

# **TETON COUNTY**

## **LAND DEVELOPMENT REGULATIONS**

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# Article 1. General Provisions

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## Div. 1.1. Title

This Resolution shall be known as the “Teton County Land Development Regulations” and may also be referred to as “the LDRs” or “these LDRs.”

## Div. 1.2. Authority

The Board of County Commissioners of Teton County (hereinafter “County”) has the authority to adopt these LDRs in accordance with the Wyoming Constitution, Section 18-5-202 et. seq., Section 18-5-301 et. seq., Section 9-9-101, 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 Board of County Commissioners, 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

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

#### 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.

1.3.3. Implement the Illustration of Our Vision

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

- 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

- 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

- 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

These LDRs constitute the County'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

<b>Article 1:</b> General Provisions	This article establishes the purpose and intent of the LDRs and the zones. It includes general provisions that identify the County'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.
<b>Article 9:</b> 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 for 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.

<b>Article 2:</b> 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.
<b>Article 3:</b> 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.
<b>Article 4:</b> 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.

<b>Article 5:</b> 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.
<b>Article 6:</b> 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.
<b>Article 7:</b> 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

<b>Article 8:</b> 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).
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## Div. 1.5. Applicability

### 1.5.1. Effective Date

These LDRs shall become effective on [January 1, 2015](#), and repeal and replace the Teton County Land Development Regulations, as originally adopted on May 9, 1994, as subsequently amended. This repeal does not revive any other provisions, resolutions, ordinances, codes, or other regulations repealed by the aforementioned Resolution.

### 1.5.2. General Applicability

- A. These LDRs shall apply to all physical development, use, development options, and subdivision in unincorporated Teton County, 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 County, state, and federal regulations.

### 1.5.3. Application to Governmental Entities

#### 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

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

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

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 County Codes or Regulations

If a provision of these LDRs is inconsistent with a provision found in other adopted rules or regulations of the County, the more restrictive provision shall govern.

### 1.6.5. Conflicts with State or Federal Law

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 County 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

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 County shall not be responsible for monitoring or enforcing private agreements.

## Div. 1.7. Establishment of Zones

### 1.7.1. General

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

The unincorporated area of Teton County 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

The zones and overlays established by these LDRs are bounded and defined as shown on the Teton County 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/](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

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 County boundary, the boundary shall become coterminous with the County 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.

1.7.5. Sites in Multiple Zones

**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**

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**

When land changes jurisdiction by transfer, trade, or sale from state or federal agencies to a private landowner, the land shall be assigned to the R-TC zone, and the NRO and SRO as applicable, pursuant to the procedure of Sec. 8.7.2.

## 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

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

#### 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. For Planned Unit Developments with PUD-NC zoning, the standards of the NC-TC shall apply unless they are in conflict with the approval agreement of the PUD, in which case the allowance established by the PUD 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

1.8.3. Amendments to Approved Permits and Approvals

3. The following development projects for which master plans were filed either prior to the County's Land Use and Development Regulations Resolution and the Subdivision Regulations Resolution of Teton County, adopted on December 6, 1977, or which are otherwise recognized by the County by being listed in this Section.
  - a. Bar J Chuckwagon.
  - b. Four Lazy F Ranch (renamed 3 Creek Ranch in 2003).
  - c. Lake Creek Ranch.
  - d. Targhee Village, as amended by that instrument dated the 15th of September, 1995, and recorded in the records of the Clerk of Teton County on the 22nd of September, 1995 in Book 310 of Photo, pages 136-139.
  - e. Moulton Ranches (located in the SE 1/4 and E 1/2 of SW 1/4 of Section 22, Township 42 North, Range 116 West) – but only insofar as the minimum permitted lot size is 2.25 acres.
  - f. C Bar V Ranch, with no conditions, according to the amended master plan approved by the Teton County Board of County Commissioners on September 25, 1997.
  - g. Aspens Commercial District.

**1.8.3. Amendments to Approved Permits and Approvals**

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**

[Reserved]

**1.8.5. Voluntary Compliance with these LDRs**

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**

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

#### 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 permit these nonconformities to continue until they are removed, but not to encourage their perpetuation except under the standards established in this Division. The purpose of this Division is to establish standards to regulate the continued existence of those nonconforming physical developments, uses, development options and subdivision, and signs that do not conform to the provisions of these LDRs.

#### 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.

#### 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 owner of the land on which the claimed nonconformity is located. The owner shall provide to the Planning Director photos, permits, licenses, records, or other documentation that establishes the existence and perpetuation of the nonconformity.

#### 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.

**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 buildings or sites which are required by local, state, or federal government shall be exempt from the requirements in this Division.

**EXAMPLE:** Covered wheelchair ramps, lifts, and handicap accessible rest rooms, which are needed to meet requirements of the Americans with Disabilities Act (ADA).

**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 a duly authorized official of the County declares occupancy of the structure or site to be prohibited, it shall thereafter 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**

**A. Applicability**

Nonconforming physical development is declared generally incompatible with the character of the zone 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. Replacement, Alteration, or Enlargement

Replacement, alteration, or enlargement of a nonconforming physical development shall only be permitted if the following 3 standards are met.

1. An alteration or enlargement shall not increase the nonconformity. Any new physical development proposed shall comply with all applicable standards of these LDRs.

**EXAMPLE:** An addition must meet all setbacks (and other standards) even if a portion of the structure being added to does not meet a setback.

2. A nonconforming physical development that is replaced, altered, or enlarged by 50% or more of its fair market value over a 2 year period shall be brought into compliance with all applicable standards of these LDRs.

**EXAMPLE:** A driveway worth \$100,000 does not meet setbacks; if more than \$50,000 worth of work is done on that driveway in a 2 year period the driveway must be relocated to meet setbacks.

3. Physical development totaling 50% or more of the fair market value of all assessed improvements on the property over a 2 year period shall require that all physical development on the site be brought into compliance with these LDRs.

**EXAMPLE:** On a site with an existing cabin worth \$500,000 that does not meet setbacks, construction of a \$1,000,000 home would require that the cabin be relocated to meet setbacks (the entirety of the site would have to meet all physical development standards).

## C. Reconstruction 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 rebuilt to the nonconforming condition that existed prior to the damage, provided an application to repair or reconstruct is submitted within one year of the date of demolition or destruction.

## D. 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 physical development shall not be subdivided or included in a development option, unless the subdivision or development option brings the physical development into compliance with these LDRs. Except that, a boundary adjustment pursuant to Sec. 8.5.5, that does not increase the nonconformity of the physical development may be permitted.

### 1.9.3. Nonconforming Uses

#### A. Applicability

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

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

1. A nonconforming use may only be enlarged or expanded a cumulative total of 20% in the floor area and site area occupied and/or the daily and annual duration of operation. The cumulative total is the sum of all enlargements or expansions from the date the use became nonconforming, including all expansions under prior LDRs if the use became nonconforming under prior LDRs and remains nonconforming.
2. An enlargement or expansion of a nonconforming use shall not create or increase nonconformity with use-based standards such as parking and employee housing.
3. An enlargement or expansion of a nonconforming use shall comply with all physical development, development option, and subdivision standards of these LDRs.
4. An enlargement or expansion of a use that is nonconforming because it does not have an approved CUP or SUP shall require the approval of a CUP or SUP if the expansion or enlargement meets the threshold to require a Development Plan.

#### C. Change in Use

A nonconforming use may be changed to another nonconforming use provided 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 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 or Abandonment**

1. If a nonconforming use is operationally discontinued or abandoned for a period of more than one year, whether or not the equipment or furniture is removed, the use may 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 or abandonment, 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 cease operations within one month or be permitted in association with another principal use.

#### **E. Renovation and Repair**

1. Renovation or repair of 50% or more of the fair market value of a structure or site improvements occupied by a nonconforming use in a 2 year period shall constitute abandonment of the nonconforming use, except that a nonconforming mobile home may be replaced by another mobile home if the replacement has improved structural and safety design.
2. Time spent renovating or repairing 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 renovation or repair is completed within 18 months after commencement of the renovation or repair; and
  - c. The use is reestablished within one month after completion of the renovation or repair.

#### **F. Subdivision of a Nonconforming Use Prohibited**

Subdivision or exempt land division of a structure or land containing a nonconforming use shall constitute abandonment of the nonconforming use.

### **1.9.4. Nonconforming Development Options and Subdivisions**

#### **A. Applicability**

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

## 1.9.5. Nonconforming Signs

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. Economically viable 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 of physical development does not increase the nonconformity.
2. Use and physical development of a nonconforming lot of record shall comply with all applicable standards of these LDRs unless relief is granted from the standard pursuant to Div. 8.8.

**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. Subdivision Prohibited**

A nonconforming development option or lot of record shall not be subdivided.

**1.9.5. Nonconforming Signs****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. Repair, Maintenance, Enlargement, Replacement, or Alteration**

1. A nonconforming sign may be repaired and maintained.
2. A nonconforming sign shall not be enlarged, 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. 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.

**D. Removal of Abandoned and Dangerous Nonconforming Signs**

The classification and removal of abandoned, dangerous, and defective nonconforming signs shall be consistent with 5.6.2.H.

## Div. 1.10. Severability

The legislative intent of the Board of County Commissioners 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:

1. Character zones, established in [Div. 2.2.](#), are character-based and established to implement the Comprehensive Plan;
2. 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.

## Div. 2.2. Complete Neighborhood Character Zones

[\[Reserved for future zones\]](#)

## Div. 2.3. Complete Neighborhood Legacy Zones

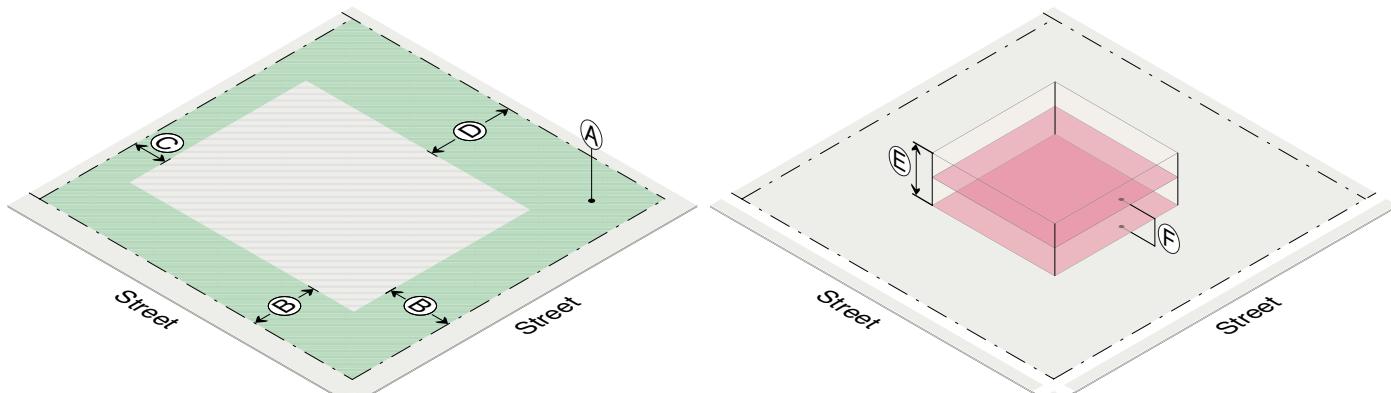
### 2.3.1. Auto Urban Commercial - County (AC-TC) Zone

#### A. Intent

The purpose of the Auto-Urban Commercial - County (AC-TC) 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-TC zone primarily serve residents' commercial needs, and some tourist service uses. The AC-TC zone is intended to be applied to community-serving commercial areas.

#### B. Physical Development

Standards applicable to physical development in the AC-TC 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-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the AC-TC zone, however, all standards in [Article 5](#) are applicable in the AC-TC zone, unless stated otherwise.



1. Structure Location and Mass												
	(A)	(B)	(C)	(D)	(E)	(F)						
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)						
Detached Single-family unit	.50	20'	10'	30'	24'	.38						
with 1 attached accessory unit	.48	20'	10'	20'	24'	.40						
with 1 detached accessory unit	.48	20'	10'	6'	24'	.40						
with 2 accessory units	.45	20'	10'	6'	24'	.43						
Dormitory or Group home	.27	50'	20'	20'	26'	.35						
Other principal use	.27	50'	20'	20'	26'	.35						
Accessory use	See standards for primary use with which associated											
Temporary use	n/a	50'	20'	20'	26'	n/a						
Individual lot within a PRD	Standards established through PRD approval											
Exceptions												
Residential Side/Rear Yard Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet.												
FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site												

## 2.3.1. Auto Urban Commercial - County (AC-TC) Zone

2. Maximum Scale of Development		6. Fencing (Sec. 5.1.2.)	
Individual Building (gross floor area, max)		Wildlife Friendly Fencing	
Part of single-family unit	10,000 sf	Special Purpose Fencing Height (max)	
Nonresidential (agricultural buildings exempt)		In street yard	4'
Contiguous to Town of Jackson	15,000 sf	In side or rear yard	6'
Other parts of Teton County	6,000 sf	Special Purpose Fencing Setback	
In compliance with specific standards (E.1.)	7,200 sf	Any yard	0'
3. Building Design		7. Environmental Standards	
Residential Building Materials		Natural Resource Setbacks (min) (Sec. 5.1.1.)	
External surfaces shall be non-reflective		Rivers	150'
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt		Streams	50' or edge of riparian plant community up to 150'
Nonresidential Building Materials		Natural lakes or ponds	50' or edge of riparian plant community up to 150'
External surfaces shall be non-reflective		Wetland	30'
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt		Irrigation Ditch Setback (min) (7.7.4.D.)	
External front and street sides of buildings shall be stone or wood - except that glass for displays and transparency is permitted		Irrigation ditch	15'
Metal awnings prohibited		Wild Animal Feeding (Sec. 5.1.3.)	
4. Site Development		Wild animal feeding prohibited	
Site Development Setbacks (min)		Natural Resource Overlay (NRO) Standards (Sec. 5.2.1.)	
Side/rear setback	5'	Bear Conflict Area Standards (Sec. 5.2.2.)	
Front setback		Bear proof trash required in Conflict Priority Area 1	
40% of lineal lot frontage	0'	8. Scenic Standards	
60% of lineal lot frontage	structure setback	Exterior Lighting (Sec. 5.3.1.)	
5. Landscaping (Div. 5.5.)		Total cut off angle (max)	90°
Plant Units (min)		Illumination in footcandles	
Residential	1 per du	Residential use	1.00
Nonresidential	1 per 1,000 sf of landscape area	Residential use in NRO	0.50
Parking lot		Nonresidential use	1.50
Institutional	1 per 12 parking spaces	Nonresidential use in NRO	1.00
All other uses	1 per 8 parking spaces	Height (max)	
		Residential use	15'
		Nonresidential use	18'
Scenic Resource Overlay (SRO) Standards		(Sec. 5.3.2.)	

9. Natural Hazards to Avoid	
<b>Steep Slopes</b>	(Sec. 5.4.1.)
Development prohibited	Slopes > 25%
<b>Areas of Unstable Soils</b>	(Sec. 5.4.2.)
<b>Fault Areas</b>	(Sec. 5.4.3.)
<b>Floodplains</b>	(Sec. 5.4.4.)
<b>Wildland Urban Interface</b>	(Sec. 5.4.5.)
10. Signs	
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per street frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than street frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign
Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf

Sign Height (max)	
Nonresidential	
Freestanding Sign	8'
Monument or Entry	4'
Residential	6'
Home occupation/business	n/a
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	

## 2.3.1. Auto Urban Commercial - County (AC-TC) Zone

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.)	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					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

## C. Use Standards

Standards applicable to uses in the AC-TC 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-TC zone. This Subsection is intended to indicate all of the use standards applicable in the AC-TC zone, however, all standards in [Article 6](#) are applicable in the AC-TC zone unless stated otherwise.

1. Allowed Uses			2. Use Requirements		
Use	Permit	BSA (min)	Density (max)	Parking (min) ( <a href="#">Div. 6.2.</a> )	Employees Required to be Housed (min) ( <a href="#">Div. 6.3.</a> )
Open Space					
Agriculture ( <a href="#">6.1.3.B.</a> )	Y	<a href="#">0 sf</a>	<a href="#">n/a</a>	n/a	exempt
Residential					
Detached Single-Family Unit ( <a href="#">6.1.4.B.</a> )	Y	<a href="#">0 sf</a>	1 unit per lot	2/DU	n/a
Dormitory ( <a href="#">6.1.4.F.</a> )	B	30,000 sf	30 rooms per acre	1/bed	n/a
Group Home ( <a href="#">6.1.4.G.</a> )	B	30,000 sf	30 rooms per acre	0.5/bed	n/a

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.)
Commercial					
Office (6.1.6.B.)	B	30,000 sf	n/a	3.3/1,000 sf	0.05/1,000 sf
Retail (6.1.6.C.)	B	30,000 sf	n/a	4.5/1,000 sf	0.56/1,000 sf
Service (6.1.6.D.)	B	30,000 sf	n/a	3/1,000 sf	0.20/1,000 sf
Restaurant/Bar (6.1.6.E.)	B	30,000 sf	n/a	1/55 sf dining area + 1/30 sf bar area	1.35/1,000 sf
Heavy Retail/Service (6.1.6.F.)	C	30,000 sf	n/a	2/1,000 sf + 3/repair bay + 1/wash bay	0.06/1,000 sf
Mini-Storage Warehouse (6.1.6.G.)	C	30,000 sf	n/a	1/10 storage units + 1/employee	independent calculation
Nursery (6.1.6.H.)	B	30,000 sf	n/a	2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee	0.37/1,000 sf + 1.51/ac
Amusement/Recreation					
Amusement (6.1.7.B.)	C	30,000 sf	n/a	1/30 sf seating area	independent calculation
Outdoor Recreation (6.1.7.C.)	C	30,000 sf	n/a	independent calculation	independent calculation
Developed Recreation (6.1.7.D.)	B	30,000 sf	n/a	4.5/1,000 sf	independent calculation
Outfitter/Tour Operator (6.1.7.E.)	C	30,000 sf	n/a	independent calculation	independent calculation
Institutional		30,000 sf			
Assembly (6.1.8.B.)	B	30,000 sf	n/a	independent calculation	exempt
Daycare/Education (6.1.8.C.)	B	30,000 sf	n/a	independent calculation	exempt
Industrial					
Light Industry (6.1.9.B.)	C	30,000 sf	n/a	1/1,000 sf + 1/company vehicle	0.03/1,000 sf
Transportation/Infrastructure					
Parking (6.1.10.B.)	C	30,000 sf	n/a	n/a	independent calculation
Utility Facility (6.1.10.C.)	C	30,000 sf	n/a	1/employee + 1/stored vehicle	independent calculation
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	30,000 sf	n/a	1/employee + 1/stored vehicle	independent calculation
Heliport (6.1.10.E.)	C	30,000 sf	n/a	7/daily aircraft movement	independent calculation

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

## 2.3.1. Auto Urban Commercial - County (AC-TC) Zone

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.)
Accessory Uses					
Accessory Residential Unit (E.2.) (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.)	C	0 sf	n/a	1/DU	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
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 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 + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
Individual retail use excluding basement	12,500 sf habitable
Accessory residential unit	850 sf habitable
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.)
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.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

## D. Development Options

Standards applicable to development options and subdivision in the AC-TC 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-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the AC-TC zone, however, all standards in [Article 7.](#) are applicable in the AC-TC 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	7,500 sf	n/a	n/a	<u>determined by physical development</u>		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	n/a	<u>determined by physical development</u>		(Sec. 7.2.4.)
Allowed Development Options							
Planned Residential Development (PRD)							(Sec. 7.1.2.)
Planned Residential I	30,000 sf	n/a	11.7 du/ac	40%	0.40	28	
Planned Residential II	60,000 sf	n/a	30.0 du/ac	35%	0.50	28	
2. Residential Subdivision Requirements							
Affordable Housing							(Div. 7.4.)
Required Affordable Housing							25% of new units
Schools and Parks Exactions							
Development Exaction							0.03 acres of land per housing unit or lot
3. Infrastructure							
Transportation Facilities							(Div. 7.6.)
Access							required
Right-of-way for a Minor Local Road (min)							60'
Travel lane width for a Minor Local Road (min)							10'
Road and driveway design							also subject to Fire Protection Resolution
Required Utilities							(Div. 7.7.)
Water							Connection to public supply, installation of central supply, or evidence of individual well required
Sewer							
Connection to a public sanitary sewer required							within 500'

## 2.3.1. Auto Urban Commercial - County (AC-TC) Zone

Small Wastewater Facility (septic) approval required otherwise

#### 4. Required Subdivision and Development Option Permits

Option	<u>Planned Unit Development</u> (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.)
Any Subdivision					
≤ 10 units			X		X
> 10 units		X	X		X
Non-subdivision PRD					
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 AC-TC zone.

1. **Maximum Scale of an Individual Building.** An individual building in the AC-TC zone not adjacent to the Town of Jackson may be up to 7,200 square feet above ground if the individual building meets the purpose, intent, and standards, listed below.

- a. The purpose of this provision is to:
  - i. meet the need for additional commercial space within the existing AC-TC zone, thereby helping to alleviate the pressure to expand the AC-TC zone; and
  - ii. allow greater flexibility to achieve the character and balance objectives for the AC-TC zone, as set forth in the Comprehensive Plan, by means of architectural treatments of facades, heights, exterior materials, colors, trim, building offsets, and other exterior design features that are in scale and character with the surrounding commercial area.
- b. By focusing on the issues of scale, bulk, character, and balance, this provision is designed to accomplish:
  - i. more interesting design of individual buildings;
  - ii. compatibility with scale and character of surrounding commercial buildings;
  - iii. contribute, with surrounding buildings, to a sense of scale and character consistent with the goals of the Comprehensive Plan.

- c. The flexibility shall be achieved by allowing an individual commercial building to exceed the 6,000 square foot maximum floor area above ground by up to 20%, if such commercial building or addition is designed to be compatible, as well as in scale, with the character of the other commercial buildings in the AC-TC zone.
- d. At its discretion, the Board of County Commissioners may allow, in the AC-TC zone not contiguous to the Town of Jackson, individual nonresidential buildings to exceed by up to 20% the 6,000 square feet maximum floor area above ground for an individual commercial building, upon finding that all of the following standards are met:
  - i. The resultant building shall be compatible with the bulk and scale of the other commercial buildings in the adjacent commercial area.
  - ii. The resultant building shall have the appearance of being two or more small attached buildings rather than a single building 6,000 to 7,200 square feet in size. It is encouraged that the building components be designed in modules of 2,500 to 3,500 square feet in size, using different roof lines, facade offsets, variation in building materials and other design techniques to achieve the desired attached small building character.
  - iii. The component parts of the commercial building shall have a traditional western character through the creative use of materials and building design elements and shall contribute, with surrounding commercial buildings, to a sense of scale and character consistent with the goals of the County Comprehensive Plan.
  - iv. All other applicable requirements of the LDRs (e.g. FAR, off-street parking, LSR/OSR requirements, etc.) shall be met.

2. **Accessory Residential Units.** Accessory residential units are only permitted accessory to a nonresidential primary use.

## 2.3.2. Auto Urban Residential - County (AR-TC) Zone

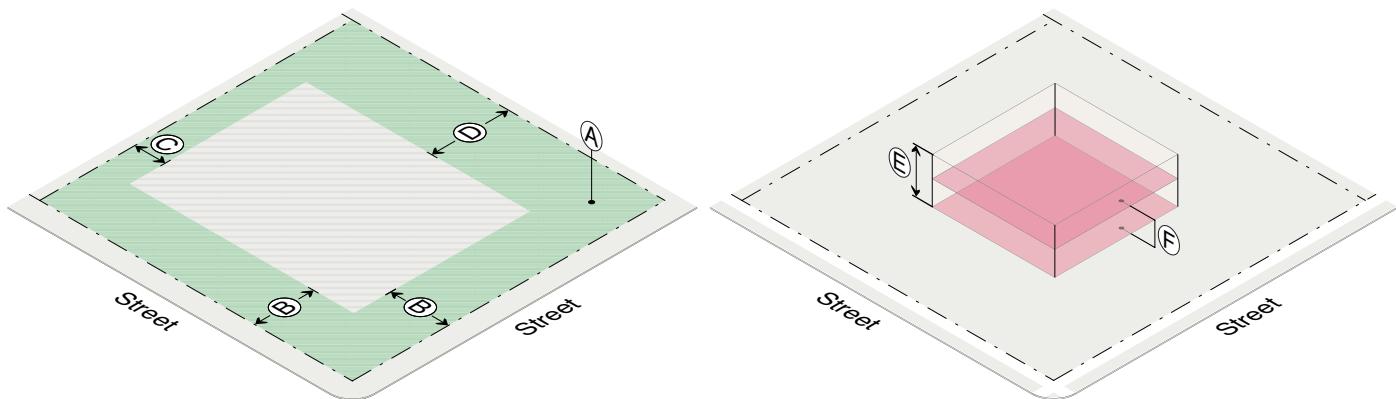
### 2.3.2. Auto Urban Residential - County (AR-TC) Zone

#### A. Intent

The purpose of the Auto-Urban Residential - County (AR-TC) 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-TC 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-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the AR-TC zone, however, all standards in Article 5. are applicable in the AR-TC zone unless stated otherwise.



1. Structure Location and Mass						
	(A)	(B)	(C)	(D)	(E)	(F)
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
Detached Single-family unit	.50	20'	10'	30'	24'	.38
with 1 attached accessory unit	.48	20'	10'	20'	24'	.40
with 1 detached accessory unit	.48	20'	10'	6'	24'	.40
with 2 accessory units	.45	20'	10'	6'	24'	.43
Dormitory or Group home	.27	50'	20'	20'	26'	.35
Other principal use	.27	50'	20'	20'	26'	.35
Accessory Use	See standards for primary use with which associated					
Temporary Use	n/a	50'	20'	20'	26'	n/a
Individual lot within a PRD	Standards established through PRD approval					

#### Exceptions

Residential Side/Rear Yard Projections. Fire escapes may extend into a side or rear yard by not more than 4 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.

Residential Front Yard Projections. Covered and uncovered decks, porches, and balconies may encroach into a front yard by not more than 6 feet.

<b>2. Maximum Scale of Development</b>	
<b>Individual Building (gross floor area, max)</b>	
Part of single-family unit	10,000 sf
<b>3. Building Design</b>	
<b>Residential Building Materials</b>	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
<b>4. Site Development</b>	
<b>Site Development Setbacks (min)</b>	
Side/rear	5'
Front	0'
40% of lineal lot frontage	0'
60% of lineal lot frontage	structure setback
<b>5. Landscaping</b> <span style="float: right;">(Div. 5.5.)</span>	
<b>Plant Units (min)</b>	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	
Residential uses	1 per 12 parking spaces
Institutional uses	1 per 12 parking spaces
All other uses	1 per 8 parking spaces
<b>6. Fencing</b> <span style="float: right;">(Sec. 5.1.2.)</span>	
<b>Wildlife Friendly Fencing</b>	
<b>Special Purpose Fencing Height (max)</b>	
In street yard	4'
In side or rear yard	6'
<b>Special Purpose Fencing Setback</b>	
Any yard	0'

<b>7. Environmental Standards</b>	
<b>Natural Resource Setbacks (min)</b>	<b>(Sec. 5.1.1.)</b>
Rivers	150'
Streams	50' or edge of riparian plant community up to 150'
Natural lakes or ponds	50' or edge of riparian plant community up to 150'
Wetland	30'
<b>Irrigation Ditch Setback (min)</b> <span style="float: right;">(7.7.4.D.)</span>	
Irrigation ditch	15'
<b>Wild Animal Feeding</b> <span style="float: right;">(Sec. 5.1.3.)</span>	
Wild animal feeding prohibited	
<b>Natural Resource Overlay (NRO) Standards</b> <span style="float: right;">(Sec. 5.2.1.)</span>	
<b>Bear Conflict Area Standards</b> <span style="float: right;">(Sec. 5.2.2.)</span>	
Bear proof trash required in Conflict Priority Area 1	
<b>8. Scenic Standards</b>	
<b>Exterior Lighting</b> <span style="float: right;">(Sec. 5.3.1.)</span>	
Total cut off angle (max)	90°
Illumination in footcandles	
Residential use	1.00
Residential use in NRO	0.50
Nonresidential use	1.50
Height (max)	
Residential use	15'
Nonresidential use	18'
<b>Scenic Resource Overlay (SRO) Standards</b> <span style="float: right;">(Sec. 5.3.2.)</span>	
<b>9. Natural Hazards to Avoid</b>	
<b>Steep Slopes</b> <span style="float: right;">(Sec. 5.4.1.)</span>	
Development prohibited	Slopes > 25%
<b>Areas of Unstable Soils</b> <span style="float: right;">(Sec. 5.4.2.)</span>	
<b>Fault Areas</b> <span style="float: right;">(Sec. 5.4.3.)</span>	
<b>Floodplains</b> <span style="float: right;">(Sec. 5.4.4.)</span>	
<b>Wildland Urban Interface</b> <span style="float: right;">(Sec. 5.4.5.)</span>	

## 2.3.2. Auto Urban Residential - County (AR-TC) Zone

10. Signs		(Div. 5.6.)	Sign Area (max)						
Allowable Signage		Nonresidential							
Nonresidential uses		Freestanding Sign							
Freestanding Sign	1 per building or complex	1 sf per linear foot of building facing the street not to exceed 40 sf							
Wall Sign	1 per street frontage for each building or storefront	Wall Sign							
Monument or Entry Sign	1 per entrance other than street frontage	1 sf per 2 linear feet of building facing the street not to exceed 24 sf							
Residential uses		Monument or Entry Sign							
Single-family and multi-family < 8 units	1 unlighted wall sign	6 sf							
Multi-family ≥ 8 units	1 freestanding or 1 wall sign	Residential							
Home occupation/business	1 unlighted wall sign	Single-family and multi-family < 8 units							
Sign Height (max)		3 sf							
Nonresidential		Multi-family ≥ 8 units							
Freestanding Sign	8'	Home occupation/business							
Monument or Entry	4'	2 sf							
Residential		11. Grading, Erosion Control, Stormwater							
Home occupation/business	n/a	Grading							
Erosion shall be controlled at all times									
Stormwater Management									
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.)	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									
< 3,450 sf			X		(Sec. 5.7.1.)				
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)				
> 12,000 sf	X	X	X		(Sec. 5.7.1.)				
Sign				X	(Sec. 5.7.1.)				

### C. Use Standards

Standards applicable to uses in the AR-TC 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 AR-TC zone. This Subsection is intended to indicate all of the use standards applicable in the AR-TC zone, however, all standards in [Article 6](#) are applicable in the AR-TC 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					
Detached Single-Family Unit ( <a href="#">6.1.4.B.</a> )	Y	<a href="#">0 sf</a>	1 unit per lot	2/DU	n/a
Dormitory ( <a href="#">6.1.4.F.</a> )	C	30,000 sf	25 rooms per acre	1/bed	n/a
Group Home ( <a href="#">6.1.4.G.</a> )	C	30,000 sf	25 rooms per acre	0.5/bed	n/a
Amusement/Recreation					
Outdoor Recreation ( <a href="#">6.1.7.C.</a> )	C	30,000 sf	<a href="#">n/a</a>	independent calculation	independent calculation
Institutional					
Assembly ( <a href="#">6.1.8.B.</a> )	C	30,000 sf	<a href="#">n/a</a>	independent calculation	exempt
Transportation/Infrastructure					
Utility Facility ( <a href="#">6.1.10.C.</a> )	C	30,000 sf	<a href="#">n/a</a>	1/employee + 1/stored vehicle	independent calculation
Wireless Communication Facilities ( <a href="#">6.1.10.D.</a> )	<a href="#">6.1.10.D.</a>	30,000 sf	<a href="#">n/a</a>	1/employee + 1/stored vehicle	independent calculation
Accessory Uses					
Accessory Residential Unit ( <a href="#">E.1.</a> ) ( <a href="#">6.1.11.B.</a> )	B	<a href="#">0 sf</a>	2 units per lot	1.25/DU	n/a
Home Occupation ( <a href="#">6.1.11.D.</a> )	B	<a href="#">0 sf</a>	<a href="#">n/a</a>	n/a	exempt
Home Business ( <a href="#">6.1.11.E.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/DU	exempt
<a href="#">Family Home Daycare</a> ( <a href="#">6.1.11.F.</a> )	B	<a href="#">0 sf</a>	<a href="#">n/a</a>	<a href="#">1/employee + 1 off-street pick-up/drop-off</a>	<a href="#">exempt</a>
<a href="#">Home Daycare Center</a> ( <a href="#">6.1.11.G.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	<a href="#">1/employee + 2 off-street pick-up/drop-off</a>	<a href="#">exempt</a>
Temporary Uses					
Real Estate Sales Office ( <a href="#">6.1.12.C.</a> )	B	<a href="#">0 sf</a>	<a href="#">n/a</a>	3.3/1,000 sf	exempt
Temporary Shelter ( <a href="#">6.1.12.D.</a> )	B	<a href="#">0 sf</a>	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing ( <a href="#">6.1.12.F.</a> )	B	<a href="#">0 sf</a>	<a href="#">n/a</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.](#))

## 2.3.2. Auto Urban Residential - County (AR-TC) Zone

**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 + 100 sf non-habitable FA per acre  
BSA over 10 acres. Not to exceed 15,000sf

Accessory residential unit 500 sf habitable

**4. Operational Standards****Outside Storage**

(Sec. 6.4.1.)

**Refuse and Recycling**

(Sec. 6.4.2.)

Trash and recycling enclosure required &gt;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.)

**Heat and Humidity**

(Sec. 6.4.7.)

**Radioactivity**

(Sec. 6.4.8.)

**D. Development Options**

Standards applicable to development options and subdivision in the AR-TC 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-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the AR-TC zone, however, all standards in Article 7. are applicable in the AR-TC zone unless stated otherwise.

**1. Allowed Subdivision and Development Options**

Option	BSA (min)	Lot Area (min)	Density (max)	OSR (min)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options							
Land Division	n/a	7,500 sf	n/a	n/a	<u>determined by physical development</u>		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	n/a	<u>determined by physical development</u>		(Sec. 7.2.4.)
Allowed Development Options							
Planned Residential Development (PRD)							(Sec. 7.1.2.)
Planned Residential I	30,000 sf	n/a	11.7 du/ac	40%	0.40	28	
Planned Residential II	60,000 sf	n/a	30.0 du/ac	35%	0.50	28	

## 2. Residential Subdivision Requirements

### Affordable Housing

(Div. 7.4.)

Required Affordable Housing

25% of new units

### Schools and Parks Exactions

(Div. 7.5.)

Development Exaction

0.03 acres of land per housing unit or lot

## 3. Infrastructure

### Transportation Facilities

(Div. 7.6.)

Access

required

Right-of-way for a Minor Local Road (min)

60'

Travel lane width for a Minor Local Road (min)

10'

Road and driveway design

also subject to Fire Protection Resolution

### Required Utilities

(Div. 7.7.)

Water

Connection to public supply, installation of central supply, or evidence of individual well required

Sewer

Connection to a public sanitary sewer required within 500'

Small Wastewater Facility (septic) approval required otherwise

## 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.)
Any Subdivision			X		X
≤ 10 units					
> 10 units		X	X		X
Non-Subdivision PRD					
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 AR-TC zone.

### 1. Accessory Residential Units

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

2.3.2. Auto Urban Residential - County (AR-TC) Zone

- b. No more than 2 accessory residential units per lot are allowed.
- c. If only one accessory residential unit is constructed on a lot, it may be attached to or detached from the primary structure.
- d. If 2 accessory units are constructed on one lot, one shall be attached to the primary structure, the other shall be detached. The minimum separation between detached units shall be 10 feet.

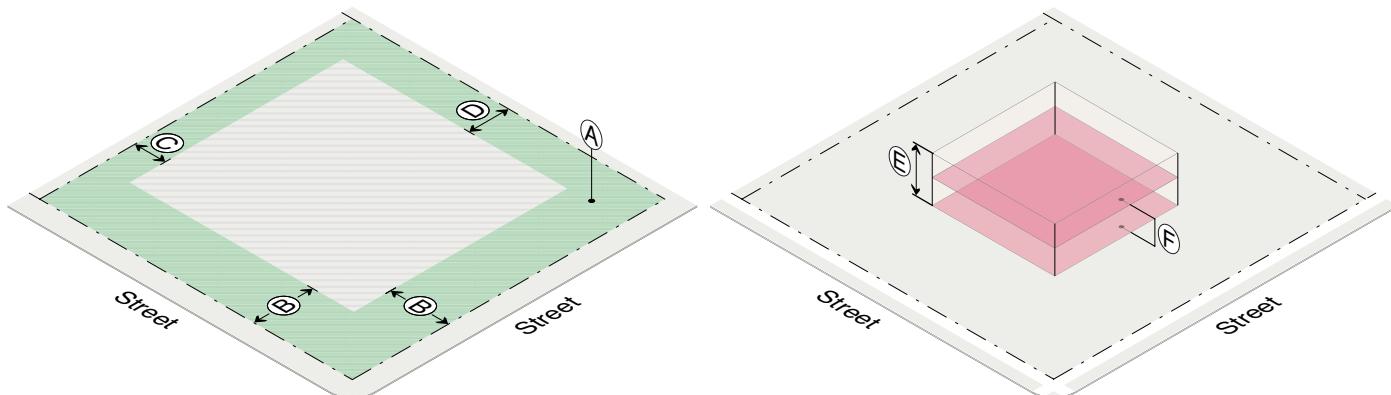
### 2.3.3. Wilson Commercial (WC) Zone

#### A. Intent

The purpose of the Wilson Commercial (WC) Zone is to perpetuate and promote the development of nonresidential uses that serve the local population of the Wilson area, or compliment the use of Wilson for other purposes. The WC zone is pedestrian oriented, adequately accommodating parking, but encouraging users of the zone to walk between individual properties. Nonresidential uses in the WC zone may be mixed with residential uses that enhance the idea of a symbiotic local resident and local service relationship.

#### B. Physical Development

Standards applicable to physical development in the WC 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 WC zone. This Subsection is intended to indicate all of the physical development standards applicable in the WC zone, however, all standards in Article 5. are applicable in the WC zone unless stated otherwise.



#### 1. Structure Location and Mass

	(A) LSR (min)	(B) Street Setback (min)	(C) Side Setback (min)	(D) Rear Setback (min)	(E) Height (max)	(F) FAR (max)
Allowed use	.27	20'	10'	15'	26'	.35

#### Exceptions

See Subsections E.1 and E.2 for additional standards

Projection Into Any Setback. Cornices, canopies, eaves, decks, chimneys and similar architectural projections that are cantilevered off of the building and clear more than 9' above finished grade may project not more than 2' into any setback.

Side/Rear Setback Projection. Fire escapes may extend into a side or rear setback not more than 2'.

FAR Exemption. The floor area of a single-family unit within a category 1, 2, or 3 affordable housing unit shall be exempt from the calculation of FAR.

FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site

Height. No building shall exceed 26' in height, except where the second story is at least 50% residential use, in which case such building shall not exceed 30' in height.

2. Maximum Scale of Development		6. Fencing (Sec. 5.1.2.)	
<b>Individual Building (max)</b>		<b>Wildlife Friendly Fencing</b>	
Gross floor area		<b>Special Purpose Fencing Height (max)</b>	
Not including affordable housing	6,000 sf	In street yard	4'
Including affordable housing	8,500 sf	In side or rear yard	6'
Building footprint	6,000 sf	<b>Special Purpose Fencing Setback</b>	
Frontage		Street yard	0'
Street/Rear Lot Line	75'	Side or rear yard	0'
Side Lot Line	100'	<b>7. Environmental Standards</b>	
3. Building Design		<b>Natural Resource Setbacks (min)</b> (Sec. 5.1.1.)	
<b>Character, Color, Articulation, and Orientation</b>		Rivers	150'
Building design shall be consistent with the existing character		Streams	50' or edge of riparian plant community up to 150'
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors and accent trim are exempt		Natural lakes or ponds	50' or edge of riparian plant community up to 150'
A street frontage of greater than 40 feet shall be conceived of as at least 2 separate buildings		Wetland	30'
Nonresidential spaces with Highway 22 street frontage shall orient the primary entrance of the space toward Highway 22		<b>Irrigation Ditch Setback (min)</b> (7.7.4.D.)	
<b>4. Site Development</b>		Irrigation ditch	15'
<b>Site Development Setbacks (min)</b>		<b>Wild Animal Feeding</b> (Sec. 5.1.3.)	
Decks, patios, other at grade surfaces	structure setback	Wild animal feeding prohibited	
Parking and driveways (min)		<b>Natural Resource Overlay (NRO) Standards</b> (Sec. 5.2.1.)	
Side/Rear	5'	<b>Bear Conflict Area Standards</b> (Sec. 5.2.2.)	
Street	structure setback	Bear proof trash required in Conflict Priority Area 1	
<b>Exemptions</b>		<b>8. Scenic Standards</b>	
Driveways across yards to provide access; shared parking and driveways; and public sidewalks and pathways		<b>Exterior Lighting</b> (E.4.) (Sec. 5.3.1.)	
<b>5. Landscaping</b> (E.3.) (Div. 5.5.)		Total cut off angle (max)	90°
<b>Plant Units (min)</b>		Illumination in footcandles	
Residential	n/a	Residential use	0.50
Nonresidential	1 per 1,000 sf of landscape area	Nonresidential use	1.50
Parking lot	1 per 8 parking spaces	Height (max)	
		Residential use	15'
		Nonresidential use	18'
<b>Scenic Resource Overlay (SRO) Standards</b> (Sec. 5.3.2.)			

<b>9. Natural Hazards to Avoid</b>	
<b>Steep Slopes</b>	(Sec. 5.4.1.)
Development prohibited	Slopes > 25%
<b>Areas of Unstable Soils</b>	(Sec. 5.4.2.)
<b>Fault Areas</b>	(Sec. 5.4.3.)
<b>Floodplains</b>	(Sec. 5.4.4.)
<b>Wildland Urban Interface</b>	(Sec. 5.4.5.)
<b>10. Signs</b> (Div. 5.6.)	
<b>Allowable Signage</b>	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per street frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than street frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign
<b>Sign Height (max)</b>	
Nonresidential	
Freestanding Sign	8'
Monument or Entry	4'
Residential	
	6'
Home occupation/business	n/a

<b>Sign Area (max)</b>	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf
<b>11. Grading, Erosion Control, Stormwater</b>	
<b>Grading</b>	(Sec. 5.7.2.)
<b>Erosion Control</b>	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
<b>Stormwater Management</b>	(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.)	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					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

### C. Use Standards

Standards applicable to uses in the WC 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 WC zone. This Subsection is intended to indicate all of the use standards applicable in the WC zone, however, all standards in [Article 6](#). are applicable in the WC zone unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	Site Area (min)	Density (max)	Parking (min) (E.8) (Div. 6.2.)	Employees Required to be Housed (min) (Div. 6.3.)
Residential					
Detached Single-Family Unit ( <a href="#">E.6.</a> ) ( <a href="#">6.1.4.B.</a> )	Y	30,000 sf	9 du/ac	2/DU	n/a
Attached Single-Family Unit ( <a href="#">E.6.</a> ) ( <a href="#">6.1.4.C.</a> )	B	30,000 sf	9 du/ac	2/DU + 0.5/DU if $\geq 3$ units served by lot	n/a
Apartment ( <a href="#">E.6</a> ) ( <a href="#">6.1.4.D.</a> )	B	30,000 sf	9 du/ac	2/DU + 0.5/DU if $\geq 3$ units served by lot	n/a

See Subsection [E.5.](#) for additional use standards.

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	Site Area (min)	Density (max)	Parking (min) (E.8) (Div. 6.2.)	Employees Required to be Housed (min) (Div. 6.3.)
Commercial					
Office (6.1.6.B.)	B	0 sf	n/a	3.3/1,000 sf	0.05/1,000 sf
Retail (6.1.6.C.)	B	0 sf	n/a	4.5/1,000 sf	0.56/1,000 sf
Service (6.1.6.D.)	B	0 sf	n/a	3/1,000 sf	0.20/1,000 sf
Restaurant/Bar (6.1.6.E.)	B	0 sf	n/a	1/55 sf dining area + 1/30 sf bar area	1.35/1,000 sf
Heavy Retail/Service (6.1.6.F.)	C	0 sf	n/a	2/1,000 sf + 3/repair bay + 1/wash bay	0.06/1,000 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	0.37/1,000 sf + 1.51/ac
Amusement/Recreation					
Amusement (6.1.7.B.)	C	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
Institutional					
Assembly (6.1.8.B.)	B	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	0.03/1,000 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 Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	independent calculation

See Subsection E.5. for additional use standards.

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

## 2.3.3. Wilson Commercial (WC) Zone

1. Allowed Uses				2. Use Requirements	
Use	Permit	Site Area (min)	Density (max)	Parking (min) (E.8) (Div. 6.2.)	Employees Required to be Housed (min) (Div. 6.3.)
Accessory Uses					
Accessory Residential Unit (E.7.) (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
<u>Family Home Daycare</u> (6.1.11.F.)	<u>B</u>	<u>0 sf</u>	<u>n/a</u>	<u>1/employee + 1 off-street pick-up/drop-off</u>	<u>exempt</u>
<u>Home Daycare Center</u> (6.1.11.G.)	<u>B</u>	<u>0 sf</u>	<u>n/a</u>	<u>1/employee + 2 off-street pick-up/drop-off</u>	<u>exempt</u>
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.E.)	B	0 sf	n/a	1/employee	exempt

See Subsection E.5. for additional use standards.

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	
Individual Use (floor area) (max)	
Single family unit (detached, attached, or apartment)	
1 unit per <u>lot of record</u>	2,000 sf habitable
other units on <u>lot of record</u>	1,500 sf habitable
Accessory residential unit	850 sf habitable
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
Pedestrian-oriented outdoor trash and recycling receptacles required	
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.)

Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

## D. Development Options

Standards applicable to development options and subdivision in the WC 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 WC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the WC zone, however, all standards in Article 7. are applicable in the WC 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	30,000 sf	n/a	n/a	determined by physical development		(Sec. 7.2.3.)					
Condominium/Townhouse	30,000 sf	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.4.)					
2. Residential Subdivision Requirements												
Affordable Housing												
Required Affordable Housing						25% of new units						
Required Housing shall be provided on-site except for fractional requirements												
Only category 1, 2, or 3 housing is exempt from requirement												
Schools and Parks Exactions												
Development Exaction					0.03 acres of land per housing unit or lot							
3. Infrastructure												
Transportation Facilities												
Access						required						
Shared access					accommodated whenever practical							
Pedestrian connectivity encouraged												
A delineated Highway 22 crossing shall be visible from the main entrance to a business fronting Highway 22												
Neighboring properties are encouraged to provide boardwalk, sidewalk, or pathway connection between building entrances												
Road and driveway design					also subject to Fire Protection Resolution							
Required Utilities												
Water					Connection to public supply, installation of central supply, or evidence of individual well required							
Sewer						within 500'						
Connection to a public sanitary sewer required						otherwise						
Small Wastewater Facility (septic) approval required												

#### 4. Required Subdivision and Development Option Permits

Option	<u>Planned Unit Development</u> (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.)
Any Subdivision					
≤ 10 units			X		X
> 10 units		X	X		X

#### E. Additional Zone-specific Standards

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

##### 1. Structure Setbacks

- a. **Highway 22 Maximum Street Yard.** In addition to being a minimum of 20 feet, the Highway 22 setback shall be a maximum of 70 feet.
  - i. **50% Build-To.** If at least 50% of a Highway 22 street yard, as defined by its width, is less than or equal to 70 feet, then the Highway 22 frontage of a structure may be located greater than 70 feet from the Highway 22 right-of-way.
  - ii. **Street Yard Length.** The length of the Highway 22 street yard shall be measured from property line to property line at the intersection of the property lines with the Highway 22 right-of-way. The Highway 22 street yard length shall be used to determine whether 50% of the street yard complies with this Subsection.
  - iii. **Street Yard Depth.** The depth of the Highway 22 street yard shall be measured from the Highway right-of-way to the exterior surface of the ground floor wall.
  - iv. **Covered Walk Columns.** The columns of a covered walkway or porch do not constitute the wall of the structure for the purposes of calculating the maximum street yard required by this regulation. The columns of a covered walkway or porch shall meet the minimum street yard setback.
- b. **Hwy 22 Second Floor.** The horizontal distance from the exterior of the second story wall of a building to the Highway 22 right-of-way shall be no less than 35 feet. Columns supporting the canopy over a covered, exterior space shall not be used in calculating compliance with this standard, however, they must meet the minimum street setback.
- c. **Shared Access Drive.** Structures shall be set back a minimum of 2 feet from the edge of an access drive easement.
- d. **Multiple Buildings.** Multiple buildings on one lot shall be separated by a minimum of 10 feet, as measured from the exterior face of the walls of each building.

2. **Garages and Carports.** Garages, carports, and other covered parking shall meet the following standards.

- a. **Garages.** Garages, and any enclosed parking that constitutes floor area, that are a part of, or attached to, a building that defines a street yard are prohibited from facing a street or side yard.
- b. **Carports.** All carports and other covered parking shall meet all parking space location and design standards. Notwithstanding, no carport or other covered parking shall be located within 70 feet of the Highway 22 right-of-way, or the street yard of any other street or road.

3. **Landscaping**

- a. **Street Planting.** A minimum of one of the required plant units on each lot of record shall be placed in the street yard. This plant unit may not be substituted.
- b. **Landscape Surface Area.** Required landscape surface area (LSA) shall meet the definition in Article 9., except for the following:
  - i. **Area Beneath Deck.** The area beneath a pervious, cantilevered, uncovered deck shall be considered landscape area for the purposes of calculating LSR so long as there is at least 9' of clearance between finish grade and the bottom of the deck supports and the area has been reclaimed with vegetation.
  - ii. **Exterior Space.** Up to 20% of the required LSA may be substituted with an uncovered deck or public walkway.
  - iii. **Uncovered Deck or Patio.** An uncovered deck or patio may only be considered LSA if it is furnished with both of the following:
    - a). **Public Seating and Tables.** The deck or patio shall contain seating and/or tables that are open to the public or are available to patrons of the establishment. The required seating and/or tables may count toward the standard plant unit requirement for the site.
    - b). **Planters.** The deck or patio shall contain maintained planters containing flowers, flowering shrubs or similar vegetation. The planters shall have a plantable area equal to one square foot for every two 2 linear feet of the perimeter of the deck or patio. The perimeter of the deck or patio shall be measured at the edge of the deck or patio surface and shall include all sides, including those coincident with a building wall. The required planters may count toward the standard plant unit requirement for the site.
  - c). **Public Walkway.** A walkway may be considered landscape surface area if it is uncovered, provides pedestrian access to the development from an existing or planned public pathway, and is placed within an easement benefiting the public.

- c. **Plant Unit Substitutes.** Notwithstanding the provisions of 5.5.3.F., the following substitutions are the only plant unit substitutions that are permitted in the WC zone. The following substitutions may be made where it is demonstrated that the substitution achieves the objectives of the substituted plant unit.
  - i. **Movable Planters.** 10 square feet of permanent or movable planters containing flowers, flowering shrubs or similar vegetation may be substituted for 4 number five (#5) container shrubs.
  - ii. **Seating.** Seating for 3 people may be substituted for two 2 canopy trees.
  - iii. **Picnic Table.** A picnic table seating at least 4 people may be substituted for three 3 canopy trees.
  - iv. **Dog Hitching Post.** A facility for patrons to tie up dogs may be substituted for one large shrub.
  - v. **Other Landscape Furnishings.** Landscape furnishings other than those listed in this Section that meet the intent of providing a vital, active, and well-maintained pedestrian environment while also providing screening and softening of the structure, parking, and/or loading on the property, may be substituted for a rational number of plant units at the discretion of the Planning Director.
- d. **Relief From Standard Plant Units.** The Planning Director may relieve an applicant from the standard plant units if the applicant can demonstrate that the standard plant units cannot or should not be provided on the site in order to meet the intent of the landscaping requirement, and can demonstrate how the proposed landscaping does meet the intent of the landscaping requirement.
  - i. **Plant Unit Substitutes.** An applicant shall provide at least 2 plant units worth of plant unit substitutes prior to requesting a reduction in the plant units required.
  - ii. **Shared Parking and Loading.** The Planning Director may relieve an applicant of required plant units, if shared parking and loading is proposed in the rear of the property.
  - iii. **Pedestrian Connectivity.** The Planning Director may relieve an applicant of required plant units, if adjacent businesses are connected by a boardwalk, sidewalk, or pathway.
4. **Exterior Lighting.** Proposed exterior lighting shall be focused on pedestrian walkways, public spaces, and entryways for nonresidential and residential establishments. Nonresidential establishment exterior lighting shall be set on a timer to turn on at dusk and turn off no later than 11:00 p.m. in the summer and 10:00 p.m. in the winter, or until closing time of the establishment being served by the exterior lighting.
5. **Use Mix**

- a. **50% Commercial.** At least 50% of the floor area on a WC zoned site shall contain a permitted nonresidential use. The floor area of a Category 1, 2 or 3 affordable housing unit is exempt from this requirement provided that:
  - i. At least 4,500 sf of nonresidential development is proposed on the site; and
  - ii. At least 25% of the floor area contains a nonresidential use.
- b. **50% Wilson Local Service Use.** At least 50% of the nonresidential floor area on a WC zoned site shall provide services to persons living in and around the Wilson area. Wilson local services include general, grocery, drug, book, sporting goods, convenience, hardware, pet, or liquor stores; restaurants, bars, delis, or bakeries; coffee, ice cream, barber, or movie rental shops; libraries or post offices; laundry and dry cleaners, including self service cleaners; nurseries; banks or credit unions; day care centers; health or exercise clubs; and emergency medical care providers.

6. **Single-Family Unit.** Single-family units shall meet the following standards. The table below summarizes the allowable residential development in the WC zone.

- a. **Occupants.** The occupants of a single-family unit in the WC zone shall be members of the Teton County workforce and occupy the unit as their primary residence. The mechanism, and its specific provisions, for achieving the restriction shall be consistent with Teton County Housing Authority policy and shall be enforceable by Teton County.
- b. **Outside Storage.** Only vehicles used for daily travel may be stored outside. All other possessions belonging to occupants of a single-family unit, such as recreational, secondary or inoperative vehicles, boats, motorcycles, canoes, kayaks, lumber and other construction materials not associated with an on-going construction project on the site, or other similar items contributing to an untidy appearance, shall be stored within an enclosed structure
- c. **Street Frontage.** No single-family unit or office use may be coincident with a street yard on the ground floor.

## 2.3.3. Wilson Commercial (WC) Zone

Residential Units in the WC			
Regulations	Type of Residential Unit		
	ARU	Occupancy Restricted Unit	Price Restricted Unit
Maximum Density	exempt	applies	applies
Occupancy			
Occupancy restriction	Yes	Yes	Yes
Price restriction <sup>1</sup>	No	No	Yes
Floor Area			
Max sf per unit	850	1,500	1,500
50% Commercial	applies	applies	exempt
FAR	exempt	applies	exempt
Max. Building Size	applies	applies	exempt

<sup>1</sup> Price restriction means that the unit is a category 1, 2, or 3 affordable housing unit.

7. **Accessory Residential Unit.** ARUs are only permitted as accessory to a nonresidential use. ARUs associated with a residential use are prohibited.

8. **Parking and Loading**

- a. **Shared Parking and Loading.** The owners of two or more uses, structures, or lots of record are encouraged to develop a shared parking and loading plan. This shared parking and loading plan shall identify the amount and location of parking that will be shared, identify the hours of use and expected amount of use, provide pedestrian connections, and provide a statement explaining how the owners will ensure an adequate amount of parking is provided. The plan shall also include a shared maintenance agreement, and if applicable, a cross-lot grading and maintenance easement agreement to be recorded by the Teton County Clerk against the subject lots of record.
  - i. **Reduced Parking Requirement.** Development of a shared parking and loading plan may allow for a reduction in parking requirements based on the analysis demonstrating that adequate parking is provided for all uses.
  - ii. **Reduced Landscaping Requirement.** Development of a shared parking and loading plan may allow for a reduction in the standard plant unit requirements on a site at the discretion of the Planning Director.
- b. **Bicycle Parking.** Bicycle racks shall be required to be provided at an amount of one U-rack or 2 bicycle spaces per 10 parking spaces required. If less than 10 parking spaces are required, a minimum of one U-rack or 2 bicycle spaces shall be provided.
- c. **Off-Street Parking Facility Design Standards.** Shared access along common property lines shall be encouraged.

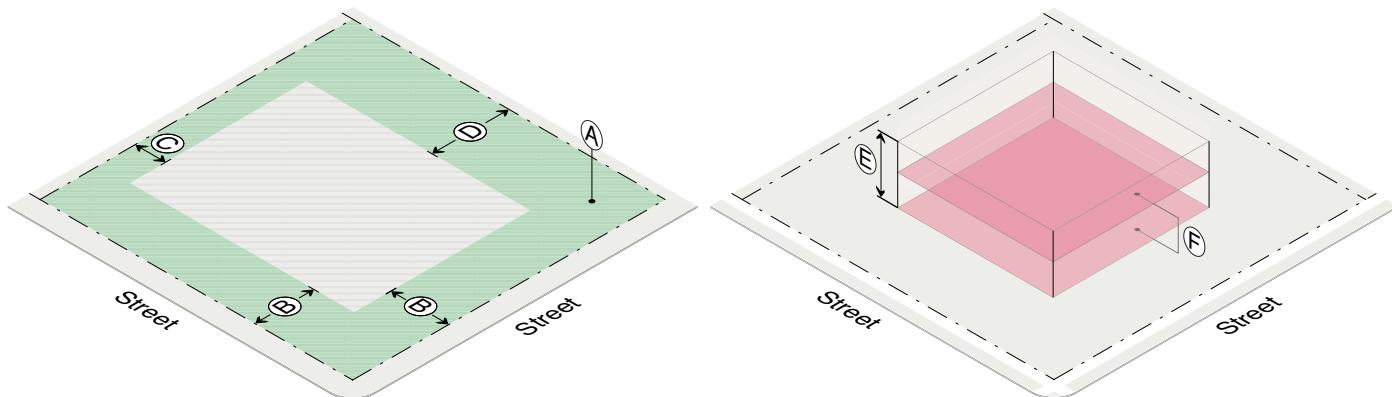
### 2.3.4. Office Professional - County (OP-TC) Zone

#### A. Intent

The purpose of the Office Professional - County (OP-TC) Zone is to provide for the development of office uses and a limited array of service uses separate from the commercial zones where office uses often cannot compete with retail uses for space. The OP-TC zone may be mixed with residential uses that include the conversion of single-family residences to office or service uses, the development or continuation of residential uses, and the conduct of limited business uses from a home.

#### B. Physical Development

Standards applicable to physical development in the OP-TC 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 OP-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the OP-TC zone, however, all standards in [Article 5](#) are applicable in the OP-TC zone unless stated otherwise.



1. Structure Location and Mass						
	(A) LSR (min)	(B) Street Setback (min)	(C) Side Setback (min)	(D) Rear Setback (min)	(E) Height (max)	(F) FAR (max)
Detached Single-family unit						
Lot ≤ 15,000 sf	.30	25'	10'	30'	24'	.46
Lot > 15,000 sf	.30	25'	10'	30'	24'	.30
Other principal use						
Lot ≤ 15,000 sf	.30	25'	10'	25'	26'	.46
Lot > 15,000 sf	.30	25'	10'	25	26'	.30
Accessory use						
Temporary use	n/a	25'	10'	25'	26'	n/a
Individual lot within a PRD						
Exceptions						

Residential Side/Rear Yard Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet.

FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site

2. Maximum Scale of Development		7. Environmental Standards	
Individual Building (gross floor area) (max)		Natural Resource Buffers (min) (Sec. 5.1.1.)	
Part of single-family unit	10,000 sf	Rivers	150'
Nonresidential (agricultural buildings exempt)	6,000 sf	Streams	50' or edge of riparian plant community up to 150'
3. Building Design		Natural lakes or ponds	50' or edge of riparian plant community up to 150'
Residential Building Materials		Wetland	30'
External surfaces shall be non-reflective		Irrigation Ditch Setback (min) (7.7.4.D.)	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt		Irrigation ditch	15'
4. Site Development		Wild Animal Feeding (Sec. 5.1.3.)	
Site Development Setbacks (min)		Wild animal feeding prohibited	
Side/Rear	5'	Natural Resource Overlay (NRO) Standards (Sec. 5.2.1.)	
Front		Bear Conflict Area Standards (Sec. 5.2.2.)	
40% of lineal lot frontage	0'	Bear proof trash required in Conflict Priority Area 1	
60% of lineal lot frontage	structure setback	8. Scenic Standards	
5. Landscaping (Div. 5.5.)		Exterior Lighting (Sec. 5.3.1.)	
Plant Units (min)		Total cut off angle (max)	90°
Residential	1 per du	Illumination in footcandles	
Nonresidential	1 per 1,000 sf of landscape area	Residential use	0.50
Parking lot		Nonresidential use	1.50
Residential	1 per 12 parking spaces	Height (max)	
All other uses	1 per 8 parking spaces	Residential use	15'
6. Fencing (Sec. 5.1.2.)		Nonresidential use	18'
Wildlife Friendly Fencing		Scenic Resource Overlay (SRO) Standards (Sec. 5.3.2.)	
Special Purpose Fencing Height (max)		9. Natural Hazards to Avoid	
In street yard	4'	Steep Slopes (Sec. 5.4.1.)	
In side or rear yard	6'	Development prohibited	Slopes > 25%
Special Purpose Fencing Setback		Areas of Unstable Soils (Sec. 5.4.2.)	
Any yard	0'	Fault Areas (Sec. 5.4.3.)	
		Floodplains (Sec. 5.4.4.)	
		Wildland Urban Interface (Sec. 5.4.5.)	

<b>10. Signs</b>		(Div. 5.6.)
<b>Allowable Signage</b>		
Nonresidential uses		
Freestanding Sign	1 per building or complex	
Wall Sign	1 per street frontage for each building or storefront	
Monument or Entry Sign	1 per entrance other than street frontage	
Residential uses		
Single-family and multi-family < 8 units	1 unlighted wall sign	
Multi-family ≥ 8 units	1 freestanding or 1 wall sign	
Home occupation/business	1 unlighted wall sign	
<b>Sign Height (max)</b>		
Nonresidential		
Freestanding Sign	8'	
Monument or Entry	4'	
Residential		
Home occupation/business	n/a	

<b>Sign Area (max)</b>	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf
<b>11. Grading, Erosion Control, Stormwater</b>	
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	

<b>12. Required Physical Development Permits</b>	
<b>Physical Development</b>	<b>Sketch Plan (Sec. 8.3.1.)</b>
Dwelling Unit	
< 5 units	X
5 - 10 units	X
> 10 units	X
Nonresidential Floor Area	
< 3,450 sf	X
3,450 to 12,000 sf	X
> 12,000 sf	X
Sign	X

### C. Use Standards

Standards applicable to uses in the OP-TC 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 OP-TC zone. This Subsection is intended to indicate all of the use standards applicable in the OP-TC zone, however, all standards in [Article 6](#) are applicable in the OP-TC 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 ( <a href="#">6.1.3.B.</a> )	Y	<a href="#">0 sf</a>	<a href="#">n/a</a>	n/a	exempt
Residential					
Detached Single-Family Unit ( <a href="#">6.1.4.B.</a> )	Y	<a href="#">0 sf</a>	1 unit per lot	2/DU	n/a
Commercial					
Office ( <a href="#">6.1.6.B.</a> )	B	<a href="#">0 sf</a>	<a href="#">n/a</a>	3.3/1,000 sf	0.05/1,000 sf
Service ( <a href="#">6.1.6.D.</a> )	B	<a href="#">0 sf</a>	<a href="#">n/a</a>	3/1,000 sf	0.20/1,000 sf
Institutional					
Daycare/Education ( <a href="#">6.1.8.C.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	independent calculation	exempt
Transportation/Infrastructure					
Utility Facility ( <a href="#">6.1.10.C.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/employee + 1/stored vehicle	independent calculation
Wireless Communication Facilities ( <a href="#">6.1.10.D.</a> )	<a href="#">6.1.10.D.</a>	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/employee + 1/stored vehicle	independent calculation
Accessory Uses					
Accessory Residential Unit ( <a href="#">6.1.11.B.</a> )	B	<a href="#">0 sf</a>	1 per lot	1.25/DU	n/a
Home Occupation ( <a href="#">6.1.11.D.</a> )	B	<a href="#">0 sf</a>	<a href="#">n/a</a>	n/a	exempt
Home Business ( <a href="#">6.1.11.E.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/DU	exempt
<u>Family Home Daycare</u> ( <a href="#">6.1.11.F.</a> )	<u>B</u>	<u>0 sf</u>	<u>n/a</u>	<u>1/employee + 1 off-street pick-up/drop-off</u>	<u>exempt</u>
<u>Home Daycare Center</u> ( <a href="#">6.1.11.G.</a> )	<u>C</u>	<u>0 sf</u>	<u>n/a</u>	<u>1/employee + 2 off-street pick-up/drop-off</u>	<u>exempt</u>
Temporary Uses					
Temporary Shelter ( <a href="#">6.1.12.D.</a> )	B	<a href="#">0 sf</a>	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing ( <a href="#">6.1.12.F.</a> )	B	<a href="#">0 sf</a>	<a href="#">n/a</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

#### Individual Use (floor area) (max)

Single family unit (detached)

Habitable floor area excluding basement	8,000 sf
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Gross floor area excluding basement	10,000 sf + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
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Accessory residential unit

Primary use residential	1,000 sf gross
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Primary use nonresidential	850 sf habitable
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### 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
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Noise (Sec. 6.4.3.)

Max sound level at property line	55 DBA
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Vibration (Sec. 6.4.4.)

Electrical Disturbances (Sec. 6.4.5.)

Fire and Explosive Hazards (Sec. 6.4.6.)

Heat and Humidity (Sec. 6.4.7.)

Radioactivity (Sec. 6.4.8.)

## D. Development Options

Standards applicable to development options and subdivision in the OP-TC 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 OP-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the OP-TC zone, however, all standards in Article 7. are applicable in the OP-TC 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	7,500 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.)
Allowable Development Options							
Planned Residential Development (PRD)	80,000 sf	n/a	3.64 du/ac	25%	0.30	24	(Sec. 7.1.2.)

## 2. Residential Subdivision Requirements

Affordable Housing		(Div. 7.4.)
Required Affordable Housing		25% of new units
Schools and Parks Exactions		(Div. 7.5.)
Development Exaction		0.03 acres of land per housing unit or lot
3. Infrastructure		
Transportation Facilities		(Div. 7.6.)
Access		required
Right-of-way for a Minor Local Road (min)		60'
Travel lane width for a Minor Local Road (min)		10'
Road and driveway design		also subject to Fire Protection Resolution
Required Utilities		(Div. 7.7.)
Water		Connection to public supply, installation of central supply, or evidence of individual well required
Sewer		
Connection to a public sanitary sewer required		within 500'
Small Wastewater Facility (septic) approval required		otherwise

## 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.)
Any Subdivision					
≤ 10 units			X		X
> 10 units		X	X		X
Non-subdivision PRD					
0 - 4 units				X	
5 - 10 units			X		
> 10 units		X	X		

## E. Additional Zone-specific Standards

[Reserved for future standards]

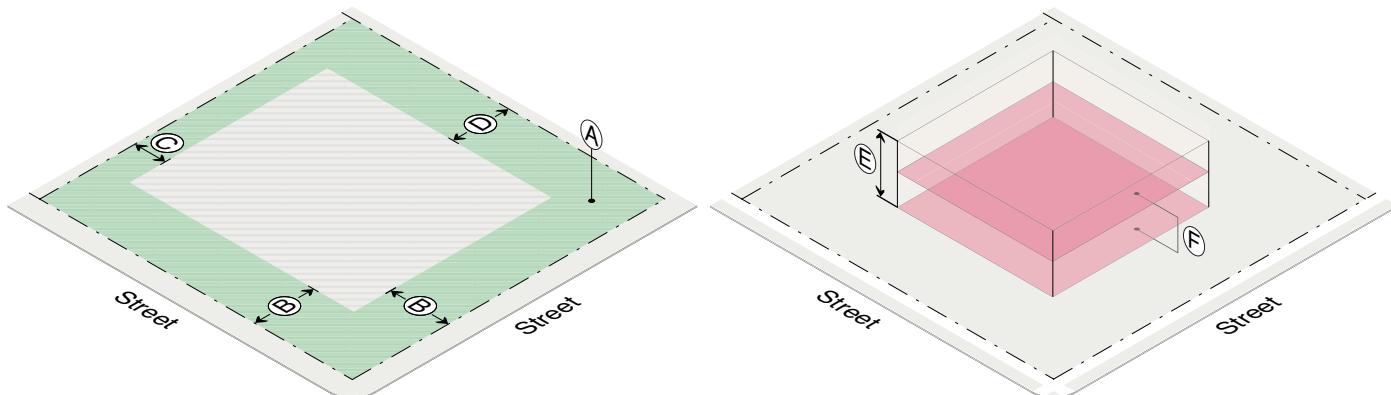
## 2.3.5. Business Park - County (BP-TC) Zone

### A. Intent

The purpose of the Business Park - County (BP-TC) 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-TC 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-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the BP-TC zone, however, all standards in Article 5. are applicable in the BP-TC zone unless stated otherwise.



#### 1. Structure Location and Mass

	(A)	(B)	(C)	(D)	(E)	(F)
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Stories (max)	FAR (max)
Allowed use	.15	20'	10'	20'	35'	.60

#### Exceptions

Residential Side/Rear Yard Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet.

FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site.

2. Maximum Scale of Development	
<b>Individual Building (max gross FA)</b>	
Nonresidential (agricultural buildings exempt)	15,000 sf
In compliance with specific standards (E.1.)	25,000 sf
3. Building Design	
<b>Residential Building Materials</b>	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
<b>Nonresidential Building Materials</b>	
External surfaces shall be non-reflective - except that glass for displays and transparency is permitted	
For external surfaces visible from a state highway, county road, or scenic road, colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
4. Site Development	
<b>Site Development Setbacks</b>	
Side/Rear	5'
Front	
40% of lineal lot frontage	0'
60% of lineal lot frontage	structure setback
5. Landscaping (Div. 5.5.)	
<b>Plant Units (min)</b>	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	1 per 16 parking spaces
6. Fencing (Sec. 5.1.2.)	
<b>Wildlife Friendly Fencing</b>	
<b>Special Purpose Fencing Height (max)</b>	
In street yard	4'
In side or rear yard	6'
<b>Special Purpose Fencing Setback</b>	
Any yard	0'

7. Environmental Standards	
<b>Natural Resource Buffers (min)</b>	(Sec. 5.1.1.)
Rivers	150'
Streams	50' or edge of riparian plant community up to 150'
Natural lakes or ponds	50' or edge of riparian plant community up to 150'
Wetland	30'
<b>Irrigation Ditch Setback (min)</b>	
Irrigation ditch	15'
<b>Wild Animal Feeding</b>	
Wild animal feeding prohibited	
<b>Natural Resource Overlay (NRO) Standards</b>	
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	
8. Scenic Standards	
<b>Exterior Lighting</b>	
Total cut off angle (max)	90°
Illumination in footcandles	
Residential use	0.50
Nonresidential use	2.00
Nonresidential use in NRO	1.00
Height (max)	
Residential use	15'
Nonresidential use	18'
<b>Scenic Resource Overlay (SRO) Standards</b>	
9. Natural Hazards to Avoid	
<b>Steep Slopes</b>	
Development prohibited	Slopes > 25%
<b>Areas of Unstable Soils</b>	
<b>Fault Areas</b>	
<b>Floodplains</b>	
<b>Wildland Urban Interface</b>	

<b>10. Signs</b>		(Div. 5.6.)
<b>Allowable Signage</b>		
Nonresidential uses		
Freestanding Sign	1 per building or complex	
Wall Sign	1 per street frontage for each building or storefront	
Monument or Entry Sign	1 per entrance other than street frontage	
Residential uses		
Single-family and multi-family < 8 units	1 unlighted wall sign	
Multi-family ≥ 8 units	1 freestanding or 1 wall sign	
Home occupation/business	1 unlighted wall sign	
<b>Sign Height (max)</b>		
Nonresidential		
Freestanding Sign	8'	
Monument or Entry	4'	
Residential		
Home occupation/business	n/a	

<b>Sign Area (max)</b>	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf
<b>11. Grading, Erosion Control, Stormwater</b>	
<b>Grading</b>	
(Sec. 5.7.2.)	
<b>Erosion Control</b>	
(Sec. 5.7.3.)	
Erosion shall be controlled at all times	
<b>Stormwater Management</b>	
(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.)	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					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

### C. Use Standards

Standards applicable to uses in the BP-TC 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-TC zone. This Subsection is intended to indicate all of the use standards applicable in the BP-TC zone, however, all standards in [Article 6](#) are applicable in the BP-TC 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.)
Commercial					
Heavy Retail/Service (6.1.6.F.)	B	<a href="#">0 sf</a>	<a href="#">n/a</a>	2/1,000 sf + 3/repair bay + 1/wash bay	0.06/1,000 sf
Mini-Storage Warehouse (6.1.6.G.)	B	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/10 storage units + 1/employee	independent calculation
Amusement/Recreation					
Outdoor Recreation (6.1.7.C.)	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	independent calculation	independent calculation
Developed Recreation (6.1.7.D.)	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	4.5/1,000 sf	independent calculation
Outfitter/Tour Operator (6.1.7.E.)	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	independent calculation	independent calculation
Institutional					
Assembly (6.1.8.B.)	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	independent calculation	exempt
Daycare/Education (6.1.8.C.)	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	independent calculation	exempt
Industrial					
Light Industry (6.1.9.B.)	B	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/1,000 sf + 1/company vehicle	0.03/1,000 sf
Heavy Industry (6.1.9.C.)	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	2/1,000 sf	0.03/1,000 sf
Disposal (6.1.9.D.)	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/employee	0.03/1,000 sf
Junkyard (6.1.9.E.)	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/employee	0.03/1,000 sf
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	B	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/employee + 1/stored vehicle	independent calculation
Wireless Communication Facilities (6.1.10.D.)	<a href="#">6.1.10.D.</a>	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/employee + 1/stored vehicle	independent calculation
Heliport (6.1.10.E.)	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	7/daily aircraft movement	independent calculation
Airport (6.1.10.F.)	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	7/daily aircraft movement	independent calculation

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.)
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
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
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 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)	
Accessory residential unit	850 sf habitable
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	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

## D. Development Options

Standards applicable to development options and subdivision in the BP-TC 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-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the BP-TC zone, however, all standards in [Article 7](#) are applicable in the BP-TC 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	10,000 sf	n/a	n/a	<a href="#">determined by physical development</a>		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	n/a	<a href="#">determined by physical development</a>		(Sec. 7.2.4.)
2. Residential Subdivision Requirements							
Affordable Housing							
Required Affordable Housing							25% of new units
Schools and Parks Exactions							
Development Exaction							0.03 acres of land per housing unit or lot
3. Infrastructure							
Transportation Facilities							
Access							required
Right-of-way for a Minor Local Road (min)							60'
Travel lane width for a Minor Local Road (min)							10'
Road and driveway design							also subject to Fire Protection Resolution
Required Utilities							
Water							Connection to public supply, installation of central supply, or evidence of individual well required
Sewer							
Connection to a public sanitary sewer required							within 500'
Small Wastewater Facility (septic) approval required							otherwise
4. Required Subdivision and Development Option Permits							
Option	<a href="#">Planned Unit Development</a> (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.)		
Any Subdivision							
≤ 10 units			X			X	
> 10 units		X	X			X	

## E. Additional Zone-specific Standards

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

1. **Maximum Scale of an Individual Building.** In the BP-TC zone, the maximum floor area above ground in an individual building may be increased from 15,000 square feet to a maximum of 25,000 square feet, provided all of the following standards are met:
  - a. **Traffic and Parking.** The use proposed has neither a high traffic generation rate nor a high demand for parking. The increase in the size of the building will not increase projected traffic or parking demand by more than 20% above the traffic projection and parking demand for a 15,000 square feet building.
  - b. **Visual Impact.** The visual impact of the size of the building shall be mitigated. Mitigation shall include techniques to visually break-up the mass of the building, such as architectural treatments and landscaping that reduce the perceived size of the building.

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# Article 3. Rural Area Zones

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## Div. 3.1. All Rural Area Zones

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. 2.2.](#), are character-based and established to implement the Comprehensive Plan;
2. 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.

## Div. 3.2. Rural Area Character Zones

[\[Reserved for future zones\]](#)

## Div. 3.3. Rural Area Legacy Zones

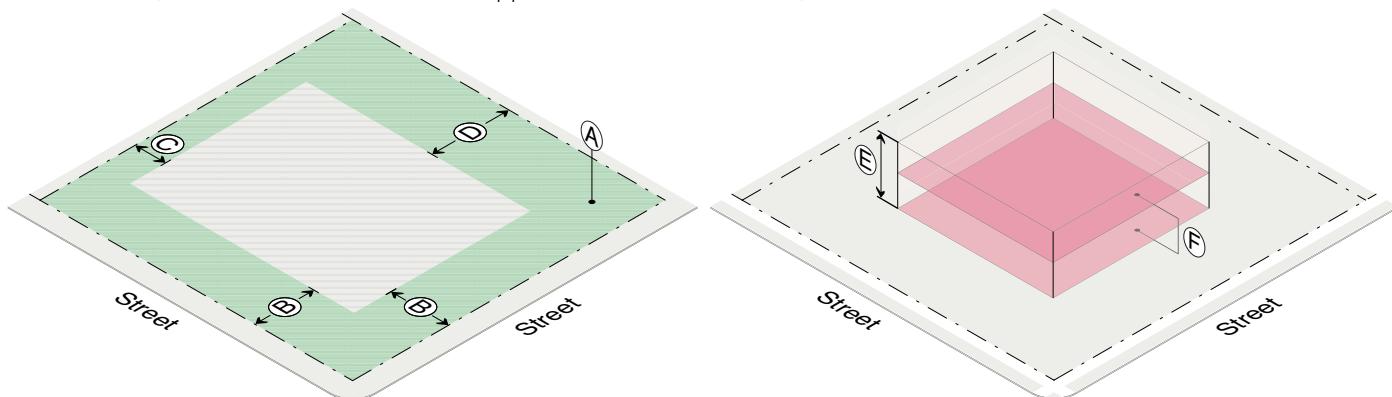
### 3.3.1. Business Conservation - County (BC-TC) Zone

#### A. Intent

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

#### B. Physical Development

Standards applicable to physical development in the BC-TC 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-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the BC-TC zone, however, all standards in [Article 5](#) are applicable in the BC-TC zone, unless stated otherwise.



#### 1. Structure Location and Mass

	(A)	(B)	(C)	(D)	(E)	(F)
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)

Detached single-family unit

<a href="#">Lot of record</a> < 3 acres	see <a href="#">E.3.</a>	25'	10'	25'	30'	see <a href="#">E.2.</a>
<a href="#">Lot of record</a> ≥ 3 acres	see <a href="#">E.3.</a>	50'	30'	40'	30'	see <a href="#">E.2.</a>

Other principal use

<a href="#">Lot of record</a> ≤ 15,000 sf	.30	20'	10'	20'	26'	.30 or 20% expansion
<a href="#">Lot of record</a> ≤ 4 acres	.30	20'	10'	20	26'	.10 or 20% expansion
<a href="#">Lot of record</a> > 4 acres	.30	20'	10'	20'	26'	.05 or 20% expansion

Accessory use See standards for primary use with which associated

Temporary use [n/a](#) 20' 10' 20' 26' [n/a](#)

#### Exceptions

Residential Side/Rear Yard Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet.

FAR. Notwithstanding the maximum FAR, a minimum of 4,500 square feet is allowed on [lots of record](#) less than or equal to 4 acres; a minimum of 17,424 square feet is allowed on [lots of record](#) greater than 4 acres.

FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site.

<b>2. Maximum Scale of Development</b>	
<b>Individual Building (gross floor area) (max)</b>	
Part of single-family unit	10,000 sf
Nonresidential (agricultural buildings exempt)	6,000 sf
<b>3. Building Design</b>	
<b>Residential Building Materials</b>	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
<b>4. Site Development</b>	
<b>Site Development Setbacks (min)</b>	
Side/Rear	1/2 the structure setback
Front	
40% of lineal lot frontage	1/2 the structure setback
60% of lineal lot frontage	structure setback
<b>Exemptions</b>	
Driveways providing access across a street yard; and shared parking and driveways	
<b>5. Landscaping</b> <span style="float: right;">(Div. 5.5.)</span>	
<b>Plant Units (min)</b>	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	1 per 12 parking spaces
<b>6. Fencing</b> <span style="float: right;">(Sec. 5.1.2.)</span>	
<b>Wildlife Friendly Fencing</b>	
<b>Special Purpose Fencing Height (max)</b>	
In street yard	4'
In side or rear yard	6'
<b>Special Purpose Fencing Setback</b>	
All yards	0'

<b>7. Environmental Standards</b>	
<b>Natural Resource Buffers (min)</b>	(Sec. 5.1.1.)
Rivers	150'
Streams	50' or edge of riparian plant community up to 150'
Natural lakes or ponds	50' or edge of riparian plant community up to 150'
Wetland	30'
<b>Irrigation Ditch Setback (min)</b> <span style="float: right;">(7.7.4.D.)</span>	
Irrigation ditch	15'
<b>Wild Animal Feeding</b> <span style="float: right;">(Sec. 5.1.3.)</span>	
Wild animal feeding prohibited	
<b>Natural Resource Overlay (NRO) Standards</b> <span style="float: right;">(Sec. 5.2.1.)</span>	
<b>Bear Conflict Area Standards</b> <span style="float: right;">(Sec. 5.2.2.)</span>	
Bear proof trash required in Conflict Priority Area 1	
<b>8. Scenic Standards</b>	
<b>Exterior Lighting</b> <span style="float: right;">(Sec. 5.3.1.)</span>	
Total cut off angle (max)	90°
Illumination in footcandles	
Residential use	1.00
Residential use in NRO	0.50
Nonresidential use	1.50
Nonresidential use in NRO	1.00
Height (max)	
Residential use	15'
Nonresidential use	18'
<b>Scenic Resource Overlay (SRO) Standards</b> <span style="float: right;">(Sec. 5.3.2.)</span>	
<b>9. Natural Hazards to Avoid</b>	
<b>Steep Slopes</b> <span style="float: right;">(Sec. 5.4.1.)</span>	
Development prohibited	Slopes > 25%
<b>Areas of Unstable Soils</b> <span style="float: right;">(Sec. 5.4.2.)</span>	
<b>Fault Areas</b> <span style="float: right;">(Sec. 5.4.3.)</span>	
<b>Floodplains</b> <span style="float: right;">(Sec. 5.4.4.)</span>	
<b>Wildland Urban Interface</b> <span style="float: right;">(Sec. 5.4.5.)</span>	

**Sign Height (max)**

Nonresidential

Freestanding Sign 8'

Monument or Entry 4'

Residential 6'

Home occupation/business n/a

**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.)	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					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

## 3.3.1. Business Conservation - County (BC-TC) Zone

## C. Use Standards

Standards applicable to uses in the BC-TC 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-TC zone. This Subsection is intended to indicate all of the use standards applicable in the BC-TC zone, however, all standards in [Article 6](#) are applicable in the BC-TC 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 ( <a href="#">6.1.3.B.</a> )	Y	<a href="#">0 sf</a>	<a href="#">n/a</a>	n/a	exempt
Residential					
Detached Single-Family Unit ( <a href="#">6.1.4.B.</a> )	Y	<a href="#">0 sf</a>	1 unit per lot	2/DU	n/a
Lodging					
Campground ( <a href="#">6.1.5.D.</a> )	C	<a href="#">0 sf</a>	15 sites per acre	1/campsite + 1/7.5 campsites	0.58/1,000 sf of commercial floor area + 1.75 per ac
Commercial					
Office ( <a href="#">6.1.6.B.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	3.3/1,000 sf	0.05/1,000 sf
Retail ( <a href="#">6.1.6.C.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	4.5/1,000 sf	0.56/1,000 sf
Service ( <a href="#">6.1.6.D.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	3/1,000 sf	0.20/1,000 sf
Restaurant/Bar ( <a href="#">6.1.6.E.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/55 sf dining area + 1/30 sf bar area	1.35/1,000 sf
Heavy Retail/Service ( <a href="#">6.1.6.F.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	2/1,000 sf + 3/repair bay + 1/wash bay	0.06/1,000 sf
Mini-Storage Warehouse ( <a href="#">6.1.6.G.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/10 storage units + 1/employee	independent calculation
Nursery ( <a href="#">6.1.6.H.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee	0.37/1,000 sf + 1.51/ac
Amusement/Recreation					
Outdoor Recreation ( <a href="#">6.1.7.C.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	independent calculation	independent calculation
Developed Recreation ( <a href="#">6.1.7.D.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	4.5/1,000 sf	independent calculation
Outfitter/Tour Operator ( <a href="#">6.1.7.E.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	independent calculation	independent calculation
Institutional					
Assembly ( <a href="#">6.1.8.B.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	independent calculation	exempt
Daycare/Education ( <a href="#">6.1.8.C.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	independent calculation	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.)
Industrial					
Light Industry (6.1.9.B.)	C	0 sf	n/a	1/1,000 sf + 1/company vehicle	0.03/1,000 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 Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	independent calculation
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	1 unit 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/DU	exempt
<u>Family Home Daycare</u> (6.1.11.F.)	C	0 sf	n/a	<u>1/employee + 1 off-street pick-up/drop-off</u>	<u>exempt</u>
<u>Home Daycare Center</u> (6.1.11.G.)	C	0 sf	n/a	<u>1/employee + 2 off-street pick-up/drop-off</u>	<u>exempt</u>
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.E.)	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

#### 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 + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
<u>Individual retail use excluding basement</u>	<u>12,500 sf habitable</u>
Accessory residential unit	
Primary use residential	1,000 sf gross
Primary use nonresidential	850 sf habitable

## 3.3.1. Business Conservation - County (BC-TC) Zone

**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
<b>Noise</b>	(Sec. 6.4.3.)
Max sound level at property line	55 DBA
<b>Vibration</b>	(Sec. 6.4.4.)
<b>Electrical Disturbances</b>	(Sec. 6.4.5.)
<b>Fire and Explosive Hazards</b>	(Sec. 6.4.6.)
<b>Heat and Humidity</b>	(Sec. 6.4.7.)
<b>Radioactivity</b>	(Sec. 6.4.8.)

**D. Development Options**

Standards applicable to development options and subdivision in the BC-TC 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-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the BC-TC zone, however, all standards in [Article 7.](#) are applicable in the BC-TC zone, unless stated otherwise.

**1. Allowed Subdivision and Development Options**

Option	Site Area (min)	Lot Size (min)	Density (max)	OSR (min)	FAR (max)	Height (max)	Option Standards
<b>Allowed Subdivision Options</b>							
Land Division	n/a	4 ac	n/a	n/a	<u>determined by physical development</u>		(Sec. 7.2.3.)
<u>Condominium/Townhouse</u>	n/a	n/a	n/a	n/a	<u>determined by physical development</u>		(Sec. 7.2.4.)

**2. Residential Subdivision Requirements**

Affordable Housing	(Div. 7.4.)
Required Affordable Housing	25% of new units
Schools and Parks Exactions	(Div. 7.5.)

**3. Infrastructure**

Transportation Facilities	(Div. 7.6.)
Access	required
Right-of-way for a Minor Local Road (min)	60'
Travel lane width for a Minor Local Road (min)	10'
Road and driveway design	also subject to Fire Protection Resolution

Required Utilities	(Div. 7.7.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	Connection to a public sanitary sewer required
Small Wastewater Facility (septic) approval required	within 500' otherwise

#### 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.)
Any Subdivision					
≤ 10 units			X		X
> 10 units		X	X		X

#### E. Additional Zone-specific Standards

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

1. **Expansion Permitted.** The land use existing on the site as of May 9, 1994 shall be allowed an out-right expansion of 20% of the size of the structure provided all the standards of this Section and these LDRs are met. In instances where expansion of 20% permits less expansion than the FAR maximum, expansion to the FAR maximum 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 May 9, 1994.
 

**EXAMPLE:** The 20% expansion of habitable square footage shall be based upon the total square footage of all existing habitable building square footage.
  - b. **Expansion of Existing Uses.** Any expansion of existing uses permitted in the BC-TC zone shall require a Conditional Use Permit, except expansions of less than 3,450 square feet of gross floor area.
  - c. **ADA Necessitated Expansions Exempt.** Expansions to existing buildings for the primary purpose of meeting requirements of the Americans 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.

## 3.3.1. Business Conservation - County (BC-TC) Zone

2. **Maximum Floor Area.** The maximum floor area of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below. Basements are excluded from maximum floor area calculations. Maximum Scale of Development standards still apply.

BSA	Maximum Floor Area (sf)
≤ 0.11 ac	(BSA)(0.43)(43,560)
0.11-0.172 ac	(BSA-0.11)(0.2833)(43,560)+2,060
0.172-0.5 ac	(BSA-0.172)(0.124)(43,560)+2,825
>0.5 ac	(BSA-0.5)(0.032)(43,560)+4,596

3. **Maximum Site Development.** The maximum site development of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below.

a. **Exemptions.** The following shall be exempt from the calculation of maximum site development.

- i. Public and neighborhood pathways, flood control levees, ponds, and
- ii. Outdoor riding arenas on properties 6 acres or larger. In order to be exempt from maximum site development calculations the riding arena shall be located outside the NRO and shall be an uncovered area no larger than 160 feet by 200 feet that is constructed of natural materials. Outdoor riding arenas may not have bleachers, and must be constructed of wood fencing or livestock panels no higher than 52 inches. Outdoor riding arenas shall have 12 foot wide gates at 2 ends that must remain open to allow for wildlife movement when the arena is not in use.

b. **Formula**

ASA	Maximum Floor Area (sf)
≤ 0.1 ac	(ASA)(0.6)(43,560)
0.1-0.5 ac	(ASA-0.1)(0.31)(43,560)+2,614
0.5-3 ac	(ASA-0.5)(0.11)(43,560)+8,015
3-35 ac	(ASA-3)(0.040344)(43,560)+19,994
> 35 ac	(ASA)(0.05)(43,560)

4. **Lodging.** A 20% expansion of existing lodging is permitted. Notwithstanding the FAR, new lodging or expansion exceeding 20% of existing lodging is prohibited.

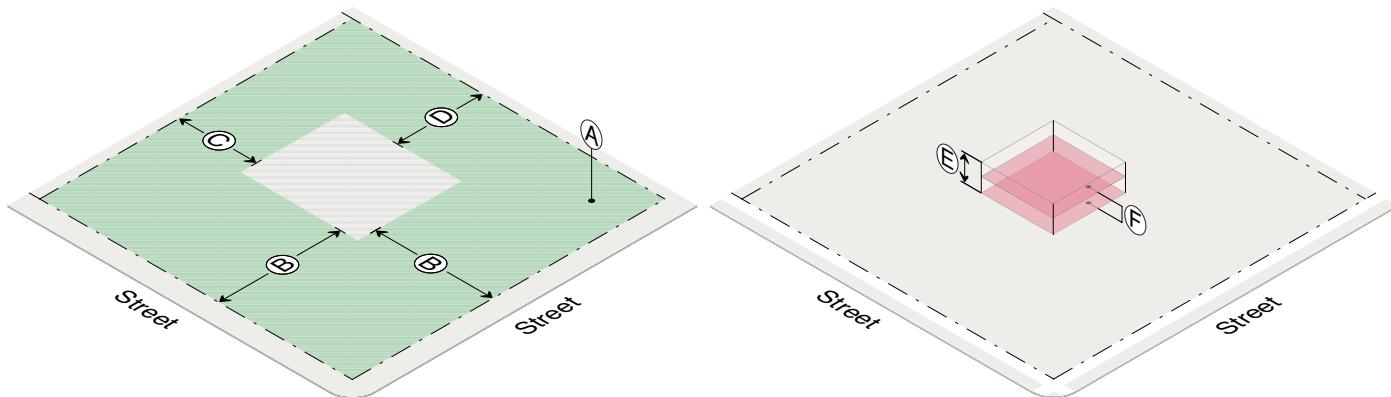
### 3.3.2. Mobile Home Park - County (MHP-TC) Zone

#### A. Intent

The purpose of the Mobile Home Park - County (MHP-TC) 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-TC 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-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the MHP-TC zone, however, all standards in Article 5. are applicable in the MHP-TC zone, unless stated otherwise.



#### 1. Structure Location and Mass

	(A)	(B)	(C)	(D)	(E)	(F)
Mobile home	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
in an existing mobile home park				see E.1.		
in a new mobile home park			Standards established through Mobile Home Park approval			
Other principal use	.95	50'	30'	40'	30'	.007
Accessory use			See standards for primary use with which associated			

2. Maximum Scale of Development		7. Environmental Standards	
Individual Building (max gross FA)		Natural Resource Buffers (min)	(Sec. 5.1.1.)
n/a		Rivers	150'
3. Building Design		Streams	50'
Residential Building Materials		Natural lakes or ponds	50'
External surfaces shall be non-reflective		Wetland	30'
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt		Irrigation Ditch Setback (min)	(7.7.4.D.)
4. Site Development		Irrigation ditch	15'
Site Development Setback (min)		Wild Animal Feeding	(Sec. 5.1.3.)
All lot lines	1/2 the structure setback	Wild animal feeding prohibited	
Exemptions		Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Driveways providing access across a street yard; and shared parking and driveways		Bear Conflict Area Standards	(Sec. 5.2.2.)
5. Landscaping (Div. 5.5.)		Bear proof trash required in Conflict Priority Area 1	
Plant Units (min)		8. Scenic Standards	
Residential	1 per du	Exterior Lighting	(Sec. 5.3.1.)
Nonresidential	1 per 1,000 sf of landscape area	Total cut off angle (max)	90°
Parking lot	1 per 8 parking spaces	Illumination in footcandles	
6. Fencing (Sec. 5.1.2.)		Residential use	0.50
Wildlife Friendly Fencing		Nonresidential use	1.00
Special Purpose Fencing Height (max)		Height (max)	
In street yard	4'	Residential use	15'
In side or rear yard	6'	Nonresidential use	18'
Special Purpose Fencing Setback		Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)
Any yard	0'	9. Natural Hazards to Avoid	
		Steep Slopes	(Sec. 5.4.1.)
		Development prohibited	Slopes > 30%
		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.)

<b>10. Signs</b>		(Div. 5.6.)
<b>Allowable Signage</b>		
Nonresidential uses	1 rustic freestanding or 1 wall sign	
Residential uses		
<u>Lot of record</u> < 3 acres	1 unlighted wall sign	
<u>Lot of record</u> ≥ 3 acres	1 unlighted rustic freestanding or 1 unlighted wall sign	
Home occupation/business	1 unlighted wall sign	
<b>Sign Area (max)</b>		
Nonresidential	12 sf	
Residential		
<u>Lot of record</u> < 3 acres	3 sf	
<u>Lot of record</u> ≥ 3 acres	4 sf	
Home occupation/business	2 sf	

<b>Sign Height (max)</b>	
Nonresidential	6'
Residential	4'
Home occupation/business	n/a
<b>11. Grading, Erosion Control, Stormwater</b>	
<b>Grading</b>	(Sec. 5.7.2.)
<b>Erosion Control</b>	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
<b>Stormwater Management</b>	(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.)	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					
< 3,450 sf				X	(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

### C. Use Standards

Standards applicable to uses in the MHP-TC 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-TC zone. This Subsection is intended to indicate all of the use standards applicable in the MHP-TC zone, however, all standards in Article 6. are applicable in the MHP-TC 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 Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	independent calculation
Accessory Uses					
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
<u>Family Home Daycare</u> (6.1.11.F.)	<u>B</u>	<u>0 sf</u>	<u>n/a</u>	<u>1/employee + 1 off-street pick-up/ drop-off</u>	<u>exempt</u>
<u>Home Daycare Center</u> (6.1.11.G.)	<u>C</u>	<u>0 sf</u>	<u>n/a</u>	<u>1/employee + 2 off-street pick-up/ drop-off</u>	<u>exempt</u>
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 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.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

#### D. Development Options

Standards applicable to development options and subdivision in the MHP-TC 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-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the MHP-TC zone, however, all standards in [Article 7.](#) are applicable in the MHP-TC 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 <a href="#">Sec. 7.1.4.</a> for standards		18'		(Sec. 7.1.4.)

#### 2. Residential Subdivision Requirements

Affordable Housing	(Div. 7.4.)
Required Affordable Housing	25% of new units
Schools and Parks Exactions	(Div. 7.5.)

#### 3. Infrastructure

Transportation Facilities	(Div. 7.6.)
Access	required
Right-of-way for a Minor Local Road (min)	60'
Travel lane width for a Minor Local Road (min)	10'
Road and driveway design	also subject to Fire Protection Resolution

## 3.3.2. Mobile Home Park - County (MHP-TC) Zone

Required Utilities	(Div. 7.7.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	Connection to a public sanitary sewer required
Small Wastewater Facility (septic) approval required	within 500' otherwise

## 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-TC 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-TC 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-TC zone shall not be limited.
    - ii. **Area.** Each mobile home within an expansion area or redeveloped park shall have a lot or pad 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.

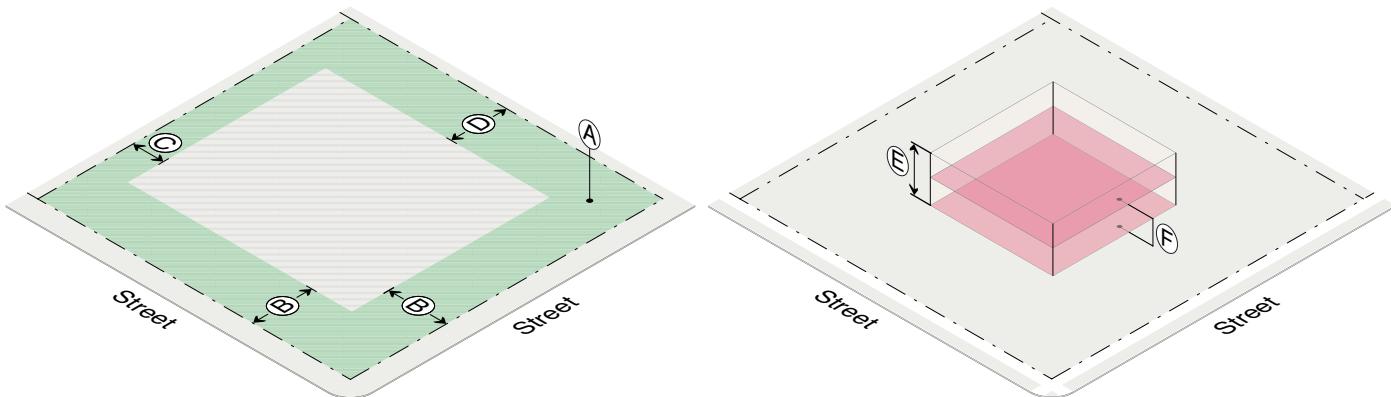
### 3.3.3. Neighborhood Conservation - County (NC-TC) Zone

#### A. Intent

The purpose of the Neighborhood Conservation - County (NC-TC) 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-TC 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-TC 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-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the NC-TC zone, however, all standards in Article 5. are applicable in the NC-TC zone, unless stated otherwise.



#### 1. Structure Location and Mass

	(A) LSR (min)	(B) Street Setback (min)	(C) Side Setback (min)	(D) Rear Setback (min)	(E) Height (max)	(F) FAR (max)
Detached single-family unit						
Lot of record < 3 acres	see E.2.	25'	10'	25'	30'	see E.1.
Lot of record ≥ 3 acres	see E.2.	50'	30'	40'	30'	see E.1.
Other principal use	.95	50'	30'	40'	40'	.007
Accessory use		See standards for primary use with which associated				
Temporary use	n/a	25'	10'	25'	30'	n/a
<b>Exceptions</b>						
Projections. Architectural projections of buildings such as chimneys, eaves, outside stairways, covered balconies, uncovered decks, and uncovered porches may extend into a required setback by not more than 6 feet.						

<b>2. Maximum Scale of Development</b>	
<b>Individual Building (gross floor area) (max)</b>	
Part of single-family unit	10,000 sf
<b>3. Building Design</b>	
<b>Residential Building Materials</b>	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
<b>4. Site Development</b>	
<b>Site Development Setbacks (min)</b>	
Side/Rear	1/2 the structure setback
Front	
40% of lineal lot frontage	1/2 the structure setback
60% of lineal lot frontage	structure setback
<b>Exemptions</b>	
Driveways providing access across a street yard; and shared parking and driveways	
<b>5. Landscaping</b> (Div. 5.5.)	
<b>Plant Units (min)</b>	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	1 per 8 parking spaces
<b>6. Fencing</b> (Sec. 5.1.2.)	
<b>Wildlife Friendly Fencing</b>	
<b>Special Purpose Fencing Height (max)</b>	
In street yard	4'
In side or rear yard	6'
<b>Special Purpose Fencing Setback</b>	
Any yard	0'

<b>7. Environmental Standards</b>	
<b>Natural Resource Buffers (min)</b>	(Sec. 5.1.1.)
Rivers	150'
Streams	50'
Natural lakes or ponds	50'
Wetland	30'
<b>Irrigation Ditch Setback (min)</b> (7.7.4.D.)	
Irrigation ditch	15'
<b>Wild Animal Feeding</b> (Sec. 5.1.3.)	
Wild animal feeding prohibited	
<b>Natural Resource Overlay (NRO) Standards</b>	(Sec. 5.2.1.)
<b>Bear Conflict Area Standards</b>	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	
<b>8. Scenic Standards</b>	
<b>Exterior Lighting</b>	(Sec. 5.3.1.)
Total cut off angle (max)	90°
Illumination in footcandles	
Residential use	0.50
Nonresidential use	1.00
Height (max)	
Residential use	15'
Nonresidential use	18'
<b>Scenic Resource Overlay (SRO) Standards</b>	(Sec. 5.3.2.)
<b>9. Natural Hazards to Avoid</b>	
<b>Steep Slopes</b>	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
<b>Areas of Unstable Soils</b>	(Sec. 5.4.2.)
<b>Fault Areas</b>	(Sec. 5.4.3.)
<b>Floodplains</b>	(Sec. 5.4.4.)
<b>Wildland Urban Interface</b>	(Sec. 5.4.5.)

<b>10. Signs</b>		(Div. 5.6.)	<b>Sign Height (max)</b>			
<b>Allowable Signage</b>						
Nonresidential uses	1 rustic freestanding or 1 wall sign		Nonresidential	6'		
Residential uses			Residential	4'		
<u>Lot of record</u> < 3 acres	1 unlighted wall sign		Home occupation/business	n/a		
<u>Lot of record</u> ≥ 3 acres	1 unlighted rustic freestanding or 1 unlighted wall sign					
Home occupation/business	1 unlighted wall sign					
<b>Sign Area (max)</b>			<b>11. Grading, Erosion Control, Stormwater</b>			
Nonresidential	12 sf		<b>Grading</b>			
Residential			(Sec. 5.7.2.)			
<u>Lot of record</u> < 3 acres	3 sf		<b>Erosion Control</b>			
<u>Lot of record</u> ≥ 3 acres	4 sf		(Sec. 5.7.3.)			
Home occupation/business	2 sf		Erosion shall be controlled at all times			
<b>12. Required Physical Development Permits</b>			<b>Stormwater Management</b>			
<b>Physical Development</b>		Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	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						
< 3,450 sf				X		(Sec. 5.7.1.)
3,450 to 12,000 sf			X	X		(Sec. 5.7.1.)
> 12,000 sf		X	X	X		(Sec. 5.7.1.)
Sign					X	(Sec. 5.7.1.)

### C. Use Standards

Standards applicable to uses in the NC-TC 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-TC zone. This Subsection is intended to indicate all of the use standards applicable in the NC-TC zone, however, all standards in Article 6. are applicable in the NC-TC 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
Residential					
Detached Single-Family Unit (6.1.4.B.)	Y	0 sf	1 unit per lot	2/DU	n/a
Amusement/Recreation					
Outdoor Recreation (6.1.7.C.)	C	0 sf	n/a	Independent calculation	Independent calculation
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	0 sf	n/a	1/employee + 1/stored vehicle	Independent calculation
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	Independent calculation
Accessory Uses					
Accessory Residential Unit (E.3.) (6.1.11.B.)	B	0 sf	1 per du	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/DU	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					
Temporary Shelter (6.1.12.D.)	B	0 sf	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing (6.1.12.E.)	B	0 sf	n/a	1/employee	exempt
Helicopter Tree Removal (6.1.12.G.)	B	0 sf	n/a	n/a	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

#### 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 + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
Accessory residential unit	1,000 sf gross

### 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.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

## D. Development Options

Standards applicable to development options and subdivision in the NC-TC 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-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the NC-TC zone, however, all standards in Article 7. are applicable in the NC-TC 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							(E.4.)
Hillside lands with slopes $\geq$ 10%	n/a	(E.5.)	(E.5.)	n/a	determined by physical development		(E.5.)
RA-20 Zone	n/a	20 ac	n/a	n/a	determined by physical development		
RA-10 Zone	n/a	10 ac	n/a	n/a	determined by physical development		
RA-7.5 Zone	n/a	7.5 ac	n/a	n/a	determined by physical development		
RA-6 Zone	n/a	6 ac	n/a	n/a	determined by physical development		
RA-6/3 (variable) Zone							(E.6.)
Groundwater within 3'	n/a	6 ac	n/a	n/a	determined by physical development		
Groundwater deeper than 3'	n/a	3 ac	n/a	n/a	determined by physical development		
RA-5 Zone	n/a	5 ac	n/a	n/a	determined by physical development		
RA-3 Zone	n/a	3 ac	n/a	n/a	determined by physical development		
Exceptions							

Within the boundaries of the Teton Village Planned Resort the minimum lot size shall be as platted on May 9, 1994.

## 2. Residential Subdivision Requirements

Affordable Housing	(Div. 7.4.)
Required Affordable Housing	25% of new units
Schools and Parks Exactions	(Div. 7.5.)
Development Exaction	0.03 acres of land per housing unit or lot

### 3. Infrastructure

Transportation Facilities		(E.7.) (Div. 7.6.)
Access		required
Right-of-way for a Minor Local Road (min)		60'
Travel lane width for a Minor Local Road (min)		10'
Road and driveway design	also subject to Fire Protection Resolution	
Required Utilities		(Div. 7.7.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required	
Sewer		
Connection to a public sanitary sewer required	within 500'	
Small Wastewater Facility (septic) approval required	otherwise	

### 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.)
Any Subdivision				X	
≤ 10 units			X		X
> 10 units		X	X		X

## E. Additional Zone-specific Standards

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

1. **Maximum Floor Area.** The maximum floor area of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below. Basements are excluded from maximum floor area calculations. Maximum Scale of Development Standards still apply.

BSA	Maximum Floor Area (sf)
≤ 0.11 ac	(BSA)(0.43)(43,560)
0.11-0.172 ac	(BSA-0.11)(0.2833)(43,560)+2,060
0.172-0.5 ac	(BSA-0.172)(0.124)(43,560)+2,825
>0.5 ac	(BSA-0.5)(0.032)(43,560)+4,596

- a. **Specially Named Subdivisions.** In the following named subdivisions, the result of the above calculation shall be further multiplied by the factor identified below to determine the maximum floor area.

Subdivision	Multiplier
Bar B Bar Meadows PUD (lots < 10 ac)	1.05
Crescent H Ranch PUD	1.4
Eagle Southfork PUD	1.35
Ellen Creek	1.35
Forest Edge	1.35
Indian Springs Ranch (lots < 10 ac)	1.1
Jackson Hole Golf and Tennis Club	1.15
Lake Creek Acres II	1.42
Lake Creek Ranch	1.1
R-G	1.36
River Meadows 1st and 3rd Filings	1.6
NC-TVSF	1.4
Block S Ranch	1.37
Melody Ranch	see PUD
Spring Creek Ranch	see PUD
Teton Pines (JH Racquet Club Resort)	see PUD

2. **Maximum Site Development.** The maximum site development of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below.

a. **Exemptions.** The following shall be exempt from the calculation of maximum site development.

- i. Public and neighborhood pathways, flood control levees, ponds, and
- ii. Outdoor riding arenas on properties 6 acres or larger. In order to be exempt from maximum site development calculations the riding arena shall be an uncovered area no larger than 160 feet by 200 feet that is constructed of natural materials. Outdoor riding arenas may not have bleachers, and must be constructed of wood fencing or livestock panels no higher than 52 inches. Outdoor riding arenas shall have 12 foot wide gates at 2 ends that must remain open to allow for wildlife movement when the arena is not in use.

## b. Formula

ASA	Maximum Floor Area (sf)
≤ 0.1 ac	(ASA)(0.6)(43,560)
0.1-0.5 ac	(ASA-0.1)(0.31)(43,560)+2,614
0.5-3 ac	(ASA-0.5)(0.11)(43,560)+8,015
3-35 ac	(ASA-3)(0.040344)(43,560)+19,994
> 35 ac	(ASA)(0.05)(43,560)

c. **Specially Named Subdivisions.** In the following named subdivisions, the result of the above calculation shall be further multiplied by the factor identified below to determine the maximum site development.

Subdivision	Multiplier
Bar B Bar Meadows PUD	1.17
Crescent H Ranch PUD	1.17
Eagle Southfork PUD	1.39
Ellen Creek	1.23
Forest Edge	1.39
Indian Springs Ranch Hillside Lots	1.23
Jackson Hole Golf and Tennis Club	1.17
Lake Creek Acres II	1.34
Lake Creek Ranch	1.19
R-G	1.34
River Meadows 1st and 3rd Filings	1.5
NC-TVSF	1.44
Block S Ranch	1.40
Melody Ranch	see PUD
Spring Creek Ranch	see PUD
Teton Pines (JH Racquet Club Resort)	see PUD

3. **Accessory Residential Units.** Accessory residential units are only allowed in association with a primary residential use.

## 4. Subdivision

a. **Combination to Increase Density.** [Lots of record](#) may not be combined with other [lots of record](#) for the purpose of subdividing to increase density. However, subdivision for other purposes where overall existing densities are retained or reduced shall be permitted.

- b. **Double or Reverse Frontage.** Double or reverse frontage lots or buildings shall be prohibited, except where necessary to limit vehicular access to arterial roads or highways; or to provide separation of development from through traffic; or to overcome specific disadvantages of topography or other natural features of the site.

5. **Subdivision of Hillsides.** Lands having slopes of 10% or greater shall use the following procedure to calculate the maximum density allowable.

- a. Prepare a contour map at a vertical interval of not more than 5 feet, or not more than 10 feet where the natural slope exceeds 15%. The map shall be certified as complying with the following standard of the United States National Map Accuracy standard, revised June 17, 1947, by the registered land surveyor or registered engineer presenting or preparing the map: "Vertical accuracy, as applied to contour maps on all publication scales, shall be such that not more than 10% of the elevations tested shall be in error more than one-half the contour interval. In checking elevations taken from the map, the apparent vertical error may be decreased by assuming a horizontal displacement within the permissible horizontal error for a map of that scale."
- b. From the contour map, prepare a slope map using the following slope classifications:

Slope Range	Land Use Classification
0% - 10%	RA-3
10% - 15%	RA-5 and RA 7.5
15% - 30%	RA-10
30% and greater	RA-20

- c. From the slope map, measure the acreage in each slope range and divide by the minimum lot size of the corresponding land use classification (RA-3, RA-5, RA-7.5, RA-10, RA-20) to establish the density allowed for each slope range. The base density allowed for a lot of record shall be the sum of the number of dwelling units allowed for the slope ranges.

**EXAMPLE:** Assuming there are 100 acres to be subdivided, the formula for ascertaining maximum density in each classification would be as follows:

15 acres RA-3 = 15 divided by 3 = 5 dwelling units  
 10 acres RA-5 = 10 divided by 5 = 2 dwelling units  
 15 acres RA-7.5= 15 divided by 7.5= 2 dwelling units  
 20 acres RA-10 = 20 divided by 10 = 2 dwelling units  
 40 acres RA-20 = 40 divided by 20 = 2 dwelling units

- d. The total number of proposed lots shall not exceed the base density allowable based on the slope map information.
- e. A lot in a proposed subdivision shall contain at least 0.8 of a dwelling unit according to the slope analysis; the overall number of subdivision lots, however, shall not exceed the total number of dwelling units for the entire lot of record upon which the subdivision is proposed.

6. **RA 6/3 Minimum Lot Size.** All groundwater testing to determine the minimum lot size shall be performed during high groundwater season. Notwithstanding the results of groundwater testing, an amendment of the Official Zoning Map pursuant to Sec. 8.7.2. shall be required prior to the approval of a lot size of less than 6 acres.

7. **Access to Lots.** 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 commonly owned easement.

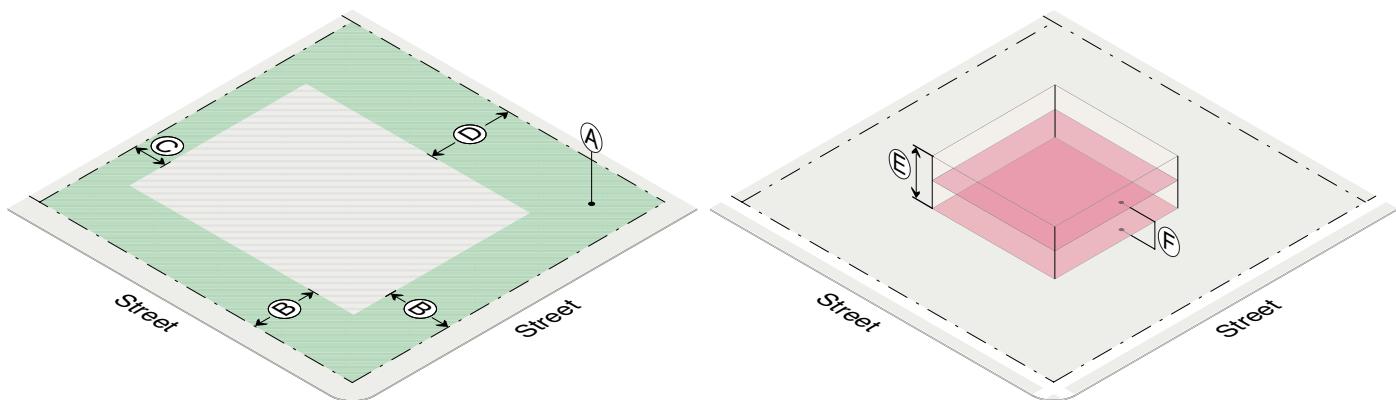
### 3.3.4. Suburban - County (S-TC) Zone

#### A. Intent

The purpose of the Suburban - County (S-TC) zone is to provide for places with enough open space and sufficient lot size to provide a moderate 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 intent is to provide for low to moderate density residential development with a range of residential uses, and uses associated with residential uses.

#### B. Physical Development

Standards applicable to physical development in the S-TC 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-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the S-TC zone, however, all standards in Article 5. are applicable in the S-TC zone, unless stated otherwise.



#### 1. Structure Location and Mass

	A	B	C	D	E	F
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
Agriculture	.95	25'	15'	40'	40'	.007
Any Residential use	.60	25'	15'	40'	24'	.35
Other principal use	.60	25'	15'	40'	24'	.30
Accessory use	See standards for primary use with which associated					
Temporary use	n/a	25'	15'	40'	24'	n/a
Individual lot within a PRD	Standards established through PRD approval					

#### Exceptions

Front Yard Projections. Covered and uncovered decks, porches, and balconies may encroach into a front yard by not more than 6 feet.

Residential Side/Rear Yard Projections. 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.

<b>2. Maximum Scale of Development</b>		<b>7. Environmental Standards</b>	
<b>Individual Building (max gross FA)</b>		<b>Natural Resource Buffers (min)</b> <span style="float: right;">(Sec. 5.1.1.)</span>	
Part of single-family unit	10,000 sf	Rivers	150'
<b>3. Building Design</b>		Streams	50' or edge of riparian plant community up to 150'
<b>Residential Building Materials</b>		Natural lakes or ponds	50' or edge of riparian plant community up to 150'
External surfaces shall be non-reflective		Wetland	30'
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt		<b>Irrigation Ditch Setback (min)</b> <span style="float: right;">(7.7.4.D.)</span>	
<b>4. Site Development</b>		Irrigation ditch	15'
<b>Site Development Setbacks (min)</b>		<b>Wild Animal Feeding</b> <span style="float: right;">(Sec. 5.1.3.)</span>	
Side/Rear	1/2 the structure setback	Wild animal feeding prohibited	
Front		<b>Natural Resource Overlay (NRO) Standards</b> <span style="float: right;">(Sec. 5.2.1.)</span>	
40% of lineal lot frontage	1/2 the structure setback	<b>Bear Conflict Area Standards</b> <span style="float: right;">(Sec. 5.2.2.)</span>	
60% of lineal lot frontage	structure setback	Bear proof trash required in Conflict Priority Area 1	
<b>Exemptions</b>		<b>8. Scenic Standards</b>	
Driveways providing access across street yards; and shared parking and driveways		<b>Exterior Lighting</b> <span style="float: right;">(Sec. 5.3.1.)</span>	
<b>5. Landscaping</b> <span style="float: right;">(Div. 5.5.)</span>		Total cut off angle (max)	90°
<b>Plant Units (min)</b>		Illumination in footcandles	
Residential	1 per du	Residential use	1.00
Nonresidential	1 per 1,000 sf of landscape area	Residential use in NRO	0.50
Parking lot		Nonresidential use	1.50
Residential	1 per 12 parking spaces	Height (max)	
All other uses	1 per 8 parking spaces	Residential use	15'
<b>6. Fencing</b> <span style="float: right;">(Sec. 5.1.2.)</span>		Nonresidential use	18'
<b>Wildlife Friendly Fencing</b>		<b>Scenic Resource Overlay (SRO) Standards</b> <span style="float: right;">(Sec. 5.3.2.)</span>	
<b>Special Purpose Fencing Height (max)</b>		<b>9. Natural Hazards to Avoid</b>	
In street yard	4'	<b>Steep Slopes</b> <span style="float: right;">(Sec. 5.4.1.)</span>	
In side or rear yard	6'	Development prohibited	Slopes > 25%
<b>Special Purpose Fencing Setback</b>		<b>Areas of Unstable Soils</b> <span style="float: right;">(Sec. 5.4.2.)</span>	
Any yard	0'	<b>Fault Areas</b> <span style="float: right;">(Sec. 5.4.3.)</span>	
		<b>Floodplains</b> <span style="float: right;">(Sec. 5.4.4.)</span>	
		<b>Wildland Urban Interface</b> <span style="float: right;">(Sec. 5.4.5.)</span>	

10. Signs		(Div. 5.6.)
<b>Allowable Signage</b>		
Nonresidential uses	1 rustic freestanding or 1 wall sign	
Residential uses		
<u>Lot of record</u> < 3 acres	1 unlighted wall sign	
<u>Lot of record</u> ≥ 3 acres	1 unlighted rustic freestanding or 1 unlighted wall sign	
Home occupation/business	1 unlighted wall sign	
<b>Sign Area (max)</b>		
Nonresidential	12 sf	
Residential		
<u>Lot of record</u> < 3 acres	3 sf	
<u>Lot of record</u> ≥ 3 acres	4 sf	
Home occupation/business	2 sf	

Sign Height (max)	
Nonresidential	6'
Residential	4'
Home occupation/business	n/a
11. Grading, Erosion Control, Stormwater	
<b>Grading</b>	(Sec. 5.7.2.)
<b>Erosion Control</b>	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
<b>Stormwater Management</b>	(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.)	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					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

### C. Use Standards

Standards applicable to uses in the S-TC 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-TC zone. This Subsection is intended to indicate all of the use standards applicable in the S-TC zone, however, all standards in [Article 6](#) are applicable in the S-TC 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	<a href="#">0 sf</a>	<a href="#">n/a</a>	n/a	exempt
Residential					
Detached Single-Family Unit (6.1.4.B.)	Y	<a href="#">0 sf</a>	1 unit per lot	2/DU	n/a
Dormitory (E.1.) (6.1.4.F.)	C	80,000 sf	15 rooms per acre	1/bed	n/a
Group Home (E.1.) (6.1.4.G.)	C	80,000 sf	15 rooms per acre	0.5/bed	n/a
Amusement/Recreation					
Outdoor Recreation (6.1.7.C.)	C	80,000 sf	<a href="#">n/a</a>	independent calculation	independent calculation
Outfitter/Tour Operator (6.1.7.E.)	C	80,000 sf	<a href="#">n/a</a>	independent calculation	independent calculation
Institutional					
Assembly (E.1.) (6.1.8.B.)	C	80,000 sf	<a href="#">n/a</a>	independent calculation	exempt
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	80,000 sf	<a href="#">n/a</a>	1/employee + 1/stored vehicle	independent calculation
Wireless Communication Facilities (6.1.10.D.)	<a href="#">6.1.10.D.</a>	80,000 sf	<a href="#">n/a</a>	1/employee + 1/stored vehicle	independent calculation
Accessory Uses					
Home Occupation (6.1.11.D.)	B	<a href="#">0 sf</a>	<a href="#">n/a</a>	n/a	exempt
Home Business (6.1.11.E.)	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/DU	exempt
<a href="#">Family Home Daycare</a> (6.1.11.F.)	<a href="#">B</a>	<a href="#">0 sf</a>	<a href="#">n/a</a>	<a href="#">1/employee + 1 off-street pick-up/drop-off</a>	<a href="#">exempt</a>
<a href="#">Home Daycare Center</a> (6.1.11.G.)	<a href="#">C</a>	<a href="#">0 sf</a>	<a href="#">n/a</a>	<a href="#">1/employee + 2 off-street pick-up/drop-off</a>	<a href="#">exempt</a>

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.)
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.E.)	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	
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 + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
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.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

## 3.3.4. Suburban - County (S-TC) Zone

## D. Development Options

Standards applicable to development options and subdivision in the S-TC 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-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the S-TC zone, however, all standards in Article 7. are applicable in the S-TC 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	12,000 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							
Planned Residential Development (PRD)							(Sec. 7.1.2.)
Planned Residential I	80,000 sf	n/a	3.64 du/ac	25%	0.35	24	
Planned Residential II	80,000 sf	n/a	4.0 du/ac	35%	0.35	24	
2. Residential Subdivision Requirements							
Affordable Housing							(Div. 7.4.)
Required Affordable Housing							25% of new units
Schools and Parks Exactions							
Development Exaction							0.03 acres of land per housing unit or lot
3. Infrastructure							
Transportation Facilities							(Div. 7.6.)
Access							required
Right-of-way for a Minor Local Road (min)							60'
Travel lane width for a Minor Local Road (min)							10'
Road and driveway design							also subject to Fire Protection Resolution
Required Utilities							
Water							Connection to public supply, installation of central supply, or evidence of individual well required
Sewer							
Connection to a public sanitary sewer required							within 500'
Small Wastewater Facility (septic) approval required							otherwise

#### 4. Required Subdivision and Development Option Permits

Option	<u>Planned Unit Development</u> (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.)
Any Subdivision					
≤ 10 units			X		X
> 10 units		X	X		X
Non-subdivision PRD					
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 S-TC zone.

- 1. Dormitory, Group Home, and Assembly Use.** Structures containing dormitory, group home, and assembly uses shall be set back 300 feet from all property lines, except property lines that are internal to a development that contains other uses in addition to the dormitory, group home, or assembly use.

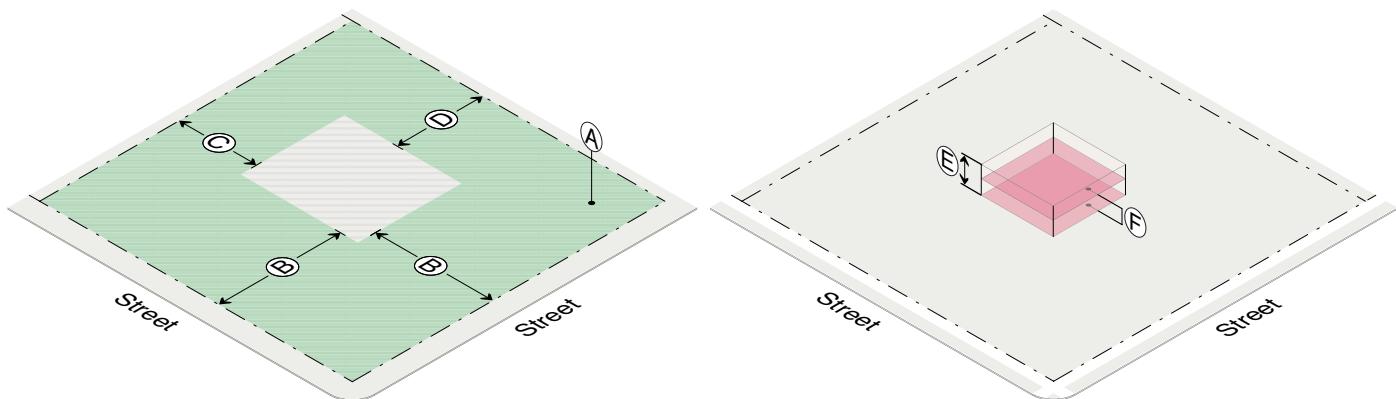
### 3.3.5. Rural - County (R-TC) Zone

#### A. Intent

The purpose of the Rural - County (R-TC) Zone is to provide lands for the continuation of agriculture, as well as compatible related uses, and to preserve rural character by encouraging forms of development that protect large tracts of agricultural land and natural and scenic areas.

#### B. Physical Development

Standards applicable to physical development in the R-TC 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-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the R-TC zone, however, all standards in Article 5. are applicable in the R-TC zone, unless stated otherwise.



#### 1. Structure Location and Mass

	(A) LSR (min)	(B) Street Setback (min)	(C) Side Setback (min)	(D) Rear Setback (min)	(E) Height (max)	(F) FAR (max)
Golf course	.90	50'	30'	40'	35'	.007
Detached single-family unit						
<u>Lot of record</u> < 1 ac.	E.2.	25'	10'	25'	30'	E.1.
<u>Lot of record</u> ≥ 1 ac.	E.2.	50'	30'	40'	30'	E.1.
Other principal use	.95	50'	30'	40'	35'	.007
Accessory use		See standards for primary use with which associated				
Temporary use	n/a	50'	30'	40'	30'	n/a
Individual lot within a PRD		Standards established through PRD approval				

#### Exceptions

Residential Side/Rear Yard Projections. 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.

FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site

<b>2. Maximum Scale of Development</b>	
<b>Individual Building (gross floor area, max)</b>	
Part of single-family unit	10,000 sf
<b>3. Building Design</b>	
<b>Residential Building Materials</b>	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
<b>4. Site Development</b>	
<b>Site Development Setbacks (min)</b>	
Side/Rear	1/2 the structure setback
Front	
40% of lineal lot frontage	1/2 the structure setback
60% of lineal lot frontage	structure setback
<b>Exemptions</b>	
Driveways providing access across a street yard; and shared parking and driveways	
<b>5. Landscaping</b> (Div. 5.5.)	
<b>Plant Units (min)</b>	
Residential	1 per du
Nonresidential	1 per 1,000 sf of gross floor area
Parking lot	
Agriculture	exempt
All other uses	1 per 8 parking spaces
<b>6. Fencing</b> (Sec. 5.1.2.)	
<b>Wildlife Friendly Fencing</b>	
<b>Special Purpose Fencing Height (max)</b>	
In street yard	4'
In side or rear yard	6'
<b>Special Purpose Fencing Setback</b>	
Any yard	0'

<b>7. Environmental Standards</b>	
<b>Natural Resource Buffers (min)</b>	(Sec. 5.1.1.)
Rivers	150'
Streams	50' or edge of riparian plant community up to 150'
Natural lakes or ponds	50' or edge of riparian plant community up to 150'
Wetland	30'
<b>Irrigation Ditch Setback (min)</b> (7.7.4.D.)	
Irrigation ditch	15'
<b>Wild Animal Feeding</b>	(Sec. 5.1.3.)
Wild animal feeding prohibited	
<b>Natural Resource Overlay (NRO) Standards</b> (Sec. 5.2.1.)	
<b>Bear Conflict Area Standards</b>	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	
<b>8. Scenic Standards</b>	
<b>Exterior Lighting</b>	(Sec. 5.3.1.)
Total cut off angle (max)	90°
Illumination in footcandles	
Residential use	0.50
Nonresidential use	1.00
Height (max)	
Residential use	15'
Nonresidential use	18'
<b>Scenic Resource Overlay (SRO) Standards</b> (Sec. 5.3.2.)	
<b>9. Natural Hazards to Avoid</b>	
<b>Steep Slopes</b>	(Sec. 5.4.1.)
Development prohibited	Slopes > 25%
<b>Areas of Unstable Soils</b>	(Sec. 5.4.2.)
<b>Fault Areas</b>	(Sec. 5.4.3.)
<b>Floodplains</b>	(Sec. 5.4.4.)
<b>Wildland Urban Interface</b>	(Sec. 5.4.5.)

<b>10. Signs</b>		(Div. 5.6.)
<b>Allowable Signage</b>		
Nonresidential uses	1 rustic freestanding sign	
Residential uses	1 unlighted rustic freestanding sign or 1 unlighted wall sign	
Home occupation/business	1 unlighted wall sign	
<b>Sign Area (max)</b>		
Nonresidential	16 sf	
Residential	4 sf identifying owner and/or name of property	
Home occupation/business	2 sf	

<b>Sign Height (max)</b>	
Nonresidential	10'
Residential	4'
Home occupation/business	n/a
<b>11. Grading, Erosion Control, Stormwater</b>	
<b>Grading</b>	(Sec. 5.7.2.)
<b>Erosion Control</b>	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
<b>Stormwater Management</b>	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

<b>12. Required Physical Development Permits</b>					
<b>Physical Development</b>	<b>Sketch Plan (Sec. 8.3.1.)</b>	<b>Development Plan (Sec. 8.3.2.)</b>	<b>Building Permit (Sec. 8.3.3.)</b>	<b>Sign Permit (Sec. 8.3.5.)</b>	<b>Grading Permit (Sec. 8.3.4.)</b>
Dwelling Unit					
< 5 units			X	X	(Sec. 5.7.1.)
5 - 10 units		X	X	X	(Sec. 5.7.1.)
> 10 units	X	X	X	X	(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X	X	(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X	X	(Sec. 5.7.1.)
> 12,000 sf	X	X	X	X	(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

### C. Use Standards

Standards applicable to uses in the R-TC 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-TC zone. This Subsection is intended to indicate all of the use standards applicable in the R-TC zone, however, all standards in [Article 6](#) are applicable in the R-TC 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 ( <a href="#">6.1.3.B.</a> )	Y	<a href="#">0 ac</a>	n/a	n/a	exempt
Downhill Ski Area ( <a href="#">6.1.3.C.</a> )	C	35 ac	<a href="#">n/a</a>	1/7 carrying capacity +1/2 employees	independent calculation
Golf Courses ( <a href="#">6.1.3.D.</a> )	C	35 ac	<a href="#">n/a</a>	3/hole + as required for incidental uses	independent calculation
Dude/Guest Ranch ( <a href="#">6.1.3.E.</a> )	C	35 ac	<a href="#">6.1.3.E.</a>	1/LU	0.82/guest
Residential					
Detached Single-Family Unit ( <a href="#">6.1.4.B.</a> )	Y	<a href="#">0 ac</a>	1 unit per lot	2/DU	n/a
Dormitory ( <a href="#">E.3.</a> ) ( <a href="#">6.1.4.F.</a> )	C	35 ac	7 rooms per acre	1/bed	n/a
Group Home ( <a href="#">E.3.</a> ) ( <a href="#">6.1.4.G.</a> )	C	35 ac	7 rooms per acre	0.5/bed	n/a
Lodging					
Campground ( <a href="#">6.1.5.D.</a> )	C	35 ac	15 sites per acre	1/campsite + 1/7.5 campsites	0.58/1,000 sf of commercial floor area + 1.75 per ac
Commercial					
Nursery ( <a href="#">6.1.6.H.</a> )	C	35 ac	<a href="#">n/a</a>	2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee	0.37/1,000 sf + 1.51/ac
Amusement/Recreation					
Outdoor Recreation ( <a href="#">6.1.7.C.</a> )	C	35 ac	<a href="#">n/a</a>	independent calculation	independent calculation
Outfitter/Tour Operator ( <a href="#">6.1.7.E.</a> )	C	35 ac	<a href="#">n/a</a>	independent calculation	independent calculation
Balloon Operation ( <a href="#">6.1.7.F.</a> )	C	35 ac	<a href="#">n/a</a>	independent calculation	independent calculation
Institutional					
Assembly ( <a href="#">E.3.</a> ) ( <a href="#">6.1.8.B.</a> )	C	35 ac	<a href="#">n/a</a>	independent calculation	exempt
Daycare/Education ( <a href="#">6.1.8.C.</a> )	C	35 ac	<a href="#">n/a</a>	independent calculation	exempt

Y=Use allowed, no permit required B=Basic Use Permit ([Sec. 8.4.1.](#))

C=Conditional Use Permit ([Sec. 8.4.2.](#)) S=Special Use Permit ([Sec. 8.4.3.](#))

## 3.3.5. Rural - County (R-TC) Zone

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.)
Industrial					
Gravel Extraction and Processing (6.1.9.F.)	S	35 ac	n/a	1/employee	0.03/1,000 sf
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	35 ac	n/a	1/employee + 1/stored vehicle	independent calculation
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	35 ac	n/a	1/employee + 1/stored vehicle	independent calculation
Heliport (6.1.10.E.)	C	35 ac	n/a	7/daily aircraft movement	independent calculation
Landing Strip (6.1.10.G.)	C	35 ac	n/a	7/daily aircraft movement	independent calculation
Accessory Uses					
Accessory Residential Unit (6.1.11.B.)	B	0 ac	1 unit per lot	1.25/DU	n/a
Bed and Breakfast (6.1.11.C.)	C	70 ac	n/a	0.75/LU	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/DU	exempt
Family Home Daycare (6.1.11.F.)	B	0 ac	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	0 ac	n/a	1/employee + 2 off-street pick-up/drop-off	exempt
Ag Employee Housing (6.1.11.I.)	B	70 ac	1 unit per 35 acres	2/DU	exempt
Cottage Industry (6.1.11.J.)	C	70 ac	n/a	1/employee + 1/company vehicle	exempt
Receptions/Events (6.1.11.K.)	C	70 ac	n/a	1/3 attendees	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 ac	n/a	1/1,000 sf outdoor display area + 1/employee	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
Farm Stand (6.1.12.E.)	B	0 ac	n/a	5/1,000 sf display area	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 ac	n/a	1/employee	exempt
Helicopter Tree Removal (6.1.12.G.)	B	0 ac	n/a	n/a	exempt

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

C=Conditional Use Permit (Sec. 8.4.2.) S=Special Use Permit (Sec. 8.4.3.)

### 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 + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
Accessory residential unit	
Primary use residential	1,000 sf gross
Primary use nonresidential	850 sf habitable

### 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.)

#### Heat and Humidity

(Sec. 6.4.7.)

#### Radioactivity

(Sec. 6.4.8.)

## D. Development Options

Standards applicable to development options and subdivision in the R-TC 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-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the R-TC zone, however, all standards in Article 7. are applicable in the R-TC 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	35 ac	n/a	n/a	<u>determined by physical development</u>		(Sec. 7.2.3.)
Allowed Development Options							
Planned Residential Development (PRD)							(Sec. 7.1.2.)
1 per 35	35 ac	n/a	.029 du/ac	50%	<u>determined by physical development</u>		
2 per 35 east of Tetons	121 ac	n/a	.057 du/ac	50%	<u>determined by physical development</u>		
2 per 35 west of Tetons	70 ac	n/a	.057 du/ac	50%	<u>determined by physical development</u>		
3 per 35	23.33 ac	n/a	.086 du/ac	70%	<u>determined by physical development</u>		
6 per 35 east of Tetons	121 ac	n/a	.171 du/ac	70%	<u>determined by physical development</u>		
6 per 35 west of Tetons	70 ac	n/a	.171 du/ac	70%	<u>determined by physical development</u>		
9 per 35	360 ac	n/a	.257 du/ac	85%	<u>determined by physical development</u>		
2. Residential Subdivision Requirements							
Affordable Housing							(Div. 7.4.)
Required Affordable Housing							25% of new units
Schools and Parks Exactions							(Div. 7.5.)
Development Exaction							0.03 acres of land per housing unit or lot
3. Infrastructure							
Transportation Facilities							(Div. 7.6.)
Access							required
Right-of-way for a Minor Local Road (min)							60'
Travel lane width for a Minor Local Road (min)							10'
Road and driveway design							also subject to Fire Protection Resolution
Required Utilities							
Water	Connection to public supply, installation of central supply, or evidence of individual well required						
Sewer	Connection to a public sanitary sewer required						
	within 500'						
Small Wastewater Facility (septic) approval required	otherwise						

#### 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.)
Any Subdivision					
≤ 10 units			X		X
> 10 units		X	X		X
Non-subdivision PRD					
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 R-TC zone.

1. **Maximum Floor Area.** The maximum floor area of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below. Basements are excluded from maximum floor area calculations. Maximum Scale of Development standards still apply.

BSA	Maximum Floor Area (sf)
≤ 0.11 ac	(BSA)(0.43)(43,560)
0.11-0.172 ac	(BSA-0.11)(0.2833)(43,560)+2,060
0.172-0.5 ac	(BSA-0.172)(0.124)(43,560)+2,825
>0.5 ac	(BSA-0.5)(0.032)(43,560)+4,596

- a. **Specially Named Subdivisions.** In the following named subdivisions, the result of the above calculation shall be further multiplied by the factor identified below to determine the maximum floor area.

Subdivision	Multiplier
3 Creek Ranch	see FDP
PRDs	see FDP

2. **Maximum Site Development.** The maximum site development of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below.

- a. **Exemptions.** The following shall be exempt from the calculation of maximum site development.
  - i. Public and neighborhood pathways, flood control levees, ponds, and

## 3.3.5. Rural - County (R-TC) Zone

- ii. Outdoor riding arenas on properties 6 acres or larger. In order to be exempt from maximum site development calculations the riding arena shall be located outside the NRO and shall be an uncovered area no larger than 160 feet by 200 feet that is constructed of natural materials. Outdoor riding arenas may not have bleachers, and must be constructed of wood fencing or livestock panels no higher than 52 inches. Outdoor riding arenas shall have 12 foot wide gates at 2 ends that must remain open to allow for wildlife movement when the arena is not in use.

## b. Formula

ASA	Maximum Floor Area (sf)
≤ 0.1 ac	(ASA)(0.6)(43,560)
0.1-0.5 ac	(ASA-0.1)(0.31)(43,560)+2,614
0.5-3 ac	(ASA-0.5)(0.11)(43,560)+8,015
3-35 ac	(ASA-3)(0.040344)(43,560)+19,994
> 35 ac	(ASA)(0.05)(43,560)

- c. **Specially Named Subdivisions.** In the following named subdivisions, the result of the above calculation shall be further multiplied by the factor identified below to determine the maximum site development.

Subdivision	Multiplier
3 Creek Ranch	see FDP
PRDs	see FDP

- 3. **Dormitory, Group Home, and Assembly Use.** Structures containing dormitory, group home, and assembly uses shall be set back 300 feet from all property lines, except property lines that are internal to a development that contains other uses in addition to the dormitory, group home, or assembly use.

# Article 4. Special Purpose Zones

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## Div. 4.1. All Special Purpose Zones

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.

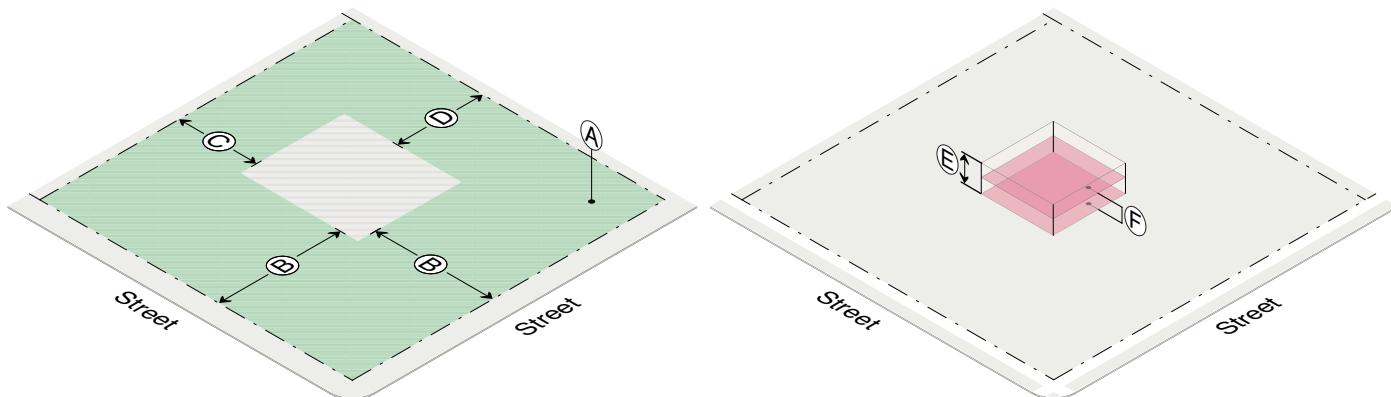
## 4.2.1. Public/Semi-Public - County (P/SP-TC) Zone

### A. Intent

The purpose of the Public/Semi-Public - County (P/SP-TC) zone is to provide locations for new and existing uses and facilities of a public or semi-public nature. Land in the P/SP-TC zone and/or facilities operated therein shall be under the control of federal, state, or local governments, or other governmental entities such as a school district or hospital district.

### B. Physical Development

Standards applicable to physical development in the P/SP-TC 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-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the P/SP-TC zone, however, all standards in Article 5 are applicable in the P/SP-TC zone, unless stated otherwise.



#### 1. Structure Location and Mass

	(A)	(B)	(C)	(D)	(E)	(F)
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
Allowed use	n/a	n/a	n/a	n/a	n/a	n/a

<b>2. Maximum Scale of Development</b>	
not applicable	
<b>3. Building Design</b>	
not applicable	
<b>4. Site Development</b>	
not applicable	
<b>5. Landscaping</b>	(Div. 5.5.)
not applicable	
<b>6. Fencing</b>	
Wildlife Friendly Fencing	(Sec. 5.1.2.)
<b>7. Environmental Standards</b>	
Natural Resource Buffers (min)	(Sec. 5.1.1.)
Rivers	150'
Streams	50' or edge of riparian plant community up to 150'
Natural lakes or ponds	50' or edge of riparian plant community up to 150'
Wetland	30'
<b>Irrigation Ditch Setback (min)</b>	(7.7.4.D.)
Irrigation ditch	15'
<b>Wild Animal Feeding</b>	
Wild animal feeding prohibited	
<b>Natural Resource Overlay (NRO) Standards</b>	(Sec. 5.2.1.)
<b>Bear Conflict Area Standards</b>	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	
<b>8. Scenic Standards</b>	
<b>Exterior Lighting</b>	(Sec. 5.3.1.)
Total cut off angle (max)	90°
Illumination in footcandles	
Residential use	0.50
Nonresidential use	1.50
Nonresidential use in NRO	1.00
Height (max)	
Residential use	15'
Nonresidential use	18'
<b>Scenic Resource Overlay (SRO) Standards</b>	(Sec. 5.3.2.)
<b>9. Natural Hazards to Avoid</b>	
<b>Steep Slopes</b>	(Sec. 5.4.1.)
Development prohibited	Slopes > 25%
<b>Areas of Unstable Soils</b>	(Sec. 5.4.2.)
<b>Fault Areas</b>	(Sec. 5.4.3.)
<b>Floodplains</b>	(Sec. 5.4.4.)
<b>Wildland Urban Interface</b>	(Sec. 5.4.5.)
<b>10. Signs</b>	(Div. 5.6.)
not applicable	
<b>11. Grading, Erosion Control, Stormwater</b>	
<b>Grading</b>	(Sec. 5.7.2.)
<b>Erosion Control</b>	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
<b>Stormwater Management</b>	(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.)	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					
< 3,450 sf				X	(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

## C. Use Standards

Standards applicable to uses in the P/SP-TC 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-TC zone. This Subsection is intended to indicate all of the use standards applicable in the P/SP-TC zone, however, all standards in [Article 6.](#) are applicable in the P/SP-TC 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 ( <a href="#">6.1.3.B.</a> )	Y	<a href="#">0 sf</a>	<a href="#">n/a</a>	n/a	exempt
Golf Courses ( <a href="#">6.1.3.D.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	3/hole + as required for incidental uses	exempt
Residential					
Dormitory ( <a href="#">6.1.4.F.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/bed	exempt
Group Home ( <a href="#">6.1.4.G.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	0.5/bed	exempt
Commercial					
Office ( <a href="#">6.1.6.B.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	3.3/1,000 sf	exempt
Service ( <a href="#">6.1.6.D.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	3/1,000 sf	exempt
Heavy Retail/Service ( <a href="#">6.1.6.F.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	2/1,000 sf + 3/repair bay + 1/wash bay	exempt
Mini-Storage Warehouse ( <a href="#">6.1.6.G.</a> )	C	<a href="#">0 sf</a>	<a href="#">n/a</a>	1/10 storage units + 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.](#))

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.)
Amusement/Recreation					
Outdoor Recreation (6.1.7.C.)	C	0 sf	n/a	independent calculation	exempt
Developed Recreation (6.1.7.D.)	C	0 sf	n/a	4.5/1,000 sf	exempt
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
Junkyard (6.1.9.E.)	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 Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	exempt
Heliport (6.1.10.E.)	C	0 sf	n/a	7/daily aircraft movement	exempt
Airport (6.1.10.F.)	C	0 sf	n/a	7/daily aircraft movement	exempt
Landing Strip (6.1.10.G.)	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
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. Operational Standards****Outside Storage**

(Sec. 6.4.1.)

**Refuse and Recycling**

(Sec. 6.4.2.)

Trash and recycling enclosure required

&gt;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.)

**Heat and Humidity**

(Sec. 6.4.7.)

**Radioactivity**

(Sec. 6.4.8.)

**D. Development Options**

Standards applicable to development options and subdivision in the P/SP-TC 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-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the P/SP-TC zone, however, all standards in Article 7. are applicable in the P/SP-TC 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
<b>Allowed Subdivision Options</b>							
Land Division	n/a	n/a	n/a	n/a	<u>determined by physical development</u>		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	n/a	<u>determined by physical development</u>		(Sec. 7.2.4.)

**2. Residential Subdivision Requirements****Affordable Housing**

(Div. 7.4.)

Required Affordable Housing

25% of new units

**Schools and Parks Exactions**

(Div. 7.5.)

**Development Exaction**

0.03 acres of land per housing unit or lot

**3. Infrastructure**

Transportation Facilities		(Div. 7.6.)
Access		required
Right-of-way for a Minor Local Road (min)		60'
Travel lane width for a Minor Local Road (min)		10'
Road and driveway design	also subject to Fire Protection Resolution	
Required Utilities		(Div. 7.7.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required	
Sewer		
Connection to a public sanitary sewer required	within 500'	
Small Wastewater Facility (septic) approval required	otherwise	

**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.)
Any Subdivision				X	
≤ 10 units				X	
> 10 units		X	X		X

**E. Additional Zone-specific Standards**

[Reserved for future standards]

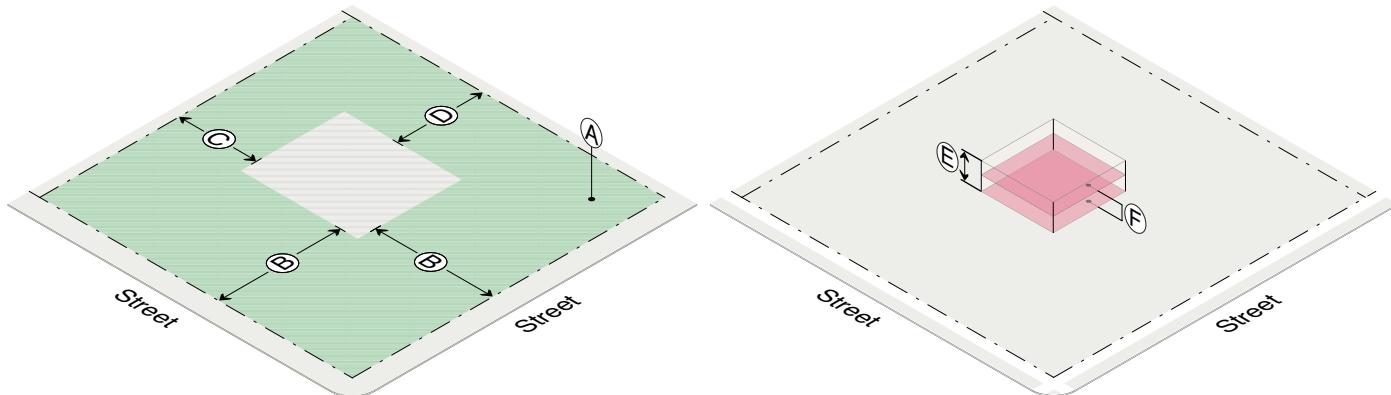
## 4.2.2. Park and Open Space - County (P-TC) Zone

### A. Intent

The purpose of the Park and Open Space - County (P-TC) zone is to designate land which is owned by the County, State or Federal agencies, special districts, or private not-for-profit corporations (as recognized under Section 501(c)(3) of the Internal Revenue Code), and whose primary purpose is to provide public recreational opportunities for residents, tourists and visitors. The P-TC zone provides for active recreational facilities or open space opportunities in these areas.

### B. Physical Development

Standards applicable to physical development in the P-TC 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-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the P-TC zone, however, all standards in [Article 5](#) are applicable in the P-TC zone, unless stated otherwise.



#### 1. Structure Location and Mass

	(A) LSR (min)	(B) Street Setback (min)	(C) Side Setback (min)	(D) Rear Setback (min)	(E) Height (max)	(F) FAR (max)
Accessory residential unit	n/a	50'	30'	40'	30'	n/a
Other use	n/a	n/a	n/a	n/a	n/a	n/a

<b>2. Maximum Scale of Development</b>		
not applicable		
<b>3. Building Design</b>		
<b>Residential Building Materials</b>		
External surfaces shall be nonreflective		
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt		
<b>4. Site Development</b>		
not applicable		
<b>5. Landscaping</b>	(Div. 5.5.)	
not applicable		
<b>6. Fencing</b>		
Wildlife Friendly Fencing	(Sec. 5.1.2.)	
<b>7. Environmental Standards</b>		
<b>Natural Resource Buffers (min)</b>	(Sec. 5.1.1.)	
Rivers	150'	
Streams	50' or edge of riparian plant community up to 150'	
Natural lakes or ponds	50' or edge of riparian plant community up to 150'	
Wetland	30'	
<b>Irrigation Ditch Setback (min)</b>	(7.7.4.D.)	
Irrigation ditch	15'	
<b>Wild Animal Feeding</b>	(Sec. 5.1.3.)	
Wild animal feeding prohibited		
<b>Natural Resource Overlay (NRO) Standards</b>	(Sec. 5.2.1.)	
<b>Bear Conflict Area Standards</b>	(Sec. 5.2.2.)	
Bear proof trash required in Conflict Priority Area 1		
<b>8. Scenic Standards</b>		
<b>Exterior Lighting</b>	(Sec. 5.3.1.)	
Total cut off angle (max)	90°	
Illumination in footcandles		
Residential use	0.50	
Nonresidential use	1.50	
Nonresidential use in NRO	1.00	
Height (max)		
Residential use	15'	
Nonresidential use	18'	
<b>Scenic Resource Overlay (SRO) Standards</b>	(Sec. 5.3.2.)	
<b>9. Natural Hazards to Avoid</b>		
<b>Steep Slopes</b>	(Sec. 5.4.1.)	
Development prohibited	Slopes > 25%	
<b>Areas of Unstable Soils</b>	(Sec. 5.4.2.)	
<b>Fault Areas</b>	(Sec. 5.4.3.)	
<b>Floodplains</b>	(Sec. 5.4.4.)	
<b>Wildland Urban Interface</b>	(Sec. 5.4.5.)	
<b>10. Signs</b>	(Div. 5.6.)	
not applicable		
<b>11. Grading, Erosion Control, Stormwater</b>		
<b>Grading</b>	(Sec. 5.7.2.)	
<b>Erosion Control</b>	(Sec. 5.7.3.)	
Erosion shall be controlled at all times		
<b>Stormwater Management</b>	(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.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit			X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign			X		(Sec. 5.7.1.)

## C. Use Standards

Standards applicable to uses in the P-TC 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-TC zone. This Subsection is intended to indicate all of the use standards applicable in the P-TC zone, however, all standards in [Article 6](#) are applicable in the P-TC 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 ( <a href="#">6.1.3.B.</a> )	Y	<a href="#">0 ac</a>	<a href="#">n/a</a>	n/a	exempt
Downhill Ski Area ( <a href="#">6.1.3.C.</a> )	C	<a href="#">0 ac</a>	<a href="#">n/a</a>	1/7 carrying capacity + 1/2 employees	exempt
Golf Courses ( <a href="#">6.1.3.D.</a> )	C	<a href="#">0 ac</a>	<a href="#">n/a</a>	3/hole + as required for incidental uses	exempt
Amusement/Recreation					
Outdoor Recreation ( <a href="#">6.1.7.C.</a> )	C	<a href="#">0 ac</a>	<a href="#">n/a</a>	independent calculation	exempt
Transportation/Infrastructure					
Utility Facility ( <a href="#">6.1.10.C.</a> )	C	<a href="#">0 ac</a>	<a href="#">n/a</a>	1/employee + 1/stored vehicle	exempt
Wireless Communication Facilities ( <a href="#">6.1.10.D.</a> )	<a href="#">6.1.10.D.</a>	<a href="#">0 ac</a>	<a href="#">n/a</a>	1/employee + 1/stored vehicle	exempt
Accessory Uses					
Accessory Residential Unit ( <a href="#">E.1.</a> ) ( <a href="#">6.1.11.B.</a> )	C	30 ac	1 unit per lot	2/DU	<a href="#">n/a</a>
Home Occupation ( <a href="#">6.1.11.D.</a> )	B	<a href="#">0 ac</a>	<a href="#">n/a</a>	n/a	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.)
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 ac	n/a	1/1,000 sf outdoor display area + 1/employee	exempt
Farm Stand (6.1.12.E.)	B	0 ac	n/a	5/1,000 sf display area	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 ac	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	
Individual Use (floor area) (max)	
Accessory residential unit	
Habitable floor area	1,500 sf
Gross floor area	2,000 sf
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	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

#### D. Development Options

Standards applicable to development options and subdivision in the P-TC 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-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the P-TC zone, however, all standards in Article 7. are applicable in the P -TC 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. 7.2.)

Required Affordable Housing 25% of new units

### Schools and Parks Exactions (Div. 7.5.)

Development Exaction 0.03 acres of land per housing unit or lot

## 3. Infrastructure

### Transportation Facilities (Div. 7.6.)

Access required

Right-of-way for a Minor Local Road (min) 60'

Travel lane width for a Minor Local Road (min) 10'

Road and driveway design also subject to Fire Protection Resolution

### Required Utilities (Div. 7.7.)

Water Connection to public supply, installation of central supply, or evidence of individual well required

Sewer Connection to a public sanitary sewer required within 500'

Small Wastewater Facility (septic) approval required otherwise

## 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.)
Any Subdivision					
≤ 10 units			X		X
> 10 units		X	X		X

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the P-TC zone.

1. **Accessory residential unit.** An ARU is allowed only if a dwelling unit was allowed under the previous zone. Occupancy of the ARU shall be for the sole purpose of providing caretaker quarters.

## 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

#### 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 has 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 a long-standing, beneficial role in the community; and
2. Provide flexibility for planning and developing recreational resort facilities in a creative, efficient and coordinated manner in order to provide quality visitor experiences; and
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; and
4. Permit resort development that contributes to expanding the winter and shoulder economic seasons; and
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; and
6. Ensure resort plans are consistent with the Comprehensive Plan, and therefore, are beneficial to the community; and
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; and
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

The provisions of this Division shall only apply to lands zoned Planned Resort on March 26, 2010. Only those lands described below shall be eligible for Planned Resort zoning. The intent is that a limited number of PR Zones 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 Board of County Commissioners 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.

4.3.1. All Planned Resort Zones

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 E.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 Planned Unit Development 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 Board of County Commissioners 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 County Planning Commission and the Board of County Commissioners shall receive and consider recommendations from the Town Planning Commission and Town Council regarding any Planned Resort master plan application in the County. For the same purpose, The County Planning Commission and Board of County Commissioners shall make recommendations to the Town Planning Commission and Town Council regarding any Planned Resort master plan application within the Town of Jackson.

4.3.1. All Planned Resort Zones

- 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 Town Planning Commission and Town Council to have an opportunity for review and comment of a Planned Resort. The Town'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 and a Certificate of Standards and Conditions shall be prepared and recorded pursuant to the procedures outlined in the Sec. 8.7.3.

6. **Amendment to Official Zoning Map.** Approval of a Planned Resort master plan also shall constitute an amendment to the Official Zoning 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 Zone may apply for an 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. In addition, the Planning Director may approve Minor Amendments to the Standards and Conditions for any Planned Resort in accordance with the standards of that document.
- 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 and all rights that are established by the master plan shall lapse and the County shall amend the Official Zoning Map from the Planned Resort Zone to the zone that existed on the property prior to the Planned Resort master plan approval.
- c. **Extension.** A Planned Resort master plan approval may be extended by the Board of County Commissioners 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 Board of County Commissioners 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 Board of County Commissioners 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 Board 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 Board 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 Board of County Commissioners 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 County Commissioners for regaining compliance with the original phasing plan is presented.

4.3.1. All Planned Resort Zones

- 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 Board of County Commissioners for bringing the resort development into compliance with the standards of this Section.
- iii. **Procedure.** The Board of County Commissioners 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 Board of County Commissioners 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 Map from Planned Resort Zone to the zone 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 Board of County Commissioners 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 zone 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, etc., or other lines delineating areas on which restrictions of development are to be imposed and areas in square feet for each lot or building. Any dimensional limitations unspecified by the Planned Resort master plan shall be established by the standards applicable in the zone that existed on the property prior to the approval of the Planned Resort master plan.
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.
  - 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.

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- 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 and 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;
  - 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 Div. 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 guidelines 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.

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- 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; and
  - 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 TDM 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; and
  - 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.

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- 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. maximum daily peak capacity of existing facilities;
  - ii. current daily peak demand on existing capacity;
  - iii. daily peak capacity available for new development;
  - iv. projected daily peak demand generated by new development in the Planned Resort. When development outside of a resort is reasonably anticipated to utilize the same infrastructure system as the resort, the County Planning Department shall provide the applicant with estimated peak demand;
  - v. 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.
  - vi. 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 Board of County Commissioners to be resort-related amenities;
- v. commercial amusement activities that are detrimental to the outdoor, natural resource character of Teton County shall be prohibited; and
- 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; and
- 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:

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- 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 Board of County Commissioners, 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 County 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.

**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 County, 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 Board of County Commissioners.
  - 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 County 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 Board of County Commissioners.

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; and
- 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

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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.

## G. Increased Density Limited to Affordable or Employee Housing

An amendment to a Planned Resort master plan shall not increase residential density except to provide affordable housing that meets the standards of Div. 7.4. or employee housing that meets the standards of Div. 6.3.

- 1. Employee housing shall be for the benefit of housing persons employed within the boundaries of the resort within which the housing is located. In the event there are no persons directly employed within the resort who qualify to rent the unit, the unit shall be first offered to other qualified households, a member of which is employed within 5 miles of the unit. If there are no such persons then the residential unit may be rented to any person employed within Teton County.

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[Section number reserved, standards only applicable in Town]

### 4.3.3. Teton Village I

#### A. Area Description

Teton Village I is one of 2 Planned Unit Developments that comprise the Teton Village Planned Resort Zone. The Teton Village Planned Resort Zone consists of those lands designated PR-TV on the Official Zoning Map. Area One is composed of that portion of the Village that received approval as a Planned Resort before January 1, 2001, excepting there from those areas removed from Area One by that Official Zoning Map Amendment approved by the Board of County Commissioners on July 7, 2009.

#### B. Master Plan

Area One is governed by the Planned Unit Development-Planned Resort Master Plan titled "Teton Village Master Plan." Throughout this Section, the master plan will be referred to as the Area One Resort Master Plan.

#### C. Character

The character objectives for Teton Village are that it resemble a small urban village with its own sense of place. Important characteristics are:

1. a distinct center, defined both by buildings and activities;
2. a mix of land uses, varying from the tourist-oriented to the resident-oriented;
3. clear edges, defined both by buildings and open spaces, that distinguish the village from the surrounding ranch lands;
4. a continuity in building size, architecture and individual site design;
5. a pedestrian streetscape and pedestrian connections throughout the village;
6. creation of a sense of arrival;
7. a visual transition from the village to neighboring lands;
8. a community; and
9. a destination ski area.

#### D. Size

1. **Lodging.** The total lodging capacity within Area One shall be for no more than 5,240 guests inclusive of the lodging capacity provided by the residential developments approved as of enactment of this Section (Granite Ridge, the Replat of the Second, Third, and Fourth Filings of the Jackson Hole Ski Corporation Addition, and the Sixth, Seventh, Eighth, Ninth-Second Amendment, Tenth and Eleventh Filings of the Jackson Hole Ski Corporation Addition.) These guests shall be allocated to the commercial and residential properties at Teton Village in accordance with the approved Area One Resort Master Plan.

## 4.3.3. Teton Village I

2. **Retail, Office, and Other Commercial Type Uses.** Within Area One, there shall be no more than 208,000 sf of retail/office or other commercial-type uses not including lodging, ski area operations, institutional or public/semipublic type development. This commercial square footage shall be allocated to the commercial lots and tracts in accordance with the approved Teton Village Master Plan.
3. **Institutional, Public and Semipublic Uses.** Twenty-seven thousand (27,000) square feet shall be constructed for development of institutional, public and semipublic uses such as religious institutions, public meeting/theatre space, and visitor's center used for non-retail purposes.
4. **Resort Support Uses.** Resort support uses shall be allowed to the extent permitted in the approved Area One Resort Master Plan, and are defined as facilities that provide amenities or that are utilized to operate the overall resort, and shall not be considered commercial uses.

**E. Skier Visits**

If daily skier visits exceed 9,200 skiers on more than 12 days within a season, for any 3 consecutive years, then evaluation of the Area One Resort Master Plan's remedies, mitigation measures and achievement of performance criteria as specified in the phasing plan shall be performed by the ski area operator and the Planning Director in order to ensure that the increased skier numbers are of no greater impact to the community than the number assumed when the master plan was approved. The results of the evaluation shall be presented to the Planning Commission and Board of County Commissioners. If any failure of the remedies, mitigation measures, or achievement of performance criteria as specified in the phasing plan is found, then the Area One Resort Master Plan shall be reconsidered, pursuant to 4.3.1.E.8.d.

**F. Intensity**

No more than 2.5 floor area ratio shall be permitted on any platted lot within the Jackson Hole Ski Corporation Additions, First Filing-Amended, Fifth Filing, Twelfth Filing, Thirteenth Filing, Fourteenth Filing, or any subsequent replat thereof. The intensity on the remainder of the nonresidentially developable lands, known as Tracts G/H, X/Y, and the maintenance parcel, shall not exceed 1.0 FAR calculated overall, regardless of subsequent subdivision of these lands.

**G. Landscape Surface Area**

The minimum landscape surface area provided within the Planned Resort shall be 25% of the total private land area described in 4.3.3.A., exclusive of the platted residential lands. Notwithstanding, the Board of County Commissioners 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:

1. the landscape surface area creates a quality urban village design and creates public spaces for interaction and public events; and
2. the landscape surface area creates a clear boundary for the resort.

## H. Environmental or Visual Analysis

If land within Teton Village Area One is within the Scenic Resources Overlay, an EA with a visual component or a Visual Resources Analysis dealing with maintenance of the scenic corridor shall be required, pursuant to the standards in Sec. 5.3.2.

## I. Off-site Parking

Parking may be proposed off-site provided the Transportation element demonstrates the off-site parking serves a significant role in the Transportation Demand Management Plan.

## J. Area One Platted Residential Lands

The platted residential lands included in Teton Village Area One, as described in 4.3.3.A., are included to ensure their continued relationship to the resort. The intent is that the type and intensity of development on these residential lands comply with the zone in which the residential lands are located upon enactment of this Section. Notwithstanding, Lots 171 and 172 of the Jackson Hole Ski Corporation 9th Filing owned by the Teton Village Water & Sewer District may be developed in accordance with 4.3.3.M. below.

## K. Relationship to Grand Teton National Park

Programs and facilities shall be established that encourage non-motorized access into GTNP, in conjunction with National Park Service planning efforts and goals.

## L. Administration

An entity or administrative organization that equitably represents Teton Village landowners, shall be created and charged with the task of administering the monitoring program portion of the Planned Resort phasing plan. Administration of the program shall include collecting and analyzing the data for evaluating achievement of the performance objectives established in the phasing plan, ensuring compliance with the performance objectives, and representing the Teton Village Planned Resort in reporting the results of the monitoring program to the County, pursuant to 4.3.1.F.11.f.

## M. Teton Village Water & Sewer District

Notwithstanding the restrictions on platted residential lands set forth elsewhere in this Section, the following standards shall apply to Lots 171 and 172, and the lands described in that deed recorded in the Teton County, Wyoming Clerk's Office, Document #0415272, Book 318, Pages 1190-1192, so long as the lands are used solely to operate the Teton Village Water & Sewer District or other similar public service entity.

1. **Floor Area Ratio.** The floor area ratio shall be no more than 0.47.
2. **Landscape Surface Ratio.** The landscape surface ratio shall be no less than 0.30.
3. **Employee Housing.** Six employee housing units shall be permitted.

#### 4.3.4. Teton Village II

##### A. Area Description

Teton Village II is one of 2 Planned Unit Developments that comprise the Teton Village Planned Resort Zone. The Teton Village Planned Resort Zone consists of those lands designated PR-TV on the Official Zoning Map. Area 2 is composed of that portion of the Village that received approval as a Planned Resort on July 12, 2005, as amended by that Official Zoning Map Amendment approved by the Board of County Commissioners on July 7, 2009. Generally the "Character Elements" for Area 2 are identical to those for Area One, except as differentiated below.

##### B. Master Plan

Area 2 is governed by the Planned Unit Development-Planned Resort Master Plan, titled "Teton Village Resort Expansion Master Plan (Teton Village Area 2)." Throughout this Section, the master plan will be referred to as the Area 2 Resort Master Plan.

##### C. Character

The character objectives for Teton Village are that it resemble a small urban village with its own sense of place. Important characteristics are:

1. a distinct center, defined both by buildings and activities;
2. a mix of land uses, varying from the tourist-oriented to the resident-oriented;
3. clear edges, defined both by buildings and open spaces, that distinguish the village from the surrounding ranch lands;
4. a continuity in building size, architecture and individual site design;
5. a pedestrian streetscape and pedestrian connections throughout the village;
6. creation of a sense of arrival;
7. a visual transition from the village to neighboring lands;
8. a community; and
9. a destination ski area.

##### D. Size

1. **Lodging Area 2.** The total Average Peak Occupancy (APO) within the Area 2 shall be not more than 448, none of which shall be allowed on single family lots in the Teton Village South Residential Area, south of McCollister Drive.
2. **Area 2 Affordable and Employee Housing.** Affordable and employee housing units shall be provided within Area 2 in accordance with the Area 2 Resort Master Plan and Housing Mitigation Plan for Area 2 approved on July 12, 2005.

3. **Retail, Office, and Other Commercial Type Uses.** Within the Village Core area of Area 2, there shall be allowed 10,000 square feet of local commercial uses. In addition, within the Area 2 Village Core area there shall be allowed 25,000 square feet of commercial retail, restaurant or other "commercial-type uses" space and 35,000 square feet of office space provided that a like amount of commercial retail, restaurant or other "commercial-type uses" space, or office space, as the case may be, shall be removed from Area One for relocation to Area 2. Other "commercial-type uses" do not include lodging, ski area operations, institutional, resort support, or public/semipublic type development, which may be otherwise provided for in the approved Resort Master Plan.
4. **Institutional, Public and Semipublic Uses.** [9,500](#) square feet shall be constructed for development of institutional, public and semi-public uses, such as a visitor center, sheriff's substation, post office, non-profit office space and other similar uses, utilized for non-retail purposes.
5. **Resort Support Uses.** Resort support uses shall be allowed to the extent permitted in the approved Area 2 Resort Master Plan, are defined as facilities that provide amenities or that are utilized to operate the overall resort, and shall not be considered commercial uses.

#### E. Skier Visits

If daily skier visits exceed 9,200 skiers on more than 12 days within a season, for any 3 consecutive years, then evaluation of the Planned Resort master plan's remedies, mitigation measures and achievement of performance criteria as specified in the phasing plan shall be performed by the ski area operator and the Planning Director in order to ensure that the increased skier numbers are of no greater impact to the community than the number assumed when the Planned Resort master plan was approved. The results of the evaluation shall be presented to the Planning Commission and Board of County Commissioners. If any failure of the remedies, mitigation measures, or achievement of performance criteria as specified in the phasing plan is found, then the Planned Resort master plan shall be reconsidered pursuant to [4.3.1.E.8.d.](#)

#### F. Intensity

The intensity of the development shall not exceed that specified in the adopted Area 2 Resort Master Plan.

#### G. Landscape Surface Area

The minimum Landscape Surface Area provided on each [lot of record](#) within Area 2 shall be as specified in the Area 2 Resort Master Plan.

#### H. Off-site Parking

Parking may be proposed off-site provided the Transportation element demonstrates the off-site parking serves a significant role in the Transportation Demand Management Plan.

**I. Environmental or Visual Analysis**

If land within Teton Village Area 2 is within the Scenic Resources Overlay, an EA with a visual component or a Visual Resources Analysis dealing with maintenance of the scenic corridor shall be required, pursuant to the standards in Sec. 5.3.2.

**J. Relationship to Grand Teton National Park**

Programs and facilities shall be established that encourage non-motorized access into GTNP, in conjunction with National Park Service planning efforts and goals.

**K. Administration**

The Owners Associations set up through the adoption and recordation of Covenants, Conditions and Restrictions shall administer the Planned Resort area. Services shall be administered by the Teton Village Improvement and Service District and other similar public service entities as designated by the approved Area 2 Resort Master Plan.

**4.3.5. Jackson Hole Golf and Tennis Club**

**A. Area Description**

The Jackson Hole Golf and Tennis Club Planned Resort Zone consists of those lands designated PR-GT on the Official Zoning Map.

**B. Master Plan**

Golf and Tennis is governed by the Planned Unit Development-Planned Resort Master Plan, titled "2002 Amendment to the 1998 Jackson Hole Golf and Tennis Club Planned Unit Development District for Planned Resort Master Plan." Throughout this Section, the master plan shall be referred to as Golf and Tennis Resort Master Plan.

**C. Character and Design**

The vision of the Jackson Hole Golf and Tennis Club is for a suburban, residential character resort development. Important characteristics are:

1. residential buildings are low and relatively small in scale;
2. residential buildings have a similar scale and character to integrate with the surrounding residential development;
3. commercial buildings will be designed to integrate well with the surrounding neighborhood and will be modest in size relative to their proposed uses;
4. clustering techniques are utilized to further reduce the density and visibility of the cabin units from existing residences;
5. incorporate land planning and landscape techniques that help screen the public's view of the cabins;

6. the layout and structure design enhances the quality of the visitor experience by emphasizing the extraordinary natural splendor of the Teton mountain and river valley landscape;
7. the layout is pedestrian friendly, inviting people to walk or use golf carts within the resort vicinity, among open spaces, which will be shaped by buildings, but shall have a sense of openness;
8. a resort design that accommodates a number of guests similar to the population density of the surrounding vicinity; and
9. a golf course for which local access is available.

#### D. Size

1. **Lodging.** The cabins shall be available for short-term rental. They shall have the capacity to house no more than 240 guests. No short-term rental involving single-family residential lots shall be allowed. No other lodging facilities will be part of the Planned Resort.
2. **Buildings**
  - a. No more than 25,000 square feet of space shall be devoted to a golf club and events facility, exclusive of golf course maintenance and golf cart storage facilities.
  - b. No more than 3,000 square feet of space shall be devoted to administration space housed separately from the golf club and events facility.
  - c. A maximum of 12,000 square feet shall be allowed for maintenance buildings.
  - d. No more than 80,000 square feet total shall be devoted to cabin structures, excluding garages; no individual cabin structure shall exceed 2,800 square feet, above-ground, inclusive of garage.
  - e. If market conditions warrant, a local convenience node may be included within the development. The vision is for a maximum 1,200 foot structure; however, the Board of County Commissioners may determine a greater limit on any structures approved by the Board to serve local convenience commercial uses at the time of final development plan approval for the structures.

## 4.3.5. Jackson Hole Golf and Tennis Club

3. Dimensional Limitation Plan. The dimensional limitation plan is intended to control the physical characteristics of the proposed development as follows:

Development Type	OSR/ LSR (1) (min)	FAR (2) (max)	APO's (3) (max)	Meeting Space (max)	Lot Size (min)	Height (max)	Street Yard (min)	Side Yard (min)	Rear Yard (min)
Resort Lodging									
Clubhouse	n/a	n/a	n/a	4000 sf	n/a	34 ft. (6)	n/a	n/a	n/a
Cabins (4)	n/a	n/a	240	n/a	n/a	24 ft.	20 ft.	10 ft.	10 ft.
Residential Lots									
Employee and Affordable Housing	0.25	n/a	n/a	n/a	n/a	24 ft.		(5)	
Single-Family (Market) Lots	0.59	0.14	n/a	n/a	0.80 ac	18 ft.	25 ft.	20 ft.	25 ft.
Additional Uses									
Utility and Wastewater Treatment	0.40	n/a	n/a	n/a	n/a	18 ft.			
Maintenance/Admin. Building	0.25	n/a	n/a	n/a	n/a	24 ft.		(5)	
Exaction									

(1) Min. OSR/LSR or Open Space Ratio/Landscape Surface Area Ratio reflects the required open space or landscaped area for each lot, and is calculated by multiplying the ratio by the base site area of the lot.

(2) Max. FAR or Floor Area Ratio is calculated by dividing the sum of the gross floor areas of all buildings, excluding basements, by the base site area of the lot.

(3) APO determines the capacity for guest accommodations and pertains only to short-term rental of these units. It is the average number of people housed in short-term rentals at peak occupancy.

(4) Yard setbacks to apply only to the perimeter of each cabin cluster.

(5) To be determined at Final Development Plan Approval for each of these development types.

(6) The clubhouse height limitation is 34' measured per Teton County LDRs EXCEPT for those portions of the lower level of the building that will daylight because of a walk out design; said portions of the building shall not exceed 25% of the total building foundation perimeter.

## E. Landscape Surface Area

The minimum landscape surface area provided within the Planned Resort shall be 50%, exclusive of the platted residential lands that existed upon enactment of this Section (the Jackson Hole Golf and Tennis Club Estates 1st, 2nd and 3rd filings.) Notwithstanding, the Board of County Commissioners may reduce the minimum landscape surface area to no less than 40% upon demonstration by the applicant that the following objectives are achieved with a reduced landscape surface area:

1. the landscape surface area enhances a suburban character, residential scale and sense of spaciousness within the Planned Resort, such that the space is not shaped by buildings;
2. the landscape surface area creates attractive garden-like pedestrian ways throughout the resort; and
3. the landscape surface area integrates the Planned Resort with the adjoining residential neighborhoods.

## F. Environmental or Visual Analysis

An EA shall be performed that specifies any action necessary to mitigate impacts to wildlife, especially along the Gros Ventre River corridor, and wetlands. Notwithstanding the resort area being outside the SRO, a visual component shall be included in the EA or a Visual Resources Analysis prepared, which specifies necessary action to mitigate negative visual impacts of new development from Spring Gulch Road and surrounding residential developments. The visual component shall be prepared pursuant to the procedures and standards in Sec. 5.3.2.

## G. Golf Course

The Golf Course shall remain intact as a recreational facility open to the public.

## 4.3.6. Snake River Canyon Ranch

### A. Area Description

The Snake River Canyon Ranch Planned Resort Zone consists of those lands designated PR-SR on the Official Zoning Map.

### B. Master Plan

The Snake River Canyon Ranch Planned Resort Zone is governed by the Planned Unit Development—Planned Resort Master Plan titled, “Snake River Canyon Ranch Planned Unit Development for Planned Resort.” Throughout this Section, the master plan shall be referred to as Snake River Canyon Ranch Resort Master Plan.

### C. Character

The character objectives for Snake River Canyon Ranch are that it shall have a western character reminiscent of the great mountain lodges of the west, but of smaller scale, and:

## 4.3.6. Snake River Canyon Ranch

1. presentation of a highway profile that is in scale with the mountain backdrop, has varied roof and horizontal planes that visually reduce the bulk and scale of the buildings, and a development pattern that favors a reduction in building footprints to protect the natural resources of the site, thereby minimizing the overall visual impact of development;
2. a mountain resort experience for the guests designed to take advantage of the natural environmental setting and highlight the natural resources of the site;
3. identification of the hot springs bathing and the spa as the central recreational activity;
4. ancillary commercial uses designed to serve the needs of the resort visitors, not as attractions separate from the main resort activity;
5. ancillary commercial uses reflective of desired community character;
6. highlight the natural features of site, retain the rural atmosphere, and protect habitat and environmentally sensitive areas; and
7. edges and boundaries that buffer natural resources.

## D. Size

## 1. Lodging

Condominiums (Lodges and Annexes)	40
Upper Bench "Ranch Homes" residences	4
West side "River Homes" residences	4
East side "Canyon Homes" residences	15
Employee/Affordable	as needed

2. **Buildings.** A total of no more than 100,000 sf of structure space shall be developed, not including structure square footage devoted to employee/affordable housing, 8 residential homes and 1/2 of the cabins (3 single family and 4 duplex units).

## E. Recreation and Preserved Area

1. **Amount Required.** The minimum amount of recreation and preserved area provided within the Planned Resort shall be 65%. Notwithstanding, the Board of County Commissioners may reduce the minimum required recreation and preserved area to no less than 50% upon demonstration by the applicant that the following objectives are achieved with a reduced amount of required recreation and preserved area:
  - a. the recreation and preserved area retains the rural character of the area; and

- b. the recreation and preserved area protects and highlights the natural features, wildlife habitat, and environmentally sensitive areas on, and adjacent to, the property.

2. **Definitions.** The recreation and preserved area definition has 2 parts, as follows:

- a. **Recreation Area.** Recreation area shall meet the definition of landscape surface area. Recreation area shall apply to any lands included to meet the recreation and preserved area amount required by this Subsection that are located north and west of the Hoback Junction South Road.
- b. **Preserved Area.** Preserved area shall meet the definition of required open space. Notwithstanding, an open space easement shall not be required to preserve these lands. Preserved area shall apply to any lands included to meet the recreation and preserved area amount required by this Subsection that are located south and east of the Hoback Junction South Road.

## F. Environmental and Visual Analysis

An EA shall be provided pursuant to Sec. 8.2.2., and a Visual Resources Analysis pursuant to Sec. 5.3.2. The EA and VRA shall specify any action necessary to mitigate negative visual impacts of new development from Highway 26/191.

## G. Procedures

If a submitted Physical Development or Use Permit application is consistent with the approved sketch plan, a public hearing will not be required prior to review or approval of the physical development or use. The Teton County Planning Director shall have the authority to approve the physical development or use if the plan is consistent with the approved sketch plan and with all provisions of the Teton County LDRs and the Snake River Canyon Ranch Resort Master Plan.

## 4.3.7. Grand Targhee

### A. Area Description

The Grand Targhee Planned Resort Zone consists of those lands designated PR-TG on the Official Zoning Map. The following areas, as depicted on the "Land Use Districts" map within the Grand Targhee Resort Master Plan, comprise the Grand Targhee Planned Resort Zone:

- 1. **Resort Center Plan Area.** The Resort Center Plan Area includes retail, food and beverage uses, resort services and amenities, support and services, and residential and accommodation units. There will be parking spaces for day guests and below grade parking garages associated with accommodation buildings. The Resort Center Plan Area is comprised of 36 acres.
- 2. **Residential and Accommodation Plan Area.** The Residential and Accommodation Plan Area is primarily for residential and accommodation uses such as single-family residences, townhouses and cabins. This area shall include open space areas for trails. The Residential and Accommodation Plan Area is comprised of 84 acres.

## B. Master Plan

The Grand Targhee Planned Resort Zone is governed by the Planned Unit Development for Planned Resort master plan, titled “Grand Targhee Resort Planned Unit Development for Planned Resort.” Throughout this Section, the master plan will be referred to as Grand Targhee Resort Master Plan.

## C. Character and Design

The character objectives for Grand Targhee are that it resembles a clustered resort center with its own sense of place. Important characteristics are:

1. a transition in density, intensity and character from the center to adjacent Forest Service natural lands;
2. a distinct center, defined both by buildings and activities;
3. a mix of land uses, varying from a center of high intensity mixed commercial, skier amenities, accommodation and recreational uses, to lower density areas with predominantly residential/accommodation uses;
4. clear edges, defined both by buildings and open spaces, that distinguish the center from surrounding National Forest lands;
5. a continuity in building size, architecture, and individual site design;
6. a pedestrian streetscape and pedestrian connections throughout the village center;
7. creation of a sense of arrival;
8. a visitor destination with a strong sense of place; and
9. a destination ski area.

## D. Size

1. **Residential.** Not more than 10% of the total permitted housing and lodging units at the Resort shall be single-family lots, and not more than 10% of the total permitted housing and lodging units at the Resort shall be cabins or townhouse units. Single-family lots and cabin lots may be located in the Resort Center Plan Area and may be rented on a short or long-term basis.
2. **Lodging.** The balance of the permitted housing and lodging units (80%) including employee housing units shall be located in the Resort Center Plan Area. Housing and lodging units located in the Resort Center Plan Area shall be designed for short term rental. All other units, except on-site employee housing units, may only be rented on a short-term basis. Owner's use of any residential or lodging unit is not restricted. These restrictions shall be established in recorded restrictive covenants, which can only be amended with the written and recorded approval of the Teton County Board of Commissioners. The restrictive covenants shall be executed prior to recordation of the associated Final Plats.

3. **Affordable and Employee Housing.** The required number of affordable and employee housing units shall be calculated pursuant to the LDRs and in accordance with the Grand Targhee Resort Master Plan and Housing Mitigation Plan approved on February 4, 2008. Not more than 40 essential employees shall be housed on-site as required for the operation of Grand Targhee Resort and consistent with the approved Teton County emergency management plan. Employees not housed on-site shall be housed in Teton County, Idaho in accordance with the approved Grand Targhee Resort Master Plan.
4. **Retail, Office, and Other Commercial Type Uses.** Within the Grand Targhee Resort, there shall be no more than 150,000 square feet of retail/office or other commercial-type uses including resort services, amenities, and support uses. This excludes employee housing units, underground parking areas, and basements, as defined by the LDRs. This commercial square footage shall be allocated to the commercial lots and tracts in accordance with the approved Grand Targhee Resort Master Plan.

#### E. Skier Visits

The maximum daily skier visits measured in skiers at one time is based on existing Forest Service approvals for skier capacity on the Special Use Permit Area of the Grand Targhee Resort. The special use permit allows for 5,130 skiers at one time. It is anticipated that the skier visits will be controlled only by the Forest Service Special Use Permit.

#### F. Intensity

1. **Floor Area Ratio.** No more than 2.5 Floor Area Ratio (FAR) shall be permitted on any platted lot within the Resort Center Plan Area with the total plan area not to exceed 1.5 (FAR). The intensity on the remainder of the Residential and Accommodation Plan areas shall be defined by building envelopes and specific site plans based on the maximum size standards by types of residential and/or accommodation use; see Section Four, Master Site Plan and Dimensional Limitation Plan and Section Five, Land Use Element.
2. **Density.** The total residential, employee housing, and lodging units located at the Resort shall not exceed 450, with average peak occupancies (APOs) consistent with the LDRs. The total APO's for Grand Targhee Resort shall not exceed 3,500.

#### G. Landscape Surface Area

The minimum landscape surface area provided within the Planned Resort shall be 25%. The landscape surface area shall be calculated as per Table 4-7, Landscape Surface Ratio Calculations, of the Grand Targhee Resort Master Plan. Notwithstanding, the Board of County Commissioners 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:

1. the landscape surface area creates a quality resort center design and creates public spaces for interaction and public events; and
2. the landscape surface area creates a clear boundary for the resort.

## H. Environmental Analysis

The environmental analysis in the Grand Targhee Resort Master Plan defines that no NRO or SRO are located within the Planned Resort Zone. Environmental mitigation shall include, but not be limited to:

1. Environmental mitigation shall include the acquisition of a Conservation Easement over or Fee Simple Acquisition of at least 299 acres with habitat priority ranking 6 or higher or land that would qualify for Natural Resources Overlay status, as defined by the LDRs. Land shall be preserved within a distance of 50 miles from the resort and within Teton County, Idaho and/or Teton County, Wyoming. The applicant shall also contribute stewardship costs calculated by an objective formula approved by the Planning Director to cover the cost of the baseline inventory and to ensure long-term monitoring and legal defense of any conservation easement associated with the 299 acres. Acquisition of all land shall occur commensurate with development of the Resort, which shall be defined as 25% of the total 299 acres per each of the four development phases. All acquisitions shall be subject to the approval of the Board of County Commissioners, with an emphasis on high value habitat that has development potential.
2. A voluntary environmental mitigation shall include Fee Simple Acquisition of, or the acquisition of a Conservation Easement over, at least 301 acres of land within Teton County, Wyoming, generally in the vicinity of Alta, having agricultural, habitat, open space and/or scenic values. The applicant shall also contribute stewardship costs calculated by an objective formula approved by the Planning Director to cover the cost of the baseline inventory and to ensure long-term monitoring and legal defense of any conservation easement associated with the 301 acres. Acquisition of all land shall occur commensurate with development of the Resort, which shall be defined as 25% of the total 301 acres per each of the four development phases.

## I. Parking

On-site parking shall be located in structures, on-street, or in surface lots in accordance with the Grand Targhee Resort Master Plan. Off-site parking serves a significant role in the Transportation Demand Management Plan. Off-site parking will be located at a Park and Ride lot or at lots where shuttle/bus service will be provided to and from the Resort.

## J. Relationship to National Forest Lands

1. Public access and public easements will be retained as stipulated to access National Forest Lands. Section Seventeen, MDP/FEIS Mitigation Measures of the Grand Targhee Resort Master Plan describes the mitigation measures that were established for the Special Use Permit Area and continue to apply to the private lands.
2. Prior to approval of the first final plat for any development in the resort, the applicant shall provide to the County confirmation from the U.S. Forest Service that the proposed amendment of the Special Use Permit Master Development

Plan has been accepted for construction and that this plan conforms to the Master Plan and Standards and Conditions approved by Teton County. If conformance cannot be established, the applicant shall undertake an amendment of the Master Plan, which shall be approved prior to approval of the first plat for any development in the resort.

## Div. 4.4. Planned Unit Development Zones

### 4.4.1. All PUD Zones

#### A. Purpose

Planned Unit Development (PUD) zones 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. 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 Article 2, and Article 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, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing; and
3. a certificate of standards document specifying terms and conditions defining development parameters, providing for environmental mitigation, and outlining how public facilities will be provided to serve the PUD.

#### D. Development of a PUD

1. The development standards for each PUD are established by the approved PUD master plan and certificate of standards. All physical development, use, and subdivision under the PUD shall comply with the master plan and certificate of standards.
2. Where development standards are not addressed or established in the approved PUD master plan or certificate of standards, the development standards of the underlying zone 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 table below establishes the PUD options allowed in each zone and references the standards for each option. Any PUD option not specifically established in this Division is prohibited.

PUD Option Schedule											
Complete Neighborhood Zones					Rural Area Zones					Civic Zones	
AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P-TC
No PUD options are allowed in the County											

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# Article 5. Physical Development Standards Applicable in All Zones

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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

#### 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 Teton County.

#### 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. **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.
  - d. **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.

- e. **Wetlands.** Wetlands mean an area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. Determination of wetlands shall be according to the 1989 Army Corps of Engineers definition of jurisdictional wetlands. 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 must 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.** Along streams, 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. **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 or more than 150 feet.
  - d. **Wetlands.** 30 feet.
  - e. **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.
  - f. **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 bona fide agricultural purposes, flood protection, wildlife habitat enhancement, or public pathways are permitted in the buffer upon receipt of applicable permits.
  - g. **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

## 5.1.1. Waterbody and Wetland Buffers

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.b., 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

### 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

New fences erected after September 12, 2006 shall comply with the standards of this Section. If over 50% of the linear feet of an existing fence is replaced, the fence shall be considered "new" and shall abide by the standards of this Section. Except that the following shall be exempt from the provision of this Section:

1. Repair, or relocation of prior or existing agricultural fences; and
2. Fences built for new riding arenas, as defined in these LDRs.

### 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.
3. Height in yards. Special purpose fencing located in a street yard shall not exceed 4 feet in height. Special purpose fencing located in a side or rear yard shall not exceed 6 feet in height.
4. Setback. Special purpose fencing is not subject to a setback from property lines.

### 5.1.3. Wild Animal Feeding

#### A. Findings

The feeding of those animals listed below by humans creates one or more of the following risks:

1. Attracts ungulates to residential areas, which poses a significant threat to human safety and domestic pets;
2. Attracts large predators to residential areas, which poses a significant threat to human life or domestic pets;
3. Promotes unnaturally high concentrations of animals, which in turn:
  - a. Increase the potential for disease transmission,
  - b. Promote overuse of certain habitats,
  - c. Disrupt natural animal migration;
4. Promotes unnatural wildlife behavior, which can result in nuisance animals, which have to be relocated or destroyed, often at public expense, when they frequent residential areas or otherwise come into harmful or threatening contact with humans; and
5. Detracts from the wild spirit of the animals.

#### B. Intent

The intent of this Section is to protect and promote the public health, safety and welfare by:

1. Reducing the attraction of ungulates to residential areas, and thereby lessening the significant threat to human safety and domestic pets;
2. Reducing the attraction of large predators to residential areas, and thereby lessening the significant threat to human life and domestic pets;
3. Reducing unnaturally high concentrations of animals, thereby reducing the potential for disease transmission, the overuse of certain habitats, the disruption of natural animal migration, and the domestication of wild animals;
4. Discouraging unnatural wildlife behavior, thereby reducing the number of nuisance animals that have to be relocated or destroyed when they frequent residential areas or otherwise come into harmful or threatening contact with humans; and
5. Respecting the wild essence of the animals' nature.

### C. Prohibition

No person shall knowingly or intentionally provide supplemental feed attractants to the following animals, unless specifically authorized by an agency of either the State of Wyoming or the United States of America: antelope, bighorn sheep, deer, elk, moose, mountain goats, bobcats, black bears, grizzly bears, mountain lions, lynx, wild bison, wolves, coyotes, foxes and raccoons.

1. **Supplemental Feed Attractants.** Supplemental attractants are any human food, pet food, hay, forage product or supplement, grain, seed or birdseed, garbage, or other attractant made available to the following animals: antelope, bighorn sheep, deer, elk, moose, mountain goats, bobcats, black bears, grizzly bears, mountain lions, lynx, wild bison, wolves, coyotes, foxes and raccoons.

### D. Exemptions

A person engaged in any of the following activities is not subject to liabilities under this Section:

1. The normal feeding of livestock and/or the practice of raising crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices; or
2. The cultivation of a lawn or garden, or the feedings of birds where the bird food is made unavailable to the animals specified in the prohibition of this regulation.
3. A finding that the land was taxed as agricultural land shall create a presumption that the alleged feeding is exempt from this regulation.

## 5.1.4. Air Quality

Protection of clean air resources is a goal of the County, in order to protect the public health, welfare and general safety of the residents, the visibility in the valley and the scenic beauty of Teton County.

### A. Particulate Matter

For the purposes of this Section, particulate matter is any material other than water, which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid capable of being airborne or gasborne, including dust. All uses shall conform with the following standards:

1. **Emission Rate of Particulate Matter and Dust/General.** The total emission rate of particulate matter and dust from all sources within the boundaries of a site shall meet the requirements of the Wyoming Department of Environmental Quality, the provisions of Article 2 of the Wyoming Environmental Quality Act of 1973, Wyoming Statutes, Chapter 9.1, the requirements of the U.S. Environmental Protection Agency, applicable local government woodstove regulations, and the requirements of any other state or federal agency having jurisdiction. In case of conflict, the most restrictive requirements shall govern.

2. **Emission of Particulate Matter/Include All Sources on Single Site.** Emission of particulate matter from all sources shall be included in the maximum amount permitted for a single site, as prescribed by the requirements of the agencies cited above.
3. **Ameliorate Possibility of Particulate Matter Becoming Windborne.** Emission of particulate matter from materials or products subject to becoming windborne shall be kept to a minimum by landscaping, paving, wetting, or other means as to render the surface wind resistant.
4. **Applicable to Temporary Construction Operation.** Temporary construction operations shall be subject to the requirements of this Section.

## B. Toxic and Noxious Matter

For the purposes of this Section, toxic and noxious matter is any solid, liquid, or gaseous matter, including but not limited to, gases, vapors, dusts, fumes, and mists, containing properties which, by chemical means, are inherently harmful and likely to destroy life or impair health, or are capable of causing injury to the well-being of persons or damage to property. All uses shall conform with the following standards:

1. **Ambient Air Quality Standards.** The ambient air quality standards of the Wyoming Department of Environmental Quality, the U.S. Environmental Protection Agency, or any other state or federal agency having jurisdiction, shall limit the release of airborne toxic and noxious materials. In case of conflict, the most restrictive requirements shall govern.
2. **Toxic Materials Not Included in Ambient Air Quality Standards.** When toxic materials are not included in the ambient air quality standards of any of the agencies listed above, the release of such materials shall not exceed 1/40 of the threshold limit value across site boundary lines of those toxic materials currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of all toxic and noxious matter shall be at ground level or habitable elevation, and shall be the average of a 24 hour sampling period. The Planning Director may request that an applicant submit a statement from the Wyoming Department of Public Health that the proposed levels of toxic matter to be released will not result in any hazard to human life or health or to wildlife.

## C. Smoke Emissions

Smoke emission shall be measured by use of the Ringelmann Chart which is described in the U.S. Bureau of Mines Information Circular 7718 on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke. All uses shall conform with the following standards:

1. **Maximum Smoke Emission.** Smoke emission shall not exceed Ringelmann No. 0 (clear) from any chimney, stack, vent, opening, or combustion process, provided that smoke or a shade not to exceed Ringelmann No. 1 shall be permitted for up to three minutes total in any single 8-hour period. In order to meet this requirement, all new potential point sources and any alterations or additions

## 5.1.5. Water Quality

to uses or structures with existing point sources, shall be required to install appropriate control equipment meeting U.S. Environmental Protection Agency source regulations designed to eliminate smoke problems.

2. **Point of Measurement.** The density of smoke shall be measured at the point of emission, except that when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.
3. **Exemptions.** The provisions above shall not apply in the case of an equipment breakdown which makes compliance not reasonably possible, and shall not apply to home fireplaces, barbecues, and burning incidental to agricultural operations and sanitary landfill operations.

**D. Odorous Matter**

No activity or operation at any time shall cause the discharge of odorous matter in such concentrations as to be detectable at any point beyond the site boundary lines when diluted in the ratio of 1 volume of odorous air to 2 volumes of clean air. The odor threshold shall be measured either at the ground level or habitable elevation in accord with the American Society for Testing and Materials (ASTM d1391-57) "Standard Method for Measurement of Odor in Atmosphere (Dilution Method.)"

**5.1.5. Water Quality**

[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 and avoiding bear conflicts. Wildlife and natural resources are an essential component of the character of the community.

### 5.2.1. Natural Resources Overlay (NRO) Standards

#### 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.

## 5.2.1. Natural Resources Overlay (NRO) Standards

- 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

## 5.2.1. Natural Resources Overlay (NRO) Standards

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

## 5.2.1. Natural Resources Overlay (NRO) Standards

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.

## 5.2.1. Natural Resources Overlay (NRO) Standards

- 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-TC Zoned Lands.** All physical development, use, and development options, except new subdivisions, within the NC-TC zone shall be exempt from the standards of this Section, except that G.4., G.6., and Sec. 5.1.2. shall apply.
3. **Agricultural Operations.** Agricultural operations and uses shall be exempt from the standards of this Section.
4. **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 G.4. and G.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

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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.
  - a. **Methods.** The method of providing the mitigation/habitat enhancement shall be, in order of priority:
    - i. **On-Site, In-Kind.** Replacement of the naturally occurring habitats or vegetative cover types impacted by the proposed development on site, in an area of existing lesser quality or degraded habitat or vegetative cover type, shall be the preferred method.
    - ii. **On-Site, Out-of-Kind.** If the developer can demonstrate that it is not practical to create the habitats or vegetative cover types impacted, then creation of habitats or vegetative cover types other than what is impacted shall be allowed on site if the applicant can demonstrate that greater environmental benefits would be provided. Creation of a higher-ranking cover type, as listed in [F.4.a.](#), may be one of several acceptable methods of demonstrating greater environmental benefit.
    - iii. **Off-Site, In-Kind, Private Land.** Off site mitigation/habitat enhancement shall be allowed if on-site conditions do not favor successful establishment of the required habitats or vegetative cover types (improper soil conditions, hydrology, etc), or if the habitats or vegetative cover types created would be isolated or impaired by the effects of neighboring development. All off-site mitigation/habitat enhancement efforts shall be located as close to the impacted site as practicable while still replacing lost habitat functions. In addition, off-site mitigation/habitat enhancement efforts proposed under this option shall be located on private land encumbered by a conservation easement to ensure that the created habitats or vegetative cover types are not converted into developed areas in the future. If the proposed mitigation/habitat enhancement site is not currently encumbered by a conservation easement, a new conservation easement, that meets the standards of [Sec. 7.3.6.](#), Record of Restriction, and which is acceptable to an organization qualified to hold and enforce conservation easements, would meet this requirement. If off-site mitigation/habitat enhancement is proposed, the applicant shall be responsible for obtaining written agreement from the owner of the proposed off-site property to allow the proposed mitigation/habitat enhancement efforts to occur.
    - iv. **Off-Site, Out-of-Kind, Private Land.** The same criteria outlined in for off-site, in-kind, private land shall apply, with the addition that the creation of habitats or vegetative cover types other than what is impacted

shall be allowed off-site if the applicant can demonstrate that greater environmental benefits would be provided. Creation of a higher-ranking cover type, as listed in F.4.a. may be one of several acceptable methods of demonstrating greater environmental benefit.

- b. **Habitat Enhancement Plan.** The applicant shall propose how they will satisfy these mitigation/habitat requirements by submitting a Habitat Enhancement Plan. The Habitat Enhancement Plan shall be prepared by a qualified wildlife biologist or landscape architect registered in the state of Wyoming and shall be submitted for review and approval concurrently with the physical development, use, development option, or subdivision application. Additional permits, such as Grading and Erosion Control or Temporary Gravel Extraction permits, may be required prior to implementation of the Habitat Enhancement Plan. The Habitat Enhancement Plan shall contain, at minimum, the following information:
  - i. **Goals and Objectives.** A specific list of the project goals and objectives, including the type and amount of habitat or vegetative cover types impacted, and the type and amount of habitat or vegetative cover types to be created. Quantifiable target conditions for created habitats or vegetative cover types (such as a percent survival rate, seedlings per acre, or percent coverage) shall be included.
  - ii. **Methods.** Description and justification of the selected method for providing mitigation/habitat enhancement.
  - iii. **Maps.** Maps of the existing and final site conditions of the habitat areas or vegetative cover types to be impacted as well as the existing and final site conditions of the habitat areas or vegetative cover types to be created.
  - iv. **Maintenance Plan.** Description of the proposed maintenance plan to ensure the successful establishment and growth of created habitats or vegetative cover types. This shall include a discussion of proposed remediation measures that will be employed if the created habitats or vegetative cover types are not growing or establishing successfully.
  - v. **Weed Control Plan.** Description of how noxious weeds will be controlled in created habitats or vegetative cover types.
  - vi. **Monitoring Plan.** The monitoring program shall consist of a qualified landowner representative conducting a site visit once annually until agreed upon project goals are met following development plan approval for the project to verify that the enhanced habitat is serving, or will serve in a reasonable amount of time, its required biological purpose. If the representative determines that the mitigation/habitat enhancement is not achieving agreed upon mitigation/habitat enhancement objectives, the property owner shall pay the full costs for bringing the mitigated habitat or vegetative cover type into compliance.

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vii. **Surety.** The applicant shall provide a bond or other financial surety to the County pursuant to [Sec. 8.2.11.](#) for required mitigation/habitat enhancement. Prior to the release of the surety, or any portion thereof, the applicant shall be required to provide, a written status report, documenting the current conditions of the created habitat efforts, to the Planning Department.

## F. Vegetative Cover Type Standards

1. **Purpose.** The purpose of these standards is to establish a mechanism for protecting vegetative cover types. Vegetative cover types are divided into several subcategories and shall be protected according to their importance to wildlife and its survival.
2. **Findings.** Vegetative cover types are essential in maintaining a variety of vegetation within the community, which protects the community's character and viability as a functioning part of the Greater Yellowstone Ecosystem.
3. **Resource Definitions**
  - a. **Mesic Cover Types.** Mesic cover types are generally moist, productive sites at lower elevations but do not include wetland communities or habitats which are treated as a separate category, pursuant to [Sec. 5.1.1.](#) The following are categories of mesic habitats:
    - i. **Deciduous Forest**
      - a). **Aspen.** Two categories are defined.
        - 1). **Mature.** Stand composition comprised of a dominant tree strata (greater than or equal to 25% canopy coverage) consisting of Aspen greater than 20 feet in height and with less than 10% Conifer or Narrowleaf Cottonwood species comprising the dominant strata of the canopy.
        - 2). **Immature.** Similar to Mature Aspen, but with the dominant strata comprised of Aspen less than 20 feet in height.
      - b). **Narrowleaf Cottonwood.** Three categories of Cottonwood forest are defined.
        - 1). **Mature.** Stand composition consisting of a dominant tree strata (greater than or equal 25% canopy coverage) comprised of Cottonwood greater than 40 feet in height with less than 10% of the canopy coverage in the dominant strata consisting of other tree species.
        - 2). **Medium.** Similar to Mature Narrowleaf Cottonwood, but with the dominant strata comprised of Cottonwood trees 20 - 40 feet in height.
        - 3). **Immature.** Similar to Mature Narrowleaf Cottonwood, but with the dominant strata comprised of Cottonwood trees less than 20 feet in height.

ii. **Mixed Species Forest**

- a). **Cottonwood/spruce.** Forest where the dominant strata (greater than or equal to 25% canopy coverage) consists of mixture of Cottonwood and Spruce; or where the forest is dominated by Cottonwoods and supports an understory or codominant strata of 10% canopy coverage of spruce of varying age classes.
- b). **Other Mixed Forest.** Forest where the dominant strata (greater than or equal to 25% canopy coverage) consists of mixed species composition with two or more of the above species (i.e., Cottonwood, Aspen, and Conifer) each comprise greater than or equal to 10% of the canopy cover.
- iii. **Coniferous Forest.** Forest in which the dominant strata is comprised of 25% or more of coniferous species and which does not meet the definition for any other forest cover type.

iv. **Other Mesic Types**

- a). **Tall Forb.** Dominant vegetation (greater than or equal to 25% canopy coverage) consisting of tall forbs (e.g., *Senecio*, *Mertensia*, *Heracleum*, *Anqelica*) with trees and/or shrubs consisting of less than 10% canopy coverage.
- b). **Tall Shrub.** Dominant vegetation (greater than or equal to 25% canopy coverage) consisting of tall shrubs of varying species composition such as, *Prunus*, *Amelanchier*, *Crataegus*, and *Salix*.

b. **Nonmesic Cover Types.** These are generally upland, higher elevation, lower productivity, cold-xeric habitats that occur on other than Mesic or wetland sites.

i. **Deciduous Forest**

- a). **Aspen.** Aspen stands, as defined above, which occur on other than Mesic or wetland sites. Two categories are defined.
  - 1). **Mature.** The dominant aspen strata is greater than or equal to 20 feet in height.
  - 2). **Immature.** The dominant aspen strata is less than 20 feet in height. This does not include wind and ice-blasted deformed and dwarfed stands which are included under the category of Scrub in this Section.

ii. **Coniferous Forest.** Four cover types are defined.

- a). **Lodgepole Pine.** Stands where Lodgepole Pine dominate (greater than or equal to 25% canopy coverage) the upper-most tree strata, in some cases to the exclusion of other species; or in mixed species stands where individually, other tree species accounts for less than 25% of the total canopy coverage in the dominant strata.

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- b). **Subalpine Fir/Spruce.** Stands where Subalpine Fir or spruce dominate (greater than or equal to 25% canopy coverage) the upper-most tree strata, in some cases to the exclusion of other species; or in mixed species stands (e.g., Lodgepole Pine, Douglas Fir, and Aspen) where individually, other tree species account for less than 25% of the total canopy coverage in the dominant strata.
- c). **Douglas Fir.** Douglas Fir may occur in nearly pure stands of old growth or in mixed young to intermediate-age stands where Aspen, Lodgepole Pine, or other species may also be present. In the mixed stands, Douglas Fir comprise greater than or equal to 25% of the canopy coverage and the total individual coverage of Aspen, Lodgepole Pine, or other species is less than or equal to 25% of the canopy.
- d). **Limber Pine/Juniper.** Limber Pine and/or Juniper generally occur in open, nearly pure stands. Some minor amounts of Douglas Fir or Aspen may also be present. Limber Pine and/or Juniper may occur in minor amounts in any of the above cover types. Limber Pine and/or Juniper occur in widely spaced open stands with greater than or equal to 10 trees per acre.

- iii. **Shrub-Grassland and Scrub**
  - a). **Tall Shrub**
    - 1). Stands dominated (greater than or equal to 25% canopy coverage) by Chokecherry, Serviceberry, Mountain Snowberry, or other tall shrubs with less than 10% tree canopy coverage present.
    - 2). Stands dominated by Mountain Mahogany.
  - b). **Other Shrub or Scrub Habitats**
    - 1). **Mesic Shrub.** Big Sagebrush, Bitterbrush and/or Shrubby Cinquefoil dominated shrub-land with bunch grasses generally codominant.
    - 2). **Xeric Shrub.** Xeric, scab, shallow-soil, or heavy, clay-soil sites of low productivity dominated by generally widely-spaced, low shrubs and subshrubs, such as Artemesia spp., Eurotia, and grasses. This habitat often occurs on sites or exposures where snow cover is periodically wind-transported (blown clear.)
    - 3). **Scrub.** Wind and ice-blasted or snow-accumulation sites that support deformed and dwarfed trees (Krummholz) and/or shrubs.
- iv. **Grassland.** Area dominated by perennial grasses and low herbaceous vegetation and that do not have shrub-dominated cover type characteristics.

- a). **Mesic Grassland.** Mesic grasslands are sites with a perennial grass and forb ground cover of greater than or equal than 50%. These sites are sometimes referred to as dry meadows.
- b). **Xeric Grassland.** Xeric grasslands are sites with a perennial grass and forb ground cover of less than 50%, and where growth is sparse and ground cover is incomplete and lacking in many places.
- c). **Disturbed Grassland.** Sites which are located adjacent to shrub-dominated areas which show a continued history of disturbance, are presently vegetated in perennial grasses and forbs, and which, over time and in the absence of further disturbance, may revert to a Sagebrush-dominated cover type. Small, scattered shrubs may be present.

- c. **Wetlands.** Wetlands mean an area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which as soils indicative of wet conditions. Three categories are defined.
  - i. **Emergent Wetland.** Wetlands that primarily consist of herbaceous vegetation.
  - ii. **Scrub-Shrub Wetland.** Wetlands that primarily consist of woody vegetation less than 20 feet tall.
  - iii. **Forested Wetland.** Wetlands that primarily consist of woody vegetation 20 feet tall or more.

- d. **Agricultural Meadow.** An agricultural meadow is an area that has been converted from natural vegetation into pasture or hayfield and is typically utilized for the pasturing of livestock or the production of hay.

- 4. **Design Guidelines.** Vegetative cover types are intended to be protected through these design guidelines. Property proposed for physical development, use, development option, or subdivision that contains resources identified by this Section shall be designed to protect as many of the identified resources as possible. Open space shall be used to protect areas containing the most important identified protected resources; conversely, projects shall be designed so that development is located in areas that contain the least valuable resources. Notwithstanding, land identified as being located within the NRO and/or SRO receives the highest priority.
  - a. **Ordinal Ranking.** Vegetative cover types shall be protected in the group order specified below. An ordinal ranking number is given for each group of resources, 10 being the highest, or most important, 1 being the lowest, or least important.
    - i. **Priority 10.** Forested and scrub-shrub wetlands that meet protection standards defined in Sec. 5.1.1.
    - ii. **Priority 9.** Emergent wetlands that meet protection standards defined in Sec. 5.1.1.

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- iii. **Priority 8.** Immature Narrowleaf Cottonwood (Mesic, deciduous forest); tall shrub (other Mesic types); immature Aspen forest (Nonmesic, deciduous forest); tall shrub (Nonmesic, shrub-grassland and scrub.)
- iv. **Priority 7.** Immature Aspen forest (Mesic, deciduous forest); medium Narrowleaf Cottonwood (Mesic, deciduous forest); mature Aspen (Nonmesic, deciduous forest.)
- v. **Priority 6.** Mature Aspen (Mesic, deciduous forest); mature Narrowleaf Cottonwood (Mesic, deciduous forest); Cottonwood/Spruce (Mesic, mixed species forest); other mixed forest (Mesic, mixed species forest); Douglas Fir (Nonmesic, coniferous forest); Limber-Pine/Juniper (Nonmesic, coniferous forest.)
- vi. **Priority 5.** Coniferous forest (Mesic); Subalpine Fir/Spruce (Nonmesic, coniferous forest); Mesic shrub (Nonmesic, shrub-grassland and scrub.)
- vii. **Priority 4.** Lodgepole Pine (Nonmesic, coniferous forest); scrub (Nonmesic, shrub-grassland and scrub.)
- viii. **Priority 3.** Tall forb (Mesic, other Mesic types); xeric shrub (Nonmesic, shrub-grassland and scrub); Mesic grassland (Nonmesic, grassland.)
- ix. **Priority 2.** Agricultural meadow
- x. **Priority 1.** Xeric grassland (Nonmesic, grassland); disturbed grassland (Nonmesic, grassland.); intensive agricultural meadow.

## G. 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 it 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

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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 alteration, 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.

## H. Other NRO Standards

- 1. **Domestic Pets.** Domestic pets, especially dogs, can pose a serious threat to the survival of wildlife protected in this Section by killing, injuring, and chasing wildlife. On properties in the NRO, domestic pets (e.g., dogs and cats) shall be physically restrained (i.e., leashed, chained, fenced), or accompanied by a person who has strict voice control over the animal at all times. Cats and dogs shall not be allowed to roam unaccompanied in the NRO.

## 5.2.2. Bear Conflict Area Standards

### A. Purpose

The purpose of this Section is to prevent and mitigate conflicts between humans and bears in Teton County by establishing bear-attractant standards for residential and nonresidential uses according to conflict risk levels as defined herein in terms of Conflict Priority Areas (CPAs) and as delineated herein in terms of the map entitled "Teton County Bear Conflict Priority Areas" dated March 2008.

**B. Establishment of Conflict Priority Areas (CPAs)**

1. **Conflict Priority Area 1 (CPA1): High to Moderate Priority.** Conflict Priority Area 1 refers to areas in Teton County that overlap with, lay adjacent to, or are in close proximity to, known bear-occupied habitat and/or regular travel corridors and/or seasonal bear-use areas, as documented by empirical research or wildlife management actions and observations. Sightings and conflicts are moderately frequent to frequent in this area depending on season and natural bear food availability. Therefore, this area is a high priority area for mitigating and preventing conflicts and addressing property and human safety concerns. Areas within Conflict Priority Area 1 (CPA1) include properties any part of which lies in the area so designated on the map entitled "Teton County Bear Conflict Priority Areas," dated March 2008.
2. **Conflict Priority Area 2 (CPA2): Low Priority.** Conflict Priority Area 2 refers to areas in Teton County that are within close proximity to, or lie adjacent to, CPA1. Areas within CPA2 contain habitat that is not suitable for regular, seasonal or occasional bear occupancy and or use. Conflicts have rarely been documented or verified in CPA2 and therefore are highly unlikely, even in the most unusual of circumstances. Regardless, because Teton County is essentially within and surrounded by grizzly bear and black bear habitat, all areas within the County carry some risk of conflict. Areas within Conflict Priority Area 2 (CPA2) include properties any part of which lies in the area so designated on the map entitled, "Teton County Bear Conflict Priority Areas," dated March 2008.
3. **Updates.** The Teton County Bear Conflict Priority Area Map shall be updated as deemed necessary by the Wyoming Game & Fish Department. Such updates shall be based on black bear and grizzly bear observations, occupancy trends, and habitat quality, but shall not necessarily be revised solely due to changes in the frequency or number of conflict incidents reported in Teton County.

**C. Bear Conflict Prevention Standards**

1. **Standards for Conflict Priority Area 2 (CPA2).** There are no bear conflict prevention standards for properties located within CPA2.
2. **Standards for Conflict Priority Area 1 (CPA1).** Use of a property, any part of which lies in CPA1, shall comply with the following standards:
  - a. **Garbage**
    - i. All residential and nonresidential uses shall be required to store trash in certified bear-resistant containers or dumpsters. If trash is transferred from the property to a trash transfer station or landfill directly by the property owner or property lessee, trash may be stored in other containers as long as those containers are housed in a bear-resistant building or enclosure at all times while on the property.

- ii. All nonresidential uses conducting business as a food/drink preparation and service facility shall be required to store grease storage containers and stored foods exclusively inside bear-resistant buildings or enclosures.
- b. **Bird Feeders.** All properties within CPA1 shall comply with the following standard from April 1 through November 30 each year. Birdfeeders shall be hung at least 10 feet from the ground, deck, railing or surface and 4 feet from any structure, tree or limb and should have a catch pan attached directly underneath the feeder that is 4 inch larger in diameter than the widest diameter of the feeder itself.

### 3. Bear-Resistance Standards

- a. Certified Bear-Resistant Container or Dumpster. A certified "bear-resistant" container or dumpster is one that meets the "minimum structural design standards" published by the Interagency Grizzly Bear Committee (IGBC) in 1989 or has successfully passed the testing program and protocols recited in the Bear-Resistant Products Testing Program (October, 2005). A list of certified bear-resistant containers and dumpsters and the manufacturers that produce these products is available in the Teton County Planning and Development Department.
- b. Bear-Resistant Building or Enclosure. A bear-resistant building or enclosure is one that consists of and/or contains:
  - i. A framed building or enclosure with hard sides and a roof constructed of hard wood, non-reflective metal or other like product reasonably designed and manufactured to withstand an intrusion by a bear; or
  - ii. Chain-link fencing no less than 6 feet in height, at the top of which is barbed-wire fencing angled outwards; or
  - iii. Functional and maintained electric fencing designed to exclude bears; or
  - iv. A combination of (1), (2), and/or (3) in this subparagraph B.; and
  - v. Functional, maintained self-latching doors/gates, or doors and gates with locks.

**EXAMPLE:** Examples of bear-resistant enclosures include, but are not limited to, garages, metal sheds, houses, and electrified fencing designed to exclude bears or any other building designed and constructed to prevent access by bears.

## 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

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 excessive light and glare.

#### A. Standards

Exterior lighting shall meet the below standards.

1. **Total Cut-off Luminaires and Fixtures.** Luminaires and other light fixtures shall have a total cut-off of light at an angle less than 90 degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from direct view from a vantage point 5 feet above the ground at the perimeter of the lighted area. The light, furthermore, shall be contained entirely on-site. The maximum permitted illumination and mounting height of the luminaire or fixture shall be as set forth in the table below.

Maximum Luminaire Illumination and Height (Cut-Off Less Than 90°)		
Use and Zone	Max. Illumination (in footcandles)	Max. Height
Residential uses in the S-TC, AR-TC, AC-TC, UC and UR zones	1.0	15 ft
Residential use in all other zones and in NRO	0.5	15 ft
Nonresidential uses in R-TC, S-TC, OP-TC, and RB zones, and NRO	1.0	18 ft
Nonresidential uses BP-TC	2.0	18 ft
Nonresidential uses in all other zones	1.5	18 ft

2. **Flag Poles.** Flagpole lighting is permitted for United States and State of Wyoming flags only, provided the flagpole is ground mounted and does not exceed the maximum height for a structure in the zone in which the flagpole is located, and the following standards are met: lighted flagpole(s) shall only be permitted at essential government facilities, to be defined as post offices, fire and police stations and local, state and federal government administrative offices.

## B. Exempt Uses

Because ball diamonds, playing fields, outdoor rinks, ski areas, and tennis courts have unique requirements for nighttime visibility and generally may have limited hours of operation, they shall be exempted from the Total Cut-Off Luminaries and Fixtures standards of this Section, if the below standards are met.

1. **Complies with Requirements.** The proposed use meets all other requirements of these LDRs.
2. **Do Not Exceed Maximum Height.** Exterior light sources do not exceed a maximum post height of 40 feet.
3. **Luminaire Shielded.** If the luminaire is shielded in either its orientation or by landscaping to prevent light and glare spill-over to adjacent residential property, then the luminaire may exceed a total cut-off angle of 90 degrees. The maximum permitted illumination at the nearest interior setback line for a principal residential structure shall not exceed 1.5 footcandles.

## C. Prohibited Lights

Notwithstanding any other provision of this Section, the following lighting is prohibited for all uses in all zones.

1. **Flickering or Flashing Lights.** No flickering or flashing lights shall be permitted.
2. **Searchlights.** No searchlights, laser lights, 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 Christmas-type decorative lighting displayed between November 15 and January 10.

## 5.3.2. Scenic Resources Overlay (SRO) Standards

### 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

## 5.3.2. Scenic Resources Overlay (SRO) Standards

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. **Skalines.** 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.

## 5.3.2. Scenic Resources Overlay (SRO) Standards

- 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

1. 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-TC Zone.** All physical development, use, and development options, except new subdivisions, within the NC-TC 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 May 9, 1994, shall be exempt from the foreground standards of 5.3.2.G.
  - c. **Agricultural Operations.** Agricultural operations and uses shall be exempt from all standards of this Section.
  - d. **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.F. 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.F. 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.

## 5.3.2. Scenic Resources Overlay (SRO) Standards

- 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.F. 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.

## 5.3.2. Scenic Resources Overlay (SRO) Standards

- 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.

## 5.4.1. Steep Slopes

## 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

#### A. Slopes in Excess of 25%

No physical development shall be permitted on natural slopes in excess of 25%, except to provide essential access for vehicles and/or utilities when no other alternative access exists, and except in the NC-TC Zone.

#### B. NC-TC Zone

In the NC-TC Zone, no physical development shall be permitted on natural slopes in excess of 30%, except to provide essential access for vehicles and/or utilities when no other alternative access exists.

#### C. Manmade Slopes

Physical development on manmade slopes is permitted, provided that the proposed finish grade complies with all other applicable standards of these LDRs.

### 5.4.2. Unstable Soils

No physical development, use, development option, or subdivision shall be permitted on unstable soil as determined by the 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 slumping 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

#### A. Comply with Building Code for Seismic Zone 3

All structures shall comply with the currently adopted Building Code for Seismic Zone 3. The County 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 County 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](#).

### 5.4.4. Floodplains

All physical development within the floodplain shall comply with the Teton County Floodplain Management Resolution. In the event of a discrepancy in regulation between the Floodplain Management Resolution and these LDRs, the more stringent regulation shall control.

### 5.4.5. Wildland Urban Interface

See the Teton County Fire Protection Resolution 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

#### 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

#### 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:

1. **Detached Single-Family Units.** 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.
2. **Administrative Permit.** The Planning Director may exempt building permit, grading permit, basic use permit, and minor development plan applications from the provisions of this Section, if sufficient information demonstrating compliance with the provisions of this Division is provided in a landscaping statement.

#### 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

#### 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. Residential Requirements

1. **Number of Residential Plant Units.** All new residential development shall provide one plant unit per dwelling unit.
2. **Location of Residential Plant Units**
  - a. **Single-Family Subdivisions.** For residential development within single-family subdivisions, the plant unit required per dwelling unit shall be located on each lot of record.

## 5.5.3. Required Plant Units

b. **All Other Development.** For all other residential development the location of the plant units shall be anywhere within the development [lot of record](#) pursuant to the purpose of this Division.

**EXAMPLE:** The plant units may be located along the periphery of a cluster of units and not necessarily on the individual lots, or it may be located around a potentially high use open space or park within the subdivision.

## C. Nonresidential Requirements

For nonresidential development, plant units shall be provided at a rate of one plant unit per 1,000 square feet of required landscaped surface area, except in the R-TC zone where landscaping shall be provided at a rate of one plant unit per 1,000 square feet of gross floor area.

## D. Parking Lot Requirements

1. **General.** All parking lots shall comply with the plant unit requirements in the table below.

Zone	Use			
	Agriculture	Residential	Institutional	All Other Uses
R	0	--	--	1 per 8 spaces
S	--	1 per 12 spaces	--	1 per 8 spaces
OP-TC	--	1 per 12 spaces	--	1 per 8 spaces
MHP-TC	--	--	--	1 per 8 spaces
AR-TC	--	1 per 12 spaces	1 per 12 spaces	1 per 8 spaces
AC-TC	--	--	1 per 12 spaces	1 per 8 spaces
BP-TC	--	--	--	1 per 16 spaces
BC-TC	--	--	--	1 per 12 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:

- To avoid large, unbroken expanses of asphalt;
- To screen or soften parked vehicles as viewed from off site;
- To provide attractive, pleasing streetscapes; and
- To better define and organize vehicular and pedestrian spaces.

## E. Loading Area Requirement

Two plant units per loading bay shall be provided.

## F. 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

## 5.5.4. General Landscaping Standards

- 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.

#### 5.5.4. General Landscaping Standards

##### 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.
2. **Native Vegetation.** Native groundcover shall be used beyond 200 feet of a building. 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 AC-TC, AR-TC, PRD, MHP-TC, OP-TC, BP-TC, BC-TC, and S 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.

## 5.5.5. Installation and Maintenance

**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

[Section number reserved, standards only apply in Town]

### 5.6.2. County Sign Standards

#### A. Purpose

The purpose of this Section is to allow for the reasonable display of signage to identify and advertise products, services, and business establishments for the information and convenience of the general public. This Section sets forth standards and criteria for the fabrication, erection, and use of signs, symbols, markings, and other advertising devices in Teton County. These standards and criteria are designed to protect and promote the public health, safety, and general welfare of persons within the community. They are also designed to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness, and flexibility in the display and use of signs, while protecting and enhancing community character as described in the Jackson/Teton County Comprehensive Plan.

#### B. Applicability

1. **Sign Permit.** No person shall erect, alter, or relocate any sign without first obtaining a Sign Permit and meeting the standards set forth in this Section. Signs conforming to the requirements of this Section which identify a seasonal business may be removed for the seasons during which the business is not in operation, and may be reinstalled without a new sign permit.
2. **Maintenance and Repainting Exempt.** The repainting, changing of parts, and maintenance of signs located on the site shall not be deemed alterations requiring a Sign Permit, except for nonconforming signs as set forth in Sec. 1.9.5.
3. **Exempted Signs.** The following signs are not regulated by this Section and do not require a Sign Permit:
  - a. **Traffic Signs.** All signs erected in a public right-of-way by a public agency or in 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 election and which are removed by the candidate or property owner who placed the sign within 5 days after the election.
  - c. **Time and Temperature Signs.** The moving or changing portion of time and/or temperature signs allowed pursuant to C.3.c., providing they are kept in good repair at all times and providing that any sign containing such features conforms with all other requirements of this code.

- d. **Governmental Flags.** Official governmental flags of the United States, State of Wyoming, the County, or the Town and which are properly displayed, provided they do not exceed 20 square feet each, and further provided they are not mounted on a roof or atop other signs. One corporate flag may be displayed along with a proper display of any or all of the official flags listed in this paragraph, provided it does not exceed 20 square feet.
- e. **Private Warning Signs.** Private warning signs provided they do not exceed 3 square feet.
- f. **Signs on Vehicles.** Signs in or upon a vehicle, provided the vehicle is not left standing in conspicuous places and used primarily as an advertising device.
- g. **Construction Signs.** Construction signs announcing the construction of a building or project naming owners, contractors, subcontractors and architects not to exceed one sign of 24 square feet for each street frontage of the building or project.
- h. **Historical Signs.** Historical signs for sites and/or structures designated by the Board of County Commissioners as having historical significance to the County.
- i. **Guidance Signs.** Guidance and other informational signs authorized by the Wyoming Department of Transportation or other governmental agency.
- j. **Business Signs.** No more than one Open/Closed and one Vacancy/No Vacancy sign, one hours of operation sign, and one credit card acceptance sign, not to exceed a total of 3 square feet in area, displayed for each business.
- k. **Noncommercial Signs.** Signs that contain noncommercial messages that do not advertise a product or service, provided they do not exceed 20 square feet in area.
- l. **Statuary and Sculptures.** Freestanding statuary and sculptures which are considered to be works of art and which are placed on private property clearly for the benefit and interest of the general public.
- m. **Mural.** Murals when depicted on the sides or rear of a building or storefront, provided that the mural has no connection or advertising context to any business conducted or any product or service offered therein.
- n. **Real Estate Signs.** Signs of real estate companies or private individuals announcing a property for sale, rent, or lease, provided that no such sign exceeds 6 square feet, and that only one sign per property per street frontage is displayed.

## 5.6.2. County Sign Standards

- o. **Gate or Arch Sign.** A gate or arch sign situated over the primary entry of a ranch or other agricultural operation exceeding 200 acres in total contiguous area; provided that the sign face does not exceed 8 square feet and that the sign provides a clearance of at least 13.5 feet from the driving surface.
- p. **Minor Residential Signs.** Wall signs not to exceed 1 square foot in area that identify the occupants or owners of a residential property. Larger residential signs shall comply with the provisions of this Division.
- q. **Be Bear Aware Signs.** Signs cautioning proper storage of attractants, garbage, etc. for the purpose of raising awareness and maintaining human safety in areas possessing moderate and high risks of bear conflicts (Conflict Priority Area 1), as stipulated in Sec. 5.2.2.

## C. Allowable Signage

### 1. Allowable Signage by Zone

#### a. R-TC Zone

- i. **Nonresidential Uses.** Each freestanding nonresidential building or complex of buildings is allowed 1 rustic freestanding sign, not to exceed 16 square feet in area or 10 feet in height.
- ii. **Residential Uses.** 1 unlighted rustic freestanding sign not to exceed 4 feet in height; or, 1 unlighted wall sign, neither of which may exceed 4 square feet in area, identifying the owner and/or the name of the property is allowed.
- iii. **Home Occupations/Businesses.** 1 unlighted wall sign, which may not exceed 2 square feet, identifying legal home occupations shall be allowed.

#### b. S-TC and NC-TC Zones

- i. **Nonresidential Uses.** Each freestanding building or complex of buildings is allowed 1 rustic freestanding sign not to exceed 6 feet in height and 12 square feet in area, or, 1 wall sign not to exceed 12 square feet in area.
- ii. **Residential Uses**
  - a). **3 Acres or More.** For a residential use on a lot of record of 3 acres or more, 1 unlighted rustic freestanding sign not to exceed 4 feet in height and 4 square feet in area; or, 1 unlighted wall sign, not to exceed 4 square feet in area, identifying the owner and/or name of the property is allowed.
  - b). **Less Than 3 Acres.** For a residential use on a lot of record less than 3 acres, 1 unlighted wall sign identifying the name of the owner and/or property, not to exceed 3 square feet, is allowed.

- iii. **Home Occupations/Businesses.** One unlighted wall sign not to exceed 2 square feet, is allowed.
- c. **Auto Urban Residential - County (AR-TC), Auto Urban Commercial - County (AC-TC), Wilson Commercial (WC), Business Park - County (BP-TC), Office Professional - County (OP-TC), and Business Conservation - County (BC-TC)**
  - i. **Nonresidential Uses.** For nonresidential uses in the AR-TC, AC-TC, WC, BP-TC, OP-TC, and BC-TC zones, signage is permitted according to the following standards.
    - a). **Freestanding Signs.** Each freestanding building or complex of buildings is allowed 1 rustic freestanding sign at the primary entrance or street frontage, not to exceed 8 feet in height. The maximum area of the sign shall be 1 square foot for each linear foot of building facing the street, not to exceed 40 square feet.
    - b). **Wall Signs.** Each freestanding building or storefront is allowed 1 wall sign per street frontage which shall not exceed 1 square foot per 2 linear feet of building facing the street, to a maximum area of 24 square feet per sign.
    - c). **Monument or Entry Sign.** Each freestanding building or complex, having a primary or secondary entry from a street other than the street which it faces, shall be allowed one entry sign per entrance, not to exceed 4 feet in height, nor 6 square feet in area.
  - ii. **Residential Uses**
    - a). **Less Than 8 Units.** One unlighted wall sign identifying the name of the owner and/or property, not to exceed 3 square feet is permitted.
    - b). **8 Units or More.** One rustic freestanding project identification sign not to exceed 6 feet in height and 6 square feet in area; or, one wall sign not to exceed 6 square feet in area is permitted.
  - iii. **Home Occupations/Businesses.** One unlighted wall sign not to exceed 2 square feet in area is allowed.
- 2. **Window Signs.** Signs displayed in windows of buildings or storefronts are permitted. The number of signs and their total area does not count toward the total allowable signage per zone, nor is a Sign Permit required for their display, provided the following standards are met:
  - a. **Size Limit.** Window signage may occupy no more than 25% of the area of the window in which it is displayed. In no event shall window signage exceed 16 square feet in any one window.

## 5.6.2. County Sign Standards

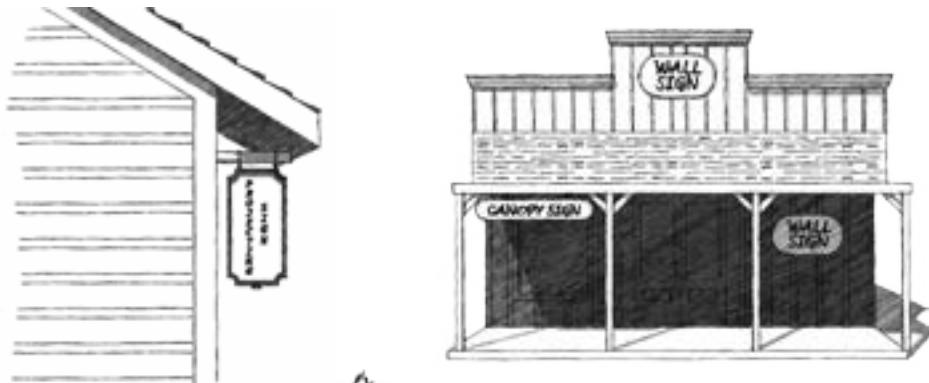
- b. **Prohibited Features of Window Signs.** No window sign, or any other sign within a building or structure, shall flash, rotate, or be mechanically or electronically animated in any way so as to be visible from outside of the building or structure.
3. **Special Purpose Signs**
  - a. **Changeable Copy Signs**
    - i. Reader-board or changeable copy signs are permitted to be displayed by the following types of businesses.
      - a). **Theaters.** Motion picture theaters and play-houses.
      - b). **Convention Facilities with Liquor Licenses.** Businesses with convention facilities, and which qualify for resort liquor licenses under the Statutes of the State of Wyoming.
      - c). **Fuel Stations.** Businesses which sell motor fuels at retail dispensed from pumps on premises.
    - ii. Changeable copy signs may be either freestanding signs or wall signs, as permitted in the zone. The area of any changeable copy sign in its entirety shall conform to the allowable signage for the zone. Only one changeable copy sign per eligible business establishment is permitted.
  - b. **Movie Poster Signs.** Motion picture theaters and retail stores whose primary business is the sale and/or rental of pre-recorded video tape and/or discs to the general public shall be permitted to display a maximum of 2 movie poster signs. Movie posters must be displayed in a display case which must be permanently affixed to the wall of the building or storefront. Movie posters shall not be affixed directly to a wall as a temporary sign. Movie poster display cases may be lighted, and shall not exceed 12 square feet in area. The area of any movie poster sign conforming to this Section shall not count toward the total signage allowed by zone.
  - c. **Time and Temperature Displays.** Banks, savings and loan associations, and credit unions are permitted, in addition to signage permitted by zone, to display the correct time and air temperature for the information of the general public. Time and temperature displays are limited to 1 per eligible business establishment, and the moveable/changeable area of the display may not exceed 12 square feet. Time and temperature displays may be affixed to either freestanding or wall signs, as permitted by zone.
4. **Temporary Uses.** Signage for the temporary uses and for one-time grand openings, is permitted subject to the conditions and limitations stated herein. All signs require a Sign Permit issued by the Planning Director. Unless otherwise specified, signs must be removed immediately upon the discontinuance of the temporary use or event.

- a. **Christmas Tree Sales.** One freestanding sign, not to exceed 6 feet in height, or one wall sign, or one banner per sales lot is permitted, not to exceed 8 square feet in area.
- b. **Contractors and Real Estate Sales Offices.** In addition to the construction sign(s) exempt from this Section, one wall sign affixed to the office and not to exceed 3 square feet is permitted.
- c. **Public Interest Event.** One freestanding sign not to exceed 6 feet in height, or one banner is permitted, neither of which may exceed 12 square feet in area. The sign or banner must be displayed on the site of the event. Up to 2 off-premises directional signs not to exceed 6 square feet each are also permitted. Signs may be displayed up to 14 days prior to the event.
- d. **Special Event.** One freestanding sign not to exceed 6 feet in height, or one banner, neither of which may exceed 12 square feet in area, is permitted per street frontage at the site of the event. Signs may be displayed up to 14 days prior to the event.
- e. **Shelters.** Shelters are permitted signage according to the allowable signage by zone, for residential uses in the zone in which the shelter is located.
- f. **Farm Stands.** Farm stands are permitted one temporary sign or banner, not to exceed 6 feet in area, or, signage permanently painted on, or affixed to, a vehicle may substitute for the sign or banner.
- g. **Grand Openings.** On a one-time basis, a business establishment shall be permitted one banner not to exceed 12 square feet, to be displayed for a period of not more than 14 calendar days.

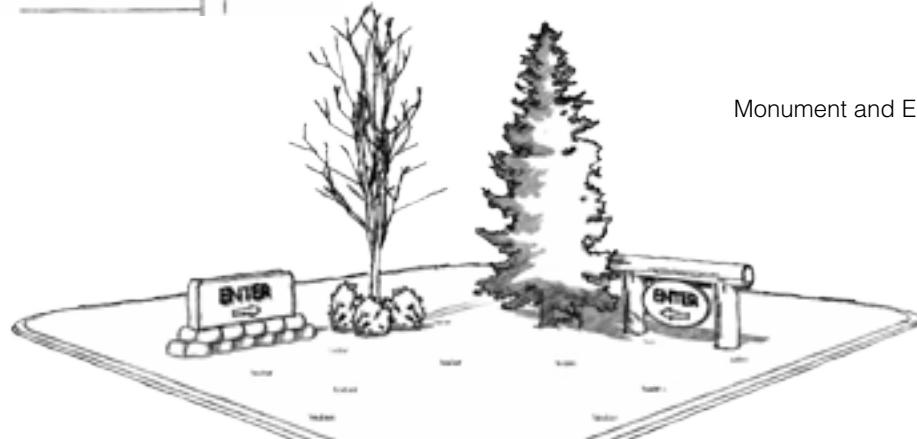
## 5. Optional and Alternative Signs

- a. **Freestanding Signs.** When the architecture of a building or complex and/or the character of the immediate area are such that a rustic freestanding sign is clearly incompatible, the Planning Director may allow a conventional freestanding sign as an alternative, provided the alternative sign meets all material and display standards.
- b. **Canopy Signs.** Canopy signs may be substituted for wall signs, subject to approval by the Planning Director, and a Master Signage Plan if applicable. Any canopy sign must have a minimum vertical clearance of 7.5 feet from any walking surface.
- c. **Projecting Signs.** Projecting signs that are perpendicular to a building may be substituted for wall signs, subject to approval by the Planning Director, and a Master Signage Plan if applicable. No sign face of a projecting sign may project more than 4 feet from the wall to which it is mounted. Any projecting sign must have a minimum vertical clearance of 7.5 feet from any walking surface.

5.6.2. County Sign Standards

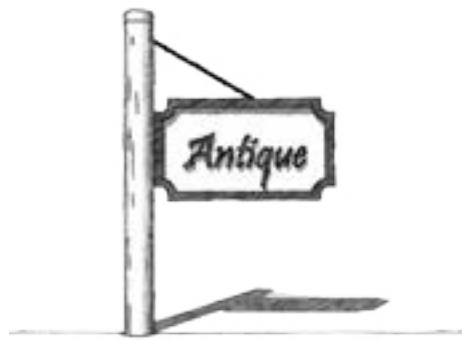


Monument and Entry Signs



Conventional Freestanding Signs

Rustic Freestanding Signs



## D. Prohibited Signs

The following signs and types of signs are prohibited in all zones in Teton County.

1. **Moving Signs.** Flashing, blinking, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, balloons, holograms, light beams, or other decorations, except time and/or temperature signs as permitted in B.3.c.
2. **Moving Appurtenances.** Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.
3. **Rotating Beacon Lights.** Rotating beacon lights.
4. **Inflatable Signs.** Inflatable advertising devices or signs.
5. **Portable Signs.** Changeable copy trailer or portable signs, either fixed or moveable.
6. **Changeable Copy Signs.** Changeable copy signs except as permitted in C.3.a.
7. **Banners.** Banners, except as explicitly permitted by this Section.
8. **Off-Site Signs.** All off-site, off-premise, and directional signs that advertise businesses, establishments, activities, facilities, goods, products, or services not made, produced, sold, or present on the premises or site where the sign is installed and maintained are prohibited. Those signs placed by governmental agencies for the use and benefit of a concessionaire on the concession land shall not be deemed or construed to be off-premise signs.
9. **Signs on Motor Vehicles.** No person shall park any motor vehicle or trailer on public or private property so as to be seen from the public right-of-way that has attached thereto or located thereon any sign for the purpose of advertising a product or directing people to a business activity.
10. **Neon Signs.** Neon signs or valances unless inside a building or in a window and not to exceed 4 square feet, except as exempted from this Section.
11. **Internally Illuminated Signs.** Signs with internal illumination of any type.
12. **Strings of Lights.** Strings, banks, or rows of lights used to outline or highlight a building or portion of a building, except as holiday decorations from Nov. 15 through Jan. 10.
13. **Other Temporary Signs.** Any other device in the form of a sign which is of a temporary nature, or mobile, and not permanently affixed to a building or an upright support affixed firmly to the ground, except as permitted under C.4.

## E. Master Signage Plan

The number, sizes, and types of signs allowed by this Section are based upon the number and sizes of freestanding buildings, storefronts, and complexes of buildings. A Master Signage Plan may be required by the Planning Director to ensure compliance with the standards and requirements of this Section when multiple signs are allowed, and/or multiple tenants, businesses, or other entities occupy a single building or site.

1. **Approval of Master Signage Plan.** The Master Signage Plan is subject to approval by the Planning Director, and once approved, all individual Sign Permits shall comply therewith.
2. **Requirements.** Each Master Signage Plan shall clearly indicate the location, size, and type of each sign on the property, as well as the distribution of allowed signage among multiple tenants, businesses, or entities within a building or complex.
3. **Adjustments to Number of Wall Signs Permitted.** Subject to an approved Master Signage Plan, the number of wall signs may be increased in order to allow signage for each tenant, business, or other entity occupying a single building or storefront. In no event shall the wall sign area be increased beyond the allowable signage by zone.
4. **Optional Signs.** When optional signs are proposed pursuant to C.5., a Master Signage Plan shall clearly indicate where substitutions are proposed and that all applicable standards are met.

## F. Sign Material and Display Standards

1. **Sign Materials.** Any and all materials used to construct signs, supports, or fasteners shall conform to the following standards:
  - a. **Permitted Materials Generally.** Signs may be constructed of painted, stained, or carved wood, or an approved wood substitute; brick or stone; glass; metal or metallic leaf which is rust resistant, painted or anodized, or otherwise treated to prevent reflective glare.
  - b. **Permitted Support Structure Materials.** Exposed metal support structures for signs including, but not limited to, posts, poles, and sign sides or edges, but which shall not be construed to include metal connecting devices such as, but not limited to, straps, chains, bolts, eye bolts, sleeves or collars used for connecting one structure or assemblage to another structure or sign, must be faced or covered with wood or stone or such other material as may be approved by the Planning Director as a reasonable, natural textured substitute.
  - c. **Rustic Freestanding Signs.** Rustic freestanding signs shall be constructed of carved and/or sand blasted wood. Letters may be raised or carved and may be painted. Supports shall be of rough-hewn posts or logs, or finished logs. Fasteners may be of wrought iron, chain, or angle iron, and must be of a weathered bronze, rust, or black finish, and must be non-reflective.

2. **Sign Area.** The area of a sign shall be the measurement of the face of the sign that is designed to present a message or attract attention, exclusive of structural support members. The area of the sign face shall be the area of the smallest standard geometric shape, or the sum total of the areas of more than 1 standard geometric shape, that encompasses the sign face. Two sided signs shall be permitted provided that neither side exceeds the maximum allowed area and the 2 faces are back to back and are at no point farther than 2 feet from one another. Otherwise, the area of all faces shall be included in determining the area of the sign.
3. **Display Standards.** The display of all signs regulated by this Division shall conform to the standards of this Section. Illustrated prototypes of all types of signs permitted by this Division are shown below.
  - a. **No Obstruction Permitted.** No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance, or exit as required by Sec. 7.6.6.
  - b. **No Projection within Right-of-Way.** No signs, except traffic signs and similar regulatory notices, shall be allowed to project or be located within public right-of-way lines.
  - c. **Lighting.** Signs may be unlighted or lighted externally, unless otherwise indicated in the allowable signage by zone.
  - d. **Shielded Spotlights.** Any spotlights permitted to illuminate signs shall be shielded such that their light source cannot be seen from adjoining roads.
  - e. **Wall Signs Mounted on Parapets.** A wall sign mounted on a parapet wall shall be mounted 6 inches or more below the top of the parapet wall.
  - f. **No Imitation of Traffic Signs.** Signs shall not resemble, imitate, or approximate the shape, size, form, or color of traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals, or devices, nor be lighted in a way that can cause glare or impair driver visibility upon roads.
  - g. **No Prevention of Ingress/Egress.** 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, and no sign shall be attached to a standpipe or fire escape.
  - h. **No Mounting on Natural Features.** No signs shall be painted or mounted on trees. No land form or natural land feature (rocks, cliff faces, etc.) may be defaced for purposes of displaying a sign.
  - i. **Height and Clearance.** All signs shall meet the following regulations relating to height and clearance from the ground, or from a walking or driving surface as applicable.

## 5.6.2. County Sign Standards

- i. **Measurement of Freestanding Sign Height.** The height of a freestanding sign shall be measured vertically from the highest point of the sign to the ground below, except that vertical supports of a rustic freestanding sign may extend above the maximum allowed height by not more than 6 inches.
- ii. **Clearance.** The clearance of a projecting freestanding, wall, canopy, or fascia sign shall be measured from the lowest edge of the overhang to the driving or walking surface below.
- j. **Freestanding Sign Setback.** Any rustic freestanding sign, entry sign, or monument sign shall be set back a minimum of 2 feet from any property line.
- k. **Landscaping.** The ground area around the base of all freestanding signs shall be landscaped in accordance with the requirements of these LDRs (see [Div. 5.5.](#)). The Planning Director, however, may exempt some freestanding signs from this standard where it is demonstrated that the landscaping would unduly interfere with pedestrian or vehicular traffic, interfere with traffic visibility, or for other reasons be impractical, for example, on a boardwalk.
- l. **No Street Frontage.** When a freestanding building, complex, or storefront does not face a public street or approved private road, and is accessed via a pedestrian area or common parking and drive area, the linear feet of building or storefront facing the pedestrian area or common parking and drive area shall substitute for purposes of determining allowable signage.

## G. Sign Construction Standards

Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in the currently adopted building code. A building permit for the sign structure may be required. If there is any indication that the proposed structure may not resist wind, seismic forces, or other loads or stresses, a Wyoming registered engineer's certification on the sign's structural plans shall be required.

## H. Dangerous or Defective Signs

1. **Removal or Repair by Owner.** Any sign, which is in a dangerous or defective condition, shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the Planning Director shall proceed pursuant to [Div. 8.9](#).
2. **Removal by Planning Director.** The Planning Director shall cause the removal of any sign that endangers the public safety or a sign for which no Sign Permit has been issued.
3. **Cost of Removal.** The costs associated with the removal of a sign by the Planning Director shall be paid by the owner of the property on which the sign was located. 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.

## Div. 5.7. Grading, Erosion Control, and Stormwater Management

### 5.7.1. Purpose and Applicability

#### 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 County. 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 County; 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 County 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.

**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 County Engineer to review land disturbances that, while small in area, may impact other landowners and the environment. A statement level grading permit application for a ditch alteration shall be prepared by a professional engineer registered in the State of Wyoming or by both a land surveyor and landscape architect registered in the State of Wyoming in accordance with 7.7.4.D.

## 5.7.1. Purpose and Applicability

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. Prior to submittal of a plan level grading permit the applicant shall have a pre-application conference pursuant to [Sec. 8.2.1](#). A plan level grading permit application for a ditch alteration shall be prepared by a professional engineer registered in the State of Wyoming or by both a land surveyor and landscape architect registered in the State of Wyoming in accordance with [7.7.4.D](#).
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 County Engineer in consideration of soil type and stability and the proposed structure; the report may be waived by the County Engineer, when applicable. The report shall be prepared by a professional 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.

Grading Proposal	Required Grading Permit Submittal		
	Exempt	Statement Level	Plan Level
Proposed impervious surface	See below	See below	$\geq 41\%$
Total land disturbance	See below	$\geq 12,000 \text{ sf and } < 1 \text{ ac}$	$\geq 1 \text{ ac}$
Disturbance of slopes $\leq 5\%$	$< 12,000 \text{ sf}$	$\geq 12,000 \text{ sf and } < 1 \text{ ac}$	$\geq 1 \text{ ac}$
Disturbance of slopes $> 5\% \text{ & } \leq 15\%$	$< 1,000 \text{ sf}$	$\geq 1,000 \text{ sf and } < 1 \text{ ac}$	$\geq 1 \text{ ac}$
Disturbance of slopes $> 15\%$	n/a	$\leq 3,000 \text{ sf}$	$> 3,000 \text{ sf}$

5. **Permit Exemptions.** Grading proposals exempt below or in the table above 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. Exemptions do not apply to ditch alterations, which are required to meet the standards of [7.7.4.D](#). In addition to the exemptions established in the table above, 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 County 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 County Engineer prior to any physical development.

## 5.7.2. Grading Standards

### 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.
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.

## 5.7.2. Grading Standards

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 County 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 County 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, and outside of right-of-way lines and vehicular access easements. 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 County Engineer. The County 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

#### 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

## 5.7.4. Stormwater Management Standards

as determined by the County 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

##### 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 County Engineer.** Prior to construction, improvement or alteration of drainageways, the County 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.

## 5.7.4. Stormwater Management Standards

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.

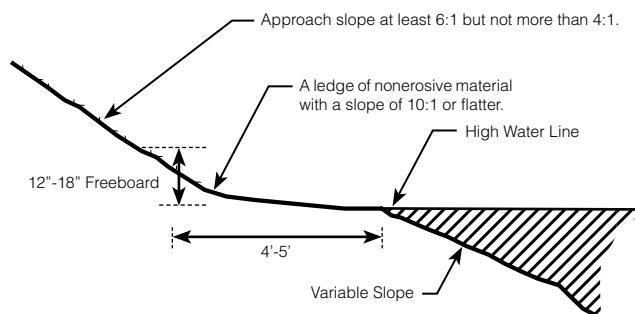
Intensity-Duration-Frequency Curve Data		
Duration (minutes)	Intensity (inches/hour)	
	10 Year Storm Event Recurrence Frequency: 10%	100 Year Storm Event Recurrence Frequency: 1%
5	1.80	3.00
10	1.42	2.33
15	1.19	1.90
20	1.05	1.65
30	0.83	1.30
40	0.67	1.08
50	0.57	0.95
60	0.51	0.82
70	0.47	0.74
80	0.43	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 previous 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.

5.7.4. Stormwater Management Standards

- 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 County Engineer, or the County 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 County may install hydrological measuring devices in drainage facilities within any development. When facilities are not constructed according to approved plans, the County 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

[Division number reserved, standards only apply in Town]

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# Article 6. Use Standards Applicable in All Zones

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## Div. 6.1. Allowed Uses

### 6.1.1. Use Schedule

The Use Schedule establishes the principle, 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.

USE CATEGORY	County Legacy Zones								Civic Zones				Def/ Stds
	Complete Neighborhood Zones				Rural Area Zones				P/SP-TC		P-TC		
Specific Use	AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P-TC		
Open Space													6.1.2.
Agriculture	Y	--	--	Y	--	Y	--	Y	Y	Y	Y	Y	6.1.3.B.
Downhill Ski Area	--	--	--	--	--	--	--	--	C	--	C	--	6.1.3.C.
Golf Courses	--	--	--	--	--	--	--	--	C	C	C	C	6.1.3.D.
Dude/Guest Ranch	--	--	--	--	--	--	--	--	C	--	--	--	6.1.3.E.
Residential													6.1.4.
Detached Single-Family Unit	Y	Y	Y	Y	--	Y	--	Y	Y	Y	--	--	6.1.4.B.
Attached Single-Family Unit	--	--	B	--	--	--	--	--	--	--	--	--	6.1.4.C.
Apartment	--	--	B	--	--	--	--	--	--	--	--	--	6.1.4.D.
Mobile Home	--	--	--	--	--	B	--	--	--	--	--	--	6.1.4.E.
Dormitory	B	C	--	--	--	--	--	C	C	C	C	--	6.1.4.F.
Group Home	B	C	--	--	--	--	--	C	C	C	C	--	6.1.4.G.
Lodging													6.1.5.
Conventional Lodging	--	--	--	--	--	--	--	--	--	--	--	--	6.1.5.B.
Short-Term Rental Unit	--	--	--	--	--	--	--	--	--	--	--	--	6.1.5.C.
Campground	--	--	--	--	--	C	--	--	C	--	--	--	6.1.5.D.
Commercial													6.1.6.
Office	B	--	B	B	--	C	--	--	--	C	--	C	6.1.6.B.
Retail	B	--	B	--	--	C	--	--	--	--	--	--	6.1.6.C.
Service	B	--	B	B	--	C	--	--	--	C	--	C	6.1.6.D.
Restaurant/Bar	B	--	B	--	--	C	--	--	--	--	--	--	6.1.6.E.
Heavy Retail/Service	C	--	C	--	B	C	--	--	--	C	--	C	6.1.6.F.
Mini-Storage Warehouse	C	--	C	--	B	C	--	--	--	C	--	C	6.1.6.G.
Nursery	B	--	B	--	--	C	--	--	C	--	--	--	6.1.6.H.

Key: Y = Use allowed without a permit    B = Basic Use Permit required    C = Conditional Use Permit required    S = Special Use Permit required    -- = Use not allowed

6.1.1. Use Schedule

USE CATEGORY	County Legacy Zones						Complete Neighborhood Zones				Rural Area Zones				Civic Zones		Def/ Stds
	AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P-TC					
<b>Accessory Uses</b>																	<u>6.1.11.</u>
Accessory Residential Unit	B	B	B	B	B	B	B	B	B	B	B	B	B	B	C		<u>6.1.11.B.</u>
Bed and Breakfast	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	<u>6.1.11.C.</u>
Home Occupation	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B		<u>6.1.11.D.</u>
Home Business	C	C	--	C	--	C	--	C	C	C	C	C	--	--	--		<u>6.1.11.E.</u>
<b>Family Home Daycare</b>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>6.1.11.E.</u>
<b><u>Home Daycare Center</u></b>	<u>C</u>	<u>C</u>	<u>B</u>	<u>C</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>6.1.11.G.</u>
Drive-In Facility	C	--	--	--	C	--	--	C	--	--	--	--	--	--	--	--	<u>6.1.11.H.</u>
Ag Employee Housing	--	--	--	--	--	--	--	--	--	--	B	--	--	B	--	--	<u>6.1.11.I.</u>
Cottage Industry	--	--	--	--	--	--	--	--	--	--	C	--	--	C	--	--	<u>6.1.11.J.</u>
Receptions/Events	--	--	--	--	--	--	--	--	--	--	C	--	--	C	--	--	<u>6.1.11.K.</u>
<b>Temporary Uses</b>																	<u>6.1.12.</u>
Christmas Tree Sales	Y	--	Y	--	Y	--	Y	--	--	--	Y	Y	Y	Y	Y	Y	<u>6.1.12.B.</u>
Real Estate Sales Office	--	B	--	--	B	--	--	--	B	B	B	B	B	--	--	--	<u>6.1.12.C.</u>
Temporary Shelter	B	B	B	B	--	B	B	B	B	B	B	B	B	--	--	--	<u>6.1.12.D.</u>
Farm Stand	B	--	B	--	--	--	--	--	--	--	B	B	B	B	B		<u>6.1.12.E.</u>
Temp. Gravel Extraction and Processing	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B		<u>6.1.12.F.</u>
Helicopter Tree Removal	--	--	--	--	--	--	--	--	B	--	B	--	B	--	--		<u>6.1.12.G.</u>

Key: Y = Use allowed without a permit    B = Basic Use Permit required    C = Conditional Use Permit required    S = Special Use Permit required    -- = Use not allowed

## 6.1.2. Classification of Uses

### A. Definition of Use

Use means the purpose for which a site or structure is occupied or maintained.

There are three categories of uses: principle, 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 principle use may exist on a property. A principal use includes all incidental uses. Principle 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.

**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**

**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 or crops;
    - iii. growing of ornamental or landscaping plants;
    - iv. greenhouses; and
    - v. rearing, feeding, and management of livestock.

2. **Standards**

- a. Agricultural land shall be actively farmed or ranched.
  - b. Retail sale of agricultural products on-site is prohibited unless permitted as a separate use.

## 6.1.3. Open Space Uses

## 3. Preservation

- a. **Findings.** Ranching and farming are agricultural uses that formed the original basis for the communities in Teton County. A large part of the private lands in Teton County is still used in agriculture. Agriculture is crucial to the wildlife and scenic qualities, and western atmosphere of Teton County, and therefore to the tourist-based economy. Every major wildlife species in Teton County is dependent on habitat provided by ranch lands. Any view of a major scenic vista in Teton County from highways or roads encompasses an agricultural scene in the foreground. Maintaining agricultural lands is the most efficient and inexpensive method to preserve open space which is crucial to the wildlife and scenic resources. The ranchers will keep their land undeveloped and unpopulated, control trespassing and poaching, maintain waterways and water rights, and manage vegetation, all without any expense to the public. In all areas of the County, the agricultural industry is threatened with extinction by residential and second home development due to the current basis of Teton County's economy – tourism. Ironically, the attraction for visitors in Teton County is the scenic and wildlife benefits of open space created by agricultural operations; the very operations that are threatened by increasing tourism and development. The County must protect agriculture in order to preserve the very foundation of the communities in Teton County as well as their precious wildlife and scenic resources.
- b. **Purpose.** The purpose of these preservation provisions is to protect and maintain the existing and potential agricultural lands in Teton County for the purpose of perpetuating agriculture in Teton County and preserving agricultural open space which is crucial to the wildlife, scenic and community values of Teton County. This is particularly done through the mechanisms in these LDRs that have been adopted for the purpose of promoting agricultural preservation.
- c. **Agricultural Assessment.** By Wyoming Statute, agricultural uses in Teton County do not pay property taxes on the market value of land upon which they are located. If they did, agriculture in Teton County would have disappeared long ago. Agricultural assessments are a conscious decision in order to retain agriculture for as long as possible.
- d. **R-TC Zone Open Space.** Developments in the R-TC zone are required to provide either 50% or 70% open space. If the property proposed for development has an existing agricultural operation, or a land owner wishes to establish an agricultural operation, on the portion of the property proposed as open space, agriculture is an accepted and encouraged use of the required open space. It is an objective of these LDRs that developments in the R-TC zone preserve as much open space as practicable. The open space shall be configured to maximize continued or future agricultural use.

- e. **R-TC Zone Density.** Developments in the R-TC zone are kept at a low density for mainly two reasons. One is that residential development and agriculture are generally incompatible. New neighbors harass a rancher's livestock or leave a gate open, and the rancher's livestock sometimes graze on a neighbor's yard or are otherwise considered a nuisance. The more the permitted form of development can either prevent or mitigate such conflicts, the more likely it is that agricultural operations can continue. Developments in the R-TC zone shall be compatible with agricultural operations. The County will minimize the conflicts between agricultural operations and neighboring developments by (among other things):
  - i. encouraging protection of contiguous open space;
  - ii. encouraging the protection of large blocks of open space; and
  - iii. development of an aggressive program to educate Teton County residents about ranching operations and ways to minimize potential conflicts.
- f. **R-TC Zone Permitted Land Uses.** Certain uses generally compatible with agricultural uses have been permitted in the R-TC zone in order to provide opportunities for agricultural families to diversify their income base, yet retain their primary way of life – agriculture. The following uses have been permitted in the R-TC zone, in many cases, specifically to promote agriculture:
  - i. Dude ranches
  - ii. Campgrounds
  - iii. Nursery
  - iv. Outdoor recreation
  - v. Bed and breakfasts
  - vi. Home business
  - vii. Agricultural employee housing
  - viii. Cottage industry
  - ix. Receptions/events
- g. **Exemption of Regulations for Agricultural Uses.** Agricultural uses, unlike other nonresidential uses, need no development permits to operate. Agricultural uses are also exempt from grading regulations, except on natural slopes in excess of 30%.

6.1.3. Open Space Uses

- h. **Stated Policy to Encourage Agriculture.** Ranching is an important part of the local setting, and provides a critical background to tourism. Teton County shall adopt a policy on the significant public values of agriculture in Teton County and shall further foster, promote and encourage agriculture and defend and protect agricultural operations from encroaching development.
- i. **Ensure Retention of Grazing and Access to USFS Lands.** The County will work with the Forest Service to ensure retention of grazing leases and access rights for ranchers in Teton County.

**C. Downhill Ski Area**

- 1. **Definition.** A downhill ski area is a slope used for downhill skiing for a fee.
  - a. **Includes:** facilities associated with the downhill ski area that may be located on a mountain such as:
    - i. lifts and trams,
    - ii. operational and maintenance facilities,
    - iii. trails,
    - iv. restaurants or warming areas, and
    - v. ski schools.

**D. Golf Course**

- 1. **Definition.** A golf course is a site used for the playing of golf.
  - a. **Includes:**
    - i. Pitch-and-putt courses
    - ii. driving ranges
    - iii. nine and eighteen hole golf courses
    - iv. executive courses
    - v. “par three” courses
    - vi. Incidental golf course clubhouse facilities such as a pro shop, lounge, food/service/bar, health and exercise rooms, and locker rooms.
  - b. **Does Not Include:**
    - i. Miniature golf or putt-putt courses.
    - ii. Planned Residential Developments that are integrally designed with golf courses (they are considered as a separate development option).

**2. Standards**

- a. **Purpose.** The purposes of these standards are to:

- i. Establish and describe the types of information that must be provided by the applicant to allow assessment of the proposed golf course development.
- ii. Provide conditional use findings and general evaluation criteria to determine if a golf course proposal is a compatible land use at the proposed site.
- iii. Provide a set of development standards to ensure that new golf course development is designed, constructed and operated to sustain site-specific community values.
- iv. Provide protection of the ecosystem and the ecological health and quality of life.

b. **Exemptions**

- i. Existing golf courses developed prior to March 22, 2002 shall be exempt from these golf course standards, except when the golf play areas are expanded into new land outside the boundary of the previously existing golf play areas, in which case these standards shall apply to the expansion areas.
- ii. Notwithstanding the exemption established above, golf courses existing prior to March 22, 2002 shall prepare regular reports on water quality and submit said reports to the Teton Conservation District and participate in a countywide water quality program.

c. **Application Requirements.** In addition to all other applicable sections of these LDRs, development applications for golf courses shall include the following information:

- i. **Environmental Analysis.** An Environmental Analysis pursuant to Sec. 8.2.2., as applicable, shall be submitted with a Sketch Plan.
- ii. **Conceptual Natural Resource Management Plan.** A Sketch Plan submittal shall include a Natural Resource Management Plan (NRMP). It shall specify and demonstrate how agronomic, maintenance and other management practices will protect wetlands, ground water and surface water quality, and geomorphology. Furthermore, it shall demonstrate the use of integrated pest management, explain the control of nutrient applications, designate turf grass planting locations and treatments, and provide mitigation for any wildlife or fishery habitats. The conceptual NRMP will set forth a monitoring program that will ensure regular monitoring of key indicators of ecological health, to be reviewed by Wyoming DEQ, plan review committee and the Director of the Teton Conservation District.
- iii. **Final Natural Resource Management Plan.** In conjunction with a Final Development Plan submittal, a Final Natural Resource Management Plan shall be submitted that builds on the conceptual NRMP submitted with the Sketch Plan by providing more detailed information and any

## 6.1.3. Open Space Uses

additional information requested by the federal, state, or local agencies based on their review of the conceptual NRMP. Revisions may be subsequently required in the NRMP as site-specific conditions that are identified during construction may require additional information or mitigation.

- iv. **Guidelines for Natural Resource Management Plan.** A Golf Course Natural Resource Management Plan Guidance Document is available in the Teton County Planning Department. Consulting this document is encouraged, as it will provide guidance to the County on such management plans. Said Plan, as amended from time to time administratively by the Planning Director, is non-regulatory and provides guidance only.
- v. **Grading and Construction Management plans.** Grading and construction management plans shall be submitted with the Final Development Plan application.
- vi. **Requirements in Addition to Existing Requirements.** The submittal requirements listed above for golf courses are in addition to all requirements for any Planned Residential Development when such development is proposed with a golf course. All elements of the residential development shall be included in the Environmental Analysis and Development Impact Assessment required for the associated golf course.
- d. **Required Findings.** In order to assess whether the proposed site is appropriate for a golf course and if a golf course on the proposed site is generally compatible to the community's land use goals and objectives, the Planning Commission shall provide their recommendations, and the Board of County Commission shall affirm that all of the findings below are true.
  - i. The natural and pre-development lay of the land is conducive to the layout of a golf course and does not require substantial alteration to the natural landscape.
  - ii. The location and general layout of the golf course, including the placement of associated buildings and residences, preserve significant open vistas and create deep setbacks as viewed from the public travel corridors defined in 5.3.2.B., and any adjoining rivers.
  - iii. The golf course and any associated residential development will not overload the existing or proposed roadway system.
  - iv. The proposed golf course is located and the layout is configured to minimize land clearing, tree cutting and grading. Land clearing, tree cutting and grading may not have a significant negative impact on wildlife, wildlife habitat, aquatic or scenic values. Mitigation shall be required to offset any identified negative impacts.

- v. The best scientific data shall demonstrate that wildlife migration corridors, nests, spawning substrates, and crucial winter habitats will be functionally sustainable within one year of the completion of golf course grading activities. Also, in relation to impacts to threatened and endangered species, any necessary authorizations have been obtained.
- vi. Golf course development shall not degrade ecological functions and values present at the site of the proposed golf course or on adjacent land.

e. **Development Standards.** In order to ensure that the adopted goals for environmental protection and the preservation of community-character values are maintained, the following standards shall apply:

- i. **Base Site Area.** Land area devoted to golf playing surfaces such as putting greens, fairways, tee boxes, roughs, sand traps, and areas between and surrounding these features, and land supporting golf facilities such as club house, parking lots and maintenance structures, shall be counted toward the Base Site Area of the golf course, with the exception of functional wildlife habitat areas either natural or created. The land devoted to a golf course shall not be used in calculating the base site area or density for accompanying residential development.
- ii. **Open Space.** The putting greens, fairways, tee boxes, sand traps, roughs, and other mowed areas and areas between and surrounding these features within a golf course do not satisfy the open space requirement for a Planned Residential Development, with the exception of functional wildlife habitat areas that are either natural or created. Functional wildlife habitat areas within the perimeter of the golf course may be counted as open space upon the approval of the Planning Director. These areas designated as wildlife habitat must be designed or designated by a qualified wildlife biologist and/or ecologist and ensured by a financial bond in an amount sufficient to cover the cost of preservation or creation of functional wildlife habitat for two growing seasons.
- iii. **Building Standards**
  - a). The Clubhouse and any other golf course related building shall not exceed 30,000 square feet of gross floor area in any single structure.
  - b). When any building is designed to exceed 5,000 square feet gross floor area above grade, all elevations facing public view corridors or existing residential areas shall employ varied roof heights and lines and structural articulations to visually reduce the bulk and scale of the building.
  - c). All buildings shall have exterior surfaces and windows that use non-reflective materials and appear as natural wood or stone.

## 6.1.3. Open Space Uses

- d). Maintenance and storage buildings shall be located on the property that have low visibility from public view corridors and adjoining residential areas, or shall be designed to look like farm or ranch buildings, or shall be effectively screened from view using native vegetation.
- iv. **Landscaping for Buildings and Parking Lots**
  - a). An individual Landscape Plan shall be submitted for the areas immediately around all buildings and parking lots.
  - b). Landscaping shall be in accordance with Div. 5.5.
- v. **Waterbody and Wetland Setback/Buffers**
  - a). Putting greens, tee boxes, fairways and sand traps are prohibited within the setback/buffers for streams, and rivers.
  - b). Putting greens, fairways, tee boxes, or sand traps may be permitted within wetland setback/buffer where it can be demonstrated that a USACOE 404 Permit would be issued to dredge or fill the buffered wetland for the purpose of locating said golf course features. The setback encroachment is permitted to avoid or significantly reduce the filling of the wetland and is therefore permitted provided the applicant demonstrates the avoidance or significant reduction in wetland filling is achieved. Under no circumstances shall a wetland setback/buffer be reduced by more than 15 feet for a putting green or tee box surface.
  - c). Elevated cart paths over wetlands and non-elevated cart paths providing direct access to bridges shall be allowed to encroach in the waterbody or wetland buffer/setback.
  - d). Cart-path areas not required for direct wetland or watercourse crossings shall not be permitted within the standard buffer area.
  - e). No grading or vegetation disturbance shall occur within standard river and stream setback/buffers except for restoration or mitigation planting as approved under a development permit, or as permitted per this Subsection of the LDRs.
  - f). Site -specific factors such as sloping ground, porous soil texture, and high percolation rates may require tee boxes and putting greens be located further than 50 feet from streams, even in the absence of riparian vegetation, to protect water quality.
  - g). No setback is required from man-made ponds, lakes, streams and wetlands unless said man-made features were constructed to satisfy mitigation requirements. In event of such requirement the standard setback/buffer shall apply.

- h). During the construction phase there shall be no construction activity or land disturbance within any designated setback/buffer, except as permitted pursuant to this Section.

vi. **Annual Operation Plan and Monitoring Program**

- a). An Annual Operation Plan and Monitoring Program shall be prepared by the operators of the golf course and submitted to the Teton County Planning Department, by January 31st of each year, for review.
- b). Said Plan and Program shall summarize the operations of the previous year and identify any proposed changes from past years concerning agronomic practices, wildlife use, or any other biological or physiographic changes proposed to occur on the property.
- c). These records shall be available to the Director of the Teton Conservation District for his inspection in connection with a countywide water quality-monitoring program.

**E. Dude/Guest Ranch**

1. **Definition.** A dude or guest ranch is a ranch that provides multi-night accommodations for guests; provides a recreational activity or immediate access to recreational activities; has dining facilities on-site; and has barns, associated outbuildings, corrals, pastures, and livestock related to a working ranch and/or the recreational activity available to guests.

- a. **Does Not Include:**
  - i. restaurant or bar catering to the general public
  - ii. active solicitation of one night accommodations.

**2. Standards**

- a. **Minimum Site Size.** The site shall have a minimum of 70 acres of privately owned Base Site Area. Lands restricted by a conservation easement or deed restricted lands, however, may be counted as part of the Base Site Area provided the restricted land has not been counted as the required open space for another development.
- b. **Agricultural History.** The land serving as Base Site Area for a dude/guest ranch shall have been in active agricultural use for at least 15 years prior to the commencement of the dude/guest ranch or has been legally operating as an active dude/guest ranch upon the enactment of this ordinance.
- c. **Acreage Formula.** The total acreage accessible to a dude/guest ranch via ownership, lease, or recreational permits issued by a government agency, shall equate to no less than 5 acres per guest.

## 6.1.3. Open Space Uses

**EXAMPLE:** A ranch with access to 80 acres would permit no more than 16 guests (80/5=16). This calculation includes the Base Site Area and may include acreage that serves as open space in a planned residential development provided the easement protecting said open space permits recreational activities and legal access to the guests of the dude/guest ranch. In no case, however, shall a dude/guest ranch private acreage fall below the minimum site size required.

- i. **Required Renewal of Approval.** If a dude/guest ranch is dependent upon leased private land or recreational permit issued by a governmental agency to comply with the acreage formula requirement, the dude/guest ranch Conditional Use Permit (CUP) shall run concurrently with the land lease and/or recreational permit. If the lease or permit is renewed or extended, the CUP shall be reviewed by the Board of County Commissioners and may be renewed or extended. The Board of County Commissioners' review shall be limited to reviewing only the affects that may result from any changes in the lease or permit.
- ii. **Contiguous Leased Land and Permitted Land.** When leased private land or land accessible via a permit issued by a government agency is required to comply with the acreage formula requirement, said leased private land or permitted land shall be contiguous to or within one mile of the dude/guest ranch that possesses the lease or permit. If the leased land or permitted land is not contiguous but rather within one mile of the dude/guest ranch, legal access shall exist that permits guests of the ranch to access the leased land or permitted land via a route that is no longer than one mile in length.
- d. **Maximum Occupancy.** Dude/guest ranches shall be limited to a maximum occupancy of 75 guests. In addition to guests, housing for employees shall be permitted.
- e. **Recreational Activities.** Dude ranches and guest ranches shall provide outdoor recreational activities for their guests:
  - i. **Dude Ranch.** Dude ranches shall, at a minimum, provide facilities, horses and horseback riding activities to accommodate guests. A dude ranch shall have on-site or readily available at least one horse per guest and organized horseback riding activities for guests. In addition to horseback riding activities, other recreational activities may occur as part of the dude ranch provided they are approved as part of the Conditional Use Permit (CUP). These additional activities may include, but are not limited to, the recreational activities allowed for a guest ranch and described below.
  - ii. **Guest Ranch.** Guest ranches shall provide recreational activities or immediate access to recreational activities for guests. They may include, but are not limited to, day and overnight horseback trips, guided hunting trips, fishing trips, rafting trips, cook-outs, hay rides,

cross-country skiing, and snowmobiling. Outdoor activities shall be approved as part of the Conditional Use Permit (CUP) and may be restricted both in location and the time of year during which they may be conducted in accordance with the wildlife protection guidelines provided by the Wyoming Game & Fish Department.

- f. **Agricultural Buildings.** Agricultural buildings associated with the dude/guest ranch shall be actively used for the care and management of livestock kept on the property. Agricultural buildings shall be exempt from plant unit requirements. Accessory structures such as maintenance buildings are permitted.
- g. **Dining Facilities.** A dining facility capable of accommodating the maximum number of guests permitted at the ranch may be provided. If a common dining facility is not provided, cooking facilities shall be provided to guests as part of the lodging accommodations. Typically the dude/guest ranch provides all meals to the guests.
- h. **Lodging Accommodations.** Permanent buildings for lodging all guests shall be provided. Lodging may be in cabins or a main lodge. Lodging in temporary facilities, such as tents, is permitted as part of overnight recreational activities, but shall not be the primary type of accommodation.

## 6.1.4. Residential Uses

### A. All Residential Uses

- 1. **Definition.** A residential use is a living facility 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.**

### 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. Conventional Camping Unit
    - ii. Recreational Park Trailer
    - iii. Homes built to meet the requirements of the International Residential 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 6 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.

## 6.1.5. Lodging Uses

### 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.

## 6.1.5. Lodging Uses

## 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.

## 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 May 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. These developments with prior approval are:
  - i. The Aspens (condominiums and single-family homes);
  - ii. Teton Shadows (condominiums only);
  - iii. Teton Village (condominiums and single-family homes);
  - iv. Golf Creek (condominiums only);
  - v. Jackson Hole Racquet Club Resort Commercial Area (Teton Pines) (sixty-four [64] lodging units);
  - vi. Spring Creek Ranch (up to 200 units of the 301 dwelling units permitted); and,
  - vii. Crescent H "Fish Lodges" (Crescent H lot 8).

#### D. Campground

1. **Definition.** A campground is an establishment providing campsites for overnight or short-term accommodations wherein customers camp in recreational vehicles, trailers, campers, or tents, or in Recreational Park Trailers (RPTs).
2. **Standards**
  - a. **Purpose.** The purpose of these standards is:
    - i. to preserve Teton County's unique community character and site-specific community values by ensuring that campgrounds are compatible with surrounding land uses in terms of design, construction, and operations; and
    - ii. to ensure that a variety of camping experiences are available in Teton County for visitors so that visitor services are enhanced in a manner that emphasizes the area's unique outdoor attributes.
  - b. **Applicability**
    - i. Any existing campground that changes use or develops in any manner requiring a physical development permit or conditional use permit, shall come into compliance with all standards of these LDRs, except as provided in this Subsection.
    - ii. The addition of any RPT unit beyond that which was approved prior to April 16, 2012 is considered expansion and requires a physical development permit and CUP or amendment to an existing CUP. However, previously approved RPT units shall not be required to be upgraded, retrofitted, or replaced to meet the standards of this Section. No changes can be made to existing RPT units that increase any violation of these standards.

## 6.1.5. Lodging Uses

- iii. Those campgrounds approved for RPT units prior to April 16, 2012 are permitted to retain the existing LSR in place in 1994 or the LSR permitted at the time of the physical development permit or CUP application, whichever is less.
- iv. A campground in existence prior to April 16, 2012 is allowed to retain the number of campsites permitted by any CUP or Development Permit for the campground. In the event a campground in existence on April 16, 2012 does not have a CUP or Development Permit, the campground is allowed to retain the number of campsites existing on-site April 16, 2012.

## c. Standards

- i. **Permanent Structures.** The campground shall have no permanent structures other than a management office, which may contain a small grocery and sundries store no larger than 4,000 square feet, laundry facilities, storage facilities, sanitary facilities, or other existing amenities that shall be solely for the occupants of the campground.
- ii. **Site Requirements**
  - a). **Amenities.** Each campsite in the campground shall consist of a camp pad, a fire ring or barbecue, a table, a pole for hanging food stores or bear proof boxes where appropriate, and a surrounding active recreational area.
  - b). **Landscape Surface Area.** Landscape Surface Area in a campground includes all undisturbed areas, including grass camp pads, but does not include gravel or paved camp pads; roads; drives; buildings, structures or RPTs, including porches, decks, terraces or patios; or gravel, paved or grass parking spaces. Grass campsites for tent camping shall be counted toward the required LSR.
  - c). **Design.** No external additions such as rooms, carports, decks or porches, may be placed on a campsite except as specified for Recreational Park Trailers. Non-combustible, at-grade improvements such as stone or sand-set terraces are permitted on campsites, but shall not be counted as part of the required LSR.
- iii. **Facilities.** Restroom and shower facilities shall be required for all campgrounds based on the number of campsites and utility hook-ups at the campground. Campsites containing RPTs shall not be included in the total number of campsites for the purpose of calculating the number of required restroom and shower facilities. When the determination of the number of required restroom and shower facilities results in a fractional number, the requirement shall be rounded up to the next whole number. In no case shall less than one facility be provided.

Number of Sites	Toilets		Lavatories		Showers	
	Men	Women	Men	Women	Men	Women
30 Full Hook-up	1	1	1	1	1	1
15 Partial Hook-up or Tent	1	1	1	1	1	1

- iv. **Occupancy.** Campsite occupancy, including RPT occupancy, is limited to short-term use of less than 30 days in any 90-day period. While RPTs may be on the property for longer than 30 days, the occupancy of any campsite or RPT shall be limited to less than 30 days in any 90-day period by any individual or group of individuals. Campground employees may be permitted to occupy a Conventional Camping Unit or tent campsite for longer than 30 days. The maximum number of campsites that may be used by employees shall be determined in the CUP.
- v. **Seasonal Closure.** Campgrounds shall be closed between November 30 and April 1 if winter use at the campground would have negative impacts on animal species protected by 5.2.1.G., as determined by the Board of Commissioners upon consideration of a habitat/wildlife report submitted by a certified biologist. A lesser time frame for seasonal closure may be approved by the Board through the CUP review where it is demonstrated that winter use of the site would have minimal negative impacts to animal species protected by 5.2.1.G.
- vi. **Ownership.** Each of the campsites and RPT units located at a campground shall be owned by the same entity that owns the campground. No fractional ownership, timeshares or memberships of campsites or RPT units is permitted.
- vii. **Monitoring Program.** An annual monitoring report, capable of audit, shall be prepared by the operator of the campground and submitted to the Teton County Planning Department, by January 31st of each year. The report shall summarize the operations of the previous year, and shall include, at a minimum, each campsite's rental history for the previous year with arrival and departure dates. Additional records shall be provided by the owner of the campground if necessary to determine whether campsite occupancy was in compliance with the short-term use requirement of this Section. Records shall be made available during normal business hours for review by the Planning Department. Any noncompliance with the LDRs or the conditions of a Conditional Use or Development Permit may result in the suspension or revocation of such permit. Other appropriate remedies may be pursued by the County as set forth in Div. 8.9. and/or as permitted by statute.
- viii. **Recreational Park Trailers.** RPTs shall be allowed at campgrounds located within the BC-TC zone provided a CUP is issued for such use. The following additional standards are applicable to RPT units:

## 6.1.5. Lodging Uses

- a). **Location.** RPTs are only permitted at campgrounds located within the BC-TC zone. Where a campground is in more than one zone, the campground may be designed and developed as a single development with RPT placement in either zone if it can be demonstrated that the location proposed improve scenic views and lessen adverse environmental impacts as stated in Sec. 1.6.6.
- b). **Ratio.** Of the total number of campsites allowed in the BC-TC zone, no more than 40% shall be used for RPTs. A final number of campsites that are eligible for RPT sites shall be determined through the CUP process.
- c). **Set-Up Mode.** RPTs are to be located on the site in such a way that the units can be removed if deemed necessary. Permanent foundations shall not be used. Tongues may be removed if not located within a special flood hazard area and removal is approved by the Building Official. All RPTs are to be skirted. RPTs shall comply with any additional requirements, including anchoring systems, deemed necessary by the Building Official.
- d). **Design Standards**
  - 1). RPT units shall be covered with nonreflective materials.
  - 2). Earth-tone colors that blend the units into the terrain shall be used.
  - 3). Covered or uncovered porches built as part of the trailer on the chassis are permitted and are limited to 100-square feet per trailer. No after-market external additions such as expandable rooms, carports, decks or porches, other than external stairs with a landing essential for safe ingress and egress as determined by the Building Official, may be attached or placed on a campsite. Non-combustible, at-grade improvements such as stone or sand-set terraces are permitted at campsites, but shall not be counted as part of the required LSR.
  - 4). All RPTs shall have a minimum insulation of R-19 walls, R-38 roofs, and R-19 floors. Doors and windows shall meet a minimum U-factor of .35 or better. Documentation confirming compliance with insulation requirements shall be submitted to the Planning Department for approval prior to the placement of such units.
  - 5). All RPTs shall meet the minimum snow load requirements for structures as defined in the current Teton County Building Codes Resolution. Documentation confirming compliance with snow load requirements shall be submitted to the Planning Department for approval prior to the placement of such units.

- 6). RPTs may be no higher than 16 feet in height as measured from any point on the exterior of the RPT to the nearest point of finished grade.
- e). **Setbacks.** Each RPT unit shall be setback a minimum of 30 feet from the front, street right-of-way, roadway, or vehicular access easement; 30 feet from the rear lot lines; and 10 feet from the side lot lines. A minimum separation distance of 10 feet between RPTs shall be required.
- f). **Utilities.** RPT sites are required to be connected to adequate water, electrical, and septic or sewer system in accordance with all applicable State and County codes and requirements. RPTs may be connected to quick-disconnect hook-ups upon approval by the Building Official.

## 6.1.6. Commercial Uses

### 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.

### 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

6.1.6. Commercial Uses

iii. candy and ice cream/yogurt shops

iv. video rental shops

**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 oriented to the serving of food and/or 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; and
  - 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

### 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

6.1.7. Amusement and Recreation Uses

vi. pool and billiard halls

vii. shooting arcades

**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

b. **Does Not Include:**

i. Golf course

ii. Downhill Ski Slopes

2. **Standards**

a. **All Zones.** In all zones, outdoor recreation uses shall only be permitted subject to a use management plan. The use management plan shall ensure that outdoor recreational uses are designed to minimize any glare from night lighting into residential areas, and that the hours of operation of potentially noisy uses which might disrupt a residential area are limited.

b. **NRO.** For land within the Natural Resources Overlay, the use management plan shall comply with the following:

i. **Limitation of Access During Eagle Nesting.** Access to the protective radius around a bald eagle nest shall be limited to times of the year when eagles are not nesting.

ii. **River and Stream Bank Buffers for Trumpeter Swans.** River and stream bank buffers for trumpeter swans shall be 2 times that required in Sec. 5.1.1. and Sec. 5.2.1.

**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

## F. Balloon Operation

1. **Definition.** A balloon operation is the provision of hot air balloon flights for hire.
2. **Standards**
  - a. Balloon operations require securing both launching and landing rights for balloons.
  - b. Balloon operations shall have launching facilities on their own land, or shall have leases or signed agreements from other landowners giving them sufficient launching facilities for operation.
  - c. Balloon operations shall have landing rights based on ownership, leases, or signed agreements to provide for adequate landings under all normal operating conditions.

6.1.8. Institutional Uses

- d. A balloon operation Conditional Use Permit may be revoked if adequate launching and landing facilities are not continuously available to the permittee.
- e. Any complaints about unauthorized landings shall be investigated. During each calendar year, should more than 4 incidents of unauthorized landings occur for which documented complaints are reported, the Conditional Use Permit shall be reviewed by the Teton County Planning Director, and if deemed appropriate, the matter passed on to the Board of County Commissioners, which may impose additional conditions on the Permit, or revoke the Permit. Balloon companies shall keep their own records of unauthorized landings and shall file reports of those landings with the Teton County Planning Office within 3 business days of the event.

### 6.1.8. Institutional Uses

#### 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

#### 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

### 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

### 2. Standards

- a. In addition to dimensional standards required by these LDRs, the refuse of a disposal site shall be at least 300 feet from a property line shared with an existing residential development or use.
- b. The perimeter of a disposal site shall be fenced with fencing that complies with Sec. 5.1.2.

## E. Junkyard

1. **Definition.** A junkyard is a salvaging operation.

a. **Includes:**

- i. the storage and sale of waste paper, rags, scrap metal, and discarded materials
- ii. the collection, dismantlement, storage, and salvage of 2 or more inoperative vehicles
- iii. the aggregate storage of man made equipment, machinery, scrap, or other used parts having a total cubic volume of 700 or more cubic feet

### 2. Standards

- a. In addition to dimensional standards required by these LDRs, the refuse of a junkyard shall be at least 300 feet from a property line shared with an existing residential development or use.
- b. The perimeter of a junkyard shall be fenced with fencing that complies with Sec. 5.1.2.

- c. A junkyard shall be screened or located so as to not be seen from County or State roads or a road serving a subdivision.

## F. Gravel Extraction and Processing

1. **Definition.** Gravel extraction and processing is any rock quarrying or gravel removal, stockpiling, or processing.
  - a. **Level One.** Any screening, crushing, gravel recycling, washing, or stockpiling of aggregate, in concert or by itself, shall constitute Level One gravel processing.
  - b. **Level Two.** Any production of asphalt or similar products shall constitute Level Two gravel processing.
  - c. **Level Three.** Any production of Portland cement or similar products shall constitute Level Three gravel processing.
2. **Purpose.** The purpose of this Section is to establish operational, location, reclamation and general standards for gravel processors and associated extraction activities, that are designed to minimize negative impacts on the quality of Teton County, the residential values of its citizens, the recreational opportunities shared by all, and the nationally recognized environmental treasures located in and adjacent to Teton County.
3. **Permitting.** Gravel processing shall be allowed only at locations listed below, and for the processing level(s) for which said site has been designated, provided a Special Use Permit is issued. Rock/gravel extraction may be permitted in association with processing activities.
4. **Location.** The locations listed below have been determined by a comprehensive, County-wide selection process designed to identify locations that best serve the operational requirements of gravel processors, while minimizing the negative impacts and obtrusiveness to the County's residents, visitors, wildlife, and scenic resources. Specification of location authorizes application for a Special Use Permit only and shall, in no way, be construed as allowing a gravel processing operation without obtaining a Special Use Permit.
  - a. Evans Contractor Yard and Gravel Pit shown on County Maps M-1 and O-4 and more specifically described as those portions of Sections 33 and 34, Township 40 North, Range 116 West, identified as Parcel 14 and 17 in Section 34 and Parcel 7 in Section 33 which are part of the existing gravel and contractor's yard operation with limits of said operation shown on Aerial Photo Mylar No. 15 flown on 6-13-93. All levels of gravel processing activities, as defined above, may be permitted at this location.
  - b. Melody Ranch Gravel Operation located in the south half of the north half of Section 28, Township 40 North, Range 116 West, which is part of Tract 1 shown on T-Map 359N. Level One gravel processing activities, as defined above, may be permitted at this location; Levels Two and Three are prohibited.

## 6.1.9. Industrial Uses

5. **Operational Standards.** Gravel processing operations shall comply with the following standards. For the purposes of this Section, if the proposed gravel operation site is within a larger parcel, or parcels, owned by the same entity, then "property boundary" shall mean the property boundary between the parcel, or parcels, owned by the entity controlling the gravel operation site and any adjacent parcels that are not under the control of the same.
  - a. **DEQ Permits.** Only projects qualifying as Fifteen (15) Acre Exemptions from the Wyoming DEQ, or otherwise exempt from regulation by the DEQ shall be permitted. No project shall qualify for a Special Use Permit if it requires a Small Mining Permit from the DEQ unless a cooperative regulatory agreement is reached with the DEQ, or some other mechanism is offered by the applicant, to ensure the standards of this Section are met and can be subject to the continued oversight and enforcement action by the County. If an operation should ever fall outside of said jurisdiction, its Special Use Permit shall terminate automatically and it shall cease operation immediately and complete its reclamation according to its reclamation plan and time-line.
  - b. **Hours of Operation.** Hours of operation, which shall include maintenance and testing of equipment that creates visual or audible impacts at the property-line, shall occur between 8:00 a.m. and 6:00 p.m., Monday through Friday and between 8:00 a.m. and noon on Saturdays. Saturday operations shall be limited to sale, pick-up, and delivery of products-no gravel processing or extraction shall be conducted on Saturdays. Notwithstanding, an extension of hours may be granted by the Board of County Commissioners based upon the applicant's proposal to exceed the standards established in this Section to mitigate the negative impacts of gravel operations on surrounding neighbors and the standards for a Special Use Permit. Hours of operation shall not apply when the gravel operator is responding to a bona fide public emergency, i.e., flood fight.
  - c. **Project Traffic Impacts**
    - i. **Transportation Facility Improvements.** 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. The cost of additional wear and tear on County roads, as determined by the County Road Supervisor, shall also be borne by the applicant. A bond or letter of credit may be required to assure payment of such expenses.
    - ii. **Trip Generation.** The Board of County Commissioners may establish a maximum number of truck trips allowed to enter and exit a processing location. The limit on the number of trips, and weekly rate, shall reflect the classification of the road traveled to reach a State Highway, the distance the processing location is from the State Highway, the projected impacts of the truck traffic on surrounding uses, and the demand for the processed material.

- iii. **Traffic Counts.** Traffic counts at the entrance of the operation shall be performed and certified by a Wyoming Registered Engineer, and presented at the annual review of the operation's Special Use Permit for the purposes of determining the operation's impacts on local infrastructure and compliance of any trip generation limits that may be set. Said traffic counts shall be conducted in a manner set by the Board of County Commissioners.
- d. **Setbacks.** All operations and activities shall be set back a minimum of 300 feet from all property lines unless written permission from adjacent property-owners is submitted agreeing to reduce the required setback. All operations and activities also shall be set back a minimum of 300 feet from all public road rights-of-way and public recreational easements.
- e. **Visual Screening Measures.** Visual screening shall be required for stockpiling, parking areas, and permanent or semi-permanent equipment and structures.
  - i. **General.** The view from all public roads, rivers, and adjoining residential areas shall receive a minimum 50% screen provided by vegetation, topography, or other measures which ensure the unobtrusiveness of the operations.
  - ii. **Buildings.** All buildings' design, scale, and location shall minimize both the obtrusiveness and the conflict with the character of the surrounding area to the maximum extent practical.
- f. **Protection Against Attractive Nuisances.** The proposed Special Use shall be landscaped, bermed, fenced, or otherwise enclosed, where necessary, for health and safety protection.
- g. **Noise**
  - i. **Noise Level.** All processing equipment shall be designed to prevent the noise level of the equipment from causing a perceptible increase in the average ambient noise level of the existing neighborhood; meeting this standard may require enclosing the equipment in a building. A perceptible increase in the noise level is considered to be 3 or more decibels. The average shall be determined by measuring the existing ambient noise level at the property boundary of the gravel processor, at least five times, at regular intervals, between the hours of 8:00 a.m. and 6:00 p.m., on at least two different week days, with no gravel processing equipment in operation. Notwithstanding, the maximum noise level permitted at the property boundary shall not exceed the noise standards specified in Sec. 6.4.3. and the operator shall in no case be required to attain a noise level of less than 40 DBA at the property boundary. The owner of an adjacent property may waive the noise standard required to be met at the common property line; however, the noise standard shall then be applied at the remaining property lines of the property of said owner.

## 6.1.9. Industrial Uses

- ii. **Noise Study.** The applicant shall submit a study determining the existing average ambient noise level, as specified above, and the projected noise level of the proposed operations, taking into account the natural topography, vegetation, the type of equipment to be used and any noise mitigation measures which the applicant proposes to include. The study shall recommend additional mitigation measures that may be necessary, and the study shall draw conclusions as to the compliance of proposed activities with these LDRs. This study shall be completed by a qualified professional with experience in the field of acoustics. The County may require that the study be reviewed by another qualified professional at the applicant's expense. Notwithstanding the outcome of the study, if a permit is issued, and the standards in these LDRs, or conditions placed on the Special Use Permit, are exceeded once the gravel operations begin, the permit may be suspended or revoked at the annual review, or other enforcement action taken pursuant to Div. 8.9.
- h. **Hazardous Materials.** Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment with a concrete floor and impermeable berms high enough to contain a spill or leak should one occur. A similar impoundment area shall be provided for any equipment or vehicle maintenance to be conducted on the site. An emergency preparedness plan shall be designed, kept on the site, and followed, as approved by the County. The plan shall specify procedures for containment and clean-up of hazardous materials spills.
- i. **Dust.** All operational areas and traffic corridors shall be sprayed with water, as often as weather conditions require, to minimize fugitive dust.
- j. **Odor.** Compliance with Sec. 5.1.4. shall be required.
- k. **Wildlife.** All gravel processing shall be limited to locations and times of year that ensure no significant negative impacts to endangered species as determined by the Wyoming Game and Fish Department and the U.S. Fish and Wildlife Department, as appropriate. Proposed locations and operation times also shall minimize impacts on species of special concern, as described in Teton County Wildlife-Habitat Assessment Final Report, by Biota Research and Consulting, Inc., dated July 1, 1991.
- l. **Height.** All equipment and structures shall comply with the height limit specified for the zone in which the subject property is located unless the County judges it is impractical to do so. Such judgment shall be based upon the design of equipment and the need to enclose it in a building pursuant to the noise level subsection above. For equipment or structures permitted by the County to exceed the height limit, the visual screening required shall be increased to 80%.
- m. **Other Operational Standards.** The Special Use Permit may include site-specific operational standards as necessary to mitigate both on-site and off-site impacts.

- n. **Extraction.** Rock/gravel extraction shall be permitted only in association with a Special Use Permit for processing. In addition to the other operational standards set forth in this Section, all extraction activities shall comply with the following standards:
  - o. **Grading and Erosion/Sediment Control.** Requirements pursuant to Div. 5.7. shall be met. Notwithstanding, no extraction shall be permitted on slopes of greater than 15%, if the area of 15% or greater slope is one acre in size or larger. Practices for sediment and erosion control shall be designed, constructed and maintained to prevent additional contribution of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall consist of the utilization of proper reclamation methods and sediment control practices including, but not limited to:
    - i. grading the back-fill material to reduce the rate and volume of run-off;
    - ii. retaining sediment within the pit and disturbed area; and,
    - iii. establishing temporary vegetation or mulch on areas that will remain subject to erosion for as long as 6 months.

- p. **Activities In or Near Waterbodies**
  - i. **Controlled Watercourses.** Consistent with Restoration Study. Extraction proposed in the Snake or Gros Ventre Rivers shall be in a location and manner specified in the Restoration Study.
  - ii. **Prior to approval of Restoration Study.** If the Restoration Study is not yet completed and approved by the County, then the following standards shall apply.
    - a. 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.
    - b. 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.
  - iii. **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.

## 6.1.9. Industrial Uses

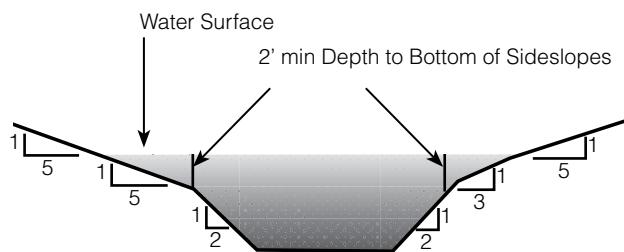
- iv. **Minimum Buffer.** A minimum 50 foot buffer of natural vegetation between the water's edge and any plant site on the permitted area shall be left undisturbed subject to the operator's right to normal access to the river or stream.
- v. **Setbacks from Structures.** The County Road and Levee Supervisor 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.
- vi. **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.
- q. **Cultural and Historic Sites.** If historic or prehistoric ruins or monuments are uncovered or become apparent, 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.
- r. **Access.** Adequate and available access to/from the proposed extraction site and to/from the processing site shall be shown, to the satisfaction of the Planning Director and County Attorney, and maintained, to the standard specified by the County Engineer.
- s. **Site area.** Gravel extraction shall be limited to less than 15 acres in size, unless a cooperative regulatory agreement is reached with the DEQ in conjunction with issuance of a Small Mining Permit, or some other mechanism is offered by the applicant to ensure the standards of this Section are met and can be subject to the continued oversight and enforcement action by the County. If an operation should ever fall outside of said jurisdiction, its Special Use Permit shall terminate automatically and it shall cease operation immediately and complete its reclamation according to its reclamation plan and time-line.
- t. **Surrounding Vegetation.** Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the operation site shall be preserved to the maximum extent possible.
- u. **Water Supply.** Extraction and filling of a reservoir shall not infringe on downstream appropriator's rights as established by the State Engineer's Office.
- v. **Extraction, Processing, and Reclamation Plan.** An extraction, processing and reclamation plan, meeting the standards of this Section, shall be provided. The plan shall restrict operations to areas of workable size so that

no area is left inactive and unreclaimed for more than 60 days. Reclamation shall proceed in conjunction with extraction and shall proceed in phases over the life of the operation.

- w. **Reclamation Plan and Bond.** A reclamation plan shall be provided that is designed and certified by a Wyoming registered landscape architect, and meets the reclamation standards specified below. The plan shall restrict extraction operations to areas of workable size so that no area is left inactive and unreclaimed for more than 60 days, unless approved by the Special Use Permit. The plan shall specify any phasing of reclamation and estimate the cost of the entire reclamation project. A bond shall be posted, pursuant to Sec. 8.2.11. to implement the reclamation plan. The bond amount shall be reviewed annually, as part of the annual review of the Special Use Permit, for the purpose of up-dating the bond amount in accordance with any changing costs of reclamation. The reclamation plan does not replace a landscape plan that may be required for any subsequent development of the gravel processing and extraction site.
- 6. **Reclamation Standards.** The reclamation plan shall comply with the following standards:
  - a. **General.** Reclamation shall restore land areas to a condition suitable for residential use. Wildlife habitat shall be restored, in a manner comparable or better, to the habitat conditions that existed prior to the gravel operation. In general, all slopes shall be graded to 3:1 or flatter to promote revegetation.
  - b. **Blending with Natural Contours.** Disturbed areas shall be regraded to blend into, and conform with the general natural form and contours of the adjacent areas, provide through-drainage, and complement any proposed future land use.
  - c. **Compliance with Grading Standards.** Compliance with Div. 5.7. is required.
  - d. **Revegetation.** The reclamation plan shall describe the type and density of vegetation that existed on the site prior to land disturbing activities and demonstrate a plan to return the site to its original vegetated condition. Native species predominant in the neighboring areas shall be used for revegetation. If a physical development permit is submitted and approved for the immediate development of the site upon conclusion of the extraction and processing activity, the revegetation of the site shall conform to the approved landscape plan rather than the original vegetated condition.
  - e. **Ponds/Water Features.** All ponds or water features created by gravel extraction shall meet the standards of this Subsection.
    - i. **Water Supply.** Extraction and filling of a reservoir shall not infringe on down-stream appropriator's rights as established by the State Engineer's Office.

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- ii. **Shoreline Transition.** The slope from the shoreline to upland areas shall be no more than 5:1 for at least 15 feet from the shore toward the upland area.
- iii. **Pond/Water Feature Side Slopes.** All pond and island shorelines shall have 5:1 side slopes for at least 50% of the shoreline length; the Planning Director may waive or alter this requirement, based upon there being no reasonable expectation that the pond will be used by waterfowl and upon demonstration that the design shall not pose a safety hazard. All other side slopes shall be no steeper than 3:1. All side slopes shall be maintained into the pond/water feature for the length necessary to reach a depth of 2 feet; thereafter, side slopes shall be no steeper than 2:1. Shorelines shall receive a minimum six inches of topsoil until the side slope reaches a depth of 2 feet.



- iv. **Shallows.** Sufficient shallows to allow the water feature to effectively function as wildlife habitat shall be provided if the cumulative pond/water feature areas on a site are over 1 acre in size. The design shall be reviewed, at the applicant's expense, by a wildlife biologist or by Wyoming Game and Fish, to ensure that shallows are designed to provide functional wildlife habitat.
- v. **Supplemental Water Supply.** A supplemental water supply, e.g., water from the Snake River or any other watercourse and conveyed irrigation ditches, shall be developed, if necessary, to stabilize water levels and prevent steeper grades from becoming exposed.
- f. **Existing Watercourses/River.** Extraction areas in any watercourse covered by the Restoration Study shall be reclaimed, if necessary, in accordance with the reclamation specifications in the Restoration Study. If the Restoration Study is not completed and approved by the County, or the watercourse/river in which the gravel extraction is proposed is not covered by the Restoration Study, then the applicant shall employ a Hydrologist, Fisheries Biologist, or both, as appropriate, to submit either evidence that reclamation is unnecessary since it will be inundated during the high water period to a degree which makes reclamation moot, or a reclamation plan designed to ensure the watercourse/river suffers no negative impacts, such as bank degradation or channelization, from the extraction operations.
- g. **State/Federal Requirements.** Compliance with the standards of this Section and these LDRs shall not be construed to replace, supersede, or override any State or Federal requirements that may apply.

## 6.1.10. Transportation and Infrastructure Uses

### 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. **Definition.** A wireless communication facility provides communication services without physical connection.

- a. **Includes:**
  - i. commercial wireless telecommunication
  - ii. wireless internet access
  - iii. unlicensed wireless services
  - iv. common carrier wireless exchange access services
  - v. temporary cell-on-wheels
  - vi. distributed antenna system (DAS)

2. County Standards

- a. **Purpose.** The purpose of this Subsection is to establish general guidelines for the locating of wireless communication towers, antenna, ground equipment and related accessory structures. The purpose and intent of this Subsection are to:
  - i. Minimize the impacts of wireless communications facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility.
  - ii. Encourage the location and collocation of communications equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and reducing the need for additional towers.
  - iii. Accommodate the growing need and demand for wireless communications services.

- iv. Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services.
- v. Establish review procedures to ensure that applications for communications facilities are reviewed for compliance with federal, state and local regulations and acted upon within a reasonable period of time as required by applicable state and federal regulations.
- vi. Protect the character of the County while meeting the needs of its citizens to enjoy the benefits of communications services.
- vii. The provisions of this Section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

b. **Exempt Facilities.** The following items are exempt from the standards for wireless communication facilities; notwithstanding any other provisions:

- i. Satellite earth stations used for the transmission or reception of wireless communications signals with satellites, that are 1 meter (39.37 inches) or less in diameter in all residential zones and 2 meters or less in all other zones.
- ii. A 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 Teton County designee; except that such facility must comply with all federal and state requirements. No communications facility shall be exempt from the provisions of this Section beyond the duration of the state of emergency.
- iii. A government-owned communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
- iv. A 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.
- v. Amateur radio towers solely used for licensed amateur services.

c. **Permits Required.** New antennas and towers shall be permitted as follows:

## 6.1.10. Transportation and Infrastructure Uses

- i. **Basic Use Permit.** New collocations, equipment modifications (except modifications qualifying as 8.2.13.B.2.), tower replacement/upgrades no more than 10% taller than the original tower, attached antennas, and concealed towers meeting the performance criteria require a basic use permit.
- ii. **Conditional Use Permit.** Creation of a new non-concealed tower, concealed towers that do not meet the performance criteria, tower replacement/upgrades more than 10% taller than the original tower, or modifications to existing towers that constitute a substantial change require a conditional use permit.

d. **General Requirements**

- i. **Location Preference of New Antenna Array & New Towers.** Locating a new antenna array and new tower shall be in accordance with the below preferred locating alternatives order. Where a lower ranked alternative is proposed, the applicant must file relevant information demonstrating that despite diligent efforts to adhere to the established hierarchy within the search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed wireless communications facility:
  - a). Concealed attached antenna, collocated or combined antenna on an existing tower
  - b). Non-concealed attached antenna
  - c). Concealed freestanding tower
  - d). Substantial changes to an existing tower
  - e). Non-concealed freestanding tower
- ii. Collocation, and other modifications to existing facilities pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. §1445(a)).
  - a). Modifications to facilities that involve the addition, removal, and/or replacement of transmission equipment that do not substantially change the physical dimensions of an existing tower, antenna support structure or base station shall be subject to the basic use permit requirements of c.i. Streamlined process for collocation approvals are subject to the procedures set forth for a Basic Use Permit.
  - b). For the purpose of this Subsection, “substantial change” means the following:
    - 1). The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet,

whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

- 2). The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed four) or more than one new equipment shelter; or
- 3). The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
- 4). The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

- c). Increases to height allowed by d.ii. above the existing tower shall be based on the maximum height allowed by the original approval (if applicable), not affect any tower lighting, and shall comply with 5.3.2.H. Concealed attached antennas located on a roof top, not constructed exclusively for wireless service, shall not be considered a tower or a base station and shall be limited to the maximum height approved.
- d). Additional equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration, or architectural treatment. Notwithstanding this provision, the Planning Director may approve a modification where maintaining the original design is not feasible, provided that the applicant provides evidence demonstrating that the modification's design or configuration is necessary and is the least obtrusive means of accomplishing the objective.

- iii. **Tower Replacement/Upgrade.** Existing towers may be replaced or upgraded pursuant to this Section, provided that the replacement or upgrade accomplishes a minimum of one of the following: 1) reduces the number of towers; 2) reduces the number of nonconforming towers; 3) replaces an existing tower with a new tower to improve either

## 6.1.10. Transportation and Infrastructure Uses

network functionality or structural integrity; 4) replaces an existing nonconcealed tower with a concealed tower. Replacements and upgrades are subject to the following:

- a). **Setbacks.** A replacement of an existing tower shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced, even if the old tower had nonconforming setbacks.
- b). **Breakpoint Technology.** A replacement tower shall use breakpoint technology in the design.
- c). **Landscaping.** At the time of replacement or upgrade, the tower equipment compound shall be brought into compliance with any applicable landscaping requirements.

iv. **Concealed & Non-concealed Attached Antenna.** Antennas may be mounted onto a support structure that is not primarily constructed for the purpose of holding attachment antennas, subject to the following standards:

- a). Concealed and non-concealed attached antennas are permitted in all zones.
- b). The top of the concealed attached antenna shall not extend more than 15 feet above the existing or proposed building or structure to which it is attached. Notwithstanding this provision, the height of the antenna shall not extend more than 8 feet above the maximum allowed height for a structure in the zone in which it is located.
- c). Non-concealed attachments shall be allowed only on electrical transmission towers, utility poles, and existing light stanchions subject to approval by the Planning & Development Department and utility company. Additional height may be allowed to accommodate the minimum safety separation necessary from electrical lines, as required by the National Electrical Safety Code and the utility provider.
- d). Except for non-concealed attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed or otherwise blend with the existing structural design, color, and texture.
- e). Where the proposed attached antennas do not meet the standards set forth by subsections B through D above, a Conditional Use Permit is required, with a neighbor notification radius of 1,300 feet, and a Wireless Adjustment (if applicable).
- f). If an equipment compound or cabinet is proposed that is not within an existing building, the standards in 6.1.10.E.3.d.v.E-F shall apply.

v. **Concealed and Non-concealed Towers.** New freestanding towers are permitted in the following zones: AC-TC, BC-TC, BP-TC, NC-TC, P, PR, P/SP-TC, R-TC, S-TC, and WC. All new freestanding towers are required to be concealed unless it can be clearly demonstrated to the satisfaction of the Board of County Commissioners that a non-concealed tower will more effectively minimize visual impacts than a concealed tower. New freestanding towers are prohibited in the AR-TC, MHP-TC, OP-TC, and PUD-AH zones. All new communications towers shall be subject to the following standards:

a). **Performance Criteria for Concealed Towers.** To encourage facilities that blend well with Teton County's landscape, concealed towers that meet the following performance criteria may be processed as a Basic Use Permit. Performance criteria:

- 1). The concealed tower is designed to resemble the surrounding landscape and other natural features. Flagpoles or new light stanchions, or other similar man-made structures, will be processed as a Conditional Use facility.
- 2). A minimum of 70% of the concealed tower is screened from view by existing vegetation, topography, or other existing structures from any State Highway and all County Roads designated a Scenic Areas pursuant to 5.3.2.B.
- 3). Viewsheds are not significantly impacted by the proposed concealed facility.
- 4). The concealed tower does not extend higher than the dominant background where it is located or otherwise penetrate the skyline as defined in 5.3.2.H.
- 5). For proposals with a height of less than 75 feet tall that meet the performance criteria, the Planning Director shall review a photosimulation, site plan, and elevation of the proposed tower, and staff shall approve or deny a Basic Use Permit review process within two weeks after the Preapplication Conference meeting.
- 6). For proposals with a height of 75 feet or greater that meet the performance criteria, the final determination shall be made by the Board, at a regularly scheduled meeting within 30 days after the Preapplication Conference meeting, as to whether the application is processed as Basic Use or Conditional Use.

b). **Determination of Need.** No new concealed or non-concealed tower shall be permitted unless the applicant demonstrates that no existing structure or tower can accommodate the applicant's proposed use without increasing the height of the existing tower or structure or otherwise creating a greater visual impact; or that

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use of such existing facilities would prohibit or have the effect of prohibiting personal wireless services in the search area to be served by the proposed tower.

- c). **Height.** New concealed towers shall be limited to the maximum height allowed in each zone, unless the performance criteria above are met. If the performance criteria are not met, then the applicant shall provide evidence that the proposed facility is designed to meet the minimum height requirement necessary for effective functioning of the provider's network, and a Wireless Adjustment to exceed the maximum height allowed in the zone shall be required.
- d). **Setbacks.** New freestanding towers and equipment compounds shall be subject to the setbacks described below:

- 1). If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110% of the distance from the top of the structure to the breakpoint level of the structure, or the minimum yard setback requirements, whichever is greater.

**EXAMPLE:** On a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110% of 20 feet, the distance from the top of the monopole to the breakpoint) or the minimum yard setback requirements for that zone.

- 2). If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.

- e). **Equipment Compound and Cabinets.** Cabinets may be provided within the principal building, underground, behind a screen on a rooftop, or on the ground with landscape screening as required below. Equipment compounds and cabinets shall be designed to be visually compatible with adjoining terrain and structures. Equipment compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound.
- f). **Landscaping.** The equipment compound shall be landscaped with a minimum of one plant unit per 1,000 square feet of floor area, pursuant to the standards specified in [Div. 5.5](#). Where the landscaping requirement is not achieving the intent of screening and buffering, the landscaping requirement may be reduced or waived by the Planning Director.

- g). **Signage.** Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be restricted to ASR (Antenna Structure Registration Number as required by the FAA and FCC), party responsible for operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- h). **Lighting.** Lighting shall be prohibited on all towers unless required by the Federal Aviation Administration (FAA). Lighting required by the FAA shall not exceed 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). **Visibility**
  - 1). New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.
  - 2). Lattice towers and guyed towers are prohibited.
  - 3). All new freestanding towers shall be designed to blend with adjacent structures and/or landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
  - 4). If a monopole or other concealment method is proposed the applicant shall demonstrate through photosimulations the number of proposed antenna and potential collocations on the monopole, together with sufficient artificial branches to provide the appropriate concealment. All antennas on the monopole shall be covered with concealment material.
  - 5). New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area, will not allow for concealed design, is inconsistent with the proposed design, or reduces the ability to collocate future antenna arrays.
  - 6). Towers shall be constructed to accommodate collocation of as many antenna arrays as feasible without causing interference, subject to the height and design of the facility and proposed mounting configuration of antennas.
- j). **Mailed Notice to Neighbors.** All new towers shall require that mailed notice, meeting the standards of 8.2.14.C.2., be sent to all property owners within 1,300 feet of the land subject to the application.

e. **Application Requirements.** The following requirements are in addition to the requirements for a Basic or Conditional Use Permit.

## i. Drawings

- a). One set of plans at 24" x 36" and two sets of plans at 11" x 17" that include elevation views of the proposed facility.
- b). The maximum height of the proposed facility, proposed and future mounting elevations of future antenna, including individual measurement of the base, the tower, and lightning rods, if applicable.
- c). Access to the facility and a plan for winter access if access is not maintained in winter.

- ii. A signed statement from the tower owner or tower owner's agent, agreeing to allow the collocation of wireless equipment on the proposed tower, if applicable.
- iii. 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.
- iv. Prior to issuance of a building permit, a stamped or sealed structural analysis prepared by a professional engineer licensed in the State of Wyoming that the existing or proposed structure has sufficient structural integrity to support the proposed facility, and, if applicable, a statement specifying the design structural failure modes of the proposed tower.
- v. The applicant shall agree 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). 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. No antenna shall be permitted to interfere with the County's public safety communications equipment.
- vi. Visual Resources Analysis, pursuant to Sec. 5.3.2, regardless if the proposed wireless facility is located in the SRO or not, that includes simulated photographic evidence of the proposed facility and antenna appearance from any and all residential areas within 1,500 feet and from roadway corridors, including the facility types the applicant has considered and the impact on adjacent properties. This analysis is not required for modifications and upgrades that qualify as Minor Deviations pursuant to 8.2.13.B.2, or for collocations as permitted by d.ii.

- vii. Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted and are exempt from noise requirements during emergencies. Sound levels shall otherwise be in compliance with Sec. 6.4.3.
- viii. All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this Section.

f. Additional Requirements for New Towers

- i. A report and supporting technical data shall be submitted, demonstrating the following:
  - a). All potential antenna attachments, collocations, and alternative antenna configurations on existing elevated structures, including all usable utility distribution towers within the proposed service area have been examined, and found unacceptable.
  - b). Reasoning as to why the adequacy of alternative existing facilities or the replacement of existing facilities are not acceptable or available in meeting the applicant's need, indicating that no existing communications facility could accommodate the applicant's proposed facility, shall consist of any of the following:
    - 1). No existing towers located within the geographic area meet the applicant's engineering requirements without increasing the height of the existing tower or structure or otherwise creating a greater visual impact, and why.
    - 2). Existing towers do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
    - 3). Other limiting factors that render existing wireless communications facilities unsuitable.
- ii. Technical data included in the report shall include certification by a qualified professional, which qualifications shall be included, regarding service gaps, service expansions, and/or system capacity that are addressed by the proposed tower, and accompanying maps and calculations demonstrating the need for the proposed tower.
- iii. A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the tower. The applicant shall arrange to raise a colored balloon no less than 3 feet in diameter at the maximum height of the proposed tower, and within 50 horizontal feet of the center of the proposed tower. The

## 6.1.10. Transportation and Infrastructure Uses

Planning and Development Department shall receive notice from the applicant in writing a minimum of one (1) week in advance of the test date.

- iv. Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted and are exempt from noise requirements during emergencies. Sound levels shall otherwise be in compliance with Sec. 6.4.3.
- v. A radio frequency propagation plot indicating the coverage of existing antenna sites, coverage prediction of the proposed site, and designated search ring, together with a statement from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, or collocation.
- vi. Prior to the submittal of a permit application, the applicant shall notify other wireless service providers, via certified mail, of the proposed freestanding tower to encourage collocation and coordination among providers. The County will provide the list of wireless service providers and the letter format at the preapplication conference.
- vii. Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.
- g. **Wireless Communications Facility Adjustment.** This Section shall apply exclusively to wireless communications facilities to evaluate the necessity and compatibility of requests to exceed the height requirements under d.iv.e) and d.v.c) as part of a Conditional Use Permit. In order to authorize a wireless communications facility adjustment, the Board of County Commissioners must find that:
  - i. **Adjustment is Necessary to Provide Reasonable Coverage or Capacity.** A gap in coverage or capacity of the provider's network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection; and
  - ii. **Minimum Adjustment.** The proposed facility is designed to meet the minimum height requirement necessary for effective functioning of the provider's network.
- h. **Supplemental Review.** The County reserves the right to require a supplemental review for any Permit processed under this Section, subject to the following:
  - i. Where due to the complexity of the methodology or analysis required to review an application for a Permit (Basic Use or Conditional Use), the County may require the applicant to pay for a technical review by

a third party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees. Schedules of current fees are listed in the Teton County Fee Schedule.

- ii. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.
- iii. The supplemental review may address any or all of the following:
  - a). The accuracy and completeness of the application and any accompanying documentation.
  - b). The applicability of analysis techniques and methodologies.
  - c). The validity of conclusions reached.
  - d). Whether the proposed communications facility complies with the provisions set forth in this Section.
  - e). Whether the proposed facility is designed to meet the minimum height requirement necessary for effective functioning of the provider's network.

i. **Abandonment (Discontinued Use)**

- i. Towers, antennas, and the equipment compound shall be removed, at the owner's expense, within 180 days of cessation of use.
- ii. 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 County may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the County may cause removal of the tower with costs being borne by the owner.
- iii. Upon removal of the tower, antenna, and equipment compound, the development area shall be returned to its natural state and topography and vegetated 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.

## **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. Notwithstanding Div. 1.9. helicopter operators and their respective heliports (High Mountain Heliskiing on the Snake River Ranch and the Snake River Canyon Ranch, and Hawkins & Powers on Spring Gulch Road) existing on private land on September 4, 2001 shall be entitled to maintain their historic volume of "commercial air tours." The historic volume of "commercial air tours" shall be transferable to future buyers of the existing operators and shall be transferable to new heliport locations provided said locations are properly approved and permitted.

F. Airport

1. **Definition.** An airport is an establishment primarily engaged in furnishing air transportation over regular routes, on regular schedules for passengers and air-freight.
  - a. **Includes:**
    - i. servicing, repairing, maintaining, and storing of aircraft
2. **Standards.** All commercial aviation activities shall be located at the Jackson Hole Airport where adequate safety facilities are present.

G. Landing Strip

1. **Definition.** A landing strip is an establishment primarily engaged in accommodating nonscheduled air transportation.
2. **Standards**
  - a. Landing strips shall not be used for commercial purposes.
  - 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 completed at the developer's expense.

## 6.1.11. Accessory Uses

### A. All Accessory Uses

1. **Definition.** An accessory use is a use that constitutes a minority of the use or character of the property and is secondary and subordinate to another use of the same property, but which is not an incidental use.
2. **Standards**
  - a. An accessory use may only be permitted in association with an active, conforming primary use designated for the accessory use.
  - b. An accessory use must be abandoned upon abandonment of its primary use.
  - c. An accessory use shall be subject to all dimensional limitations and other development standards applicable to its primary use unless otherwise provided in this Section.
  - d. A property with an accessory use shall not be subdivided in any way that results in the accessory use being owned separately from its primary use.

### B. Accessory Residential Unit (ARU)

1. **Definition.** An accessory residential unit (ARU) is a dwelling unit that is secondary to a principal use of the property. The intent is that accessory residential units provide workforce housing.

- a. **Includes:**
  - i. employee apartment
  - ii. caretaker's quarters
  - iii. mother-in-law suite
  - iv. guesthouse

- b. **Does Not Include:**
  - i. agricultural employee housing (6.1.11.I.)

### 2. Primary Uses:

- a. All open space uses
- b. Detached Single-Family Unit
- c. All lodging uses
- d. All commercial uses
- e. All amusement and recreation uses
- f. All institutional uses
- g. All industrial uses

3. Standards

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

C. Bed and Breakfast

1. **Definition.** A bed and breakfast is a residential unit in which bedrooms are rented as lodging units.
2. **Primary Uses:**
  - a. Detached single-family unit
3. **Standards**
  - a. A bed and breakfast shall have no more than 4 lodging units (bedrooms).
  - b. A bed and breakfast shall average no more than 8 persons per night during any 30 day period.

- c. No more than 2 family style meals may be provided per 24 hour period. The meals shall be for the guests of the bed and breakfast only.
- d. The owner or manager shall reside in the dwelling unit.

#### D. Home Occupation

1. **Definition.** A home occupation is an accessory nonresidential use conducted entirely within a residential unit or on-site structure accessory to the residential unit. The intent of a home occupation is to give small, local businesses a place to start. Home occupations are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home occupations.
  - a. **Includes:**
    - i. professional services (e.g. accountant, physician, real estate agent)
    - ii. studios (e.g. art, handcraft, music)
    - iii. tailor
    - iv. repair of furniture and small appliances
    - v. tutoring or classes
    - vi. counseling (primarily for individual persons)

2. **Primary Uses:**

- a. All residential uses
- b. Accessory residential unit

3. **Standards**

- a. A home occupation shall be operated by a person residing within the dwelling.
- b. No one residing off-site may be employed on the site of a home occupation.
- c. The area devoted to the home occupation including the area in accessory structures shall not exceed 25% of the habitable floor area of the principal dwelling unit.
- d. Tutoring and classes shall be limited to 2 students at one time.
- e. All parking shall be provided on-site, and shall be located to the rear of the structure or in another location that is visually unobtrusive.
- f. There shall be no window display or other public display of material or merchandise connected with the home occupation.
- g. No more than one wall sign, not to exceed two 2 square feet in area, shall be permitted.

## E. Home Business

1. **Definition.** A home business is an accessory nonresidential use conducted in conjunction with a residential use, on the site of the residential use, in which employees are employed on-site. The intent of a home business is to give small, local businesses a place to start. Home businesses are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home businesses.

- a. **Includes:**

- i. Office (6.1.6.B.)
  - ii. Service (6.1.6.D.)
  - iii. Contracting businesses
  - iv. Schools (music, art, other)
  - v. Art studios and galleries

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 at least 3 but not more than 6 persons.
  - b. A family home daycare shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety, and fire codes.

## G. Home Daycare Center

1. Definition. A home daycare center is the provision of care, for hire, for part of a day, in a family setting. The intent of a home daycare center is to give small, local businesses a place to start. Home daycare centers are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home daycare centers.
2. Primary Uses
  - a. All residential uses
  - b. Accessory residential unit
3. Standards
  - a. A home daycare center shall provide care for at least 7 but not more than 11 persons.
  - b. A home daycare center shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety and fire codes.
  - c. Each home daycare center shall have 35 square feet of indoor area per client (hallways or area with furniture does not qualify), and a fenced outdoor play area in the rear yard providing a minimum of 75 square feet per client. The fenced outdoor play areas shall be screened by shrubs or other vegetation if they are located within 12 feet of the property line.
  - d. A home daycare center is permitted one free-standing sign not to exceed 16 square feet in area and not to exceed 10 feet in height.

## H. Drive-in Facility

1. **Definition.** A drive-in facility is a commercial use catering to customers in vehicles.

a. **Includes:**

- i. drive-in restaurants
- ii. drive-in banking facilities
- iii. drive-thru pharmacy

2. **Primary Uses:**

- a. Office
- b. Retail
- c. Service
- d. Restaurant

3. **Standards**

- a. Off-site parking is prohibited.
- b. If adjoining land is in residential use the drive-in facility shall provide a fence, wall, or evergreen hedge at least 6 feet in height; structures shall be set back from the property line at least 5 feet; and 1.5 plant units per 100 linear feet of property boundary shall be provided. Said evergreen hedge and 1.5 plant units shall be in addition to landscaping required in Div. 5.5.
- c. If adjoining land, including land separated by an alley, is in residential use, the operating time of the drive-in facility shall be limited to the hours of 6 a.m. to 10 p.m.

## I. Agricultural Employee Housing

1. **Definition.** Agricultural employee is a dwelling unit provided for persons employed on a working ranch or farm.

2. **Primary Uses**

- a. Agriculture

3. **Standards**

- a. The occupant of the agricultural employee housing shall be employed by the operator of the agricultural operation and work in the agricultural operation at least 20 hours per week for a minimum of 3 months a year. In addition, the immediate family of the occupant may also reside in the agricultural employee housing.

- b. When not occupied by an employee of the agricultural operation, agricultural employee housing may be rented to others. Such rental shall be for a period of at least 30 days.
- c. A mobile home may be used for agricultural employee housing provided it meets the standards of 6.1.4.E. and is screened at least 50% by landscaping or is located on the property to be unseen, as viewed from neighboring property and roads, and the color of the mobile home blends the structure into the site.
- d. Agricultural employee housing shall not result in a density of more than one residence per 35 acres of actively farmed or ranched land. Agricultural employee housing is in addition to the allowed base density of principle residential use.

## J. Cottage Industry

- 1. **Definition.** A cottage industry is a light industry or heavy service use conducted as a secondary use in connection with an agricultural use.
  - a. **Includes:**
    - i. Light industry
    - ii. Heavy service
  - b. **Does Not Include:**
    - i. Heavy retail
- 2. **Primary Uses:**
  - a. Agriculture
- 3. **Standards**
  - a. Cottage industry shall be businesses related to agriculture, landscaping, snow plowing, trucking, small automotive repair, septic system service, well service, carpentry, upholstery, and woodworking.
  - b. No more than 5 persons residing off-site may be employed on-site by the cottage industry. Additional persons may be employed, but shall not visit or work on the site on a daily basis.
  - c. Outdoor storage areas may be permitted but shall be screened.
  - d. The cottage industry use shall have no more than one free-standing rustic sign not exceeding 16 square feet in area and 10 feet in height, on site.

## K. Receptions/Events

- 1. **Definition.** A reception or event is a public or private gathering held at an indoor or outdoor site rented on a regular or seasonal basis.

## 6.1.11. Accessory Uses

a. **Purpose.** The purpose of allowing Reception/Event sites on large open tracts of land is to support and encourage continued agricultural conservation of open space, while providing standards to mitigate potential negative impacts to neighboring property owners. Protecting open space via agriculture preserves the County's scenic, wildlife and agricultural values. The repurposing of existing agricultural buildings to be used for indoor Reception/Event sites is encouraged to protect the historic western character of the community and is consonant with the goal of limiting development in the rural areas of the County.

b. **Includes:**

- i. weddings
- ii. corporate events
- iii. retreats
- iv. community events
- v. private parties
- vi. family gatherings/reunions

c. **Does Not Include:**

- i. private parties hosted at a private home not renting their property to a third party specifically for the use of the reception/event site.

2. **Primary Uses:**

- a. Agriculture

3. **Standards**

a. **Use Management Plan.** A use management plan, subject to Board approval, shall be required. At a minimum, the use management plan shall include information relevant to, and demonstrate compliance with, these standards.

b. **Approval Considerations.** When analyzing the site for compatibility under the Conditional Use Standards, the Board shall consider the following in addition to the Conditional Use standards:

- i. Size of the parcel(s) where the use is being proposed.
- ii. Proximity of the reception/event site to neighboring properties.
- iii. Wildlife, open space, and natural resource values on the site.
- iv. Types of events being proposed. The Board may limit the type and character of events permitted at any proposed reception/event site.
- v. Maximum number of attendees.

- vi. Adequacy and safety of access to and from the reception/event site, and possible maintenance and repair impacts to County Roads.
- c. **New Structure Prohibition.** Indoor sites are limited to structures existing as of December 31, 2012, to which the Board may allow minor alterations and expansions for public health, safety, and code compliance requirements. Any additional uses proposed on the site that diminish the open space values of the property (e.g. residential density exceeding one dwelling unit per 70 acres, additional nonresidential uses, etc.), as determined by the Board, may cause revocation of the Conditional Use Permit for the reception/event site.
- d. **Year-Round/Seasonal Use.** Reception/event sites may be used either year-round or seasonally.
  - i. **Maximum Number of Events.** Maximum number of events shall be established by the Board of County Commissioners, but in no instance shall there be more than two events permitted per week, and no more than 15 events permitted per summer or winter season, totaling no more than 30 events per year. The frequency of events (such as number of events per month) may be restricted at the discretion of the Board based upon the Conditional Use Standards and reception/event approval considerations. An "event" shall be defined as being no more than one calendar day in duration. Each season shall be defined as April 15 – October 15 and October 16 – April 14.
  - ii. **Tents.** Tents used for any event may only be set up 48 hours in advance and shall be taken down within 48 hours after each event.
- e. **Total Number of Attendees.** The maximum number of attendees shall be limited to 300 per event, but a lesser maximum number may be established by the Board of County Commissioners. The maximum number of attendees shall be dependent upon available parking, building size and/or occupancy load, property size, any additional safety concerns expressed by the Fire Marshal or Building Official, as well as any concerns expressed by the Board.
- f. **Natural Resources Protection.** All proposals for a Reception/Event Conditional Use Permit shall require the preparation of an Environmental Analysis, unless specifically exempted under 8.2.2.B. If an exemption is warranted, a Natural Resources Review shall be required. The Environmental Analysis and Natural Resources Review shall discuss how the location of existing structures, and proposed temporary structures such as tents, support goals to preserve agriculture and open space, as well as provide an analysis of the uses proposed on the site and their potential impacts on wildlife, vegetation, wetlands, and waterbodies. Reception/event uses shall only be permitted subject to a use management plan, which complies with the requirements of Div. 5.1. and Div. 5.2.

## 6.1.11. Accessory Uses

- g. **Proposed Location.** A site plan is required that is to scale and depicts the proposed location of the reception/event use, parking, cooking/catering, and restroom facilities.
- h. **Setbacks.** The following minimum setbacks shall apply to all reception/event sites. The Board of County Commissioners may require increased setbacks in order to mitigate impacts to neighboring properties.
  - i. **Indoor Event Site Setbacks.** Event site structures shall be set back a minimum of 300 feet from all property lines and from all public road rights-of-way.
  - ii. **Outdoor Event Site Setbacks.** The area designated as the event site, including tents, restrooms, cooking areas, and eating areas shall be set back a minimum of 300 feet from all property lines and from all public road rights-of-way. This setback may be increased at the discretion of the Board due to site-specific conditions, including, but not limited to those listed in the reception/event approval considerations. Setbacks may be reduced to less than 300 feet by the Board if the property is adjacent to a river, in which case the river setback of 150 feet would apply. If the property is adjacent to public lands, or in other instances where the setback is not achieving the goal of mitigating impacts to neighboring property owners, the Board may also adjust the setback.
  - iii. **Parking Setbacks.** Parking may be permitted within the 300 foot setback, with permission from the Board of County Commissioners, but in no instance shall parking be located within 300 feet of any residences. Parking shall be required to meet all required parking setbacks for the zone.
  - iv. **Natural Resource Protection Setbacks.** All natural resource protection setbacks, as set forth in [Div. 5.1.](#) and [Div. 5.2.](#) shall apply to reception/event sites.
- i. **Transportation.** A transportation plan shall be required to mitigate transportation impacts. The following standards shall apply to all reception/event sites:
  - i. **Access.** The reception/event site shall have direct access to a State Highway or County Road or the site shall have a minimum access easement width of 60 feet.
  - ii. **Access Drives and Bridges.** The designated access to the event site shall be accessible by fire trucks and other emergency vehicles, and shall be approved by the Fire Marshal.
  - iii. **Directional Signage.** If the reception/event site is not visible from a public road, the applicant may be required to post directional signage the day of each event to provide adequate notification for emergency vehicle access. Signage shall be removed within 48 hours of each event.

- iv. **Idling.** No vehicles shall be permitted to idle under any circumstances, except emergency vehicles.
- v. **Parking.** Parking is prohibited along access drives. Unless otherwise noted in this Section, parking is required to meet the standards of Div. 6.2. A parking plan shall be required for all reception/event sites. The parking plan shall include the following:
  - a). **Location.** The location of proposed parking shall be shown on a site plan drawn to scale.
  - b). **Configuration.** A detailed site plan shall depict the number of parking spaces, dimension of spaces and drive aisles, and parking configuration.
  - c). **Surface.** The parking plan shall include the type of surface that is being used for parking, such as pavement, gravel, or agricultural meadow. A surety may be required by the Board of County Commissioners for reclamation of surfaces that are not pavement or gravel.
  - d). **Valet Parking/Shuttles.** Valet parking or shuttles may be required by the Board and/or proposed by the applicant. If valet parking or shuttles are used, the Board may approve a deviation from the requirement for on-site parking. If shuttles or valet parking is used, pick-up and drop-off areas shall be shown on the site plan. If off-site parking is proposed, it shall be reviewed and approved by the Board, and an agreement shall be required with the landowner whose property is being used as the alternate parking location.

j. **Services and Facilities**

- i. **Food and Beverage Service.** All food and beverage service shall be conducted in accordance with Wyoming and Teton County Public Health requirements.
  - a). **Food Preparation.** All caterers and on-site food preparers shall be licensed by the WY Dept of Agriculture through the Public Health office.
  - b). **Beverages.** In the event any alcoholic beverage is served at a reception/event, adherence to all relevant provisions of Wyoming Statutes Title 12, Alcoholic Beverages, shall be required.
- ii. **Refuse and Recycling.** All refuse and recycling shall be removed from the site on a daily basis when events are in session and immediately following each event, and all refuse shall be stored in bear-proof canisters if left unattended on site at any time.
- iii. **Restroom Facilities.** Restroom facilities shall be provided at a rate dependent on the maximum number of attendees, to be reviewed and approved by the County Engineer.

## 6.1.12. Temporary Uses

- k. **Hours of Operation for Events with Music.** Amplified music may be prohibited by the Board due to proximity to residential properties and neighboring uses. All music, both amplified and unamplified, associated with the event shall end no later than 10:00 p.m. The event shall end no later than 11:00 p.m.
- l. **Noise.** Noise levels measured at the property line shall be in accordance with Sec. 6.4.3. and shall not exceed the maximum permitted sound level for the R-TC zone, which is 55 DBA.
- m. **Exterior Lighting.** All exterior lighting shall comply with Sec. 5.3.1.
- n. **Annual Review.** An annual report shall be submitted to the Planning Director by January 31st. This report shall at a minimum include the number of events that took place and noise decibel readings at the property boundary closest to the nearest residential development during each event. The report may also include transportation, parking monitoring, and any additional information as required by the Board. For the first three years, the report shall be reviewed at a public hearing with the Board of County Commissioners, following the mailing of neighbor notice letters to all property owners within 1,300 feet. After the third year, the Board may allow the report to be reviewed administratively by the Planning Director. If new issues of negative impacts to neighbors arise due to unanticipated consequences associated with this use, or if the standards or conditions of the Conditional Use Permit have not been met, the annual review shall be brought before the Board where mitigation measures and/or additional conditions may be required in association with the Conditional Use Permit. The Conditional Use Permit may be subject to revocation proceedings for failure to comply with the conditions of approval.

### 6.1.12. Temporary Uses

#### 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.

**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 or manufactured home or conventional 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 Board of County Commissioners.
- 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.
- c. The temporary shelter must be connected to an adequate septic or sewage system that will serve the future residential unit.

**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.** Farm stands shall be located in an approved parking lot, area of sidewalk where they will not disrupt pedestrian movements, or in an area set aside by the County as appropriate for temporary farm stands.

**F. Temporary Gravel Extraction and Processing**

1. **Definition.** Temporary gravel extraction and processing is:

## 6.1.12. Temporary Uses

- a. Gravel extraction and processing permitted mainly for project specific purposes or needs, for projects that have been reviewed and approved per 6.1.9.F. Project specific needs include the excavation of ponds where permitted pursuant to these LDRs; or
- b. Gravel extraction and processing, to include only washing and screening, for a period of 2 years or less, unless a longer period is permitted by the Board of County Commissioners pursuant to this Subsection.

## 2. Standards

- a. **Exemptions.** Extraction and use within an agricultural operation for agricultural purposes and 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.** Listed below are the types of projects for which a temporary gravel extraction and/or processing Basic Use Permit may be obtained. Notwithstanding, no project shall qualify if it requires a Small Mining Permit from the Wyoming DEQ, unless a cooperative regulatory agreement is reached with the DEQ, or some other mechanism is offered by the applicant, to ensure the standards of this Section are met and can be subject to the continued oversight and enforcement action by the County. If an operation should ever fall outside of said jurisdiction, its Basic Use Permit shall terminate automatically and it shall cease operation immediately and complete its reclamation according to its reclamation plan and time-line.
  - 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 or use that has been reviewed and approved. 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). Sale, barter, or gift of raw gravel for other uses is permitted so long as the extraction thereof occurs only during seasons in which improvements for the specific project are being performed and does not continue beyond the season in which improvements for the specific project are finished. Only gravel processing levels one and three, as defined in 6.1.9.F and materials may be imported or recycled as part of the gravel processing, so long as all processed material is for the specified project only.

- 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 sponsored by a governmental agency and reviewed and approved through an official process by the appropriate governmental agency. Sale, barter, or gift of products for other uses is permitted so long as the extraction and processing thereof occurs only during seasons in which improvements for the specific project are being performed and do not continue beyond the season in which improvements for the specific project are finished. All levels of gravel processing, as defined in 6.1.9.F, are permitted and 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.** For the purposes of this Section, gravel extraction to excavate or construct a pond or watercourse for wildlife habitat enhancement, or to construct a fire pond, shall be treated as an extraction and limiting processing project, as described below and shall be subject to the same permissions and restrictions stated therein.
- iv. **Extraction and Limited Processing on Less Than 15 acres.** Gravel extraction, and the limited processing activities of washing and screening of gravel extracted on-site, on less than 15 acres does not require an associated specific private or public project for which the gravel products are to be used.

c. **Operational Standards**

- i. **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 County roads, as determined by the County Road Supervisor, also may be required of the applicant.
  - b). **Trip Generation.** The Board of County Commissioners may establish a maximum number of truck trips allowed to enter and exit a temporary use location. The limit on the number of trips, and weekly rate, shall reflect the classification of the road traveled to reach a State Highway, the distance the processing location is from the State Highway, the projected impacts of the truck traffic on surrounding uses, and the demand for the material produced.
- ii. **Hours of Operation.** Hours of operation, which shall include maintenance and testing of equipment that creates visual or audible impacts at the property-line, shall occur between 8:00 a.m. and 6:00 p.m., Monday through Friday and between 8:00 a.m. and noon on Saturdays. Saturday operations shall be limited to sale, pick-up, or

## 6.1.12. Temporary Uses

delivery of products--no gravel processing or extraction shall be conducted on Saturdays. Notwithstanding, an extension of hours may be granted by the Planning Director based upon the applicant's proposal to exceed the standards established in this Section to mitigate the negative impacts of gravel operations on surrounding neighbors.

Hours of operation shall not apply when the gravel operator is responding to a bona fide public emergency, i.e., flood fight.

- iii. **Setbacks.** A minimum 300 foot setback from public road rights-of-way, public recreational easements, and all property lines coincident with other property owners shall be provided for any processing equipment. Written permission from adjacent property owners to reduce the required setback shall be obtained if necessary. Extraction operations shall be set back a minimum of 50 feet from all public road rights-of-way and easements, private road rights-of-way and easements, and property boundaries coincident with other property owners.
- iv. **Duration.** Duration of the gravel extraction and processing shall be no longer than 2 years, not including time for reclamation, which shall be required to be completed within an additional two growing seasons. Notwithstanding, the Board of County Commissioners may permit extraction and or processing to continue for an additional 2 years, provided written notice and solicitation for comments on the proposal is mailed to all property-owners, pursuant to 8.2.14.C. and the Board of County Commissioners finds the impacts on the neighborhood to be negligible based upon the comment received from the written notice and examination of other factors including, but not limited to, the size and quality of the access road, the distance to residential structures and recreational use areas. If a specific project is phased over more than 2 years, then the gravel extraction and processing activities shall be scheduled according to the phasing plan of the associated specific project. No extraction or processing shall be conducted during a season in which no improvements are planned or performed for the associated specific project.
- 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. Notwithstanding, no extraction shall be permitted on slopes of greater than 15%, if the area of 15% or greater slope is 1 acre in size or larger. Practices for sediment and erosion control shall be designed, constructed and maintained to prevent additional contribution of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall consist of the utilization of proper reclamation methods and sediment control practices including, but not limited to:

- a). grading the back-fill material to reduce the rate and volume of runoff;
- b). retaining sediment within the pit and disturbed area; and,
- c). establishing temporary vegetation or mulch on areas that will remain subject to erosion for as long as 6 months.

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.

## 6.1.12. Temporary Uses

- 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.
- viii. **Cultural and Historic Sites.** If historic or prehistoric ruins or monuments are uncovered or become apparent, 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.
- ix. **Access.** Adequate and available access to/from the proposed site and to/from a County road or State highway shall be shown, to the satisfaction of the Planning Director and County Attorney, and maintained, to the standard specified by the County Engineer.
- x. **Site Area.** Gravel extraction and processing associated with a specific private or public project shall be limited to less than 15 acres in size, unless a cooperative regulatory agreement is reached with the DEQ in conjunction with issuance of a Small Mining Permit, or some other mechanism is offered by the applicant to ensure the standards of this Section are met for projects on larger sites. Extraction and processing projects, not associated with a specific private or public project as described above shall be limited to less than 15 acres in size.
- xi. **Surrounding Vegetation.** Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the operation site shall be preserved to the maximum extent possible.
- xii. **Noise Reduction.** All operations shall comply with the standards set in Sec. 6.4.3. except for the back-up horns, which are exempt pursuant to that section. Stockpiles shall be located to maximize their benefits as noise barriers and equipment shall be located to minimize its negative noise impacts on neighbors. The circulation scheme on the site shall be designed to minimize reverse movements by vehicles utilizing back-up horns.
- xiii. **Dust.** All operational areas and traffic corridors shall be sprayed with water, as often as weather conditions require, to minimize fugitive dust.
- xiv. **Wildlife.** All gravel extraction and/or processing shall limit the locations and times of year that ensure no significant negative impacts to endangered species as determined by the Wyoming Game and Fish Department and the U.S. Fish and Wildlife Department, as appropriate. Proposed locations and operation times also shall minimize impacts

on species of special concern, as described in Teton County Wildlife-Habitat Assessment Final Report, by Biota Research and Consulting, Inc., dated July 1, 1991.

xv. **Water Supply.** Extraction and filling of a reservoir shall not infringe on down-stream appropriator's rights as established by the State Engineer's Office.

xvi. **Hazardous Materials.** Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment with a concrete floor and berms high, and impermeable, enough to contain a spill or leak should one occur. A similar impoundment shall be provided for any equipment or vehicle maintenance to be conducted on the site. An emergency preparedness plan shall be designed, kept on the site, and followed, as approved by the County. The plan shall specify procedures for containment and cleanup of hazardous materials spills.

xvii. **Extraction, Processing, and Reclamation Plan.** An extraction, processing and reclamation plan, meeting the standards of this Section, shall be provided. The plan shall restrict operations to areas of workable size so that no area is left inactive and unreclaimed for more than 60 days. Reclamation shall proceed in conjunction with extraction and shall proceed in phases over the life of the operation.

d. **Reclamation Standards.** If the landowner intends future development or use of the property where the gravel extraction or processing is proposed to take place, then the land shall be reclaimed in accordance with an approved development plan. If there is no development plan, approved or being reviewed by the County in conjunction with the proposed gravel operation, then the following standards shall apply.

i. **Dry Land Area**

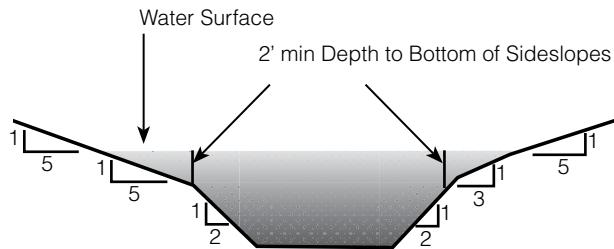
- a). **Activities Involving Land Forms.** Extraction proposed to take down landforms, such as benches, shall be designed, upon reclamation, to blend into the landforms at the edge of the operation site.
- b). **Blending with Natural Contours.** Disturbed areas shall be regraded to blend into, and conform with the general natural form and contours of the adjacent areas.
- c). **Revegetation.** Disturbed areas shall be revegetated with native species, predominant in the neighboring areas.
- d). **Compliance with Grading Standards.** Compliance with Div. 5.7. is required.

ii. **Ponds/Water Features.** All ponds or water features created by gravel extraction shall meet the standards of this Subsection.

- a). **Water Supply.** Extraction and filling of a reservoir shall not infringe on down-stream appropriator's rights as established by the State Engineer's Office.

## 6.1.12. Temporary Uses

- b). **Shoreline Transition.** The slope from the shoreline to upland areas shall be no more than 5:1 for at least 15 feet from the shore toward the upland area.
- c). **Pond/Water Feature Side Slopes.** All pond and island shorelines shall have 5:1 side slopes for at least 50% of the shoreline length; the Planning Director may waive or alter this requirement, based upon there being no reasonable expectation that the pond will be used by waterfowl and upon demonstration that the design shall not pose a safety hazard. All other side slopes shall be no steeper than 3:1. All side slopes shall be maintained into the pond/water feature for the length necessary to reach a depth of 2 feet; thereafter, side slopes shall be no steeper than 2:1. Shorelines shall receive a minimum six inches of topsoil until the side slope reaches a depth of 2 feet.



- d). **Shallows.** Sufficient shallows to allow the water feature to effectively function as wildlife habitat shall be provided. The design shall be reviewed, at the applicant's expense, by a wildlife biologist or by Wyoming Game and Fish, to ensure that shallows are designed to provide functional wildlife habitat.
- e). **Supplemental Water Supply.** A supplemental water supply, e.g., water from the Snake River or any other watercourse and conveyed irrigation ditches, shall be developed, if necessary, to stabilize water levels and prevent steeper grades from becoming exposed.
- iii. **Existing Watercourses/River.** Extraction areas in any watercourse covered by the Restoration Study shall be reclaimed, if necessary, in accordance with the reclamation specifications in the Restoration Study. If the Restoration Study is not completed and approved by the County, or the watercourse/river in which the gravel extractions proposed is not covered by the Restoration Study, then the applicant shall employ a Hydrologist, Fisheries Biologist, or both, as appropriate, to submit either evidence that reclamation is unnecessary since it will be inundated during the high water period to a degree which makes reclamation moot, or a reclamation plan designed to ensure the watercourse/river suffers no negative impacts, such as bank degradation or channelization, from the extraction operations.

## G. Helicopter Tree Removal

1. **Definition.** Helicopter tree removal is a forest thinning project completed for fuels reduction, forest health improvement, and public safety purposes.
2. **Standards**
  - a. Helicopter operations permitted under this Subsection must be completed within 10 days within an overall project period of 4 weeks or less. The Planning Director may extend the project period due to weather or mechanical delays beyond the applicant's control, not to exceed a total of 6 weeks from start to finish.
  - b. The application shall justify why helicopter tree removal (as opposed to other methods, such as ground-based tree removal) is needed.
  - c. In those cases where the helicopter will land and/or refuel on the subject property, the helicopter operation shall follow best management practices for safe landing and refueling.
  - d. In those cases where the helicopter will land on the subject property, designated helicopter landing locations shall meet all required resource setbacks, and any associated disturbed areas shall be reclaimed using native plants.
  - e. If the purpose of the tree removal is for fuels reduction, then the proposed project shall be approved as a valid fuels reduction project by the Teton County Fire Department.
  - f. The applicant shall provide a statement prepared by a wildlife biologist as to the impacts of the project on the existing wildlife habitat on the property subject to the tree removal, and the immediate vicinity of said property. Mitigation measures may be required.
  - g. The Board of County Commissioners shall approve a helicopter operation under this Subsection only after public hearing. The Planning Director shall send written notice of said hearing to property owners within 1300 feet of the property subject to the tree removal at least 15 days prior to said hearing.
  - h. The Board of County Commissioners shall condition its approval under this Subsection to protect the health, safety and welfare of the public. Conditions may include but shall not be limited to hours of operation and days of operation.
  - i. A helicopter operation under this Subsection shall be exempt from the Noise standards in Sec. 6.4.3.

## 6.2.1. Purpose

## Div. 6.2. Parking and Loading Standards

### 6.2.1. Purpose

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

#### A. Required Parking

The table below establishes the minimum required parking spaces that shall be provided for each use in these LDRs. Where a minimum requirement is not listed in the table it shall be determined by the Planning 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
<b>Open Space Uses</b>		
Agriculture	n/a	
Downhill ski area	1 per 7 carrying capacity + 1 per 2 employees	
Golf course	3 per hole + as required for incidental uses	
Dude/Guest ranch	1 per LU	
<b>Residential Uses</b>		
Detached single-family unit	2 per DU	
Attached single-family unit	2 per DU + 0.5 per DU if $\geq 3$ units served by lot	
Apartment	2 per DU + 0.5 per DU if $\geq 3$ units served by lot	
Mobile home	2 per DU	
Dormitory	1 per bed	
Group home	0.5 per bed	
<b>Lodging Uses</b>		
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	
<b>Commercial Uses</b>		
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
<b>Amusement/Recreation Uses</b>		
Amusement	1 per 30 sf seating area or independent calculation	
Outdoor recreation	independent calculation	
Developed recreation	4.5 per 1,000 sf	
Outfitter/Tour operator	independent calculation	
<b>Institutional Uses</b>		
Assembly	independent calculation	
Daycare/Education	independent calculation	
<b>Industrial Uses</b>		
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	
Junkyard	1 per employee	
Gravel extraction/processing	1 per employee	
<b>Infrastructure Uses</b>		
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	
Airport	7 per daily aircraft movement	
Landing strip	7 per daily aircraft movement	
Balloon operation	independent calculation	
<b>Accessory Uses</b>		
Accessory residential unit	1.25 per DU	
Bed and breakfast	0.75 per LU	
Home occupation	n/a	
Home business	1 per employee	
<u>Family home daycare</u>	<u>1 per employee</u>	<u>1 off-street for pick-up</u>
<u>Home daycare center</u>	<u>1 per employee</u>	<u>2 off-street for pick-up</u>
Drive-in facility	n/a	3 per service lane
Agriculture employee housing	2 per DU	
Cottage industry	1 per employee + 1 per company vehicle	
Reception/Event	1 per 3 attendees	
<b>Temporary Uses</b>		
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	
Helicopter tree removal	n/a	

## 6.2.2. Required Parking and Loading

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.

## 6.2.3. Location of Required Parking

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 off-street 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****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****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

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. **If Snow Is to Be Removed, Location of Snow Repository Site.** If the snow is to be physically removed from the site, an adequate location of the proposed snow repository site shall be identified in writing, and permission from the landowner of the snow repository site shall be provided, in a form satisfactory to the Planning Director.
3. **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

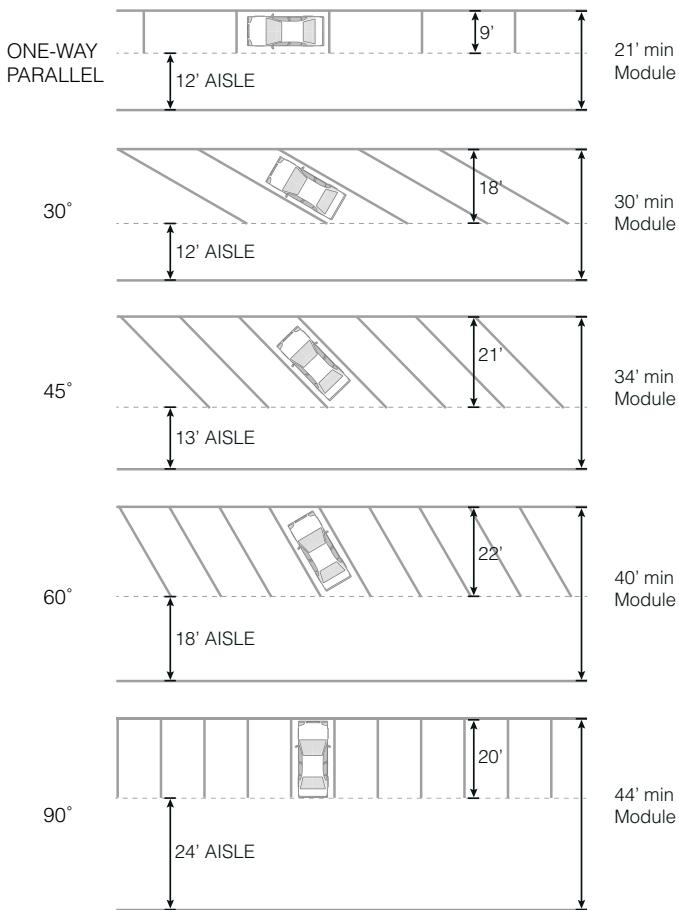
- a. **Width.** A parking space shall be a minimum of 9 feet in width.
- b. **Length**
  - i. **Standard Parking Space.** A standard parking space shall be 20 feet in length.
  - ii. **Over Hang With Wheel Stop.** The length of parking spaces may be reduced to 18 feet, including wheel stop, if an additional 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.
- c. **Vertical Clearance.** Parking spaces shall have a vertical clearance of at least 7 feet.
- d. **Garage Space Dimensions.** When a garage or accessory structure provides parking spaces to satisfy the requirements of this Division, a minimum area 10 feet in width and 20 feet in length shall be provided per required parking space. Said space shall remain unencumbered and available for parking as long as it is credited against the parking requirement.

## 6.2.5. Off-Street Parking and Loading Design Standards

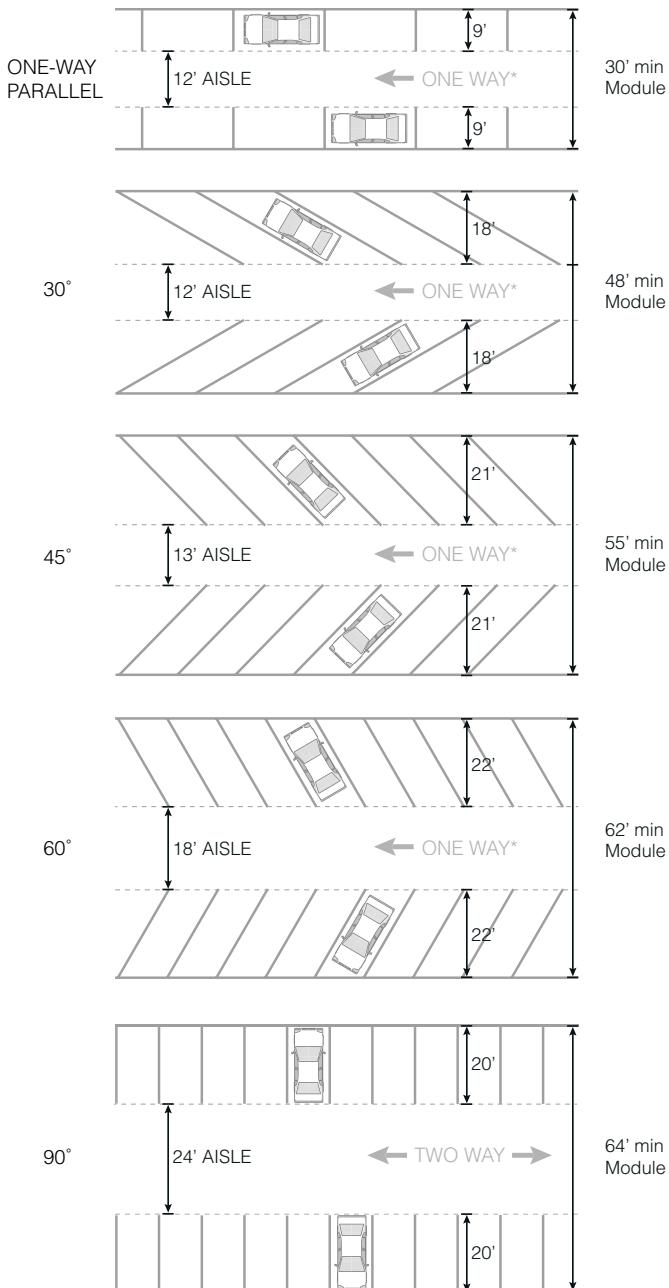
2. **Parking Module Dimensions.** The table below specifies the minimum widths for parking rows, aisles, and modules. The figures below illustrate the standards.

	Minimum Dimensions for Parking Modules				
	Parallel	30°	45°	60°	90°
<b>Single Row of Parking</b>					
Parking Space Depth	9'	18'	21'	22'	20'
Drive Aisle Width	12'	12'	13'	18'	24'
Total Module Width	21'	30'	34'	40'	44'
<b>Two Rows of Parking</b>					
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.

3. **Gravel Area Dimensions.** The minimum size of a gravel parking area shall be 10% larger than required of a paved area.
4. **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.

#### **6.2.6. Parking and Loading Standards in the Downtown Parking District**

[Section number reserved, standards only apply in Town]

## Div. 6.3. Employee Housing Requirements

### 6.3.1. Town Employee Housing Standards

[Section number reserved, standards only apply in Town]

### 6.3.2. County Employee Housing Standards

#### A. Applicability

The standards of this Subsection apply to nonresidential uses unless exempted below. Affordable housing shall be provided in conjunction with residential development pursuant to Div. 7.4.

#### B. Exemptions

The following development is exempted from the standards of this Division.

1. **Redevelopment of Preexisting Uses.** Redevelopment or remodeling of a nonresidential use existing prior to the effective date of this Section 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 the effective date of this Section is exempt from the provisions of this Subsection. 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.** Use of any lot of record 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. **Institutional Uses.** Any institutional use is exempt from the standards of this Division.
5. **Accessory Uses.** Nonresidential accessory uses are exempt from the standards of this Division.
6. **Temporary Uses.** Temporary uses are exempt from the standards of this Division.
7. **Agriculture.** Agriculture is 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.

### C. Calculation of Employee Housing Requirement

The employee housing standards for all nonresidential development not exempted shall be as follows:

1. **Required Employee Housing.** Developers of nonresidential uses shall provide housing for seasonal employees pursuant to the standards of the table below. The employee housing shall be provided consistent with the methods for providing employee housing.

Employee Housing Requirement	
Use	Employees Required to be Housed
Dude Ranch	0.82 per guest
Conventional lodging	0.19 per bedroom
Short-term rental	0.19 per bedroom
Campground	0.58 per 1,000 sf of commercial floor area + 1.75 per ac
Office	0.05 per 1,000 sf
Retail	0.56 per 1,000 sf
Service	0.20 per 1,000 sf
Restaurant/Bar	1.35 per 1,000 sf
Heavy retail/service	0.06 per 1,000 sf
Nursery	0.37 per 1,000 sf + 1.51 per ac
All Industrial uses	0.03 per 1,000 sf
Other Uses Not Listed	Determined by independent calculation ( <a href="#">6.3.2.F</a> )

2. **Nonresidential Use.** The employee housing requirement for any nonresidential use not listed in the table above and not exempted shall be determined by an independent calculation. The requirement given in the table above is the result of calculating the number of 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.)

### D. Method for Providing Employee Housing

Applicants shall demonstrate how the required employee housing is to be provided by submitting a Housing Mitigation Plan. Employee housing may be provided by one, or a combination of the following methods; the method shall provide housing appropriate for occupation during the applicant's peak season.

1. **On-Site Housing.** Provision of employee housing on-site is the preferred method for providing employee housing required because of nonresidential use outside of the PUD Zone for Planned Resort and shall be used whenever possible and wherever practicable. Provision of employee housing within the PUD Zone

for Planned Resort is the preferred method for providing employee housing required because of nonresidential use inside of the PUD Zone for Planned Resort and shall be used whenever possible and wherever practicable.

2. **Alternate Location.** Employee housing may be provided off-site should the applicant demonstrate that on-site development of employee housing is not possible. 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. The applicant may propose an alternate location provided the density proposed at the alternate location does not exceed the residential density permitted by the zone in which the site is located.
3. **Planned Resort Alternate Location.** In the case of nonresidential use within the PUD Zone for Planned Resort, required employee housing may be provided outside the PUD Zone for Planned Resort provided the density proposed at the alternate location does not exceed the residential density permitted by the zone in which the site is located. Proposals to amend the zone for an alternate location for employee housing shall be consummated prior to or concurrently with approval of the Planned Resort Master Plan (such proposals will be most favorably reviewed in areas identified in the Jackson/Teton County Comprehensive Plan as an area appropriate for higher residential densities or as an affordable housing node.) In proposing an alternate employee housing location, the manner by which employees will travel to work shall be described in the Transportation Demand Management Plan, pursuant to the Transportation Element requirements of the Planned Resort Master Plan.
4. **Employee Unit Types.** Accessory residential units, hotel/motel rooms, cabins, apartments, townhouses, detached dwelling units, boarding houses, and campground space are all acceptable methods for providing employee housing. Notwithstanding, the type of housing unit provided for employees shall be appropriate for occupation during the applicant's peak season.
5. **Number of Employees per Unit Credited.** The table below gives the number of employees each type of unit will be credited toward an applicant's employee housing obligation.

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 sf of net habitable area
Campground	1.25 per tent or RV site

## 6.3.2. County Employee Housing Standards

6. **Payment of In-Lieu Fees.** An applicant may pay an in-lieu fee for each employee required to be housed by this Division, only if no other arrangement acceptable to the County can be made for provision of employee housing.

a. **2008 Fee Amount.** The fee per employee shall be \$57,221.

- i. **Updating the Fee.** The fee set forth above shall be in effect through April 2009. By resolution, during that April, and each subsequent April, the Board of County Commissioners shall update the fee to reflect the updated fee amount and applicable year of the fees. The updated fee shall be applicable to any application that has not been declared sufficient as of May 1 of the year of approval of the update.
- ii. **Calculation of the in-lieu fee.** The Teton County Housing Authority shall publish a current in-lieu fee schedule, containing the current fees and the calculation of those fees, annually following the update of the fees. The fee shall be calculated using the equation and data sources specified below. The fee shall be equal to the difference between cost of constructing the housing per person housed and the ability of an average seasonal employee to pay for that housing.

$$\text{In-Lieu Fee per Seasonal Employee} = 1010.952A + B/60 - 2.4182C$$

A = the average per square foot construction cost for residential multiple family construction types IIIA, IIIB, VA and VB as published by the ICC for the previous half-year.

1010.952 = the multiplier accounting for the cost of the physical construction of 400 square feet of living area per employee, the cost of developing that 400 square feet which is assumed to equal 20% of the cost of construction, and an adjustment to account for the fact that multi-family construction in Teton County is 2.106 times more expensive than the ICC published average based on Teton County builder and developer interviews conducted in 2006-2007 by Economic Planning Solutions and the average per square foot construction cost for residential multiple family construction types IIIA, IIIB, VA and VB published by the ICC in February 2005.

B = the average homesite sale for the previous year as published in the "The Hole Report" by Jackson Hole Real Estate and Appraisal, or an approved equal market summary.

60 = the multiplier that derives land costs per person, assuming 12 units per acre, an average of 1.8 employees per household or unit, and an adjustment factor to get per acre value based on Teton County builder and developer interviews on 2004 average homesite sales per acre conducted in 2006-2007 by Economic Planning Solutions and the average homesite sale in 2004 as reported by a Jackson Hole Real Estate and Appraisal.

C = the average Teton County wage of a person in the Construction, Manufacturing, Other Services, Retail Trade, Transportation and Warehousing, Educational Services; Arts, Entertainment, and Recreation; Accommodation and Food Services sectors, based on the most recent four quarters of data available from the U.S. Bureau of Labor Statistics Quarterly Census of Wages and Employment.

2.4182 = the multiplier representing the amount that can be paid for housing by the average Teton County seasonal employee dedicating 30% of his/her income to housing and taking into account the present value of 15 years of rent at a discount rate of 9 percent.

- b. **Time of Payment and Use of Funds.** Payment of the in-lieu fee shall be made to the County Treasurer prior to, and on a proportionate basis to the issuance of any nonresidential use permit.
  - i. **Interest Bearing Account.** The County Treasurer 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 employee housing units.
- c. **Refund of Fees**
  - i. **Seven Year Limit.** Fees collected pursuant to this Subsection 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 Board of County Commissioners shall have earmarked the funds for expenditure on a specific project, in which case the Board of County Commissioners may extend the time period by up to 3 more 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 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 the 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 which is not realized for any reason, and for which a refund has not been requested in accordance with this Subsection, shall be retained

## 6.3.2. County Employee Housing Standards

by Teton County 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. A record of such credit shall be maintained by the County.

## E. Housing Mitigation Plan

1. **Housing Mitigation Plan Required.** A Housing Mitigation Plan is required for all nonresidential uses not exempted from this Division. Any applicant required to provide less than one employee housing unit, may be permitted to pay an in-lieu fee. The Housing Mitigation Plan shall include the following:
  - a. **Requirement Calculations.** Calculations determining the number of employees required to be housed and the number of employee units to be provided.
  - b. **Method.** The method by which housing is to be provided.
  - 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.
  - d. **Units Developed.** If employee housing units are proposed to be developed, the proposed restrictions that will be placed on the units to ensure the units will remain available as employee housing units. All restrictions are subject to approval of the Teton County Housing Authority (TCHA).
  - e. **Fee Calculations.** If fees-in-lieu are proposed, the calculations for determining the required fee amounts shall be submitted.

## F. Independent Calculation

Independent calculations shall be performed when required pursuant to the table in 6.3.2.C. Independent calculations also may be performed by an applicant in order to request modification to the amount of employee housing required to be provided.

1. **Calculation Contents.** The independent calculations shall be performed according to the following formula and shall be supported by local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence that supports the data used in the calculation. The calculation used shall be approved by the Planning Director.

$$0.69 (A-B) \left(1 - \frac{0.30 C}{750}\right) = \text{Employees required to be housed}$$

Where:

A = Number of employees during applicant's peak season

B = Average number of full time equivalents (FTEs) during remaining year

C = Average monthly salary

2. **Modification Based Upon Shared Employee Housing.** In the PUD Zone for Planned Resort the amount of employee housing required to be provided may be modified by the Planning Director when an applicant demonstrates that an employee housing unit can be used for seasonal peaks which do not overlap.

**EXAMPLE:** A use within a PUD Zone for Planned Resort may have an employee housing requirement associated with a winter peak season and different uses within the Zone may have a summer peak season. If it can be demonstrated that the peak seasons do not overlap, then an employee housing unit can be used to satisfy the employee housing requirement for both uses.

## Div. 6.4. Operational Standards

### 6.4.1. Outside Storage

#### 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

#### A. Refuse and Recycle Facilities

1. **Refuse and Recycle Storage Facilities.** Residential and nonresidential uses shall provide containers or dumpsters to store all refuse and recyclable items accumulated between regularly scheduled transfers from the site.
2. **Containers and Dumpsters to be Bear Resistant.** Containers and dumpsters used to store refuse and recyclable items shall comply with Sec. 5.2.2.
3. **Containers and Dumpsters to be Screened.** For nonresidential uses and residential uses of 4 or more units, refuse and recycle containers and dumpsters shall be stored in a building or screened on all sides to prevent viewing from adjoining streets and properties.
  - a. **Screening Materials.** Screening shall consist of landscaping, earth berms, fencing or walls built of materials and finishes that are compatible with surrounding structures. Chain-link fences with solid slats are prohibited for purposes of screening. The Planning Director may waive the required setbacks if earth berms, fencing, or walls are determined by the Director

to be the most appropriate screening type and it is impossible for the earth berm, fence, or wall to meet the required setbacks without unnecessarily constraining the owner's property.

- b. **Bear Resistant Enclosure.** A bear resistant outdoor enclosure may be designed and constructed to also function as screening.
- 4. **Temporary Dumpsters at Construction Sites.** Temporary dumpsters placed at active construction sites are exempt from the standards outlined in Sec. 5.2.2. provided only construction materials are placed in the dumpster.
- 5. **Locations of Dumpsters and Enclosures.** Dumpsters and outdoor enclosures shall be located to:
  - a. Not impair vehicular access, parking or loading areas;
  - b. Not interfere with clear visibility at site entrances and exits;
  - c. Not interfere with snow removal operations or snow storage areas;
  - d. Provide adequate access for collection equipment;
  - e. Not encroach into easements for utilities, vehicular or pedestrian access, or designated open space or conservation areas; and
  - f. Allow shared use by multiple businesses, tenants or owners when placed in developments containing multiple occupants.
- 6. **Compactors.** Outdoor trash compactors shall be fully compliant with the definition of bear resistant refuse container or enclosure as stipulated in Sec. 5.2.2. No trash is to be exposed, doors must be kept closed at all times when not in use, and the area around the compactor shall be clean and free of debris.

### 6.4.3. Noise

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 is contiguous to a residential zone, the residential zone standard shall govern.

Noise Level Restrictions	
Zone	Maximum Permitted Sound Level
R-TC, S-TC, NC-TC, OP-TC	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

All uses shall conform with the following standards:

#### A. General

Vibration shall be measured at the site boundary line. Except for temporary construction operations, agricultural activities, 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**

- 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**

**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 County.

**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

#### A. Intense Heat Conducted within Enclosed Building

Any activity producing intense heat shall be conducted within an enclosed building in such a manner as not to raise the temperature of the air, soil, groundwater, or surface water beyond any property boundary line.

#### B. Humidity From Cooling Towers Controlled so Not Create Ice Hazard

Increases in humidity in the form of steam or moist air from cooling towers shall be controlled so that they do not create an ice hazard. Cooling towers shall be controlled by either reheating the plume or using a closed system.

### 6.4.8. Radioactivity

#### A. Maximum Concentration of Radioactivity

Maximum permissible concentrations for radioactivity that can be released shall be subject to the regulations of the State of Wyoming, the U.S. Atomic Energy Commission, and any other federal agency having jurisdiction. In the case of conflict, the most restrictive requirements shall govern.

#### B. Storage of Radioactive Material

Radioactive materials shall be stored in fireproof containers made of steel or concrete, and shall not be stored in containers made of lead or other low melting metals or alloys unless completely encased in steel.

#### C. Medical Sources of Radiation Residues

Medical sources of radiation residues, such as X-ray machines, gamma and neutron sources, and pharmaceutical isotopes which are used for diagnostic and therapeutic purposes, shall be permitted when located within a hospital, clinic, medical or dental office, or medical research facility.

#### D. Other Uses of Radiation

Other uses of radioactive materials shall be limited to measuring, gauging, analytical and calibration devices, such as tracer elements in X-ray and similar apparatus, medical applications, and in connection with the processing and preservation of food.

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## Div. 7.1. Development Option Standards

### 7.1.1. Development Options Schedule

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.

County Legacy Zones - Development Options													
Option	Complete Neighborhood Zones				Rural Area Zones					Civic Zones			
	AC-TC	AR-TC	WC	OP-TC	BP-TC	MHP-BC-TC	TC	NC-TC	S-TC	R-TC	P/SP-TC	P	Standards
PRD	P	P	--	P	--	--	--	--	P	P	--	--	<a href="#">7.1.2</a>
MHP	--	--	--	--	--	--	P	--	--	--	--	--	<a href="#">7.1.4</a>

Key: P = Development option allowed with appropriate permit    -- = Development option prohibited

## 7.1.2. Planned Residential Development (PRD)

### A. Purpose and Intent

The purpose of Planned Residential 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 and preserve open space to serve wildlife, scenic, agricultural, and recreational purposes all within the densities established for the zone. The site, lot, and building standards for Planned Residential Developments are given added flexibility in order to permit and encourage compact development, affordable housing, preservation of open space, and innovative site planning and design, in concurrence with the Comprehensive Plan. Planned Residential Development proposals shall meet the following standards.

### B. Deviation from Structure Setbacks

Deviation from the zone standards for minimum yards is permitted on the interior of the project where such deviation provides for a more compact footprint of development or greater setback from natural resources.

### C. Minimum Perimeter Setback

All structures shall be set back from the project perimeter a minimum distance equivalent to the zone required front yard.

### D. Permitted Types of Dwelling Units

Planned Residential Developments shall be permitted to provide a variety of dwelling unit types, in order to allow more compact footprint of development. Single-family homes, townhouses, condominiums, apartments and mobile homes are all permitted dwelling unit types.

### E. Open Space Required

All Planned Residential Developments shall provide the required open space as designated for the zone in which the PRD is proposed. The required open space shall meet the requirements of [Div. 7.3](#).

### F. 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 of the site, any other natural resource features located on the site, and existing and probable future public improvements to the area.

### G. Access

Safe and adequate access shall be provided to all areas of the proposed project, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way, or a commonly owned easement.

## H. Limitation of Access to Arterial Streets and Highways

Where a proposed project is contiguous to a major local collector, arterial road or highway, direct access to such road or highway from individual lots, units, or buildings in the project is prohibited.

## I. 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.

## J. Circulation

Circulation for the project shall be designed in accordance with the following:

1. **Principal Access.** Principal vehicular access points shall be designed to provide smooth traffic flow, minimizing hazards to vehicular, pedestrian, or bicycle traffic.
2. **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.
3. **Access by Emergency Vehicles.** Access to all structures and uses by emergency vehicles shall be provided.
4. **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.
5. **Pathways.** Provision shall be made for pedestrian and bicycle travel in accordance with the 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.

## K. Parking Lots

Parking lots, if proposed, shall be set back from the perimeter of the project a minimum of the required front yard for the zone in which the project is located. A minimum separation of 10 feet shall be provided between parking lots and inhabited structures.

## L. 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.

## M. 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.

### 7.1.3. Urban Cluster Development (UCD)

[Section number reserved, standards only apply in Town]

#### 7.1.4. Mobile Home Park

Mobile Home Parks shall meet the following standards. Mobile Home Parks may be proposed in the MHP-TC or as a Planned Residential Development. Existing Mobile Home Parks proposed for expansion or redevelopment in the MHP-TC zone, shall only be required to comply with 7.1.4.A.

**A. Existing Mobile Home Parks in the MHP-TC.** Existing mobile home parks within the MHP-TC 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-TC 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.

## 7.1.4. Mobile Home Park

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 than 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.

## 7.1.4. Mobile Home Park

**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 area 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 County 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 County Engineer is required.

## 7.2.1. Subdivision Types Schedule

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

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.

County Legacy Zones - Subdivision Types																					
	Complete Neighborhood Zones					Rural Area Zones				Civic Zones			Standards								
	AC	TC	AR	TC	WC	OP	TCBP	TC	MHP-	BC	TC	NC	TC	S	TC	R	TC	P	SP	TC	P
<u>Land Division</u>	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		7.2.4.	

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Key: P = Development option allowed with appropriate permit -- = Development option prohibited

## 7.2.2. Standards Applicable to all Subdivision

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 Board of County Commissioners 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 Board of County Commissioners. 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 County Engineer. The County 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.

#### 6. Certificate of Completion and Release of Responsibility

- a. **Prior to Acceptance.** The County shall not have any responsibility with respect to any road, or other improvement, notwithstanding the use of the same by the public, unless the road or other improvement has been formally accepted by the County in the manner required by law.
- b. **Request for Certification.** Upon completion of the improvements, the subdivider may request, in writing, a certificate of completion and release of responsibility from the Planning Director.
- c. **Responsibility to Maintain.** Upon issuance of the certificate and release, all responsibility for the improvements shall be assumed by the maintaining party.
- d. **Record Drawings.** Prior to the approval of any completed improvements, record drawings and specifications for streets, water, sewer, drainage, and other facilities must be submitted to the County Engineer. The plans shall be submitted on 24 inches by 36 inches mylar and shall be accompanied by two sets of prints. The plans shall show the detailed location of all utilities

7.2.4. Condominium and Townhouse Subdivisions

including service lines to lots. A permanent benchmark shall be described on each sheet. The plans shall also be submitted electronically utilizing Autocad® or a compatible dxf format file.

e. **Certification.** The following certification by the project engineer shall appear on the face of the record drawings:

I certify that these plans were prepared under my direct supervision and control, that they accurately represent the referred to improvements as they have been constructed in the field, and that the improvements as installed conform to the requirements of the Department of Environmental Quality, the State Highway Department, Teton County, and other applicable agencies.

Engineer\_\_\_\_\_

Wyoming P.E. No.\_\_\_\_\_

### **7.2.3. Land Division Standards**

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

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. 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.

### C. 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

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

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

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. of this Division.

## 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

#### 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

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-TC, AR-TC, and AC-TC 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

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

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

#### A. Findings

1. An essential component of the community character and social, economic, and political fabric of Teton County and the Town of Jackson over the years is those persons and families that work in the community, live in the community, attend schools in the community, worship in the community, and vote in the community. The primary factor that has allowed the confluence of this special mix of social, economic, and political community is the fact that the cost of housing has been affordable to those persons living and working in the community.
2. In the mid-1980's, these circumstances began to change. Review of census and other wage and labor information, indicates that in 1986, the cost of a median priced home in Teton County amounted to 354% of the annual income of a family which had a median annual income. By 1993, a family with a median annual income had to spend 635% of its annual income for a median priced home, and by 2000 that same family spent 959% for that same home. Obviously, given the fact that most indicators provide affordable housing as that which amounts to 250% to 350% of annual income, housing in Teton County is no longer affordable to many of the working people in the community. This phenomenon has resulted in a number of individuals and families being forced to move out of Teton County and find housing in Idaho or Lincoln and Sublette Counties, Wyoming; their children no longer attend schools in the community; they no longer worship in the community; and their ideas are no longer expressed at the ballot box. The end result is that the social, economic, and political fabric of the community has been impaired, as well as the community character
3. The primary reason for this housing affordability problem has been the growth, beginning in the mid-1980's, of a significant second home market for vacationers and other persons who only spend a portion of the year in Teton County. The demand for this type of housing from these persons with substantially higher incomes than local residents has resulted in a dramatic increase in land costs, and a concomitant rise in the cost of all housing in the community. It is this rise in housing cost that has made housing unaffordable to the working residents of the County, and forced them to move elsewhere. It is this out-migration that has resulted in a deterioration of community character.
4. Analysis in the Affordable Housing Needs Assessment (Appendix D, Jackson/Teton County Comprehensive Plan) indicates that if this problem is going to be addressed, and housing is to remain affordable in Teton County, approximately 25% of the new housing stock must be made available at affordable prices.

#### B. Purpose

The purpose of this Division is to ensure that there is a reasonable supply of affordable housing to meet the needs of the citizens of Teton County in order to restore the social, economic, and political fabric of the County and its community

character. This is done through the establishment of affordable housing standards for new residential development that requires the provision of affordable housing, or, in the alternative, the donation of land or contribution of in-lieu fees in an amount proportionate to the need that new residential development creates for affordable housing units in the community.

### C. Applicability

1. **General.** The standards of this Division apply to residential development options and uses, unless exempted below.
2. **General Obligation.** Teton County shall make measurable progress toward reducing the existing deficit of affordable housing that existed on the date of adoption (2/21/95) of this Section.

### D. Exemptions

The following residential uses and development options are exempted from the standards of this Division.

1. **Redevelopment of Preexisting Uses.** Redevelopment or remodeling of a use existing prior to February 21, 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. Notwithstanding, the provisions of F.3.c.v. shall apply.
2. **Mobile Home Park.** Development of a mobile home park is exempt from the standards of this Division, provided that during its review, the Board of County Commissioners 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 Single-Family Unit.** The development of one single -family unit on a lot of record for which the affordable housing standard, pursuant to this Division, has not already been met, is exempt from the requirements of this Division, if the household's gross income is less than 120% of the Teton County median household income and net assets comply with those applicable under the Teton County Housing Authority (TCHA) Guidelines, and an owner-occupied dwelling is being developed. The TCHA shall perform the income and asset assessment for this exemption. In addition, the owner shall be required to record a deed restriction on the property requiring that upon resale of the property, either (a) the buyer of the property shall meet the same category income and asset restrictions, or (b) at closing, the seller of the property shall pay the then-applicable in-lieu fee described in F.3.

## 7.4.1. County Residential Affordable Housing Standards

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 in-lieu fee, is exempt from the standards of this Division.
5. **Agricultural Employee Housing.** Development of agricultural employee housing 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 Board of County Commissioners, are exempt from the standards of this Division. 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 at an earlier date, provided that (a) the gross income of each household occupying an affordable housing unit in such development is less than 120% of the Teton County median household income and net assets comply with those applicable under the Teton County Housing Authority (TCHA) Guidelines, and (b) the owner shall be required to record a deed restriction on the property requiring that upon resale of the property, either (a) the buyer of the property shall meet the same category income and asset restrictions, or (b) at closing, the seller of the property shall pay the then-applicable in-lieu fee described in F.3.

**E. Calculation of Affordable Housing Standards for Residential Development**

1. **Required Affordable Housing Percentage 25% Requirement.** A minimum of 25% of all residential development shall consist of affordable housing as determined by the formula below.
2. **Formula for Calculation.** The total number of proposed residential units (both affordable housing and free market units, and including units on noncontiguous lots of record) multiplied by the applicable occupancy contained in the table below, shall equal the total number of occupants of the development. The number of occupants of the required affordable housing units shall be at least 25% of the total number of occupants of the development. In instances where residential subdivisions are proposed without specific dwelling units, the applicant shall project the characteristics of the dwelling units based on the average sizes and numbers of bedrooms of residential units in existing subdivisions of comparably sized and valued lots within Teton County. The

Board of County Commissioners shall approve the projected mix of dwelling units based on comparable developments in Teton County as part of its review of a Housing Mitigation Plan.

Number of Persons Housed Per Unit	
Number of Bedrooms in Unit	Minimum Number of Occupants
Studio	1
One	1
Two	2
Three	3
Four	4

## F. Method for Providing Affordable Housing

Applicants shall propose how they will satisfy the affordable housing required by submitting a Housing Mitigation Plan. Such a plan shall specify how the affordable housing requirements will be met by one, or a combination of the following ways established by this Section. Unless the County requests an alternative approach that it believes will better promote the efficient provision of affordable housing, an applicant will be required to (a) provide affordable housing units on-site; and if that is not practical, then (b) provide affordable housing units off-site, and if no acceptable off-site location can be identified and provided, then (c) convey developable land suitable for construction of affordable housing to the County, and if that is not practical, then (d) pay an in-lieu fee, all as described below. Conveyance of land and payment of fees are not preferred methods of performing the obligations created by this Division, and will not be approved unless on-site and off-site construction of affordable housing units is impractical.

### 1. Production of New Units

- a. **General.** An applicant shall develop or ensure the development of affordable housing units on-site as part of the proposed development, unless it is demonstrated that the provision of affordable housing on the site is impractical, or unless it is determined that a vital community housing goal or housing need can be better addressed with an alternative method of performance pursuant to F.1.c.
- b. **Not Required If Impractical.** An applicant shall not be required to develop or ensure the development of on-site affordable housing units as part of the development if it is demonstrated that such development is impractical. The development of affordable housing on-site shall be considered impractical if it can be demonstrated that:
  - i. The number of units required is less than one unit; or
  - ii. The development of affordable housing is tied to a federal or state funding source which requires proximity to certain facilities or services which cannot be met on site; or

## 7.4.1. County Residential Affordable Housing Standards

- iii. Development of affordable housing on site would be inconsistent with one or more of the goals of the Jackson/Teton County Comprehensive Plan.
- c. **Not Required If County Requests Alternative.** Where it is determined that there is a vital community goal or need which can be better addressed by providing units off-site, then alternative methods of performance may be considered. The requirement for on-site performance may be waived where there is an opportunity to combine the required affordable housing from more than one proposed development in a location that is consistent with the goals of the Jackson/Teton County Comprehensive Plan, and the combination of affordable housing would better address the affordable housing needs of the County. Alternatives include, in the following order of priority:
  - i. construction of affordable housing units off-site in a location meeting the standards of 1.d.iv.b.;
  - ii. conveyance of land pursuant to F.2.; or
  - iii. payment of an in-lieu fee pursuant to F.3.
- d. **Requirements for Units Developed.** The affordable housing units developed as part of the development shall meet the following requirements.
  - i. **Restriction.** Required affordable housing units shall be restricted to sales or rental terms and occupancy limitations designed to keep the units affordable in perpetuity.
    - a). **Initial Sale Price.** The TCHA shall determine the initial sale price of individual affordable housing units so that based on a 30 year mortgage and prevailing interest rates, the unit will not exceed 30% of the yearly gross income of the minimum number of people that could be housed in the unit based upon the minimum occupancy standards under the TCHA Guidelines. Mortgage costs shall include principal, interest, taxes, insurance, private mortgage insurance, homeowners' association or property owners' association dues, and ground lease or condominium association fees. Sales prices may be adjusted by TCHA at the time of initial sale or rental according to current HUD income limits for the relevant income category established in d.ii. below.
    - b). **Initial Unit Rents.** The TCHA shall determine initial unit rents so that the rent and utilities for the unit will not exceed 30% per month of the annual gross income of the minimum number of people that could be housed in the unit based upon the occupancy standards under the TCHA Guidelines, as amended from time to time. Rental

rates may be adjusted by TCHA at the time of initial sale or rental according to current HUD income limits for the relevant income category.

- c). **Deed Restriction.** In order to keep the units affordable in perpetuity, the required affordable housing units shall be subject to permanent deed restrictions. All restrictions are subject to the approval of the TCHA. The deed restrictions must be recorded against the land prior to the issuance of a certificate of occupancy by the County for both the affordable component and the market rate component of the development. The form of deed restriction shall be submitted as part of the Housing Mitigation Plan.
- d). **Selection of Purchaser(s).** The TCHA shall be responsible for the qualification of the initial and all subsequent purchasers of individual affordable housing units to owner/occupants (but not for sales of deed restricted rental units where the buyer will not be the occupant of the unit). The method of selection shall be in accordance with TCHA Guidelines and adopted policies and procedures.
- e). **Selection of Renter(s).** The developer shall be responsible for the qualification of initial renters for affordable units, or shall make such agreements with the owner as necessary to ensure that the developer complies with the qualification requirements as set forth by the TCHA. Tenants shall be re-qualified on an annual basis and/or lease renewal periods, by the developer or subsequent landlord, and such entity shall provide re-certification documentation on an annual basis and shall accommodate on-site monitoring of both records and units as required by the TCHA.
- f). **Marketing.** The marketing method for the initial and all subsequent sales of individual affordable housing units shall be in accordance with TCHA Guidelines and adopted policies and procedures. The TCHA shall receive a 2% facilitation fee upon all sales of individual required owner occupied affordable housing units to owner/occupants (but not for sales of deed restricted rental units where the buyer will not be the occupant of the unit) as an administrative charge to cover costs of administering such sales.

ii. **Required Affordable Income Categories.** The annual gross income and the number of persons that will be living in the unit (household) shall be used to classify applicants into "income categories."

- a). **Income Categories.** The income categories will correspond to the "income limits" for Teton County, WY published annually by the U.S. Department of Housing and Urban Development (HUD) in the Federal Register. The HUD income limits in effect at the time the applicant/developer submits its Housing Mitigation Plan will

## 7.4.1. County Residential Affordable Housing Standards

be used for the proposed development's unit sales price and/or rent calculations. Income categories are summarized in the table below.

Maximum Household Income Categories	
Income Category	Teton County Area HUD Annual Income Limits
Category 1 (Formerly Affordable 1)	Up to 80% of median income
Category 2 (Formerly Affordable 2)	Up to 100% of median income
Category 3 (Formerly Affordable 3 Attainable 2)	Up to 120% of median income
Category 4 (Formerly Attainable 3)	Up to 140% of median income
Category 5 (Formerly Attainable 4)	Up to 175% of median income

- b). **Use of Income Categories.** All affordable housing units required to be provided pursuant to this Division shall be in income categories 1, 2, or 3, as set forth below. Income categories 4 and 5 are used for categorization of affordable housing units provided through other procedures that are not required to comply with the requirements of this Division.
- c). **Required Portion per Income Category.** The required affordable portion of each residential development shall provide housing units for persons in each of Category 1, Category 2, and Category 3 as described below, and in the percentage amounts stated below. The housing units to be provided for persons in each income category shall be determined by the TCHA, in accordance with the housing unit types, minimum sizes and maximum prices described in the TCHA Guidelines. Fractions in each category shall be combined to create a whole person. Payment of an in-lieu fee, in accordance with F.3., shall be made when the number of units required is less than one or through other approval of this alternative.
  - 1). **Category 1.** No less than 1/3 of the required affordable housing units shall be priced for families in Category 1. Families in Category 1 are those earning 80% or less of the median income for a Teton County family of the same size.
  - 2). **Category 2.** No less than 1/3 of the required affordable housing units shall be priced for families in Category 2. Families in Category 2 are those earning at or below 100% of the median income for a Teton County family of the same size.
  - 3). **Category 3.** No more than 1/3 of the required affordable housing units shall be priced for families in Category 3. Families in Category 3 are those earning at or below 120% of the median income for a Teton County family of the same size.

- 4). **Category 4.** No affordable housing units required by this Division shall be in Category 4. Families in Category 4 are those earning at or below 140% of the median income for a Teton County family of the same size.
- 5). **Category 5.** No affordable housing units required by this Division shall be in Category 5. Families in Category 5 are those earning at or below 175% of the median income for a Teton County family of the same size.
- d). **Units by Bedroom Size.** TCHA shall approve the number of affordable units by bedroom size to be provided for each income category.

iii. **Location**

- a). **General.** The affordable housing units shall be located on the same site as the free market portion of the development, unless:
  - 1). The construction of all or a portion of the affordable units on-site is shown by the applicant to be impractical pursuant to those standards in 1.b., above; or
  - 2). an alternative site is requested pursuant to F.1.c. above.
- b). **Off-site Location.** Approval for an off-site location within Teton County shall be made 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 and infrastructure;
  - 2). Desirability of the off-site location for residential uses;
  - 3). Compliance of the proposed off-site location with the Jackson/Teton County Comprehensive Plan and these LDRs;
  - 4). The ability of the proposed off-site location to accommodate the dwelling units within the permitted maximum gross density;
  - 5). Compliance with requirements of federal or state funding source; and,
  - 6). Other pertinent concerns.

iv. **Size and Materials Standards for Affordable Housing Units**

- a). **Size Limitations.** Affordable housing units shall comply with the minimum size requirements established within the TCHA Guidelines, policies, and procedures.

## 7.4.1. County Residential Affordable Housing Standards

- b). **Oversize Units.** Applicants may choose to construct larger units, but the allowable sale prices for such larger units shall not exceed the sale/rental price set by the TCHA for a unit meeting the minimum size requirements.
- c). **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 minimum standards, all building codes and other development codes adopted by Teton County, as well as such standards as defined in policies and procedures adopted by the TCHA.
- d). **Design Features.** Affordable units shall have design features that are comparable to other market units in the development including, but not limited to: decks, patios, parking, fencing and landscaping.
- v. **Qualified Applicants.** The TCHA is hereby authorized to establish standards, policies, and procedures for the qualification of applicants for affordable housing, and for the periodic re-qualification of occupants of rental affordable housing, required to be provided by this Division and for other affordable housing provided through another process. Such standards, procedures, and policies shall be set forth in the TCHA Guidelines, shall be consistent with this Division, shall be designed to promote the efficient and equitable operation of affordable housing within Teton County, and may be amended from time to time by the TCHA Board of Commissioners without further approval by the Board of County Commissioners.
- vi. **Occupancy Standards.** Maximum occupancy for affordable housing units shall be in accordance with the building codes adopted by Teton County.
- vii. **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 TCHA and the applicant/developer have identified qualified buyers or renters, whichever is applicable. If the free market portion is to be developed in phases, then the affordable housing units shall be developed in proportion to the phases of the free market portion, in that case, the Board of County Commissioners may also require the applicant/developer to sign a timing agreement covering the affordable housing units. The developer, with the support of the TCHA, shall make a good faith effort to market the required affordable housing units.
- viii. **Compliance.** The TCHA shall be responsible for monitoring compliance with the above subsections and shall ensure that the above requirements are met. The TCHA Board of Commissioners is hereby authorized to adopt standards, policies, and procedures for monitoring

compliance. Such standards, policies, and procedures shall be set forth in the TCHA Guidelines, shall be consistent with this Division, shall be designed to promote the efficient and equitable operation of affordable housing within Teton County, and may be amended from time to time by the TCHA Board of Commissioners without further approval by the Board of County Commissioners. The TCHA shall bring notice of any and all violations to the attention of the Board of County Commissioners and the Planning Director, and shall follow such procedures as established in these LDRs.

- a). **Noncompliance by Applicants/Developers.** The TCHA shall bring issues of non-compliance to the attention of the County Commissioners with recommended actions to be brought against the applicant/developer.
- b). **Non-compliance by Applicants/Buyers Desiring to Purchase a Unit.** Issues of non-compliance by applicants/buyers desiring to purchase an affordable unit shall be the responsibility of the TCHA. Actions by the TCHA may include, but are not limited to: disqualification and prosecution for fraud.
- c). **Noncompliance by Sellers.** Issues of non-compliance by sellers of affordable units (for initial or subsequent sales) shall be the responsibility of the TCHA. Actions by the TCHA may include, but are not limited to issuance of an affidavit affecting title and prosecution for fraud.
- d). **Reimbursement for Compliance Enforcement.** The TCHA shall be reimbursed by the property owner for any attorney's fees and/or other costs associated with the compliance enforcement.

## 2. Conveyance of Land

- a). **General.** If the applicant/developer has demonstrated that provision of affordable housing units is impractical and the County has determined that land within the proposed residential development or other location is appropriate for the development of affordable housing units, the applicant shall convey land in fee simple estate to the Board of County Commissioners. The fair market value of the land conveyed shall be at least equal to the equivalent in-lieu fee, as calculated pursuant to E.3. for all required affordable housing units for which units are not produced.
- b). **Establishment Of Fair Market Value.** Fair market value shall be established by a licensed professional real estate appraiser approved by the Board of County Commissioners and paid for by the applicant/developer.
  - i. **Preliminary Value.** Fair market value shall be established on a preliminary basis at the time the Housing Mitigation Plan is reviewed.

## 7.4.1. County Residential Affordable Housing Standards

- 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 final 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 dedication.** Land conveyance shall occur concurrently with approval of the development plan for the project, unless other arrangements are made, with financial assurances, both of which shall be acceptable to the Board of County Commissioners.
- d. **Conditions of approval.** Acceptance of the conveyance of any land in satisfaction of all or a part of the obligations imposed by this Division shall be at the sole discretion of the Board of County Commissioners. The Board of County Commissioners shall request a recommendation from TCHA prior to making a decision as to whether to accept any such conveyance. The Board of County Commissioners may require any or all of the following, as a condition of approval and at the cost of the applicant/developer.
  - i. **Proof of Ownership.** The applicant shall provide proof of ownership, free of any liens, or proof of legal standing in the title to the property, including a complete title report.
  - ii. **Location.** The land must be located within Teton County and in an area determined suitable by the Board of County Commissioners. The TCHA shall provide the Board of County Commissioners with a recommendation regarding the suitability of the location.
  - iii. **Density.** The land must be available to support housing at a density acceptable to the Board of County Commissioners and have a base site area that will support the construction of the number of affordable units that the applicant is required to produce for the community.
  - iv. **Infrastructure.** The land shall be fully ready for development and ready for construction, with roads, water supply, sewage disposal, telephone, electricity and gas (if available) and other basic services in place to the property line of each lot of record, as applicable. In-lieu of requiring that the all such improvements be completed prior to conveyance of land, the Board of County Commissions may accept a bond pursuant to Sec. 8.2.11. to complete the improvements. In no event shall the bonded improvements be completed more than one year after the date of conveyance of property to Teton County.
  - v. **Suitability.** A soils report and/or other reports may also be required by the Board of County Commissioners. These reports stipulating whether the lot of record is suitable for the type of construction contemplated and any special construction techniques necessary for its development, shall be prepared by a qualified engineer or other consultant deemed qualified by the Board of County Commissioners.

- vi. **Assurance of Permits.** The Board of County Commissioners may require all necessary permits or preliminary approval from federal, state and local agencies to authorize development by the applicant, or a bond pursuant to Sec. 8.2.11. to ensure all permits.
- vii. **Improvements Agreement and Covenants.** An improvement agreement and protective covenants shall be recorded against the property to be conveyed, prior to the conveyance, incorporating the infrastructure and assurance permits conditions stated above.

e. **Subsequent Conveyance Permitted.** The Board of County Commissioners may develop, or cause to be developed, conveyed land as affordable housing, but shall also be permitted to sell the land or lot(s) on a non-price-restricted basis, pursuant to the following criteria.

- i. **Interest Bearing Account.** All proceeds from the sale of the land shall be placed in an interest bearing trust fund or escrow account.
- ii. **Authorized Uses of Proceeds.** The proceeds from the sale, and any interest accrued, shall be used only for the purposes of planning, subsidizing or developing affordable housing.
- iii. **Conveyance to TCHA.** In the event Teton County conveys such land to TCHA, the use of such land shall be subject to the same restrictions set forth above, and TCHA is hereby authorized to use or further convey such lands subject to such restrictions.

### 3. Payment of In-Lieu Fee

- a. **General.** If (1) the applicant/developer is required to provide less than one affordable housing unit, or (2) it is determined that it is impractical for the applicant/developer to construct affordable housing units and impractical for the applicant/developer to convey land in satisfaction of its obligations, then the applicant shall pay an in-lieu fee as required by this Division. The fees set forth below shall be in effect through the April following their adoption. By resolution, during that April, and each subsequent April, the Board of County Commissioners shall update the fees to reflect the updated fee amounts and applicable year of the fees. The updated fees shall be applicable to any application that has not been declared sufficient as of May 1 of the year of approval of the update.
- b. **Calculation of the In-Lieu Fee.** The Teton County Housing Authority shall publish a current in-lieu fee schedule, containing the current fees and the calculation of those fees, annually, following the update of the fees. The fee, for each income category of person to be housed, shall be calculated using the equation and data sources specified below. The fee for each income category shall be equal to the average of the "per-person affordability gap" of a one, two, and three bedroom unit in that income category. The "per-person affordability gap" for a unit with one, two, or three bedrooms shall be defined by subtracting the maximum resale price of an affordable unit with that many bedrooms from the average sales price of a condominium in the Town of Jackson with that many bedrooms; and then dividing the difference

## 7.4.1. County Residential Affordable Housing Standards

by the number of occupants of a unit with that many bedrooms.

Category X in-lieu fee	=	$A_1 - B_1$	+	$A_2 - B_2$	+	$A_3 - B_3$
		$C_1$		$C_2$		$C_3$
			3			

Where

$A_n$  = The average sales price of a condominium in the Town of Jackson with n bedrooms in the calendar year previous as reported by the "The Hole Report" by Jackson Hole Real Estate and Appraisal, or an approved equal market summary.

$B_n$  = the maximum affordable sales price of a Category X unit with n bedrooms as defined in the 2007 Housing Needs Assessment and further described below.

$$B_n = 158.22(I_{xn} - 150 - T - Y_n)$$

158.22 = multiplier representing the monthly payment of a 30 year, fixed-rate mortgage with an interest rate of 7% and a down payment of 5%

$I_{xn}$  = 30% of the maximum monthly income of a Category X household of  $C_n$  people

150 = \$150 monthly allowance for homeowners' association dues

T = estimated monthly taxes, rounded to the nearest 10 dollars, calculated iteratively with  $B_n$  such that T equals the average of a \$0.06 tax on the 9.5% assessed value of the maximum affordable sales price of a one, two, and three bedroom Category 1, 2, and 3 unit, times a factor of 0.098872935 to account for monthly payment and the pre-iteration value

$Y_n$  = estimated monthly insurance for an n bedroom unit calculated iteratively with  $B_n$  such that for an n bedroom unit  $Y_n$  equals the average of 0.9% (insurance rate) of 95% of the Category 1, 2, and 3 maximum sales price of an n bedroom unit (sales price less 5% down), divided by 12 to account for monthly payment, rounded to the nearest 10 dollars to account for pre-iteration value

$C_n$  = the maximum number of occupants of an n bedroom unit

c. **Residential Development Payment.** Payment of the in-lieu fee for residential developments shall be made for the number of persons in each category required to be provided with an affordable housing unit, but for whom an affordable housing unit is not provided by the proposed development or for which land is not conveyed. The in-lieu fee shall be calculated based on the following dollar amounts:

- 2008 Category 1. For each Category 1 person required to be housed, but for whom a housing unit or land is not provided, a fee payment shall be made in the amount of \$143,716.
- 2008 Category 2. For each Category 2 person required to be housed, but for whom a housing unit or land is not provided, a fee payment shall be made in the amount of \$116,877.
- 2008 Category 3. For each Category 3 person required to be housed, but for whom a housing unit or land is not provided, a fee payment shall be made in the amount of \$90,038.

- iv. Where an in-lieu fee is due, it shall be calculated based on a rotation (not an average) of the fees for the three income categories, beginning with the fee for a Category 1 person, as set forth in the table below.

Calculation of In-Lieu Fees	
Person (or fraction of a person) For Whom An Affordable Housing Is Not Provided	Amount
1st Person	Fee for Category 1 Person
2nd Person	Fee for Category 2 Person
3rd Person	Fee for Category 3 Person
4th Person	Fee for Category 1 Person
5th Person	Fee for Category 2 Person
6th Person	Fee for Category 3 Person
Etc.	

- v. **In-Lieu Fee Due at Building Permit.** An applicant for a building permit to construct or add on to one single-family dwelling and/or any accessory structures on a [lot of record](#) for which the affordable housing requirement, pursuant to this Division, has not already been met shall pay an in-lieu fee per habitable square foot of proposed construction.
  - a). **Preexisting [Lots of Record](#).** On [lots of record](#) created prior to February 21, 1995 the in-lieu fee per square foot of proposed habitable construction shall be equal to 25% of the average of the Category 1, Category 2, and Category 3 in-lieu fees, divided by 5,500.
  - b). **[Lots of Record](#) Created without Mitigation.** On [lots of record](#) created since February 21, 1995 the in-lieu fee per square foot of proposed habitable construction shall be equal to the Category 1 in-lieu fee, divided by 5,500.
  - c). **Exempt Habitable Floor Area.** The following habitable floor area shall be exempt from the calculation of the fee required by this Subsection.
    - 1). **2,500 Habitable Square Feet.** A total of 2,500 square feet of habitable floor area on a [lot of record](#) are exempt from the required in-lieu fee.
    - 2). **Existing Habitable Floor Area.** Existing habitable floor area in excess of 2,500 square feet is also exempt from the required in-lieu fee.
- vi. **Time of Payment and Use of Funds.** Payment of the in-lieu fee shall be made to the County Treasurer concurrently with the approval of the development plan for the project, unless other arrangements are made, with financial assurances.

## 7.4.1. County Residential Affordable Housing Standards

- a). **Interest Bearing Account.** The County Treasurer shall transfer the funds to an interest bearing trust fund.
- b). **Authorized Uses of Fees.** The funds, and any interest accrued, shall be used only for the purposes of planning, subsidizing, or developing affordable housing units.
- c). **Conveyance to TCHA.** In the event Teton County conveys any such funds to TCHA, or conveys any funds from the affordable housing trust fund to TCHA, the use of such funds shall be subject to the restrictions set forth above, and TCHA is hereby authorized to use such funds subject to such restrictions.

vii. **Refund of Fees**

- a). **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 spent within 7 years from the date fees were paid, unless the Board of County Commissioners shall have earmarked the funds for expenditure on a specific project, in which case the Board of County Commissioners may extend the time period by up to 3 more years.
- b). **Written Request.** To obtain the refund, the present owner must submit a written request to the County Planning Director within 1 year following the end of the 7th year from the date payment was received.
- c). **Payments Determined.** For the purpose of this Section, payments collected shall be deemed spent on the basis that the first payment in shall be the first payment out.
- d). **Refunds for Expired Permits.** Any payment for a project for which a building permit has expired, due to non-commencement of construction, shall be refunded with interest if a request for refund is submitted to the County 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.

## G. Housing Mitigation Plan

1. **Housing Mitigation Plan Required.** An applicant shall propose how they will satisfy the affordable housing standards of this Division by submitting a Housing Mitigation Plan.
  - a. **Content.** The Housing Mitigation Plan shall include the following:

- 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.** A description of the method by which housing is to be provided.
- iii. **Unit Descriptions.** A site plan and building floor plan (if applicable) for the required affordable housing units, illustrating the number of units proposed, their location, the number of bedrooms and size (in square feet) of each unit, the rental/sale mix of the development, the income categories for each unit to be developed, and the proposed sales price for each. A tabulation of this information shall also be submitted.
- iv. **Phasing Plan.** If the affordable housing units are to be developed in phases, a phasing plan identifying when each unit will be constructed.
- v. **Agreement and Deed Restriction.** If affordable housing units are proposed to be developed, a written agreement to execute and record deed restrictions provided by TCHA and as required by the TCHA Guidelines as well as a signed original of the deed restrictions to be recorded.
- vi. **Fee Calculations.** If in-lieu fees are proposed, the calculations for determining the required fee amounts.

- b. **Procedure.** A Housing Mitigation Plan shall be submitted by the applicant/developer to the Planning Director as part of the submittal requirements for a development plan application. Review of the Housing Mitigation Plan shall occur concurrently with the initial review of the free market portion of the development plan. The Housing Mitigation Plan shall be reviewed by the TCHA and the Planning Director, and the TCHA shall make a recommendation to the Planning Director regarding the compliance of the Housing Mitigation Plan with this Division and TCHA Guidelines. No development plan shall be approved without complete review and approval of the Housing Mitigation Plan. Some or all of the provisions of the Housing Mitigation Plan may be required to be incorporated into a housing mitigation agreement. If a housing mitigation agreement is required, any development plan or plat related to the development shall not be finally approved until an agreement has been signed by both parties.

2. **Review Standards.** The Housing Mitigation Plan shall be approved 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 application for independent calculation requesting modification to the following:

## 7.5.1. Development Exactions

- 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 Section 7.4.1.E;
- b. **Housing Mix.** The mix of affordable housing to be provided by the development pursuant to F.1.c.; 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. **Application Content.** The application for independent calculation shall be supported by local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence that supports the proposed modification.
3. **Procedure and Standards.** The application for independent calculation shall be submitted and reviewed as part of the Housing Mitigation Plan. If the materials and information supporting the application 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 Board of County Commissioners, or Planning Director in the case of a minor development, shall approve the independent calculation and make the relevant modification.

## 7.4.2. Town Residential Affordable Housing Standards

[Section number reserved, standards only apply in Town]

## Div. 7.5. Development Exaction Standards

### 7.5.1. Development Exactions

A development exaction is a requirement that a developer dedicate land for public use or improvements, or pay a fee in-lieu of dedication, with such fee being used to purchase land for public facilities or to construct public improvements needed to serve a proposed residential development.

#### A. Mandatory Dedication of Land

The Board of County Commissioners shall require a mandatory dedication of land for parks, playgrounds, schools and other public purposes for all divisions of land. This dedication is in addition to any open space provided for the purpose of receiving a density bonus.

1. The location of dedicated land shall be shown on the development plan and other documents deemed appropriate by the Board of County Commissioners.
2. The land to be dedicated shall be of suitable size and shape, topography and geology, and offer proper locations and adequate road access, as determined by the Board of County Commissioners.
3. The amount of land to be dedicated shall be 0.03 acres per housing unit or lot.

#### B. Fee In-Lieu of Land Dedication

1. If the Board of County Commissioners determines that suitable sites for public facilities cannot be dedicated, payment of a fee in-lieu of land dedication shall be required.
2. The purpose of the fee in-lieu of land dedication is to provide sufficient funds to purchase land for parks, schools and other public facilities, such facilities being needed to serve the proposed residential development. Accordingly, the fee in-lieu must be sufficient to cover the actual costs of purchasing a site at the time of the creation of new sites for dwelling units. Thus the amount of the fee in-lieu shall be based on the average market value of unimproved land in the vicinity at or immediately prior to recording of the plat or other instrument creating the proposed residential development. In the absence of agreement between the Planning Director and the applicant, this amount shall be determined by a county appointed appraiser with the cost of the appraisal to be paid for by the developer.

#### C. Time of Payment for Subdivisions

The land or fees in-lieu of land required under this Division shall be dedicated or paid to the County prior to Subdivision Plat and signature by the Board of County Commissioners provided that the developer may deliver to the County a letter of credit in the amount of the fee to be paid so long as the letter of credit is callable one year from issuance and is otherwise compliant with Sec. 8.2.11.

**D. Time of Payment for Other Divisions**

For all other divisions of land created after July 6, 1993 without review by the County, i.e., 35 acres or larger tracts that are not reviewed and approved by the County as a subdivision, the fee shall be due upon issuance of any building permit for a habitable structure.

**E. Use of Land**

The land and fees received under the above provisions shall be used for the purpose of acquiring developable land for parks and schools and the development and construction of park, playground, school and other public purpose facilities to serve the area in which the proposed development is located. Fees paid in-lieu of land dedication shall be deposited in a special fund to be used for acquisition and development of parks, playgrounds, schools and other public purpose facilities.

**F. Credit**

Where private open space for park and recreational purposes is provided in a proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision, the acreage of such areas may be credited against the requirement for dedication of land or payment of fees in-lieu thereof, if the Board of County Commissioners determines that it is in the public interest to do so.

**G. Alternative Dedication Requirement**

If the subdivider can establish to the satisfaction of the Board of County Commissioners that, due to circumstances unique to the proposed subdivision, a park, playground, school and other similar public purpose land dedication requirement other than that which would be determined under the above formula is justified, an alternative dedication requirement may be imposed by the Board of County Commissioners.

**H. Abandonment**

Any lands dedicated hereunder shall be used only for the purposes stated herein, as amended from time to time. In the event of formal abandonment, the land shall be reconveyed to the subdivider upon payment of a sum equivalent to the fee in-lieu of dedication that would have otherwise been required to be paid or, in the event such reconveyance is declined, shall be conveyed to the association of owners of lots in the subdivision or similar agency for a management and development in a manner in keeping with the surrounding neighborhood.

**I. Waiver for Affordable Housing**

At its discretion and based on a finding of public purpose and public need, the Board of County Commissioners may waive the exaction requirements of this Division where the Board determines that housing is being provided that meets affordable housing criteria established by the Board.

## 7.5.2. Park Exactions

[Section number reserved, standards only apply in Town]

## 7.5.3. School Exactions

[Section number reserved, standards only apply in Town]

## Div. 7.6. Transportation Facility Standards

### 7.6.1. Purpose

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

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 of less than 35 miles per hour (mph), and 600 feet from roads with posted speeds of 35 miles per hour (mph) or more.

#### E. Traffic Study Required if More than One Access Point

In instances where more than one access point is requested on any one collector or arterial road, a traffic study shall be required to demonstrate the minimum number needed. The minimum number is all that shall be permitted.

## F. More than One Access Point/Designate “Right Turn Only,” Wherever Possible

When more than one access point exists for a development, at least one exit shall contain a “right turn only” lane, when traffic patterns and the design layout allow it.

### 7.6.3. Streets, Alleys, and Easements

[Section number reserved, standards only apply in Town]

### 7.6.4. Street and Road Standards

#### A. Purposes

These standards are enacted to protect and promote the public health, safety and welfare, to protect Teton County's priceless environmental quality and scenic beauty, and to maintain and promote the efficient, cost-effective and safe movement of persons and goods in Teton County. The requirements and procedures herein are intended to regulate and control the design and improvement of subdivisions, transportation routes, recreational pathways, and other development in the County in order to achieve the following purposes:

1. **Conformance with Highway Improvement Plans.** To ensure conformance and coordination of land subdivision and other development with the highway improvement plans of the County and its municipalities, the State of Wyoming and federal land management agencies.
2. **Establish Standards.** To encourage well-planned land subdivision and other development by establishing adequate standards for design and improvement of roadways and other pedestrian and vehicular movement systems.
3. **Adequate Access.** To ensure adequate access to all properties for fire, police and other vital services.
4. **Cost/Benefit of Facilities.** To ensure a fair and just distribution of the costs and benefits of roadways and other pedestrian and vehicular movement systems within the County.

#### B. Jurisdiction

The territorial jurisdiction of these standards and regulations shall include all of the unincorporated lands within Teton County, Wyoming other than National Park, National Forest, National Elk Refuge lands or other lands not under County jurisdiction for the purposes of zoning regulation.

#### C. Interpretation

1. In their interpretation and application, the standards and regulations of this Section shall be held to be the minimum requirements and shall apply to all roads within its territorial jurisdiction. No standard or regulation of this Section is intended to repeal, abrogate, annul, impair or interfere with any existing resolution of the County, provided that where any standard or regulation of this

## 7.6.4. Street and Road Standards

Section imposes more stringent regulations, requirements or limitations than are imposed by any other resolution of Teton County or any Statute of the State of Wyoming, then the standards and regulations of this Section shall govern.

2. The Teton County Engineer may grant exceptions to the standards and regulations contained in this Section pursuant to Sec. 8.8.1. in order to provide flexibility to the application of these standards and regulations and where exceptions do not materially compromise public safety. In granting an exception the County Engineer must consider the following minimum criterion:
  - a. Potential land uses and traffic volumes to be served by the road at build-out; and
  - b. Compatibility with adjacent roadway sections; and
  - c. Effect on non-motorized facility users; and
  - d. Cumulative effect if an exception to more than one standard is requested; and
  - e. Effect of the exception on the safety of residents, motorists and non-motorists; and
  - f. Effect on level of service; and
  - g. Accident data; and
  - h. Protection of resources regulated pursuant to Article III; and
  - i. Potential mitigation measures (including but not limited to, vehicle turn-outs, warning signs, mirrors at curves, guard rails, mandatory plowing or maintenance contracts, etc.) to address excepted standards or regulations; and
  - j. Comparative cost of required standard or regulation versus exception request.
3. The County Engineer shall document all exception requests in an Exception Report, which shall include a description of the exception request and relevant standards and regulations, the County Engineer's determination, any required mitigation, and the basis for the approval or the denial. All exception requests shall be stamped by a registered Wyoming professional engineer and approved by the County Engineer. The County Engineer shall seek comment from the Teton County Road and Levee Superintendent, Fire Chief and Planning Department in determining whether to grant or deny the exception request. The County Engineer shall distribute all completed Exception Reports to the Teton County Road and Levee Superintendent, Fire Chief, the Planning and Development Department, and the applicant.

#### D. Functional Classification

1. All streets and roads in the unincorporated portions of Teton County shall be classified by functional type. Such classification shall establish a hierarchy, which separates roads by function and intensity of use in order to achieve safety and efficiency in road layout and design. In addition, a road of any classification may be designated by the Board of County Commissioners as a "Scenic Road" on the basis of its particular value to the county due to the scenic nature of its route, of the adjacent lands, or of views from the roadway. Such designation shall be by amendment of the Transportation Master Plan Map.
2. As defined in these regulations, the functional class hierarchy applicable in Teton County shall consist of the following road types:
  - a. Arterial
  - b. Major Collector
  - c. Minor Collector
  - d. Major Local
  - e. Minor Local
  - f. Access Easement

#### E. Transportation Master Plan Map

The Planning Director shall maintain an official map and supporting documents describing the location, functional class, right-of-way width and applicable standards of all existing and proposed roads, roadway corridors, equestrian trails, and pathways in the County. Such map and supporting documents are considered to be a part of these regulations. Any new location for a federal, state, county, or local road, scenic road, highway corridor, equestrian trail, or bikeway not indicated on the map as of the date of these regulations, except for proposed streets, equestrian trails, and pathways within approved subdivisions or other projects, or roads on federal or state lands, shall require adoption by the Board of County Commissioners pursuant to the requirements for amendments specified in these LDRs.

#### F. Jurisdiction and Maintenance Responsibilities

Nothing in the above Transportation Master Plan Map shall imply acceptance by Teton County for maintenance or other purposes of any road or street. Such acceptance shall be established only in accordance with Wyoming statutory procedures for adoption or vacation of County roads. Where a highway proposed for adoption as a County road does not meet the structural or right-of-way standards applicable to its classification, such adoption may or may not be conditional upon its improvement to meet those standards, at the discretion of the Board of County Commissioners.

1. **Acceptance of Collectors.** It shall, however, be the policy of Teton County to give primary consideration for acceptance and maintenance to those roads classed as major and minor collectors.

## 7.6.4. Street and Road Standards

2. **Acceptance for Specific Need/Benefit.** Arterials and most major collectors are the responsibility of the Wyoming Department of Transportation. Roads on federal lands may or may not be the responsibility of the appropriate federal agency. Local roads are normally the responsibility of developers, private citizens, homeowners' associations or special districts. The County may, at its option and by official action, accept or provide maintenance on such streets where a specific county need or benefit is shown.

## G. General Standards

The following general standards shall govern the layout of roads and streets:

1. **Compatible with Transportation Master Plan.** Road, bicycle, equestrian, and pedestrian facilities and circulation patterns shall be compatible with the Teton County Transportation Master Plan.
2. **Functional Class.** Plans shall be designed and constructed in accordance with the standards of this Section.
3. **Safety.** Road layout and design shall provide for the safety of motorists, bicyclists, pedestrians, equestrians and residents of contiguous properties.
4. **Rural Roadway Level of Service.** Rural roadways shall be designed to function at level of Service D at buildout within any development, or at 20 years from construction for other roads.
5. **Urban Roadway Level of Service.** Urban roadways shall be designed to function at level of Service D at buildout within any development, or at 20 years from construction for other roads.
6. **Minimize Length.** Plans shall minimize the overall length of both County and non-County roads while adequately providing for necessary traffic movements.
7. **Access for Emergency/Service Vehicles.** All dwellings and other structures shall be accessible by emergency and service vehicles.
8. **Separate Types of Traffic.** Pedestrian, bicycle, equestrian and vehicular traffic shall be separated where desirable for safety.
9. **Limit Through Traffic.** Through traffic shall be limited on residential streets.
10. **Minimize Environmental Impact.** Road layouts shall be designed to minimize cuts, fills, excessive runoff concentrations or other environmental impacts and shall follow natural contours wherever possible.
11. **Avoid Natural Hazard Areas.** Roads shall not be constructed in 10-year flood areas, on steep or naturally unstable slopes, in avalanche paths or in other hazardous areas except where no alternative is feasible.
12. **Minimize Impact on Wildlife.** Roads shall be designed to minimize impacts on wildlife, significant wildlife habitat or migration routes.

13. **Minimize Impact on Agriculture.** Roads shall be designed to accommodate ranching activities and stock driveways.
14. **Mass Transportation Facilities.** Bus stops and shelters shall be located to take advantage of existing parking opportunities.

## H. Development Street Design

In order to ensure safety, efficiency, residential quality, lower housing costs, and environmental protection, and to avoid over design and the confusing network of undifferentiated street types commonly found in subdivisions, all development street systems shall be laid out in accordance with generally accepted standards of the American Association of State Highway and Transportation Officials (AASHTO.) The arrangement of streets in new developments shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided or developed) insofar as such may be deemed necessary by the County Commissioners. The street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining properties when they develop their land and seek to provide convenient access to it. Any right-of-way for arterials, major collectors, and minor collectors shall not be included within private lots, but shall be platted as a separate entity.

## I. Traffic Impact Study

Proposed subdivisions or other developments which will generate more than 1,000 vehicle trips per day shall conduct a traffic impact study to determine any need for additional acceleration, deceleration, traffic, or turning lanes, signalization, or other roadway improvements on roads affected by the development. The traffic impact study shall be reviewed by the Planning Director, the County Engineer, and the County Road Supervisor and will normally include current traffic counts, projected subdivision or development traffic generation, County traffic projections for roads affected by the subdivision or development, calculated capacity of existing and proposed roadways, calculation of intersection capacities and warrants for signalization, turn lanes, channelization, etc., estimates of bicycle and pedestrian movements, and other similar elements as required by the Planning Director.

## J. Design Traffic Volumes

Where average daily traffic (ADT) is referenced in this Section, traffic volumes for State and County roads shall be as described in information maintained by the Planning Director. For existing and proposed roads, ADT shall be calculated using rates derived from "Trip Generation" by the Institute of Transportation Engineers and "Trip Generation Intensity Factors" developed by the Arizona Department of Transportation and the Federal Highway Administration.

1. **Best Available Information for Trip Generation.** Where proposed uses are not included in these references or more recent information is available, traffic generation shall be determined by the Planning Director based on the best available information.

## 7.6.4. Street and Road Standards

2. **Trip Generation for Residential Uses.** For residential uses the following trip generation factors are to be used per dwelling unit:

Trip Generation for Residential Uses	
Residential Uses	Trip Generation Factor
Single Family	9.5
Townhouse	7.2
Apartment	6.7
Condominiums are considered townhouse or apartment, depending on which type of design they most closely resemble.	

**K. Minimum Design Standards**

All roads under County jurisdiction shall conform to the standards described in the table below. Also see the Fire Protection Resolution for additional design standards.

**L. Cul-De-Sac Streets**

Cul-de-sac streets shall be designed to permit future access to other land ownerships where practical, and be designed and located with safety considerations in mind. All cul-de-sacs shall have a terminus consisting of a minimum outside radius of 45 feet, or a "T" or "L" layout having 60 foot legs. In steep or mountainous terrain, where excessive grading would result from a full-sized cul-de-sac, the "T" or "L" legs may be reduced to 45' in length with the approval of the Teton County Engineer.

**M. Half-Streets**

Half-streets along a development boundary or within any part of a development shall not be permitted. The full right-of-way and pavement width of all classes of streets shall always be provided, except where an arterial or collector road is shown on the Highway Master Plan Map along a property boundary. In such case, minimum half-street right-of-way shall be 60 feet or one-half the required right-of-way, whichever is greater.

Minimum Planning and Design Standards****					
Functional Class	Arterials	Collectors		Local	
		Major	Minor	Major	Minor
<b>Design Item</b>					
Right-Of-Way Width (Feet)	150	120	80	60	60
Typical A.D.T.	over 5,000	2,000-5,000	500-2,000	200-500	20-200
<b>Design Speed* (MPH)</b>					
Level Terrain	60	40	35	30	25
Rolling Terrain	50	30	30	25	20
Mountainous Terrain	40	25	25	25	15
Minimum Horizontal Radius (Feet)	***	***	***	140**	100**
Intersection Separation (Feet)	2,500	600	300	125	125
Width Of Travel Lanes (Feet Per Lane)	12	12	11	10	10
Width Of Shoulders (Paved)(Feet Each Side)	8	5	4	0	0
Bike Lane Required To Be Striped	YES	YES	YES	NO	NO
On-Street Parking Allowed	NO	NO	NO	NO	NO
Width Of Pedestrian Equestrian Trail (Feet One Side)	10	10	10	0	0
Surface Type	HIGH	HIGH	HIGH	INT.	LOW

\* Minimum Design Speed. Except where specified otherwise in this Section, geometric design features shall at a minimum be consistent with the design speeds listed in the table in 7.6.4.N. for the appropriate terrain type, except that, unless specified otherwise by the Board of County Commissioners, design speed for designated scenic roads may be reduced by 10 mph.

\*\* Widening on the inside of sharp curves shall be provided. Additional width equal to 400 divided by the curve radius in feet is recommended.

\*\*\* In accordance with AASHTO requirements.

\*\*\*\* Also see the Fire Protection Resolution for additional design standards.

## N. Road Design Standards

All roads and streets in Teton County shall be designed and constructed in accordance with the policies and standards contained in this Division. Where standards are not specified, the current standards of the American Association of State Highway and Transportation Officials (AASHTO) shall be followed.

## 7.6.4. Street and Road Standards

1. **Urban Road Design.** Roads located within urban areas as defined in this Section shall be designed and constructed in accordance with a comprehensive set of standards acceptable to the Planning Director. Those within 1 mile of the Town of Jackson, and within 1.5 miles of the Jackson sewer line shall conform with standards specified by the Town of Jackson.
2. **Grades.** Maximum grades for any design speed shall be those described in the table below. Also see the Fire Protection Resolution for additional standards pertaining to grade of roads.
3. **Alignment.** Switchback roads in mountainous terrain may be constructed with radii certified, by a registered Wyoming Civil Engineer, as meeting the minimum requirements of the projected traffic on the road.
4. **Super-Elevation.** Super-elevation shall not exceed 0.08 ft. per foot.
5. **Surface Types.** For each functional road class, the surface types specified in the table above, shall be the minimum requirements. Pavement structure shall be designed by a registered Wyoming Civil Engineer based upon expected traffic loads and existing soil conditions.

Type of Terrain	Maximum Grades (%)							
	15	20	25	30	35	40	50	60
Flat*	7	7	7	7	7	7	6	5
Rolling**	10	10	9	9	8	8	7	--
Mountainous***	10	10	9	9	8	8	--	--

\* Flat terrain refers to those lands within 10 year flood plains, and with slopes of less than 10%.

\*\* Rolling terrain refers to those lands with slopes from 10 to 15%.

\*\*\* Mountainous terrain refers to those lands on steep or naturally unstable hillsides, and lands with slopes in excess of 15%.

For Major and Minor Local Roads, grades may be increased to 150% of the values shown above for a distance not to exceed 500 feet.

6. **Traffic Control Devices.** Signs, pavement and other markings, and traffic signal controls shall be required in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways" (FHWA).
7. **Structures.** Bridges, culverts, walls, tunnels, and other structures shall be designed and certified by a registered Wyoming Civil Engineer as meeting the minimum requirements for the intended use, traffic load, and soil conditions. The burden of proof of the adequacy of such standards shall rest with the applicant for any development or subdivision permit.
  - a. **Local Minor Bridges.** Roads of Local Minor Category (ADT of 20-200) or less require bridges designed to HS-20 criteria.

- b. **Single Lane Bridges.** Single lane bridges may be constructed on roads having a total projected ADT  $\leq$  250 for all development, including adjacent undeveloped land, that may reasonably be expected to be accessed by the bridge; and as long as the design is safe, considering such factors as sight distance and approach gradient and as long as a clear 14 foot travel way is provided as required by the Jackson/Teton County Fire Department.
8. **Drainage.** Culverts or bridges of adequate strength shall be installed whenever natural drainages are crossed or no less often than 750 feet to transfer water to the downhill side of a road section. They shall be sized to pass the floodwaters of a storm having a two year frequency. The minimum culvert size is 18 inches. Crossings of natural drainages shall be designed and constructed to provide for the natural passage of fish when deemed appropriate by the Planning Director.
  - a. **Maintain Irrigation Flow.** All stream and/or ditch crossings must be designed and constructed so as to not restrict irrigation flow to any degree.
  - b. **Conformance with LDRs.** All drainage, erosion control and grading items shall be conducted in accordance with these LDRs.
9. **Access Approaches.** Approaches to County roads shall have a roadbed width of not less than 20 feet and a minimum radius at the shoulders of 15 feet. They shall have the same type of pavement as the County road being accessed from the right-of-way line to the shoulder of the County road. Appropriate culvert pipe shall be placed under the approach as directed by the County Road Supervisor. In all other respects approaches shall conform with the applicable standards of the current version of the Wyoming Department of Transportation's "Rules and Regulations for Access Driveways to Wyoming State Highways".
10. **Street Name Signs.** Street name signs shall be installed at all intersections within, and entrances into, any development. Name signs at these locations shall be placed at least 7 feet above the ground, with the street names parallel to their respective streets. The letters shall be clearly readable and at least 4 inches in height for street names, and 2 inches in height for compass and street abbreviations. Street signs for each street shall be readable from both sides.
11. **Road Location within Easement.** Roadways shall be designed so that the road is constructed at least 8 feet from the edge of the easement.

## O. Plans and Specifications

1. In addition to any County requirements for materials to accompany applications for development permits, subdivision permits or similar County approvals, plans and specifications for pathways or for roads other than private drives, prepared by a registered Wyoming Civil Engineer, shall be submitted to the Planning Director for review prior to construction. The technical specifications shall be those specified in this Division. If no applicable standards are established by this Division, the plans and specifications shall be designed and certified by a registered Wyoming Civil Engineer as meeting the minimum requirement of

## 7.6.5. Easements and Right-of-Way Dedication

the intended use. The burden of proof of the adequacy of such standards shall rest with the applicant and final determination shall be by the Board of County Commissioners.

2. Plans shall include typical cross-sections, plan and profile sheets, cross-section sheets indicating sections appropriately spaced in consideration of the gradient of the roadway, pavement design, calculations, and drainage plans.

## P. Inspections

For subdivisions or other developments, the following inspections shall be required by County officials during construction:

1. **Plan Inspection.** A field review of the proposed roadway or bikeway when completed plans are available, prior to construction (review of development permit for construction).
2. **Staking Inspection.** A field review of slope staking, at least every 200 feet, prior to clearing and/or grading.
3. **Grading and Drainage Inspection.** A field review of grading operation and drainage installation prior to placement of any sub-base material. Check measurements shall be made of cross-section dimensions and drainage structures and soil compaction may be checked.
4. **Pavement Inspection.** A field review of pavement placement. Shall include check measurements of depths and widths.
5. **Final Construction Inspection.** A field review when all items are completed.

## Q. Maintenance

Most state and federal highways are maintained by the Wyoming Department of Transportation. Other roads within National Parks and Forests are maintained by the appropriate federal agency in accord with their adopted standards and practice. Roads accepted as County roads may be maintained by the County. Otherwise, maintenance of subdivision or other roads shall be the responsibility of private individuals, homeowners' associations, improvement districts or similar entities.

## 7.6.5. Easements and Right-of-Way Dedication

### A. Road and Pathway Rights-of-Way

In any project requiring a permit, required rights-of-way for any arterial, major collector, or Pathway shown on the Transportation Master Plan Map and supporting documents, insofar as they may lie on or adjacent to the site of the proposed subdivision or development shall be dedicated to Teton County or to the State of Wyoming, as appropriate, for use as County or State roads, highways or pathways, based on the amount of demand created by the proposed development. Easement requirements beyond that demand must be acquired by the appropriate agency. Width of the required rights-of-way shall be as described in Sec. 7.6.4.,

and on the Transportation Master Plan Map and other supporting documents. This requirement shall include dedication of any required additional rights-of-way for existing State or County roads lying within or adjacent to the site.

1. **Required Dedication.** Where the site of a subdivision or other development is contiguous to or contains an existing or proposed arterial indicated on the Transportation Master Plan Map, the Board of County Commissioners may require dedication of additional right-of-way, to provide for access streets, bus stop or shelter locations, planting screens, walls, berms or other elements which may be necessary for adequate protection of residential properties or to afford separation of local and through traffic. The extent of participation in the easement by the developer or landowner will be determined by the demands created by proposed development.
2. **Form of Dedication.** Dedication of rights-of-way for County roads or pathways shall be in fee simple by a separate general warranty deed or quitclaim deed (when approved by the Board), by dedication on a recorded subdivision plat, or by a recorded easement, as required by the Board of County Commissioners.
3. **Dedication for State Highways.** Dedication of rights-of-way for State highways shall be in a form determined by the Wyoming Department of Transportation. In lieu of dedication to the State of Wyoming for such highways, the Board of County Commissioners may approve the dedication of such required rights-of-way to Teton County, in conformance with the requirements above for dedication of County roads, for future transfer to the State of Wyoming as required.
4. **Timing of Dedication.** Dedication of any required rights-of-way shall be completed prior to Subdivision Plat signature for any subdivision, or to issuance of the permit for any other project. However, for any permit for the master plan of a Planned Unit Development for which subdivision plats have not yet been approved or where the Board of County Commissioners determines that immediate dedication of right-of-way is not required or would disrupt continuation of agricultural activities, the required right-of-way may be set aside in a formal reservation for future dedication, including an accurate survey description of the required lands, to be recorded with the Clerk of Teton County. Where such a reservation has been recorded, it shall be binding on all future owners of the underlying property and shall so state. Such reserved right-of-way shall be dedicated to the County or State as described above upon application for Subdivision Plat signature for any subdivision including or adjacent to the right-of-way, upon the approval of any permit for construction activity on the site (other than such activity undertaken for agricultural or flood control purposes), upon its change of use from agricultural to any other use, or upon a finding by the Board of County Commissioners that the reserved right-of-way is required by the County or State for road or bikeway construction purposes.

## B. Nonroad Transportation Easements

Easements provided in any subdivision or other development shall be in accordance with the following:

## 7.6.6. Clear View of Intersecting Streets

1. **Emergency Access Easements.** Emergency access easements shall be provided on all private streets or roads and other emergency vehicle lanes. Adequacy of such areas shall be determined by the County Sheriff and the Jackson/Teton County Fire Department.
2. **Cut and Fill Easements.** Cut and fill easements shall be provided when street or road cuts and fills are not within a street or road right-of-way.
3. **Sidewalk or Walkway Easements.** Sidewalk or walkway easements may be required to be provided when pedestrian facilities are not within a dedicated street right-of-way. Minimum easement width shall be 6 feet, though wider easements are encouraged to allow for landscaping, walkway curvature and an enhanced visual experience for pedestrians.
4. **Pathway Easements.** Pathway easements shall be provided when such facilities, when required, are not proposed to be located within a dedicated road right-of-way. Minimum easement width shall be 12 feet, though wider easements are encouraged in order to enhance the recreational experience of the user and facilitate maintenance. The amount of participation by the developer or landowner in the easement will be determined by the demand created by the proposed development.
5. **Cattle Drive Easements.** Where movement of cattle is necessary, particularly from summer range on National Forest and National Park property to private holdings in Teton County, and motor vehicle traffic levels are such that cattle movement cannot be done safely on road rights-of-way or will seriously disrupt motor vehicle traffic, cattle path easements shall be provided. Except where the Board of Commissioners has determined that such an easement shall be obtained or maintained by the County, such easements will be to private individuals or corporations and be maintained by them. Width shall be as determined by the fee simple landowner and the holder of the easement.
6. **Other Easements.** Other easements shall be provided as required by the Board to the extent that the proposed development creates a demand for such easements.

**C. Easement Location**

Easements shall be properly located or monumented in accordance with applicable Wyoming Statutes.

**D. Construction Responsibility**

Except as required otherwise by this Division, all improvements located in, on, over or under an easement shall be constructed by the appropriate agency. The underlying fee simple property owner shall not interrupt or in any way interfere with the lawful construction of improvements within the easement.

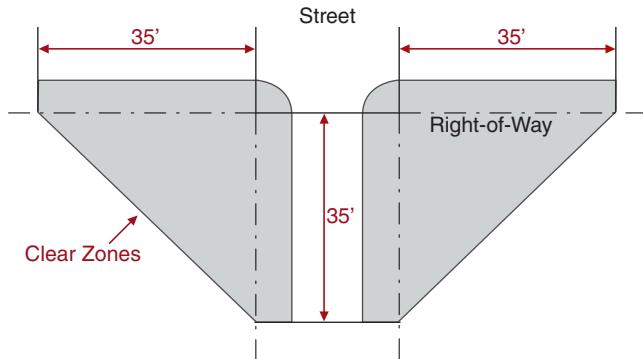
## E. Maintenance Responsibility

Other than County, State or Federal road easements, all easements shall be maintained by the underlying fee simple property owner and all improvements located in, on, over or under easements shall be maintained by the applicable or designated agency.

1. **No Interference.** Other improvements provided by the fee simple property owner shall not interrupt or in any way interfere with the designated and continued use and maintenance of the easements and improvements located thereon.
2. **County Maintenance.** Except for designated County roads, Teton County shall not be responsible for maintenance of easements and/or improvements thereon, unless otherwise approved by the Board of County Commissioners.

## 7.6.6. Clear View of Intersecting Streets

No signs or other obstructions shall be permitted to be located in road rights-of-way and in the clear zones as indicated below, except required essential traffic control signs.



## Div. 7.7. Required Utilities

### 7.7.1. Purpose

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 County Departments.

### 7.7.2. Potable Water Supply

#### A. Public Water Supply Reasonably Accessible

Where an approved public water supply is reasonably accessible or procurable, the applicant shall make application to the appropriate authority to connect to such water supply. If approval is granted, the applicant shall connect to the system and install water lines to make the water supply available to each lot of record within the development at its property line.

#### B. Water Supply Not Accessible

Where an approved public water supply is not reasonably accessible or procurable, the applicant shall, at the discretion of the Board of County Commissioners, either:

1. **Install Central Water Supply System.** Install a central water supply system and water lines to the lot line of each lot of record from wells or other approved sources in accord with the State Department of Environmental Quality, and with the approval of the County and the State Engineer, or
2. **Evidence Water Supply Available to Each Lot of Record.** Submit evidence satisfactory to the County Engineer that an adequate water supply meeting all State and County requirements is otherwise available to each lot of record in the proposed development, such as by an individual well.

#### C. Fire Fighting Water Supply or Fire Hydrants

The developer shall provide a fire fighting water supply or fire hydrants within the development. Such hydrants shall be of the type, size, and number and installed in such locations specified by the County Fire Protection Resolution.

### 7.7.3. Sanitary Sewer Systems

#### A. Public Sanitary Sewer System Available

Where a public sanitary sewer system is located within 500 feet, and legal access is obtainable, the applicant shall connect to such sanitary sewer system and provide adequate connection lines to the property line of each lot of record.

**B. Public Sanitary Sewer Not Reasonably Available**

Where a public sanitary sewer is not located within 500 feet, the applicant shall install sewage disposal facilities, or lot owners shall install individual septic tanks and sewage disposal systems for each lot of record, which shall be approved by the County Sanitarian. The applicant shall furnish to the satisfaction of the County Sanitarian or State Department of Environmental Quality a report of percolation, groundwater and soils tests; these tests shall be performed in sufficient numbers and completed on the land by a licensed engineer or land surveyor indicating that a sufficient number of soils tests with results have been made in separate test holes spaced uniformly over proposed absorption field sites, and that the results of such tests indicate that percolation rates and high groundwater levels are adequate to permit the installation of the proposed type of soil absorption system without creating sanitation or pollution problems. The use of individual sewage disposal systems shall be subject to review, inspection of construction and approval of construction by the County Sanitarian. See the Teton County Small Wastewater Facilities Resolution for permit requirements and design standards.

## **7.7.4. Irrigation Ditch Systems and Design**

**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. The irrigation system/ditches also shall be approved by the County Sanitarian as to how it affects the operation of individual sewage disposal systems on lots of record in the immediate and adjacent areas of the development.

**C. Restriction of Methods**

The County 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.

**D. Setbacks**

- 1. Intent.** Setbacks from irrigation ditches shall provide for the maintenance of ditches while also protecting water quality and promoting agriculturally related scenic resources and wildlife habitat.

## 7.7.5. Other Utilities

2. **General.** Physical Development, including architectural projections, shall be set back a minimum of 15 feet from the top of bank of all open irrigation ditches and the centerline of all piped irrigation ditches; notwithstanding, adequate access for maintenance of the ditch shall be provided to the organized or un-organized ditch company, or any water rights owner on the ditch.
3. **Exceptions.** The following types of physical development are exempt from the 15 foot irrigation ditch setback. Notwithstanding, the requirements of all State Statutes applicable to irrigation ditches shall be satisfied.
  - a. **Maintenance of the Ditch.** Maintenance of the ditch by the organized or un-organized ditch company, or any water rights owner on the ditch.
  - b. **Private Lateral.** Development along a lateral that has no downstream users and terminates on the property being developed.
  - c. **Pipeline in Existing Easement.** Development along a piped ditch, when the piped ditch is within a maintenance easement existing as of September 24, 2007. Notwithstanding, the physical development shall not occur within that easement.
  - d. **Essential Access.** Ditch crossings for essential access are permitted provided that they do not obstruct the maintenance of the ditch, or historic flow of the ditch.
  - e. **Agriculture.** Non-structural, agricultural development may encroach into the ditch setback.
  - f. **At Grade Paths and Roads.** An at grade path or road may encroach upon demonstration to the satisfaction of the Planning Director that:
    - i. it will not obstruct maintenance of the ditch;
    - ii. it will not adversely impact the water quality in the irrigation ditch or irrigation system within which the irrigation ditch is a part;
    - iii. it will not cause any change in the hydrology of neighboring lands; and
    - iv. it will not cause safety problems for those persons using the proposed path or road.
4. **Note on Development Plan/Subdivision Plat.** Required setbacks from ditches shall be noted on the Development Plan and/or Subdivision Plat.

#### E. 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. Notwithstanding, ditch alteration for agricultural purposes and alteration of a lateral that has no downstream water rights and terminates on the property of the alteration shall be exempt from the requirements of this Subsection.

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## Div. 8.1. General

### 8.1.1. Purpose and Intent

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

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 (Articles 2-4).
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 (Articles 2-4).
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**

**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 County 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 Board of County Commissioners;
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 Board of County Commissioners. The purpose of each fee in the fee schedule is to defray the costs of processing the application.

**8.1.4. Informal Discussion**

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 County.

## 8.1.5. Summary of Procedures

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
<b>Physical Development Permits (Div. 8.3.)</b>					
Sketch Plan	PAP, EA*, Nmtg	X	Staff, PRC, [PC]	[BCC]	DP
Development Plan	PAP, EA*, Nmtg*	X	Staff, PRC, [PC]	[BCC]	BP, GP, S/D
Building Permit	PAP*, EA*	X	Staff, PRC*	BO	
Grading Permit	PAP*, EA*	X	Staff, PRC*	Eng	
Sign Permit		X	Staff, PRC*	PD	
<b>Use Permits (Div. 8.4.)</b>					
Basic Use Permit	EA*	X	Staff, PRC*	PD	
Conditional Use Permit	PAP, EA*, Nmtg*	X	Staff, PRC*, [PC]	[BCC]	
Special Use Permit	PAP, EA*, Nmtg	X	Staff, PRC*, [PC]	[BCC]	Yrly Rev.
<b>Development Option/Subdivision Permits (Div. 8.5.)</b>					
Development Option Plan	PAP, EA*	X	Staff, PRC*	PD	
Subdivision Plat	DP	X	Staff, PRC	[BCC]	
Exempt Land Division		X	Staff, PRC*	PD	
Boundary Adjustment	ZCV	X	Staff, PRC	PD <i>or</i> [BCC]	
<b>Interpretations of the LDRs (Div. 8.6.)</b>					
Formal Interpretation		X	Staff, PRC*	PD or Eng	
Zoning Compliance Verification		X	Staff, PRC*	PD	
<b>Amendments to the LDRs (Div. 8.7.)</b>					
LDR Text Amendment	PAP*, Nmtg*	X	Staff, PRC*, [PC]	[BCC]	
Zoning Map Amendment	PAP, Nmtg	X	Staff, PRC*, [PC]	[BCC]	
Planned Unit Development	PAP, EA*, Nmtg	X	Staff, PRC, [PC]	[BCC]	DP, BP, GP, S/D
<b>Relief from the LDRs (Div. 8.8.)</b>					
Administrative Adjustment		X	Staff, PRC*	PD	
Variance		X	Staff, PRC*, [PC]	[BCC]	
Appeal of Administrative Decision		X	HO*	[BCC]	
Beneficial Use Determination		X	HO	[BCC]	
<b>Enforcement (Div. 8.9.)</b>					
Revocation or Suspension of Permit		X		[BCC]	
Abatement of Violation		X	HO*	[BCC]	

X = required | \* = Optional or Sometimes Required | [ ] = Public Hearing Required

PAP = Pre-application Conference | Nmtg = Neighborhood Meeting | EA = Environmental Analysis | DP = Development Plan

PRC = Plan Review Committee | PC = Planning Commission | HO = Hearing Officer

PD = Planning Director | Eng = County Engineer | BO = Building Official | BCC = Board of County Commissioners

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	<ul style="list-style-type: none"> <li>» Pre-application Conference (<a href="#">Sec. 8.2.1.</a>)</li> <li>» Environmental Analysis (<a href="#">Sec. 8.2.2.</a>)</li> <li>» Neighborhood Meeting (<a href="#">Sec. 8.2.3.</a>)</li> </ul>
Submittal	<ul style="list-style-type: none"> <li>» Submittal (<a href="#">Sec. 8.2.4.</a>)</li> <li>» Determination of Sufficiency (<a href="#">Sec. 8.2.5.</a>)</li> </ul>
Review	<ul style="list-style-type: none"> <li>» Staff Review and Recommendation (<a href="#">Sec. 8.2.6.</a>)</li> <li>» Planning Commission Recommendations (<a href="#">Sec. 8.2.7.</a>)</li> </ul>
Decision	<ul style="list-style-type: none"> <li>» All Decisions (<a href="#">Sec. 8.2.8.</a>)</li> <li>» Planning Director and County Engineer Decisions (<a href="#">Sec. 8.2.9.</a>)</li> <li>» Board of County Commissioners Decisions (<a href="#">Sec. 8.2.10.</a>)</li> </ul>
Post-Decision	<ul style="list-style-type: none"> <li>» Performance Bonds and Guarantees (<a href="#">Sec. 8.2.11.</a>)</li> <li>» Permit Issuance (<a href="#">Sec. 8.2.12.</a>)</li> <li>» Amendment of Permits or Approvals (<a href="#">Sec. 8.2.13.</a>)</li> </ul>
General	<ul style="list-style-type: none"> <li>» All Public Hearings (<a href="#">Sec. 8.2.14.</a>)</li> </ul>

## PRE-SUBMITTAL

### 8.2.1. Pre-application Conference

#### 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 County 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 Planning Commission, or Board of County Commissioners.

### 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 County 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 County'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 County.

### 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)

### 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. **Agriculture.** Activities conducted for agricultural purposes.
- b. **Previous Approval.** Physical development, use, development options, and subdivision that has received approval in accordance with the LDRs.

- c. **NC-TC.** All development located in the NC-TC zone, except new subdivision.
- d. **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.
- e. **Expansion.** Expansion of an existing building or the addition of an accessory structure within the impact area of the existing building.
- f. **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.
- g. **Helicopter Tree Removal.** Helicopter tree removal, except that the Planning Director or Board of County Commissioners may require compliance with certain standards in Div. 5.1. and Div. 5.2.
- h. **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 Board of County Commissioners.

## 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 understanding of these LDRs, the Jackson/Teton County Comprehensive Plan, and the goals and objectives thereof.

1. For the following applications the environmental professional shall be hired by the applicant:

- a. Building permit;
- b. Grading permit;
- c. Basic use permit; or
- d. Development option plan.

2. For the following applications the environmental professional shall be hired by Teton County at the cost of the applicant pursuant to the process for identifying, selecting, and compensating a qualified EA consultant established in the Administrative Manual:
  - a. Sketch plan;
  - b. Development plan;
  - c. Conditional use permit;
  - d. Special use permit; or
  - e. Planned Unit Development.
3. For applications with a County hired consultant, the applicant may hire an additional environmental professional to submit the applicant's own EA and/or review and comment on the EA prepared by the Teton County contracted EA consultant. The applicant's chosen environmental professional shall provide documentation of qualifications upon the request of the Planning Director.

#### **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.

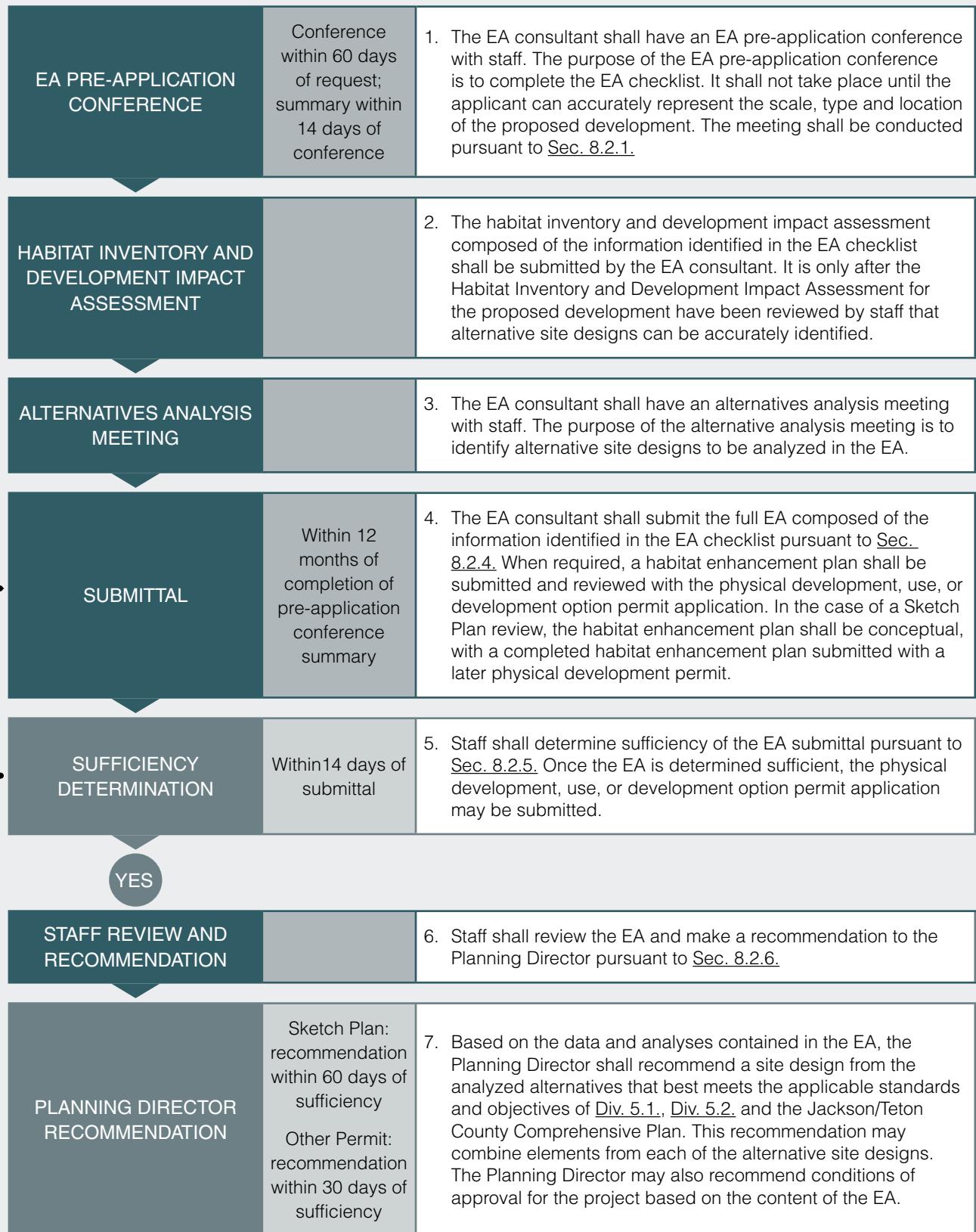
#### **E. Expiration**

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



## 8.2.3. Neighborhood Meeting

### 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.4.

### 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

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### 8.2.4. Application Submittal

#### 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 electronically or in hard copy to the Planning Department 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;
2. A hard copy of the application (which may be submitted separately in the case of an electronic submittal); and
3. 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

### A. Sufficiency Review

Within 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 60 days, the application shall be considered withdrawn. If staff fails to notify the applicant of any deficiencies within 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.

## REVIEW

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### 8.2.6. Staff Review and Recommendation

#### 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 County 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. 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.

#### D. 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.

#### E. 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 County 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

- 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

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### 8.2.8. All Decisions

#### 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.

## 8.2.9. Planning Director and County Engineer Decisions

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 County Engineer Decisions**

- A. For applications subject to a decision by the Planning Director or County Engineer as established in Div. 8.3.-Div. 8.8., the County official shall consider the application, the relevant support materials, staff report, and any public comments.
- B. Within the timeframe established for the application, the County 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 County official will have significant local and community impacts that warrant public review, the County official may require the application be reviewed by the appropriate advisory bodies and decided upon by the appropriate decision-making body.

D. The County official may mail notice of any application, utilizing the standards of 8.2.14.C., if the County 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 County Commissioners Decisions

- A. A public hearing shall be held pursuant to Sec. 8.2.14., All Public Hearings for applications subject to a decision by the Board of County Commissioners as established in Div. 8.3.-Div. 8.8. At the public hearing, the Board of County Commissioners 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 Board of County Commissioners 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 Board of County Commissioners 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 findings of fact, conclusions of law and an order executing the decision is signed by the decision-making body pursuant to the following standards. 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.
  - 1. Decisions on the following applications do not require findings of fact, conclusions of law, and order executing the decision.
    - a. Legislative amendments to the text of the LDRs or Official Zoning Map, including PUD applications.
    - b. Technical approvals such as subdivision plats.
  - 2. The findings of fact, conclusions of law, and order executing the decision shall be considered in a public hearing at the next regularly scheduled meeting of decision-making body following the decision.
  - 3. A draft of the findings of fact, conclusions of law, and order executing the decision shall be provided to the applicant and the decision-making body at least 7 days prior to the hearing.

## POST-DECISION

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### 8.2.11. Performance Bonds and Guarantees

#### 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 County Treasurer of a good and sufficient performance bond in a form made available by the Planning Director or otherwise determined acceptable by the County Attorney.
2. **Escrow Deposit of Cash or Certified Funds.** A deposit with the County Treasurer of cash or certified funds.
3. **Irrevocable Letter of Credit.** A deposit with the County Treasurer of an irrevocable letter of credit in a form made available by the Planning Director or otherwise determined acceptable by the County Attorney.
4. **Other Types of Security.** An applicant may provide other financial assurance by other methods or instruments as approved by the County 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 County Attorney. In the case of subdivision improvements this agreement may 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 County Treasurer 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 County 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 County, the County 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

#### 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 County Clerk.

### 8.2.13. Amendment of Permits or Approvals

#### 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. However, the Planning Director may elevate the threshold for review in the case of incremental amendments that total a larger change.
  - 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 Board of County Commissioners.

## 8.2.13. Amendment of Permits or Approvals

- 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 Board of County Commissioners 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. **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.
3. **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

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### 8.2.14. All Public Hearings

#### 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 30 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 800 feet of the land subject to the application, or if the land subject to the application is zoned R-TC, landowners 1,300 feet of the land subject to the application.
  - b. The applicant shall pay a fee to the Planning Department for any mailing in excess of 25 notices.

## 8.2.14. All Public Hearings

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 County no less than 15 days and no more than 30 days prior to the date of the public hearing. Except that, a public hearing on a decision to amend the LDRs shall be advertised no less than 30 days prior to the Planning Commission public hearing date and 45 days prior to Board of County Commissioners public hearing date.
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 10 days prior to the hearing, and shall be removed within 5 days following the hearing.
  - c. Size. The notice shall be 4 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 2 ft from any lot line or access easement.
  - e. Materials. The notice shall meet the materials 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.

**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.

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## 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

#### 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 County Resolutions 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

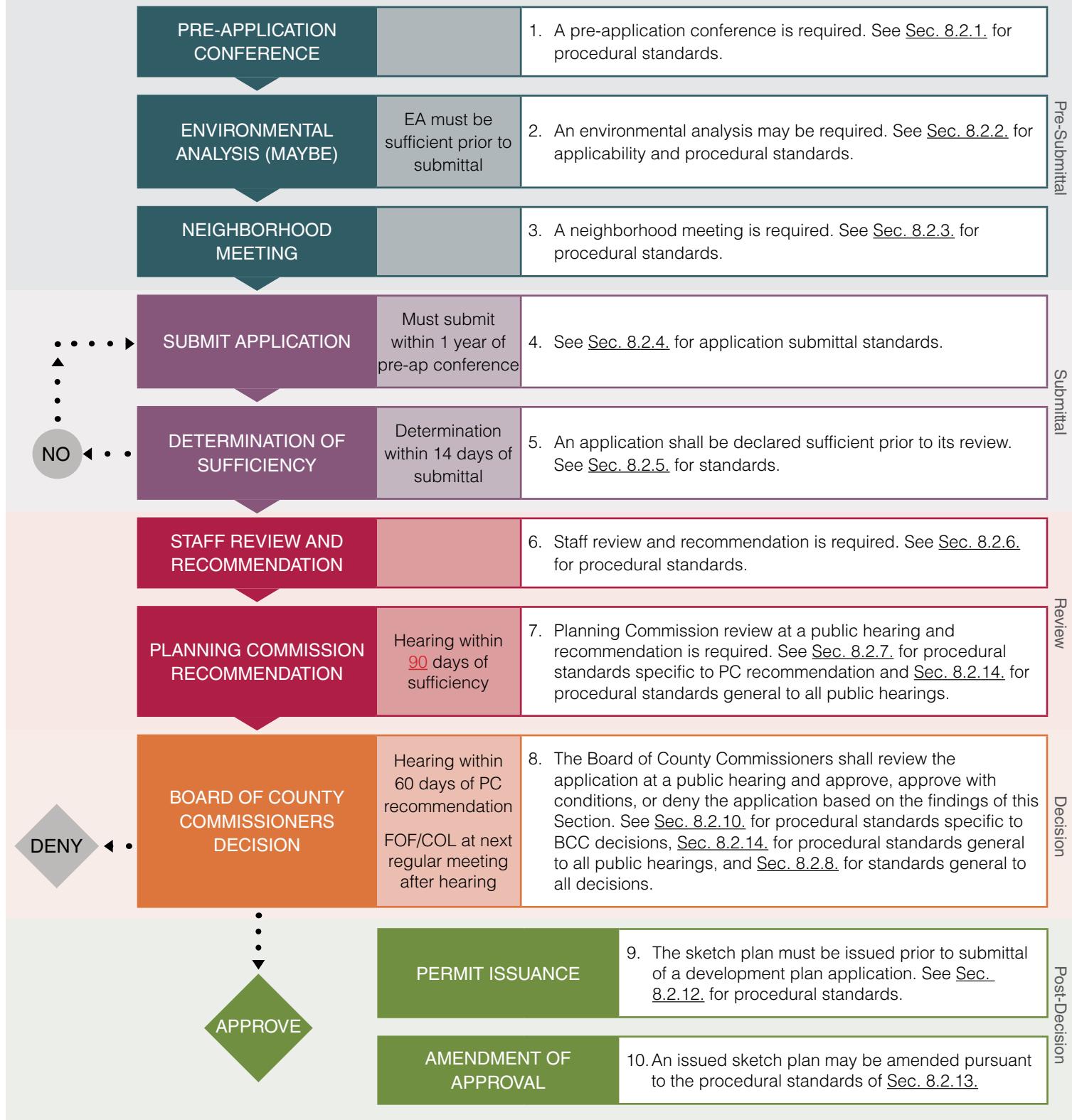
A sketch plan shall expire 2 years after the date of approval except under one of the following circumstances:

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



### 8.3.2. Development Plan

#### 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 all relevant standards of these LDRs and other County Resolutions; 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 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

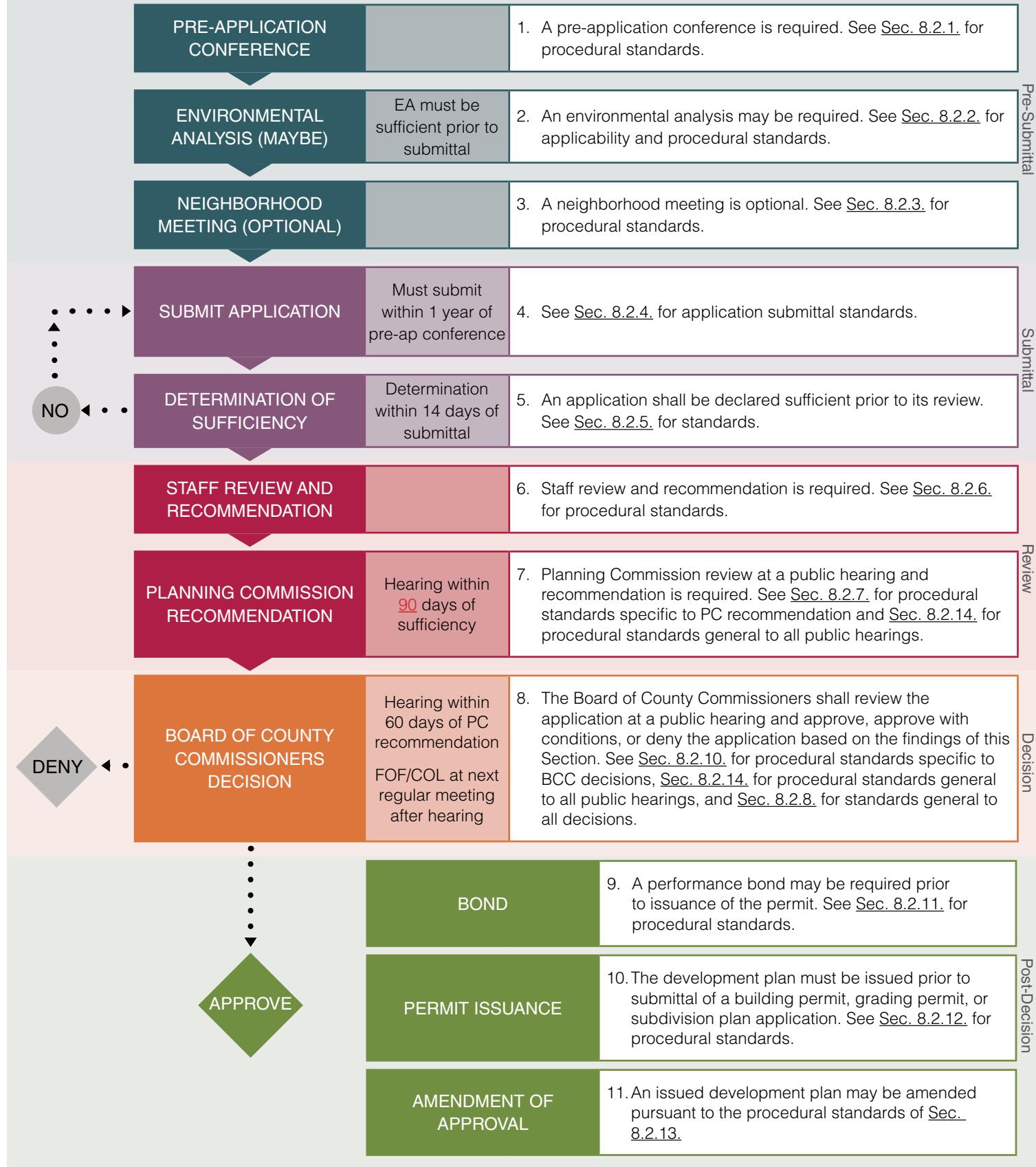
A development plan shall expire 18 months after the date of approval except under one of the following circumstances. The applicable circumstances shall be established in the notice of decision on the application.

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



### 8.3.3. Building Permit

#### 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 County Building Code Resolution. 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 County Resolutions;
2. Complies with the County Building Code Resolution; and
3. 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.

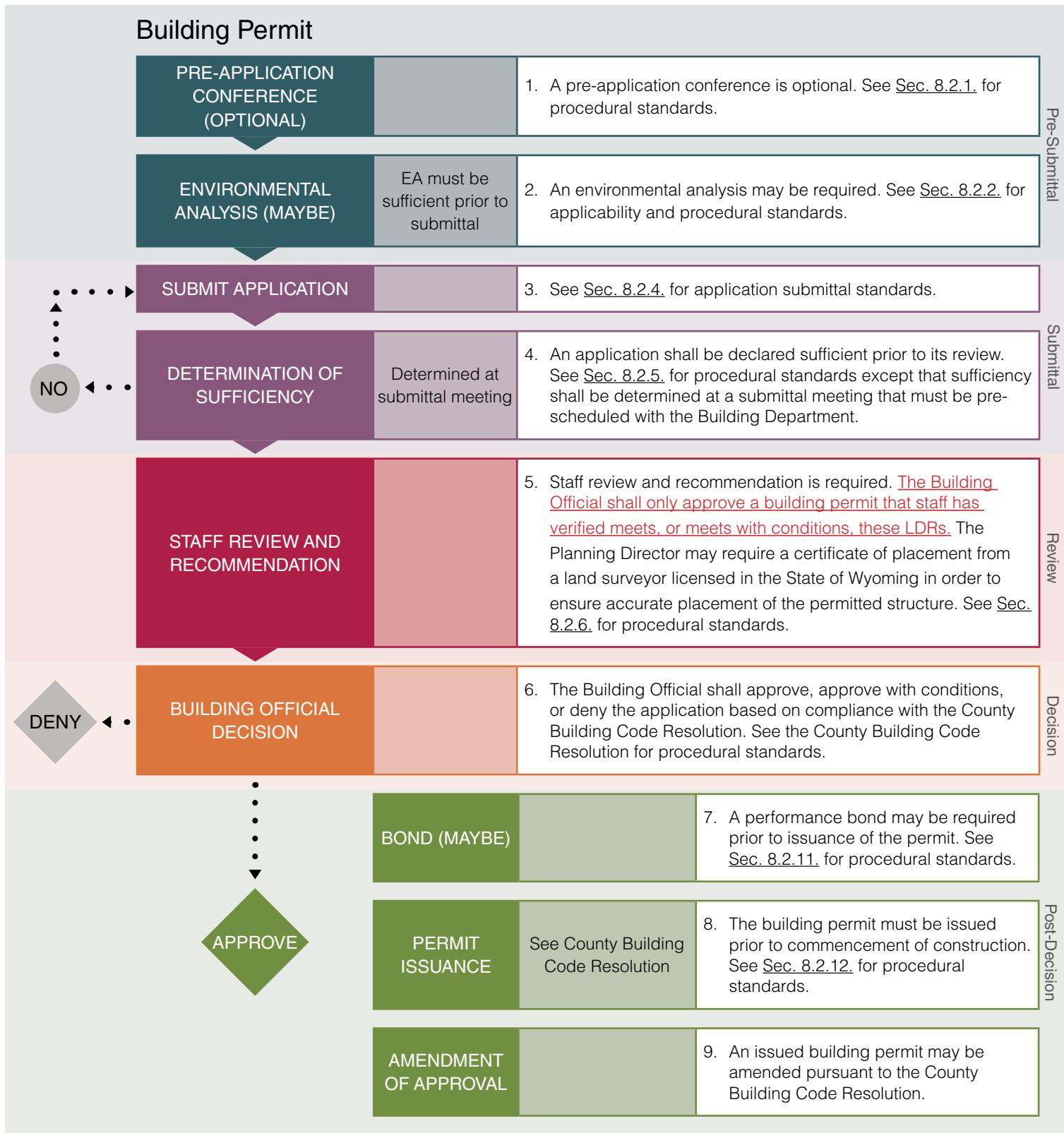
#### E. Expiration

The expiration of a building permit is established in the County Building Code Resolution.

#### 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.



### 8.3.4. Grading Permit

#### 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 County Resolutions; 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 County Engineer 48 hours prior to commencing any land disturbing activity;
2. Notify the County Engineer of completion of erosion control measures within 2 calendar days after their installation;
3. Obtain permission in writing from the County 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 County 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.

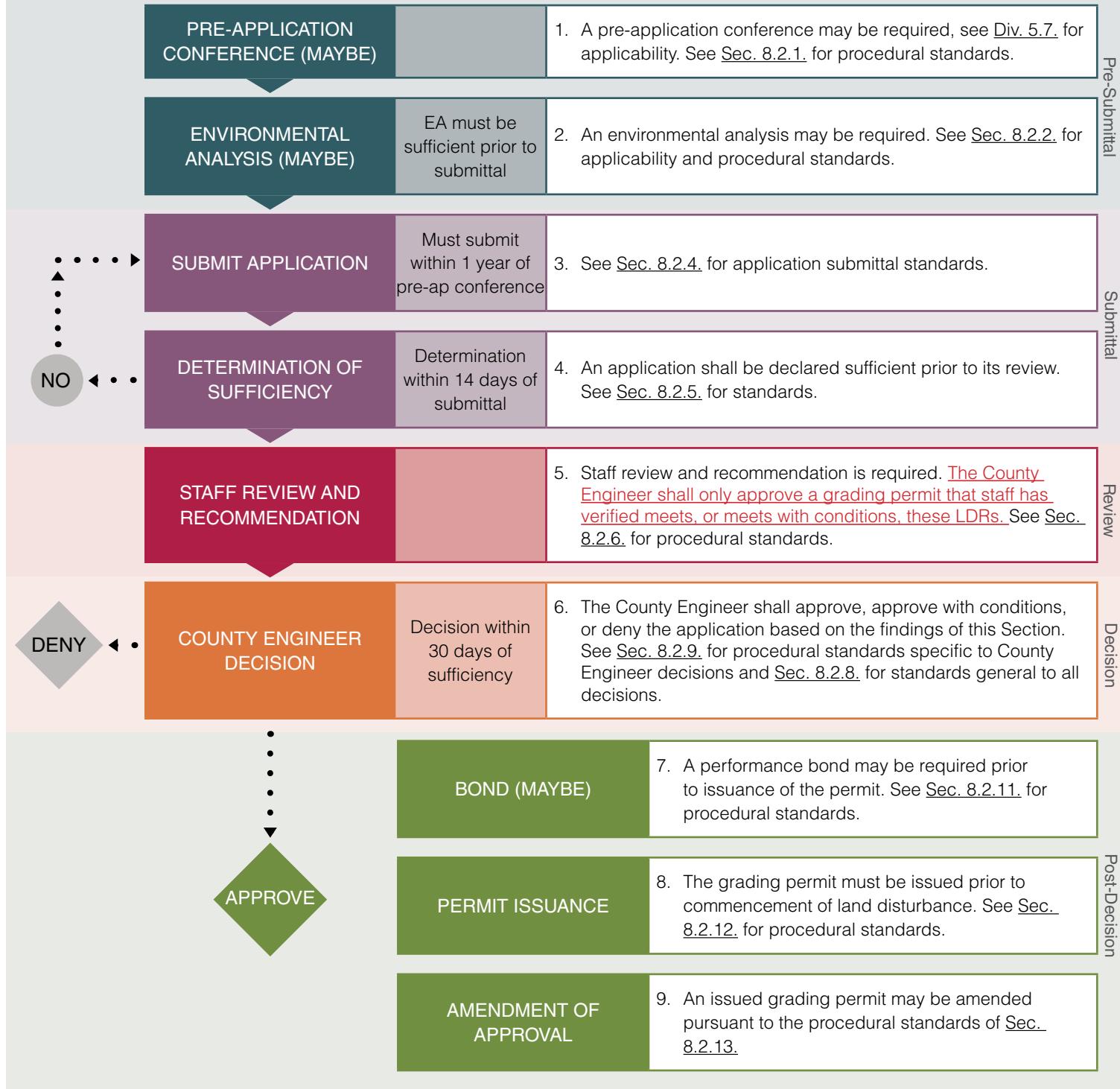
#### F. Inspection

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



### 8.3.5. Sign Permit

#### A. Purpose

The purpose of a sign permit is to ensure that all signs are in compliance with Div. 5.6.

#### 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.;
2. Complies with all other relevant standards of these LDRs and all other County Resolutions; and
3. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

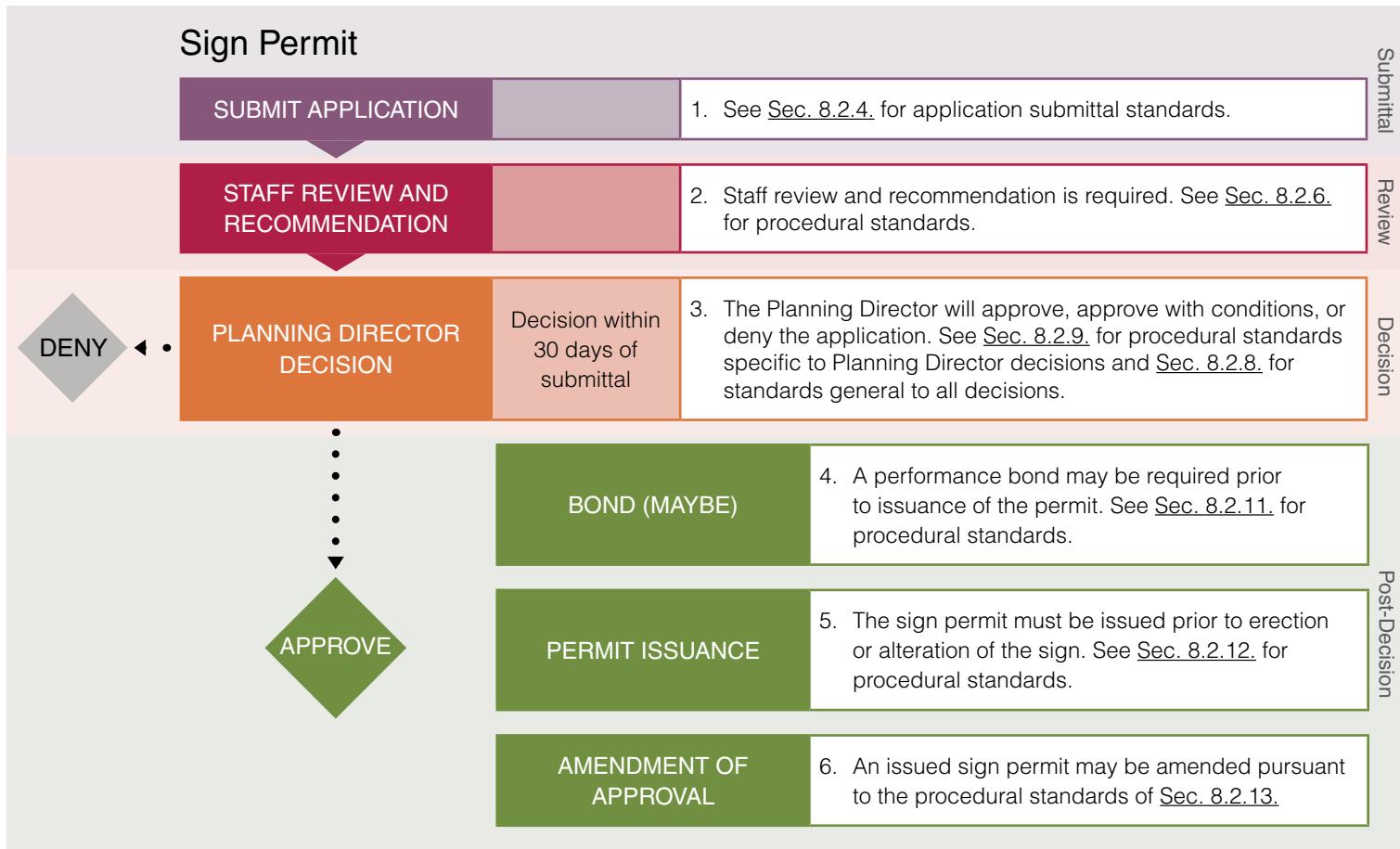
#### D. Permit Expiration

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.



## 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)

### 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 Article 2.-Article 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. and the zone;
2. Complies with all other relevant standards of these LDRs and all other County Resolutions; and

3. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

### D. Permit Expiration

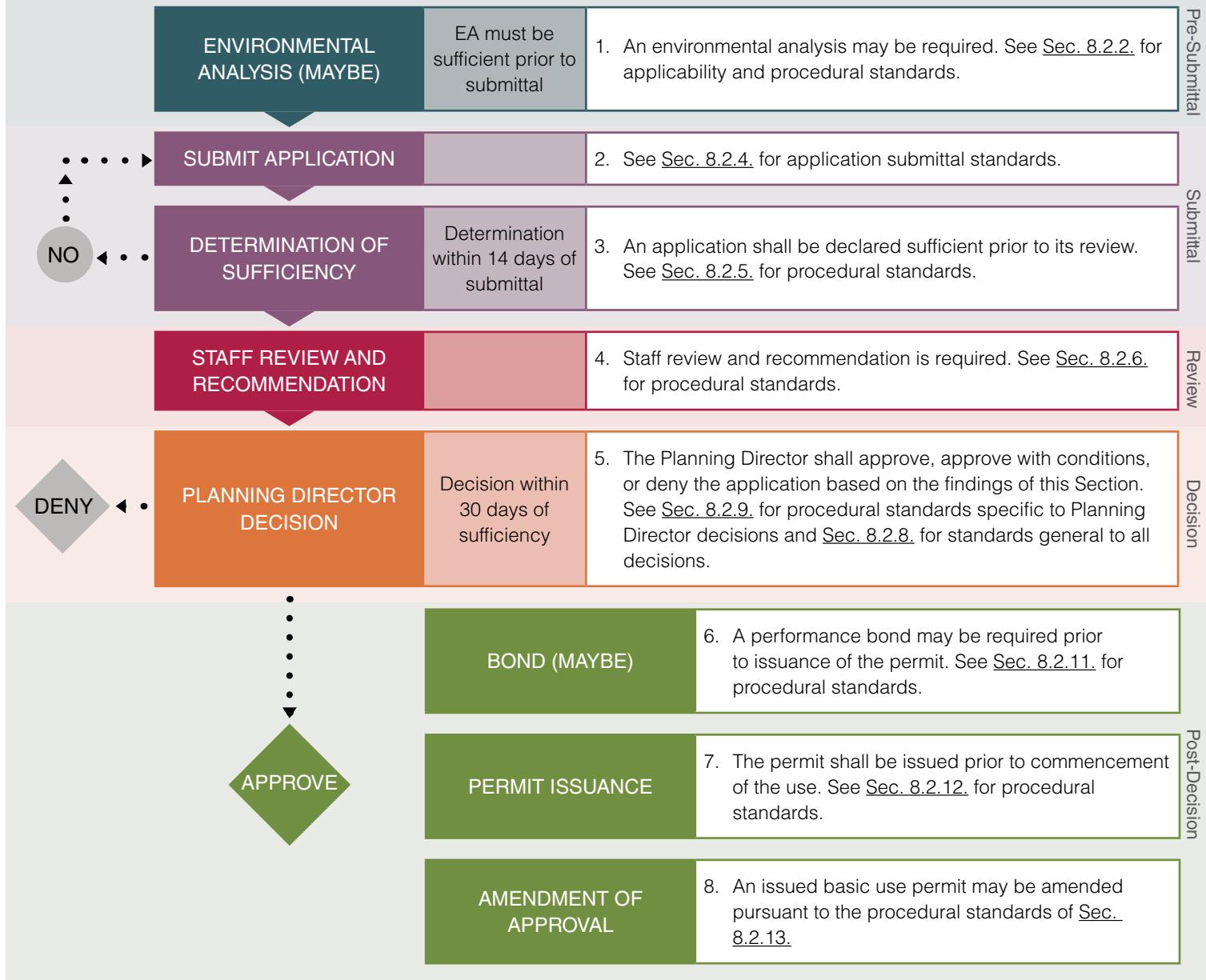
A basic use permit shall expire one year after the date of approval except under one of the following circumstances:

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)



## 8.4.2. Conditional Use Permit (CUP)

### 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. and the zone;
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 County Resolutions; 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:

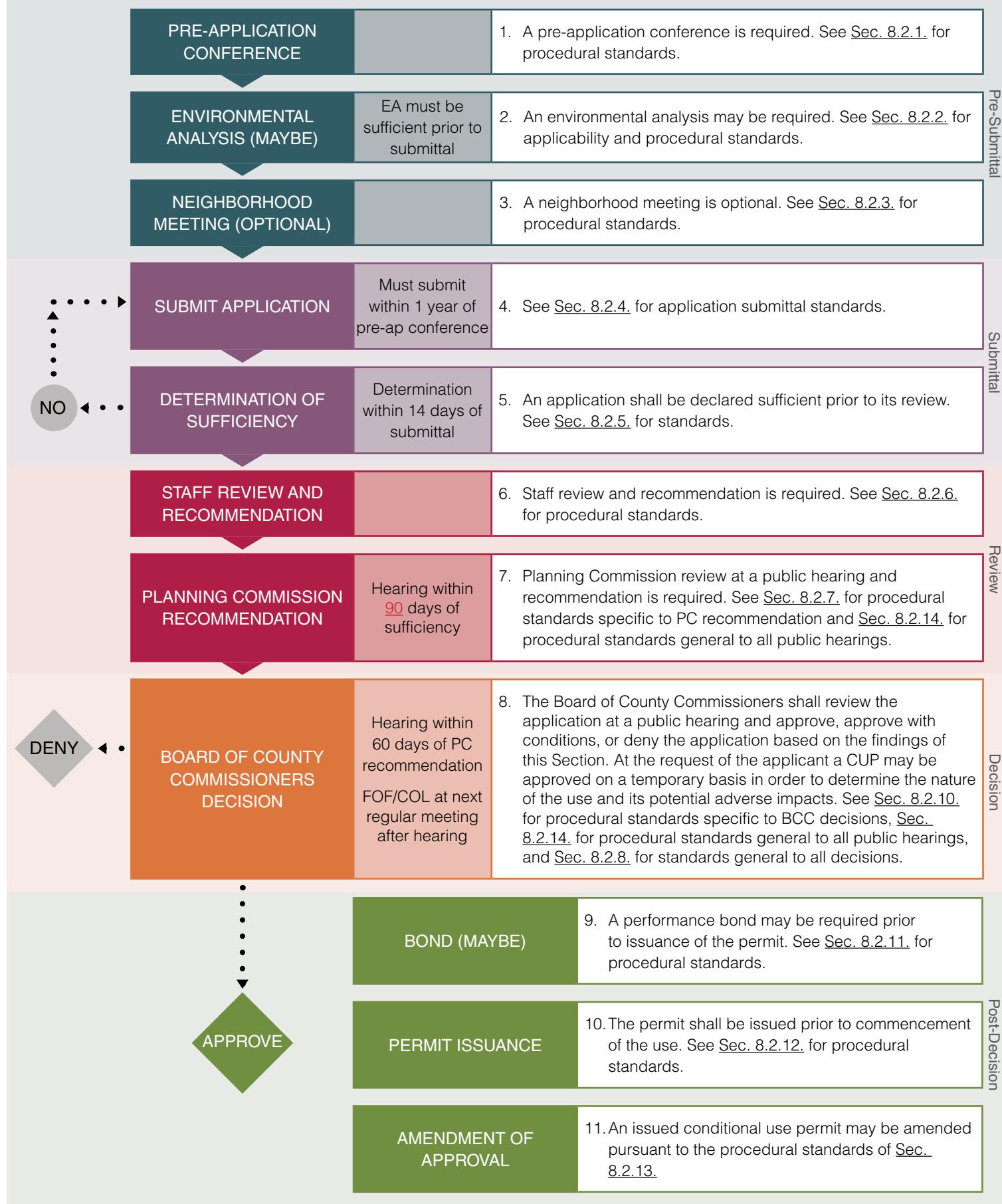
1. The use is commenced and has not been operationally discontinued or abandoned for a period of one year or more;
2. A physical development permit has been issued and is active for physical development needed to commence the use; or
3. An alternate expiration is set through the approval of the CUP.

### 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)



### 8.4.3. Special Use Permit (SUP)

#### 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;
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 County Resolutions; and
8. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

#### D. Expiration

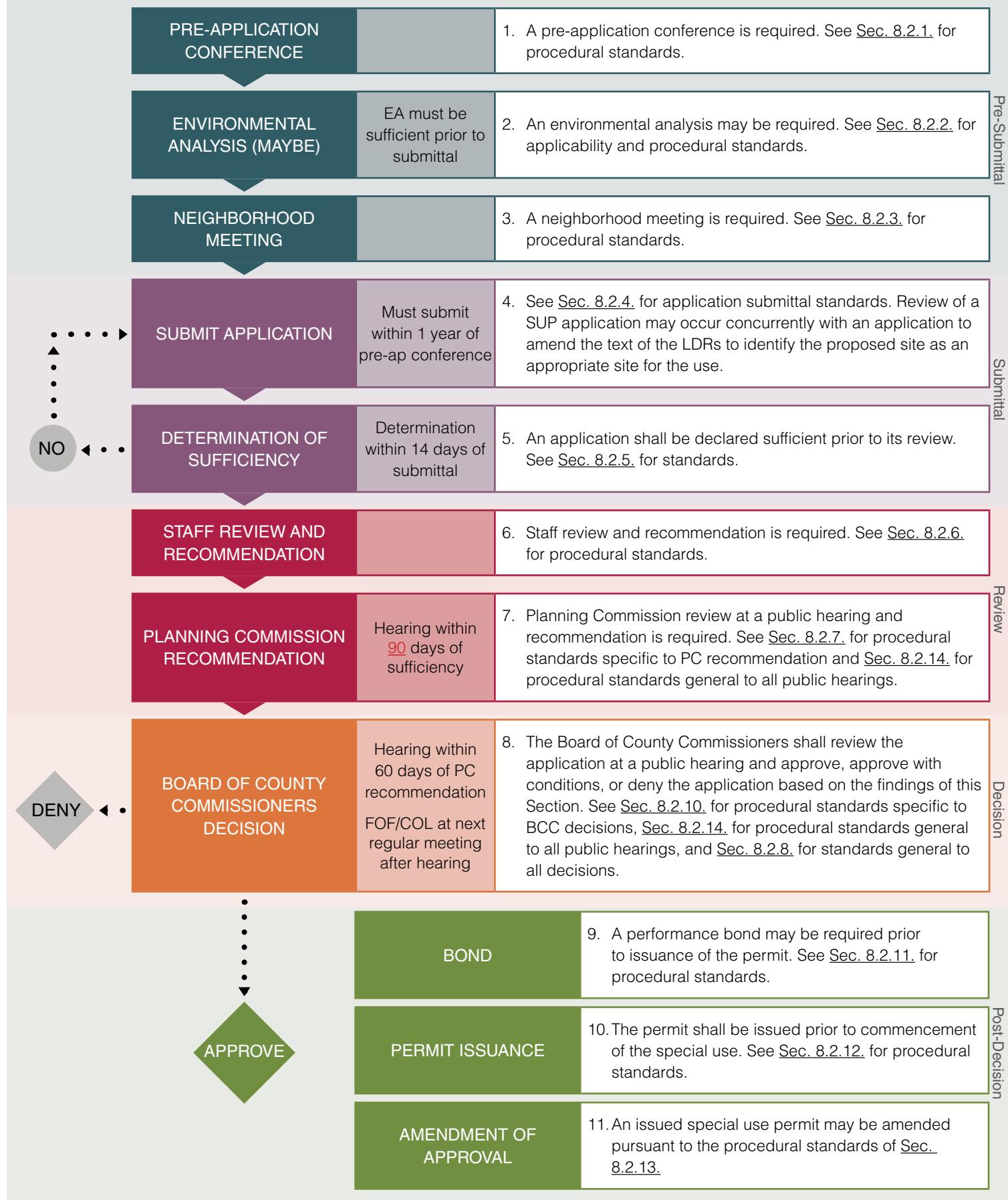
A special use permit shall expire one year after the date of approval except under one of the following circumstances:

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)



## 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

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

### 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 all relevant standards of these LDRs and other County Resolutions; and
4. 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

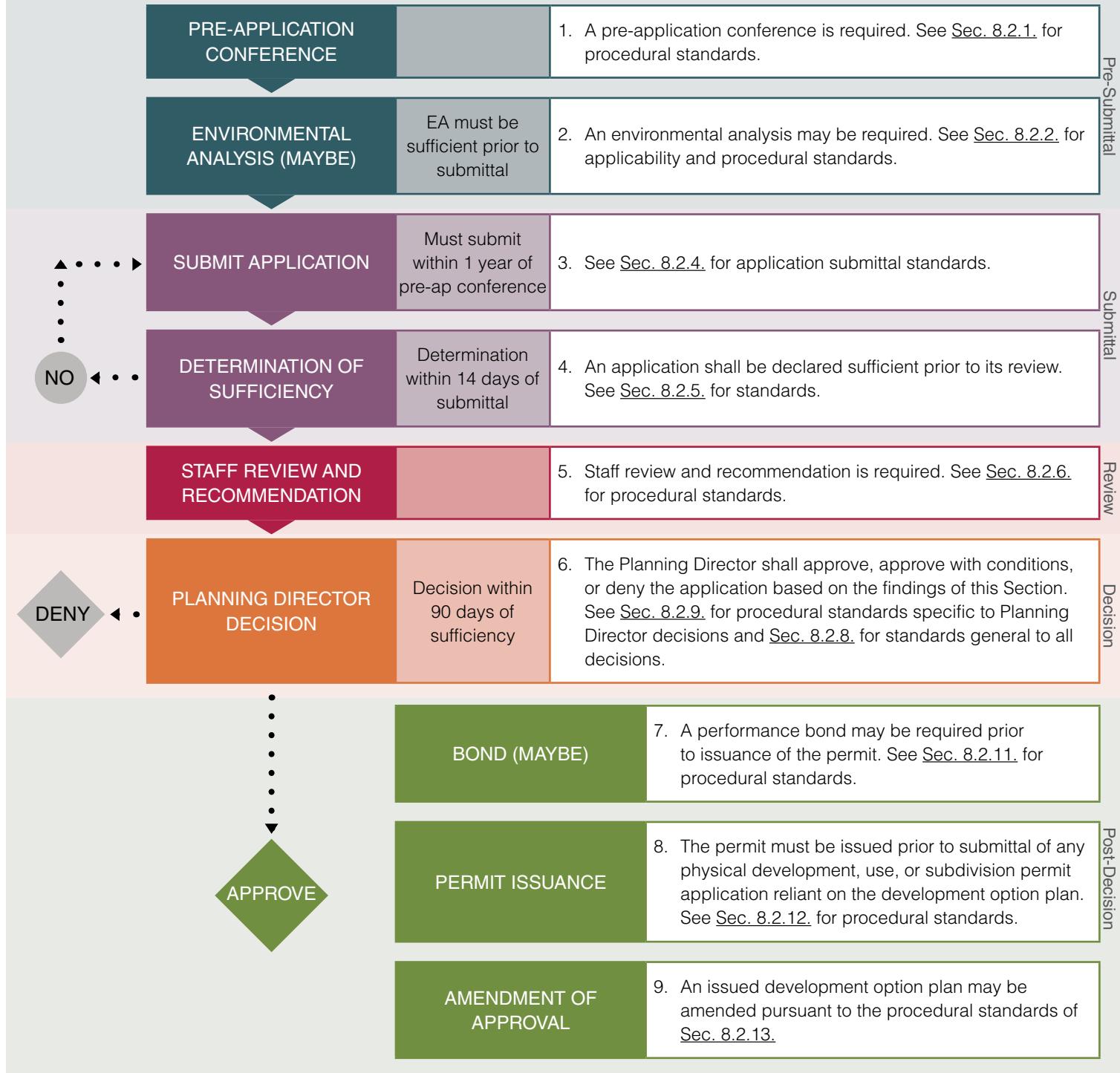
A development plan shall expire 18 months after the date of approval except under one of the following circumstances. The applicable circumstances shall be established in the notice of decision on the application.

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



## 8.5.3. Subdivision Plat

### 8.5.3. Subdivision Plat

#### A. Purpose

The purpose of the subdivision plat procedure is to ensure that the subdivision of land and airspace complies with the 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;
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 County Resolutions.

#### D. Plat Content

1. A plat shall contain all requirements of Wyo. Stat. § 18-5-303 and § 34-12-103.
2. A plat may contain notes that effect transfer of rights and property or provide warning of nuisance.
3. 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 Board of County Commissioners.

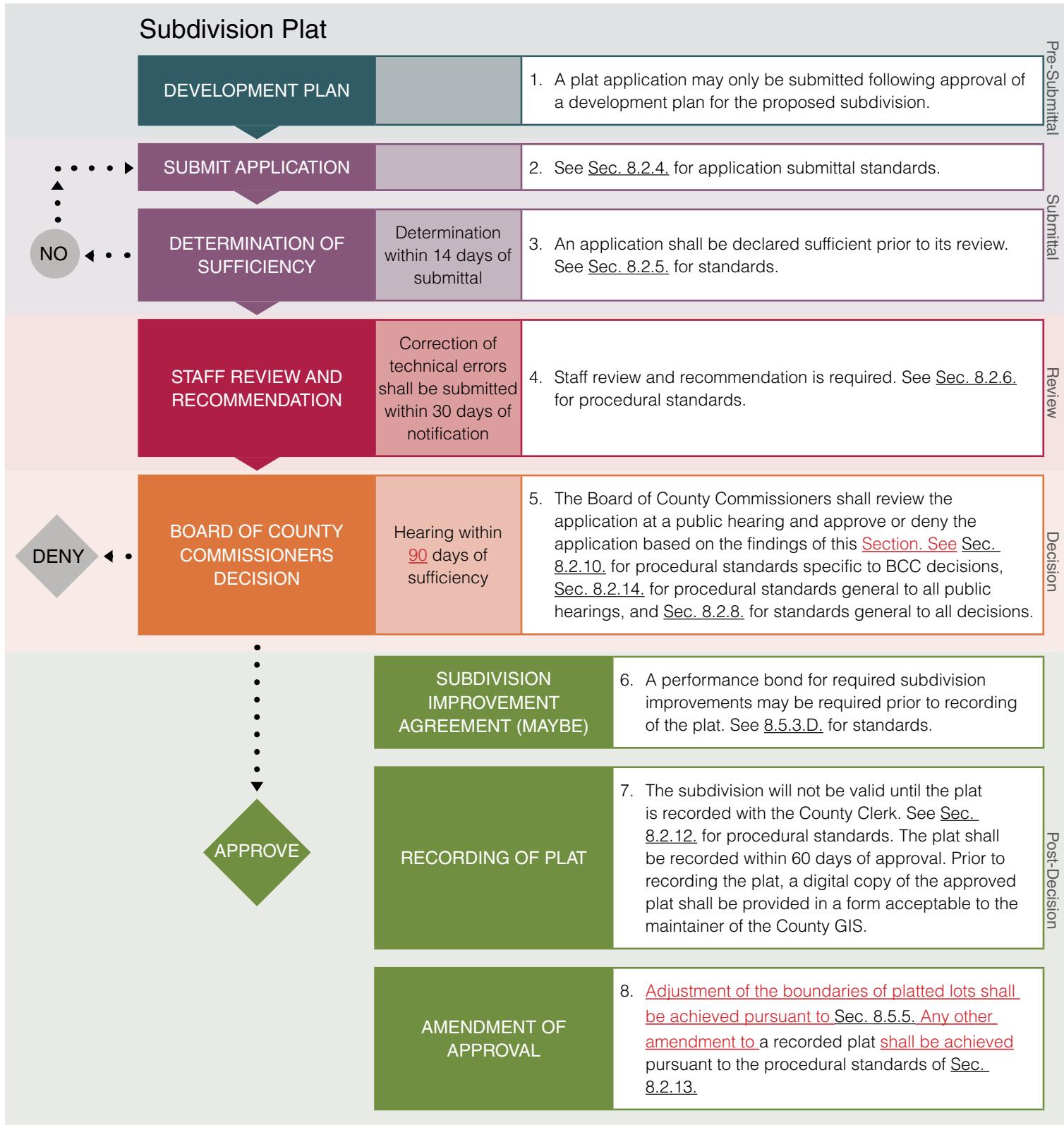
#### E. Subdivision Improvements Agreement

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 County Engineer, and, where applicable, the requirements of the Wyoming Department of Environmental Quality. The contract shall be reviewed and approved by the County Attorney.
2. **Tap and Capacity Fees.** The amount of the financial assurance shall include any tap, capacity, or other fees that would be required to be paid as part of the installation of the improvement.
3. **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 the each step before moving to the step below.



### 8.5.4. Exempt Land Division

#### 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 may be created by any court of this state pursuant to the law of eminent domain, by operation of law, or by order of any court in this state, except that this paragraph shall not exempt a partition of real property pursuant to Wyo. Stat. § 1-32-101 through 1-32-122 from compliance with this article if the division would otherwise be subject to the provisions of this article.
4. A division which affects railroad rights-of-way.
5. A division which is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes.
6. 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.
7. The sale or other disposition of land where the parcels involved are 35 acres or larger, subject to the requirement that ingress and egress and utility easements shall be provided to each parcel by binding and recordable easements of not less than 40 feet in width to a public road unless specifically waived by the grantee or transferee in a binding and recordable document.

8. A division of land made outside of a platted subdivision for the purpose of a single gift or sale to a member of the landowner's immediate family, subject to the following requirements:

- a. A member of the immediate family is limited to any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent or parent of the landowner;
- b. The purpose of the division is to provide for the housing, business or agricultural needs of the grantee;
- c. The land shall have been titled in the name of the grantor for a period of not less than 5 years prior to the division and parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than one year unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;
- d. No parcel smaller than 5 acres created under this paragraph shall be further divided except in compliance with Sec. 8.5.3.; and
- e. Where the landowner is a corporation and 80% of the shares are held by individuals related by blood or marriage, the sale or gift may be made subject to the provisions of this Section to an immediate family member of any shareholder who has owned at least 5% of the outstanding shares for at least 5 years continuously before the date of the sale or gift.

#### 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, records of survey, contracts for deeds, or other types of instruments with the County Clerk, the following documents shall be recorded with the County Clerk:

1. A certificate of survey that includes:

- a. 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
- b. A certificate acknowledged by the Planning Director that states that the division is exempt pursuant to Wyo. Stat. § 18-5-303 and this Section.

2. 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

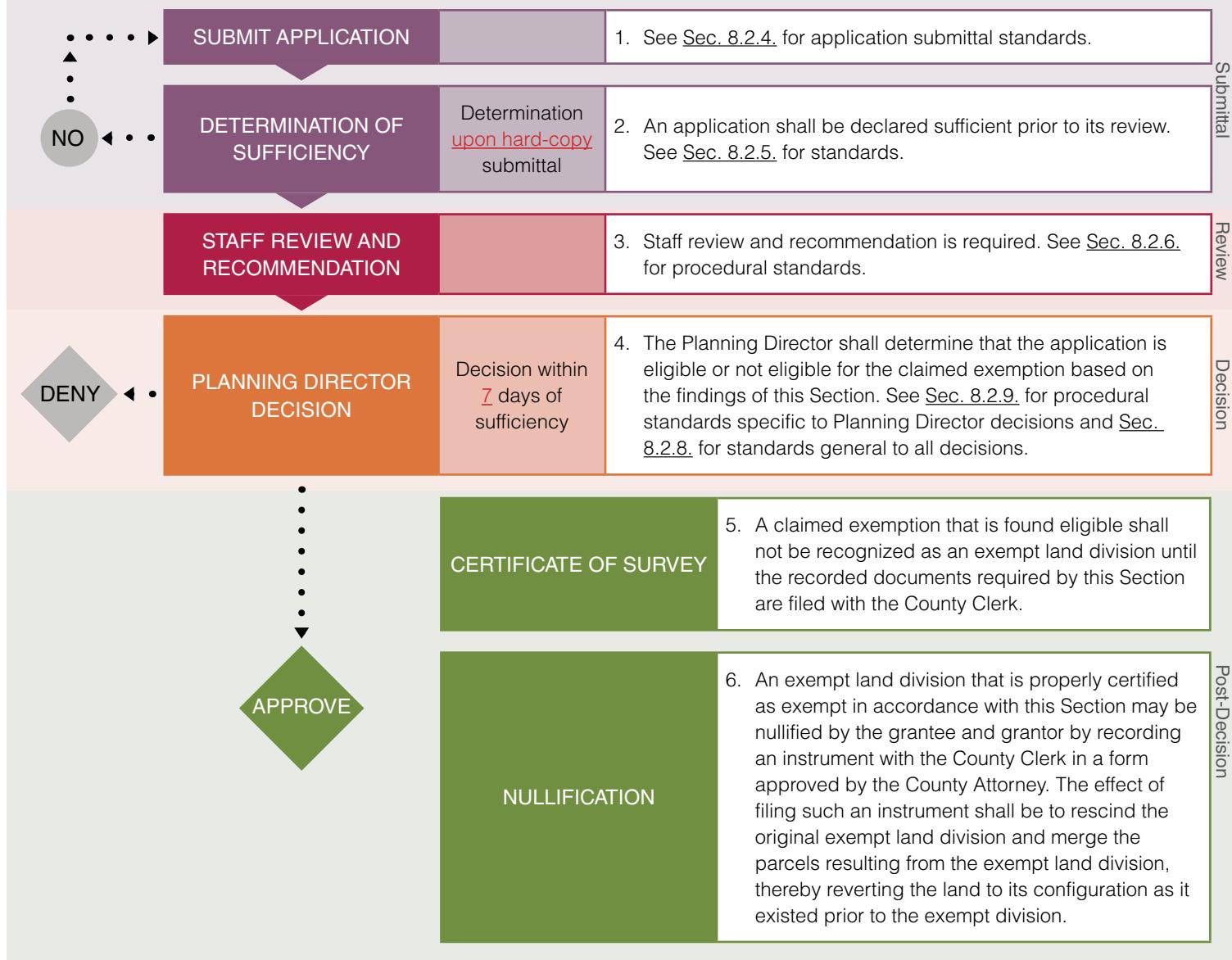
A claimed exempt land division shall be found eligible if:

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



## 8.5.5. Boundary Adjustment

### 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 County Attorney and the County Surveyor shall be recorded to establish a newly adjusted unplatted parcel.

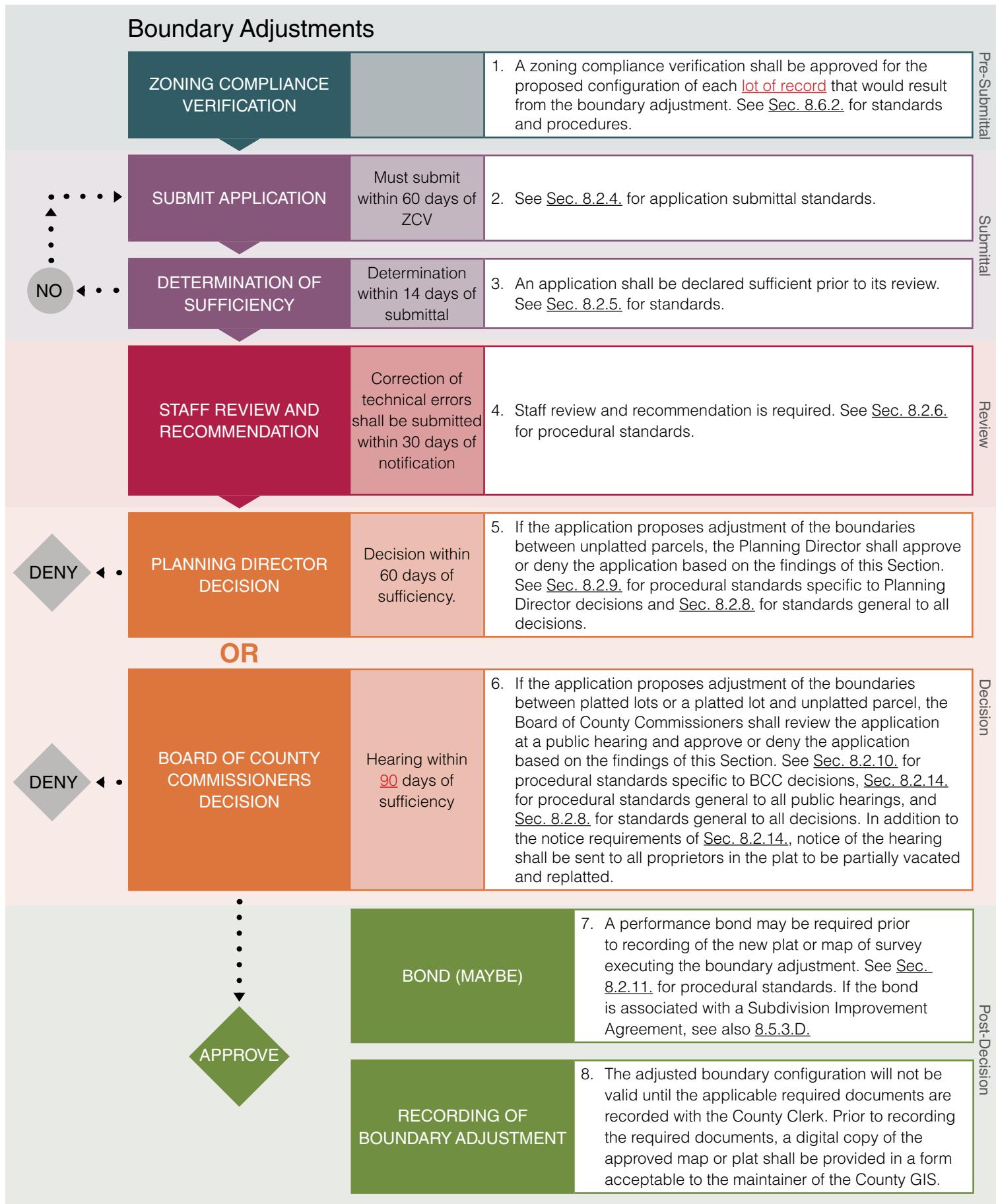
#### D. Findings

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 County Resolutions; 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.



## 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

### 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 Board of County Commissioners;
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.

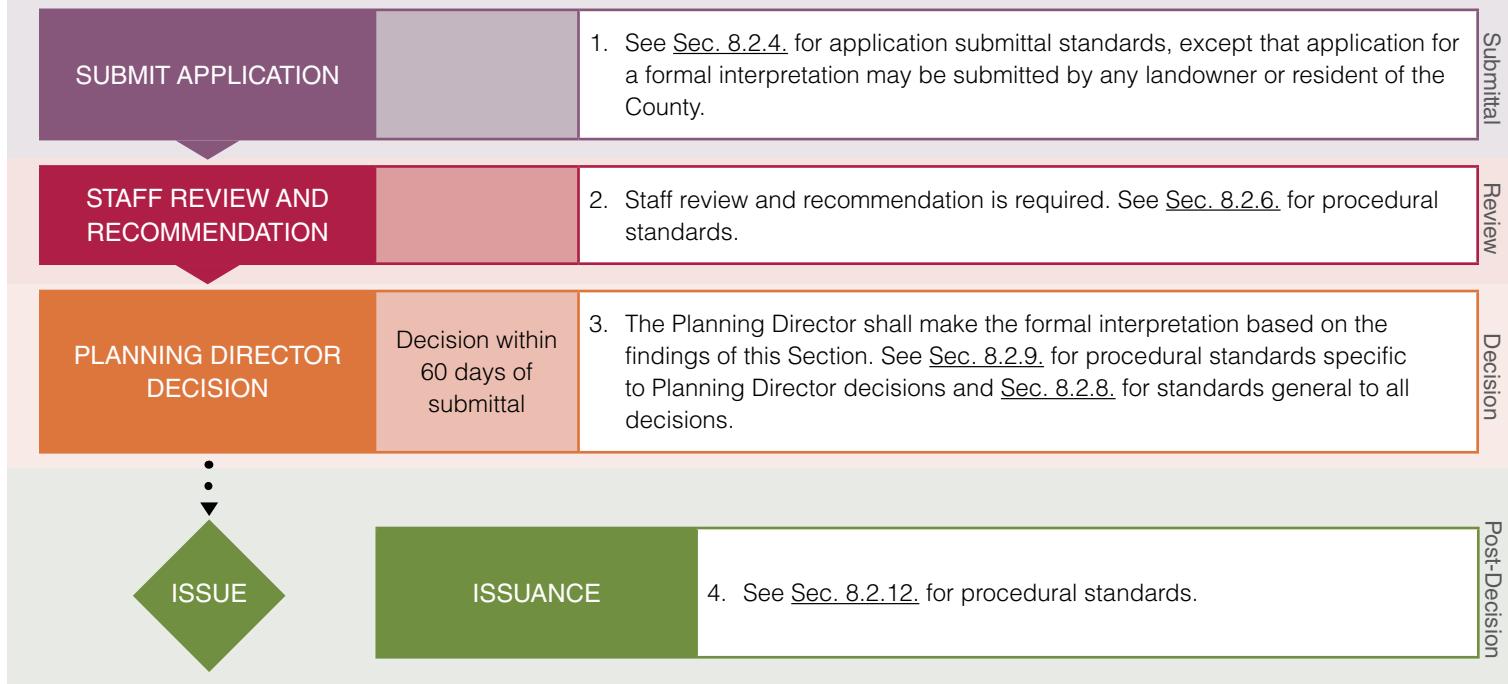
### D. Official Record

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



## 8.6.2. Zoning Compliance Verification (ZCV)

### 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. [Is in substantial conformance](#) with all relevant standards of these LDRs and other County Resolutions; and
2. Complies 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.

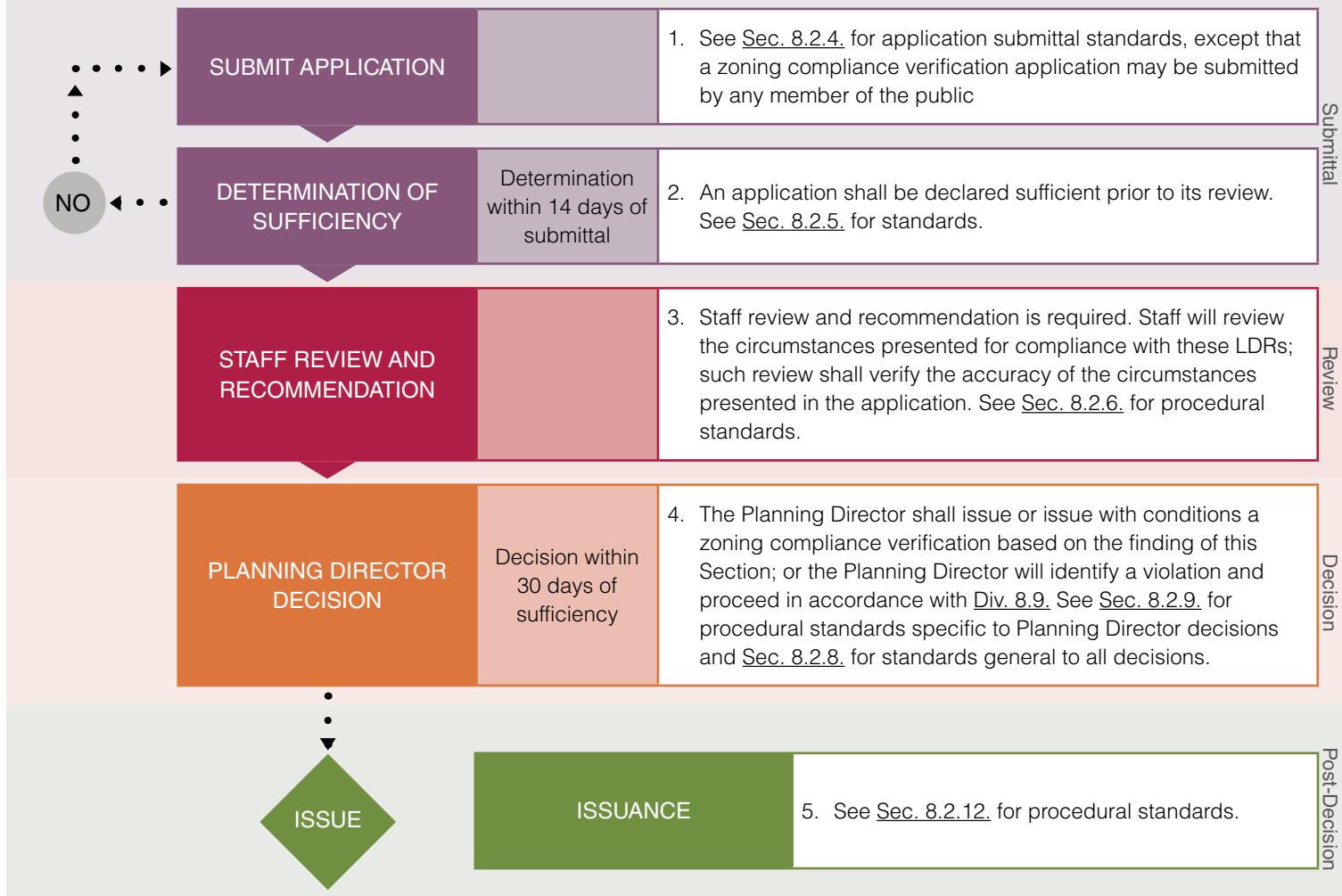
### E. Expiration

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



## Div. 8.7. Amendments to the LDRs

Amending the LDRs is a matter committed to the legislative discretion of the Board of County Commissioners. 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

#### 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, which is adopted pursuant to the Wyoming Administrative Procedures Act.

#### C. Findings

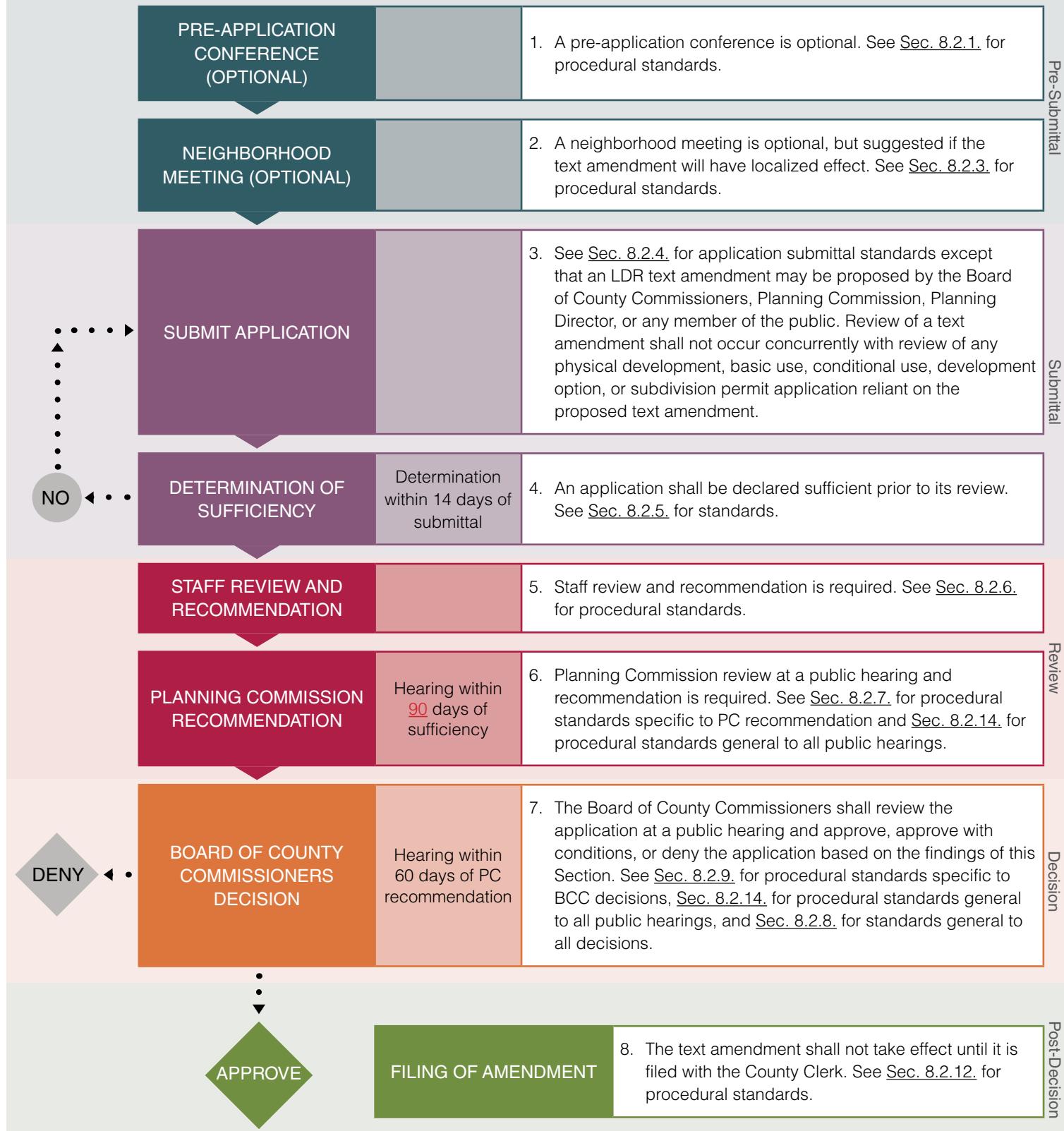
The advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Board of County Commissioners shall consider factors including, 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 County Resolutions.

#### 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



## 8.7.2. Zoning Map Amendment

### 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, which is adopted pursuant to the Wyoming Administrative Procedures Act.

### C. Findings for Approval

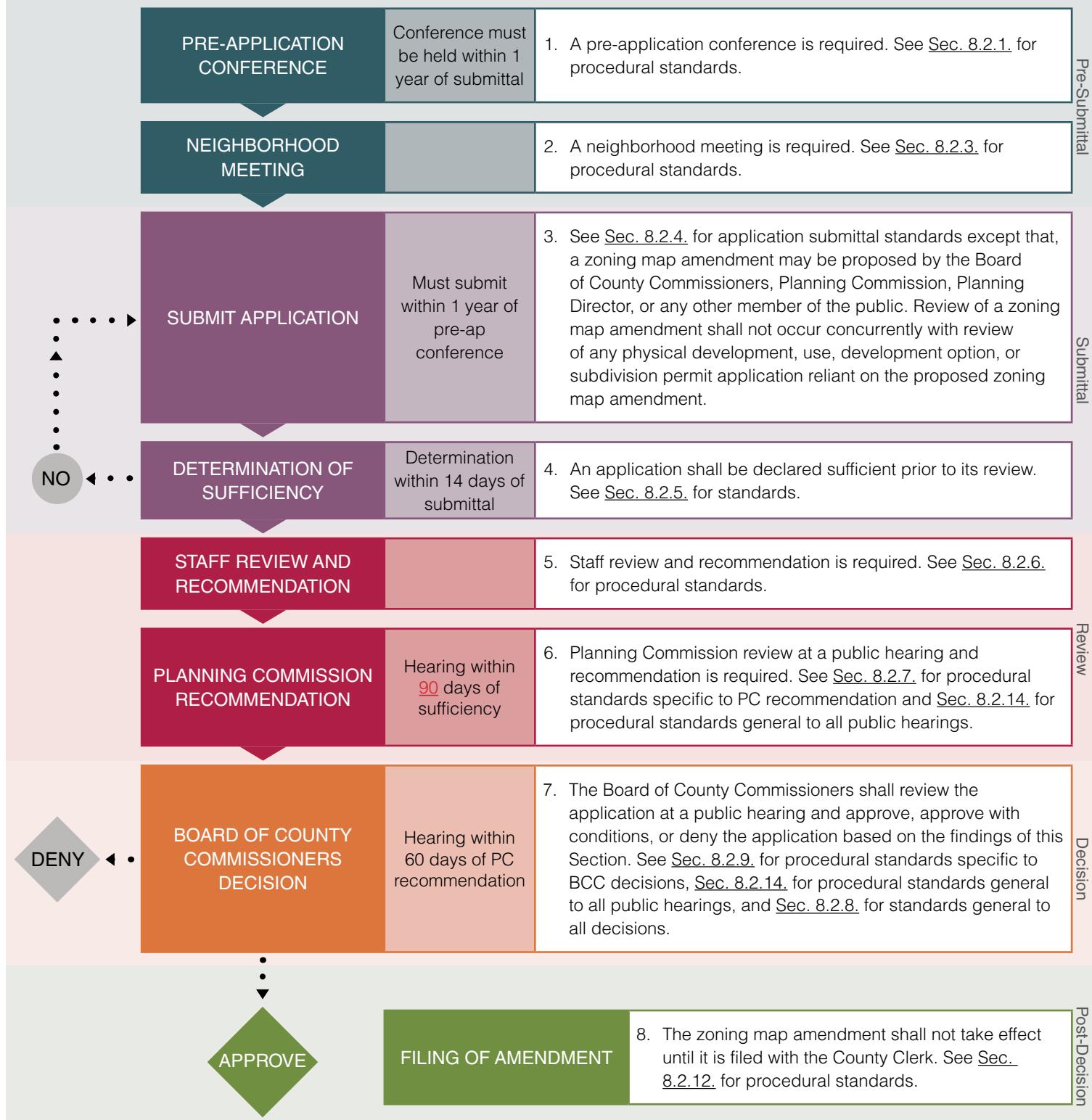
The advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed zoning map amendment the Board of County Commissioners shall consider factors 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 County Resolutions.

### 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



### 8.7.3. Planned Unit Development (PUD)

#### 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 and certificate of standards. 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, which is adopted pursuant to the Wyoming Administrative Procedures Act.

#### 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 Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed planned unit development the Board of County Commissioners 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 and certificate of standards 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. Certificate of Standards

The certificate of standards shall detail the PUD conditions of approval and the development standards to be applied within the PUD, as well as any other standards, conditions, or agreements pertaining to future development or responsibilities of landowners within the PUD. The Planning Director shall prepare the affidavit in a form acceptable to the County Attorney.

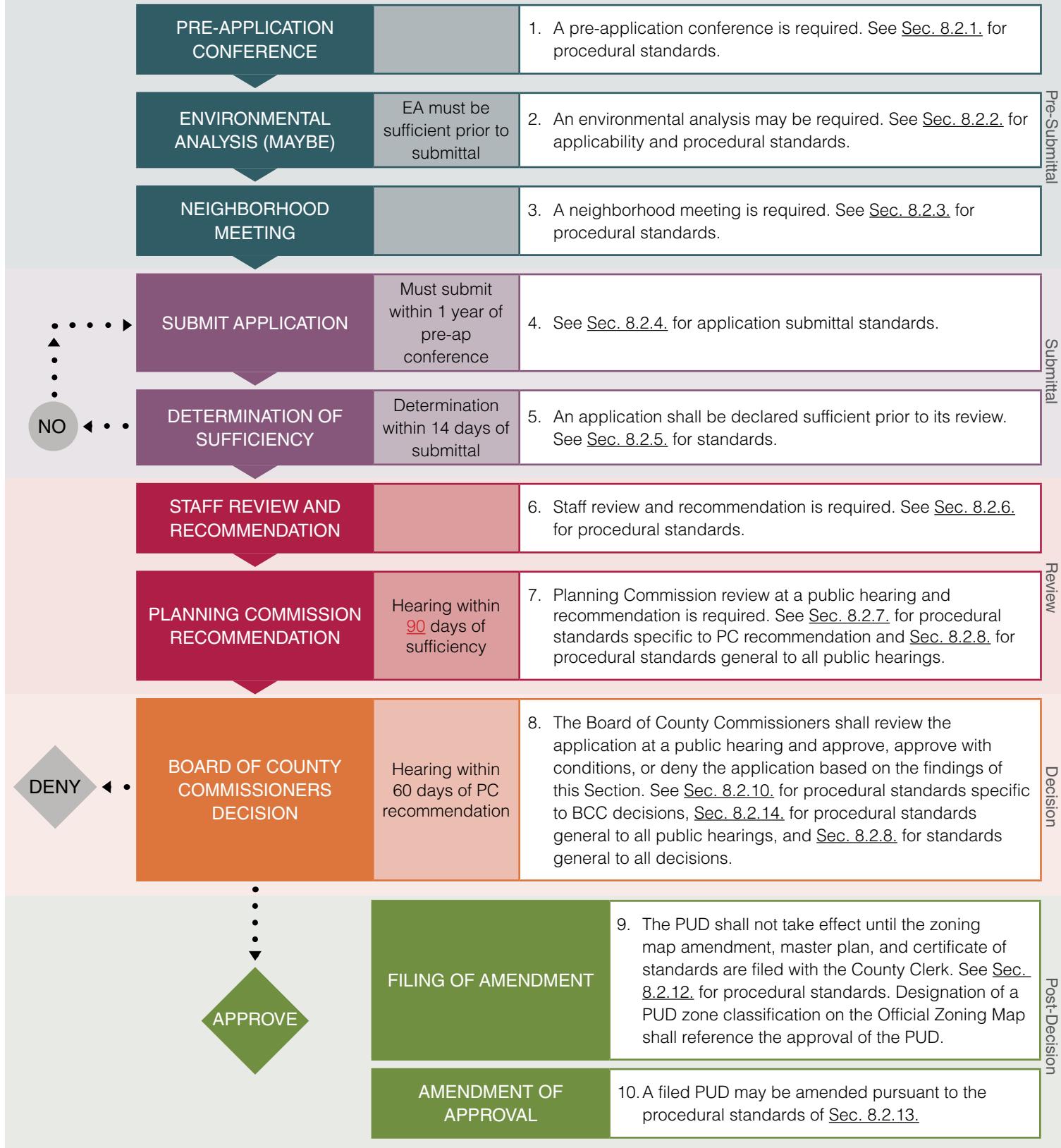
#### G. Expiration

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 and certificate of standards shall become null and void. The County 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.

#### H. 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)



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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

#### 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. Wildlife friendly fencing may be adjusted as allowed by 5.1.2.E.
7. Standard plant units may be adjusted as allowed by 5.5.3.F.3.
8. Parking requirement may be adjusted as allowed by 6.2.2.A.1.
9. Street and road standards may be adjusted as allowed by 7.6.4.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 Board of County Commissioners 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.

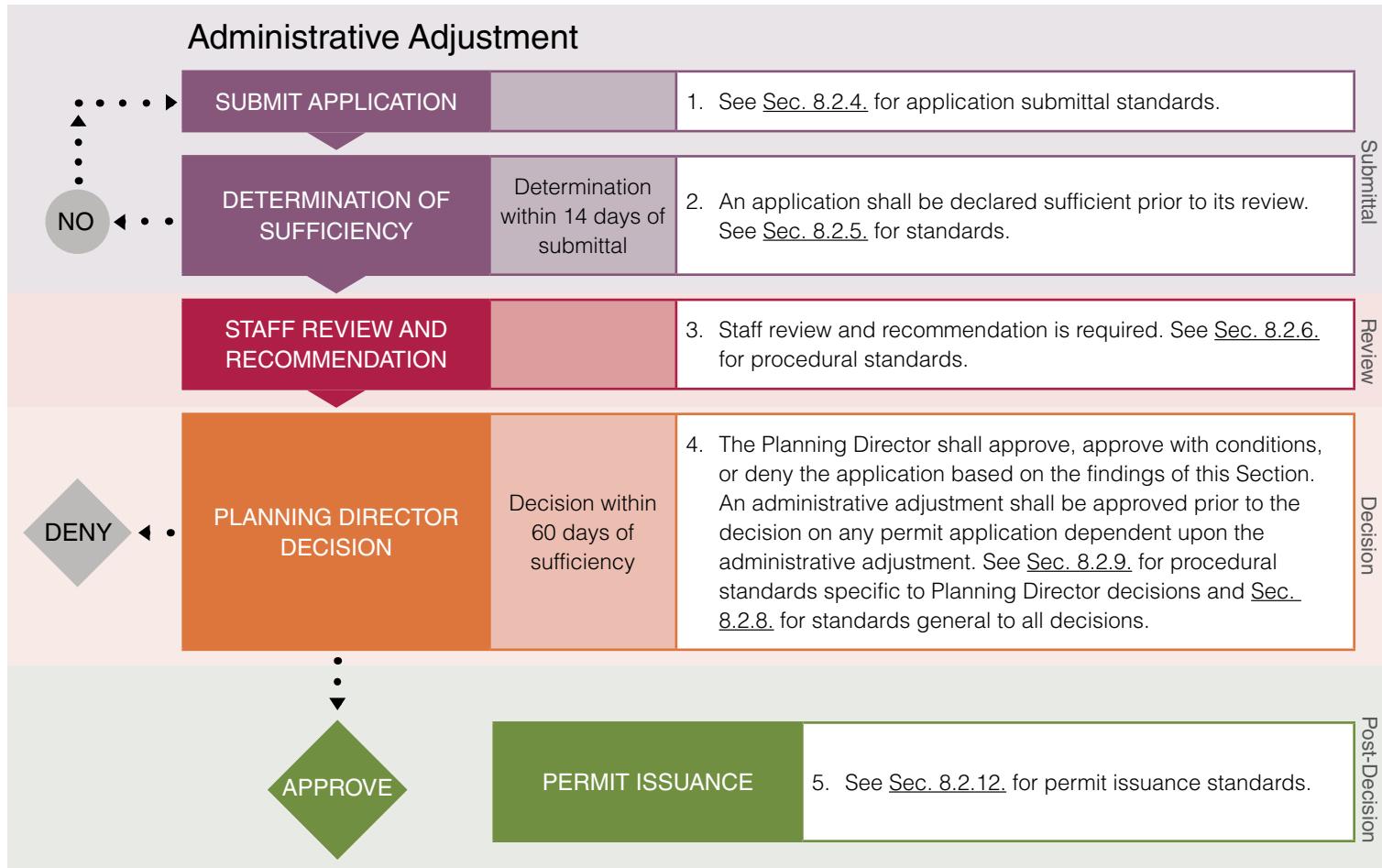
#### E. Expiration

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.



## 8.8.2. Variance

### 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.

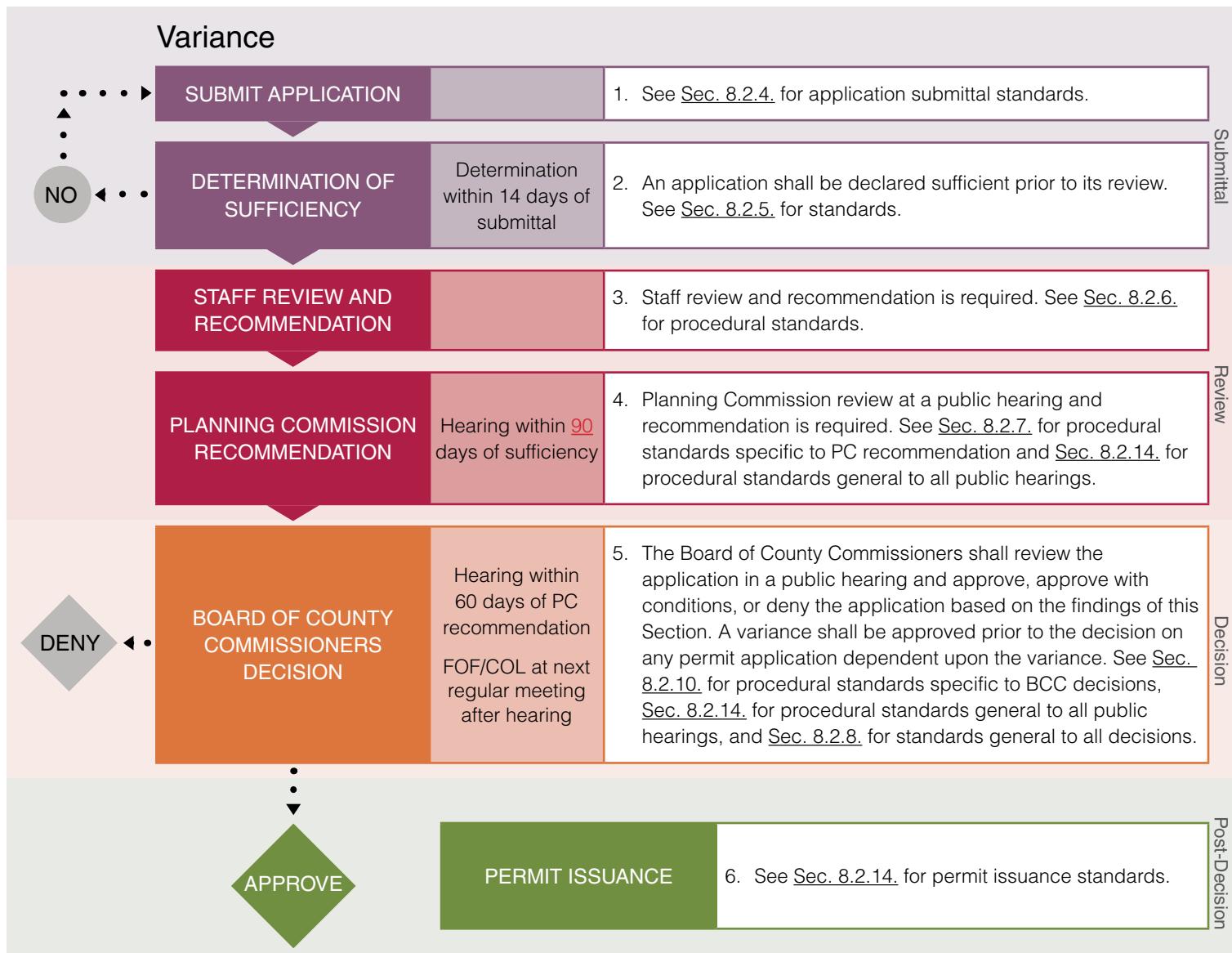
### E. Expiration

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; or
2. 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.



### 8.8.3. Appeal of an Administrative Decision

#### 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 County Engineer to appeal the decision or interpretation to the Board of County Commissioners 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 County 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 County resolutions, 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 County; 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.

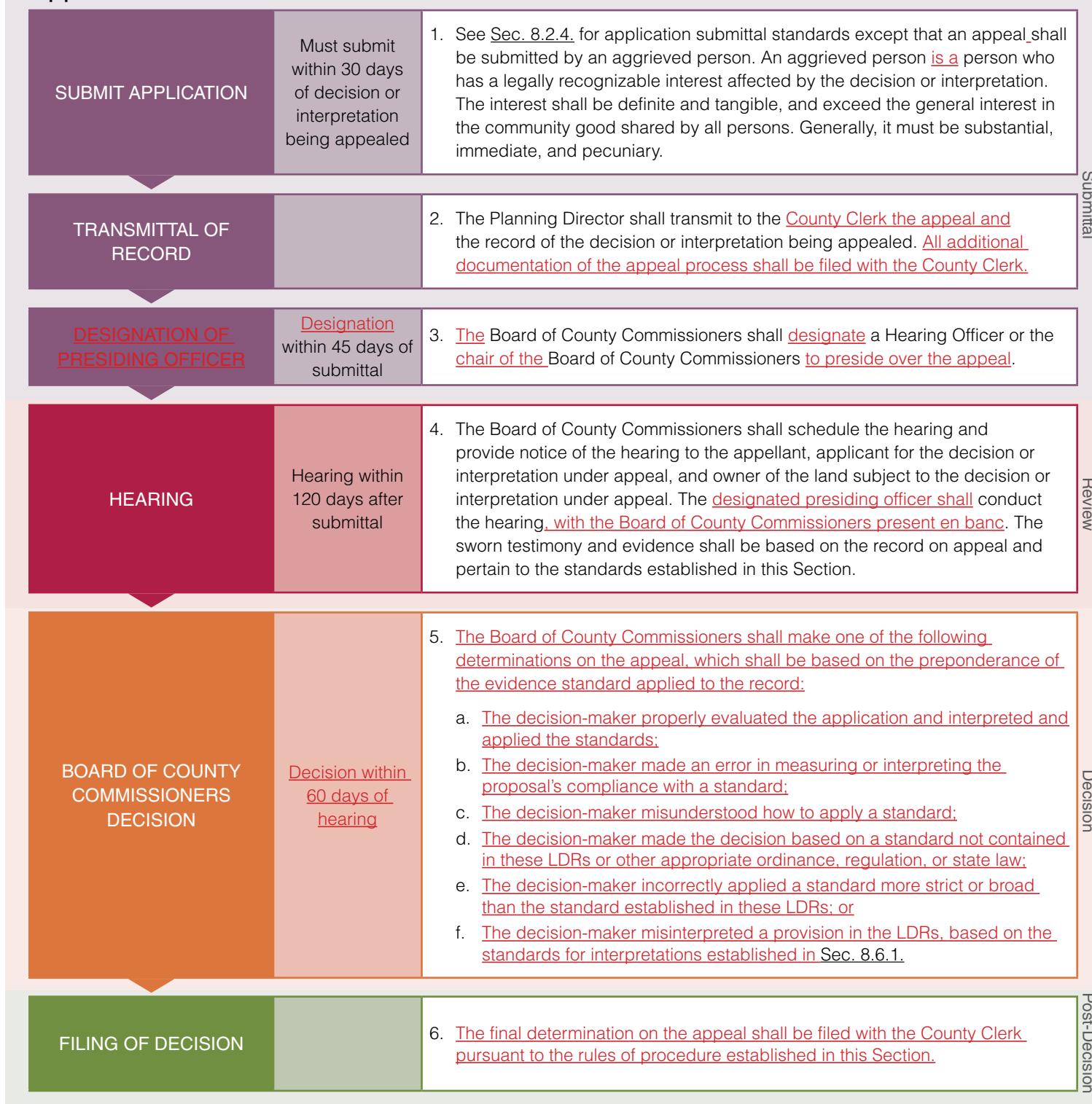
#### F. Rules of Procedure

Appeals shall be governed by the contested case rules adopted by the County pursuant to the Wyoming Administrative Procedures Act.

#### 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



### 8.8.4. Beneficial Use Determination

#### A. Purpose

The intent of the County is that every landowner in the unincorporated County 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 County 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 County, neighbors, purchasers, tenants, or the public at large if the uses allowed under these LDRs are modified; and any other adverse effects on the County 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 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 County, 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 County but which uses still provide for occupation and living within the County. These land uses, as well, shall be considered economically viable uses.

8.8.4. Beneficial Use Determination

- 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.

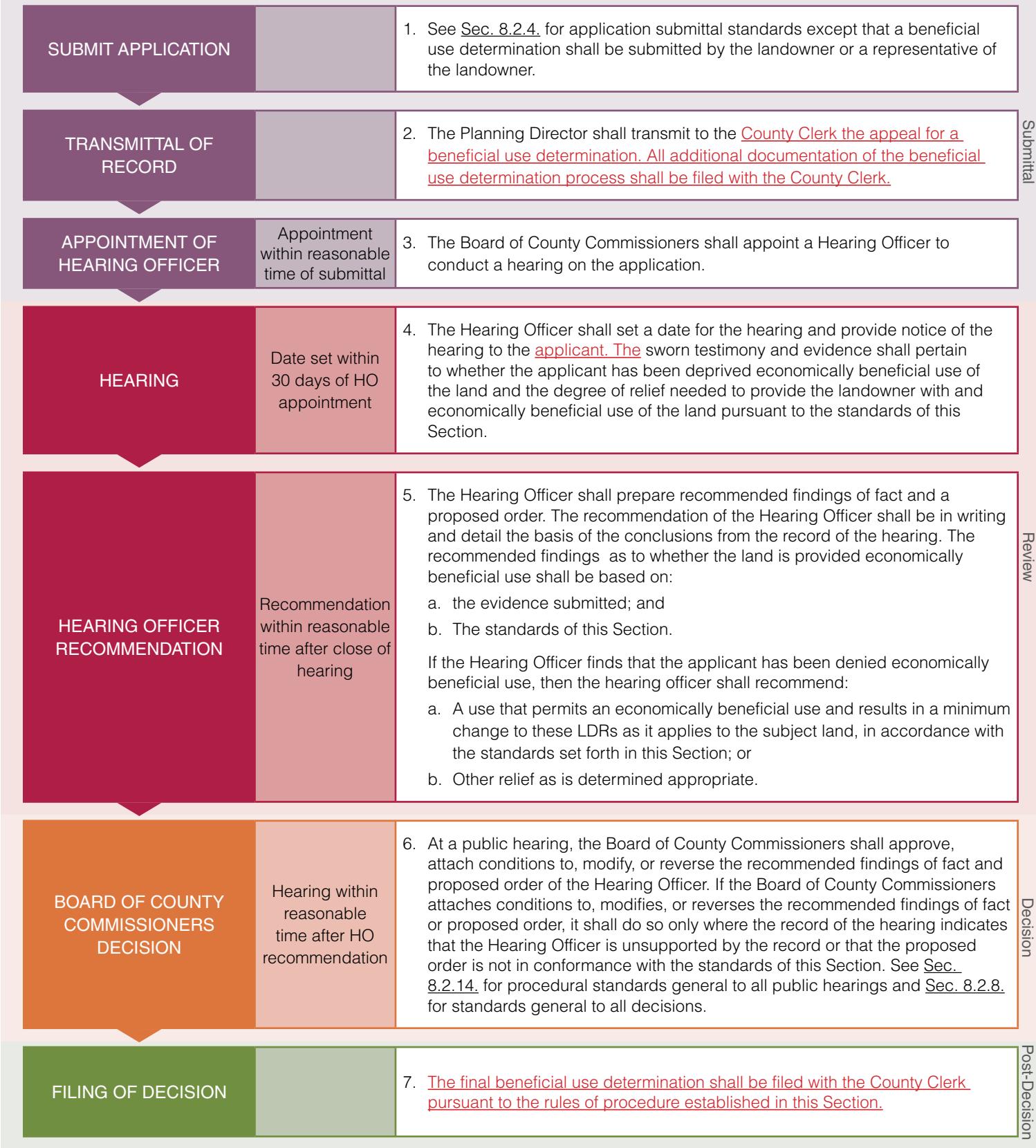
**F. Rules of Procedure**

A beneficial use determination shall be governed by the contested case rules adopted by the County pursuant to the Wyoming Administrative Procedures Act.

**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



## Div. 8.9. Enforcement

This Division establishes procedures by which the County 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

#### A. Authority

The provisions of these LDRs shall be enforced by the Board of County Commissioners through its authority to abate any violations and enjoin and restrain any person violating these LDRs in accordance with state law.

### 8.9.2. Violations

#### 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 County 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

#### 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.

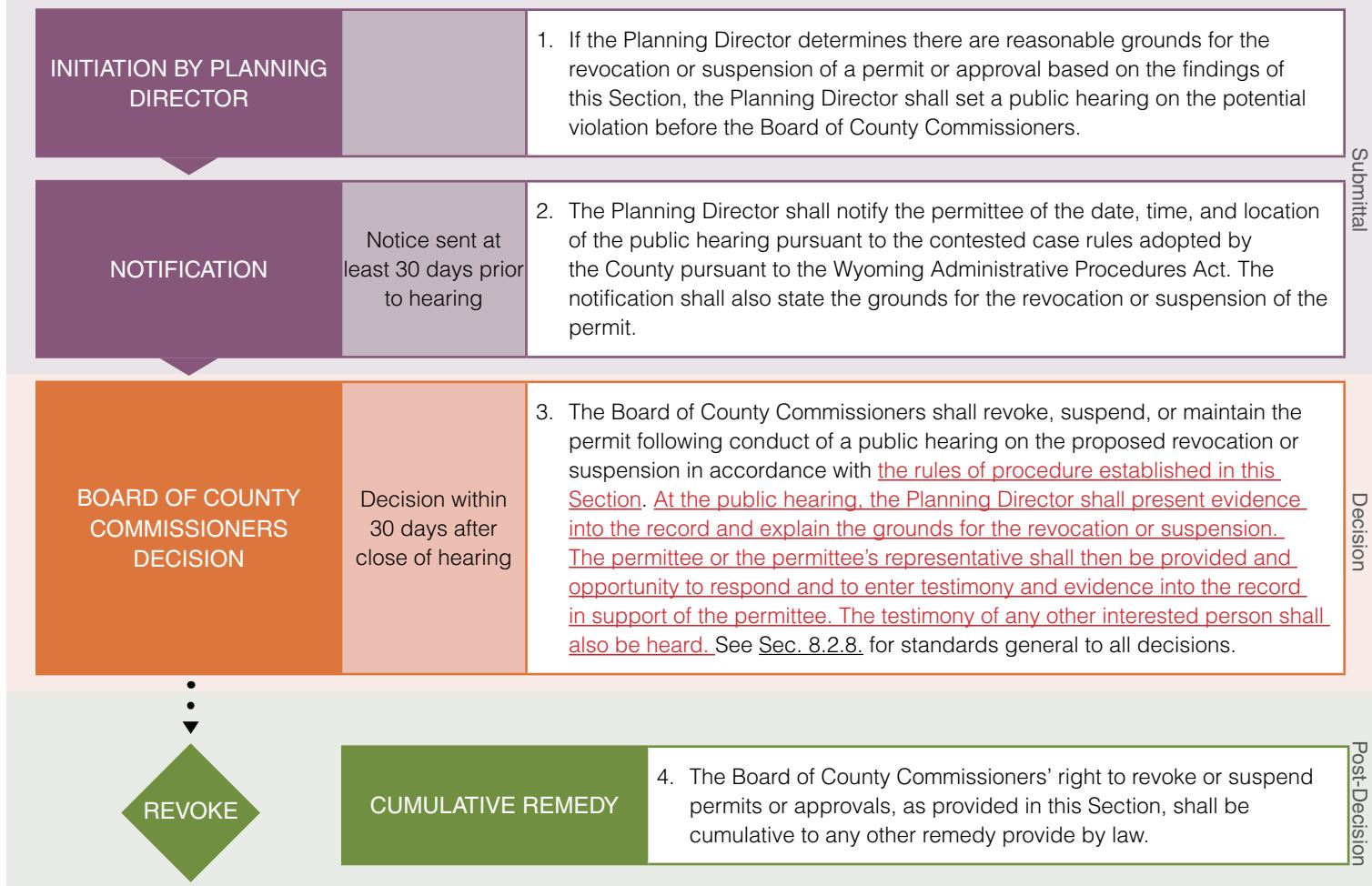
#### D. Rules of Procedure

A revocation proceeding shall be governed by the contested case rules adopted by the County pursuant to the Wyoming Administrative Procedures Act.

#### 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



#### 8.9.4. Abatement of Violations

##### 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 County 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.

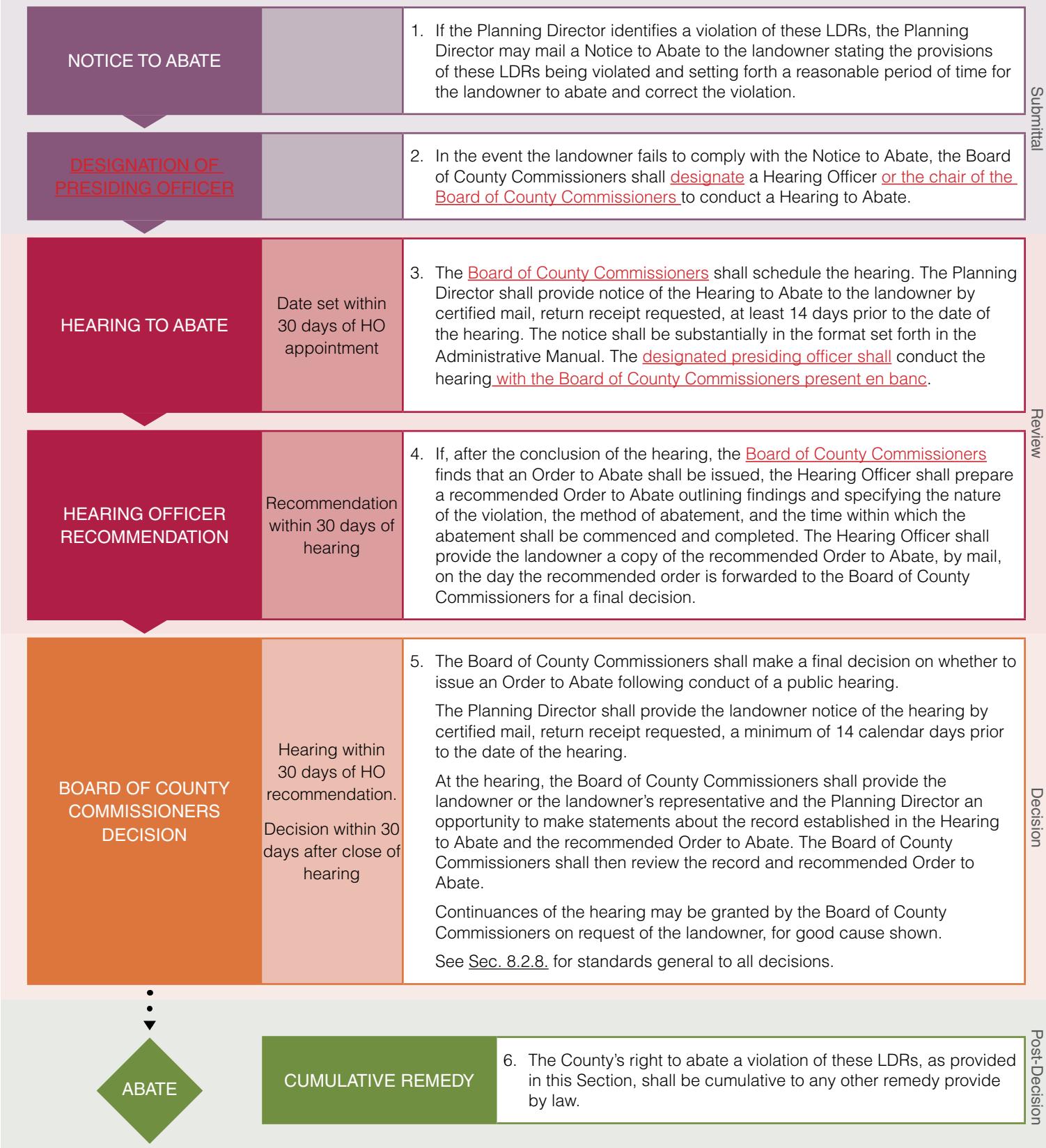
##### E. Rules of Procedure

An abatement proceeding shall be governed by the contested case rules adopted by the County pursuant to the Wyoming Administrative Procedures Act.

##### 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



## 8.9.5. Other Remedies

### A. Civil Remedies

The County shall have the right to enforce the provisions of these LDRs under any remedy provided under Wyoming law, including by injunction.

### B. Criminal Remedies

Any person violating any provisions of these LDRs shall be subject to all criminal penalties authorized by the State of Wyoming for such violation, including upon conviction, a fine and imprisonment, or both, and payment of all costs and expenses involved in prosecuting the offense.

## Div. 8.10. Duties and Responsibilities

The following County bodies and staff shall have the following powers and responsibilities in administering and reviewing applications under the LDRs.

### 8.10.1. Planning Director

#### 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 County Commissioners' 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 County Regulations, and the Board of County Commissioners, 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.;

8.10.2. Plan Review Committee

9. To review, consider, and recommend a decision to the Planning and Zoning Commission and/or Board of County Commissioners 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 Board of County Commissioners 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 County 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 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**

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. [County Engineer](#)
2. [County Surveyor](#)
3. [County Clerk](#)
4. [Building Official](#)
5. [Fire Marshal](#)
6. [County Sanitarian](#)
7. [Teton County Conservation District](#)
8. [Parks and Recreation Department](#)
9. [Pathways Coordinator](#)
10. [START](#)
11. [Sheriff's Department](#)
12. [Integrated Solid Waste and Recycling](#)
13. [Teton County Housing Authority](#)
14. [Teton County Road and Levee Supervisor](#)
15. [Teton County Public Health](#)
16. [Teton County Scenic Preserve Trust](#)
17. [Teton County Weed and Pest](#)
18. [Teton County School District](#)
19. [Town of Jackson](#)
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](#)

In addition to the jurisdiction, authority, and duties, which may be conferred upon the County Engineer by other provisions of the County Regulations and the Board of County Commissioners, the County Engineer shall have the following authority and duties under these LDRs:

- A. To advise and provide technical assistance to the Planning Director, Planning and Zoning Commission, and Board of County Commissioners 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 Teton County.

#### 8.10.4. Design Review Committee

[Section number reserved, committee only exists in Town]

#### 8.10.5. Planning and Zoning Commission

##### A. Establishment and Purpose

There is hereby established a Teton County Planning and Zoning Commission, pursuant to Section 18-5-202, 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 County Regulations and the Board of County Commissioners, 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 Board of County Commissioners 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.,

- d. special use permit pursuant to Sec. 8.4.3., and
- e. variance pursuant to Sec. 8.8.2.;

3. To initiate or hear, consider, and recommend to the Board of County Commissioners 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 Town Council a decision on applications for Planned Resorts in the Town;
5. To make studies of the resources, possibilities and needs of the County and to report its findings and recommendations, with reference thereto, from time to time, to the Board of County Commissioners; and
6. To make its special knowledge and expertise available upon written request and authorization of the Board of County Commissioners to any official, department, board, commission or agency of the Town, County, State or Federal Governments.

#### C. Membership

The qualifications, appointment, terms of office and procedures for filling vacancies on the Planning and Zoning Commission are set forth in Section 18-5-202 (a), Wyoming Statutes.

1. 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.
2. Compensation. The members of the Planning and Zoning Commission shall

8.10.5. Planning and Zoning Commission

serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the Board of County Commissioners.

**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 second and fourth Monday 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 or at the request of 3 members of the Planning and Zoning Commission 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 County Commissioners' Chambers, or such other place within the County accessible to the public, as designated by the Chairperson pursuant to the notice requirements for a special meeting. Notwithstanding, Planning and Zoning Commission meetings may be held outside of the County in a place accessible to the public for development applications impacting lands within the County that are west of the Teton Range.
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

[Section number reserved, board only exists in Town]

## 8.10.7. Board of County Commissioners

In addition to any authority granted the Board of County Commissioners by general or special law, the Board of County Commissioners 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.; and
  - 6. variance pursuant to Sec. 8.8.2.;
- 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 Town Council a decision on applications for Planned Resorts in the Town:
- E. To hear, consider, and decide the following contested cases:
  - 1. appeal of an administrative decision pursuant to Sec. 8.8.3.,
  - 2. beneficial use determination pursuant to Sec. 8.8.4.,
  - 3. revocation or suspension of a permit pursuant to Sec. 8.9.3., and
  - 4. abatement of a violation pursuant to Sec. 8.9.4.;

8.10.8. Hearing Officer

- F. To designate and appoint a Hearing Officer to assist in the hearing and consideration of contested cases as the Board of County Commissioners may deem appropriate; and
- G. To take such other action not delegated to the Planning and Zoning Commission, Hearing Officer or heads of County departments, as the Board of County Commissioners may deem desirable and necessary to implement the provisions of the Comprehensive Plan and the LDRs.

### **8.10.8. Hearing Officer**

#### **A. Creation and Appointment**

The Board of County Commissioners 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 Board of County Commissioners from time to time. Such Hearing Officers shall serve at the pleasure of the Board of County Commissioners for such period as is determined by the Board of County Commissioners.

#### **B. Compensation**

Hearing Officers shall be compensated at a rate to be determined by the Board of County Commissioners, which amount shall be reimbursed to the County 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 County 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 County government during the period of appointment.

#### **E. Duties**

A Hearing Officer shall have the following duties:

1. To assist the Board of County Commissioners in the hearing and consideration of the following contested cases as the Board of County Commissioners 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 Board of County Commissioners;
- 3. To perform such other tasks as the Board of County Commissioners may assign;
- 4. Provide counsel to the Board of County Commissioners in the event that the County Attorney is representing another party in the particular matter; and
- 5. In all cases, render to the Board of County Commissioners 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. County Attorney**

In addition to the jurisdiction, authority and duties which may be conferred upon the County Attorney by law, and the Board of County Commissioners, the County Attorney shall have the following authority and duties under the LDRs:

- A. To review and approve as to form all written findings of fact and conclusions of law and resolutions drafted by the Planning Director, Planning and Zoning Commission, or Board of County Commissioners 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 Planning Director, Planning and Zoning Commission, and/or Board of County Commissioners in regard to legal issues that may arise during implementation of the LDRs.
- D. To enforce the provisions of the LDRs.

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# Article 9. Definitions

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## Div. 9.1. Purpose

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

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

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 "County Attorney" shall mean the Teton County Attorney.
- L. The words "Building Code" shall mean all codes adopted in the Building Code Resolution.

- M. The word "Council" or "Town Council" shall mean the Town of Jackson Town Council.
- N. The words "Planning and Zoning Commission" or "Planning Commission" shall mean the Teton County Planning and Zoning Commission.
- O. The words "Planning Department" or "County Planning Department" shall mean the Teton County Planning Department.
- P. The words "County Clerk" shall mean the Teton County Clerk.
- Q. The word "State" shall mean the State of Wyoming.
- R. The words "County Commissioners" or the phrase "Board of County Commissioners" shall mean the Teton County Board of County Commissioners.
- S. The words "Planning Director" or "County Planning Director" shall mean the Teton County Planning Director or designee.
- T. The word "Staff" shall mean the staff of the Teton County Planning Department.
- U. The words "County Engineer" shall mean the Teton County Engineer or designee.
- V. The words "Building Official" shall mean the Teton County Building official or designee.

## Div. 9.3. Abbreviations

### 9.3.1. Purpose

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

The abbreviations provided below have the following meanings:

ac	Acre
ARU	Accessory Residential Unit (6.1.11.B.)
<u>ASA</u>	<u>Adjusted Site Area</u> (9.4.4.C.)
<u>BSA</u>	<u>Base Site Area</u> (9.4.4.B.)
BUP	Basic Use Permit (8.4.1.)
CUP	Conditional Use Permit (8.4.2.)
du	Dwelling Unit
<u>EA</u>	<u>Environmental Analysis</u> (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
<u>FOF/COL</u>	<u>Findings of Fact, Conclusions of Law, and Order Executing a Decision</u>
ft	Feet
HUD	<u>U.S.</u> 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.)
PRD	Planned Residential Development (7.1.2.)
SRO	Scenic Resources Overlay (5.3.2.)
sq. ft. or sf	Square Feet
SUP	Special Use Permit (8.4.3.)
WYDEQ	Wyoming Department of Environmental Quality
WYDOT	Wyoming Department of Transportation

## Div. 9.4. Rules of Measurement

### 9.4.1. Purpose

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

#### 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 County, 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.

### 9.4.3. Calculations

#### 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

#### A. Gross Site Area

Gross site area is the area of the lot of record or site as determined by a certified boundary survey.

## 9.4.4. Site Area

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

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

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 in each zone.
2. **Mixed Use.** On sites with multiple uses, the base site area shall be prorated to [determine the allowed density/intensity](#) of 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 ( $3,000/0.3 = 10,000$ ), 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.

**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

The floor area ratio (FAR) is calculated by dividing the gross floor area above grade by the base site area.

**EXAMPLE:** On a base site area of 24,000 square feet a building with 8,000 square feet of gross floor area where 2,000 square feet was in the basement would have an FAR of .25 ( $(8,000-2,000)/24,000 = .25$ ). 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.

**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.

**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). Facilities specifically permitted in [Sec. 5.5.3.](#), public and neighborhood pathways, and flood control levees are excluded from landscape surface ratio and minimum landscape surface area calculations.

### 9.4.7. Maximum Scale of Development

#### 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

A setback is a measure of the horizontal distance between a physical development or use and the feature from which it is being set back. Unless otherwise defined in these LDRs, the minimum distance between a physical development or use and a certain feature shall be the minimum setback applied parallel to the length of the feature.

#### A. Street Setback

A street setback shall be measured from a structure to any road right-of-way, roadway, vehicular access easement, additional width required for right-of-way purpose as established in the Teton County Transportation Master Plan, of property line from which access is taken.

1. **Multiple Street Frontages.** On sites with multiple street frontages, the street setback shall be applied along all street frontages. After the street setback is determined, the Planning Director may apply the rear setback to lot lines opposite the street frontages as applicable. The remaining lot lines shall receive side setbacks.
2. **Driveway Setback.** The minimum setback from a structure to a driveway easement shall be the street setback or 25 feet, whichever is less.

#### B. Side Setback

A side setback shall be measured from a structure to any side lot line.

#### C. Rear Setback

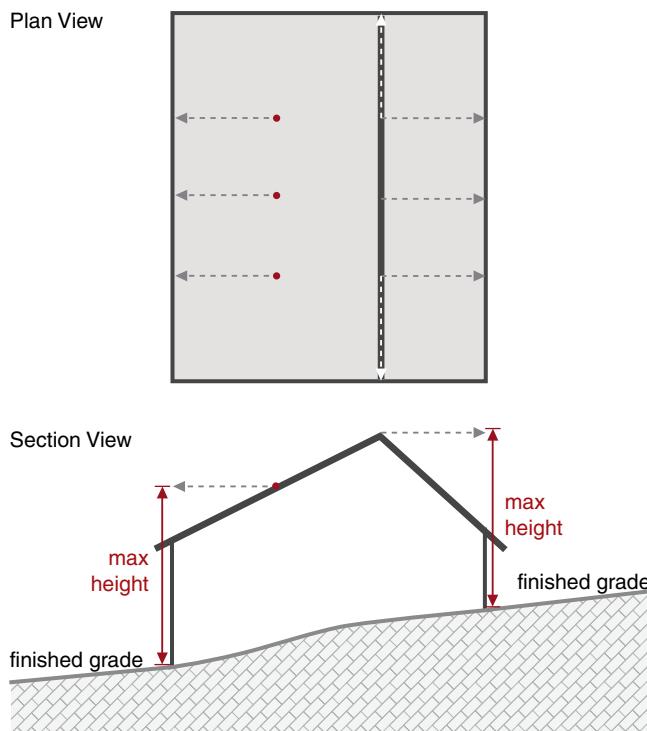
A rear setback shall be measured from a structure to any rear lot line.

### 9.4.9. Height

#### A. Height of Any Point

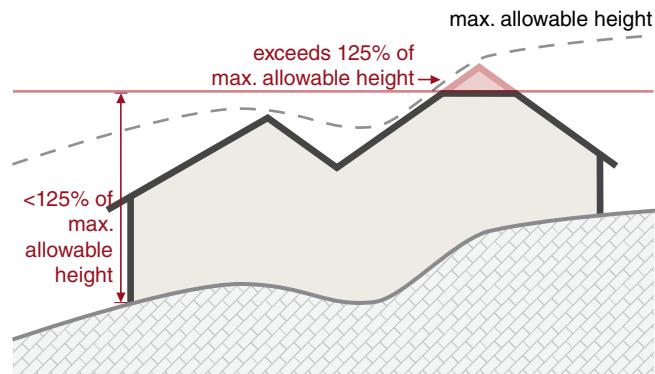
The height of a building or structure is the vertical dimension measured from any point on the exterior of the building or structure to the nearest point of finished grade.

**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 125% 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. Chimneys, vents, and roof-top mechanical equipment such HVAC systems, provided that the maximum height is not exceeded by more than 4 feet; or
2. Antenna used for the reception of television broadcast signals.

## Div. 9.5. Defined Terms

When used in these LDRs, the following terms shall have the following meanings:

### A

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**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."

**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 175% 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.

**Agricultural Employee Housing.** See [6.1.11.I.](#)

**Agriculture.** See [6.1.3.B.](#)

**Airport.** See [6.1.10.F.](#)

**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.](#)

**Amusement Use.** See [6.1.7.B.](#)

**Antenna Array.** A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

**Antenna Support Structure.** A structure that is primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, including buildings, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.

**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

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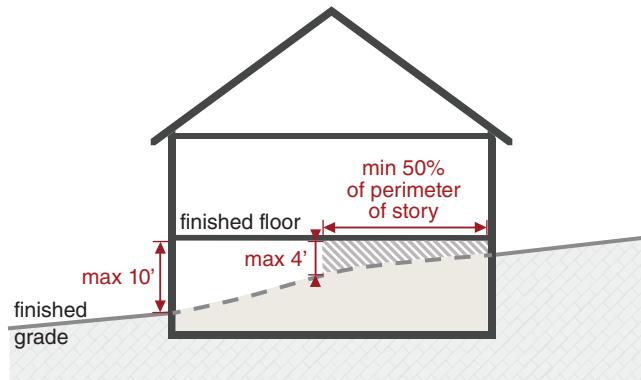
**Balloon Operation.** See [6.1.7.F.](#)

**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.](#)

**Base Station.** A facility or structure consisting of radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics, including a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of the base station, and encompasses such equipment in any technological configuration, including distributed antenna systems and small cells.

**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.



**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.

**Breakpoint Technology.** The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least 5% more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

**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 Face.** Building face means all window and wall areas of a building in one plane, facade, or elevation.

**Building Footprint.** The building footprint is the area of the foundation; eaves, overhangs, decks, cantilevers and other projections are not included.

**Building Frontage.** Building frontage is the linear width of the building elevation, parallel to the street lot line.

**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.

**Bulk.** Bulk is a spatial dimension of magnitude and refers to the scale, height, floor area, and footprint of a building.

## C

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**Caliper.** The diameter of a tree trunk measured 4.5 feet above the natural grade at the base of the tree.

**Camp Pad.** A camp pad is the area where a Conventional Camping Unit, Recreational Park Trailer or tent is parked or located at a campground. It may be gravel, paved, or grass.

**Campground.** See 6.1.5.D.

**Campsite.** A campground campsite consists of a gravel, paved, or grass camp pad suitable for a Conventional Camping Unit, Recreational Park Trailer or tent, meeting all requirements set forth in 6.1.5.D., including specified amenities and parking.

**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.

**Changeable Copy Sign (Manual).** See "Sign, Changeable Copy."

**Christmas Tree Sales.** See 6.1.12.B.

**Collector Road.** See, "Road, Collector."

**Collocation.** The mounting or installation of an antenna or antennas on an existing tower, building, or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

**Combined Antenna.** An antenna or an antenna array designed and utilized to provide services for single or multiple wireless providers utilizing more than one frequency band or spectrum, for the same or similar type of services.

**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.** 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 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 areas from one another.

**Concealed.** A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are 2 types of concealed facilities: 1) Antenna Attachments, including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure and 2) Freestanding. Freestanding concealed towers usually have a secondary, obvious function, which may include church steeple, windmill, bell tower, clock tower, light stanchion, flagpole with or without a flag, or tree.

**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.

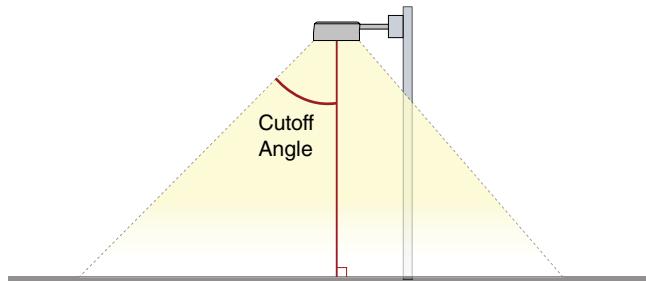
**Conventional Camping Unit.** Conventional Camping Units include recreational vehicles, campers, trailers, motorhomes or other vehicles which are: built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; self-propelled or permanently towable by a light duty truck; and designed primarily not to be used as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. Conventional Camping Unit does not include Mobile/Manufactured homes or Recreational Park Trailers.

**Conventional Lodging.** See [6.1.5.B.](#)

**Cottage Industry.** See [6.1.11.J.](#)

**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.

**Cutoff Angle.** Cutoff angle means the angle, formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.



## D

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**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.

**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.

**Dude Ranch.** See 6.1.3.E.

**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

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**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.

**Equipment Cabinet.** Any structure above the base flood elevation including cabinets, shelters, pedestals, and other similar structures and used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communications signals.

**Equipment Compound.** The fenced-in area surrounding the ground-based wireless communications facility including the areas inside or under a tower's framework and ancillary structures such as equipment necessary to operate the antenna on the structure that is above the base flood elevation including cabinets, shelters, pedestals, and other similar structures.

**Erosion.** Erosion means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, and/or gravity.

**Events.** See [6.1.11.K.](#)

**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

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**Facade.** The exterior wall and related roof elements of a building.

**Face, Building.** See, "Building Face."

**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 6 individuals not so related, occupying a dwelling unit and living as a single housekeeping unit.

**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.

**Feed Lines.** Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

**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 Teton County Floodplain Management Resolution.

**Floodplain.** See Teton County Floodplain Management Resolution.

**Floor Area.** See Sec. 9.4.5.

**Floor Area, Gross.** See, "Gross Floor Area."

**Floor Area, Habitable.** See, "Habitable Floor Area."

**Flush-Mounted.** Any antenna or antenna array attached directly to the face of the support structure or building in a manner that permits mechanical beam tilting if necessary but such that no portion of the antenna extends above the height of the support structure or building.

**Footcandle.** Footcandle means a unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of 1 candle.

**Front Lot Line.** See, "Lot Line, Front."

**Front Yard.** See, "Yard, Street."

## G

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**Garage.** Garage means a building or floor area within a building intended to be used for the parking or storage of motor vehicles.

**Glare.** Glare means the effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**Golf Courses.** See 6.1.3.D.

**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 [6.1.12.F](#).

**Gravel Extraction and Processing.** See [6.1.9.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.

**Groundwater.** Groundwater means any water, including hot water and geothermal steam, under the surface of the land.

**Group Home.** See [6.1.4.G](#).

**Guest Ranch.** See [6.1.3.E](#).

## H

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**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](#).

**Helicopter Tree Removal.** See [6.1.12.G](#).

**Heliport.** See [6.1.10.E](#).

**Home Business.** See [6.1.11.E](#).

**Home Daycare Center.** See [6.1.11.G](#).

**Home Occupation.** See [6.1.11.D](#).

**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.

## J

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**Junkyard.** See [6.1.9.E.](#)

## K

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**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

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**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.

**Landing Strip.** See 6.1.10.G.

**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.

**Landscaping, Required.** Required landscaping includes required landscape surface area and required plant units.

**Light Industry.** See 6.1.9.B.

**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 Frontage.** The length of the front lot line.

**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.

**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.

**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.** Minimum lot size means the required minimum gross site area of a newly created lot of record, including remnant parcels.

**Lot.** An area of land that is shown on a duly approved and recorded subdivision map.

**Luminaire.** Luminaire means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

## M

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**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.

**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."

**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.

**Mini-Storage Warehouse.** See 6.1.6.G.

**Mobile Home Park.** See Sec. 7.1.4.

**Mobile Home.** See 6.1.4.E.

## N

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**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."

**Non-Concealed.** A wireless communications facility that has not been treated, camouflaged, or disguised to blend with the setting and is readily identifiable.

**Nonconforming or Nonconformity.** See Div. 1.9.

**Nursery.** See [6.1.6.H.](#)

## O

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**Office.** See [6.1.6.B.](#)

**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 (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 [6.1.7.C.](#)

**Outfitter.** See [6.1.7.E.](#)

## P

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**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.

**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.** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996.

**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 buildings, structures, or accessory structures; 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.

**Primary Use.** See 6.1.2.B.4.

**Principal Use.** See 6.1.2.B.1.

**Plat.** Plat means the legally recorded drawing depicting the subdivision of land into 2 or more lots.

**Public Sanitary Sewer.** See "Wastewater Treatment System, Public."

**Public Water Supply.** See "Water Supply, Public."

## R

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**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."

**Receptions.** See 6.1.11.K.

**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 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

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**Search Ring.** A geographic area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

**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.](#)

**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.** 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 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.** Site means the entire area included in the legal description of the land on which a use or development is existing or proposed.

**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, 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.

**Stream.** See Sec. 5.1.1.

**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

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**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 (Communications).** A structure that is built for the sole or primary purpose of supporting equipment for the transmission and/or reception of radio frequency signals or other wireless communications or meteorological device, and usually consisting of an antenna or antenna array, transmission cables, equipment cabinets, and their associated facilities, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

**Tower Base.** The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

**Tower Height.** The vertical distance measured from finished grade to the highest point of the tower, including any antenna or other equipment affixed thereto.

**Tower Site.** The current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

**Townhouse.** Townhouse means a single-family unit, including the ground beneath the unit, with a single unit going from ground to roof.

## U

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**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.1.](#)

**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.](#)

## W

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**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.

**Wireless Communication Facilities.** See [6.1.10.D.](#)

# Y

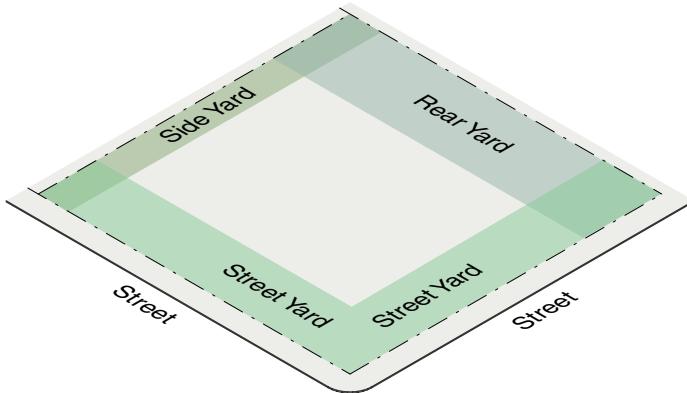
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**Yard, Front.** See, "Yard, Street."

**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 Teton County 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.](#)



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