.8.3.

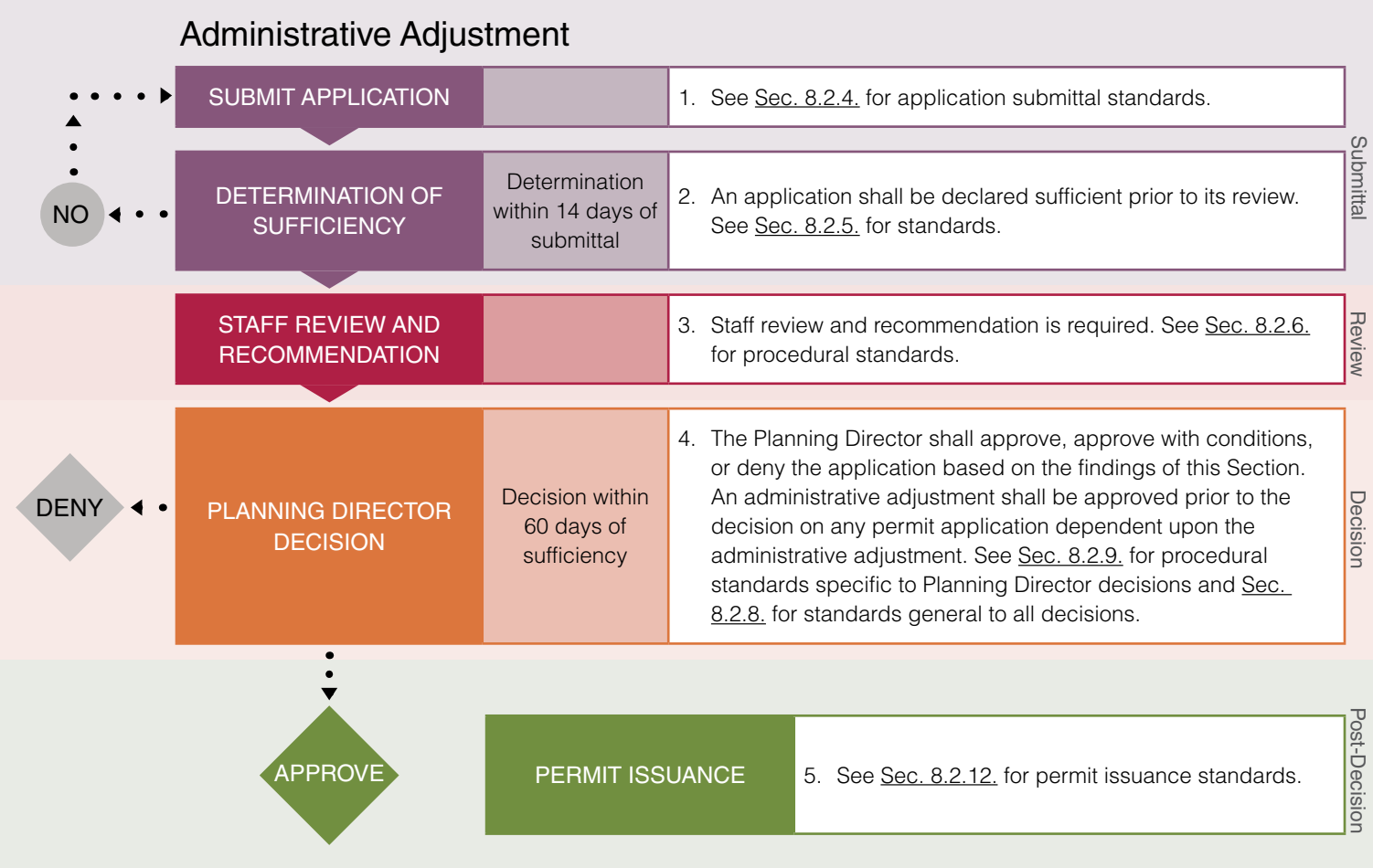
### E. Expiration

An administrative adjustment shall expire one year after the date of approval  except under one of the following circumstances:

1. The physical development, use, development option, or subdivision enabled by the administrative adjustment is in review or implementation; or
2. An alternate expiration is set through the approval of the administrative adjustment.

### F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.


Administrative Adjustment
SUBMIT APPLICATION
1. See Sec. 8.2.4. for application submittal standards.
NO
DETERMINATION OF SUFFICIENCY
Determination within 14 days of submittal
2. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
3. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
Review
DENY
PLANNING DIRECTOR DECISION
Decision within 60 days of sufficiency
4. The Planning Director shall approve, approve with conditions, or deny the application based on the findings of this Section. An administrative adjustment shall be approved prior to the decision on any permit application dependent upon the administrative adjustment. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions.
Decision
APPROVE
PERMIT ISSUANCE
5. See Sec. 8.2.12. for permit issuance standards.
Post-Decision

## 8.8.2. Variance (1/4/17, Ord. 1165)

### A. Purpose

The purpose of a variance is to allow a specific deviation from these regulations that is not contrary to the desired future character for the site when, due to special circumstances of the land, strict application of these regulations would result in undue and unique hardship.

### B. Applicability

A variance may be sought for any standard of these LDRs unless the variance would:

1. Increase maximum density, FAR, or maximum scale of development;
2. Allow a prohibited sign;
3. Allow a prohibited use or allow additional expansion of a nonconforming use;
4. Reduce the requirements of a development option (e.g. required open space, minimum lot size, unit type mix);
5. Reduce a requirement where an option for independent calculation of the requirement exists (e.g. housing, development exactions); or
6. Reduce the threshold for review of an application.

### C. Findings for Approval

A variance shall be approved upon finding:

1. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood;
2. The special circumstances and conditions have not resulted from any willful modification of the land or building;
3. The special circumstances and conditions are such that the strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community;
4. The variance sought is the minimum variance necessary to provide balance between the purpose of the regulation sought to be varied and its impact on the applicant;
5. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare; and
6. The granting of the variance is consistent with the general purpose and intent of these LDRs.

### D. Effect

Issuance of a variance shall not ensure the approval of any other application. A variance is unique to the special circumstances identified in the findings and does not create precedent. A variance approved for a specific development or use shall only apply to that development or use.

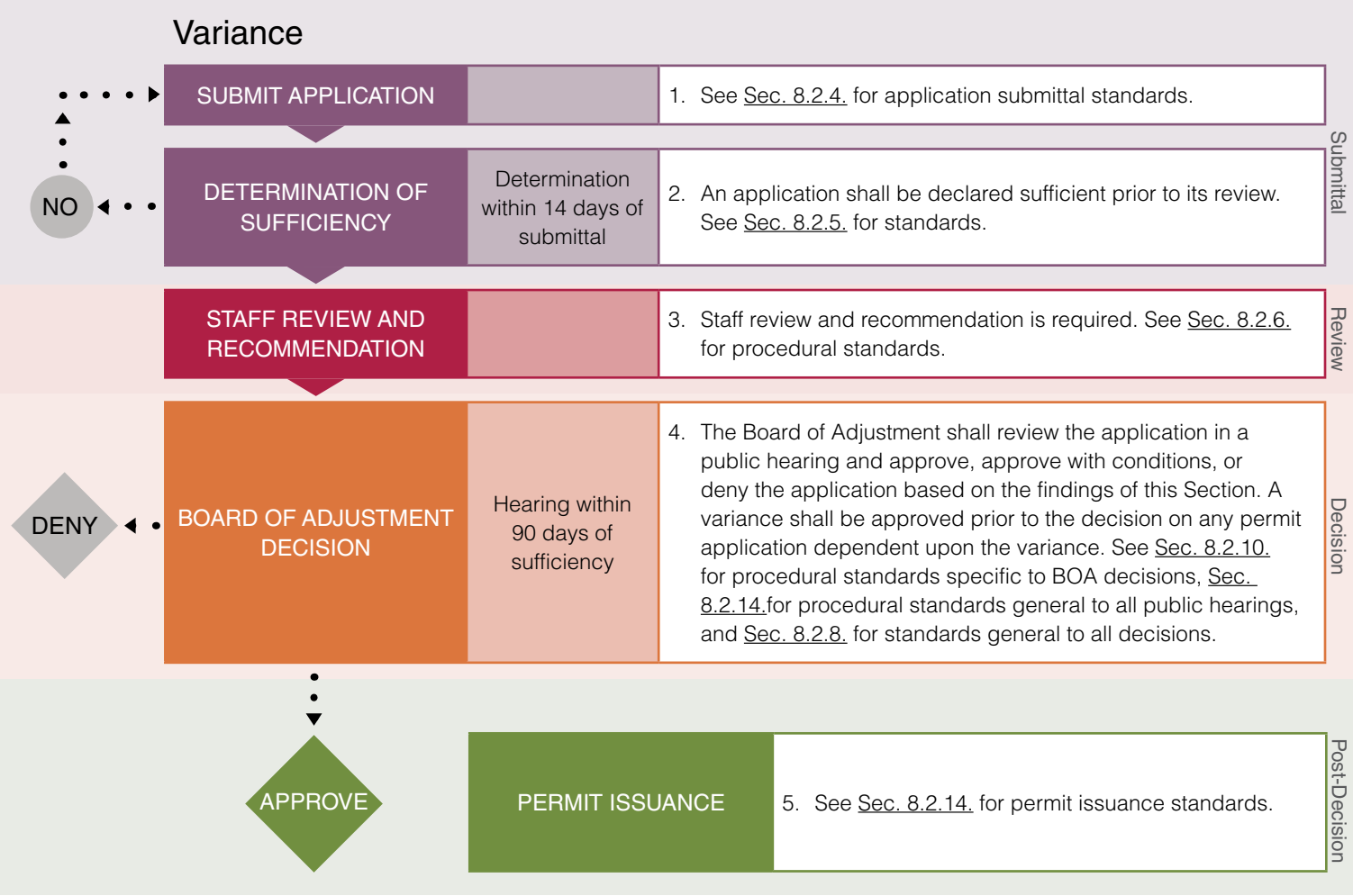
### E. Expiration

A variance shall expire one year after the date of approval except under one of the following circumstances:

1. The use, physical development, development option, or subdivision permit enabled by the variance is under review or implementation;
2. In the case of a phased development, not more than one year has passed since the completion of a physical development, development option, or subdivision, or initiation of a use, enabled by the variance; or
3. Another expiration has been set through the approval of the variance.

### F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.


Variance
SUBMIT APPLICATION
1. See Sec. 8.2.4. for application submittal standards.
NO
DETERMINATION OF SUFFICIENCY
Determination within 14 days of submittal
2. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
3. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
Review
DENY
BOARD OF ADJUSTMENT DECISION
Hearing within 90 days of sufficiency
4. The Board of Adjustment shall review the application in a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. A variance shall be approved prior to the decision on any permit application dependent upon the variance. See Sec. 8.2.10. for procedural standards specific to BOA decisions, Sec. 8.2.14.for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions.
Decision
APPROVE
PERMIT ISSUANCE
5. See Sec. 8.2.14. for permit issuance standards.
Post-Decision

## 8.8.3. Appeal of an Administrative Decision (1/4/17, Ord. 1165)

### A. Purpose

The purpose of an appeal is to allow for an aggrieved person affected by any decision or interpretation by the Planning Director or Town Engineer to appeal the decision or interpretation to the Board of Adjustment for a review of whether the decision or interpretation complies with the requirements of these LDRs.

### B. Applicability

An appeal may be filed for any decision or interpretation of the Planning Director or Town Engineer. The appealed decision or interpretation must be formally documented (e.g. a permit approval, formal interpretation).

### C. Stay

An appeal shall stay all further action related to the subject appeal, unless a stay would cause imminent peril to life or land.

### D. Standards

An appeal shall be reviewed under the following standards.

1. The decision or interpretation under appeal is presumed correct.
2. The record on appeal shall include, but is not limited to:
   a. The application and support materials;
   b. Staff report;
   c. Other plans, documents, reports, and studies considered in making the decision;
   d. Any minutes, transcripts, or record of the meetings held to consider and make the decision;
   e. The Jackson/Teton County Comprehensive Plan;
   f. These LDRs; and
   g. Other relevant Town ordinances, documents, and records.
3. Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications.
4. The determination on an appeal shall not be based on hardships or special conditions; the determination shall be based solely on:
   a. The standards for an appeal established in this Section;
   b. The record on appeal;
   c. The recommendation of the Hearing Officer (if applicable);
   d. Briefs submitted by representatives of the appellant, applicant for the decision or interpretation under appeal, owner of the land subject to the decision or interpretation under appeal, and the Town; and
   e. The arguments made, oral testimony provided, and evidence admitted at the hearing.

### E. Effect

The final determination on the appeal shall not permit any physical development, use, development option, or subdivision that has not been approved pursuant to these LDRs and shall not ensure approval of any future application.

### F. Rules of Procedure

Appeals shall be governed by the contested case rules adopted by the Town.

### G. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

## Appeal of an Administrative Decision

| | | | |
|---|---|---|---|
| SUBMIT APPLICATION | Must submit within 30 days of decision or interpretation being appealed | 1. See Sec. 8.2.4. for application submittal standards except that an appeal shall be submitted by an aggrieved person. An aggrieved person is a person who has a legally recognizable interest affected by the decision or interpretation. The interest shall be definite and tangible, and exceed the general interest in the community good shared by all persons. Generally, it must be substantial, immediate, and pecuniary. | Submittal |
| TRANSMITTAL OF RECORD | | 2. The Planning Director shall transmit to the Town Clerk the appeal and the record of the decision or interpretation being appealed. All additional documentation of the appeal process shall be filed with the Town Clerk. | |
| DESIGNATION OF PRESIDING OFFICER | Designation within 45 days of submittal | 3. The Town Council shall designate a Hearing Officer or the chair of the Board of Adjustment to preside over the appeal. See Sec. 8.10.8. for duties and responsibilities of a Hearing Officer. | |
| HEARING | Hearing within 120 days after submittal | 4. The Board of Adjustment shall schedule the hearing and provide notice of the hearing to the appellant, applicant for the decision or interpretation under appeal, and owner of the land subject to the decision or interpretation under appeal. The designated presiding officer shall conduct the hearing, with the Board of Adjustment present en banc. The sworn testimony and evidence shall be based on the record on appeal and pertain to the standards established in this Section. | Review |
| BOARD OF ADJUSTMENT DECISION | Decision within 60 days of hearing | 5. The Board of Adjustment shall make one of the following determinations on the appeal, which shall be based on the preponderance of the evidence standard applied to the record:<br>a. The decision-maker properly evaluated the application and interpreted and applied the standards;<br>b. The decision-maker made an error in measuring or interpreting the proposal's compliance with a standard;<br>c. The decision-maker misunderstood how to apply a standard;<br>d. The decision-maker made the decision based on a standard not contained in these LDRs or other appropriate ordinance, regulation, or state law;<br>e. The decision-maker incorrectly applied a standard more strict or broad than the standard established in these LDRs; or<br>f. The decision-maker misinterpreted a provision in the LDRs, based on the standards for interpretations established in Sec. 8.6.1. | Decision |
| FILING OF DECISION | | 6. The final determination on the appeal shall be filed with the Town Clerk pursuant to the rules of procedure established in this Section. | Post-Decision |

## 8.8.4. Beneficial Use Determination (1/4/17, Ord. 1165)

### A. Purpose

The intent of the Town is that every landowner in the Town enjoy an economically beneficial use of their land. The procedures set forth in this Section are intended to permit landowners who believe they have been deprived of economically beneficial use of their land to apply to the Town for relief from application of these LDRs sufficient to provide an economically beneficial use of the land.

### B. Applicability

If a landowner is of the opinion that the decisions on the appropriate physical development, use, development option, or subdivision applications has denied economically beneficial use of that landowner's land, then the procedures of this Section shall be used prior to seeking relief from the courts in order that any denial of economically beneficial use of land may be remedied through a non-judicial forum.

### C. Findings

In determining if a landowner is deprived of an economically beneficial use of land, the following factors shall be taken into account.

1. Economically Beneficial Use. The uses of the land as provided by these LDRs, and the uses of land in relation to the uses provided similarly situated lands. For the purposes of this Section, "economically beneficial use" means the opportunity to make a return equivalent to that which would have been received from a conservative financial investment. Transitory economic issues shall not be relevant to this determination.
2. Diminution in Value. The market value of the land, as established by the comparable sales approach, prior to adoption of the regulations that caused the landowner to apply for relief shall be compared to the market value of the land, as established by the comparable sales approach, with the regulations as applied. Market value of the land prior to the adoption of the regulations that caused the landowner to apply for relief shall constitute its highest and best use one day prior to the effective date of the regulations that caused the landowner to apply for relief, or the date of purchase of the land, whichever is later; and any other land value/appraisal information that the applicant would like considered. All appraisals shall be proposed by qualified licensed appraisers, and shall follow the best professional practices as established by the profession. A mere diminution in market value is not sufficient to support a determination of denial of economically beneficial use.
3. External Costs. The amount or nature of any subsidy that may be required by the Town, neighbors, purchasers, tenants, or the public at large if the uses allowed under these LDRs are modified; and any other adverse effects on the Town and its residents.
4. Current State of the Law. The state of the law established by the United States Supreme Court, the 10th Circuit Federal Court of Appeals, and the Wyoming Supreme Court relevant to these standards.

## D. Granting of Relief

If the finding is that a landowner has been deprived economically beneficial use of land or is otherwise entitled to relief in accordance with to the standards of this Section, relief shall be granted.

1. General. In granting relief, any legally available incentive or measure reasonably necessary to offset any substantial economic hardship may be adopted, and such incentives may be conditioned upon approval of specific development plans. If there is a finding that the denial of the application would create a substantial economic hardship, additional relief to provide an appropriate increase in market value or other benefit or return to the applicant sufficient to offset the substantial economic hardship may be considered. The types of incentives include, but are not limited to:

    a. An amendment of the Official Zoning Map to a more appropriate classification, issuance of an administrative adjustment, issuance of a conditional use permit, issuance of a variance, approval of a development plan (public or administrative), or other appropriate land-use regulatory action that will enable the applicant to realize a reasonable return on the land;

    b. An opportunity to cluster development on other land;

    c. A waiver of permit fees;

    d. Development finance assistance;

    e. Approval of development on some portion of the land; or

    f. Acquisition of all or a portion of the land at market value.

2. Minimum Increase. In granting relief, the landowner shall be given the minimum increase in use, intensity, or other possible concessions from these LDRs in order to permit an economically viable use of the land, or a use that is determined to be required by law. The highest use, or even an average or generally reasonable expectation, is not required or intended as the appropriate remedy. The following guidelines shall be used for determining the minimum economically viable use of land and, therefore, the amount of relief to be granted a landowner in order to reach that minimum.

    a. No Governmental Subsidy. A minimum economically viable use of the land should be one that does not have any governmental subsidy attached to the long-term safe occupation of the land. If such a subsidy is needed, then that should be reflected by lowering the use or intensity that is considered a minimum economically viable use on a market valuation basis.

    b. Common Use. A use common to the Town, although it may not involve further development of the land, is considered an economically viable use. Attention shall also be given to land uses that are considered to be the lowest intensity in the Town but which uses still provide for occupation and living within the Town. These land uses, as well, shall be considered economically viable uses.

c. **Actual Condition of Land Considered.** The actual condition of the land shall be considered. The reality of limited development potential, given the natural condition of the land, shall not be attributed to the regulations applied to the land. If the land is such that it cannot safely accommodate development with normal grading and clearing practices, this fact shall lower the intensity of use that is considered a minimum economically viable use.

d. **Potential for Damages.** The potential for damages to either residents or land shall be assessed in determining economically viable use. The need for a governmental subsidy to future landowners shall be considered, and the cost of such subsidies shall be deducted from the otherwise established minimum economically viable use.

e. **Only Investment Backed Expectations Considered.** Expectations shall, in general, not be considered. Only reasonable expectations backed by investments as recognized by the current state of the law shall be considered.

f. **Current State of the Law.** The current state of law established by the United States Supreme Court, the 10th Circuit Federal Court of Appeals, and the Wyoming Supreme Court, relevant to the granting of relief.

## E. Effect

The beneficial use determination shall not permit any physical development, use, development option, or subdivision that has not been approved pursuant to these LDRs and shall not ensure approval of any future application.

## F. Rules of Procedure

A beneficial use determination shall be governed by the contested case rules adopted by the Town.

## G. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

## Beneficial Use Determination

| | | | |
|---|---|---|---|
| SUBMIT APPLICATION | | 1. See Sec. 8.2.4. for application submittal standards except that a beneficial use determination shall be submitted by the landowner or a representative of the landowner. | Submittal |
| TRANSMITTAL OF RECORD | | 2. The Planning Director shall transmit to the Town Clerk the appeal for a beneficial use determination. All additional documentation of the beneficial use determination process shall be filed with the Town Clerk. | |
| APPOINTMENT OF HEARING OFFICER | Appointment within reasonable time after sufficiency | 3. The Town Council shall appoint a Hearing Officer to conduct a hearing on the application. See Sec. 8.10.8. for duties and responsibilities of a Hearing Officer. | |
| HEARING | Date set within 30 days of HO appointment | 4. The Hearing Officer shall set a date for the hearing and provide notice of the hearing to the applicant. The sworn testimony and evidence shall pertain to whether the applicant has been deprived economically beneficial use of the land and the degree of relief needed to provide the landowner with and economically beneficial use of the land pursuant to the standards of this Section. | Review |
| HEARING OFFICER RECOMMENDATION | Recommendation within reasonable time after close of hearing | 5. The Hearing Officer shall prepare recommended findings of fact and a proposed order. The recommendation of the Hearing Officer shall be in writing and detail the basis of the conclusions from the record of the hearing. The recommended findings as to whether the land is provided economically beneficial use shall be based on:<br>a. the evidence submitted; and<br>b. The standards of this Section.<br>If the Hearing Officer finds that the applicant has been denied economically beneficial use, then the hearing officer shall recommend:<br>a. A use that permits an economically beneficial use and results in a minimum change to these LDRs as it applies to the subject land, in accordance with the standards set forth in this Section; or<br>b. Other relief as is determined appropriate. | |
| TOWN COUNCIL DECISION | Hearing within reasonable time after HO recommendation | 6. At a public hearing, the Town Council shall approve, attach conditions to, modify, or reverse the recommended findings of fact and proposed order of the Hearing Officer. If the Town Council attaches conditions to, modifies, or reverses the recommended findings of fact or proposed order, it shall do so only where the record of the hearing indicates that the Hearing Officer is unsupported by the record or that the proposed order is not in conformance with the standards of this Section. See Sec. 8.2.14. for procedural standards general to all public hearings and Sec. 8.2.8. for standards general to all decisions. | Decision |
| FILING OF DECISION | | 7. The final beneficial use determination shall be filed with the Town Clerk pursuant to the rules of procedure established in this Section. | Post-Decision |

# Div. 8.9. Enforcement

This Division establishes procedures by which the Town seeks to ensure compliance with the provisions of these LDRs and obtain corrections for LDR violations. It also sets forth the remedies and penalties that apply to violations of these LDRs. The provisions of this Section are intended to encourage the voluntary correction of violations, where possible.

## 8.9.1. General (1/1/15, Ord. 1074)

### A. Authority

The provisions of these LDRs shall be enforced by the Town Council through its authority to request the imposition of fines, abate, enjoin and restrain any person violating these LDRs in accordance with state law.

### B. Code Enforcement Officers

Code Enforcement Officers of the Planning and Building Department, appointed as Special Municipal Officers by the Town of Jackson, have specific authority to issue citations for violations of these LDRs as set forth by W.S. § 7-2-103(e) and W.S. § 15-1-103(a)(xlx).

## 8.9.2. Violations (1/1/15, Ord. 1074)

### A. Compliance Required

Compliance with all provisions of these LDRs is required by all persons owning, developing, dividing, managing, using, or occupying land or structures. Failure to comply with a standard, requirement, prohibition, or limitation imposed by these LDRs, or the terms or conditions of any permit, approval, or authorization granted in accordance with these LDRs, shall constitute a violation of these LDRs punishable as provided in this Division.

### B. Inspection

The Planning Director shall gain permission prior to entering onto land within the Town to inspect suspected violations of these LDRs.

### C. Responsible Persons

The owner, tenant, or occupant of any land or structure, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of these LDRs, may be held responsible for the violation and be subject to the remedies and penalties set forth in this Section.

### D. Failure to Obtain a Permit

1. If a person commences a physical development, use, development option, or subdivision for which a permit or approval is required without having first obtained the required permit or approval, such person shall pay twice the fee for the permit or approval.

2. The payment of such fees shall not relieve the person from fully complying with the requirements of these LDRs, nor does it guarantee approval of the permit or application, or preclude enforcement of a violation.

3. The provisions of this Section do not apply to emergency work if there is, or would have been, an unreasonable delay in obtaining the permit.

## E. Separate Offenses

Any person violating any provisions of these LDRs is guilty of a separate offense for each and every day during any portion of which any violation of any provision of these LDRs is committed, continued, or permitted by any such person and shall be punished by a fine of not more than $750 for each offense.

## F. Violations

Activities that constitute a violation include, but are not limited to, the following:

1. Development of land or a structure without first obtaining all appropriate permits or development approvals, and complying with their terms and conditions;
2. Occupation or use of land or a structure without first obtaining all appropriate permits or development approvals, and complying with their terms and conditions;
3. Subdivision of land without first obtaining all appropriate permits or development approvals required to engage in subdivision (or an exemption), and complying with their terms and conditions;
4. Excavation, grading, cutting, clearing, or undertaking any land disturbing activity without first obtaining all appropriate permits and development approvals, and complying with their terms and conditions;
5. Disturbing any protected wildlife habitat or scenic views in violation of these LDRs;
6. Disturbing any landscaped area or vegetation required to be protected or maintained by these LDRs;
7. Installing, creating, erecting, altering, or maintaining any sign without first obtaining the appropriate permits or development approvals, and complying with their terms and conditions;
8. Failing to remove any sign installed, created, erected, or maintained in violation of these LDRs, or for which the permit has expired;
9. Creating, expanding, replacing, or changing any nonconformity except in compliance with these LDRs;
10. Reducing or diminishing the requirements for development, design, or dimensional standards below the minimum required by these LDRs;
11. Increasing the intensity or density of development, except in accordance with the standards of these LDRs; or
12. Through any act or omission, failing to comply with any other provisions, procedures, or standards as required by these LDRs.

## 8.9.3. Revocation or Suspension of Permit (1/1/15, Ord. 1074)

### A. Purpose

The purpose of revoking or suspending a permit or approval is to remove a previously granted permit or approval where the terms of the approval are not being met.

### B. Applicability

Revocation or suspension of any permit or approval issued in accordance with these LDRs shall be made under the procedures and standards of this Section.

### C. Findings

A permit or approval shall be revoked or suspended if any of the following findings is made:

1. The permit or approval was issued on the basis of erroneous or misleading information or misrepresentation; or
2. The physical development, use, development option, or subdivision, violates the terms or conditions of the permit or approval.

### D. Rules of Procedure

A revocation proceeding shall be governed by the contested case rules adopted by the Town.

### E. Process

All steps and deadlines in the following chart are required unless noted otherwise. A step must be completed before moving to the step below.

## Revocation or Suspension of Permit

| | | | |
|---|---|---|---|
| INITIATION BY PLANNING DIRECTOR | | 1. If the Planning Director determines there are reasonable grounds for the revocation or suspension of a permit or approval based on the findings of this Section, the Planning Director shall set a public hearing on the potential violation before the Town Council. | Submittal |
| NOTIFICATION | Notice sent at least 30 days prior to hearing | 2. The Planning Director shall notify the permittee of the date, time, and location of the public hearing by certified mail, return receipt requested, pursuant to 8.2.14.C., Notice, in the same manner required for the public hearing at which the permit was approved The notification shall also state the grounds for the revocation or suspension of the permit. | Submittal |
| TOWN COUNCIL DECISION | Decision within 30 days after close of hearing | 3. The Town Council shall revoke, suspend, or maintain the permit following conduct of a public hearing on the proposed revocation or suspension. in accordance with the rules of procedure established in this Section. At the public hearing, the Planning Director shall present evidence into the record and explain the grounds for the revocation or suspension. The permittee or the permittee's representative shall then be provided and opportunity to respond and to enter testimony and evidence into the record in support of the permittee. The testimony of any other interested person shall also be heard. See Sec. 8.2.8. for standards general to all decisions. | Decision |
| REVOKE | CUMULATIVE REMEDY | 4. The Town Council's right to revoke or suspend permits or approvals, as provided in this Section, shall be cumulative to any other remedy provide by law. | Post-Decision |

## 8.9.4. Abatement of Violations (1/4/17, Ord. 1165)

### A. Purpose

Violations of these LDRs may be abated at the election of the Planning Director. This procedure shall not be the sole remedy available, and the Town may enforce these LDRs in any manner provided by law.

### B. Applicability

Abatements of violations of these LDRs shall be made under the procedures and standards of this Section.

### C. Findings

An Order to Abate shall be issued if there is:

1. Competent, substantial evidence that a violation of these LDRs does exist; and
2. Sufficient cause to evict or relocate an illegal use or rehabilitate, demolish, remove or repair an illegal development.

### D. Effect

If an Order to Abate is issued it shall mean that the land or development is in violation of these LDRs and the illegal activity shall be discontinued and rehabilitated, repaired, removed, or demolished in the manner and means specifically set forth in the Order to Abate.

### E. Rules of Procedure

An abatement proceeding shall be governed by the contested case rules adopted by the Town.

### F. Process

All steps and deadlines in the following chart are required unless noted otherwise. A step must be completed before moving to the step below.

# Abatement of Violations

Submittal

| | | |
|---|---|---|
| NOTICE TO ABATE | | 1. If the Planning Director identifies a violation of these LDRs, the Planning Director may mail a Notice to Abate to the landowner stating the provisions of these LDRs being violated and setting forth a reasonable period of time for the landowner to abate and correct the violation. |
| APPOINTMENT OF HEARING OFFICER | | 2. In the event the landowner fails to comply with the Notice to Abate, the Town Council shall designate a Hearing Officer or the Mayor to conduct a Hearing to Abate. See Sec. 8.10.8. for duties and responsibilities of a Hearing Officer. |

Review

| | | |
|---|---|---|
| HEARING TO ABATE | Date set within 30 days of HO appointment | 3. The Mayor shall schedule the hearing. The Planning Director shall provide notice of the Hearing to Abate to the landowner by certified mail, return receipt requested, at least 14 days prior to the date of the hearing. The notice shall be substantially in the format set forth in the Administrative Manual. The designated presiding officer shall conduct the hearing with the Town Council present en banc. |
| HEARING OFFICER RECOMMENDATION | Recommendation within 30 days of hearing | 4. If, after the conclusion of the hearing, the Town Council finds that an Order to Abate shall be issued, the Hearing Officer shall prepare a recommended Order to Abate outlining findings and specifying the nature of the violation, the method of abatement, and the time within which the abatement shall be commenced and completed. The Hearing Officer shall provide the landowner a copy of the recommended Order to Abate, by mail, on the day the recommended order is forwarded to the Town Council for a final decision. |

Decision

| | | |
|---|---|---|
| TOWN COUNCIL DECISION | Hearing within 30 days of HO recommendation.<br><br>Decision within 30 days after close of hearing | 5. The Town Council shall make a final decision on whether to issue an Order to Abate following conduct of a public hearing.<br><br>The Planning Director shall provide the landowner notice of the hearing by certified mail, return receipt requested, a minimum of 14 calendar days prior to the date of the hearing. Notice shall also be published in a newspaper of general circulation in the Town substantially in the format set forth in the Administrative Manual for the Hearing to Abate.<br><br>At the hearing, the Town Council shall provide the landowner or the landowner's representative and the Planning Director an opportunity to make statements about the record established in the Hearing to Abate and the recommended Order to Abate. The Town Council shall then review the record and recommended Order to Abate.<br><br>Continuances of the hearing may be granted by the Town Council on request of the landowner, for good cause shown.<br><br>See Sec. 8.2.8. for standards general to all decisions. |

Post-Decision

| | | |
|---|---|---|
| ABATE | CUMULATIVE REMEDY | 6. The Town's right to abate a violation of these LDRs, as provided in this Section, shall be cumulative to any other remedy provide by law. |

## 8.9.5. Other Remedies (1/1/15, Ord. 1074)

### A. Civil Remedies

The Town shall have the right to enforce the provisions of these LDRs under any remedy provided under Wyoming law, including by injunction.

# Div. 8.10. Duties and Responsibilities

The following Town bodies and staff shall have the following powers and responsibilities in administering and reviewing applications under the LDRs.

## 8.10.1. Planning Director (1/1/15, Ord. 1074)

### A. Creation and Appointment

The Planning Director shall be the agency head of the Planning Department and shall be appointed by and serve at the pleasure of the Town Administrator.

### B. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the Planning Director by other provisions of the Jackson Municipal Code and the Town Council, the Planning Director shall have the following jurisdiction, authorities, and duties under these LDRs:

1. To administer the pre-submittal requirements of these LDRs pursuant to Sec. 8.2.1.-Sec. 8.2.3.;
2. To receive applications under these LDRs pursuant to Sec. 8.2.4.-Sec. 8.2.5.;
3. To coordinate review and recommendation under these LDRs pursuant to Sec. 8.2.6.-Sec. 8.2.7.;
4. To administer post-decision requirements of these LDRs pursuant to Sec. 8.2.11.-Sec. 8.2.13.;
5. To ensure that adequate public notice is provided for public hearings on applications under these LDRs pursuant to Sec. 8.2.14.;
6. To review, consider, and decide the following permit applications:
   a. sign permit pursuant to Sec. 8.3.5.,
   b. basic use permit pursuant to Sec. 8.4.1.,
   c. development option plan pursuant to Sec. 8.5.2.,
   d. exempt land division pursuant to Sec. 8.5.4., and
   e. administrative adjustment pursuant to Sec. 8.8.1.;
7. To review, consider, and decide the following requests for interpretation:
   a. formal interpretation pursuant to Sec. 8.6.1., and
   b. zoning compliance verification pursuant to Sec. 8.6.2.;
8. To review consider, and decide on the zoning compliance of the following applications:
   a. building permit pursuant to Sec. 8.3.3. and
   b. grading permit pursuant to Sec. 8.3.4.;
9. To review, consider, and recommend a decision to the Planning and Zoning Commission and/or Board of Adjustment or Town Council on the following applications:

a. sketch plan pursuant to Sec. 8.3.1.,

b. development plan pursuant to Sec. 8.3.2.,

c. conditional use permit pursuant to Sec. 8.4.2.,

d. special use permit pursuant to Sec. 8.4.3.,

e. subdivision plat pursuant to Sec. 8.5.3., and

f. variance pursuant to Sec. 8.7.2.;

10. To initiate or review, consider, and recommend to the Town Council a decision on the following legislative applications:

    a. LDR text amendments pursuant to Sec. 8.7.1.,

    b. Zoning Map amendment pursuant to Sec. 8.7.2.,

    c. Planned Unit Development pursuant to Sec. 8.7.3.;

11. To initiate actions to revoke permits where the physical development, use, or development option is not in compliance with the terms and conditions of the permit;

12. To initiate requests to the Town Attorney to institute proceedings against the violators of these LDRs;

13. To undertake the day to day administration of the LDRs;

14. To serve as the Secretary to the Planning and Zoning Commission/Board of Adjustment pursuant to the terms of the LDRs;

15. To review the effectiveness of these LDRs and the Official Zoning Map in implementing the Comprehensive Plan; and

16. To take such other action and perform such other duties as may be provided for in the LDRs.

### C. Delegation

Any authority or duty of the Planning Director may be delegated to a professional-level employee of the Planning Department by the Planning Director, unless specified otherwise by these LDRs.

## 8.10.2. Plan Review Committee (1/4/17, Ord. 1165)

### A. Purpose

The purpose of the Plan Review Committee (PRC) is to advise and assist the Planning Director in reviewing, making recommendations, and deciding applications by providing technical assistance regarding compliance with the LDRs.

### B. Composition

The PRC consists of representatives of federal, state and local agencies who oversee regulations that are related to physical development, use, development options, and subdivision. The exact members of the PRC may vary from application to application, depending on the nature and magnitude of the application. Potential PRC members are listed below, however the Planning Director may alter or expand the list if an application warrants other technical expertise.

1. Town Engineer
2. County Surveyor
3. Town Clerk
4. Building Official
5. Fire Marshal
6. Teton Conservation District
7. Parks and Recreation Department
8. Pathways Coordinator
9. START
10. Jackson Police Department
11. Sheriff's Department
12. Integrated Solid Waste and Recycling
13. Jackson/Teton County Housing Department
14. Public Works
15. Teton County Public Health
16. Teton County Scenic Preserve Trust
17. Teton County Weed and Pest
18. Teton County School District
19. Teton County
20. Wyoming Department of Game and Fish
21. Wyoming Department of Transportation
22. Wyoming Department of Environmental Quality
23. US Army Corps of Engineers
24. US Fish and Wildlife Service
25. National Forest Service
26. National Park Service

## 8.10.3. Town Engineer (1/1/15, Ord. 1074)

In addition to the jurisdiction, authority, and duties, which may be conferred upon the Town Engineer by other provisions of the Jackson Municipal Code and the Town Council, the Town Engineer shall have the following authority and duties under these LDRs:

A. To advise and provide technical assistance to the Town Administrator, Planning Director, Planning and Zoning Commission, Board of Adjustment, and Town Council in regard to the engineering issues which may arise during implementation of these LDRs;

B. To review, consider, decide, and enforce all grading permit applications, and to otherwise enforce all provisions of these LDRs relating to grading, erosion control, and stormwater management;

C. To review, consider, and decide the following applications, as specified in these LDRs:

1. minor deviation pursuant to 8.2.13.B.2.,
2. grading permit pursuant to Sec. 8.3.4.,
3. formal interpretation pursuant to Sec. 8.6.1.,
4. zoning compliance verification pursuant to Sec. 8.6.2., and
5. administrative adjustment pursuant to Sec. 8.8.1.; and

D. To prepare, promulgate, and, as necessary, periodically revise standard drawings and details for public improvements within the Town of Jackson.

## 8.10.4. Design Review Committee (1/1/15, Ord. 1074)

### A. Establishment and Purpose

There is hereby established a Design Review Committee (DRC) for the Town of Jackson, consisting of members who are qualified by experience and training to advise and provide technical assistance to the Planning Director, Planning and Zoning Commission, Board of Adjustment, and Town Council in regards to design review pursuant to Div. 5.8.

### B. Powers and Duties

The Design Review Committee shall have the powers and duties established under the provisions of the LDRs, including:

1. To prepare or cause to be prepared Design Review Guidelines, and recommend such Design Review Guidelines for adoption by the Town Council;
2. To hear requested pre-application conferences pursuant to Sec. 8.2.1.;
3. To hear, consider, and recommend a decision to the Planning Director, the Planning and Zoning Commission, the Board of Adjustment, and the Town Council on the following applications:
   a. sketch plan pursuant to Sec. 8.3.1.,
   b. development plan pursuant to Sec. 8.3.2., and
   c. building permit pursuant to Sec. 8.3.3.;
4. To make special knowledge and expertise available upon written request and authorization of the Town Council to any official, department, board, commission or agency of the Town, County, State or Federal Governments; and
5. To make studies of the resources, possibilities and needs for the Town and to report its findings and recommendations, with reference thereto, from time to time, to the Town Council.

C. Membership

1. Qualifications. Members of the DRC shall be residents of the Town of Jackson or Teton County. No member of the Town Council, Planning and Zoning Commission, Board of Adjustment, or Town Employees shall serve as a member. Although no certification is required for appointment, members shall be experienced or educated in architecture, landscape architecture, planning, and other design related fields. A diversity of members is encouraged from all professions and from a variety of design firms.

2. Appointment. The DRC shall be composed of 7 members, to be appointed by the Mayor with the consent of the Town Council.

3. Terms of office. All members of the DRC shall be appointed for a term of 2 years, after the initial DRC has been appointed. Initial appointments shall be 3 members for one year and 4 members for 2 years. There shall be no limit on the number of terms a person may serve on the DRC. When a person is appointed to fill out the term of a departing member, that person's term shall end at the time the departing member's term would have ended.

4. Removal from office. The Town Council may terminate the appointment of each person as member of the DRC after a public hearing.

   a. General. In the event that any member is no longer a qualified appointee of the Town, or is convicted of a felony, or an offense involving moral turpitude while in office, the Town Council may terminate the appointment of such person as a member of the DRC after a public hearing, and the Mayor shall appoint a new member with the consent of the Town Council.

   b. Attendance. If any member of the DRC fails to attend 4 regular meetings without cause over a 6 month period, the Planning Director shall notify the Town Council who may, after a public hearing, declare the seat vacant. If the seat is declared vacant, the Mayor shall appoint a new member with the consent of the Town Council.

5. Vacancy. Whenever a vacancy occurs on the Design Review Committee, the Mayor shall within 30 days of the vacancy, appoint a new member with the consent of the Town Council.

6. Officers.

   a. Chairperson and Vice-Person. At an annual organizational meeting, the members of the Committee shall elect a Chairperson and Vice-Chairperson from among its members. The Chairperson and Vice-Chairperson's term shall be for one year. No member shall serve as Chairperson for more than 2 consecutive terms. The Chairperson shall administer oaths and compel the attendance of witnesses and shall be in charge of all proceedings before the Committee and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Committee. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson.

   b. Secretary. The Planning Director or designee shall serve as secretary of the Committee. The Secretary shall keep a stenographic or electronic record of all proceedings before the Committee, which shall include the vote of

all members upon every question, and be attested to by the Secretary. In addition, the Secretary shall maintain all records of the Committee meetings, hearings, proceedings and the correspondence of the Committee.

7. Compensation. The members of the DRC shall serve without compensation, but may be reimbursed for such travel, mileage, and/or per diem expenses as may be authorized by the Town Council.

### D. Staff

The Planning Department shall be available to provide professional assistance to the DRC, at the direction of the Town Administrator.

### E. Quorum and Voting

The presence of 4 or more members of the DRC shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of affirmative votes of the quorum present.

### F. Meetings

1. General. Meetings of the DRC shall be held at least once monthly, set at a consistent time and date, to deal with matters properly before the DRC. More meetings shall be called as needed.
2. Special Meetings. A special meeting may be called by the Chairperson by giving notice to each member and to the official advertising newspaper of the Town of Jackson. The notice shall specify the time, place and business to be transacted, and no other business shall be conducted.
3. Location. The location of all Design Review Committee meetings shall be held in the Town Hall, or such other place within the Town of Jackson accessible to the public, as designated by the Chairperson pursuant to the notice requirements for a special meeting.
4. Meetings Open to the Public. All meetings of the Committee shall be open to the public in a place accessible to the public.

## 8.10.5. Planning and Zoning Commission (1/1/15, Ord. 1074)

### A. Establishment and Purpose

There is hereby established a Town of Jackson Planning and Zoning Commission, pursuant to Sections 15-1-502 and 15-1-604, Wyoming Statutes.

### B. Powers and Duties

In addition to the powers and duties which may be conferred upon the Planning and Zoning Commission by other provisions of the Jackson Municipal Code and the Town Council, the Planning and Zoning Commission shall have the following powers and duties under the provisions of the LDRs.

1. To hear requested pre-application conferences pursuant to Sec. 8.2.1.;
2. To hear, consider, and recommend to the Town Council a decision on the following applications:
   a. sketch plan pursuant to Sec. 8.3.1.,

b. development plan pursuant to Sec. 8.3.2.,

c. conditional use permit pursuant to Sec. 8.4.2., and

d. special use permit pursuant to Sec. 8.4.3.;

3. To initiate or hear, consider, and recommend to the Town Council a decision on the following legislative applications:

a. LDR text amendments pursuant to Sec. 8.7.1.,

b. Zoning Map amendment pursuant to Sec. 8.7.2., and

c. Planned Unit Development pursuant to Sec. 8.7.3.;

4. To hear, consider and recommend to the Board of County Commissioners a decision on applications for Planned Resorts in the County;

5. To make studies of the resources, possibilities and needs of the Town and to report its findings and recommendations, with reference thereto, from time to time, to the Town Council; and

6. To make its special knowledge and expertise available upon written request and authorization of the Town Council to any official, department, board, commission or agency of the Town, County, State or Federal Governments.

## C. Membership

1. **Qualifications.** Members of the Planning and Zoning Commission shall be residents of and qualified electors of the Town for a minimum of 2 years prior to appointment. No member of the Town Council or Town employee shall serve on the Planning and Zoning Commission. Although no specific experience requirements shall be necessary as a prerequisite to appointment, special consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.

2. **Appointment.** The Planning and Zoning Commission shall be composed of 5 members, to be appointed by the Mayor with the consent of the Town Council.

3. **Terms of Office.** All members serving on the Planning and Zoning Commission on the effective date of these LDRs shall complete their terms according to their prior appointments. The term of office of each member appointed under these LDRs shall be for 3 years. There shall be no limit on the number of terms a person may serve on the Planning and Zoning Commission. When a person is appointed to fill out the term of a departing member, that person's term shall end at the time the departing member's term would have ended.

4. **Removal from office.**

a. **General.** In the event that any member is no longer a qualified elector of the Town or is convicted of a felony, or an offense involving moral turpitude while in office, the Town Council may terminate the appointment of such person as a member of the Planning and Zoning Commission after a public hearing, and the Mayor shall appoint a new member with the consent of the Town Council.

b. **Attendance.** If any member of the Planning and Zoning Commission fails to attend 4 regular Planning and Zoning Commission meetings without cause over a 6 month period, the Planning Director shall notify the Town Council, who may after a public hearing, declare the member's seat vacant. If the seat is declared vacant, the Mayor shall appoint a new member with the consent of the Town Council.

5. **Vacancy.** Whenever a vacancy occurs on the Planning and Zoning Commission, the Mayor shall within 30 days of the vacancy, appoint a new member with the consent of the Town Council.

6. **Officers.**

a. **Chairperson and vice-chairperson.** At an annual organizational meeting, the members of the Planning and Zoning Commission shall elect a Chairperson and Vice-Chairperson from among its members. The Chairperson and Vice-Chairperson's term shall be for one year. No member shall serve as Chairperson for more than 2 consecutive terms. The Chairperson shall administer oaths, shall be in charge of all proceedings before the Planning and Zoning Commission and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Planning and Zoning Commission. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson.

b. **Secretary.** The Planning Director shall serve as Secretary of the Planning and Zoning Commission. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the Planning and Zoning Commission, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the Planning and Zoning Commission members voting. In addition, the Secretary shall maintain all records of Planning and Zoning Commission meetings, hearings, proceedings, and the correspondence of the Planning and Zoning Commission.

7. **Compensation.** The members of the Planning and Zoning Commission shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the Town Council.

## D. Staff

The Planning Department shall be available to provide professional assistance to the Planning and Zoning Commission, at the direction of the Planning Director.

## E. Quorum and voting

The presence of 3 or more members of the Planning and Zoning Commission shall constitute a quorum of the Planning and Zoning Commission necessary to take action and transact business. All actions shall require a simple majority vote of the members of the quorum present.

## F. Meetings

1. **General.** Meetings of the Planning and Zoning Commission shall be held on the first and third Wednesday of each month to deal with matters properly before the Planning and Zoning Commission.

2. **Special meetings.** A special meeting may be called by the Chairperson by giving adequate notice, as required by state statute, to each member and to each newspaper, radio, or television station requesting a notice. The notice shall specify the time, place and business to be transacted, and no other business shall be conducted.
3. **Location.** All Planning and Zoning Commission meetings shall be held in the Town Hall, or such other place within the Town accessible to the public, as designated by the Chairperson pursuant to the notice requirements for a special meeting.
4. **Meetings open to public.** All meetings and public hearings of the Planning and Zoning Commission shall be open to the public in a place accessible to the public.

### G. Rules of procedure

The Planning and Zoning Commission shall, by a majority vote of the entire membership, adopt rules of procedure for the transaction of business, and shall keep a record of meetings, resolutions, findings, and determinations. The Planning and Zoning Commission may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

## 8.10.6. Board of Adjustment (1/1/15, Ord. 1074)

### A. Establishment and Purpose

There is hereby established a Town of Jackson Board of Adjustment, pursuant to Section 15-1-605, Wyoming Statutes

### B. Powers and Duties

In addition to the powers and duties which may be conferred upon the Board of Adjustment by other provisions of the Jackson Municipal Code, and the Town Council, the Board of Adjustment shall have the following powers and duties under the provisions of these LDRs.

1. To hear, consider and decide variance applications pursuant to Sec. 8.8.2.;
2. To hear, consider, and decide appeals of administrative decisions made under these LDRs pursuant to Sec. 8.8.3.; and
3. To adopt rules of procedure not inconsistent with this Section to govern the Board of Adjustment's proceedings.

### C. Membership

Pursuant to Section 15-1-605, Wyoming Statutes the Town of Jackson Planning and Zoning Commission is hereby appointed to serve as the Town of Jackson Board of Adjustment. The qualifications, appointment, terms of office, procedures for filling vacancies and removal from office, and officers of the Planning and Zoning Commission/Board of Adjustment are established in Sec. 8.10.5.

### D. Quorum and voting

The presence of 3 or more members of the Board of Adjustment shall constitute a quorum of the Board of Adjustment necessary to take action and transact business. All actions shall require an affirmative vote by 3 members of the Board of Adjustment.

### E. Staff, Meetings, and Compensation

The staff to, meetings of, and compensation of the Planning and Zoning Commission/ Board of Adjustment is established in Sec. 8.10.5.

## 8.10.7. Town Council (1/1/15, Ord. 1074)

In addition to any authority granted the Town Council by general or special law, the Town Council shall have the following authority and duties under the provisions of the LDRs:

A. To hear requested pre-application conferences pursuant to Sec. 8.2.1.;

B. To hear, consider, and decide on the following applications:

1. sketch plan pursuant to Sec. 8.3.1.,
2. development plan pursuant to Sec. 8.3.2.,
3. conditional use permit pursuant to Sec. 8.4.2.,
4. special use permit pursuant to Sec. 8.4.3., and
5. subdivision plat pursuant to Sec. 8.5.3.;

C. To initiate or hear, consider, and decide the following legislative applications:

1. LDR text amendment pursuant to Sec. 8.7.1.,
2. Zoning Map amendment pursuant to Sec. 8.7.2., and
3. Planned Unit Development pursuant to Sec. 8.7.3.;

D. To hear, consider and recommend to the Board of County Commissioners a decision on applications for Planned Resorts in the County;

E. To hear, consider, and decide the following contested cases:

1. beneficial use determination pursuant to Sec. 8.8.4.,
2. revocation or suspension of a permit pursuant to Sec. 8.9.3., and
3. abatement of a violation pursuant to Sec. 8.9.4.;

F. To designate and appoint a Hearing Officer to assist in the hearing and consideration of contested cases as the Town Council may deem appropriate; and

G. To take such other action not delegated to the Planning and Zoning Commission, Board of Adjustment, Hearing Officer or heads of Town departments, as the Town Council may deem desirable and necessary to implement the provisions of the Comprehensive Plan and the LDRs.

## 8.10.8. Hearing Officer (1/1/15, Ord. 1074)

### A. Creation and Appointment

The Town Council may appoint one or more Hearing Officers to assist in the hearing and consideration of contested cases, such matters as may be required under any provision of these LDRs, or as may be determined to be appropriate by the Town Council from time to time. Such Hearing Officers shall serve at the pleasure of the Town Council for such period as is determined by the Town Council.

### B. Compensation

Hearing Officers shall be compensated at a rate to be determined by the Town Council, which amount shall be reimbursed to the Town by the applicant.

### C. Conflict of interest

A Hearing Officer shall, for a period of one year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application or other matter before any decision-making body of the Town in any matter involving land that was the subject of a proceeding which was pending during the time served as a Hearing Officer.

### D. Minimum Qualifications

A Hearing Officer shall have the following minimum qualifications:

1. Hold an active license to practice law in the State of Wyoming;
2. Knowledge of administrative, environmental, and land use planning law and procedures;
3. Familiarity with these LDRs; and
4. Hold no other appointive or elective public office or position in the Town government during the period of appointment.

### E. Duties

A Hearing Officer shall have the following duties:

1. To assist the Town Council or Board of Adjustment in the hearing and consideration of the following contested cases as the Town Council may deem appropriate:
    a. appeal of an administrative decision pursuant to Sec. 8.8.3.,
    b. beneficial use determination pursuant to Sec. 8.8.4.,
    c. revocation or suspension of a permit pursuant to Sec. 8.9.3., and
    d. abatement of a violation pursuant to Sec. 8.9.4.;
2. To conduct fact-finding hearings on such matters as may be requested by the Town Council;
3. To perform such other tasks as the Town Council may assign;
4. Provide counsel to the Town Council or Board of Adjustment in the event that the Town Attorney is representing another party in the particular matter; and
5. In all cases, render to the Town Council a written report containing a summary of the statements and information given and findings and recommendations regarding the specific standards applicable to the particular matter.

## 8.10.9. Town Attorney (1/1/15, Ord. 1074)

In addition to the jurisdiction, authority and duties which may be conferred upon the Town Attorney by law, and the Town Council, the Town Attorney shall have the following authority and duties under the LDRs:

A. To review and approve as to form all resolutions drafted by the Planning Director, Planning and Zoning Commission, Board of Adjustment, or Town Council in connection with any requirement of the LDRs;

B. To review and approve as to form all proposed new regulations or amendments to these LDRs, all Development Agreements, easements, declarations of covenants, letters of credit, performance guarantees or other such documentation in connection with any requirement of the LDRs; and

C. To advise the Town Administrator, Planning Director, Planning and Zoning Commission, Board of Adjustment, and/or Town Council in regard to legal issues that may arise during implementation of the LDRs.

D. To enforce the provisions of the LDRs.

# Article 9. Definitions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# Div. 9.1. Purpose (1/1/15, Ord. 1074)

The purpose of this Article is to provide rules of construction and definitions for words, terms, and phrases important to the application of these LDRs and that require clarification beyond the definitions in a common dictionary.

# Div. 9.2. Rules of Construction

## 9.2.1. Purpose (1/1/15, Ord. 1074)

The purpose of this Division is to provide clear and consistent rules of construction for words, terms, and phrases necessary for the application of these LDRs.

## 9.2.2. Word Usage (1/1/15, Ord. 1074)

The provisions and rules of this Division shall be observed and applied when interpreting these LDRs, except when the context clearly requires otherwise.

A. The words “shall” or “must” are mandatory, which means that the referenced action or standard is required.

B. The word “may” is permissive, which means that the referenced action or standard is optional.

C. The word “should” is permissive but directory, which means that the referenced action or standard is strongly encouraged.

D. Words used or defined in one tense or form shall include other tenses and derivative forms.

E. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

F. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

G. The word “person” includes individuals, firms, corporations, associations, trusts, and any other similar entities.

H. The word “Town” shall mean Town of Jackson, Wyoming.

I. The word “County” shall mean Teton County, Wyoming.

J. The phrase “Comprehensive Plan” shall mean the Jackson/Teton County Comprehensive Plan. It includes all text and all accompanying maps, charts, and explanatory materials adopted as part of the Jackson/Teton County Comprehensive Plan and any amendments thereto.

K. The word “Attorney” or “Town Attorney” shall mean the Town of Jackson Attorney.

L. The words “Building Code” shall mean the Town of Jackson Building Codes.

M. The words “Building Division” shall mean the Town of Jackson Building Division.

N. The word “Council” or “Town Council” shall mean the Town of Jackson Town Council.

O. The words “Planning and Zoning Commission” or “Planning Commission” or “Board of Adjustment” shall mean the Town of Jackson Planning and Zoning Commission/ Board of Adjustment.

P. The words “Planning Department” or “Town Planning Department” shall mean the Town of Jackson Planning Department.

Q. The words “County Clerk” shall mean the Teton County Clerk.

R. The word “State” shall mean the State of Wyoming.

S. The words “County Board” or the phrase “Board of County Commissioners” shall mean the Teton County Board of County Commissioners.

T. The words “Planning Director” or “Town Planning Director” shall mean the Town of Jackson Planning Director or designee.

U. The word “Staff” shall mean the staff of the Town of Jackson Planning Department.

V. The words “Town Engineer” shall mean the Town of Jackson Engineer or designee.

W. The words “Building Official” shall mean the Town of Jackson Building official or designee.

X. The words “Town Administrator” or “Town Manager” or word “Administrator” or “Manager” shall mean the Town of Jackson Administrator.

# Div. 9.3. Abbreviations

## 9.3.1. Purpose (1/1/15, Ord. 1074)

The purpose of this Division is to provide abbreviations for terms and phrases that are commonly used in these LDRs.

## 9.3.2. Common Abbreviations (1/4/17, Ord. 1166)

The abbreviations provided below have the following meanings:

| | |
|---|---|
| ac | Acre |
| ARU | Accessory Residential Unit (6.1.11.B.) |
| ASA | Adjusted Site Area (9.4.4.C.) |
| BSA | Base Site Area (9.4.4.B.) |
| BUP | Basic Use Permit (8.4.1.) |
| CUP | Conditional Use Permit (8.4.2.) |
| du | Dwelling Unit |
| EA | Environmental Analysis (8.2.2.) |
| FA | Floor area (9.4.5.) |
| FAA | Federal Aviation Administration |
| FAR | Floor Area Ratio (9.4.6.C.) |
| FCC | Federal Communications Commission |
| FEMA | Federal Emergency Management Agency |
| ft | Feet |
| GSA | Gross Site Area (9.4.4.A.) |
| HUD | U.S. Department of Urban Housing and Development |
| LDRs | Land Development Regulations |
| LO | Lodging Overlay (6.1.5.A.2.) |
| lu | Lodging unit |
| LSR | Landscape Surface Ratio (9.4.6.E.) |
| max | Maximum |
| min | Minimum |
| NRO | Natural Resources Overlay (5.2.1.) |
| OSR | Open Space Ratio (9.4.6.D.) |
| SRO | Scenic Resources Overlay |
| sq. ft. or sf | Square Feet |
| SUP | Special Use Permit (8.4.3.) |
| UCD | Urban Cluster Development (7.1.3.) |
| WYDEQ | Wyoming Department of Environmental Quality |
| WYDOT | Wyoming Department of Transportation |

# Div. 9.4. Rules of Measurement

## 9.4.1. Purpose (1/1/15, Ord. 1074)

The purpose of this Division is to provide clear and consistent rules of measurement for development requirements and standards in these LDRs.

## 9.4.2. Timing (1/1/15, Ord. 1074)

### A. Counting Days

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday observed by the Town, that day shall be excluded. The end of a day shall be 5:00 P.M., local time.

1. The word “day” shall mean one calendar day, unless otherwise stated in these LDRs.
2. The word “week” shall mean 7 days.
3. The word “month” shall mean a calendar month.
4. The word “year” shall mean a calendar year.

### B. Construction, Start of

Start of construction means the excavation of land or installation of foundations, footings, or grading.

### C. Substantial and Continuous Progress

Substantial and continuous progress means the commencement and continuation of development activity including but not limited to demolition, grading and erosion control activities, installation of utilities and infrastructure, building construction, landscaping, and site restoration. Further, development activity shall occur in a logical sequence within a reasonable time frame or in accordance with an approved phasing plan. The application for development and building permits shall not be considered development activity; however, substantial and continuous progress shall begin with the issuance of the building permit and measured by the frequency of building inspections thereafter.

## 9.4.3. Calculations (1/1/15, Ord. 1074)

### A. Rounding

Calculations shall not be rounded. Fractional results of calculations shall be interpreted as set forth in this Section.

### B. Maximums

Unless stated otherwise for a specific provision of these LDRs, maximum limits shall only allow the whole number result of a calculation.

> **EXAMPLE:** A calculation of maximum density yielding 3.8 dwelling units shall permit a maximum of 3 dwelling units.

### C. Minimums

Unless stated otherwise for a specific provision of these LDRs, minimum requirements shall require the next whole number.

> **EXAMPLE:** A parking requirement of 7.8 spaces shall require 8 spaces.

## 9.4.4. Site Area (1/1/15, Ord. 1074)

### A. Gross Site Area

Gross site area is the area of the lot of record or site as determined by a certified boundary survey.

1. Noncontiguous Sites. The gross site area may equal the total area of 2 or more noncontiguous sites provided the following standards are met:

    a. The location of development that results from the transfer of density/intensity from one noncontiguous site to another shall be consistent with areas designated for development in the Comprehensive Plan;

    b. Infrastructure shall be available, or can be constructed, to sufficiently serve the proposed development; and

    c. Open space that results from the transfer of density/intensity from one noncontiguous site to another shall accomplish the objectives of open space preservation described in these LDRs and the Comprehensive Plan.

### B. Base Site Area

Base site area is used to calculate many of the fundamental requirements of the LDRs, such as density, landscape surface ratio, and floor area ratio. Base site area is equal to gross site area minus the following:

1. All land within existing road easements and public road rights-of-way;
2. All land between levees or banks of rivers and streams;
3. All land within lakes or ponds, when the sum of the surface area of the ponds and/or lakes exceeds one acre;
4. All land which has been previously committed as permanent open space in accordance with the standards of these or prior LDRs; and
5. 50% of land with natural slopes greater than 25%.

### C. Adjusted Site Area

Adjusted site area is used to calculate maximum site development and lot coverage. Adjusted site area is gross site area minus the following:

1. All land within existing vehicular access easements;
2. All land between levees or banks of rivers and streams; and
3. All land within lakes or ponds, when the sum of the surface area of the ponds and/or lakes exceeds one acre.

### D. Minimum Site Area

Minimum site area is the minimum gross site area or minimum base site area, as specified, required to permit a use or development option. On sites in more than one zone, the entire site may be used to meet minimum site area requirements in either zone. On sites with multiple uses or development options, the entire site may be used to meet minimum site area requirements for each use or development option.

## 9.4.5. Floor Area (1/1/15, Ord. 1074)

Floor area is the area of all floors interior to an enclosed building that have at least 5 feet of clearance between floor and ceiling. Floor area shall be measured to the exterior face of the structural members of the wall. Roofed architectural recesses and open covered porches are not considered interior to the building. A building with at least 50% of its perimeter open to the outside shall not be considered enclosed.

## 9.4.6. Density/Intensity (1/4/17, Ord. 1166)

The following standards shall apply to the calculation of maximum density, maximum floor area, minimum landscape surface area, and required open space.

### A. General

1. **Split Zoning.** On sites in multiple zones, calculations shall be based on the base site area, or gross site area in Character Zones (Div. 2.2. & Div. 3.2.), in each zone.
2. **Mixed Use.** On sites with multiple uses, the base site area, or gross site area in Character Zones (Div. 2.2. & Div. 3.2.), shall be prorated to determine the allowed density/intensity each use.

> **EXAMPLE:** On a base site area of 30,000 square feet with an FAR of 0.3 for a single family unit, a 3,000 square foot single family unit would occupy 10,000 square feet of the base site area (3,000/.3 = 10,000), leaving 20,000 square feet of base site area left to calculate the remaining maximum floor area for other uses on the property.

## B. Maximum Density

Unless stated otherwise for a specific provision of these LDRs, density is calculated by dividing the number of units by the base site area, or gross site area in Character Zones (Div. 2.2. & Div. 3.2.).

> **EXAMPLE:** 3 units on 35 acres of base site area is a density of 0.086 units/acre (3/35 = .086).

## C. Floor Area Ratio (FAR)/Maximum Floor Area

1. The maximum floor area (see Sec. 9.4.5. for definition of Floor Area) allowed on a site shall be the maximum habitable floor area not including basement floor area, as defined in Sec. 9.5.B.
2. The site area used to calculate maximum floor area shall be:
   a. gross site area in Character Zones (Div. 2.2. & Div. 3.2.), and
   b. base site area in Legacy Zones (Div. 2.3. & Div. 3.3.).
3. Unless otherwise defined in these LDRs, the maximum allowed floor area above grade is calculated by multiplying the allowed FAR by the applicable site area. Inversely, FAR is calculated by dividing the habitable floor area above grade by the applicable site area.

> **EXAMPLE:** On a site area of 24,000 square feet a building with 8,000 square feet of habitable floor area where 2,000 square feet was in the basement would have an FAR of .25 ((8,000-2,000)/24,000 = .25). Alternatively, unless otherwise defined in these LDRs, the maximum allowed floor area is calculated by multiplying the allowed FAR by the base site area (see Sec. 9.5.F. for definition of Floor Area).

## D. Open Space Ratio (OSR)/Minimum Required Open Space

The open space ratio (OSR) is calculated by dividing the area of the open space by the base site area, or gross site area in Character Zones (Div. 2.2. & Div. 3.2..).

> **EXAMPLE:** A property that has 28 acres of open space with a base site area of 35 acres has an OSR of .8 (28/35 = .8). Unless otherwise defined in these LDRs, the minimum required amount of open space is calculated by multiplying the required OSR by the base site area (see Sec. 9.5.O. for definition of Open Space, Required).

### E. Landscape Surface Ratio (LSR)/Minimum Landscape Surface Area

The landscape surface ratio (LSR) is calculated by dividing the landscape surface area by the base site area, or gross site area in Character Zones (Div. 2.2.. & Div. 3.2.).

> **EXAMPLE:** A property that has 6,000 square feet of landscape surface area and a base site area of 24,000 square feet has an LSR of .25 (6,000/24,000 = .25). Unless otherwise defined in these LDRs, the minimum required amount of landscape surface area is calculated by multiplying the required LSR by the base site area (see Sec. 9.5.L. for definition of Landscape Surface Area).

### F. Lot Coverage

Lot coverage is calculated by dividing the building footprint by the adjusted site area, or gross site area in Character Zones (Div. 2.2. & Div. 3.2.).

> **EXAMPLE:** A single-family unit with a building footprint of 1,500 square feet on an adjusted site area of 7,500 sf would have a lot coverage of .2 (1,500/7,500 = .2). Unless otherwise defined in these LDRs, the maximum building footprint is calculated by multiplying the maximum lot coverage by the adjusted site area (see Sec. 9.5.F. for definition of Footprint, Building). Sites with residential and nonresidential use shall be exempt from any lot coverage requirement.

### G. Minimum Lot Size

Minimum lot size means the required minimum gross site area of a newly created lot of record, including remnant parcels.

## 9.4.7. Maximum Scale of Development (1/1/15, Ord. 1074)

### A. Use

Calculation of the maximum scale of an individual instance of a use shall include basement floor area unless otherwise stated for a specific provision of these LDRs.

### B. Building

Calculation of the maximum scale of an individual building shall exclude basement floor area unless otherwise stated for a specific provision of these LDRs.

## 9.4.8. Setback (1/4/17, Ord. 1166)

A setback is a measure of the shortest horizontal distance between a physical development or use and the feature from which it is being set back.

### A. Setback Runs Parallel to Feature

A required setback shall be applied parallel to the length of the feature from which the setback is required.

## B. Minimum Setback

Unless otherwise defined in these LDRs, a setback shall be the minimum distance between a physical development or use and a certain feature.

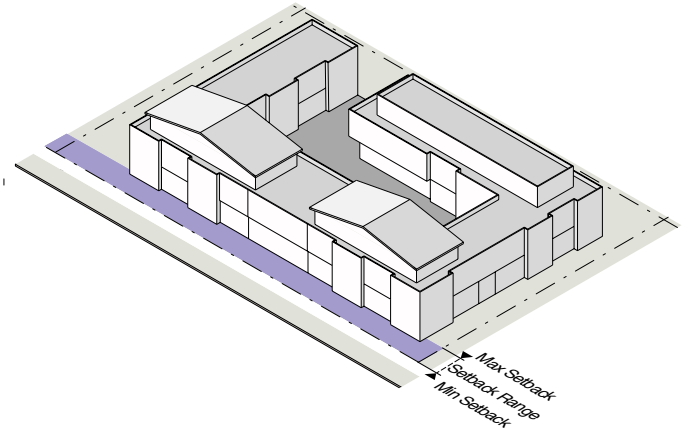
## C. Zero-Or Setback

When a required setback is 0 **OR** another distance, the physical development or use shall be located either adjacent to the feature or set back the minimum distance.

> **EXAMPLE:** In the DC zone the minimum side interior setback is 0' or 5'. A structure could be located on the side lot line or 5' from the side lot line, but could not be located 3' from the side lot line.

## D. Setback Range

A setback range is the area between a minimum and maximum setback.




## E. Street Setback

### 1. Point of Measurement

a. **Character Zones.** In a Character Zone (Div. 2.2. & Div. 3.2.) a street setback shall be measured to the back of the pedestrian frontage.

b. **Legacy Zones.** In a Legacy Zone (Div. 2.3. & Div. 3.3.) a street setback shall be measured to any road right-of-way, roadway, vehicular access easement, additional width required for right-of-way purpose as established in the Master Plan for Street Improvements, or property line from which access is taken, except that a street setback shall not be measured to a driveway easement.

## F. Driveway Setback

The minimum setback from a driveway easement shall be 5 feet, but shall not reduce the side or rear yard setback as measured to a lot line.

### G. Side Setback

A side setback shall be measured to any side lot line.

### H. Rear Setback

A rear setback shall be measured to any rear lot line.

### I. Site Development Setback Exemption

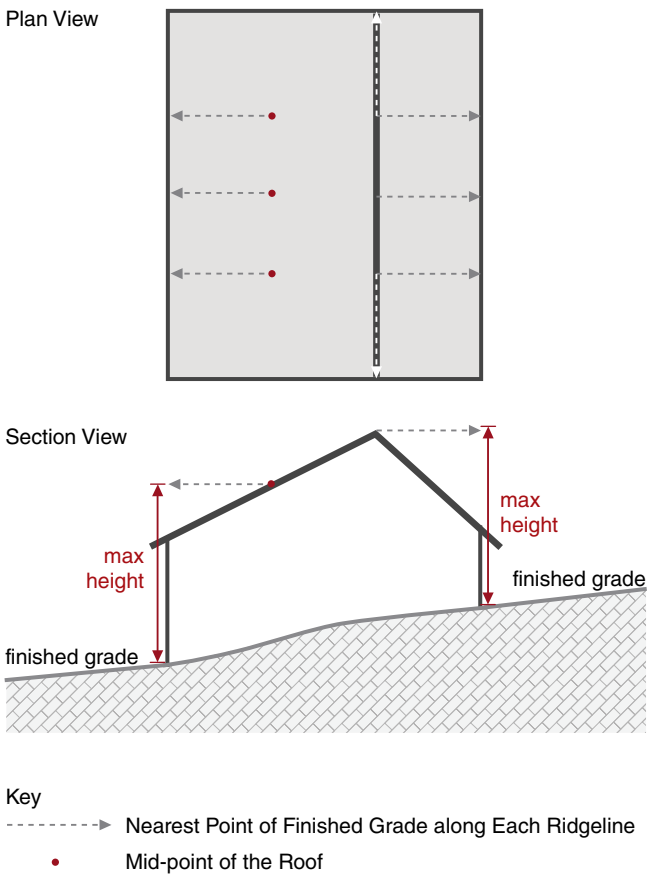
Site development setbacks shall not apply from a lot line to a road or driveway when the lot line is within an easement and properties on both sides of the lot line benefit from the easement.

## 9.4.9. Building Height (11/23/16, Ord. 1155)

### A. Height of Any Point

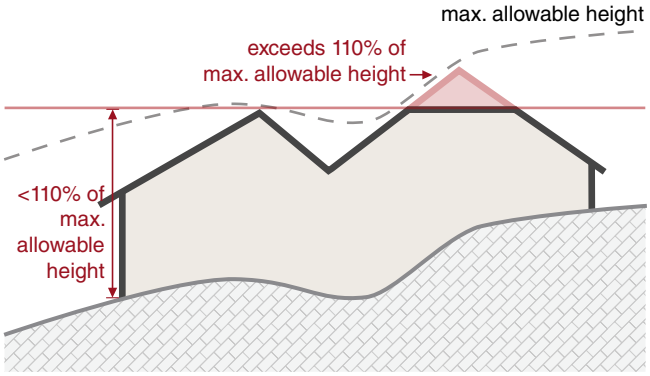
The height of a building or structure is the vertical dimension measured from any point on the exterior of the building or structure to the nearest point of finished grade.

**EXAMPLE:** In the diagram below the nearest point of finished grade is indicated by the white or gray arrows. Note the examples of points that are equidistant to finished grade on 2 sides of the house; height of such a point will be determined by the lower finished grade.



### B. Overall Height of a Stepped Structure

In addition, on a sloped site where the height of the structure is stepped up the slope, the vertical dimension measured from the overall highest point of the building or structure to the overall lowest point of finished grade adjacent to the structure shall not exceed 110% of the maximum allowable height.




### C. Exceptions

No part of any building or structure may exceed the maximum allowable height except for the following:

1. Structures used exclusively for elevator or stairway access to a roof, provided they do not exceed the maximum height by more than 10 feet, do not occupy more than 20% of the roof area, and are not visible from ground level view from a contiguous street.
2. Chimneys, vents, and roof-top mechanical equipment such HVAC systems, provided that the maximum height is not exceeded by more than 4 feet;
3. Antenna used for the reception of television broadcast signals; or
4. Clock towers, church steeples, belfries, cupolas and domes not intended for human occupancy.

## 9.4.10. Street Lot Line Designation (11/23/16, Ord. 1155)

### A. Planning Director Determination

On sites with multiple frontages, the Planning Director will designate street lot lines based on the criteria below:

1. The street or streets with the highest classification;
2. The established orientation of the block;
3. The street or streets abutting the longest face of the block;
4. The street or streets parallel to an alley within the block;
5. The street that the lot takes its access from; and

6. The pedestrian orientation of adjacent or contiguous development, existing or proposed.

### B. Character Zones

In a Character Zone (Div. 2.2. & Div. 3.2.), a site with multiple frontages shall have at least one primary street lot line. A site may have more than one primary street. Remaining frontages shall be designated as secondary street lot lines. Remaining lot lines shall be side lot lines; a lot with multiple frontages shall not have a rear lot line.

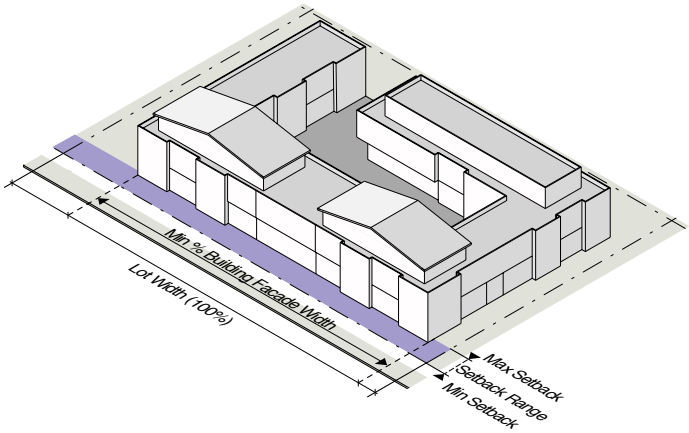
### C. Legacy Zones

In a Legacy Zone (Div. 2.2. & Div. 3.3.) the Planning Director shall determine one street lot line. After the street lot line is determined, the landowner shall choose the rear lot line and the remaining lot lines shall be side lot lines.

## 9.4.11. Street Facade (11/23/16, Ord. 1155)

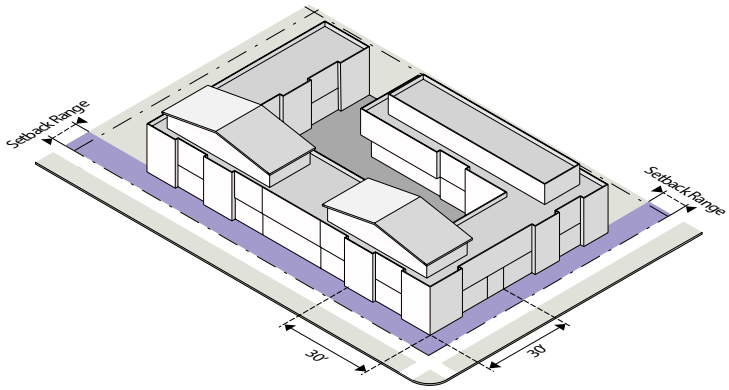
### A. Percentage of Lot Width

The required percentage is calculated by dividing the facade width located in the specified setback range by the width of the lot.



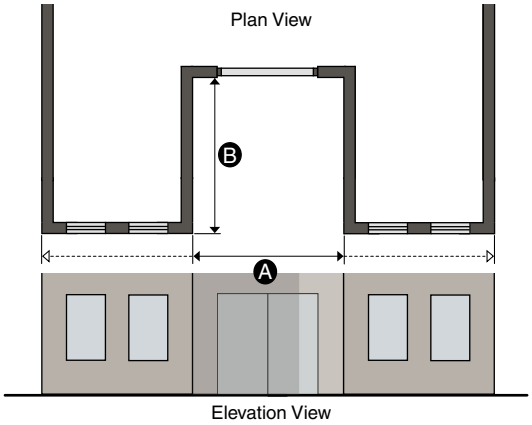

### B. Corner Width

The width of a street facade on a street corner that must be within the street setback range shall be measured from the street corner edge of the facade, parallel to the street lot line.



### C. Forecourt

A forecourt that serves as an open space, plaza or outdoor dining area, and meets the standards below is considered part of the building facade for the purpose of meeting the required facade width in the street setback range.




| | | |
|---|---|---|
| Width (max) | 1/3 of facade width | A |
| Depth (min) | 35’ | B |
| Height | within 30” of grade | |
| Transparency of fore-court-facing facades | 40% | |

## 9.4.12. Stepback (11/23/16, Ord. 1155)

### A. Stepback

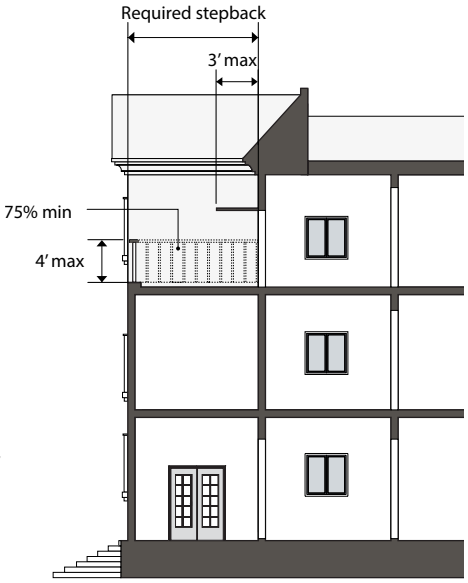
1. A stepback is measured from the ground story outer wall plane to the facade of the story required to be stepped back.

### B. Encroachments

No part of a building may project into the stepback, except as listed below:

1. Balcony railings provided they are a maximum height of 4 feet and are at least 75% open.

2. Building eaves, roof overhangs, awnings, and light shelves provided they don’t extend more than 3 feet into the stepback.

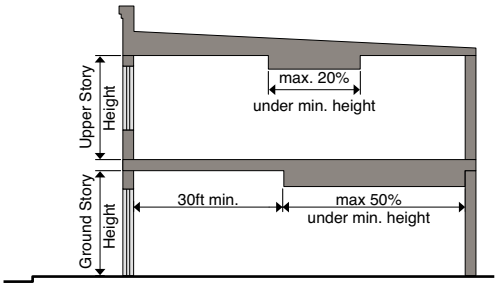


## 9.4.13. Story Height (11/23/16, Ord. 1155)

A. Story height is measured from the top of the finished floor to the ceiling above.

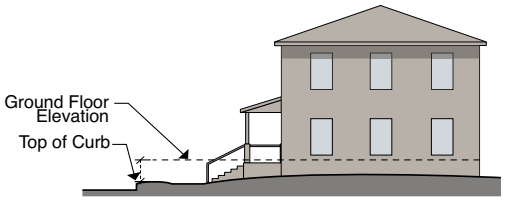
B. The minimum ground story height applies to the first 30 feet of the building measured inward from a street-facing facade. At least 50% of the ground story must meet the minimum height provisions.

C. At least 80% of each upper story must meet the minimum upper story height provisions.




D. Ground floor elevation is measured from top of the adjacent curb to the top of the finished ground floor.

E. Ground floor elevation applies to the first 30 feet of the lot measured from the back of the pedestrian frontage.

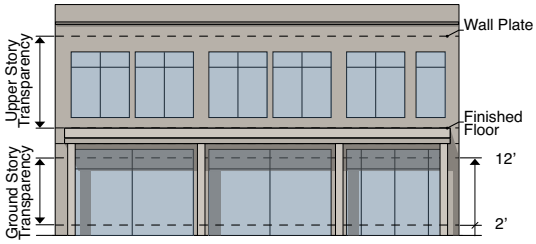



## 9.4.14. Transparency (11/23/16, Ord. 1155)

Transparency is the percentage of a story's facade that is glass windows or doors. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.

### A. Calculation

Transparency is calculated by dividing the total area of transparent glass on the story by the total area of the story's facade. The story facade is the area between the top of the finished floor to the top of the finished floor above. When there is no floor above, it is measured to the top of the wall plate.



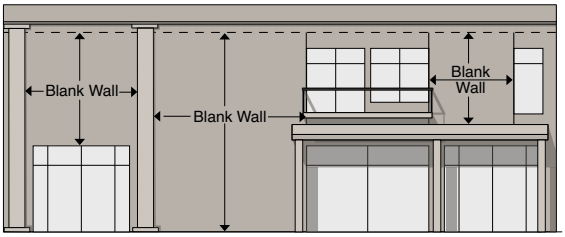
B. Shopfront Frontage

1. In the Shopfront Frontage, at least 70% of street-facing, ground story windows must allow views into the building for a depth of at least 8 feet. Windows cannot be made opaque by window treatments (except operable sunscreen devices).

2. In the Shopfront Frontage, ground story transparency is measured between 2 and 12 feet above the adjacent sidewalk.

## 9.4.15. Blank Wall Area (11/23/16, Ord. 1155)

A. Blank wall area is the portion of a facade that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change). The same material used in a different pattern does not constitute a substantial material change.

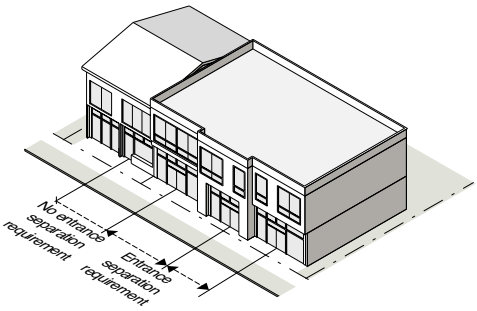



B. A blank wall area is permitted unless it exceeds the maximum in both a vertical and horizontal direction.

## 9.4.16. Pedestrian Access (11/23/16, Ord. 1155)

A. An entrance providing both ingress and egress, operable to residents or customers at all times during operating hours, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.

B. The entrance spacing requirements must be met for each building, but are not applicable to adjacent buildings.




C. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.

# Div. 9.5. Defined Terms

When used in these LDRs, the following terms shall have the following meanings:

## A (1/4/17, Ord. 1166)

**Access.** Access means a method to provide physical entrance to or exit from a property, street, or highway.

**Accessory Residential Unit.** See 6.1.11.B.

**Accessory Structure.** An accessory structure is a separate structure that is secondary and subordinate to another structure on the same property.

**Accessory Use.** See 6.1.2.B.3.

**Adjoining.** See "Contiguous."

**Adjusted Site Area.** See 9.4.4.C.

**Affordable.** A term used in conjunction with or with reference to a sale or rental price for a dwelling unit. Affordable housing means a dwelling unit that a household earning 120% or less of the Teton County median family income can purchase with a mortgage payment that does not exceed 30% of its gross household income, or rent with the gross rent and utility payments not exceeding 30% of its the gross household income.

**Agriculture.** See 6.1.3.B.

**Alley.** An access way, no more than 30 feet wide, which provides a means of public access to contiguous property that is not intended for general traffic circulation.

**Alter or Alteration.** Alter or alteration means any change, addition, or modification in construction or occupancy.

**Amusement Use.** See 6.1.7.B.

**Antenna.** Any apparatus used for the transmission and/or reception of radio frequency energy, including, but not limited to, omni-directional antenna (whip), directional antenna (panel), microcell, and parabolic antenna (dish). Antenna does not include support structures, utility structures, or towers.

**Apartment.** See 6.1.4.D.

**Arterial Road.** See, "Road, Arterial."

**Assembly.** See 6.1.8.B.

**Attached Single-Family Unit.** See 6.1.4.C.

**Awning.** Awning means a roof-like cover that projects from and is supported by the wall of a building for the purpose of shielding a doorway or window from the elements.

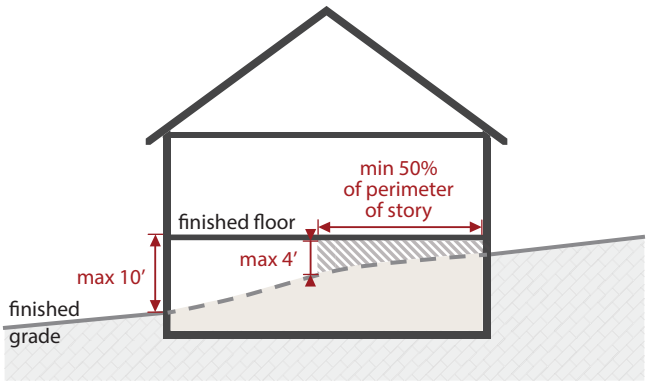
# B (1/4/17, Ord. 1166)

**Background Area.** The entire area of a sign on which lettering and/or graphics can be placed.

**Bank (Stream/River/Ditch).** Bank means the natural or man-made slope immediately bordering the channel of a river, stream, or creek containing and/or confining the normal water flow. See also "Top of Bank"

**Bar.** See 6.1.6.E.

**Basement.** A basement is any story for which the finish floor of the story above is less than 4 feet above finished grade for at least 50% of the perimeter of the story and at no point greater than 10 feet above finished grade.




**Base Site Area.** See 9.4.4.B.

**Base Station.** A structure or equipment at a fixed location that enables or is designed to enable FCC-licensed or authorized wireless communications between user equipment and a communications network in connection with the provision of personal wireless services as defined in 47 U.S.C. Section 332(c)(7). The term does not encompass a Tower as defined in this subpart or any equipment associated with a Tower.

a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

c. The term does not include a supporting structure, including by way of example a rooftop, tower, light standard or pole to which the base station, or an element of the base station, may be attached, but does include any structure that houses equipment described in paragraphs (a)-(b) of this section definition.

**Bed and Breakfast.** See 6.1.11.C.

**Bedroom.** Bedroom means a room, including a den or unfinished room, in a dwelling unit that is marketed and designed for sleeping, or otherwise has potential to function primarily for sleeping.

**Berm.** Berm means a man-made landform, typically built as an earth mound, located so as to screen a structure or property from view and/or to provide sound relief from a nearby road.

**Blank Wall Area.** See Sec. 9.4.15.

**Buffer (Natural Resource).** The area between a natural resource and the minimum natural resource setback extending the full length of the natural resource.

**Building Envelope.** A building envelope means the area of a lot of record within which all physical development shall occur.

**Building Footprint.** The building footprint is the area of the foundation; eaves, overhangs, decks, cantilevers and other projections are not included.

**Building.** Building means any structure having a roof supported by columns or walls; any enclosed structure, including tarpaulin structures, designed or used for the housing or enclosure of persons, animals, chattels, or property of any kind; or any attached appurtenance thereto, but not including an advertising sign board, fence, tepee, tent, or similar type of temporary structure. See also “Historic Building”

**Bulk.** Bulk is a spatial dimension of magnitude and refers to the scale, height, floor area, and footprint of a building.

## C (1/4/17, Ord. 1166)

**Caliper.** The diameter of a tree trunk measured 4.5 feet above the natural grade at the base of the tree.

**Canopy Tree.** Canopy tree means a deciduous shade or specimen tree, such as aspen, cottonwood, golden willow, or ash.

**Canopy.** Canopy means the uppermost spreading branchy layer of trees. Canopy also means an ornamental roof-like structure, cantilevered or supported by posts or pillars and having open sides.

**Carrier on Wheels or Cell on Wheels (COW).** A portable self-contained wireless communications facility that can be moved to a location and set up to provide wireless communications services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

**Changeable Copy Sign (Manual).** See “Sign, Changeable Copy.”

**Christmas Tree Sales.** See 6.1.12.B.

**Collector Road.** See, “Road, Collector.”

**Commercial Air Tour.** A commercial air tour is any flight conducted for compensation or hire in a powered aircraft where the purpose of the flight is sightseeing.

**Commercial Wireless Telecommunication Services.** Commercial wireless telecommunication services means licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

**Commercial.** See Sec. 6.1.6.

**Common Open Area.** Common open area means land within or related to a development which is designed or intended for the common active or passive use and enjoyment of the residents of the development. Common open area shall include: (a) land which is not individually owned and is not dedicated for public use for streets and other similar common facilities, or (b) land which is individually owned, provided it is located outside of an identified building envelope and has been located adjacent to and made a part of other common open area areas, to the maximum extent possible, to form a continuous area of open space. Common open area may include such complimentary structures and improvements as are necessary and appropriate for its intended use, provided that fences shall not be installed so as to divide individual and common open area areas from one another.

**Concealment Element.** A feature or technique that disguises, camouflages, or hides a Wireless Facility to blend in with its surrounding environment or architecture so that, to the extent possible the presence, purpose or nature of the Wireless Facility is less apparent to a reasonable observer.

**Conditional Use.** See 6.1.1.C.

**Condominium.** Condominium means an estate in real property consisting of an undivided interest in common in a portion of a lot of record together with a separate interest in space in a building on such real property.

**Conservation Easement.** A conservation easement is an agreement between a landowner and a land trust or government that invests in the land trust or government the power to constrain the landowner's rights to use and develop the land in order to achieve identified conservation purposes such as preservation of habitat, scenery, or agriculture. A conservation easement is a permanent interest in real property that runs with the land.

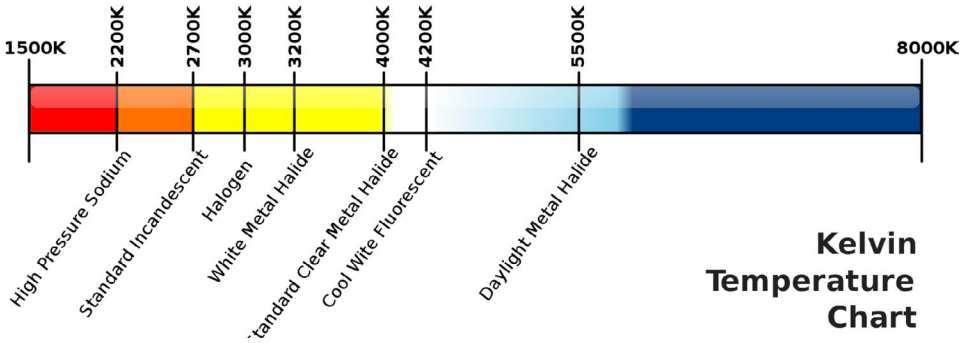
**Construction Sign.** See, "Sign, Construction."

**Contiguous.** Contiguous means having a common border with.

**Camping Unit.** Conventional Camping Units include recreational vehicles, campers, trailers, motorhomes, tents, yurts, tepees, or other shelter that is not certified under the International Residential or Building Code or by HUD. Camping Unit does not include Mobile Homes certified by HUD.

**Conventional Lodging.** See 6.1.5.B.

**Correlated color temperature.** Correlated color temperature indicates the 'warmth' or the 'coolness' of a light's appearance (see image below). Color temperature is generally indicated on light bulb packaging. Specifically, correlated color temperature is defined as the absolute temperature of a blackbody radiator whose chromaticity most nearly resembles that of the light source.




**Cut Slope.** Cut slope means any slope surface in soil or bedrock material created by man by the removal of soil or bedrock materials below the natural land surface.

## D (1/4/17, Ord. 1166)

**Daycare.** See 6.1.8.C.

**Daycare, Family Home.** See 6.1.11.F.

**Daycare, Home Center.** See 6.1.11.G.

**Dedication.** Dedication means the transfer of property interests by the owner to another person. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement. Dedication is not complete unless the party to which the interest is dedicated accepts the dedication.

**Density.** See 9.4.6.B.

**Detached Single-Family Unit.** See 6.1.4.B.

**Detention Basin.** A detention basin is a covered or uncovered reservoir designed to hold an excessive accumulation of stormwater or snowmelt so as to reduce peak flow in a stormwater or snowmelt drainage system.

**Developed Recreation.** See 6.1.7.D.

**Developer.** Developer means a recognized legal or beneficial owner of a lot of record proposed for inclusion in a development or use, including a lessee, optionee, or contract purchaser.

**Development Option.** A development option is any division of a lot of record into 2 or more lots of record; adjustment of the boundaries of lots of record; entitlement of uses or densities not allowed through approval of only a physical development permit and/or use permit; and any other approval that changes the allowed physical development or use of a site.

**Development.** Development means any physical development, development option, or subdivision. Development does not mean use if the use does not require any physical development or development option.

**Disposal.** See 6.1.9.D.

**Ditch, Irrigation.** See, "Irrigation Ditch."

**Dormitory.** See 6.1.4.F.

**Downhill Ski Area.** See 6.1.3.C.

**Drainage.** Drainage means the removal of surface water or groundwater from land by drains, grading, or other means. Drainage, sometimes referred to in terms of stormwater management, also includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

**Drainageway.** A drainageway is a watercourse identified by the presence of an intermittent flow, or a swale whose drainage area is a minimum of 5 acres.

**Drive-In Facility.** See 6.1.11.H.

**Driveway.** Driveway means a private access way serving 2 or fewer single-family units or deeded lots.

**Dwelling Unit.** A dwelling unit is a unit used residentially and is also known as a residential unit. See Sec. 6.1.4. for a definition of residential use.

## E (1/1/15, Ord. 1074)

**Earth Sheltered Design.** Earth sheltered design means a building whose mass is built fully or partly below the land surface, or which sits above natural grade but has been covered with earth so that at least 50% of the perimeter of the building is concealed from view.

**Easement.** Easement means a less than fee interest in land, which provides a person other than the owner of the land certain rights over that land, or any designated part of that land, for the purposes specified.

**Education.** See 6.1.8.C.

**Employee Housing Unit.** A dwelling unit that is restricted to occupation by a person, and that person's family, employed within Teton County, Wyoming through deed, lease, covenant, or other means.

**Erosion.** Erosion means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, and/or gravity.

**Essential Service.** Essential service means facilities owned or maintained by utility companies or public agencies, located in public ways or in easements provided for that purpose, or on a customer's premises not requiring a private right-of-way, that

is reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers. Essential services do not include any cross-country line on towers in a private right-of-way.

**Excavation.** Excavation means any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, as well as the resulting conditions.

**Existing Use or Development.** Existing use or development means any use or development of a site, which is located on the site at a given point in time, whether or not the use or development conforms with the provisions of these LDRs.

## F (1/4/17, Ord. 1166)

**Facade.** A facade is a building's elevation, as viewed in a single plane parallel to a referenced lot line.

**Facade Width.** Facade width is the linear width of the building elevation, measured in a single plane parallel to the referenced lot line.

**Fair Market Value.** The price that land will bring in a competitive and open market under all conditions of fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus.

**Family.** Family means one or more individuals related by blood, marriage, adoption, or guardianship, or not more than 3 individuals not so related, occupying a dwelling unit and living as a single housekeeping unit.

**Fall Zone.** The area in which a Wireless Facility may be expected to fall in the event of a structural failure, as measured by engineering standards.

**Family Home Daycare.** See 6.1.11.F.

**Farm Stand.** See 6.1.12.E.

**Fascia.** Fascia means a band located at the top edge of a building, but below the actual roofline and above the building wall. Fascia material is typically of a different type than either the actual roof or the building wall.

**Fault Line.** Fault line means all geologic faults indicated on the Geological Quadrangle Maps covering Teton County, published by the U.S. Geological Survey.

**Fence.** Fence means a barrier of posts, wire, rails, boards, or other material which is a barrier and used as a boundary or means of protection or confinement. A fence shall not be a freestanding wall; and shall not include barbed wire, security wire, sharpened top spikes, electrified wires, or other similar elements or materials.

**Fill Slope.** Fill slope means the surface of the outward margins or sides of a fill.

**Fill.** Fill means rock, soil, sand, gravel, or other earth material deposited by man, whether submerged or not, which is commonly used for leveling, back-filling, or otherwise preparing a site for development or construction.

**Finished Grade.** See, "Grade, Finished."

**Flag.** Flag means a device generally made of flexible materials, such as cloth, paper, or plastic, displayed individually on poles or as groups on poles, strings, or wires.

**Flashing Sign.** See "Sign, Flashing."

**Flood.** See Chapter 15.30, Flood Damage Prevention, Municipal Code of the Town of Jackson.

**Floodplain.** See Chapter 15.30, Flood Damage Prevention, Municipal Code of the Town of Jackson.

**Floor Area Ratio.** See 9.4.6.C.

**Floor Area.** See Sec. 9.4.5.

**Floor Area, Gross.** See, "Gross Floor Area."

**Floor Area, Habitable.** See, "Habitable Floor Area."

**Frontage.** Frontage means a lot line contiguous with a road right-of-way or roadway regardless of the designation of the lot line pursuant to Sec. 9.4.10.

**Front Lot Line.** See, "Lot Line, Front."

**Front Yard.** See, "Yard, Street."

## G (1/4/17, Ord. 1166)

**Garage.** Garage means a building or floor area within a building intended to be used for the parking or storage of motor vehicles.

**Grade, Finished.** Finished grade means the final elevation of the ground surface after physical development that has been permitted pursuant to these LDRs. The term "finished grade" may also mean natural grade when no terrain alteration is proposed, or where otherwise applicable. Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to manipulate the measurement of another standard of these LDRs, shall not be considered finished grade.

**Grade, Natural.** Natural grade means the elevation of the ground surface in its natural state before physical development.

**Gradient.** Gradient means the steepness, in terms of angle from the horizontal or in terms of percent, of a slope measured in a prescribed direction up or down the slope. For a road, the gradient is measured as the steepness along the centerline.

**Gravel Extraction and Processing, Temporary.** See Section 6.1.12.F.

**Gross Floor Area.** Gross floor area is the total of all habitable and non-habitable floor area in a structure on all levels. Gross floor area includes basements, and partial levels such as lofts, mezzanines, and interior balconies. It also includes foyers, hallways, restrooms, storage, and other common areas within a building.

**Gross Site Area.** See 9.4.4.A.

**Groundwater.** Groundwater means any water, including hot water and geothermal steam, under the surface of the land.

**Group Home.** See Section 6.1.4.G.

## H (1/4/17, Ord. 1166)

**Habitable Floor Area.** Habitable floor area is the floor area that can be used for living purposes, usually having access to heat, plumbing, and electricity. Habitable floor area includes studios, exercise rooms, offices, and similar spaces. It also includes foyers, hallways, restrooms, storage, and other common areas within a building. Habitable floor area does not include barns, garages, or unfinished attic space.

**Heavy Industry.** See 6.1.9.C.

**Heavy Retail/Service.** See 6.1.6.F.

**Height, Building.** See Sec. 9.4.9.

**Height, Story.** See Sec. 9.4.13.

**Heliport.** See 6.1.10.E.

**Historic Building.** Historic building means a building which: (a) is listed on or nominated by the State Historical Society for listing on the National Register of Historic Places; (b) is included in a district which is listed on or nominated by the State historical society for listing on the National Register of Historic Places; or (c) is included on a certified Town list of historic property.

**Home Business.** See 6.1.11.E.

**Home Daycare Center.** See 6.1.11.G.

**Home Occupation.** See 6.1.11.D.

## I (1/1/15, Ord. 1074)

**Impervious surface.** Impervious surfaces mean a surface which does not absorb water.

> **EXAMPLE:** Examples of impervious surfaces include, but not are not limited to: buildings (including roofed areas but excluding eaves that over-hang a pervious surface), structures, parking areas, loading areas, driveways, roads, sidewalks, and any areas of concrete, asphalt, or significantly compacted material which prevents water absorption.

**Industrial Use.** See Sec. 6.1.9.

**Industry, Heavy.** See 6.1.9.C.

**Industry, Light.** See 6.1.9.B.

**Incidental Use.** See 6.1.2.B.2.

**Infrastructure.** Infrastructure means public facilities necessary to serve development, including, but not limited to roads, potable water supply facilities, sewage disposal facilities, drainage facilities, electric facilities, natural gas facilities, telephone facilities and cable television facilities.

**Institutional Use.** See Sec. 6.1.8.

**Irrigation Ditch.** An irrigation ditch is a man-made ditch constructed for the purpose of land irrigation. Irrigation ditches shall not include naturally formed drainageways.

## K (1/1/15, Ord. 1074)

**Kitchen.** A kitchen is a room or portion of a room devoted to the preparation or cooking of food for a person or a family living independently of any other family, which contains a sink and a stove or oven powered by either natural gas, propane or 220-V electric hook-up. A wet bar, consisting of no more than a refrigerator, sink, and microwave, or similar facility that is a homeowner convenience and is not intended to function as the cooking facility for a separate dwelling unit shall not be considered a kitchen facility.

## L (1/4/17, Ord. 1166)

**Land Disturbing Activity.** A land disturbing activity is any manmade change to the land surface, including removing vegetative cover, excavating, filling, and grading. The tending of gardens and agricultural activities are not land disturbing activity.

**Land.** Land means all land or water surfaces, whether public or private, including lots of record, or other ownership categories and all rights – surface, subsurface, or air – that may be attached or detached from the land.

**Landscape Surface Area.** Landscape surface area is the area of a site that is covered by natural vegetation, trees, or landscaped areas such as turf grass, planted trees and shrubs, mulch, or xeriscape. Any area of a site meeting the definition of site development is not landscape surface area.

**Landscape Surface Ratio.** See 9.4.6.E.

**Landscaping, Required.** Required landscaping includes required landscape surface area and required plant units.

**Light Industry.** See 6.1.9.B.

**Live/Work Unit.** See 6.1.4.H.

**Loading Area or Space.** The portion of a site developed for the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and related landscaped areas.

**Local Road.** See, "Road, Local."

**Lodging.** See Sec. 6.1.5.

**Lot Area.** Lot area means the gross site area of a lot of record.

**Lot Coverage.** See 9.4.6.F.

**Lot Line, Front.** Front lot line means the street lot line unless no street lot line exists in which case it means the lot line across which access is taken.

**Lot Line, Rear.** Rear lot line means a lot line opposite a street or front lot line. A non-rectangular lot of record or lot of record with multiple street lot lines may not have a rear lot line or may have multiple rear lot lines. See also Sec. 9.4.10. regarding designation of street and rear lot lines.

**Lot Line, Side.** Side lot line means any lot line other than a street, front, or rear lot line.

**Lot Line, Street.** Street lot line means a lot line contiguous with a road right-of-way or roadway. See Sec. 9.4.10. for rules for determining street lot line designation.

**Lot Line.** A line bounding a lot of record which divides one lot of record from another lot of record or from a street.

**Lot of Record.** Any validly recorded platted lot, parcel, or tract of land for which the deed is on record with the Teton County Clerk, and which complied with all applicable laws, ordinances, and regulations on the date of its creation.

**Lot Size, Minimum.** See 9.4.6.G.

**Lot.** An area of land that is shown on a duly approved and recorded subdivision map.

**Lumen.** Lumen is a measure of light emission. Lumen measurements are commonly indicated on light bulb packaging. Specifically, a lumen is the amount of light emitted per second in a unit solid angle of one steradian from a uniform source of one candela.

**Luminaire.** Luminaire means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

## M (1/4/17, Ord. 1166)

**Maintenance (Sign).** Sign maintenance means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not change or alter the basic copy design, or structure of the sign.

**Manmade Slope.** See "Slope, Manmade"

**Maximum Extent Practicable.** Maximum extent practicable means no feasible or practical alternative exists, as determined by Staff, and all possible efforts to comply with the LDRs and minimize potential harmful or adverse impacts have been undertaken by the applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."

**Maximum Permitted Illumination.** Maximum permitted illumination means the maximum illumination measured in footcandles at the street, side, and rear setbacks at ground level.

**Maximum.** See 9.4.3.B.

**Mean High Water.** Mean high water means the average of the elevation achieved each year by the water level of a water course during the month of June. Mean high water should not to be construed as a flood elevation.

**Minimum Site Area.** See 9.4.4.D.

**Minimum.** See 9.4.3.C.

**Mini-Storage Warehouse.** See 6.1.6.G.

**Mobile Home Park.** See Sec. 7.1.4.

**Mobile Home.** See 6.1.4.E.

**Monopole.** A single, freestanding, tubular, self-supporting pole-type structure supporting one or more antennas

## N (1/1/15, Ord. 1074)

**Native Species.** Native species means vegetation which is indigenous to, and is commonly found in, landscapes in the Town of Jackson and Teton County which have never been disturbed. A list of native species is available at the Planning Department.

**Natural Grade.** See "Grade, Natural."

**Natural Topographic Break.** Natural topographic break means any naturally occurring change in relief on land such as a mound, knoll, hill, bank, ridge, or terrace, or an area sloping away from a flat grade, which creates a recessed area capable of screening development.

**Neon Sign.** See, "Sign, Neon."

**Nonconforming or Nonconformity.** See Div. 1.9.

**Nursery.** See 6.1.6.H.

# O (1/4/17, Ord. 1166)

**Office.** See 6.1.6.B.

**Off-Premise Sign.** A sign identifying or advertising a business, person, activity, goods, products or services, which is not located on the premises where the business or commercial activity is conducted.

**Off-Site.** Located neither on the land that is the subject of the application nor on a contiguous portion of a street or other right-of-way.

**On-Site.** Located on the land that is the subject of the application.

**Open Space Ratio.** See 9.4.6.D.

**Open Space (Use).** See Sec. 6.1.2.

**Open Space, Required.** Required open space is undeveloped area that is required in order to receive approval of a development or use. Unless otherwise noted for a specific development or use, the standards for required open space are in Div. 7.3.

**Outdoor Recreation.** See 6.1.3.C.

**Outfitter.** See 6.1.7.E.

# P (1/4/17, Ord. 1166)

**Parcel.** Parcel means unplatted property that is described by metes and bounds, or any public land surveys, or aliquot parts, or lot or tract designations not recognized as lawfully platted.

**Parking (Use).** See 6.1.10.B.

**Parking Lot.** Parking lot means 4 or more adjacent parking spaces.

**Pathway.** Pathway means a facility designed for non-motorized travel intended for the use of bicyclists, pedestrians, equestrians, and cross-country skiers.

**Pedestrian Access.** See Sec. 9.4.16.

**Pedestrian Facility.** Pedestrian facility means a sidewalk or other walkway intended primarily for the use of pedestrians.

**Performance Bond.** Performance bond means a financial guarantee to ensure that all improvements, facilities, or work required by these LDRs will be completed in compliance with these LDRs, and the approved plans and specifications of a development.

**Person.** Person means an individual or group of individuals, corporation, partnership, association, municipality, or state agency.

**Personal wireless service facilities.** Personal wireless service facilities means facilities for the provision of personal wireless services. Personal wireless services means commercial wireless telecommunication services, unlicensed wire-less services, and common carrier wireless exchange access services.

**Physical Development.** Physical development means any of the following activities that alter the natural character of the land and for which a permit may be required pursuant to the LDRs: the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, fence, wall, or other site development; any grading, clearing, excavation, dredging, filling or other movement of land; any mining, paving, or drilling operations; or the storage, deposition, or excavation of materials. Physical development does not include the use of land that does not involve any of the above listed activities.

**Planned Residential Development.** See Sec. 7.1.2.

**Plat.** Plat means the legally recorded drawing depicting the subdivision of land into 2 or more lots.

**Primary Use.** See 6.1.2.B.4.

**Principal Use.** See 6.1.2.B.1.

**Profane Language on Signs.** Any signs that can be viewed by the public that involves the use of profane or vulgar language, words, epithets, or expressions.

**Protected Zone.** The following zones are protected zones: Neighborhood Conservation - Single-Town (NC-ToJ) and Auto-Urban Residential-Town (AR-ToJ).

**Public Sanitary Sewer.** See "Wastewater Treatment System, Public."

**Public Water Supply.** See "Water Supply, Public."

## R (1/1/15, Ord. 1074)

**Ranch Compound.** Ranch compound means a cluster of structures built in traditional ranch forms commonly found on ranches in Teton County.

**Real Estate Sales Office.** See 6.1.12.C.

**Rear Lot Line.** See, "Lot Line, Rear."

**Rear Yard.** See, "Yard, Rear."

**Recorded.** Recorded means formally indexed and abstracted in the official records of the Teton County Clerk. Recorded does not include documents that are merely filed.

**Recreational Park Trailers (RPT).** An RPT or park model, is a trailer type that is primarily designed to provide temporary living quarters for recreational, camping, travel or seasonal use that meets the following criteria: (1) built on a single chassis; (2) mounted on wheels having a gross trailer area not exceeding 400 square feet in the set-up mode; and (3) certified by the manufacturer as complying with current ANSI A119.5, which

specifies standards for operating systems and construction requirements. RPTs do not include Mobile and Manufactured homes or Conventional Camping Units. Gross Trailer Area is the gross square footage of a Recreational Park Trailer measured to the maximum horizontal projections of exterior walls including all siding, corner trims, moldings, storage areas enclosed by windows, but not the roof overhangs. Unenclosed porches are not included in the gross trailer area.

**Required Open Space.** See, "Open Space, Required."

**Required Landscaping.** See, "Landscaping, Required."

**Residential Street.** Residential street means a local road serving residential uses.

**Residential.** See Sec. 6.1.4.

**Restaurant.** See 6.1.6.E.

**Retail (Use).** See 6.1.6.C.

**River.** See Sec. 5.1.1.

**Road, Arterial.** Arterial road means a road, which is intended to provide for high-speed travel between or within communities or to and from collector roads. Access is controlled so that only significant land uses may take direct access to these streets. For the purposes of these LDRs, arterial roads are identified as arterials on the Official Town County Highway Map.

**Road, Collector.** Collector road means a road, which is intended to connect local roads to arterial roads.

**Road, Local.** Local road means a road, which is intended to provide access to contiguous lands.

**Runoff.** Runoff means the rainfall, snowmelt, or irrigation water flowing over the ground surface.

## S (1/4/17, Ord. 1166)

**Scale of Building, Maximum.** See 9.4.7.B.

**Scale of Use, Maximum.** 9.4.7.A.

**Sedimentation.** Sedimentation means the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

**Service.** See 6.1.6.D.

**Setback.** See Sec. 9.4.8.

**Sexually Explicit Nudity on Signs.** Means the depiction of uncovered human genitals, pubic area, buttocks, or the human female breast on a sign that can be viewed by the public.

**Shelter, Temporary.** See 6.1.12.D.

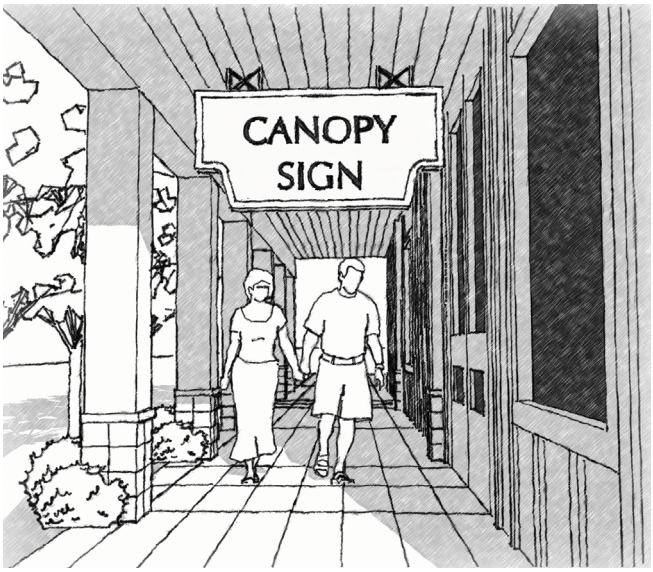
**Short-Term Rental Unit.** See 6.1.5.C.

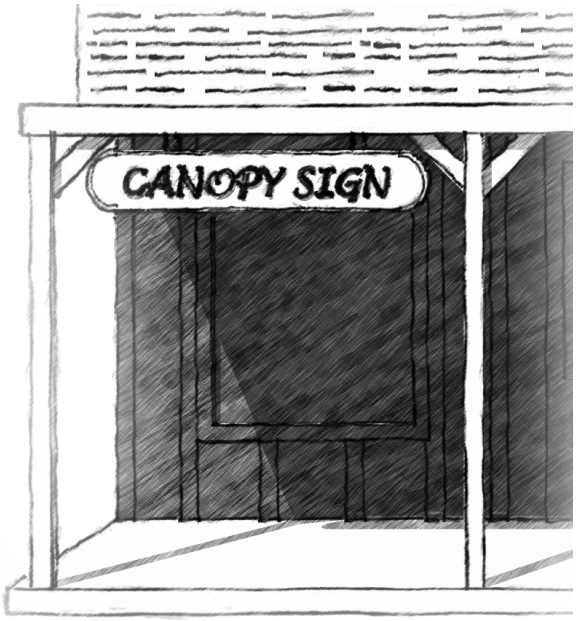
**Side Lot Line.** See, "Lot Line, Side."

**Side Yard.** See, "Yard, Side."

**Sign, Banner.** An advertising sign intended to be hung either with or without a frame possessing characters, letters or ornamentations applied to paper, plastic or fabric.

**Sign, Canopy or Marquee.** A sign attached to or constructed in or on a canopy or marquee (see example below).

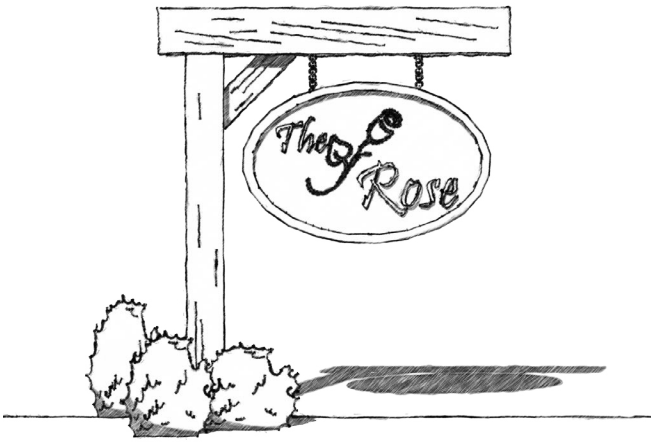


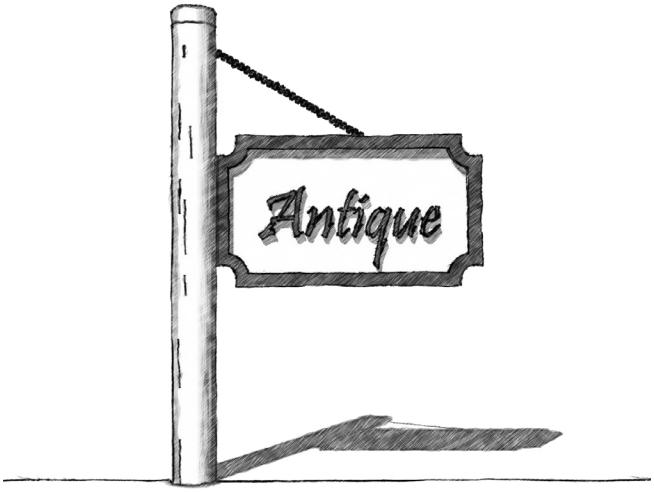



**Sign, Changeable Copy.** A sign on which copy or sign panels can be manually changed, such as boards with changeable letters or changeable pictorial panels.

**Sign, Flashing.** Any sign containing an intermittent or flashing light source, or includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source.

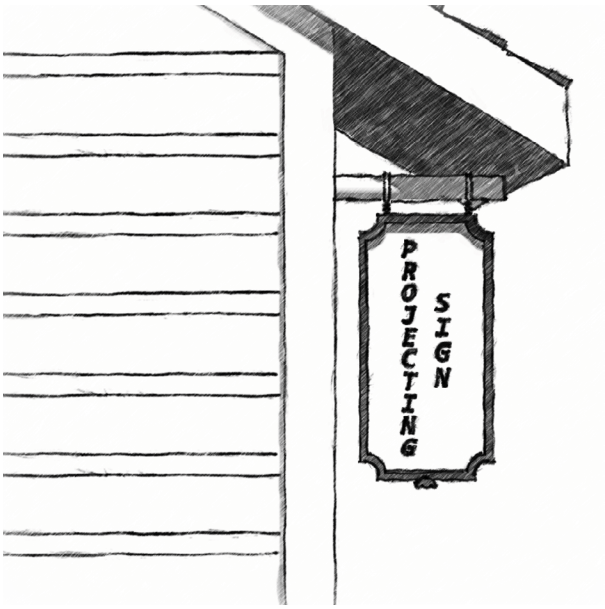
**Sign, Freestanding.** A sign erected on a freestanding frame, mast or pole, not attached to a building (see examples below). A freestanding sign is considered a structure and shall follow the definition of height.



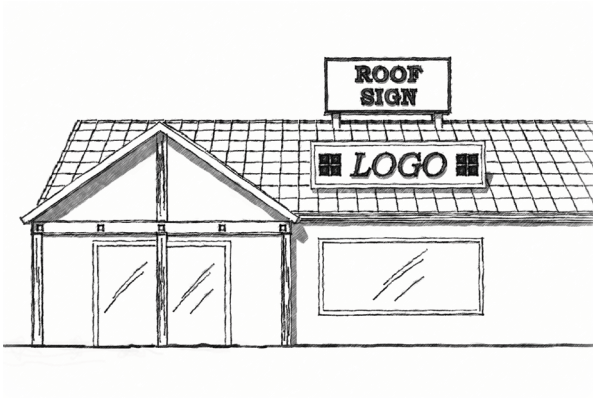



**Sign, Neon.** Any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.

**Sign, Projecting.** A sign, other than a wall sign, which is attached to and projects from a structure or building face (see example below).

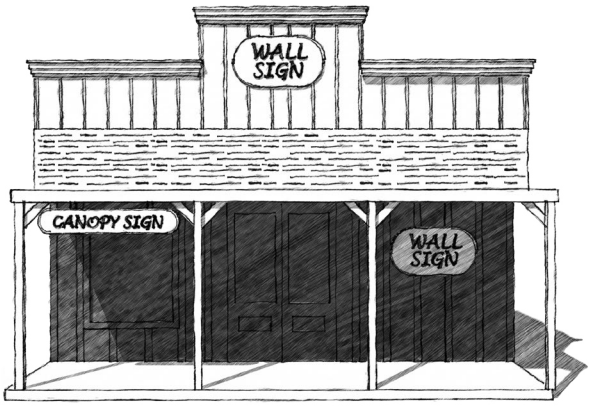



**Sign, Roof.** Any sign placed or painted above the roof or parapet wall of a structure (see example below).




**Sign, Temporary or Portable.** Any sign that is not permanently attached to the ground or a building. This shall include, but not be limited to, all devices such as banners, pennants, flags (not intended to include flags of any nation), search-lights, twirling or sandwich board signs, sidewalk or curb signs, balloons, air or gas filled figures, and signs on wheels.

**Sign, Wall.** Any sign attached to, painted on, or installed upon a wall of a building, with the exposed face parallel to the building wall and/or parapet (see examples below).




**Sign.** Sign means any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, religious group, product service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or score boards located on athletic fields. See Div. 5.6. for standards applicable to Signs.

**Site Area, Adjusted.** See 9.4.4.C.

**Site Area, Base.** See 9.4.4.B.

**Site Area, Gross.** See 9.4.4.A.

**Site Area, Minimum.** See 9.4.4.D.

**Site Development.** Site development is the area of the site that is physically developed; it is generally the inverse of landscape surface area. Site development includes the area of the site that is covered by buildings, structures, impervious surfaces, porches, decks, terraces, patios, driveways, walkways, parking areas, and regularly disturbed areas such as corrals, outdoor storage, and stockpiles. Site development does not include cultivation of the soil for agricultural use.

**Site.** Site means the entire area of the land on which a use or development is existing or proposed. A site may be a portion of a lot of record or may include multiple lots of record.

**Skyline.** Skyline means the visual line at which the earth or vegetation and the sky appear to meet. It is typically viewed as the top, crest, or peak of a ridge, hillside, or butte.

**Slope, Manmade.** Manmade slopes refer to finished grades that resulted from permitted and/or allowed development activity commenced prior to November 9, 1994.

**Slope, Natural.** See, “Grade, Natural.”

**Slope.** Slope means the relationship of the change in the vertical measurement to the change in the horizontal measurement, usually written as a ratio or a percentage.

**Small Wastewater Treatment System.** See "Wastewater Treatment System, Small."

**Special Use.** See 6.1.1.D.

**Stealth Facility.** A Wireless Facility that is integrated into an existing structure so that no portion is visible from outside the existing structure; or that is designed so that the purpose and nature of the Wireless Facility is not readily apparent to a reasonable observer.

**Stepback.** See Sec. 9.4.12.

**Stream.** See Sec. 5.1.1.

**Street Facade.** See Sec. 9.4.11.

**Street Lot Line.** See, "Lot Line, Street."

**Street Yard.** See, "Yard, Street."

**Structure.** Structure means any building, bridge, fence, pole, tower, deck, liquid storage tank, gazebo, pier, dam, culvert, satellite dish, personal wireless telecommunication facilities, or other construction or erection greater than 4 feet in height.

**Subdivision Improvement.** Subdivision improvement means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for the needs of the subdivision such as: streets, alleys, pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, utility and energy services.

**Subdivision.** Subdivision means any division of a building, plat, or lot of record into 2 or more parts by means of platting in accordance with the procedures and standards of Sec. 8.5.3. or exempt land division in accordance with the procedures and standards of Sec. 8.5.4. Subdivision includes a division of a building, or lot of record for purposes of creating condominiums or townhomes.

**Swale.** Swale means a linear depression in the land's surface in which sheet runoff would collect and form a temporary watercourse. A swale with a drainage area of 5 acres or more is considered a drainageway.

## T (1/4/17, Ord. 1166)

**Temporary Gravel Extraction and Processing.** See 6.1.12.F.

**Temporary Shelter.** See 6.1.12.D.

**Temporary Use.** See 6.1.2.B.5.

**Thread Channel.** A line running through the low point of a river or stream with running water.

**Time-Share Ownership.** Time-share ownership means ownership of a unit in which purchase is for interval ownership with ownership conveyed by deed/license.

**Top of Bank.** The elevation of the top of bank shall be determined by the observed high water mark, or one foot above the maximum discharge elevation of an outlet control structure that controls the water elevation of a body of water.

**Tour Operator.** See 6.1.7.E.

**Tower.** Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

**Townhouse.** Townhouse means a single-family unit, including the ground beneath the unit, with a single unit going from ground to roof.

**Transparency.** See Sec. 9.4.14.

## U (1/1/15, Ord. 1074)

**Unlicensed Wireless Services.** Unlicensed wireless service means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

**Unstable Soil.** Unstable soil means soil subject to slippage, creep, landslide, avalanche, bedrock slump, talus, rockfall, colluvium, and lacustrine deposits, either at the surface or overlain by other deposits, or subject to other movements as indicated by the Land Stability Maps of Teton County, site specific geotechnical reconnaissance studies, or any other technically competent source.

**Urban Cluster Development.** See Sec. 7.1.3.

**Use, Accessory.** See 6.1.2.B.3.

**Use, Conditional.** See 6.1.1.C.

**Use, Incidental.** See 6.1.2.B.2.

**Use, Primary.** See 6.1.2.B.4.

**Use, Principal.** See 6.1.2.B.2.

**Use, Special.** See 6.1.1.D.

**Use, Temporary.** See 6.1.2.B.5.

**Use.** See 6.1.2.A.

**Utility Facility.** See 6.1.10.C.

# V (1/1/15, Ord. 1074)

**Voluntary Affordable Housing Unit.** A dwelling unit with a restricted sale price in order to be affordable to people or housekeeping units with incomes between 120% of the Teton County family median income and the income needed to afford the Teton County median priced dwelling unit at the time of initial sale. Such units have been voluntarily restricted by a developer or owner in order to obtain a reduction in the number of required affordable housing units.

# W (1/1/15, Ord. 1074)

**Wastewater Treatment System, Community.** Community wastewater treatment system means a privately owned and operated system, other than a municipal sewage treatment plant, for the collection and treatment of wastewater generated by the dwelling units and accessory uses in a development.

**Wastewater Treatment System, Public.** Public wastewater treatment system (or sanitary sewer) means a wastewater disposal system, other than small wastewater treatment system, approved by the State, County, or Town, and maintained by a public or private agency authorized to operate such system.

**Wastewater Treatment System, Small.** Small wastewater treatment system means a sewage system, disposal system, or treatment works having simple hydrologic and engineering needs which is intended for wastes originating from a single residential unit serving no more than 4 families, or which distributes 2,000 gallons or less of domestic sewage per day.

**Water Supply, Public.** Public water supply means a water supply being distributed by 20 or more service connections used to furnish water for human consumption either in preparing foods or beverages for inhabitants of residences or for the use of business establishments. A public water supply includes the source, treatment system, distribution system, service connections, finished water storage, and pumping stations.

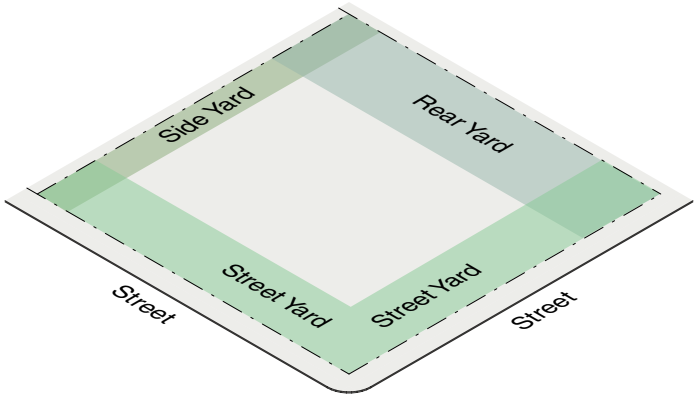
**Window Surface.** All glass and glass surfaces within same vertical plane or wall of a structure.

**Wireless Communication Facilities.** See 6.1.10.D.

# Y (1/1/15, Ord. 1074)

**Yard, Front.** See, "Yard, Street."

**Yard, Rear.** Rear yard means the area between the rear lot line and the minimum rear setback extending the length of the rear lot line. The rear yard may overlap with a street or side yard. Where yards overlap, the standards for each yard apply.

**Yard, Side.** Side yard means the area between the side lot line and the minimum side setback extending the length of the side lot line. The side yard may overlap with a street or rear yard. Where yards overlap, the standards for each yard apply.

**Yard, Street.** Street yard means the area between a road right-of-way, roadway, vehicular access easement, additional width required for right-of-way purpose as established in the Master Plan for Street Improvements Transportation Master Plan, or lot line from which access is taken and the minimum street setback extending the full length of the right-of-way, roadway, easement, or lot line. The street yard may overlap with a side or rear yard. Where yards overlap, the standards for each yard apply.