

17/05/94
TETON COUNTY, WYOMING
LAND DEVELOPMENT REGULATIONS

TETON COUNTY, WYOMING

LAND DEVELOPMENT REGULATIONS

MAY 9, 1994

**TETON COUNTY
LAND DEVELOPMENT REGULATIONS**

TABLE OF CONTENTS

	<u>PAGE</u>
ARTICLE I. GENERAL PROVISIONS	
DIVISION 1000. TITLE AND CITATION	I-1
DIVISION 1100. AUTHORITY	I-1
DIVISION 1200. PURPOSE	I-1
DIVISION 1300. APPLICABILITY	I-3
SECTION 1310. APPLICATION	I-3
SECTION 1320. GENERAL	I-3
DIVISION 1400. EXEMPTIONS: EFFECT OF THESE LAND DEVELOPMENT REGULATIONS AND AMENDMENTS ON LEGALLY EXISTING DEVELOPMENT	I-4
SECTION 1410. EXISTING USES OR STRUCTURES	I-4
SECTION 1420. LOTS OF RECORD	I-4
SECTION 1430. EXISTING BUILDING PERMITS, DEVELOPMENT PERMITS, CONDITIONAL USE PERMITS, LOT SPLIT PERMITS, SIGN PERMITS, HOME OCCUPATION PERMITS, AND VARIANCES	I-4
SECTION 1440. SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS	I-5
SECTION 1450. SPECIFICALLY RECOGNIZED PROJECTS	I-5
SECTION 1460. COMPLIANCE WITH PERMIT CONDITIONS	I-6
SECTION 1470. VOLUNTARY COMPLIANCE	I-6
DIVISION 1500. REPEALER	I-6
SECTION 1510. REPEAL OF COUNTY'S PRIOR LAND USE AND DEVELOPMENT REGULATIONS AND SUBDIVISION REGULATIONS	I-6
SECTION 1520. NONREVIVAL OF FORMERLY REPEALED ORDINANCE, CODES, AND OTHER REGULATIONS	I-7
DIVISION 1600. SEVERABILITY	I-7

TABLE OF CONTENTS (cont'd)

	<u>PAGE</u>
ARTICLE II. ZONING DISTRICT REGULATIONS	
DIVISION 2000. GENERAL	II-1
SECTION 2010. ESTABLISHMENT OF ZONING DISTRICTS AND ZONING DISTRICT OVERLAYS	II-1
SECTION 2020. OFFICIAL ZONING DISTRICT MAP	II-2
SECTION 2030. INTERPRETATION OF ZONING DISTRICT BOUNDARIES	II-2
SECTION 2040. CHANGE OF JURISDICTION	II-3
DIVISION 2100. PURPOSE OF ZONING DISTRICTS	II-4
SECTION 2110. URBAN DISTRICTS	II-4
SECTION 2120. SUBURBAN DISTRICT	II-5
SECTION 2130. RURAL DISTRICTS	II-5
SECTION 2140. CONSERVATION DISTRICTS	II-5
SECTION 2150. SPECIAL PURPOSE DISTRICTS	II-6
SECTION 2160. ZONING DISTRICT OVERLAYS	II-7
SECTION 2170. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT	II-8
DIVISION 2200. ZONING DISTRICT USE SCHEDULE	II-15
SECTION 2210. GENERAL	II-15
SECTION 2220. DEFINITIONS FOR USE SCHEDULE	II-15
SECTION 2230. USE SCHEDULE	II-23
SECTION 2240. DETERMINATION OF SIMILAR USES	II-27
SECTION 2250. RESIDENTIAL USE LIMITATIONS AND SHORT TERM RENTALS	II-27
DIVISION 2300. REVIEW STANDARDS APPLICABLE TO PARTICULAR USES	II-27
SECTION 2310. AGRICULTURAL EMPLOYEE HOUSING	II-28
SECTION 2320. PLANNED RESIDENTIAL DEVELOPMENT	II-28
SECTION 2325. RESERVED	II-31
SECTION 2330. MOBILE HOMES	II-31
SECTION 2340. MOBILE HOME PARKS	II-31
SECTION 2350. WORKING RANCH SUBDIVISION	II-35
SECTION 2360. GUEST HOUSE/GUEST UNIT	II-36
SECTION 2370. ACCESSORY RESIDENTIAL UNITS	II-36
SECTION 2380. INSTITUTIONAL RESIDENTIAL	II-37
SECTION 2390. UTILITIES	II-37
SECTION 23100. GROUP DAY CARE CENTER OR GROUP DAY CARE HOME	II-38
SECTION 23200. DRIVE-IN FACILITY	II-39
SECTION 23300. DUDE RANCH	II-39
SECTION 23400. CAMPGROUNDS	II-40
SECTION 23500. OUTDOOR RECREATIONAL	II-40
SECTION 23600. HOME OCCUPATION	II-40

TABLE OF CONTENTS (cont'd)

	<u>PAGE</u>	
SECTION 23700.	HOME BUSINESS	II-41
SECTION 23800.	COTTAGE INDUSTRY	II-42
SECTION 23900.	LANDING STRIPS	II-42
SECTION 231000.	HELIPORT	II-42
SECTION 231100.	BALLOON OPERATIONS	II-43
SECTION 231200.	GRAVEL PROCESSING AND EXTRACTION	II-43
SECTION 231300.	TEMPORARY USES	II-52
 DIVISION 2400.	 ZONING DISTRICT DIMENSIONAL LIMITATIONS AND STANDARDS	 II-60
SECTION 2410.	GENERAL: SCHEDULE OF DIMENSIONAL LIMITATIONS	II-60
SECTION 2420.	STANDARDS IN NEIGHBORHOOD CONSERVATION (NC) DISTRICT	II-65
SECTION 2430.	STANDARDS IN THE BUSINESS CONSERVATION (BC) DISTRICT	II-73
SECTION 2440.	MAXIMUM IMPERVIOUS SURFACE LIMITATION FOR RESIDENTIAL LOTS	II-74
SECTION 2450.	MAXIMUM SCALE OF DEVELOPMENT	II-78
SECTION 2460.	MAXIMUM GROSS DENSITY/INTENSITY CALCULATION	II-81

ARTICLE III. NATURAL, SCENIC, AGRICULTURAL, AND TOURISM RESOURCES PROTECTION

 DIVISION 3000.	 FINDINGS, PURPOSE, AND OVERVIEW	 III-1
SECTION 3010.	FINDINGS	III-1
SECTION 3020.	PURPOSE	III-1
SECTION 3030.	OVERVIEW	III-2
 DIVISION 3100.	 ENVIRONMENTAL ANALYSIS	 III-5
SECTION 3110.	PURPOSE	III-5
SECTION 3120.	APPLICABILITY	III-5
SECTION 3130.	EXEMPTIONS	III-5
SECTION 3140.	GENERAL REQUIREMENTS	III-6
SECTION 3150.	PROCEDURE	III-9
 DIVISION 3200.	 NATURAL RESOURCES PROTECTION AND NATURAL RESOURCES OVERLAY (NRO) DISTRICT	 III-9
SECTION 3210.	FINDINGS AND PURPOSE FOR RESOURCE PROTECTION OF WATERBODIES, FLOODPLAINS, WETLANDS, AND MESIC AND NONMESIC HABITATS	III-9

TABLE OF CONTENTS (cont'd)

	<u>PAGE</u>	
SECTION 3220.	WATERBODIES, TEN (10) YEAR FLOODPLAINS, AND WETLANDS	III-10
SECTION 3230.	RESERVED	III-14
SECTION 3240.	FINDINGS AND PURPOSE OF NATURAL RESOURCES OVERLAY (NRO) DISTRICT	III-14
SECTION 3250.	ESTABLISHMENT OF NATURAL RESOURCE OVERLAY (NRO) DISTRICT	III-22
SECTION 3260.	APPLICABILITY	III-25
SECTION 3270.	STANDARDS FOR DEVELOPMENT IN THE NRO DISTRICT	III-26
 DIVISION 3300.	 SCENIC RESOURCES OVERLAY (SRO) DISTRICT	 III-28
SECTION 3310.	FINDINGS AND PURPOSE	III-28
SECTION 3320.	LOCATION AND GENERAL STRUCTURE OF THE SCENIC RESOURCE OVERLAY (SRO) DISTRICT	III-29
SECTION 3330.	APPLICABILITY	III-32
SECTION 3340.	PROCEDURE	III-33
SECTION 3350.	SCENIC AREA FOREGROUND DEVELOPMENT STANDARDS	III-33
SECTION 3360.	SKYLINE DEVELOPMENT STANDARDS	III-37
 DIVISION 3400.	 AGRICULTURAL RESOURCES PRESERVATION	 III-38
SECTION 3410.	FINDINGS AND PURPOSE	III-38
SECTION 3420.	SUMMARY OF MECHANISMS TO PROMOTE AGRICULTURAL PRESERVATION	III-39
 DIVISION 3500.	 LODGING OVERLAY (LO) DISTRICT	 III-40
SECTION 3510.	FINDINGS AND PURPOSE	III-40
SECTION 3520.	ESTABLISHMENT OF LODGING OVERLAY (LO) DISTRICT	III-41
SECTION 3530.	APPLICABILITY	III-41
SECTION 3540.	STANDARDS FOR DEVELOPMENT IN THE LO DISTRICT	III-41
 DIVISION 3600.	 TOWN SQUARE OVERLAY (TSO) DISTRICT	 III-42
SECTION 3610.	FINDINGS AND PURPOSE	III-42
SECTION 3620.	ESTABLISHMENT OF THE TOWN SQUARE OVERLAY (TSO) DISTRICT	III-42
SECTION 3630.	APPLICABILITY	III-42
SECTION 3640.	STANDARDS FOR DEVELOPMENT IN THE TSO DISTRICT	III-43

TABLE OF CONTENTS (cont'd)PAGE

DIVISION 3700.	RESORT OVERLAY (RO) DISTRICT	III-43
SECTION 3710.	FINDINGS AND PURPOSE	III-43
SECTION 3720.	ESTABLISHMENT OF THE RESORT OVERLAY (RO) DISTRICT	III-44
SECTION 3730.	APPLICABILITY	III-44
SECTION 3740.	PROCEDURE	III-45
SECTION 3750.	STANDARDS FOR DEVELOPMENT IN THE RO DISTRICT	III-45
	<u>MESIC AND NONMESIC HABITATS APPENDIX</u>	III-47

ARTICLE IV. DEVELOPMENT STANDARDS

DIVISION 4000.	PURPOSE	IV-1
DIVISION 4100.	LANDSCAPING STANDARDS	IV-1
SECTION 4110.	PURPOSE	IV-1
SECTION 4120.	APPLICABILITY	IV-1
SECTION 4130.	LANDSCAPE PLAN	IV-2
SECTION 4140.	LANDSCAPING PLANT MATERIAL	IV-3
SECTION 4150.	STANDARD PLANT UNIT	IV-4
SECTION 4160.	LANDSCAPING STANDARDS	IV-6
SECTION 4170.	INSTALLATION AND MAINTENANCE	IV-8
SECTION 4180.	SUPPLEMENTARY STANDARDS	IV-9
DIVISION 4200.	PARKING AND LOADING STANDARDS	IV-9
SECTION 4210.	PURPOSE	IV-9
SECTION 4220.	APPLICABILITY	IV-9
SECTION 4230.	PARKING, LOADING, AND SNOW STORAGE PLAN . . .	IV-9
SECTION 4240.	OFF-STREET PARKING REQUIRED	IV-9
SECTION 4250.	OTHER GENERAL STANDARDS FOR OFF-STREET PARKING AND LOADING	IV-16
SECTION 4260.	OFF-STREET PARKING FACILITY DESIGN STANDARDS	IV-19
SECTION 4270.	RESERVED	IV-25
SECTION 4280.	OFF-STREET LOADING STANDARDS	IV-25
SECTION 4290.	SNOW STORAGE STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS	IV-26
DIVISION 4300.	RESERVED	IV-27
DIVISION 4400.	RESIDENTIAL ARCHITECTURAL STANDARDS	IV-27

TABLE OF CONTENTS (cont'd)

	<u>PAGE</u>
SECTION 4410. MINIMUM ALLEY SETBACK AND DESIGN STANDARDS	IV-27
SECTION 4420. RESERVED	IV-28
SECTION 4430. BUILDING MATERIALS	IV-28
SECTION 4440. PROJECTIONS INTO REQUIRED SETBACKS	IV-28
 DIVISION 4500. NONRESIDENTIAL ARCHITECTURAL STANDARDS	IV-29
SECTION 4510. GENERAL	IV-29
SECTION 4520. ARCHITECTURAL STANDARDS IN THE UC AND AC DISTRICTS	IV-29
 DIVISION 4600. SIGNS	IV-30
SECTION 4610. PURPOSE	IV-30
SECTION 4611. SHORT TITLE - CITATION	IV-30
SECTION 4612. APPLICABILITY	IV-30
SECTION 4613. MASTER SIGNAGE PLAN	IV-31
SECTION 4614. IDENTIFICATION TAG - DISPLAY REQUIRED	IV-31
SECTION 4615. NONCONFORMING SIGNS	IV-31
SECTION 4616. DEFINITIONS	IV-32
SECTION 4620. ALLOWABLE SIGNAGE BY DISTRICT	IV-32
SECTION 4630. OPTIONAL AND ALTERNATIVE SIGNS	IV-34
SECTION 4640. WINDOW SIGNS	IV-35
SECTION 4650. PROHIBITED SIGNS	IV-35
SECTION 4660. EXEMPTED SIGNS	IV-36
SECTION 4670. SPECIAL PURPOSE SIGNS	IV-38
SECTION 4671. TEMPORARY USES	IV-38
SECTION 4680. SIGN MATERIALS AND DISPLAY STANDARDS	IV-39
SECTION 4690. DANGEROUS OR DEFECTIVE SIGNS	IV-43
SECTION 4691. SIGN CONSTRUCTION STANDARDS	IV-43
 DIVISION 4700. TRANSPORTATION FACILITIES	IV-43
SECTION 4710. PURPOSE	IV-43
SECTION 4720. ACCESS TO ROADS, STREETS AND HIGHWAYS	IV-43
SECTION 4730. RESERVED	IV-44
SECTION 4740. STREET AND ROAD STANDARDS	IV-44
SECTION 4750. EASEMENTS AND RIGHT-OF-WAY DEDICATION	IV-54
SECTION 4760. CLEAR VIEW OF INTERSECTING STREETS	IV-56
 DIVISION 4800. UTILITY STANDARDS	IV-57
SECTION 4810. POTABLE WATER SUPPLY	IV-57
SECTION 4820. SANITARY SEWER SYSTEMS	IV-58
SECTION 4830. IRRIGATION SYSTEMS AND DESIGN	IV-58
SECTION 4840. OTHER UTILITIES	IV-60

TABLE OF CONTENTS (cont'd)

	<u>PAGE</u>
DIVISION 4900. STORMWATER MANAGEMENT STANDARDS	IV-60
SECTION 4910. GENERAL PROVISIONS	IV-60
SECTION 4920. DESIGN REQUIREMENTS FOR STORMWATER MANAGEMENT FACILITIES	IV-61
DIVISION 49100. GRADING AND EROSION CONTROL	IV-65
SECTION 49110. PURPOSE AND APPLICABILITY	IV-65
SECTION 49120. SUBMITTAL REQUIREMENTS FOR GRADING AND EROSION CONTROL PERMITS	IV-66
SECTION 49130. CONTENT OF THE GRADING AND EROSION CONTROL STATEMENT	IV-67
SECTION 49140. CONTENT OF THE GRADING AND EROSION CONTROL PLAN	IV-68
SECTION 49150. REVIEW PROCESS FOR GRADING AND EROSION CONTROL PLANS AND STATEMENTS	IV-70
SECTION 49160. STANDARDS FOR GRADING AND EROSION CONTROL	IV-70
SECTION 49170. GRADING AND EROSION CONTROL PERMITS	IV-75
SECTION 49180. INSPECTION	IV-77
DIVISION 49200. RESERVED	IV-77
DIVISION 49300. OTHER ENVIRONMENTAL PERFORMANCE STANDARDS	IV-77
SECTION 49310. FAULT AREAS	IV-77
SECTION 49320. AIR CONTAMINANTS	IV-77
SECTION 49330. WATER QUALITY	IV-79
SECTION 49340. HEAT AND HUMIDITY	IV-80
SECTION 49350. RESERVED	IV-80
SECTION 49360. RESERVED	IV-80
SECTION 49370. EXTERIOR LIGHTING AND GLARE	IV-80
SECTION 49380. NOISE	IV-82
SECTION 49390. VIBRATION	IV-83
SECTION 493100. ELECTRICAL DISTURBANCES	IV-84
SECTION 493200. FIRE AND EXPLOSIVE HAZARDS	IV-84
SECTION 493300. RADIOACTIVITY	IV-84
DIVISION 49400. RESIDENTIAL AFFORDABLE HOUSING STANDARDS (Amended 2/21/95)	IV-85
SECTION 49410. FINDINGS AND PURPOSE	IV-85
SECTION 49420. APPLICABILITY	IV-86
SECTION 49430. EXEMPTIONS	IV-86
SECTION 49440. CALCULATION OF AFFORDABLE HOUSING STANDARDS FOR RESIDENTIAL DEVELOPMENT	IV-87

TABLE OF CONTENTS (cont'd)

	<u>PAGE</u>
SECTION 49450.	METHOD FOR PROVIDING AFFORDABLE HOUSING IV-89
SECTION 49460	HOUSING MITIGATION PLAN IV-96
SECTION 49470.	INDEPENDENT CALCULATION IV-97
DIVISION 49500. DEVELOPMENT EXACTIONS	IV-98
ARTICLE V. ADMINISTRATION	
DIVISION 5000. DUTIES AND RESPONSIBILITIES OF DECISION-MAKING AND ADMINISTRATIVE BODIES	V-1
SECTION 5010. BOARD OF COUNTY COMMISSIONERS	V-1
SECTION 5020. PLANNING AND ZONING COMMISSION	V-2
SECTION 5030. HEARING OFFICER	V-4
SECTION 5040. TETON COUNTY PLANNING DIRECTOR	V-6
SECTION 5050. RESERVED	V-7
SECTION 5060. COUNTY ATTORNEY	V-7
DIVISION 5100. COMMON PROCEDURES	V-7
SECTION 5110. GENERAL	V-7
SECTION 5120. PROVISIONS OF GENERAL APPLICABILITY	V-8
SECTION 5130. INTERPRETATIONS	V-16
SECTION 5140. CONDITIONAL AND SPECIAL USES	V-17
SECTION 5150. AMENDMENTS TO THE TEXT OF THESE LAND DEVELOPMENT REGULATIONS OR THE OFFICIAL ZONING DISTRICT MAP	V-21
SECTION 5160. VARIANCES	V-24
SECTION 5170. ZONING COMPLIANCE VERIFICATION	V-26
SECTION 5180. APPEALS ON DECISIONS OF PLANNING DIRECTOR	V-27
SECTION 5190. BENEFICIAL USE DETERMINATION	V-28
SECTION 51100. SIGN PERMIT	V-33
SECTION 51200. DEVELOPMENT PLAN	V-33
DIVISION 5200. EXTRAORDINARY CIRCUMSTANCES (Amended 9/12/95)	
SECTION 5210. EXTENSION OF TIME LIMITS	V-48

ARTICLE VI. PLATTING AND LAND RECORDS

DIVISION 6000. PURPOSE, APPLICABILITY AND EXEMPTIONS	VI-1
SECTION 6010. PURPOSE	VI-1
SECTION 6020. APPLICABILITY	VI-1
SECTION 6030. EXEMPTIONS	VI-1
SECTION 6040. SALE OF LAND IN UNAPPROVED SUBDIVISION	VI-2

TABLE OF CONTENTS (cont'd)

	<u>PAGE</u>
DIVISION 6100. FINAL PLAT	VI-2
SECTION 6110. PROCEDURE	VI-3
SECTION 6120. DIMENSIONAL LIMITATIONS	VI-6
SECTION 6130. GENERAL DESIGN AND LAYOUT STANDARDS	VI-6
SECTION 6140. SUBDIVISION IMPROVEMENTS AGREEMENT	
CONTRACT AND GUARANTEE	VI-6
SECTION 6150. COMPLETION OF IMPROVEMENTS	VI-9
DIVISION 6200. VACATIONS/MODIFICATIONS TO FILED PLATS	VI-10
DIVISION 6300. MINOR BOUNDARY ADJUSTMENTS	VI-12

ARTICLE VII. NONCONFORMITIES

DIVISION 7000. PURPOSE AND INTENT	VII-1
DIVISION 7100. NONCONFORMING USES	VII-1
SECTION 7110. NORMAL MAINTENANCE OR REPAIR	VII-1
SECTION 7120. ENLARGEMENT OR EXPANSION	VII-1
SECTION 7130. CHANGE IN CHARACTERISTICS OF NONCONFORMING USES	VII-2
SECTION 7140. RELOCATION	VII-2
SECTION 7150. CHANGE IN USE	VII-2
SECTION 7160. DISCONTINUANCE OR ABANDONMENT	VII-2
SECTION 7170. UNSAFE BECAUSE OF MAINTENANCE	VII-2
DIVISION 7200. NONCONFORMING STRUCTURES	VII-3
SECTION 7210. NORMAL MAINTENANCE	VII-3
SECTION 7220. ENLARGEMENT OR EXPANSION	VII-3
SECTION 7230. CHANGE IN CHARACTERISTICS OF NONCONFORMING STRUCTURES	VII-3
SECTION 7240. RELOCATION	VII-3
SECTION 7250. DAMAGE AND RESTORATION OF NONCONFORMING STRUCTURES	VII-3
SECTION 7260. UNSAFE BECAUSE OF MAINTENANCE	VII-4
SECTION 7270. MULTIPLE RESIDENTIAL STRUCTURES ON ONE SITE	VII-4
DIVISION 7300. PROCEDURE	VII-4
SECTION 7310. APPLICATION FOR EXPANSION OR CHANGE OF USE	VII-4
SECTION 7320. LIMITS ON ENLARGEMENTS OR EXPANSIONS OF NONCONFORMING USES	VII-5

TABLE OF CONTENTS (cont'd)

		<u>PAGE</u>
ARTICLE VIII. DEFINITIONS		
DIVISION 8000.	PURPOSE	VIII-1
DIVISION 8100.	WORD USAGE	VIII-1
DIVISION 8200.	ABBREVIATIONS	VIII-3
DIVISION 8300.	DEFINITIONS	VIII-3
 ARTICLE IX. ENFORCEMENT		
DIVISION 9000.	GENERAL	IX-1
DIVISION 9100.	INSPECTION	IX-1
DIVISION 9200.	REVOCATION OR SUSPENSION OF PERMIT	IX-1
SECTION 9210.	PROCEDURE	IX-1
SECTION 9220.	STANDARDS	IX-2
SECTION 9230.	NOTIFICATION	IX-2
SECTION 9240.	CUMULATIVE REMEDY	IX-2
DIVISION 9300.	ABATEMENT OF VIOLATIONS	IX-2
SECTION 9310.	GENERAL	IX-2
SECTION 9320.	PROCEDURE	IX-2
SECTION 9330.	EFFECT OF ORDER TO ABATE	IX-5
SECTION 9340.	CUMULATIVE REMEDY	IX-5
DIVISION 9400.	OTHER REMEDIES	IX-5
SECTION 9410.	CIVIL REMEDIES	IX-5
SECTION 9420.	CRIMINAL REMEDIES	IX-5

ГЛАВА
GENERAL PROVISIONS
СТАТЬЯ 1

ARTICLE I
GENERAL PROVISIONS - TETON COUNTY

ARTICLE I

GENERAL PROVISIONS

TABLE OF CONTENTS

	<u>PAGE</u>
DIVISION 1000. TITLE AND CITATION	I-1
DIVISION 1100. AUTHORITY	I-1
DIVISION 1200. PURPOSE	I-1
DIVISION 1300. APPLICABILITY	I-3
SECTION 1310. APPLICATION	I-3
SECTION 1320. GENERAL	I-3
DIVISION 1400. EXEMPTIONS: EFFECT OF THESE LAND DEVELOPMENT REGULATIONS AND AMENDMENTS ON LEGALLY EXISTING DEVELOPMENT	I-4
SECTION 1410. EXISTING USES OR STRUCTURES	I-4
SECTION 1420. LOTS OF RECORD	I-4
SECTION 1430. EXISTING BUILDING PERMITS, DEVELOPMENT PERMITS, CONDITIONAL USE PERMITS, LOT SPLIT PERMITS, SIGN PERMITS, HOME OCCUPATION PERMITS, AND VARIANCES	I-4
SECTION 1440. SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS	I-5
SECTION 1450. SPECIFICALLY RECOGNIZED PROJECTS	I-5
SECTION 1460. COMPLIANCE WITH PERMIT CONDITIONS	I-6
SECTION 1470. VOLUNTARY COMPLIANCE	I-6
DIVISION 1500. REPEALER	I-6
SECTION 1510. REPEAL OF COUNTY'S PRIOR LAND USE AND DEVELOPMENT REGULATIONS AND SUBDIVISION REGULATIONS	I-6
SECTION 1520. NONREVIVAL OF FORMERLY REPEALED ORDINANCE, CODES, AND OTHER REGULATIONS	I-7
DIVISION 1600. SEVERABILITY	I-7

ARTICLE I

GENERAL PROVISIONS

DIVISION 1000. TITLE AND CITATION

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

DIVISION 1100. AUTHORITY

The Board of County Commissioners of Teton County (hereinafter "County") has the authority to adopt these Land Development Regulations pursuant to the Wyoming Constitution, Section 18-5-202, et. seq., Section 9-9-101, et. seq., and Section 18-5-301, 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.

DIVISION 1200. PURPOSE

The purpose of these Land Development Regulations is to implement the Comprehensive Plan and to promote the health, safety, and general welfare of the present and future inhabitants of the County by:

A. Land Use Patterns and Community Character

1. Establishing a rational land use pattern and encouraging appropriate uses of individual parcels of land, in accordance with the Comprehensive Plan.
2. Dividing the unincorporated area of the County into distinct zoning districts which control future character through the use of land and buildings, the intensity of such use (including bulk and height), and the amount of surrounding open space.
3. Providing suitable transitions between areas of different community character.
4. Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses.
5. Limiting the bulk, scale, and density of new and existing structures to preserve the desired character of the community.

B. Natural Resources

1. Preserving and protecting the County's natural resources.
2. Avoiding or lessening the hazards of flooding and stormwater accumulation and runoff.
3. Avoiding or lessening the hazards of soil erosion.
4. Preserving and protecting natural habitats for wildlife.
5. Controlling the density and intensity of development, open space, and land use so as to prevent ground and surface water contamination.

C. Scenic, Cultural, and Agricultural Resources

1. Protecting the County's scenic and cultural resources.
2. Protecting scenic vistas and controlling the siting, design, and scale of buildings to retain the scenic qualities and values that promote tourism.
3. Promoting the preservation of historical western architectural styles.
4. Promoting the preservation of agricultural land and the continuation of agriculture.

D. Affordable Housing

1. Ensuring that an adequate supply of housing affordable to those employed in the County is available.

E. Infrastructure

1. Ensuring infrastructure systems that are safe from fire, flood, and other dangers.
2. Encouraging the most effective use of existing and planned public facilities and utilities.
3. Ensuring existing infrastructure does not operate below its appropriate levels of service.
4. Reducing the danger and congestion of traffic on roads and highways by both limiting the number of friction points, such as intersections and driveways, and minimizing other traffic-related hazards.
5. Protecting and enhancing a pattern of streets, highways, transit, and pathways that produce a unified, safe, and efficient system for movement within the County.

6. Establishing and regulating setback lines along streets and highways, property lines, irrigation, and drainage facilities.

F. Preservation of Local Economy and Land Value

1. Protecting the tourism industry that provides most jobs and the majority of the tax revenues by preserving the resources upon which it depends.
2. Protecting and enhancing the values of land and buildings.
3. Minimize adverse impacts on landowners from incompatible neighboring developments.

G. Administration

1. Defining the powers and duties of officers and bodies necessary to administer these Land Development Regulations.
2. Prescribing penalties for the violation of the provisions of these Land Development Regulations.

Each purpose identified in this Division represents the interests of the general public and of individual landowners. These Land Development Regulations have been developed to strike a balance between all of these objectives, some of which are recognized as competing.

DIVISION 1300. APPLICABILITY

SECTION 1310. APPLICATION

The provisions of these Land Development Regulations shall apply to the development of all land in the unincorporated area of Teton County, except as expressly and specifically provided in these Land Development Regulations. No development shall be undertaken without prior authorization pursuant to these Land Development Regulations.

SECTION 1320. GENERAL

No development within the County shall occur without the prior receipt of a permit therefore pursuant to the provisions of these Land Development Regulations unless expressly exempted herein.

DIVISION 1400. EXEMPTIONS: EFFECT OF THESE LAND DEVELOPMENT REGULATIONS AND AMENDMENTS ON LEGALLY EXISTING DEVELOPMENT

SECTION 1410. EXISTING USES OR STRUCTURES

All uses or structures legally established and existing on the effective date of these Land Development Regulations that do not comply with these Land Development Regulations shall be considered pre-existing nonconforming uses or structures under the terms of these Land Development Regulations, and shall be permitted to continue to the extent provided in and subject to the provisions of Article VII, Nonconformities.

SECTION 1420. LOTS OF RECORD

No further development permit shall be required for the sale or conveyance of any legally created lot of record, existing on the effective date of these Land Development Regulations. Development of any lot of record, existing on the effective date of these Land Development Regulations, however, shall be in conformance with all other provisions of these Land Development Regulations.

SECTION 1430. EXISTING BUILDING PERMITS, DEVELOPMENT PERMITS, CONDITIONAL USE PERMITS, LOT SPLIT PERMITS, SIGN PERMITS, HOME OCCUPATION PERMITS, AND VARIANCES

- A. **General.** The provisions of these Land Development Regulations shall not affect the validity of any Building Permit, Development Permit, Conditional Use Permit, Lot Split Permit, Sign Permit, Home Occupation Permit, or Variance issued prior to the effective date of these Land Development Regulations, if the development or Variance approved is commenced and diligently pursued within one (1) year, and completed without unreasonable interruption, but in all instances completed within two (2) years of the date of issuance of the permit or variance.
- B. **Modifications.** Modifications to any Building Permit, Development Permit, Conditional Use Permit, Lot Split Permit, Sign Permit, Home Occupation Permit, and Variance approved prior to the effective date of these Land Development Regulations that constitutes a substantial change to such approved development, shall be in conformance with these Land Development Regulations.
- C. **Building permits in process.** Complete building permit applications that have been received and accepted for review by the Building Official prior to the effective date of these Land Development Regulations shall not be affected by these Land Development Regulations. A complete application consists of: two (2) sets of plans and specifications; signature of the owner or agent; completed application form; deed; fee; and any additional information the Building Official deems necessary in accordance with the Uniform Building Code.

SECTION 1440. SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

A. **Final Planned Unit Development Approved.** The provisions of these Land Development Regulations shall not affect the validity of any PUD Final Plat or Final Master Plan formally approved by the Board of County Commissioners in accordance with any prior regulations of Teton County providing therefore.

B. **Subdivisions or PUDs in Process.** Developments in the subdivision or PUD approval process that have not received Final Plat or PUD Final Master Plan approval prior to the effective date of these Land Development Regulations must comply with these Land Development Regulations, except any proposed development that has received a PUD Concept Plan approval by the Board of County Commissioners or Preliminary Subdivision Plat approval by the Board of County Commissioners may continue to be processed and governed by the regulations in effect prior to the adoption of these Land Development Regulations so long as the following occurs:

1. **PUD Concept Plan approval.** Those developments with PUD Concept Plan approval provided they receive PUD Preliminary Master Plan approval within one (1) year of the date of their original approval or within one (1) year of May 9, 1994, the date of adoption of these Land Development Regulations, whichever is longer; and
2. **Preliminary Subdivision Plat or PUD Preliminary Master Plan approval.** Those developments with Preliminary Subdivision Plat or PUD Preliminary Master Plan approval provided they receive Final Plat or Final PUD Master Plan approval within one (1) year of the date of approval of the Preliminary Plat or PUD Preliminary Master Plan or within one (1) year of May 9, 1994, the date of adoption of these Land Development Regulations, whichever is longer.

C. **Modifications.** Modifications to any Final Plat or PUD Final Master Plan, Preliminary PUD Master Plan, or PUD Concept Plan approved prior to the effective date of these Land Development Regulations that constitutes a substantial change to such proposed development, shall be in conformance with these Land Development Regulations, or shall reduce the level of density or intensity of the development.

SECTION 1450. SPECIFICALLY RECOGNIZED PROJECTS

The provisions of these Land Development Regulations or any amendments thereto shall not affect the validity of the following specified developments 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 are otherwise recognized by the County by being listed in this Section.

- A. Bar J Chuckwagon
- B. Four Lazy F Ranch
- 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. (Amended 9/12/95)
- E. Moulton Ranches (located in the SE1/4 and E1/2 of SW1/4 of Section 22, Township 42 North, Range 116 West) -- but only insofar as the minimum permitted lot size is 2.25 acres. (Amended 12/19/95)

SECTION 1460. COMPLIANCE WITH PERMIT CONDITIONS

All developments previously permitted shall be completed in accordance with the terms and conditions of said permits including all terms, conditions, and regulations governing the issuance of the permit. Terms, conditions, and governing regulations of previously approved permits shall be enforced pursuant to Article IX, Enforcement.

SECTION 1470. VOLUNTARY COMPLIANCE

Notwithstanding the provisions of this Division, any applicant may request to have an application for development permit reviewed pursuant to the procedures and standards of these Land Development Regulations.

DIVISION 1500. REPEALER

SECTION 1510. REPEAL OF COUNTY'S PRIOR LAND USE AND DEVELOPMENT REGULATIONS AND SUBDIVISION REGULATIONS

Except in the case of Section 1430, Existing Building Permits, Development Permits, Conditional Use Permits, Lot Split Permits, Sign Permits, Home Occupation Permits, and Variances, and Section 1440, Subdivisions and Planned Unit Developments, or to the extent necessary to enforce compliance with permits issued pursuant thereto or issued prior to adoption of these Land Development Regulations, the Land Use and Development Regulations Resolution and the Subdivision Regulations Resolution of the Teton County Comprehensive Plan and Implementation Program adopted on December 6, 1977, and amended from time to time, are hereby repealed on the date of the County's adoption of these Land

Development Regulations. The Mobile Home Park Resolution of Teton County, as adopted on November 20, 1979, is hereby repealed on the date of the adoption of these Land Development Regulations. The repeal of these resolutions does not include the repeal of other resolutions not specified herein.

SECTION 1520. NONREVIVAL OF FORMERLY REPEALED ORDINANCE, CODES, AND OTHER REGULATIONS

The repeal of the Land Use and Development Regulations Resolution, Mobile Home Park Resolution and the Subdivision Resolution of the Teton County Comprehensive Plan and Implementation Program does not revive any other provisions, resolutions, ordinance, codes, or other regulations repealed by the aforementioned Resolutions.

DIVISION 1600. SEVERABILITY

If any Division, Section, Subsection, paragraph, clause, provision, or portion of these Land Development Regulations are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these Land Development Regulations shall not be affected. If any application of these Land Development Regulations to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land, or water not specifically included in said judgment.

ARTICLE II

ZONING DISTRICT REGULATIONS - TETON COUNTY

ARTICLE II
ZONING DISTRICT REGULATIONS

TABLE OF CONTENTS

	<u>PAGE</u>
DIVISION 2000. GENERAL	II-1
SECTION 2010. ESTABLISHMENT OF ZONING DISTRICTS AND ZONING DISTRICT OVERLAYS	II-1
SECTION 2020. OFFICIAL ZONING DISTRICT MAP	II-2
SECTION 2030. INTERPRETATION OF ZONING DISTRICT BOUNDARIES	II-2
SECTION 2040. CHANGE OF JURISDICTION	II-3
DIVISION 2100. PURPOSE OF ZONING DISTRICTS	II-4
SECTION 2110. URBAN DISTRICTS	II-4
SECTION 2120. SUBURBAN DISTRICT	II-5
SECTION 2130. RURAL DISTRICTS	II-5
SECTION 2140. CONSERVATION DISTRICTS	II-5
SECTION 2150. SPECIAL PURPOSE DISTRICTS	II-6
SECTION 2160. ZONING DISTRICT OVERLAYS	II-7
SECTION 2170. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT	II-8
DIVISION 2200. ZONING DISTRICT USE SCHEDULE	II-15
SECTION 2210. GENERAL	II-15
SECTION 2220. DEFINITIONS FOR USE SCHEDULE	II-15
SECTION 2230. USE SCHEDULE	II-23
SECTION 2240. DETERMINATION OF SIMILAR USES	II-27
SECTION 2250. RESIDENTIAL USE LIMITATIONS AND SHORT TERM RENTALS	II-27
DIVISION 2300. REVIEW STANDARDS APPLICABLE TO PARTICULAR USES ..	II-27
SECTION 2310. AGRICULTURAL EMPLOYEE HOUSING	II-28
SECTION 2320. PLANNED RESIDENTIAL DEVELOPMENT	II-28
SECTION 2325. RESERVED	II-31
SECTION 2330. MOBILE HOMES	II-31
SECTION 2340. MOBILE HOME PARKS	II-31
SECTION 2350. WORKING RANCH SUBDIVISION	II-35
SECTION 2360. GUEST HOUSE/GUEST UNIT	II-36
SECTION 2370. ACCESSORY RESIDENTIAL UNITS	II-36
SECTION 2380. INSTITUTIONAL RESIDENTIAL	II-37

TABLE OF CONTENTS (cont'd)

	<u>PAGE</u>
SECTION 2390.	UTILITIES II-37
SECTION 23100.	GROUP DAY CARE CENTER OR GROUP DAY CARE HOME II-38
SECTION 23200.	DRIVE-IN FACILITY II-39
SECTION 23300.	DUDE RANCH II-39
SECTION 23400.	CAMPGROUNDS II-40
SECTION 23500.	OUTDOOR RECREATIONAL II-40
SECTION 23600.	HOME OCCUPATION II-40
SECTION 23700.	HOME BUSINESS II-41
SECTION 23800.	COTTAGE INDUSTRY II-42
SECTION 23900.	LANDING STRIPS II-42
SECTION 231000.	HELIPORT II-42
SECTION 231100.	BALLOON OPERATIONS II-43
SECTION 231200.	GRAVEL PROCESSING AND EXTRACTION II-43
SECTION 231300.	TEMPORARY USES II-52
DIVISION 2400.	ZONING DISTRICT DIMENSIONAL LIMITATIONS AND STANDARDS II-60
SECTION 2410.	GENERAL: SCHEDULE OF DIMENSIONAL LIMITATIONS II-60
SECTION 2420.	STANDARDS IN NEIGHBORHOOD CONSERVATION (NC) DISTRICT II-65
SECTION 2430.	STANDARDS IN THE BUSINESS CONSERVATION (BC) DISTRICT II-73
SECTION 2440.	MAXIMUM IMPERVIOUS SURFACE LIMITATION FOR RESIDENTIAL LOTS II-74
SECTION 2450.	MAXIMUM SCALE OF DEVELOPMENT II-78
SECTION 2460.	MAXIMUM GROSS DENSITY/INTENSITY CALCULATION II-81

ARTICLE II

ZONING DISTRICT REGULATIONS

DIVISION 2000. GENERAL

The purpose of this Article is to establish the zoning districts and zoning district overlays that regulate the type and intensity of land uses within the County. Zoning district standards and dimensional limitations are established in order to:

- A. Desired community character.** Ensure the protection of the desired community character of each zoning district;
- B. Housing and business opportunities.** Promote adequate housing and business activities within the County;
- C. Stability.** Promote the stability of existing land uses and protect them from inharmonious influences and harmful intrusions;
- D. Compatible development.** Ensure that uses and structures enhance their sites and are compatible with the natural beauty of the County's setting and its critical natural resources; and
- E. Mitigation of negative impacts.** Mitigate negative impacts of certain uses within the zoning districts.

SECTION 2010. ESTABLISHMENT OF ZONING DISTRICTS AND ZONING DISTRICT OVERLAYS

- A. Division of County into zoning districts.** The unincorporated area of the County is hereby divided into the minimum number of zoning districts necessary to achieve compatibility of uses and character within each zoning district, to implement the Comprehensive Plan, and to achieve the purposes of these Land Development Regulations.
- B. Zoning districts established.** There are hereby established zoning districts and zoning district overlays for the County as follows:

Urban Districts

1. Urban Commercial (UC) District
2. Urban Residential (UR) District
3. Auto-Urban Commercial (AC) District
4. Auto-Urban Residential(AR) District

Suburban District

5. Suburban (S) District

Rural District

6. Rural (R) District

Conservation Districts

7. Business Conservation (BC) District
8. Neighborhood Conservation (NC) District

Special Purpose Districts

9. Office Professional (OP) District
10. Residential Business (RB) District
11. Planned Resort (PR) District (Reserved)
12. Business Park (BP) District
13. Mobile Home Park (MHP) District
14. Public/Semi-Public (P/SP) District
15. Park and Open Space (P) District
16. Planned Unit Development (PUD) District

Overlay Districts

17. Natural Resources Overlay (NRO)
18. Scenic Resources Overlay (SRO)
19. Lodging Overlay (LO)
20. Town Square Overlay (TSO)
21. Resort Overlay (RO)

SECTION 2020. OFFICIAL ZONING DISTRICT MAP

Zoning districts established by these Land Development Regulations are bounded and defined as shown on the Teton County Official Zoning District Map (hereinafter "Official Zoning District Map"). The Official Zoning District Map, and all explanatory materials contained thereon, is hereby established and adopted as part of these Land Development Regulations, and incorporated into these Land Development Regulations by reference, and made a part hereof. The Official Zoning District Map is located in the County's Planning Department, and is available for inspection during normal business hours.

SECTION 2030. INTERPRETATION OF ZONING DISTRICT BOUNDARIES

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

- A. **Boundaries following municipal boundaries.** Boundary lines shown as following or approximately following County boundaries shall be construed as following such limits.
- B. **Boundaries following 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. **Boundaries following section lines, platted lot lines, Park or Forest Services boundaries.** Boundary lines shown as following, or approximately following, section lines, platted lot lines, park or forest service boundaries, or other property lines as shown on the Official Zoning District Map shall be construed as following such lines.
- D. **Boundaries following 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 zoning district 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.
- E. **Boundaries following ridgelines.** Boundaries following or approximately following ridgelines shall be construed as following such lines.
- F. **Boundaries following 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 toe of the levee where the slope sharply increases.
- G. **Boundaries following 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 Land Development Regulations by reference, or the current line, whichever results in the largest area in the most restrictive zoning district. Copies of the Horizon aerials are available in the County Planning Department.
- H. **Parallel boundaries.** Boundaries shown as separated from, and parallel or approximately parallel to, any of the features identified in Section 2030 A-D, Interpretation of Zoning District Boundaries, shall be construed to be parallel to such features and at such distances as shown on the Official Zoning District Map.

SECTION 2040. CHANGE OF JURISDICTION

When land changes jurisdiction by transfer, trade, or sale from State or other Federal agencies to a private landowner, the land shall be assigned the rural zoning district designation by the Board of County Commissioners pursuant to Section 5150, Amendment to the Text of these Land Development Regulations or the Official Zoning District Map.

DIVISION 2100. PURPOSE OF ZONING DISTRICTS

This Division specifies the purpose and intent of the zoning districts established by these Land Development Regulations. The zoning districts have been organized into broad district classifications, these being urban, suburban, rural, conservation, special purpose, and zoning district overlays.

SECTION 2110. URBAN DISTRICTS

The purpose of the Urban District classification is to identify suitable locations and to provide standards for development that will preserve and enhance the urban environs of Jackson and Teton County.

There are four (4) Urban zoning districts established within these Land Development Regulations. These zoning districts are the Urban Commercial (UC), Urban Residential (UR), Auto-Urban Commercial (AC) and Auto-Urban Residential (AR) Districts.

- A. **Urban Commercial (UC) District.** The purpose of the Urban Commercial (UC) District is to provide for relatively intense mixed use development of lodging, restaurants, financial, retail and visitor-oriented services, and the full range of residential uses. The UC District is intended to be applied to central, pedestrian-oriented commercial areas and dense residential areas associated with these commercial areas.
- B. **Urban Residential (UR) District.** The purpose of the Urban Residential (UR) District is to provide for high density residential areas and promote affordable housing types as part of a full range of residential uses in a pedestrian oriented environment.
- C. **Auto-Urban Commercial (AC) District.** The purpose of the Auto-Urban Commercial (AC) District 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 nonvehicular movement between buildings in commercial areas. The AC District is further subdivided into AC and AC/T (Auto-Urban Commercial/Town.) The AC/T is intended to apply to in-town commercial areas where uses serve both residents and visitors. The AC District is intended to apply primarily to community-serving commercial areas.
- D. **Auto-Urban (AR) Residential District.** The purpose of the Auto-Urban Residential (AR) District is to maintain the character and cohesiveness of residential neighborhoods while allowing for a wide range of residential types, including affordable housing.

SECTION 2120. SUBURBAN DISTRICT

The purpose of the Suburban district classification 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 zoning districts, where a stronger sense of privacy is maintained through building orientation and landscaping, and where shared open space is provided.

There is one (1) Suburban zoning district established within these Land Development Regulations, the Suburban (S) District.

- A. **Suburban (S) District.** The purpose of the Suburban (S) District is to provide for low to moderate density residential development with a range of residential uses, and uses associated with residential uses.

SECTION 2130. RURAL DISTRICTS

The purpose of the Rural district classification is to preserve the existing character in rural areas of Teton County, typified by expansive open areas, natural features and resources, and agricultural lands.

There is one (1) Rural zoning district established within these Land Development Regulations, the Rural (R) District.

- A. **Rural (R) District.** The purpose of the Rural (R) District 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 which protect large tracts of agricultural land, and natural and scenic areas.

SECTION 2140. CONSERVATION DISTRICTS

The purpose of the Conservation district classification is to provide for the continuation of existing development patterns.

There are two (2) Conservation zoning districts established within these Land Development Regulations, the Business Conservation (BC) and Neighborhood Conservation (NC) Districts.

- A. **Business Conservation (BC) District.** The purpose of the Business Conservation (BC) District is to provide for the continuation of existing commercial development where the expansion of the nonresidential use into a commercial node is considered inappropriate. The BC District recognizes existing business uses as conforming, but requires a Conditional Use Permit for any change of use. The BC District shall not be expanded except to allow for a remedy of a nonconformity of an existing business.
- B. **Neighborhood Conservation (NC) District.** The purpose of the Neighborhood Conservation (NC) District is to recognize existing residential neighborhoods and subdivisions, and allow

development to continue in a way that is consistent with the existing neighborhood character. Each NC District shall be provided one of the following subdistricts: NC-MHP (Neighborhood Conservation - Mobile Home Park) NC-2 (Neighborhood Conservation - Multi-family Residential Duplex), NC-SF (Neighborhood Conservation - Single-family), NC-TVSF (Neighborhood Conservation - Teton Village Single Family), or NC-PUD (Neighborhood Conservation Planned Unit Development).

The NC District shall not be applied to vacant land, except to allow for in-fill development. The NC District shall not be permitted to expand beyond its original zoning district boundaries, except for those subdivisions or PUDs in process that receive final plat or final master plan approval pursuant to Section 1440.B, Subdivisions and Planned Unit Developments.

SECTION 2150. SPECIAL PURPOSE DISTRICTS

The purpose of the Special Purpose district classification is to provide for more specialized uses which need to be recognized and accommodated.

The Special Purpose Districts established are the Planned Resort (PR) District, the Office/Professional (OP) District, the Residential Business (RB) District, the Business Park (BP) District, the Mobile Home Park (MHP) District, the Public/Semi-Public (P/SP) District, and the Park and Open Space (P) District.

- A. **Planned Resort (PR) District.** Reserved.
- B. **Office Professional (OP) District.** The purpose of the Office Professional (OP) District is to provide for the development of office uses and a limited array of service uses separate from the commercial districts where office uses often cannot compete with retail uses for space. The OP District 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.
- C. **Residential Business (RB) District.** The purpose of the Residential Business (RB) District is to provide for the conduct of small scale businesses on a lot on which the principal use is residential.
- D. **Business Park (BP) District.** The purpose of the Business Park (BP) district 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.
- E. **Mobile Home Park (MHP) District.** The purpose of the MHP District is to provide locations for mobile homes in a park-like setting.
- F. **Public/Semi-Public (P/SP) District.** The purpose of the Public/Semi Public (P/SP) District is to provide locations for new and existing uses and facilities of a public or semi-public nature. Land in the P/SP District and/or facilities operated therein may be under the control of federal,

state, or local governments, or other governmental entities such as a school district or hospital district.

G. **Park and Open Space (P) District.** The purpose of the Park and Open Space (P) District is to designate land which is publicly owned by the County, State or Federal agencies, or special districts, and whose primary purpose is to provide recreational opportunities for residents, tourists, and visitors. The P District provides for active recreational facilities or open space opportunities in these areas.

H. **Planned Unit Development (PUD) District.** The purpose of the Planned Unit Development (PUD) District is to permit variation from the strict application of the standards of the traditional zoning districts in order to allow flexibility to landowners to plan for the development of affordable housing, to meet a specified demand for services, or to address other stated objectives of the Comprehensive Plan or these LDRs.

SECTION 2160. ZONING DISTRICT OVERLAYS

The purpose of the Zoning District Overlay classification is to address critical environmental, scenic and tourism issues which cut across more than a single zoning district. These concerns include the protection of natural resource areas, the preservation of key scenic vistas and corridors, and the maintenance of a balance between lodging uses and other visitor and local-oriented uses. Overlays are designated on the Official Zoning District Map overlying the base zoning district designation and the Official Scenic Resources Map, and provide additional standards to be met by development.

The Zoning District Overlays established in these Land Development Regulations are the Natural Resources Overlay (NRO), the Scenic Resources Overlay (SRO), the Lodging Overlay (LO), the Town Square Overlay (TSO), and the Resort Overlay (RO).

A. **Natural Resources Overlay (NRO).** The purpose of the Natural Resources Overlay (NRO) is to provide protection to the most important and sensitive natural areas throughout the County that provide critical winter habitat and migration routes that are essential for survival of the elk, mule deer, and moose, nesting habitat that is essential to the survival of the bald eagle and trumpeter swan, and spawning areas that are essential to the survival of the cutthroat trout.

B. **Scenic Resources Overlay (SRO).** 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.

C. **Lodging Overlay (LO).** The purpose of the Lodging Overlay (LO) is to provide lands within the County which are appropriate for lodging uses, and to insure that a balance is maintained between the amount of lodging uses and other visitor and local-oriented uses.

D. **Town Square Overlay (TSO).** The purpose of the Town Square Overlay (TSO) is to provide development standards to preserve and enhance the unique character, qualities and pedestrian-dominated environment of the Jackson Town Square and its immediate vicinity.

E. **Resort Overlay (RO).** The purpose of the Resort Overlay (RO) is to provide interim development standards in identified resort areas so that minor development of the resort can continue prior to approval of a Planned Unit Development District for the resort.

SECTION 2170. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

A. **Purpose and objectives.** The purpose of the Planned Unit Development (PUD) District is to permit relief from the strict application of the standards of traditional zoning districts in order to allow flexibility and creativity for the development of affordable housing. The general objectives of the Planned Unit Development (PUD) District are: (Amended 2/21/95)

1. **Efficient use of land.** Provide for the efficient use of land, resulting in more efficient networks of utilities and streets, thereby lowering development and maintenance costs;
2. **Stable character.** Provide an environment of stable character, compatible with surrounding lands; and
3. **Goals and objectives.** Ensure the goals and objectives of these Land Development Regulations and the Comprehensive Plan are accomplished.

B. **Applicability.** Before any development shall be designated Planned Unit Development (PUD) District on the Official Zoning District Map, it shall receive approval pursuant to the terms of this Section and these Land Development Regulations. This section may apply to the following types of developments:

1. **Affordable housing.** Development within the Rural District or the Suburban District proposing affordable housing. (Amended 2/21/95)
2. **NRO/SRO land.** Development proposed for land, seventy-five (75) percent of which is in either the NRO District, SRO District or a combination of both.

C. **Review procedure.** All PUDs are subject to Sketch Plan and Development Plan approval as provided in Section 51200, Development Plan, of these Land Development Regulations. The sequence of review and approvals is as follows:

1. Sketch Plan approval.
2. Amendment to Official Zoning District Map.
3. Development Plan approval.

4. Platting (as applicable) according to further procedures and requirements set forth in Article VI, Platting and Land Records.

D. **Affordable housing.** Affordable housing PUDs shall comply with the following standards:

1. **Permitted residential uses.** PUDs shall be permitted to provide a variety of dwelling unit types in order to better meet the objective of this section. Single-family homes, townhouses, condominiums, apartments, and mobile homes are permitted. Projects shall be encouraged to provide a mix of dwelling unit types.
2. **Permitted nonresidential uses.** Specific uses in each proposed PUD are permitted only in conjunction with the approvals of a Sketch Plan and Development Plan pursuant to Section 51200, Development Plan, of these Land Development Regulations. Commercial retail, services, and restaurant/bar uses may be permitted, provided the following standards are met:
 - a. The commercial uses are of a local convenience commercial nature and shall be of a size and type that serves primarily the residents of the PUD and nearby surrounding lands. Nonresidential development which primarily draws patrons from other areas of the community shall not be permitted. (Amended 2/21/95)
 - b. No commercial retail, service, and restaurant uses shall be permitted that primarily serve visitors and tourism purposes.
3. **Residential density.** The residential density of the PUD shall be determined by the standards in Table 2400, Schedule of Dimensional Limitations, and Section 2460, Maximum Gross Density/Intensity Calculations. Exceeding the densities given in these sections may be permitted in accordance with the following Table 2170.D.c. Affordable Housing PUD Density Bonus Requirements. The table specifies the maximum density bonus permitted, the required proportion of market units to affordable units to which the additional density shall be restricted, and the minimum open space requirement. The affordable units shall be restricted in accordance with Section 49450, Method for Providing Housing. Whenever a fraction of a unit one-half (0.5) or more results, it shall be immediately rounded to the next higher whole number: fractions of units less than one-half shall be immediately rounded to the next lower whole number. Calculations for the number of affordable units shall be performed first, so that if a unit is split exactly in half (0.5) between required restricted units and market units, the whole unit shall be credited to the restricted unit number. (Amended 2/21/95)

TABLE 2170.D.3 (Amended 2/21/95)
AFFORDABLE HOUSING PUD DENSITY BONUS REQUIREMENTS

Underlying Zoning District	Maximum Density Bonus	Required Proportion of Market to Affordable Units for Bonus Units	Minimum Open Space
Rural Projects less than 121 ac	1.10	1:3	70%
	0.19		67%
Suburban Residential	0.15	1:2	35%
	0.30		34%
	0.45		33%

¹ The Planned Residential 85% ratio option is not eligible for these density bonuses or open space reductions.

Consistent with Comprehensive Plan. Any density bonus or reduction in open space proposed pursuant to Table 2170.D.3, Affordable Housing PUD Density Bonus Requirements, shall be approved only if the design of the development is consistent with the Jackson/Teton County Comprehensive Plan. Any reduction in open space shall be to create area for affordable housing units only; it shall not be used to enlarge the size of market price lots or units. (Amended 2/21/95)

4. **Sanitary sewer.** The PUD shall be served by a public or private sanitary sewer system, or by an approved septic system if central sewers are unavailable or not practicable.
5. **Location.** The location of the PUD shall be consistent with the Jackson/Teton County Comprehensive Plan with respect to appropriate locations for affordable housing developments.
6. **Affordable housing plan.** The affordable housing provided as a result of the density bonus specified in Table 2170.D.3, Affordable Housing PUD Density Bonus Requirements, shall meet all requirements of Division 49400, Affordable Housing Requirements, for required affordable housing units. The bonus affordable housing units shall be provided in accordance with Section 49450, Method of Providing Housing, and the bonus units shall be included in the housing mitigation plan required by Section

49460, Housing Mitigation Plan. The payment of fees-in-lieu for bonus affordable housing units is prohibited. (Amended 2/21/95)

E. **NRO/SRO Land.** In development proposed for land, seventy-five (75) percent of which is in the NRO District, SRO District or a combination of both, the standards of Section 3270, Standards for Development in the NRO District, and Section 3350, Scenic Area Foreground Development Standards, may be waived to the minimum extent practical by the Board of County Commissioners if the following standards are met by the proposed development.

1. **NRO District**

- a. **General.** A minimum waiver is necessary to achieve a practicable and workable plan for development, and the waiver still results in a minimal impact on crucial elk migration routes, crucial elk winter range, crucial mule deer migration routes and winter range, crucial moose winter habitat, trumpeter swan winter habitat, cutthroat trout spawning areas, bald eagle nest areas, and bald eagle crucial winter habitat.
- b. **Mitigation.** The developer provides mitigation and habitat enhancement for the land impacted, either on-site or off-site, on a basis of two (2) acres of mitigation/habitat enhancement for every one (1) acre of land impacted. This shall be completed pursuant to a mitigation/enhancement plan, which includes a monitoring program.

2. **SRO District.**

- a. **General.** A minimum waiver is necessary to achieve a practicable and workable plan for development and the waiver still results in a minimal impact on the Scenic Areas being regulated, as well as the Scenic views being protected.
3. **Permitted uses.** The permitted uses of the PUD shall be determined by Table 2200, Use Schedule.
4. **Residential density.** The residential density of the PUD shall be determined by the standards in Table 2400, Schedule of Dimensional Limitations.

F. **General Requirements.** The following standards shall apply to all PUDs.

1. **Deviation from schedule of dimensional limitations.** PUDs shall be designed to conform with the district standards in Table 2400, Schedule of Dimensional Limitations for the underlying zoning district, except where varied by the Board of County Commissioners, pursuant to this section. Deviation from the underlying zoning district standards for minimum lot area and minimum yards may be premitted where such deviation provides for more sensitive development of the land, i.e., fewer cuts and fills and other alterations of the natural topography. (Amended 2/21/95)

2. **Minimum perimeter setback.** All structures shall be set back from the project property boundary a minimum distance equivalent to the required front yard of the underlying zoning district. (Amended 2/21/95)
3. **Open space required.** All PUDs are required to provide open space as specified in Table 2400, Schedule of Dimensional Limitations, except as specified in Section 2170.D.3, Residential density, above.
 - a. **Restricted use.** Required open space shall be restricted to uses consistent with the preservation of open space and the values that exist in the project vicinity, i.e., if the subject property is in a designated scenic area, designated wildlife habitat area, or agricultural area, the uses and activities permitted on designated open space lands shall be consistent with the scenic, wildlife, or agricultural values of that land. If the subject property is in a more urban area, playground facilities may be considered appropriate. (Amended 2/21/95)
 - b. **Agriculture and some recreation permitted.** Required open space, where the underlying zoning district is Rural, shall remain in agricultural use, or in its natural state. No structures, disturbances, corrals, fencing, etc. shall be permitted, except for bona fide agricultural uses. Nonstructural outdoor recreation facilities, such as cross-country ski trails and pathways that are part of *Pathways in Jackson Hole, A Conceptual Plan*, are allowed on required open space. Recreational uses such as golf courses, which alter more than five (5) percent of the open space landscape to an unnatural condition, are not permitted. Where the underlying zoning district is Suburban, playground facilities may be permitted, however, evening or night facilities which require obtrusive lighting shall be prohibited. (Amended 2/21/95)
 - c. **Record of restriction.** Required open space shall be duly restricted, in accordance with the requirements of this Section, by recorded instrument in a form acceptable to the County Attorney, in which no amendment to the instrument shall be permitted without first obtaining Board of County Commissioners approval. An individual landowner, a homeowners association, or a nonprofit organization may retain ownership of the land and have control thereof.
 - d. **Contiguous open space.** Required open space shall be configured into large contiguous areas and shall not be fragmented into small, unconnected areas by development. Open space areas shall connect to or expand upon open space areas provided on adjacent properties when practical.
 - e. **Land within NRO or SRO.** All land determined to be within the NRO or the SRO shall qualify as acceptable open space, except for land within a designated building envelope or buildable lot which has no building envelope.

- f. **Provision of Wildlife Movement Corridors.** Space provided between building envelopes or buildable lots which have no building envelopes shall qualify as acceptable open space provided the corridor is a minimum of three hundred (300) feet in width and connects large areas of open space or wildlife habitat.
- g. **Noncontiguous open space.** When consistent with the Comprehensive Plan, required open space may be provided at a noncontiguous location. The proposed location for the developed portion of the project shall be consistent with the Comprehensive Plan in terms of acceptable locations for higher density development. The proposed location for the noncontiguous open space shall contribute to achievement of the purposes of the NRO, Section 3240, Findings and Purpose of Natural Resources Overlay (NRO) District, and/or the SRO, Section 3310, Findings and Purpose.
- h. **Ineligible areas and uses.** The developed portion of the site, those areas devoted to structures, required setbacks on lots, roads and road easement, drives, parking areas, cut or fill slopes, sewage treatment lagoons, or other permanently disturbed areas shall not be counted toward meeting the open space requirement.
- i. **Eligibility of residential lots.** Where a portion of a residential lot is contiguous to required open space and can be considered functionally a part of the required open space, it shall count toward fulfilling the open space requirement provided it is included in the open space record of restriction, or otherwise protected by similar instrument.

4. **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 taking into consideration the topography of the site, any other natural resource features located on the lot, or building vicinity, and existing and probable future public improvements to the area.
5. **Access.** Safe and adequate access shall be provided to all areas of the proposed development, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way, or a commonly-held easement.
6. **Limitation of access to arterial streets and highways.** Where a proposed project abuts a major local collector, arterial road or highway, direct access to such road or highway from individual lots, units, or buildings in the project shall be prohibited.
7. **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.

8. **Circulation.** Circulation for the project shall be designed in accordance with the following:
 - a. Principal vehicular access points shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be provided where existing or anticipated heavy flows indicate need.
 - b. Minor streets shall not be directly connected with streets outside the development in such a way as to encourage use of such minor streets by substantial amounts of through traffic.
 - c. Access to all structures and uses by emergency vehicles shall be provided.
 - d. The circulation system shall be designed to provide adequate access to all areas of the development using the minimum of roadway length practicable.
 - e. Provision shall be made for pedestrian and bicycle travel in accordance with Pathways in Jackson Hole, A Conceptual Plan. Linkages to schools, parks and pathways existing on adjacent properties shall be provided.
9. **Off-street parking and loading.** The off-street parking and loading standards for the Preliminary Master Plan for PUD shall comply with Table 4240, Parking Standards, by Use, except that variations from these requirements shall be permitted where shared parking or other techniques will result in the provision of adequate off-street parking and loading.
10. **Parking lots.** Parking lots (four [4] or more adjacent parking spaces), shall be set back from the project property boundary a minimum distance equal to or greater than the required front yard for the zoning district in which the project is located. A minimum separation of ten (10) feet shall be provided between parking lots and habitable structures.
11. **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.
12. **Adequate facilities.** The development shall be provided with adequate potable water, sewage treatment, solid waste disposal, electrical, park, school, police, and fire-fighting facilities.
13. **Compatibility with surrounding land uses.** The development proposal for PUD shall be consistent with the character of the surrounding land uses.
14. **Consistency with Comprehensive Plan.** The proposed PUD shall be consistent with the Jackson-Teton County Comprehensive Plan.

DIVISION 2200. ZONING DISTRICT USE SCHEDULE

SECTION 2210. GENERAL

Table 2200, Use Schedule, identifies the uses that are permitted as a matter of right and allowed as Conditional or Special uses pursuant to Section 5140, Conditional and Special Uses, in each zoning district.

SECTION 2220. DEFINITIONS FOR USE SCHEDULE

The residential development types and residential uses that are permitted in Table 2200, Use Schedule, are defined in Section 2220.A, Residential development types and Section 2220.B, Residential Uses. The nonresidential uses that are permitted in Table 2200, Use Schedule, are defined in Section 2220.C, Nonresidential uses. Any development type or use not specifically enumerated in Section 2220.A, Residential development types, and Section 2220.B, Residential uses, or Section 2220.C, Nonresidential uses, is expressly prohibited unless a similar use determination is made pursuant to Section 2240, Determination of Similar Uses.

Development type means options provided by these Land Development Regulations for residential land development. In some instances, development types provide for a variety of residential uses. Generally, development types require approval of a Development Plan pursuant to the procedures and standards of Section 51200, Development Plan. If separate ownerships are proposed, Article VI, Platting and Land Records, also applies.

A. **Residential development types.** The following are the residential development types:

1. **Conventional single-family subdivision.** Conventional single-family subdivision means a residential development type containing single-family detached dwelling units built on individual lots with no associated dedicated open space.
2. **Planned Residential Development.** Planned Residential Development means a residential development type which may contain a variety of residential housing types, including but not limited to single-family detached units, townhouses, condominiums, apartments, and mobile homes. Such development is comprehensively planned with open space meeting the standards of Table 2400, Schedule of Dimensional Limitations.
3. **Planned Unit Development.** Planned Unit Development is the creation of a zoning district to accommodate a development type that allows variation from the strict application of fixed standards of traditional zoning districts in order to allow flexibility to plan for the provision of affordable housing, to meet a specified demand for services, or to address other stated objectives of the Comprehensive Plan or these LDRs. Such

development shall be comprehensively planned, demonstrate creativity and provide for the efficient use of land.

4. **Mobile Home Park.** Mobile home park means a residential development type which contains mobile home lots for sale or for rent. See Section 2340, Mobile Home Parks.
5. **Working Ranch Subdivision.** Working Ranch Subdivision means the creation of residential lots from a portion of a working ranch or agricultural operation. The remainder of the subdivided parcel continues to operate as a ranch or agricultural operation and is maintained as open space. See Section 2350, Working Ranch Subdivision.

B. Residential Uses. The following are the residential uses.

1. **Agricultural employee housing.** Agricultural employee housing means housing provided for persons employed on a working ranch or farm of seventy (70) acres or greater. (Amended 9-27-94)
2. **Conventional single-family unit.** Conventional single-family unit means a single-family detached dwelling unit.
3. **Mobile home.** Mobile home use means a detached, transportable, manufactured single-family dwelling unit, built upon a chassis or under carriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.
4. **Guest house/guest unit.** Guest house or guest unit means a secondary dwelling unit which is designed and used to house nonpaying visitors or guests of the main dwelling unit on the site.
5. **Accessory residential unit.** An accessory residential unit is a dwelling unit which is clearly incidental and subordinate to the primary residential or nonresidential use of the property. An accessory unit meets the definition of dwelling unit as it is defined in Article VIII, Definitions. Accessory unit does not include the terms guest unit, guest house, caretakers' quarters or agricultural employee housing.
6. **Institutional residential.** Institutional residential means a use housing more than six (6) individuals unrelated by blood, marriage, adoption, or guardianship. Included are nursing homes; sheltered care facilities and related group living facilities; sheltered workshops and related group living facilities; training and/or residential facilities for the developmentally disabled; private schools which include residential facilities for students and staff; residential facilities for the instruction in and advancement of the fine arts and performing arts; other educational, training, religious, and cultural facilities where

students and staff reside on premises; boarding houses or rooming houses (also see Section 2380, Institutional Residential).

C. Nonresidential uses. The nonresidential uses that are permitted in Table 2200, Use Schedule, are defined in this Subsection. Any nonresidential use not specifically enumerated in this Subsection is expressly prohibited unless a similar use determination is made pursuant to Section 2240, Determination of Similar Uses.

1. Agricultural uses

- a. **Agriculture.** Agriculture means the use of a site of seventy (70) acres or more for the cultivation of the soil, the production of forage or crops, or the rearing, feeding, and management of livestock, poultry, bees, fish, or other animal species in domestic or captive environments. Agricultural land shall be actively farmed or ranched.
- b. **Nursery.** 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. Nursery also includes greenhouse.

2. Institutional uses

- a. **Institutional.** Institutional includes cemeteries, churches, community centers, libraries, museums, and private schools that are not residential.
- b. **Utility.** Utility includes utility substations, transmission and distribution facilities or pipelines, including telephone, cable, and natural gas; sewage treatment plants, water supply facilities, pump stations, booster pumps, and any other appurtenance that requires a structure; radio or TV broadcasting towers, telecommunications towers, and antenna arrays (except residential satellite dishes). Specifically excluded are transformers, junction boxes, pedestals, and other appurtenances that do not require a structure.
- c. **Day care center, group.** Group day care center means a business that is operating, for profit or otherwise, where twelve (12) or more persons are cared for on a regular basis, for less than a twenty-four hour period.

3. Commercial uses

- a. **Office.** Office uses include a wide range of professional services and other activities which customarily are provided in an office environment: legal, accounting, investment, and financial services; medical, dental, and other health services; engineering, architectural, and other design services; counseling and social services; insurance and real estate; and administrative and sales offices for

business, industry, and government, provided that only administrative, bookkeeping, and clerical types of activities are conducted on site.

- b. **Commercial retail.** Commercial retail uses include the retail sale of antiques, souvenirs, apparel and accessories, art, books, cameras and accessories, sporting goods, hardware, liquor, home furnishings, and other general specialty merchandise; food stores, delis, health food, drug stores, bakeries; candy and ice cream/yogurt shops; video rental shops.
- c. **Heavy retail/service.** Heavy retail/service means retail sales of lumber and building supplies and materials; fuels, including gasoline service stations; mobile home and recreational vehicles and equipment sales and service; feed and seed outlets; rental and servicing of light motorized and nonmotorized tools and equipment; automobile sales and service, and auto repair, including auto body, fender, and paint; mini-storage warehouses.
- d. **Service.** Service uses include banks, savings and loans, and credit unions; laundry and dry cleaners, including self-service laundries; beauty and barber shops; tanning and massage; repair and maintenance of small appliances, TV and electronics, garments, shoes and other leather goods, including tack; gunsmithing; taxidermy; photographic studios; mortuary/funeral home; kennels and veterinary service, with indoor runs only.
- e. **Restaurant/bar.** Restaurant or bar means an establishment oriented to the serving of food and/or beverages. Restaurant or bar use does not include establishments providing drive-in service. See Section 2220.C.3.f, Drive-in Facility.
- f. **Drive-in facility.** Drive-in facility means an establishment providing food or financial service to customers in vehicles. Drive-in Facility use includes drive-in restaurants, drive-in banking facilities, and other uses with drive-up windows.
- g. **Commercial lodging.** Commercial lodging means such uses as hotels, motels, convention centers with lodging facilities, and all other facilities that generally are rented on a short term basis of less than thirty (30) days. This type of commercial use does not include bed and breakfasts, dude/guest ranches, residential short-term rental units, and campgrounds, all as defined herein.
- h. **Bed and breakfast.** Bed and breakfast means a private home which is used to provide short-term lodging for a charge to the public with not more than four (4) lodging units (bedrooms) and not more than a daily average of eight (8) persons per night during any thirty (30) day period and in which no more than two (2) family style meals are provided per twenty-four (24) hour period. The meals shall be for the guests of the facility only and the owner or manager shall reside in the facility.

- i. **Dude/guest ranch.** Dude/guest ranch means a ranch which provides overnight accommodations for guests, and does not include a cafe or bar catering to the general public or actively solicit one (1) night accommodations trade.
- j. **Residential short-term rental.** Residential short-term rental means the rental of all or a portion of a house, guest house, townhouse, condominium, apartment, or other residence for less than thirty (30) days.
- k. **Agricultural support and services.** Agricultural support and services mean veterinary and other livestock services, landscaping services, and farm implement supplies, sales and repair.

4. **Amusement/recreation**

- a. **Commercial amusement.** Commercial amusement use means bowling alleys, movie theaters, music halls, indoor skating rinks, headquarters for rafting/boat trips and fishing operations, video arcades, pool and billiard halls, and shooting arcades.
- b. **Campgrounds.** Campgrounds use means establishments providing overnight or short-term sites for recreational vehicles, trailers, campers, or tents, that have no permanent structures other than a management office, laundry, small grocery, storage facilities, and sanitary facilities that shall be solely for the occupants of the campground.
- c. **Outdoor recreational.** Outdoor recreational includes but is not limited to arboretums, youth recreation camps, soccer, skateboarding, baseball, bicycle facilities and uses, swimming pools, football, croquet, tennis, golf, stables and riding arenas not associated with an agricultural use, rodeos, equestrian centers, outfitters, shooting ranges, cross-country ski trails and facilities.
- d. **Indoor recreational.** Indoor recreational use includes clubs, gymnasiums, indoor swimming pools, tennis, racquetball, handball courts, health and exercise clubs.
- e. **Ski slopes.** Ski slopes include facilities associated with a downhill ski area that may be located on the mountain: lifts, trams, operational and maintenance facilities, trails, restaurants or warming areas, and ski schools.

5. **Home uses.** Home uses are businesses that are generally permitted only in nonresidential zoning districts, but which may be permissible in residential districts in association with a predominately residential use, at a residential scale. Home uses give local small businesses a place to start; once these small businesses grow beyond a certain size they can no longer be characterized as home uses. This Subsection lists the types of uses permitted as home uses and sets forth the definitions for home uses which specify the

size, number of employees, and other factors that contribute to the character of a home use.

- a. **Home occupation.** Home occupation means any use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- b. **Home business.** Home business means any business conducted outside a residential dwelling, on a lot in conjunction with a residential dwelling that is owned and operated by a person residing in the dwelling.
- c. **Day care home, family.** Family day care home means a private home or other facility in which care is provided for hire for at least three (3) but not more than six (6) persons for part of a day in a family setting.
- d. **Day care home, group.** Group day care home means a private home or other facility in which care is provided for hire for at least seven (7) but not more than eleven (11) persons for part of a day in a family setting.
- e. **Cottage industry.** Cottage industry means an industrial or intensive business use conducted as a secondary use in connection with a ranch or agricultural use.

6. Aeronautical

- a. **Airport.** Airport means establishments primarily engaged in furnishing air transportation over regular routes and on regular schedules for passengers and air-freight; and, the servicing, repairing, maintaining, and storing of aircraft.
- b. **Landing strip.** Landing strip means establishments primarily engaged in furnishing nonscheduled air transportation.
- c. **Heliport.** Heliport means an area used or to be used for landing or takeoff of helicopters or other aircraft capable of hovering, and including any or all of the area or buildings which are necessary to accomplish this function, including refueling; heliport also includes helicopter pads.
- d. **Balloon operations.** Balloon operations means a use providing for the operation of hot air balloon flights. Balloon operations require securing both launching and landing rights for balloons.

7. Industrial uses

- a. **Light industry.** Light industrial uses include light manufacturing and assembly, including sheet metal fabrication and wood work; building contractors and special

trade contractors such as cabinetry, carpet and flooring, insulation, roofing, mechanical, and plumbing and heating; custom processing and packaging of meat and game; wholesale sales and distributors; truck and transport terminals; welding and machine shops; industrial laundries and laundry services; food service and distribution; cleaning and janitorial service and supply.

- b. **Heavy industry.** Heavy industrial uses include bulk storage and distribution facilities for fuels, explosives, pesticides, solvents, corrosives, etc.; disinfecting or pest control services; paving, excavation, hauling and other contracting services involving heavy equipment; maintenance and repair of trucks and heavy equipment; lumber milling; stone, clay, and glass product manufacturing.
- c. **Gravel processing.** (Amended 12/19/95)
 - (1) **Level One.** Any screening, crushing, gravel recycling, washing, or stockpiling of aggregate, in concert or by itself, shall constitute Level One gravel processing.
 - (2) **Level Two.** Any production of asphalt or similar products shall constitute Level Two gravel processing.
 - (3) **Level Three.** Any production of Portland cement or similar products shall constitute Level Three gravel processing.
- d. **Rock/gravel extraction.** Any rock quarrying, gravel removal, and stockpiling, in concert or by itself, shall be considered rock/gravel extraction. (Amended 12/19/95)
- e. **Disposal.** Disposal includes sanitary landfills; sludge disposal or storage; resource recovery or recycling facilities; trash compaction; and transfer stations. Disposal uses shall not include hazardous waste disposal.
- f. **Junkyard.** Junkyard means any land or structure used for salvaging operations, including, but not limited to, the storage and sale of waste paper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage, and salvage of two (2) or more inoperative vehicles. This includes the aggregate storage of manmade equipment, machinery, scrap, or other used parts having a total cubic volume of seven hundred (700) or more cubic feet.

8. **Temporary uses**

- a. **Christmas tree sale.** Christmas tree sale means the outdoor sale of evergreen trees during the Christmas holiday season.

- b. **Contractor's office.** Contractor's office means an on-site construction office--watchman's trailer, construction equipment shed, contractor's trailer, and similar uses incidental to a construction project.
- c. **Special event.** Special event includes outdoor gatherings, auctions, art sales, bake sales, carnivals, circuses, outdoor concerts, races, or rodeos, that occur infrequently.
- d. **Real estate sales office.** 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. 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. The real estate sales office shall be removed when seventy-five (75) percent of all lots or units in the new development have been sold, leased, or rented.
- e. **Shelter.** Shelter means a mobile home temporarily occupied while a residence with a valid building permit is being constructed. It may also be permitted when fire or natural disaster has rendered an existing single-family residence unfit for human habitation; a building permit for rehabilitation or reconstruction shall be required within a reasonable period of time, as determined by the Board of County Commissioners. The temporary shelter shall be permitted for a period not to exceed one (1) year. An extension may be granted by the Board of County Commissioners for a period not to exceed two (2) additional years for good cause.
- f. **Farm stand.** 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.
- g. **Gravel extraction and processing.** Temporary gravel extraction and processing means
 - (1) Gravel extraction and processing permitted mainly for project specific purposes or need, for projects that have been reviewed and approved through a public hearing process. Project specific needs include the excavation of ponds for typical water amenity or wildlife habitat enhancement; or (Amended 12/19/95)
 - (2) Gravel extraction and processing, to include only washing and screening, for a period of two (2) years or less, unless a longer period is permitted by the Board of County Commissioners pursuant to Section 231300.D.3.d, Duration. (Amended 12/19/95)

SECTION 2230. USE SCHEDULE

Table 2200, Use Schedule, utilizes the following symbols to designate uses which are permitted in the zoning districts.

- A. "Y" denotes uses permitted as a matter of right. Uses permitted as a matter of right, or "outright uses," shall be approved in accordance with Section 51200, Development Plan, so long as all requirements of these Land Development Regulations are met. All outright uses also require a Zoning Compliance Verification pursuant to Section 5170, Zoning Compliance Verification.
- B. "C" denotes uses permitted subject to a Conditional use permit issued pursuant to Section 5140, Conditional and Special Uses. Conditional uses require a public hearing before the Planning and Zoning Commission and Board of County Commissioners, and also require a Zoning Compliance Verification to be obtained, pursuant to Section 5170, Zoning Compliance Verification.
- C. "S" denotes uses permitted subject to a Special use permit issued pursuant to Section 5140, Conditional and Special Uses. Special uses require a Zoning Compliance Verification to be obtained pursuant to Section 5170, Zoning Compliance Verification.
- D. **Conditions.** If there are any specific conditions of development associated with the use, the "Conditions" column in Table 2200, Use Schedule, identifies the Section where the conditions are located in this Division.

TABLE 2200
USE SCHEDULE

	Zoning District												C O N D I T I O N S	
	Urban				Sub-urban	Rural	Conservation		Special Purpose					
	U C	U R	A R	AC & AC /T	S	R	BC ₁	NC	O P	R B	B P	M H P	P/ SP	P
Residential														
Agricultural Employee Housing							Y							Sec. 2310
Conventional Single-Family Unit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Conventional Single-Family Subdivision						Y ₃			Y					
Planned Residential	Y	Y	Y	Y	Y	Y				Y				Sec. 2320
Planned Unit Development						Y								Sec. 2170
Mobile Home											Y			Sec. 2330
Mobile Home Park											Y			Sec. 2340
Working Ranch Subdivision						Y								Sec. 2350
Guest House/Guest Unit						Y		Y						Sec. 2360
Accessory Residential Unit	Y		Y	Y			C		C	C				Sec. 2370
Institutional Residential	Y	C	C	Y	C	C								Sec. 2380
Nonresidential														
Agricultural														
Agriculture				Y	Y	Y	Y	Y	Y	Y	Y			
Nurseries				Y		C	C		Y	Y				
Institutional														
Institutional	Y	Y	Y	Y	C	C	C		Y	Y	C			
Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 2390
Day Care Center, Group	Y	Y	C	Y		C	C		C	C	Y	C		Sec. 23100
Commercial														
Office	Y			Y			C		Y	Y		C		
Commercial Retail	Y			Y			C							
Y=Permitted by Right, C=Conditional Use, S=Special Use, 1=Any proposed change of use or expansion, of more than 3,450 square feet of gross floor area in the BC District, requires a Conditional Use Permit. Expansions of an existing permitted use meeting the definition of minor development, pursuant to Section 51200, <u>Development Plan</u> , shall be treated as a minor development plan, and do not require a conditional use permit. See Section 2430, <u>Standards in the Business Conservation (BC) District</u> . 2 = Permitted only within the Lodging Overlay. 3 = Permitted only if all resultant lots are 35 acres or larger. (Amended 9/27/94 & 12/5/95)														

TABLE 2200:
USE SCHEDULE (cont'd)

	Zoning District													C O N D I T I O N S	
	Urban				Sub-urban	Rural	Conservation		Special Purpose						
	U C	U R	A R	AC & AC /T	S	R	BC ₁	NC	O P	R B	B P	M H P	P/ SP		
Commercial (continued)															
Heavy Retail/Service				C				C			C	Y		C	
Services	Y			Y				C		Y	C			C	
Restaurant/Bar	Y			Y				C							
Drive-in Facility	Y			Y				C						Sec. 23200	
Commercial Lodging	Y ₂			Y ₂				C							
Bed and Breakfast	Y ₂			Y ₂			C	C							
Dude/Guest Ranch							C							Sec. 23300	
Residential Short-Term Rental	Y ₂			Y ₂				C						Sec. 2250	
Agricultural Support/Service				Y			C	C				Y			
Amusement/Resort															
Commercial Amusement	Y			Y											
Campgrounds							C	C					C	Sec. 23400	
Outdoor Recreational	C	C	C	C	C	C	C			C		Y		Sec. 23500	
Indoor Recreational	Y			Y				C			Y				
Ski Slopes						C							Y		
Home Uses															
Home Occupations	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Sec. 23600	
Home Businesses	Y	Y	Y	C	C	C	Y	C	Y	Y	Y		C	Sec. 23700	
Day Care Home, Family	Y	Y	Y	Y	Y	Y	C	Y	Y	Y	Y	Y			
Day Care Home, Group	C	C	C	C	C	C	C	C	C	C	C	C		Sec. 23100	
Cottage Industry						C								Sec. 23800	

Y=Permitted by Right, C=Conditional Use, S=Special Use, 1=Any proposed change of use or expansion, of more than 3,450 square feet of gross floor area in the BC District, requires a Conditional Use Permit. Expansions of an existing permitted use meeting the definition of minor development, pursuant to Section 51200, Development Plan, shall be treated as a minor development plan, and do not require a conditional use permit. See Section 2430, Standards in the Business Conservation (BC) District. 2 = Permitted only within the Lodging Overlay. 3 = Permitted only if all resultant lots are 35 acres or larger. (Amended 9/27/94)

TABLE 2200:
USE SCHEDULE (cont'd)

	Zoning District													C O N D I T I O N S	
	Urban				Sub-urban	Rural	Conservation		Special Purpose						
	U C	U R	A R	AC & AC /T	S	R	BC ₁	NC	O P	R B	B P	M H P	P/ SP		
Aeronautical															
Airports												C			
Landing Strips						C									
Heliports				C		C	C				C			Sec. 231000	
Balloon Operations						C									Sec. 231100
Industrial															
Light Industry				C			C			C	Y	C			
Heavy Industry											C	C			
Gravel Processing	See Section 231200, <u>Gravel Processing and Extraction</u>														
Rock/Gravel Extraction	See Section 231200, <u>Gravel Processing and Extraction</u> or Section 231300, <u>Temporary Uses</u>														
Disposal											C	C			
Junkyards											C				
Temporary Uses															
Christmas Tree Sales	Y	Y	Y	Y		Y	Y			Y	Y	Y	Y	Y	Sec. 231300
Contractor's Office	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	C	Sec. 231300
Special Event	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Sec. 231300
Real Estate Sales Office	Y	Y	Y	Y	Y	Y	Y				Y	Y			Sec. 231300
Shelter	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			Sec. 231300
Farm Stand	Y			Y		Y				Y			Y		Sec. 231300
Gravel Extraction & Processing	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Sec. 231300

Y=Permitted by Right, C=Conditional Use, S=Special Use, 1=Any proposed change of use or expansion, of more than 3,450 square feet of gross floor area in the BC District, requires a Conditional Use Permit. Expansions of an existing permitted use meeting the definition of minor development, pursuant to Section 51200, Development Plan, shall be treated as a minor development plan, and do not require a conditional use permit. See Section 2430, Standards in the Business Conservation (BC) District. 2 = Permitted only within the Lodging Overlay. 3 = Permitted only if all resultant lots are 35 acres or larger. (Amended 9/27/94 & 12/19/95)

SECTION 2240. DETERMINATION OF SIMILAR USES

If a proposed use is not listed in Table 2200, Use Schedule, it may be considered a permitted use if the Planning Director determines the proposed use is sufficiently similar to one of the uses listed in Table 2200, Use Schedule. The Planning Director's determination shall be made pursuant to the standards of Section 5130, Interpretations.

If a similar use determination is made in the affirmative, the proposed use shall be an authorized use with the same permissions and restrictions as the use to which it was determined to be similar. A similar use determination may be appealed to and reversed by the Board of County Commissioners pursuant to Section 5180, Appeals on Decisions of Planning Director. The approval of an amendment to the text of these Land Development Regulations pursuant to Section 5150, Amendments to the Text of these Land Development Regulations or the Official Zoning District Map may allow a use not otherwise permitted by a determination of similar uses.

SECTION 2250. RESIDENTIAL USE LIMITATIONS AND SHORT TERM RENTALS

No residential use shall be rented for less than thirty (30) days unless specifically approved for residential short-term rental. Short term rentals of less than thirty (30) days shall be considered a commercial use. Notwithstanding, developments that have been approved for short-term rentals of less than thirty (30) days prior to the adoption of these Land Development Regulations, or that are in process and are approved for short-term rental pursuant to Section 1440.B, Subdivisions and Planned Unit Developments, either by a Conditional Use Permit or a Planned Unit Development, will be allowed to continue such rentals in accordance with Article VII, Nonconformities or in accordance with the CUP or PUD approval, whichever is applicable. These developments with prior approval are: The Aspens (condominiums and single-family homes); Teton Shadows (condominiums only); Teton Village (condominiums and single-family homes); Golf Creek (condominiums only); Teton Pines Commercial Area (sixty-four [64] lodging units); Spring Creek Ranch (up to two hundred [200] units of the 301 dwelling units permitted); and, Crescent H "Fish Lodges" (Crescent H lots 7, 8, and 32.) (Amended 12/5/95)

DIVISION 2300. REVIEW STANDARDS APPLICABLE TO PARTICULAR USES

Certain uses are important to the character of the County, although the uses may not be appropriate in all zoning districts or in all locations within a particular zoning district. Such uses require either application of additional standards or a Conditional use review to allow site specific review of their location, design, configuration, operating characteristics, intensity or density, and to insure that adverse impacts on neighboring uses and the community in general are mitigated. Other uses are essential to the development, operation and maintenance of the community, but also have heavy impacts on neighboring land and finding appropriate locations for them is difficult. These uses require a Special use review and shall be established only in locations designated in the Comprehensive Plan. Special use review is to allow site specific review and to insure the impacts on neighboring uses and the community are minimized.

The uses which require Conditional use or Special use review are listed in Table 2200, Use Schedule. Standards which are applicable to particular uses are identified in Sections 2310, Agricultural Employee Housing, through 231300 Temporary Uses. The general standards applicable to all Conditional uses and Special uses are identified in Section 5140, Conditional and Special Uses.

SECTION 2310. AGRICULTURAL EMPLOYEE HOUSING

Agricultural employee housing shall meet the following standards and shall be processed as a minor development plan: (Amended 9/27/94)

- A. **On active agricultural operation.** The agricultural employee housing is on land where agriculture is being practiced.
- B. **Site area.** The agricultural employee housing is on a working agricultural operation of seventy (70) acres in size or greater.
- C. **Occupant employed by operator and work on agricultural operation.** The occupant of the agricultural employee housing is employed by the operator of the agricultural operations and works in the agricultural operation at least twenty (20) hours per week for a minimum of three (3) months a year. In addition, the immediate family of the occupant may also reside in the agricultural employee housing. At other times of year, renting the housing to others for not less than thirty (30) days is permitted.
- D. **Mobile homes.** Mobile homes shall meet the standards of Section 2330, Mobile Homes and be part of the farm or ranch development.
- E. **Other dimensional limitations.** All other applicable dimensional limitations contained in Table 2400, Schedule of Dimensional Limitations shall be met.
- F. **Maximum density.** The agricultural employee housing shall not result in a density of more than one residence per thirty-five (35) acres of actively farmed or ranched land. Agricultural housing is in addition to the base density permitted by these Land Development Regulations. (Amended 9/27/94)

SECTION 2320. PLANNED RESIDENTIAL DEVELOPMENT

- A. **Purpose.** 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 by Table 2400, Schedule of Dimensional Limitations.

B. **Standards.** 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.

1. **Conformance with other applicable regulations.** Planned Residential Developments shall conform with the requirements of these Land Development Regulations, all other applicable Resolutions of the County, and Wyoming State Statutes, except as modified by this Section.
2. **Deviation from schedule of dimensional limitations.** Planned Residential Developments shall be designed to conform with the district standards in Table 2400, Schedule of Dimensional Limitations, except as follows:
 - a. **Minimum yards.** Deviation from the district standards for minimum yards is permitted on the interior of the project where such deviation provides for a more sensitive and efficient use of the land.
 - b. **Third story in the UR District.** In the UR District only, a third story is permitted on a structure if either the first level of the structure is used for parking, or the third story is used for affordable housing.
3. **Minimum perimeter setback.** All structures located near the perimeter of the development shall be set back from the project perimeter a minimum distance equivalent to the zoning district required front yard.
4. **Permitted types of dwelling units.** Planned Residential Developments shall be permitted to provide a variety of dwelling unit types, in order to allow more sensitive and efficient use of the land, as in Section 2320.B.2, Deviation from schedule of dimensional limitations. Single-family homes, townhouses, condominiums, apartments, and mobile homes are all permitted dwelling unit types. Projects shall also be permitted to provide a mix of dwelling unit types.
5. **Open space required.** All Planned Residential Developments are required to provide a certain amount of open space, as specified by the OSR in Table 2400, Schedule of Dimensional Limitations. See Article VIII, Definitions for the definitions of open space and open space ratio (OSR); see also Section 4300, Open Space Standards for Residential Developments.
6. **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.

7. **Access.** Safe and adequate access shall be provided to all areas of the proposed development, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way, or a commonly owned easement.
8. **Limitation of access to arterial streets and highways.** Where a proposed project abuts 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.
9. **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.
10. **Circulation.** Circulation for the project shall be designed in accordance with the following:
 - a. **Principal access.** Principal vehicular access points shall be designed to provide smooth traffic flow, minimizing hazards to vehicular, pedestrian, or bicycle traffic.
 - b. **Street connections.** Minor streets shall not be directly connected with streets outside the development in such a way as to encourage use of such minor streets by substantial amounts of through traffic.
 - c. **Access by emergency vehicles.** Access to all structures and uses by emergency vehicles shall be provided.
 - d. **Efficient circulation system.** The circulation system shall be designed to provide adequate access to all areas of the development using the minimum linear footage of roadway.
 - e. **Pathways.** Provision shall be made for pedestrian and bicycle travel in accordance with Pathways in Jackson Hole, A Conceptual Plan (March, 1992). Linkages to schools, parks, public lands, and pathways existing on adjacent properties shall be provided.
11. **Parking lots.** Parking lots (four [4] or more adjacent parking spaces), if proposed, shall be set back from the perimeter of the project a minimum of the required front yard for the zoning district in which the project is located. A minimum separation of ten (10) feet shall be provided between parking lots and inhabited structures.
12. **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.

13. **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.

SECTION 2325. RESERVED (Amended 12/5/95)

SECTION 2330. MOBILE HOMES

A mobile home not within a mobile home park shall meet the following standards:

A. **Appearance.** The mobile home shall be of a color and placed or landscaped in such a way as to be visually unobtrusive. The mobile home's roof shall use nonmetallic, nonglare materials and shall have a minimum pitch of three (3) in twelve (12).

B. **Skirting.** The mobile home shall be skirted.

SECTION 2340. MOBILE HOME PARKS

Mobile home parks that are proposed in the MHP Zoning District shall meet the following standards. Mobile home parks also may be proposed as Planned Residential Developments pursuant to Section 2320, Planned Residential Development.

A. 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 space is provided pursuant to Subsection C, Open space standards, below. If no common recreational open space 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 double wide unit.** If any lot in a mobile home park is initially designed to accommodate a single unit, it shall not be replaced by a double wide 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 twenty (20) feet side-to-side spacing between units.
4. **End to side spacing.** There shall be a minimum fifteen (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. **Abutting other parcel or lot.** On any lot in a mobile home park site which abuts another parcel or lot not in the mobile home park, the unit shall be set back a minimum of twenty-five (25) feet from the boundary line abutting the other parcel or lot.
7. **Abutting internal streets.** A unit shall be set back a minimum of twenty-five (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 sixty (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 sixty (60) days of placement and installation of the mobile home.
12. **Height.** Mobile homes, including any additions, shall not exceed eighteen (18) feet in height.
13. **Accessory structures.** Accessory structures, such as storage buildings, shall not exceed one (1) 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.

B. 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 twenty-four (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 one hundred (100) feet, and a street property line diameter of at least one hundred twenty-five (125) feet. No cul-de-sac shall exceed five hundred (500) feet in length.

3. **Drives.** All drives, including the private access to the site, shall be surfaced with a minimum of four (4) inches of crushed aggregate.
4. **Parking lot.** The common parking lot or guest parking lot shall be surfaced with a minimum of four (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 one (1) guest parking space shall be maintained for every three (3) mobile home lots for the purpose of guest parking. No mobile home lot shall be more than three hundred (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 seventy-five (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 sixty (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 one hundred (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 one hundred fifty (150) feet to intersections of public streets or highways. The entrance drive shall be at least thirty (30) feet in width, except that the minimum width shall be at least forty (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 sixty (60) foot right-of-way shall be maintained.

C. Open space standards

1. **Common Recreational open space.** A minimum of three hundred (300) square feet of recreational open space per mobile home unit shall be provided on portions of the Mobile Home Park site which are free from hazards that are incompatible with the purposes of recreational areas. The common recreational open space 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 space 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 space shall be provided in one (1) or more locations within the Mobile Home Park, unless the individual lots meet the larger lot sizes as stated in Section 2340.A.1. Area Requirements. The minimum size of each required common recreational open space, if applicable, shall be five thousand (5,000) square feet.
4. **Maintenance.** Maintenance of common recreational open space shall be the responsibility of the manager.
5. **Landscaping.** All common recreational open space and other common open space shall be landscaped.

D. Landscaping standards

1. **Setbacks and landscaping.** Where a Mobile Home Park abuts a public street, there shall be a minimum setback of twenty-five (25) feet from the right-of-way line that shall be landscaped in accordance with the requirements of Division 4100, Landscaping Standards.
2. **Landscape area.** There shall be a landscape area of ten (10) feet along all other boundaries to be landscaped according to the requirements of Division 4100, Landscaping Standards.

E. 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.
- F. **Maintenance.** Maintenance of all landscaping, except that on individual mobile home spaces, shall be the responsibility of the management in rental Mobile Home Parks.
- G. **Water and sewer connections.** If a proposed mobile home park will generate over 2000 gallons of wastewater per day, or require over 2000 gallons of water per day, as determined by the Teton County Sanitarian, approval is required from the Wyoming Department of Environmental Quality. If the wastewater generated or water required will be less than 2000 gallons per day, approval of the County Sanitarian is required.

SECTION 2350. WORKING RANCH SUBDIVISION

Working ranches and active agricultural lands shall have the right, through the subdivision process, to create up to five (5) lots in a ten (10) year period, pursuant to the following standards:

- A. **Minimum site area.** The parcel is at least seventy (70) acres in size.
- B. **Density and open space.** Although there is no minimum lot size for the residential lots, the density shall be no more than one (1) dwelling unit per thirty-five (35) acres. The land outside the lots that is needed to maintain the maximum density shall be required open space, restricted with an instrument acceptable to the County Attorney. Active agricultural land shall count as open space.
- C. **Future development.** The property may be more fully developed at a later date; however, the lots created pursuant to this section shall be included in the density calculation and subdivision review process for the subsequent development.
- D. **Agricultural history.** The land shall have been in active agricultural use for at least fifteen (15) years prior to the subdivision.
- E. **Scenic and Natural Resource Districts.** Building envelopes shall be located entirely outside the NRO and SRO districts to the extent practical. If the entire parcel to be subdivided or the proposed building sites are in one or both districts, then the Board of County Commissioners may permit the building sites to be located in the districts, provided the building sites create minimal detrimental impacts on the wildlife and scenic resources.
- F. **Environmental Analysis.** A working ranch subdivision meeting the standards of this section shall be exempt from the requirement of an Environmental Analysis provided the proposed building envelopes are located to minimize detrimental environmental impacts.
- G. **Development standards.** The development of these lots shall comply with applicable development standards.

SECTION 2360. GUEST HOUSE/GUEST UNIT

A guest house/guest unit shall meet the following standards:

1. **Floor area.** The guest house/guest unit shall not exceed one thousand (1,000) square feet of gross floor area.
2. **Part of floor area.** The floor area contained within the guest house/guest unit shall be included in the calculation toward the maximum allowable floor area for the parcel of land.

SECTION 2370. ACCESSORY RESIDENTIAL UNITS

Accessory residential units are permitted in the AR, AC, AC/T, UC, PRD, BC, OP, and BP districts, as indicated in Table 2200, Use Schedule. Accessory units are also subject to all standards, limitations, and requirements of Table 2400, Schedule of Dimensional Limitations, and the following:

- A. **FAR exemption for employee housing.** The floor area of accessory residential units, provided on-site, in conjunction with a nonresidential development, is included in the calculation determining compliance with the maximum floor area ratio limitation for the nonresidential development. An additional twenty (20) percent of the permitted floor area (200 sf per 1,000 sf of permitted gross floor area) shall be permitted in order to comply with Division 49400, Affordable Housing Requirements, provided the accessory residential units(s) meet the following objectives: (Amended 2/21/95)
 1. To provide on-site employee housing.
 2. To locate employee housing reasonably close to employment centers and infrastructure.
 3. To provide a reasonably healthy and safe living environment for residents.
 4. To minimize conflicts between employee housing and the primary use of the site and neighboring sites.
- B. **AR.** Accessory residential units are permitted in the AR district in conjunction with the Single-Family Detached development option:
 1. **Two units allowed.** No more than two (2) accessory units per lot are allowed.
 2. **Relationship to principal structure.** If only one (1) accessory unit per lot is constructed, it may be attached to or detached from the principal structure. If two (2) accessory units are constructed on one lot, one must be attached to the principal structure, the other detached. The minimum separation between detached units shall be ten (10) feet.

C. **Maximum living area.** No accessory residential unit may exceed eight hundred and fifty (850) square feet of living area. (Amended 2/21/95)

SECTION 2380. INSTITUTIONAL RESIDENTIAL

Institutional Residential uses shall meet the following standards:

A. **Location.** Institutional Residential uses proposed in the Suburban or Rural Zoning District shall be located at least three hundred (300) feet from an existing dwelling unit unless the institutional residential use was proposed as part of a development that included both the institutional use and the dwelling units.

B. **Density.** Institutional Residential uses shall comply with the maximum density limitations set in Table 2380, Density Standards for Institutional Residential Uses. For purposes of this Section, rooms shall mean sleeping rooms designed for an occupancy not to exceed two (2) people per room.

Table 2380 DENSITY STANDARDS FOR INSTITUTIONAL RESIDENTIAL USES	
Zone District	Maximum Gross Density Rooms per Acre
Urban Commercial (UC)	35.0
Urban Residential (UR)	35.0
Auto Urban Commercial (AC)	30.0
Auto Urban Residential (AR)	25.0
Suburban (S)	15.0
Rural (R)	7.0

C. **Dimensional limitations.** Institutional Residential uses shall comply with the other dimensional limitations contained in Table 2400, Schedule of Dimensional Limitations.

SECTION 2390. UTILITIES

A. **General.** All utilities shall be located and designed to minimize negative impacts on natural, scenic, agricultural, and residential objectives. A landscaping plan shall be submitted that is designed to screen the utility, except for utility lines, from roads and habitable structures.

- B. **Power lines.** New power lines of one hundred (100) KV or more shall be located within a right-of-way or easement wide enough to provide a minimum separation of thirty (30) feet between the power lines and adjoining development, but in no case shall the right-of-way or easement be less than sixty (60) feet in all zoning districts.
- C. **Equipment housing structures.** Utility structures for housing equipment shall be designed with as low a profile as possible in all zoning districts. If the surrounding uses are residential, the building style shall be compatible with the surrounding land uses.
- D. **Communications towers.** Communications towers shall meet the following standards:
 - 1. **Necessary to erect tower at location.** It shall be demonstrated that it is necessary to erect the communications tower at the proposed location and that the proposed tower provides no hazards to human life or wildlife.
 - 2. **No hazard to health or operation of home appliances.** The communications tower shall pose no hazard to the operation of home appliances.
 - 3. **Certification.** Certification shall be obtained from the Federal Aviation Administration (FAA) that the communications tower poses no hazard to the operation of aircraft at the Jackson Hole Airport, or other landing strips.
 - 4. **No flashing lights.** The communications tower shall display no flashing lights.
 - 5. **No damage or disturbance to wildlife.** The communication tower shall cause no damage or disturbance to human life or wildlife as a result of radiation or electromagnetic fields.

SECTION 23100. GROUP DAY CARE CENTER OR GROUP DAY CARE HOME

A Group Day Care Center or Group Day Care Home shall meet the following standards:

- A. **Play area.** Each group day care center or group day care home shall have thirty-five (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 seventy-five (75) square feet per client. The fenced outdoor play areas shall be screened by shrubs or other vegetation if they are located within twelve (12) feet of the property line. (Amended 9-27-94)
- B. **Pick-up area.** There shall be an off-street pick-up area providing at least five (5) spaces, reserved for pick-up during the hours of operation.
- C. **Wyoming Statutes.** Each group day care home and group day care center shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety and fire codes.

SECTION 23200. DRIVE-IN FACILITY

Drive-in facilities shall meet the following standards:

- A. **Parking.** The on-site parking standards of Division 4200, Parking and Loading Standards shall apply. Off-site parking is prohibited.
- B. **Screening.** If adjoining land is in residential use or the drive-in facility is in a residential district, the drive-in facility shall provide a fence, wall, or evergreen hedge at least six (6) feet in height; structures shall be set back from the property line at least five (5) feet; and one and one-half (1.5) plant units (as defined by Division 4100, Landscaping Standards) per one hundred (100) lineal feet of property boundary shall be provided.
- C. **Operating Hours.** If adjoining land, including land separated by an alley, is in residential use or the drive-in facility is in a residential district, then the operating time of the drive-in facility shall be limited to the hours of 6 a.m. to 10 p.m.

SECTION 23300. DUDE RANCH

Dude/guest ranches shall meet the following standards:

- A. **Minimum site size.** The site shall have a minimum of seventy (70) acres of Base Site Area, however any lands restricted by a conservation easement may be counted as part of the Base Site Area for all calculations within this Section.
- B. **Acreage formula.** The acreage contained within a dude ranch shall equate to no less than five (5) acres per guest. For example, an eighty (80) acre site would permit no more than sixteen (16) guests ($80/5 = 16$). In addition to guests, housing for one employee per ten (10) acres shall be permitted. Acreage covered by U.S. Forest Service leases may be counted in computing the allowed number of guests. In no case, however, shall a dude/guest ranch private acreage fall below in minimum required acreage in A., above.
- C. **Maximum occupancy.** Dude ranches shall be limited to a maximum occupancy of seventy-five (75) guests.
- D. **Agricultural buildings.** The agricultural buildings associated with the dude ranch shall not be required to meet the landscape surface ratio standards of Table 2400, Schedule of Dimensional Limitations.
- E. **Grazing or recreational permits.** Valid grazing permits or recreational horseback riding permits also may be considered in computing the acreage formula. Grazing permits may be considered at a ratio of three (3) AUM's being equivalent to one acre. Recreational permits may be considered at a ratio of two (2) person/days to one acre.

SECTION 23400. CAMPGROUNDS

Campgrounds shall meet the following standards:

A. **Camping sites.** Each camping site in the campground shall consist of a camp pad that provides adequate parking, the camp site (including a fireplace or barbecue, and a table), a pole for hanging food stores or bear proof boxes, where appropriate, and a surrounding active recreational area. These areas, or any roads or drives, shall not be counted as part of the required LSR.

SECTION 23500. OUTDOOR RECREATIONAL

Outdoor recreational uses shall meet the following standards in the following zoning districts:

A. **NRO.** For land within the NRO, outdoor recreational uses shall only be permitted subject to a detailed mapping of the resources present on the site, an analysis of the proposed outdoor recreational uses, and development of a use management plan that complies with the following:

1. **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.
2. **River and stream bank buffers for trumpeter swans.** River and stream bank buffers for trumpeter swans shall be two (2) times that required in Section 3270.E. Trumpeter Swans.
3. **Mitigation plan.** Preparation and agreement to implement a mitigation plan, based on a detailed site analysis of the species present, that measures the total habitat disturbed and requires mitigation to enhance the environment and to return the site after development to the same habitat value as it had before development of the site. This includes creating wetlands, afforestation, planting shelter, screening or forage plants, limiting trails, providing viewing platforms, and removing fences or marking power lines.

B. **Other zoning districts.** In all other zoning districts, 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.

SECTION 23600. HOME OCCUPATION

A home occupation shall meet the following standards:

A. **Conducted by person within dwelling.** A home occupation shall be operated by a person residing within the dwelling.

- B. **Uses permitted.** Uses permitted are professional services such as an accountant, physician, real estate agent; art studio, handcraft studio, music studio, or similar studio uses; a tailor; repair of furniture and small appliances; tutoring or classes for no more than two (2) students at one time; and counseling primarily for individual persons.
- C. **Employment.** No one residing off-premises may be employed on the premises of a home occupation.
- D. **Parking.** 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.
- E. **Area devoted to home occupation.** No more than twenty-five (25) percent of the habitable floor area of the dwelling housing the home occupation shall be occupied by the business.
- F. **Display and signage.** There shall be no window display or other public display of material or merchandise connected with the home occupation. Only one (1) sign not to exceed two (2) square feet in area and attached to the house shall be permitted.

SECTION 23700. HOME BUSINESS

Home businesses shall meet the following standards:

- A. **Uses permitted.** No home business shall have more than three (3) employees and may include contracting businesses; service businesses (see Section 2220.C.3.d, Service); offices; music, art, or other schools; art studios and galleries.
- B. **No adverse effect on character of residential district.** The home business shall not change the residential character of the lot or adversely affect the uses permitted in the zoning district of which it is a part.
- C. **Employment.** No more than two (2) persons residing off-premises may be employed on the premises.
- D. **Vehicles/materials located in buildings.** All vehicles and materials must be located within buildings, and shall not remain outside.
- E. **Area devoted to home business.** No more than twenty-five (25) percent of the maximum habitable floor area of the dwelling housing the home business shall be occupied by the home business; however, part or all the permitted out-buildings (uninhabitable space) may be used for the business.
- F. **Parking.** 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.

SECTION 23800. COTTAGE INDUSTRY

A cottage industry shall comply with the following standards:

- A. **Uses permitted.** Uses permitted shall be businesses related to agriculture, landscaping, snow plowing, trucking, small automotive repair, septic system service, well service, carpentry, upholstery, and woodworking.
- B. **Employment.** No more than five (5) persons residing off-premises may be employed on the premises. Additional persons may be employed, but shall not visit or work on the premises on a daily basis.
- C. **Outdoor storage areas.** Outdoor storage areas shall be permitted but shall be screened.
- D. **Area devoted to cottage industry.** No more than twenty-five (25) percent of the maximum habitable floor area of the dwelling housing the cottage industry shall be devoted to the cottage industry; however, part or all of the permitted out-buildings (uninhabitable space) may be used for the business.
- E. **Site area.** The ranch or agricultural site on which the cottage industry is located shall be at least seventy (70) acres in size.

SECTION 23900. LANDING STRIPS

Landing strips shall meet the following standards:

- A. **Commercial aviation prohibited.** Landing strips shall not be used for commercial purposes. All commercial aviation activities shall be located at the Jackson Hole Airport where adequate safety facilities are present.
- B. **Flight paths.** 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. **Overhead utilities.** 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.

SECTION 231000. HELIPORT

Heliports shall meet the following standards:

- A. **Location.** The use shall be removed from residential areas to the extent practical.

- B. **Flight paths.** 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. **Overhead utilities.** 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.

SECTION 231100. BALLOON OPERATIONS

Balloon operations shall meet the following standards.

- A. **Launching facilities.** 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 operations.
- B. **Landing rights.** Balloon operations shall have landing rights based on ownership, leases, or signed agreements to provide for adequate landings under all normal operating conditions.
- C. **Conditional Use Permit revocation.** The Conditional Use Permit may be revoked in accordance with the following standards:
 1. **Adequate launching and landing facilities available.** Adequate launching and landing facilities shall be continuously provided by the permittee. If such facilities become unavailable, the Conditional Use Permit may be revoked.
 2. **Complaints about unauthorized landings.** Any complaints about unauthorized landings shall be investigated by the County. More than one (1) unauthorized landing per year shall result in a requirement to add additional landing areas. More than four (4) unauthorized landings per year shall result in revocation of the Conditional Use Permit.

SECTION 231200. GRAVEL PROCESSING AND EXTRACTION (Amended 12/19/95)

- A. **Purpose.** The purpose of this section is to establish operational, locational and reclamation standards for gravel processors and associated extraction activities, that are designed to minimize negative impacts on the rural quality of Teton County, the residential values of its citizens, and the recreational opportunities shared by all, and the nationally recognized environmental treasures located in and adjacent to Teton County.
- B. **Permitting.** Gravel processing shall be allowed only at locations listed in subsection C, Location, and for the processing level(s) for which said site has been designated, provided a Special Use Permit is issued, pursuant to Section 5140, Conditional and Special Use Standards. Rock/gravel extraction may be permitted in association with processing activities.

C. **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.

1. 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, as described in Section 2220.C.7.c, Gravel processing, activities may be permitted at this location.
2. River Springs Subdivision, as recorded in the Teton County, Wyoming, Clerk's Office on November 8, 1990, as Plat Number 705, and located in Township 41 North, Range 117 West, Sections 23 & 24. Level One gravel processing activities, as described in Section 2220.C.7.c, Gravel processing, may be permitted at this location; Levels Two and Three are prohibited.

D. **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.

1. **DEQ permits.** Only projects qualifying as Ten (10) 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.
2. **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 set forth in Section 5140, Conditional and Special Use Standards. Hours of operation shall not apply when the gravel operator is responding to a bona fide public emergency, i.e., flood fight.

3. **Project traffic impacts.**

- a. **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.
- b. **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.
- c. **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.

4. **Setbacks.** All operations and activities shall be set back a minimum of three hundred (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 three hundred (300) feet from all public road rights-of-way and public recreational easements.

5. **Visual screening measures.** Visual screening shall be required for stockpiling, parking areas, and permanent or semipermanent equipment and structures.

- a. **General.** The view from all public roads, rivers, and adjoining residential areas shall receive a minimum fifty (50) percent screen provided by vegetation, topography, or other measures which ensure the unobtrusiveness of the operations.
- b. **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.

6. **Protection against attractive nuisances.** The proposed Special use shall be landscaped, bermed, fenced, or otherwise enclosed, where necessary, for health and safety protection.
7. **Noise.**
 - a. **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 three (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 Section 49380, Noise, and the operator shall in no case be required to attain a noise level of less than forty (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.
 - b. **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 Land Development Regulations. 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, pursuant to Section 5140, Conditional and Special Use Standards or other enforcement action taken pursuant to Article IX, Enforcement.
8. **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.

9. **Dust.** All operational areas and traffic corridors shall be sprayed with water, as often as weather conditions require, to minimize fugitive dust.
10. **Odor.** Compliance with Section 49320, Air Contaminants, shall be required.
11. **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.
12. **Height.** All equipment and structures shall comply with the height limit specified in Table 2400, Schedule of Dimensional Limitations, for the district in which the subject property is located unless the County judges it is impractical to do so. Such judgement shall be based upon the design of equipment and the need to enclose it in a building pursuant to subsection D.7.a, Noise level, above. For equipment or structures permitted by the County to exceed the height limit, the visual screening required in subsection D.5.a, Visual screening, shall be increased to eighty (80) percent.
13. **Other operational standards.** The Special Use Permit may include site specific operational standards as necessary to mitigate both on-site and off-site impacts.
14. **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:
 - a. **Grading and erosion/sediment control.** Requirements pursuant to Division 49100, Grading and Erosion Control, shall be met. Notwithstanding, no extraction shall be permitted on slopes of greater than fifteen (15) percent, if the area of fifteen (15) percent or greater slope is one (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:

 - (1) grading the back-fill material to reduce the rate and volume of run-off;
 - (2) retaining sediment within the pit and disturbed area; and,
 - (3) establishing temporary vegetation or mulch on areas that will remain subject to erosion for as long as six (6) months.

b. Activities in or near waterbodies.

(1) Controlled watercourses.

(a) **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.

(b) **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.

i. 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.

ii. 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.

(2) **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.

(3) **Minimum buffer.** A minimum fifty (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.

(4) **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.

(5) **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.

c. **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 Archeologist determines what precautions shall be taken to preserve the historic or prehistoric artifacts.

d. **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.

e. **Site area.** Gravel extraction shall be limited to less than ten (10) acres in size and a DEQ ten (10) acre Exemption permit, 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.

f. **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.

g. **Water supply.** Extraction and filling of a reservoir shall not infringe on downstream appropriator's rights as established by the State Engineer's Office.

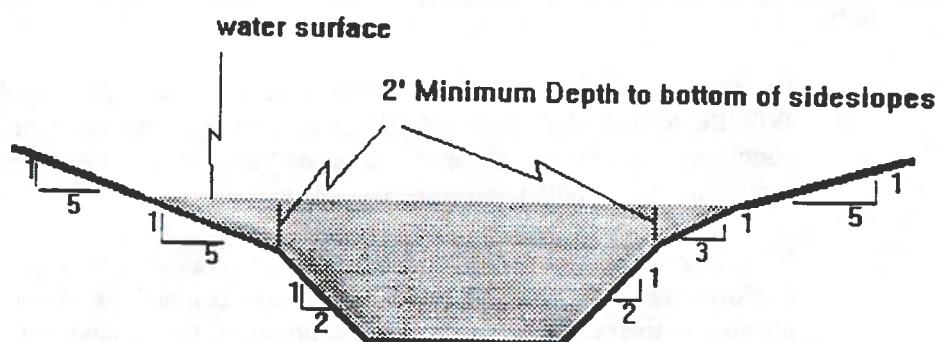
h. **Extraction, processing, and reclamation plan.** An extraction, processing and reclamation plan, meeting the standards of this Section, shall be provided. The plan shall restrict operations to areas of workable size so that no area is left inactive and unreclaimed for more than sixty (60) days. Reclamation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

E. **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 in subsection F, Reclamation standards, below. The plan shall restrict operations to areas of workable size so that no area is left inactive and unreclaimed for more than sixty (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, in a form acceptable to the County Attorney, in an amount 125 percent of the estimated cost of reclamation. The bond amount shall be reviewed annually, as part of the annual review of the Special Use Permit, as specified in Section 5140, Conditional and Special Use Standards, for the purpose of up-dating the bond amount in accordance with any changing costs of reclamation.

F. **Reclamation standards.** If the landowner intends future development of the property where the gravel operations are 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.

1. **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.
2. **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 the proposed future land use.
3. **Compliance with grading standards.** Compliance with Section 49160, Standards for Grading and Erosion Control, is required.
4. **Revegetation.** A landscape plan, pursuant to Section 4130, Landscape Plan, shall be provided. The landscape plan shall demonstrate revegetation of disturbed areas at a minimum planting density of the same plant density that existed on the site prior to the gravel operations, or at a density of one (1) plant unit per one thousand (1,000) square feet of disturbed area, pursuant to Section 4160.B.1, Nonresidential standards, whichever is less. This is to allow a landowner to return the site to its original condition, rather than a condition of increased vegetation, if it is to be used, or continue to be used, for agriculture. Native species predominant in the neighboring areas shall be used for revegetation.
5. **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 downstream appropriator's rights as established by the State Engineer's Office.

- b. **Shoreline transition.** The slope from the shoreline to upland areas shall be no more than 5:1 for at least fifteen (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 fifty (50) percent 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 two (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 two (2) feet.



- d. **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 one (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.
- 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.
- 6. **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. See also subsection D.14.b, Activities in or near waterbodies, of this Section.

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.

SECTION 231300. TEMPORARY USES

Temporary uses shall comply with the following standards:

A. **General.** All temporary uses shall comply with the following standards:

1. **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 Division 4700, Transportation Facilities.
2. **Electrical and sanitary inspections.** The temporary use shall pass electrical and sanitary inspections before being opened to the public.
3. **Bond.** A bond, in a form acceptable to the County Attorney, for the clean up and restoration of the temporary use area shall be posted in an amount sufficient to restore the area to its prior condition or to the condition specified by reclamation standards in this Section. (Amended 12/19/95)

B. **Farm Stands.** Farm stands shall be located in an approved parking lot area, 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.

C. **Special Events.** Special events shall also comply with the following standards:

1. **Special events permit.** A special events permit shall be obtained from the Teton County Sheriff's Department prior to holding the special event.
2. **Parking.** A parking plan shall be provided and approved that ensures the provision of reasonable and safe off-street parking.

D. **Gravel extraction and processing.** (Amended 12/19/95) Temporary gravel extraction and processing shall be permitted as a minor development plan pursuant to the following standards:

1. **Exemptions.** Extraction and use within an agricultural operation for agricultural purposes and incidental extraction of one thousand (1,000) cubic yards or less for incidental residential or wildlife habitat enhancement purposes shall be exempt from this subsection.
2. **Permitted projects.** Listed below are the types of projects for which a temporary gravel extraction and/or processing Development Plan 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 Development Plan Permit shall terminate automatically and it shall cease operation immediately and complete its reclamation according to its reclamation plan and time-line.
 - a. **Specific private projects.** Gravel extraction and processing to provide gravel for a specific private project. The project for which the products of gravel extraction and processing will be used shall be a development that has been reviewed and approved through an official public hearing process conducted by the applicable governmental agency. The gravel extraction and processing site must be located either:
 - (1) on the same property as the project,
 - (2) on a contiguous property, or
 - (3) on a noncontiguous property only if written approval is granted from all intervening property owners.

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 Section 2220.C.7.c, Gravel processing, are permitted, 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.

- b. **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 Section 2220.C.7.c, Gravel processing, 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.

- c. **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 processing project, as described below in subsection d, Extraction and limited processing on less than 10 acres, below, and shall be subject to the same permissions and restrictions stated therein.
- d. **Extraction and limited processing on less than 10 acres.** Gravel extraction, and the limited processing activities of washing and screening of gravel extracted on-site, on less than ten (10) acres. Said activity does not require an associated specific private or public project for which the gravel products are to be used.

3. **Operational standards.**

a. **Traffic and road impacts.**

- (1) **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.
- (2) **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.

- 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, or 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.

- c. **Property-line setbacks.** A minimum three hundred (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, or written permission from adjacent property owners to reduce the required setback. Extraction operations shall be set back a minimum of fifty (50) feet from a property boundary coincident with other property owners.
- d. **Duration.** Duration of the gravel extraction and processing shall be no longer than two (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 two (2) years, provided written notice and solicitation for comments on the proposal is mailed to all property-owners within 200 feet of the subject property, 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, pursuant to subsection 2.a, Specific private projects, or subsection 2.b, Specific public projects, is phased over more than two (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.
- e. **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.
- f. **Grading and erosion/sediment control.** Requirements pursuant to Division 49100, Grading and Erosion Control shall be met. Notwithstanding, no extraction shall be permitted on slopes of greater than fifteen (15) percent, if the area of fifteen (15) percent or greater slope is one (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:

- (1) grading the back-fill material to reduce the rate and volume of runoff;

- (2) retaining sediment within the pit and disturbed area; and,
- (3) establishing temporary vegetation or mulch on areas that will remain subject to erosion for as long as six (6) months.

g. **Activities in or near waterbodies.**

(1) **Controlled watercourses.**

(a) **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.

(b) **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.

i. 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.

ii. 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.

(2) **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.

(3) **Minimum buffer.** A minimum fifty (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.

(4) **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.

(5) **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.

h. **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 Archeologist determines what precautions shall be taken to preserve the historic or prehistoric artifacts.

i. **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.

j. **Site area.** Gravel extraction and processing associated with a specific private or public project shall be limited to less than ten (10) acres in size and a DEQ ten (10) acre Exemption permit, 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 in subsection D.2.d, Extraction and processing on less than 10 acres, shall be limited to less than ten (10) acres in size.

k. **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.

l. **Noise reduction.** All operations shall comply with the standards set in Section 49380, Noise, 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.

- m. **Dust.** All operational areas and traffic corridors shall be sprayed with water, as often as weather conditions require, to minimize fugitive dust.
- n. **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.
- o. **Water supply.** Extraction and filling of a reservoir shall not infringe on downstream appropriator's rights as established by the State Engineer's Office.
- p. **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 clean-up of hazardous materials spills.
- q. **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 sixty (60) days. Reclamation shall proceed in conjunction with extraction and shall proceed in phases over the life of the operation.

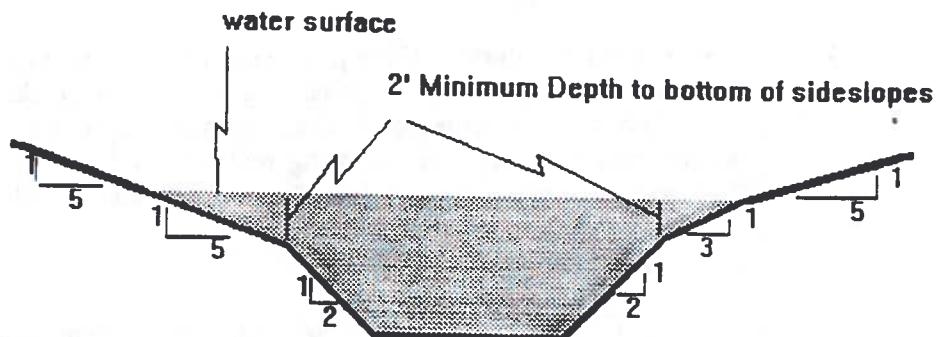
4. **Reclamation standards.** If the landowner intends future development of the property where the gravel extraction or processing is proposed to take place, then the land shall be reclaimed in accordance with an approved development plan. If there is no development plan, approved or being reviewed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

- a. **Dry land area.**
 - (1) **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.

- (2) **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.
- (3) **Revegetation.** Disturbed areas shall be revegetated with native species, predominant in the neighboring areas.
- (4) **Compliance with grading standards.** Compliance with Section 49160.B, Grading Standards, is required.

b. **Ponds/water features.** All ponds or water features created by gravel extraction shall meet the standards of this subsection.

- (1) **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.
- (2) **Shoreline transition.** The slope from the shoreline to upland areas shall be no more than 5:1 for at least fifteen (15) feet from the shore toward the upland area.
- (3) **Pond/water feature side slopes.** All pond and island shorelines shall have 5:1 side slopes for at least fifty (50) percent 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 two (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 two (2) feet.



(4) **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 one (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.

(5) **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.

c. **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. See also subsection D.3.g, Activities in or near waterbodies, of this Section.

5. **Successive applications.** Once a temporary extraction or processing permit is issued for a particular site, and the extraction or processing performed, another temporary extraction or processing permit shall not be approved on the same site, or within the same area, where the same minor local road is used or residences within a quarter of a mile of the previous operation would be within a quarter of a mile of the proposed operation, for at least five (5) years.

DIVISION 2400. ZONING DISTRICT DIMENSIONAL LIMITATIONS AND STANDARDS

SECTION 2410. GENERAL: SCHEDULE OF DIMENSIONAL LIMITATIONS

All residential and nonresidential development shall meet all standards of Table 2400, Schedule of Dimensional Limitations, unless different dimensional standards are specified for certain uses in other sections of these Land Development Regulations.

TABLE 2400:
SCHEDULE OF DIMENSIONAL LIMITATIONS

Zoning District and Development Type	Min OSR/ Min LSR	Max Gross Density du's/ac [8]	Floor Area Ratio [1]	Min Site Area (sf)	Min Lot Area (sf)	Min Street Yard (ft)	Min Side Yard (ft) [5]	Min Rear Yard (ft) [5]	Max Height (ft) [2]
URBAN COMMERCIAL (UC)/URBAN RESIDENTIAL (UR)									
Conventional Single Family Home	.10	n/a	.45	n/a	n/a	12	5	25	24
Planned Residential	.10	n/a	.65	n/a	n/a	12	5	25	35
All Nonresidential Uses	.10	n/a	1.30	n/a	n/a	0	0	0 ₃	35
Town Square Overlay	See Division 3600, <u>Town Square Overlay</u> .					0	0	0 ₃	35
AUTO URBAN RESIDENTIAL(AR), AUTO URBAN COMMERCIAL(AC) & AUTO URBAN COMMERCIAL/TOWN (AC/T)									
Single Family Detached with one accessory unit with two accessory units	.50 .48 .45	4.6 n/a n/a	.30 .32 .35	n/a n/a n/a	7,500 7,500 7,500	20 20 20	10 10 10	30 20/6 ₇ 6	24
Planned Residential I	.40	11.7	.40	30,000	n/a	25	15	25	28
Planned Residential II	.35	30.0	.50	60,000	n/a	25	20	25	28
Auto Urban Commercial/Town (AC/T) (Only)									
Nonresidential	.20	n/a	.46	n/a	7,500	10	6	40	35
Auto Urban Commercial (AC)									
Nonresidential	.27	n/a	.25	30,000	n/a	50	20	20	26
SUBURBAN RESIDENTIAL (S)									
Conventional Single Family Unit	.60	2.9	.30	n/a	12,000	25	15	40	24
Planned Residential 25% ratio	.25	3.64	n/a	80,000	n/a	25	10	30	24
Planned Residential 35% ratio	.35	4.0	n/a	80,000	n/a	25	10	30	24
1=See Section 2450, <u>Maximum Scale of Development</u> . 2=Notwithstanding the stated max height, no building shall have more than two (2) levels above ground except as provided in Section 2370, <u>Accessory Residential Units</u> . 3=Nonresidential uses in the UC District shall have a minimum rear setback of twenty (20) feet on the ground level. 4>All lands protected pursuant to Article III, <u>Natural, Scenic, Agricultural, and Tourism Resources Protection</u> , counts as open space. Additionally, land which is part of an individually owned parcel shall be counted as open space, if it is located outside of an identified building envelope and can be designed as part of the contiguous open space on the development. Conventional single family units shall be located on the property in a manner that accomplishes the goals and objectives of open space preservation as described in these Land Use and Development Regulations. 5=Notwithstanding, a street yard setback is required from a property line that is faced by a garage door. 6=In areas west of the Teton Mountains, including Alta, Leigh Canyon, and Squirrel Meadows; the minimum acreage requirement for this option shall be 70 acres. 7=Minimum rear yard is 20 feet if one accessory residential unit is attached to principal structure; 6 feet if detached. 8=When computing the number of dwelling units in the Rural Zoning District, fractions of units shall be rounded up to the next highest whole number. 9=A minimum of 4,500 square feet is permitted. 10=A minimum of 17,424 square feet is permitted. (Amended 12/5/95)									

TABLE 2400:
SCHEDULE OF DIMENSIONAL LIMITATIONS (cont'd)

Zoning District and Development Type	Min OSR/ Min LSR	Max Gross Density du's/ac [8]	Floor Area Ratio [1]	Min Site Area (sf)	Min Lot Area (sf)	Min Street Yard (ft)	Min Side Yard (ft) [5]	Min Rear Yard (ft) [5]	Max Height (ft) [2]
RURAL (R)									
Conventional Single Family Unit	See 4	n/a	n/a	n/a	n/a	50	30	40	30
Conventional Single Family Subdivision	n/a	.029	n/a	n/a	35 ac	50	30	40	30
Planned Residential 50% ratio 1. (1 du/35 ac) 2. (2 du/35 ac)	.50 .50	.029 .057	n/a n/a	n/a 121 ac ₆	n/a n/a	50	30	40	30
Planned Residential 70% ratio 1. (3 du/35 ac) 2. (6 du/35 ac)	.70 .70	.086 .171	n/a n/a	n/a 121 ac ₆	n/a n/a	50	30	40	30
Planned Residential 85% ratio 1. (9 du/35 ac)	.85	.257	n/a	360 ac	n/a	50	30	40	30
Planned Unit Development	See Section 2170, <u>Planned Unit Development</u>								
Working Ranch Subdivision	n/a	.029	n/a	70 ac	n/a	50	30	40	30
All Nonresidential Uses	.95	n/a	.005	35 ac	n/a	50	30	40	35
BUSINESS CONSERVATION (BC)									
Conventional Single Family Unit 1. Lots less than 3 acres 2. Lots 3 acres or more	.00 .00	n/a n/a	n/a n/a	<3 ac ≥3 ac	<3 ac ≥3 ac	25 50	10 30	25 40	30 30
All Nonresidential Uses 1. Lots ≤ 15,000 sq. ft 2. Lots ≤ 4 acres 3. Lots > 4 acres	.30 .30 .30	n/a n/a n/a	.30 .10, .05 ₁₀	n/a	n/a	20	10	20	26
1=See Section 2450, <u>Maximum Scale of Development</u> .									
2=Notwithstanding the stated max height, no building shall have more than two (2) levels above ground except as provided in Section 2370, <u>Accessory Residential Units</u> .									
3=Nonresidential uses in the UC District shall have a minimum rear setback of twenty (20) feet on the ground level.									
4>All lands protected pursuant to Article III, <u>Natural, Scenic, Agricultural, and Tourism Resources Protection</u> , counts as open space. Additionally, land which is part of an individually owned parcel shall be counted as open space, if it is located outside of an identified building envelope and can be designed as part of the contiguous open space on the development. Conventional single family units shall be located on the property in a manner that accomplishes the goals and objectives of open space preservation as described in these Land Use and Development Regulations.									
5=Notwithstanding, a street yard setback is required from a property line that is faced by a garage door.									
6=In areas west of the Teton Mountains, including Alta, Leigh Canyon, and Squirrel Meadows; the minimum acreage requirement for this option shall be 70 acres.									
7=Minimum rear yard is 20 feet if one accessory residential unit is attached to principal structure; 6 feet if detached.									
8=When computing the number of dwelling units in the Rural Zoning District, fractions of units shall be rounded up to the next highest whole number.									
9=A minimum of 4,500 square feet is permitted.									
10=A minimum of 17,424 square feet is permitted.									

TABLE 2400:
SCHEDULE OF DIMENSIONAL LIMITATIONS (cont'd)

Zoning District and Development Type	Min OSR/ Min LSR	Max Gross Density du's/ac [8]	Floor Area Ratio [1]	Min Site Area (sf)	Min Lot Area (sf)	Min Street Yard (ft)	Min Side Yard (ft) [5]	Min Rear Yard (ft) [5]	Max Height (ft) [2]				
NEIGHBORHOOD CONSERVATION (NC)													
Conventional Single Family Unit													
A. NC-SF													
1. Lots less than 3 acres	See Section 2420	n/a	n/a	<3 ac	25	10	25	30					
2. Lots 3 acres or more	See Section 2420	n/a	n/a	≥3 ac	50	30	40	30					
B. NC-TVSF	See Section 2420	n/a	n/a	n/a	30	20	30	35					
C. NC-2	See Section 2420	n/a	n/a	7,500	25	10	15	28					
D. NC-MHP	See Section 2420	n/a	n/a		See Section 2420				18				
E. NC-PUD	See Section 2420	n/a	n/a		See Section 2420				30				
Conventional Single Family Subdivision	See Section 2420.B, <u>Subdivision</u>												
OFFICE PROFESSIONAL (OP)													
Conventional Single Family Unit	.00	n/a	n/a	7,500	7,500	25	10	30	24				
All Nonresidential Uses													
1. Lots ≤ 15,000 sq. ft.	.30	n/a	.46	n/a	7,500	25	10	25	26				
2. Lots > 15,000 sq. ft.	.30	n/a	.30										
RESIDENTIAL BUSINESS (RB)													
All Uses	.30	n/a	.32	n/a	7,500	25	10	25	24				
BUSINESS PARK (BP)													
All Uses	.15	n/a	.41	n/a	10,000	20	10	40	35				

1=See Section 2450, Maximum Scale of Development.

2=Notwithstanding the stated max height, no building shall have more than two (2) levels above ground except as provided in Section 2370, Accessory Residential Units.

3=Nonresidential uses in the UC District shall have a minimum rear setback of twenty (20) feet on the ground level.

4=All lands protected pursuant to Article III, Natural, Scenic, Agricultural, and Tourism Resources Protection, counts as open space.

Additionally, land which is part of an individually owned parcel shall be counted as open space, if it is located outside of an identified building envelope and can be designed as part of the contiguous open space on the development. Conventional single family units shall be located on the property in a manner that accomplishes the goals and objectives of open space preservation as described in these Land Use and Development Regulations.

5=Notwithstanding, a street yard setback is required from a property line that is faced by a garage door.

6=In areas west of the Teton Mountains, including Alta, Leigh Canyon, and Squirrel Meadows; the minimum acreage requirement for this option shall be 70 acres.

7=Minimum rear yard is 20 feet if one accessory residential unit is attached to principal structure; 6 feet if detached.

8=When computing the number of dwelling units in the Rural Zoning District, fractions of units shall be rounded up to the next highest whole number.

9=A minimum of 4,500 square feet is permitted.

10=A minimum of 17,424 square feet is permitted.

Key to Table 2400

Zoning District and Development Type. The Zoning District and Development Type column lists each zoning district and the residential and nonresidential development options permitted within that zoning district.

Min. OSR/Min. LSR. The Min. OSR/LSR column lists the minimum open space ratio (OSR) or minimum landscape surfaces ratio (LSR) which, when multiplied by the base site area (see Section 2460, Maximum Gross Density/Intensity Calculation), yields the required open space acreage or landscaped area for each development option.

Max. Gross Density du's/ac. The Maximum Gross Density column is expressed as dwelling units per acre (du's/ac). It lists the maximum dwelling units permitted per acre. It is calculated over the parcel's base site area by multiplying the maximum gross density by the base site area (see Section 2460, Maximum Gross Density/Intensity Calculation). This calculation yields the maximum number of dwelling units permitted under each residential development option.

Floor Area Ratio. The Floor Area Ratio (FAR) is calculated by dividing the total gross floor area on a given lot by the size of the lot. For example, a two thousand (2,000) square foot building on a lot of ten thousand (10,000) square feet equates to an FAR of .20. In nonresidential and multiple use developments, gross floor area means the total floor area of all buildings, including lofts and interior balconies, and excluding basements. In residential developments, lofts and interior balconies are included; basements, along with garages, storage buildings, and other non-habitable spaces are excluded. (Amended 9/27/94)

Min. Site Area (sf). The Minimum Site Area column lists the minimum amount of acreage needed for the development option. The minimum site area is given in square feet unless noted otherwise.

Min. Lot Area (sf). The Minimum Lot area column lists the minimum lot sizes required within a specific development. The minimum lot area is given in square feet unless indicated otherwise.

Min. Street Yard (ft). The Minimum Street Yard column gives the distance all buildings, and structures over four (4) feet in height, must be set back from a street right-of-way or roadway easement in feet (ft). Where a site abuts a road or highway having only a portion of its required right-of-way width dedicated or reserved for roadway purposes, or contains or abuts a road or highway proposed by the Teton County Transportation Master Plan, the setback shall be measured from the line establishing the additional width required for right-of-way purposes. In the absence of a street or roadway easement, the minimum street yard shall be measured from the property line which access is taken from. In some cases, accessory structures may be allowed a lesser setback. In other cases, the specific standards for a particular development option may supersede these general setbacks. (Amended 9/27/94)

Min. Side Yard (ft). The Minimum Side Yard column gives the distance in feet (ft), that all buildings, and structures over four (4) feet in height, must be set back from the side lot lines, in general. In some

cases, accessory structures may be allowed a lesser setback. In other cases, the specific standards for a particular development option may supersede these general setbacks. (Amended 9/27/94)

Min. Rear Yard (ft). The Minimum Rear Yard column gives the distance, in feet (ft), that all buildings, and structures over four (4) feet in height, must be set back from the rear lot lines, in general. In some cases, accessory structures may be allowed a lesser setback. In other cases, the specific standards for a particular development option may supersede these general setbacks. (Amended 9/27/94)

Max. Height (ft). The Maximum Height column gives the maximum height, in feet (ft), that any structure may be in the specified zoning district. See Article VIII, Definitions, for how height is measured.

SECTION 2420. STANDARDS IN NEIGHBORHOOD CONSERVATION (NC) DISTRICT

All requirements of these Land Development Regulations apply in the NC District, unless specifically stated otherwise in this Section.

A. Individual lot density

1. **NC-SF.** The number of units permitted on a single lot or parcel in the NC-SF District shall be limited to one (1) single-family dwelling unit.
2. **NC-2.** The number of units permitted on a single lot or parcel in the NC-2 District shall be limited to two (2) dwelling units.
3. **NC-MHP.** The number of units permitted on a single lot or parcel in the NC-MHP District shall not be limited, so long as the standards in this Section are met.
4. **NC-PUD.** The number of units permitted within any given NC-PUD District shall be governed by the original Planned Unit Development approval.
5. **NC-TVSF.** The number of units permitted on a single lot or parcel in the NC-TVSF District shall be limited to one (1) single-family dwelling unit.

B. Subdivision. All new divisions of land within the NC District shall comply with Section 51200, Development Plan, Article VI, Platting and Land Records, and this Section. The maximum number of lots into which any given lot or parcel may be subdivided in the NC District, and the minimum lot size shall be determined as follows: (Amended 12/5/95)

1. **Maximum number of lots according to prior regulations.** The maximum number of lots into which a lot, parcel, or tract of land in the NC District can be subdivided shall not exceed the maximum number of lots that would have been permitted on the lot or parcel as mapped on the Land Use Element maps for Jackson-Wilson-Teton Village

(revision date 1/1/91), Slide Lake-Gros Ventre Area, Moran-Buffalo Fork Area, South County-Hoback Area, and Alta Area, hereby incorporated by reference and as follows:

- a. **RA-20, Residential/Agricultural District:** one (1) residential unit per twenty (20) acres. These lands include 10 year flood areas, steep slopes (over 30 percent average gradient), and naturally unstable slopes.
- b. **RA-10, Residential/Agricultural District:** one (1) residential unit per ten (10) acres. These lands include moderately steep and potentially unstable slopes of 15-30 percent, average gradient and lands with groundwater less than three (3) feet below the surface, not attributed to irrigation, in the Slide Lake-Gros Ventre, Moran-Buffalo Fork, South County-Hoback, and Alta areas.
- c. **RA-7.5, Residential/Agricultural District:** one (1) residential unit per seven and one-half (7.5) acres. These lands include potentially unstable slopes of 10-15 percent average gradient.
- d. **RA-6, Residential/Agricultural District:** one (1) residential unit per six (6) acres. These lands include 25-50 year flood areas, the Flat Creek winter flood area, and lands with groundwater less than three (3) feet below the surface, not attributable to irrigation, in the Jackson-Wilson-Teton Village area.
- e. **RA-6-3 (variable) and RA-6/3 (variable) Residential/Agricultural District:** one (1) residential unit per six to three (6-3) acres. These lands include high terraces and low terraces with groundwater less than three (3) feet below the surface where the groundwater level possibly is attributable to irrigation in the Jackson-Wilson-Teton Village area, or may be attributable to inaccurate groundwater mapping. Residential development is permitted at a density of not more than one (1) unit per six (6) acres, or not more than one (1) unit per three (3) acres if the groundwater level drops below three (3) feet. All groundwater testing shall be performed during high groundwater season.

A development density greater than one unit per six acres, but not exceeding one unit per three acres, shall be approved for a Planned Residential Development, pursuant to Section 2320, Planned Residential Development, if the County determines by appropriate testing procedures made upon application by the owner, that the groundwater level is below three feet, subject to the following exceptions:

- (1) No such testing shall be required for a development which is served by a sewer connected with a municipal wastewater treatment system or a community wastewater treatment system.
- (2) No such testing shall be required for a Planned Residential Development or a Planned Unit Development in which none of the units will be

located on the portion of the site in the RA-6-3 (variable) or RA-6/3 (variable) Districts.

- f. **RA-5, Residential/Agricultural District:** one (1) residential unit per five (5) acres. These lands include stable slopes of 10-15 percent average gradient.
- g. **RA-3, Residential/Agricultural District:** one (1) residential unit per three (3) acres. These lands include low gradient uplands, alluvial fans, high terraces, and low terraces with groundwater more than three (3) feet below the surface.
- h. **Hillsides.** Lands having slopes of ten (10) percent or greater shall use the following procedure to calculate the maximum density allowable.
 - (1) Prepare a contour map at a vertical interval of not more than five (5) feet, or not more than ten (10) feet where the natural slope exceeds fifteen (15) percent. 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 percent 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."

- (2) From the contour map, prepare a slope map using the following slope classifications:

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

- (3) 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 parcel, tract or lot shall be the sum of the number of dwelling units allowed for the slope ranges. For 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

- (4) The total number of proposed lots shall not exceed the base density allowable based on the slope map information.
- (5) A lot in a proposed subdivision shall contain at least eight tenths (.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 parcel upon which the subdivision is proposed.

2. **NC-SF minimum lot size.** The minimum lot size in the NC-SF district shall be the minimum lot size permitted according to the prior regulations.

3. **NC-2 minimum lot size.** The minimum lot size in the NC-2 District shall be 7,500 square feet.

4. **NC-PUD.** The minimum lot size in the NC-PUD District shall be governed by the original PUD approval.

5. **NC-TVSF.** The minimum lot size in the NC-TVSF District shall be as platted on May 9, 1994.

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

D. **Use of existing platted lots.** When a dwelling occupies more than one (1) platted lot and/or when two (2) or more lots are used functionally as one (1) lot on the effective date of these Land Development Regulations, the lots shall be considered as combined into a single lot.

E. **Development standards**

1. **Dimensional limitations.** Minimum yards (setbacks) and maximum height shall conform to Table 2400, Schedule of Dimensional Limitations.

2. Setbacks

- a. **Ancillary structures.** Underground installations such as septic tank systems and wells, walks, driveways, and retaining walls four (4) feet or less in height may be located in a required setback area for structures, but not within any area required for additional right-of-way for roads or pathways proposed by the Teton County Transportation Master Plan. In addition, architectural projections of buildings such as chimneys, eaves, stairway landings, outside stairways and uncovered balconies, uncovered decks, and uncovered porches may extend into a required setback area for structures not more than six (6) feet.
- b. **Watercourses.** All structures shall be set back a minimum of 150 feet from the Snake, Gros Ventre, Hoback and Buffalo Rivers; a minimum of 50 feet from all streams and creeks; and a minimum of 15 feet from irrigation ditches. The area protected by the setback shall remain free from development, parking, open storage of vehicles, refuse or any other material. Disturbances within the setback area are limited to ones which are essential to permit either a road or utility crossing and shall be limited to the minimum area that is feasible. A stream or creek means a body of running water that is neither one of the identified rivers nor an irrigation ditch, and has an average annual flow of three (3) cfs or greater including return water from subirrigation practices.
- c. **Impervious surfaces.** The minimum setback for impervious surfaces from the site boundary lines shall be as prescribed in Table 2420.D.2.c, Minimum Setback Requirements for Paved Areas. The balance of the required structure setback area may be paved, provided that the total amount of impervious surface on the site does not exceed the standard prescribed in this Section.

TABLE 2420.D.2.c.
Minimum Setback Requirements for Paved Areas

Lot Size	Front Setback (feet)	Rear Setback (feet)	Side Setback (feet)
Three (3) acres or more	25	20	15
Less than three (3) acres	12.5	15	5

- d. **Fencing.** On sites of single-family residences, a fence not exceeding four (4) feet in height may be constructed anywhere within the required front setback, and a fence not exceeding six (6) feet in height may be constructed within required side and rear setbacks. Fences also shall not create a serious impediment to wildlife movement and shall comply with Section 3270.I, Fencing.

e. **Trash sheds.** Trash sheds shall be permitted within a required setback provided:

- (1) No shed shall be located so that it blocks vehicular vision or creates other safety hazards.
- (2) All such trash sheds will require a building permit.
- (3) A maintenance agreement shall be submitted with the building permit application.
- (4) No trash shed located within any required setback may exceed two hundred (200) square feet in area.
- (5) No trash shed may exceed a height of ten (10) feet.
- (6) The access to any approved trash shed shall be improved to the same standards as the road from which it is accessed.
- (7) Any trash shed which is adjacent to a County right-of-way must file for a permit to construct a driveway access with the County Road Department.
- (8) No trash sheds shall be permitted within a County right-of-way.

3. **Coverage by impervious surfaces.** Impervious surfaces are those which cover the ground and do not permit the percolation of rainfall and snowmelt into the soil, thereby resulting in a volume of stormwater runoff greater than that when the area was in its undisturbed natural state. Impervious surfaces include building roofs, paved and/or unpaved parking areas and driveways, paved patios and terraces, swimming pools, and similar improvements, except that any portion of a site contained in a roadway easement serving two or more lots shall be deleted from any calculations of impervious surface coverage. The following standards shall apply:

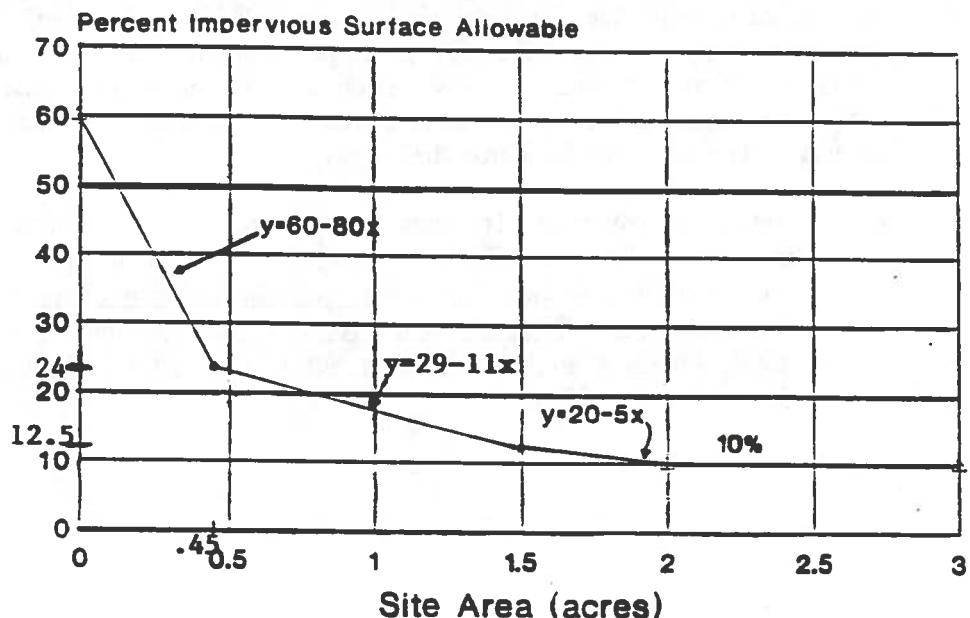
- a. **Amount of coverage.** The amount of site area covered by impervious surfaces in formerly RA and RTR Districts shall not exceed the percent of site area prescribed in Table 2420.E.3.a, Maximum Coverage by Impervious Surfaces in RA Districts for Sites Three (3) Acres or Greater and Figure 2420.E.3.a, Maximum Coverage by Impervious Surfaces for Sites Smaller than Three (3) Acres. (Amended 12/5/95)

Table 2420.E.3.a
Maximum Coverage by Impervious Surfaces in RA and RTR Districts for Sites Three (3) Acres or Greater (Amended 12/5/95)

Former Zoning District	Maximum % Impervious Coverage
RA-20	2.5
RA-10	5.0
RA-7.5	5.5
RA-6	6.0
RA-6/3 (variable)	
-min 6 ac lots	6.0
-min 3 ac lots	10.0
RA-5	7.0
RA-3	10.0

Figure 2420.E.3.a

**Maximum Coverage by Impervious Surfaces
 for Sites Smaller than Three (3) Acres** (Amended 12/5/95)



- b. **Driveway area exempted if better site design achieved.** If it can be demonstrated, to the satisfaction of the Planning Director, that a better site design and structure location can be achieved by exempting a portion of the area of the driveway from the impervious surface coverage amount, then the portion of the area of the driveway that provides for the better site design and structure location shall be removed from the impervious surface coverage limitation calculation. The following standards shall be used to judge better site design or structure location. (Amended 12/5/95)
 - (1) **Less visually obtrusive.** The structure is less visually obtrusive from one or more of the following: a State Highway, County road, or the Snake, Gros Ventre, Hoback, or Buffalo Rivers. (Amended 12/5/95)
 - (2) **Better use of natural topography.** The proposed location of the structure results in better use of the natural topography by minimizing cut and fill for either the driveway or structures; earth sheltered structures shall be exempt.
 - (3) **Preserve natural vegetation.** The proposed location of the structure(s) and driveway preserve and incorporate natural vegetation in the site plan better than would have been possible with a shorter driveway.
 - (4) **Minimize impacts on wildlife habitat.** The proposed location of the structure(s) and driveway minimize impacts upon wildlife habitat, with particular regard to crucial winter range and migration routes, better than would have been possible with a shorter driveway.
 - (5) **Difficult lot.** Lots or parcels created prior to May 9, 1994, where the configuration of the lot or parcel, or natural resources thereon, requires a longer driveway to site a structure in compliance with setback or yard standards. (Amended 12/5/95)
4. **NC-MHP.** Mobile home parks within the NC-MHP District shall be allowed to continue, to develop, and to redevelop, based on the existing average yards, impervious surfaces, and area per individual mobile home of the existing mobile home park.
5. **NC-MHP minimum area.** The minimum area for an individual mobile home in the NC-MHP shall be the existing average area per individual mobile home within 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 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.

6. **NC-PUD.** The development standards within any NC-PUD District shall be governed by the original PUD approval.
7. **Maximum height of accessory structures in NC-SF.** The maximum height of an accessory structure in NC-SF shall not exceed twenty-five (25) feet.
8. **Number of building stories in NC-TVSF.** There is no restriction on the number of stories in the NC-TVSF District.

SECTION 2430. STANDARDS IN THE BUSINESS CONSERVATION (BC) DISTRICT

All requirements of these Land Development Regulations apply in the BC District, unless specifically exempted in this Section.

- A. **Expansion permitted.** The land use existing on the site as of the date of adoption of these Land Development Regulations (May 9, 1994) shall be allowed an out-right expansion of twenty (20) percent of the size of the structure so long as all the standards of this section and these Land Development Regulations are met. In instances where expansion of twenty (20) percent permits less expansion than the Floor Area Ratio listed in Table 2400, Schedule of Dimensional Limitations, expansion to the FAR shall be permitted, pursuant to the conditions of this section and these Land Development Regulations.
 1. **Determining Size.** The twenty (20) percent expansion permitted shall be determined by the size of the structure in which the use is located on the date of adoption of these Land Development Regulations (May 9, 1994.) For example, the expansion of habitable building square footage shall be based upon the total square footage of all existing habitable building square footage.
 2. **Expansion of existing uses.** Any expansion of existing uses permitted in the BC district shall require a Conditional Use Permit pursuant to Section 5140, Conditional and Special Uses, except expansions of less than 3,450 square feet of gross floor area which shall be treated as a minor development plan.
 3. **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.
- B. **Change signs or lighting.** Proposals to change signs or lighting shall not increase the discrepancy between the existing sign and the standards of Division 4600, Signs, or Section 49370, Exterior Lighting and Glare.

C. **Change of use permitted.** A Conditional use permit issued pursuant to Section 5140, Conditional and Special Uses, is required for any change of use in the BC District. The change shall be limited to uses of equal or lesser intensity only. The following standards shall be used in evaluating the change of use:

1. **Uses.** All uses permitted in the AC District are eligible uses for change of use applications.
2. **Level of intensity.** Determination of the level of intensity shall include consideration of the size of structures, traffic generation (amount and type), impacts on access, parking demand, level of outdoor activity, operational characteristics, and other potential adverse impacts on neighboring uses.
3. **Signs and lighting.** If the use is changed pursuant to this Subsection, the sign for the use shall comply with the standards of Division 4600, Signs, and Section 49370, Exterior Lighting and Glare.

D. **Lodging.** Lodging may be permitted in the BC zone pursuant to the standards of this section.

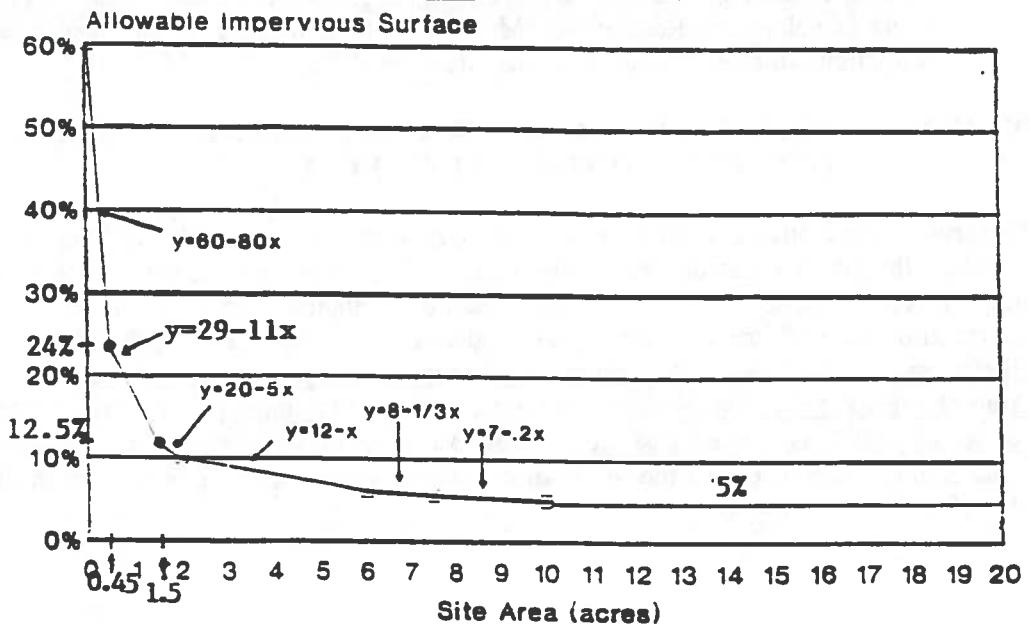
1. **Outside of the Lodging Overlay.** A twenty (20) percent expansion of existing lodging is permitted. Notwithstanding the FAR, new lodging or expansion exceeding twenty (20) percent of existing lodging is prohibited.
2. **In the Lodging Overlay.** Within the lodging overlay, construction of new lodging or expansion of existing lodging is permitted in order to meet existing demand pursuant to all conditions of this section. Existing demand for lodging shall be determined to be lodging demand generated from existing development on the date of the adoption of these Land Development Regulations (May 9, 1994) or lodging demand generated by other attractions in close proximity to the site.

SECTION 2440. MAXIMUM IMPERVIOUS SURFACE LIMITATION FOR RESIDENTIAL LOTS IN ALL DISTRICTS EXCEPT NC

A. **General.** Residential development shall comply with a maximum lot or impervious surface coverage limitation as established by this Section. Where there is residential and nonresidential development on the same parcel, the parcel shall be exempted from the terms of this Section and governed by the LSR specified for the nonresidential use in Table 2400, Schedule of Dimensional Limitations. Table 2440.A, Maximum Impervious Surface Coverage for Residential Lots Urban, Auto-Urban and Suburban Districts and Figure 2440.A, Maximum Impervious Surface Coverage for Residential Lots - Rural District, identify the limitations that shall apply on residential lots in all zoning districts, except the NC District, subject to the additional provisions of this Section. (Amended 9/27/94 and 12/5/95)

Table 2440.A Maximum Impervious Surface Coverage for Residential Lots Urban, Auto-Urban and Suburban Districts (Amended 12/5/95)	
UC and UR	
Conventional Single Family Unit	60%
Planned Residential	65%
AR, AC, AC/T	
Single Family Detached	38%
with one accessory unit	40%
with two accessory units	42%
S	
Conventional Single Family Unit	36%
Planned Residential, 25% ratio	45%
Planned Residential, 35% ratio	48%

FIGURE 2440.A
MAXIMUM IMPERVIOUS SURFACE COVERAGE FOR RESIDENTIAL LOTS - RURAL DISTRICT (Amended 12/5/95)



*Allowable impervious surface coverage for sites over ten (10) acres is five (5) percent.

B. **Measuring impervious surface coverage.** (Amended 12/5/95) Maximum impervious surface coverage shall be measured as follows:

1. **General.** Impervious surface coverage shall be measured by totalling the coverage of all impervious surfaces, as defined in Division 8300, Definitions.
2. **Lots in development with required open space.** For lots in developments with required open space, the lot/impervious surface coverage shall be calculated for the entire project area and allocated to each lot at the time a Development Plan is approved. For planned residential development in the Rural zone, the impervious surface coverage may, based on site design, be increased proportionally, based upon the proportional increase from the lowest Maximum Gross Density (.029 units/acre) to the Maximum Gross Density allowable in the selected planned residential development type. Amendments to lot/impervious surface allocations shall be made by receiving approval of an amendment pursuant to Section 5170, Zoning Compliance Verification.
3. **Lots in conservation easement.** For lots or homesites reserved in a conservation easement, the lot or homesite impervious surface coverage shall be calculated for the entire parcel area and allocated to each lot or homesite at the time the building permit is approved.
4. **Delete residential roadway surface.** Any portion of a site contained in a roadway easement serving two (2) or more lots/units shall be deleted from any calculations of lot/impervious surface coverage.

C. **Driveway area exempted if better site design achieved.** (Amended 12/5/95) If it can be demonstrated, to the satisfaction of the Planning Director, that a better site design and structure location can be achieved by exempting a portion of the area of the driveway from the impervious surface coverage amount, then the portion of the area of the driveway that provides for the better site design and structure location shall be removed from the impervious surface coverage limitation calculation. The following standards shall be used to judge better site design or structure location.

1. **Less visually obtrusive.** The structure is less visually obtrusive from one or more of the following: a State Highway, County road, or the Snake, Gros Ventre, Hoback, or Buffalo Rivers.
2. **Better use of natural topography.** The proposed location of the structure results in better use of the natural topography by minimizing cut and fill for either the driveway or structures; earth sheltered structures shall be exempt.
3. **Preserve natural vegetation.** The proposed location of the structure(s) and driveway preserve and incorporate natural vegetation in the site plan better than would have been possible with a shorter driveway.

4. **Minimize impacts on wildlife habitat.** The proposed location of the structure(s) and driveway minimize impacts upon wildlife habitat, with particular regard to crucial winter range and migration routes, better than would have been possible with a shorter driveway.
5. **Difficult lot.** Lots or parcels created prior to May 9, 1994, where the configuration of the lot or parcel, or natural resources thereon, requires a longer driveway to site a structure in compliance with setback or yard standards.

D. **Setbacks for impervious surfaces.** (Amended 12/5/95) Impervious surfaces on lots of one (1) acre or more shall be set back from each property line half the amount required for primary structures, except for the following:

1. **Access driveways.** The point at which a driveway or residential road provides access to a lot; or
2. **Shared driveways.** Shared driveways.

SECTION 2450. MAXIMUM SCALE OF DEVELOPMENT

A. **Residential development.** Notwithstanding the development standards specified in Table 2400, Schedule of Dimensional Limitations, single family development shall comply with the following standards:

1. **Habitable space.** The maximum amount of habitable space for a single family dwelling, including associated accessory structures, is 8,000 square feet.
2. **Total square footage.** The total floor area of a single family dwelling, including all associated accessory structures, shall not exceed 10,000 square feet.
3. **Basements excluded.** Basements, as defined in these Land Development Regulations, are excluded from the calculation of maximum scale of development. For the purposes of this section, only floor area above ground shall be counted. Floors above ground shall include partial levels such as lofts and interior balconies. (Amended 9/27/94)

B. Nonresidential Floor Area Limitations

1. **General.** Notwithstanding the dimensional standards specified in Table 2400, Schedule of Dimensional Limitations, individual buildings in nonresidential developments shall comply with the Gross Floor Area (GFA) size limitations established in Table 2450.B, Nonresidential Floor Area Limitations. This table specifies the maximum floor area allowed above ground in an individual building. For the purposes of this standard, floors above ground shall include partial levels such as lofts and interior balconies; basements, as defined in these Land Development Regulations, are excluded from the calculation of maximum scale of development. Agricultural buildings are exempt from this standard. (Amended 9/27/94)

Table 2450.B.
Nonresidential Floor Area Limitations

Zoning District	Maximum Floor Area Above Ground
UC	15,000 sq. ft.
AC	15,000 sq. ft. in AC districts in Teton County which are contiguous with Town of Jackson boundaries; 6,000 sq. ft. in all other parts of Teton County except that an individual commercial building may exceed the 6,000 sq. ft. maximum floor area above ground limitation by up to 20 percent if the design of the commercial building meets the standards set forth in Section 2450.B.6 of the Land Development Regulations. (Amended 11/21/95)
BP	15,000 sq. ft.
OP	6,000 sq. ft.
BC	6,000 sq. ft.
Lodging Overlay	In AC and UC districts, lodging buildings over 15,000 sq. ft. permitted with CUP up to 35,000 sq. ft. In the BC district, lodging buildings up to 15,000 sq. ft. permitted.
P/SP	Not applicable

2. **Single retail use size.** Notwithstanding the requirements of Table 2450.B, Nonresidential Floor Area Limitations, all single retail uses shall be limited to twelve thousand five hundred (12,500) square feet in size.
3. **Single lodging operation.** Notwithstanding the requirements of Table 2450.B, Nonresidential Floor Area Limitations, a single lodging operation, when housed in more than one (1) building, shall be limited to 90,000 square feet.
4. **Nonresidential uses in residential zoning districts.** Notwithstanding the requirements of Table 2450.B, Nonresidential Floor Area Limitations, nonresidential uses located in residential zoning districts shall comply with maximum building size for residential structures in that zoning district, as listed in Table 2450.A, Residential Gross Floor Area (GFA) Limitations, and shall comply with the maximum floor area ratio limits in Table 2400, Schedule of Dimensional Limitation and any other floor area limits specified in this Section, for the comparable nonresidential district; for example, a nonresidential use in the AR District shall comply with the FAR limits for the AC District. If the maximum building size permitted is larger than the FAR permitted, the remainder of the building shall be used for residential purposes only.

5. **Lodging Overlay District.** Within the Lodging Overlay (LO), the maximum building size may be increased up to a maximum of 35,000 square feet with a conditional use permit pursuant to Section 5140, Conditional and Special Use.
6. **Standards to allow maximum floor area above ground for an individual commercial building to exceed 6000 sq. ft. by up to 20 percent in AC Districts not contiguous to the Town of Jackson.** (Amended 11/21/95)
 - a. The purpose of this provision is (1) to meet the need for additional commercial space within the existing AC Districts, thereby helping to alleviate the pressure to expand the AC Commercial Districts; and (2) to allow greater flexibility to achieve the character and balance objectives for the AC commercial districts, as set forth in Chapter 6 of the County 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:
 - more interesting design of individual buildings
 - compatibility with scale and character of surrounding commercial buildings
 - contribute, with surrounding buildings, to a sense of scale and character consistent with the goals of the County 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 percent 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 District.
 - d. At its discretion, the Board of County Commissioners may allow, in the AC Districts not contiguous to the Town of Jackson, individual commercial buildings to exceed by up to 20 percent the 6,000 square foot maximum floor area above ground for an individual commercial building, upon finding that the following standards are met:
 - (1) The resultant building shall be compatible with the bulk and scale of the other commercial buildings in the adjacent commercial area.
 - (2) 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.

- (3) 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.
- (4) All other applicable requirements of the Land Development Regulations (e.g. floor area ratio, offstreet parking, LSR/OSR requirements, etc.) shall be met.

SECTION 2460. MAXIMUM GROSS DENSITY/INTENSITY CALCULATION

The calculation described in this Section shall determine the maximum number of residential units or the maximum gross floor area, as is applicable, for any given site proposed for development. Maximum densities and intensities are not guaranteed to be achievable by the terms of these Land Development Regulations. Actual achievable densities and intensities may be limited by many factors, such as product type(s), parking requirements, parcel location and configuration, and natural and scenic resource limitations.

A. Density/intensity calculation. Density/intensity shall be calculated as follows:

1. **Gross site area.** Gross site area shall be determined by certified boundary survey.
2. **Base site area.** Base site area is gross site area minus the following:
 - a. All land within existing public road rights-of-way;
 - b. All land between levees or banks of rivers and streams, and all lakes or ponds greater than one (1) acre;
 - c. All land which has been previously committed as permanent open space in accordance with the standards of these or prior Land Development Regulations.
 - d. Fifty (50) percent of lands with slope greater than twenty-five (25) percent.
3. **Site maximum density/intensity yield.** Take base site area, multiply acreage by Maximum Gross Density (or square footage by maximum gross Floor Area Ratio, as found on Table 2400, Schedule of Dimensional Limitations), which equals site maximum density/intensity yield.

4. **Noncontiguous parcels.** The gross site area may equal the total area of two (2) noncontiguous parcels provided the following standards are met:

- a. The location of development that results from the transfer of density/intensity from one (1) noncontiguous parcel to the other 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 (1) noncontiguous parcel to another shall accomplish the objectives of open space preservation described in these Land Development Regulations and the Comprehensive Plan.

B. **Developments in more than one zoning district.** Where land is in more than one (1) zoning district, the land may be designed and developed as a single development.

1. **Density or intensity calculation.** The entire parcel of land may be used to meet minimum site area requirements in either zoning district, but the density or intensity calculations shall be based on the acreage existing in each zoning district.
2. **Locate in area of higher intensity use.** 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.

ARTICLE II
NATURAL, SCENIC, AGRICULTURAL, AND TOURISM
RESOURCES PROTECTION - TETON COUNTY

ARTICLE III

NATURAL, SCENIC, AGRICULTURAL, AND TOURISM RESOURCES PROTECTION - TETON COUNTY

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RESOURCES PROTECTION - TETON COUNTY

ARTICLE III

NATURAL, SCENIC, AGRICULTURAL, AND TOURISM RESOURCES PROTECTION

TABLE OF CONTENTS

		<u>PAGE</u>
DIVISION 3000.	FINDINGS, PURPOSE, AND OVERVIEW	III-1
SECTION 3010.	FINDINGS	III-1
SECTION 3020.	PURPOSE	III-1
SECTION 3030.	OVERVIEW	III-2
DIVISION 3100.	ENVIRONMENTAL ANALYSIS	III-5
SECTION 3110.	PURPOSE	III-5
SECTION 3120.	APPLICABILITY	III-5
SECTION 3130.	EXEMPTIONS	III-5
SECTION 3140.	GENERAL REQUIREMENTS	III-6
SECTION 3150.	PROCEDURE	III-9
DIVISION 3200.	NATURAL RESOURCES PROTECTION AND NATURAL RESOURCES OVERLAY (NRO) DISTRICT	III-9
SECTION 3210.	FINDINGS AND PURPOSE FOR RESOURCE PROTECTION OF WATERBODIES, FLOODPLAINS, WETLANDS, AND MESIC AND NONMESIC HABITATS	III-9
SECTION 3220.	WATERBODIES, TEN (10) YEAR FLOODPLAINS, AND WETLANDS	III-10
SECTION 3230.	RESERVED	III-14
SECTION 3240.	FINDINGS AND PURPOSE OF NATURAL RESOURCES OVERLAY (NRO) DISTRICT	III-14
SECTION 3250.	ESTABLISHMENT OF NATURAL RESOURCE OVERLAY (NRO) DISTRICT	III-22
SECTION 3260.	APPLICABILITY	III-25
SECTION 3270.	STANDARDS FOR DEVELOPMENT IN THE NRO DISTRICT	III-26
DIVISION 3300.	SCENIC RESOURCES OVERLAY (SRO) DISTRICT	III-28
SECTION 3310.	FINDINGS AND PURPOSE	III-28

TABLE OF CONTENTS (cont'd)

PAGE

		PAGE
SECTION 3320.	LOCATION AND GENERAL STRUCTURE OF THE SCENIC RESOURCE OVERLAY (SRO) DISTRICT	III-29
SECTION 3330.	APPLICABILITY	III-32
SECTION 3340.	PROCEDURE	III-33
SECTION 3350.	SCENIC AREA FOREGROUND DEVELOPMENT STANDARDS	III-33
SECTION 3360.	SKYLINE DEVELOPMENT STANDARDS	III-37
DIVISION 3400.	AGRICULTURAL RESOURCES PRESERVATION	III-38
SECTION 3410.	FINDINGS AND PURPOSE	III-38
SECTION 3420.	SUMMARY OF MECHANISMS TO PROMOTE AGRICULTURAL PRESERVATION	III-39
DIVISION 3500.	LODGING OVERLAY (LO) DISTRICT	III-40
SECTION 3510.	FINDINGS AND PURPOSE	III-40
SECTION 3520.	ESTABLISHMENT OF LODGING OVERLAY (LO) DISTRICT	III-41
SECTION 3530.	APPLICABILITY	III-41
SECTION 3540.	STANDARDS FOR DEVELOPMENT IN THE LO DISTRICT	III-41
DIVISION 3600.	TOWN SQUARE OVERLAY (TSO) DISTRICT	III-42
SECTION 3610.	FINDINGS AND PURPOSE	III-42
SECTION 3620.	ESTABLISHMENT OF THE TOWN SQUARE OVERLAY (TSO) DISTRICT	III-42
SECTION 3630.	APPLICABILITY	III-42
SECTION 3640.	STANDARDS FOR DEVELOPMENT IN THE TSO DISTRICT	III-43
DIVISION 3700.	RESORT OVERLAY (RO) DISTRICT	III-43
SECTION 3710.	FINDINGS AND PURPOSE	III-43
SECTION 3720.	ESTABLISHMENT OF THE RESORT OVERLAY (RO) DISTRICT	III-44
SECTION 3730.	APPLICABILITY	III-44
SECTION 3740.	PROCEDURE	III-45
SECTION 3750.	STANDARDS FOR DEVELOPMENT IN THE RO DISTRICT	III-45
MESIC AND NONMESIC HABITATS APPENDIX		III-47

ARTICLE III

NATURAL, SCENIC, AGRICULTURAL, AND TOURISM RESOURCES PROTECTION

DIVISION 3000. FINDINGS, PURPOSE, AND OVERVIEW

SECTION 3010. FINDINGS

- A. **Natural, wildlife, agricultural, and scenic resources.** The natural, wildlife, agricultural, and scenic resources found in Teton County are essential components of the community's economic base and establish the character of the community. The economic base of the County is tourism and the future success of tourism is directly linked to the community's ability to provide an enjoyable experience to people who have many alternative locations where they can vacation. The County's community character, which is largely defined by its natural, wildlife, agricultural, and scenic resources, is the foundation of the economy and the basis for over half of the jobs in both the Town and County. It is essential that these natural, wildlife, agricultural, and scenic resources be preserved and protected in these Land Development Regulations.
- B. **Tourism resources.** Tourists visit the Town and County because of the quality of the experience offered. The protection and promotion of the natural, wildlife, agricultural, and scenic resources are essential for long-term sustainable economic development. This policy extends to the protection of these resources and to the ability of the public to enjoy them. Toward this end, the location of tourists' lodging facilities is important to the ability of tourists to have access to the attractive features of the area and to assure that tourists and tourist facilities do not deleteriously impact the general functioning of the community. It is important to locate tourist facilities to enhance the quality of the experience of the tourists and to limit the deleterious impact. In order to meet these objectives, these Land Development Regulations require lodging facilities to be located in areas of the community where these objectives can be best achieved.

SECTION 3020. PURPOSE

The purpose of this Article is to (1) provide for the protection of natural, wildlife, agricultural, and scenic resources, which are an essential component of the community's economic base and establish the character of the community, and (2) determine the location and character of tourist lodging facilities to facilitate tourist access to the attractive features of the community and also to assure that tourist facilities do not adversely impact the general functioning of the community, and (3) preserve and enhance the character and attractiveness of downtown Jackson in the vicinity of the Town Square.

SECTION 3030. OVERVIEW

There are seven (7) divisions that accomplish this Article's purpose.

A. Division 3100, Environmental Analysis.

1. **Purpose.** The purpose of this Division is to coordinate the application of all resource protection standards and the standards of the Natural Resources Overlay District, Division 3200, Natural Resource Protection and Natural Resources Overlay (NRO) District, and the standards of the Scenic Resources Overlay, Division 3300, Scenic Resources Overlay (SRO) District, and agricultural preservation objectives, Division 3400, Agricultural Resources Preservation.
2. **Methodology.** This Division specifies the types of development for which an environmental analysis must be performed, the content of the environmental analysis, and the procedure by which development applications requiring the analysis are processed.

B. Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District

1. Natural resources protection

- a. **Individual protected resources.** This division protects the following individual natural resources:

Waterbodies
Ten (10) year floodplains
Wetlands

- b. **Protected resources defined.** The above listed resources, and their subcategories are specifically defined in this Division. The Division also specifies the mechanisms used to protect the identified resources.

2. Natural Resources Overlay (NRO) District

- a. **Mapping.** The boundaries of the NRO District are shown on the Official Zoning District Map which has been adopted as part of these Land Development Regulations. These boundaries are general due both to the scale of the map and the difficulty in identifying vegetation and other land characteristics for a large area. Its purpose is to place a landowner on notice that land may be within the NRO District. A site specific analysis is required prior to development pursuant to Division 3100, Environmental Analysis, specifically to identify any NRO lands and apply the appropriate NRO standards to the development.

b. **Purpose.** The objective of the NRO District is to protect (1) the migration routes and crucial winter ranges of elk, (2) the migration routes and crucial winter ranges of mule deer, (3) the crucial winter habitat of moose, (4) the nesting areas and winter habitat of trumpeter swans, (5) the spawning areas of cutthroat trout, and (6) the nesting areas and crucial winter habitat of bald eagles. Development is to be designed to protect the areas wildlife need to survive; therefore, development is to be kept outside of the NRO, as much as possible.

C. Division 3300, Scenic Resources Overlay (SRO) District

1. **Mapping.** The boundaries of the SRO District are shown on the Scenic Resources Overlay District Map which has been adopted as part of these Land Development Regulations. There are several Scenic Areas described in this Division, and listed below:

Moose-Wilson Road Scenic Area
Highway 22 Scenic Area
Spring Gulch Road Scenic Area
South Highway 89 Scenic Area
South Park Loop Scenic Area
Hoback Canyon Scenic Area
Teton Canyon Scenic Area
Buffalo Valley Scenic Area

The SRO District identifies a Foreground and/or a Skyline for each of the above listed Scenic Areas. Development located in these areas is regulated by Division 3300.

2. **Purpose.** The purpose of the Scenic Resources Overlay (SRO) District 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 District, within which the location, design, and landscaping of development is regulated, so that development preserves, maintains, and/or compliments the County's important scenic resources.

D. Division 3400, Agricultural Preservation

1. **Purpose.** The purpose of this Division is to identify the mechanisms in these Land Development Regulations that have been adopted for the purpose of promoting agricultural preservation.

2. **Summary of mechanisms.** This Division describes the following mechanisms and their objective of agricultural preservation.

Rural District open space
Rural District density

Rural District permitted land uses
Exemption of regulations for agricultural uses

E. Division 3500, Lodging Overlay (LO) District

1. **Mapping.** The boundaries of the LO District are shown on the Official Zoning District Map which has been adopted as part of these Land Development Regulations.
2. **Purpose.** The purpose of the LO District is to provide lands within the County 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 services.

F. Division 3600, Town Square Overlay (TSO) District

1. **Mapping.** The boundaries of the TSO District are shown on the Official Zoning District Map which has been adopted as part of these Land Development Regulations.
2. **Purpose.** The purpose of the Town Square Overlay District is to provide development standards that preserve and enhance the unique character, qualities, and pedestrian-oriented environment of the Jackson Town Square and its immediate vicinity.

G. Division 3700, Resort Overlay (RO) District

1. **Mapping.** The boundaries of the RO District are shown on the Official Zoning District Map which has been adopted as part of these Land Development Regulations. The RO District has been applied to areas on the Official Zoning District Map where resort uses are considered appropriate. These areas are:

Jackson Hole Ski Resort (Teton Village)
Snow King Resort
Astoria Hot Springs

2. **RO District as interim regulation.** Any significant development within the RO District requires a Planned Resort (PR) District approval which essentially creates a specially tailored district for the proposed resort. The purpose of the RO District is to provide a mechanism so that small scale development can occur in the areas identified prior to the adoption of the Planned Resort District (PRD) ordinance.
3. **Objectives of a Planned Resort District.** The PR District is to be a mixed use district configured around a resort complex. Resorts are to be well-balanced; they are to provide tourist accommodations as well as seasonal and year-round housing. The design of resorts are to be compatible with adjoining areas and are to be connected to the community at-large by roads and pathways. A portion of the resort work force, particularly seasonal employees of hotels and restaurants are to be able to find housing

within the resort district. The commercial development is to provide both tourist and local convenience shopping opportunities in the Resort Overlay (RO) District as appropriate.

DIVISION 3100. ENVIRONMENTAL ANALYSIS

SECTION 3110. PURPOSE

This Division establishes an environmental analysis to coordinate the application of all resource protection standards and the standards of the Natural Resources Overlay, Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District, and the standards of the Scenic Resources Overlay, Division 3300, Scenic Resources Overlay (SRO) District, and agricultural preservation objectives, Division 3400, Agricultural Resources Preservation. This Division further defines the methodology and standards for conducting the environmental analysis. The analysis shall identify the natural, scenic and agricultural resources defined in this Article and describe how the proposed development shall be designed in order to preserve these resources and to meet the standards of this Article.

SECTION 3120. APPLICABILITY

All development proposals subject to the provisions in Division 3250, Natural Resources Protection and Natural Resources Overlay (NRO) District or Division 3300, Scenic Resources Overlay (SRO) District, and any activity, including subdivision, that disturbs an area of one (1) acre or more, shall comply with the provisions of this Division unless specifically exempted below.

SECTION 3130. EXEMPTIONS

The following activities and development shall be exempt from the requirement to prepare an Environmental Analysis.

- A. **Agriculture.** Activities conducted for agricultural purposes.
- B. **Development within an approved project.** All development pursuant to a project approval already received under these Land Development Regulations.
- C. **NC District.** All development within the NC District, except new subdivisions.
- D. **Single-family home.** Development of a single-family home, so long as the following criteria are met:

1. The location proposed for the single-family home is not within the NRO or the SRO; and
2. The single-family home is the only residence on the individual lot or parcel or the density on the site is less than or equal to one (1) dwelling unit per thirty-five (35) acres of base site area; and
3. The application for development demonstrates compliance with all setback/buffer standards specified in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District.

E. **Expansion.** Expansion of an existing building or the addition of an accessory structure to a residential single-family dwelling.

F. **Land under conservation easement.** Property under a conservation easement, to 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 property has been performed as a basis for establishing the easement, may be exempt from this section if the applicant demonstrates that the review and study satisfies the objectives of the Environmental Analysis required pursuant to this section. In such instances, the review and study completed for the conservation easement may be substituted for the Environmental Analysis.

G. **Working Ranch Subdivision.** Working ranch subdivision pursuant to Section 2350, Working Ranch Subdivision.

H. **Other, at discretion of Planning Director.** The Planning Director may waive the requirement for an Environmental Analysis for development that meets the following criteria: (Amended 9/27/94)

1. Parcel is outside the NRO and the SRO; and
2. Application for development demonstrates compliance with all setback/buffer standards specified in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District; and
3. Application for development clearly preserves natural resources in accordance with the ordinal ranking given in the Mesic and Nonmesic Habitats Appendix to Article III.

SECTION 3140. GENERAL REQUIREMENTS

A. General

1. **General content.** An Environmental Analysis shall describe the existing conditions of the land, describe the development proposal and the rationale for the location of proposed

development, and a description of how the proposal meets all the applicable standards and objectives of this Article and the Jackson/Teton County Comprehensive Plan.

2. **Site-specific content.** An Environmental Analysis for all proposed developments not otherwise exempted, shall contain the following components, as applicable to the land proposed for development and the proposed project.
 - a. **Protected resources component.** The Environmental Analysis for land containing resources protected pursuant to Section 3220, Waterbodies, Ten (10) Year Floodplains, and Wetlands, shall contain a protected resources component that includes maps and/or plans depicting the location of waterbodies, ten (10) year floodplains, wetlands, mesic, and nonmesic habitats as defined in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District. This component also shall describe the level to which all resources are either conserved or developed, depict the setbacks/buffers of all resources for which setbacks/buffers are required, and contain a mitigation plan, if applicable.
 - b. **NRO component.** If lands within the proposed development are in the NRO District, the Environmental Analysis shall contain a wildlife component that includes a site specific analysis that identifies the location of lands serving as critical winter habitat or migration routes protected by Section 3270, Standards for Development in the NRO District and plans identifying how the proposed development on the land complies with the standards of Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District.
 - c. **Visual component.** If lands within the proposed development are in the SRO District, the Environmental Analysis shall contain a visual component that includes a visual analysis of the proposed development, depicts the boundaries of the Scenic Resources Overlay District and include plans identifying how the proposed development on the land complies with the standards of Division 3300, Scenic Resources Overlay (SRO) District.
 - d. **Agricultural component.** An environmental analysis shall contain an agricultural component that identifies the location of agricultural land and describes related agricultural operations, such as irrigation practices, that occur on the land.
3. **Recommendations.** An Environmental Analysis shall contain recommendations for mitigating any negative impacts of the proposed development on the natural and scenic resources. The analysis also shall contain recommendations for resolving conflicting objectives when the Environmental Analysis identifies areas where such conflicts exist.

4. **Priorities.** In reviewing and approving, approving with conditions, or denying an application that contains lands impacted by both the NRO District and the SRO District, the following standards apply.
 - a. **Densities/intensities.** The density/intensity permitted by Table 2400, Schedule of Dimensional Limitations shall be permitted.
 - b. **Conflict.** When conflicts exist between the NRO District and SRO District that impact densities/intensities, the standards of Section 3270, Standards for Development in the NRO District, shall have priority, and shall be achieved to the maximum extent practical. The requirements of Division 3300, Scenic Resources Overlay District shall receive second priority.
5. **PUD option.** Any development that is proposed for a parcel of land, seventy-five (75) percent of which is within either the NRO District or the SRO District, or both, shall have an option of being reviewed as a Planned Unit Development pursuant to Division 5200, Planned Unit Development. In instances where this development option is pursued, and seventy-five (75) percent or more of the proposed development is determined to be in the NRO District and SRO District, the standards of Section 3270, Standards for Development in the NRO District, and Section 3350, Scenic Area Foreground Development Standards, may be waived to the minimum extent practical by the Board of County Commissioners if the following standards are met by the proposed development.
 - a. **NRO District**
 - (1) **General.** A minimum waiver is necessary to achieve a practicable and workable plan for development, and the waiver still results in a minimal impact on crucial elk migration routes, crucial elk winter range, crucial mule deer migration routes and winter range, crucial moose winter habitat, trumpeter swan winter habitat, cutthroat trout spawning areas, bald eagle nest areas, and bald eagle crucial winter habitat.
 - (2) **Mitigation.** The developer provides mitigation and habitat enhancement for the land impacted, either on-site or off-site, on a basis of two (2) acres of mitigation/habitat enhancement for every one (1) acre of land impacted. This shall be completed pursuant to a mitigation/enhancement plan, which includes a monitoring program.
 - b. **SRO District**
 - (1) **General.** A minimum waiver is necessary to achieve a practicable and workable plan for development and the waiver still results in a minimal

impact on the Scenic Areas being regulated, as well as the Scenic views being protected.

6. **Professional consultant(s) required.** The Environmental Analysis shall be prepared by one (1) or more professionals hired by the County. The developer of the project that requires the analysis shall pay the cost of preparation of the analysis. The chosen professionals shall have expertise in the subject of the Environmental Analysis based on education, professional certifications, experience in the field, and their understanding of these Land Development Regulations, the Jackson/Teton County Comprehensive Plan, and the goals and objectives thereof. Additional professional consultant(s) may be hired by the developer to review and comment on the Environmental Analysis.
- B. **Selection of consultant(s).** The County shall maintain a list of qualified professional consultants. The developer of a project that requires an environmental analysis shall select one (1) or more individuals from the list of certified consultants to prepare the analysis. The County also can select a consultant from the same list to review the work of the developer's consultant. In these instances, the County's consultant shall be paid by the County.

SECTION 3150. PROCEDURE

- A. **Concurrent review.** The environmental analysis shall be consolidated and considered with the review necessary to obtain the first development permit for the proposed development for which the analysis is conducted.
- B. **Review of applications.** The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing, if applicable, for an application for development on land subject to the standards of Article III, Natural, Scenic, Agricultural, and Tourism Resources Protection, shall be in accordance with Section 5120, Provisions of General Applicability.

**DIVISION 3200. NATURAL RESOURCES PROTECTION AND NATURAL RESOURCES
OVERLAY (NRO) DISTRICT**

**SECTION 3210. FINDINGS AND PURPOSE FOR RESOURCE PROTECTION OF
WATERBODIES, FLOODPLAINS, WETLANDS, AND MESIC AND
NONMESIC HABITATS**

- A. **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. Preserving the ten (10) year floodplain protects against the loss of life and property during flood events. Mesic and nonmesic habitats, as described in the Appendix,

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.

B. **Purpose.** The purpose of Section 3220, Waterbodies, Ten (10) Year Floodplains, and Wetlands is to define critical resources and establish protection standards for waterbodies, floodplains and wetlands.

SECTION 3220. WATERBODIES, TEN (10) YEAR FLOODPLAINS, AND WETLANDS

A. **Purpose.** This Section establishes the protection standards for waterbodies, floodplains, and wetlands. In order to protect the community as a whole from potential negative impacts caused by development that may affect these resources or their functions, this Section prohibits development on and within a certain distance of these resources.

B. **Resource definitions**

1. **Waterbodies.** Waterbodies means 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 (1) or more of the following characteristics:
 - (1) **Flow level.** Has an average annual flow of three (3) cfs. or greater including return water from subirrigation practices.
 - (2) **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 six (6) feet deep, that was created by natural processes.
 - d. **Riparian plant community.** Riparian plant communities associated with watercourses in Teton County/Town of Jackson, 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.

2. **Floodplains.** Floodplains mean the land which is subject to a ten (10) percent or greater chance of flooding in any given year, as identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, The Flood Insurance Study for Teton County, dated May 4, 1989. The Flood Insurance Study is on file at the Planning Office in the Teton County Courthouse, Jackson, Wyoming. (Amended 2/20/96)
3. **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 in the County shall be according to the 1989 Army Corps of Engineers definition of jurisdictional wetlands. This definition excludes irrigation induced wetlands.

C. **No development, setbacks/buffers required.** Due to the risk of severe negative impacts on the community at large if waterbodies, floodplains, and wetlands are wholly or partially developed, and the necessity to protect the natural functions of these resources, development of these resources is prohibited in most cases and a setback/buffer is required.

1. **Development prohibited.** Development in waterbodies, the ten (10) year floodplain, and wetlands is prohibited except for essential facilities as specified in 3, below.
2. **Setback/buffer required.** All development is required to be setback from specified resources as follows:
 - a. **Rivers.** 150 feet.
 - b. **Streams general.** Along streams not specified below, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet.
 - c. **Natural lake/pond.** Adjacent to natural lakes or ponds, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (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 development, parking, open storage of vehicles, refuse, or any other material. Terrain disturbance for bona fide agricultural purposes, flood protection, wildlife habitat enhancement, or 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 (1) house per seventy (70) acres or less and the total acreage subject to the easement is three hundred twenty (320) acres or more shall be exempt from certain stream setbacks required by this subsection. The stream setback for land under a conservation easement may vary based upon the wildlife, agricultural and scenic analyses performed as part of the design of the easement. Under no circumstances, however, shall the setback from streams be less than fifty (50) feet.

3. **Development of essential facilities**

a. **Waterbodies and floodplains.** Certain water dependent uses and essential road or utility crossings must be located in or adjacent to waterbodies and/or in floodplains. These may be permitted provided all structures meet the following requirements. (Amended 2/20/96)

- (1) **Flood control, irrigation, or essential crossings.** Only structures which are essential to flood control or irrigation or essential road or utility crossings shall be permitted.
- (2) **Not for human habitation.** Structures in the floodplain shall not be intended or designed for human habitation.
- (3) **Compliance with Floodplain Management Resolution.** All development permitted within the floodplain pursuant to this Section shall comply with the Teton County Floodplain Management Resolution. In the event of a discrepancy in regulation between the Floodplain Management Resolution and these Land Development Regulations, the more stringent regulation shall control. (Amended 2/20/96)
- (4) **Minimize negative impacts on wildlife.** All development shall be designed to minimize negative impacts on wildlife.
- (5) **Fills in floodplains.** Fills or deposition of materials in floodplains may be allowed provided the following standards are met:
 - (a) Fill shall be allowed only for essential crossings, water dependent uses, or flood control.
 - (b) No fill shall be in the floodway or within twenty (20) feet of the floodway.

- (c) Fill or other materials shall be protected against erosion by riprap, vegetative cover, sheet piling, or bulkhead sufficient to prevent erosion.
- (d) Fill shall be clean and compacted to minimize erosion potential.

b. **Wetlands.** Wetlands may be developed under the following circumstances. Notwithstanding, receipt of a local permit for developing wetlands does not absolve a developer from obtaining all other State or Federal permits necessary to develop wetlands.

- (1) **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 development due to planning, location, and other factors, or where the wetland is induced by agricultural irrigation.
- (2) **Necessary to reshape wetland to provide building site.** Where, due to parcel shape and interaction with topography, it is necessary to reshape the wetland boundary to provide a building envelope. Filling up to five (5) percent of the wetland on the parcel, not to exceed one (1) acre, is permitted.
- (3) **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.
- (4) **Wetland impacts require mitigation.** When wetlands are impacted in accordance with subsections (1), (2), or (3) above, 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 possible.** On-site mitigation shall be provided wherever possible. All on-site mitigation shall be at a ratio of one and one-half (1.5) acres of new wetland for every one (1) acre of wetland filled. All off-site mitigation shall be at a ratio of two and one half (2.5) acres of new wetland for every one (1) acre filled. There must also be a demonstration that these new wetlands will restore lost wetland functions and values.

- (c) **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.
- (d) **Persistence.** It shall be demonstrated that the created or restored wetland will be at least as persistent as the impacted wetland system it replaces.
- (e) **Buffer.** Buffers in accordance with this Section shall be provided around wetlands that are created pursuant to this Subsection.

SECTION 3230. RESERVED

SECTION 3240. FINDINGS AND PURPOSE OF NATURAL RESOURCES OVERLAY (NRO) DISTRICT

A. Findings

- 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 eight (8) out of every ten (10) years. Crucial winter ranges are essential to the survival of these animals. During the most inclement and difficult winter weather conditions elk find food and/or cover on these sites because of their physiographic and vegetative characteristics.
- g. **National Elk Refuge State-operated feedgrounds provide some crucial winter range.** A major portion of the Teton County elk herd winters on the National Elk Refuge (NER) and state-operated feedgrounds and these areas represent a portion of the crucial winter range available to elk. Because of the pressures the elk population is placing on these limited land areas, artificial feeding is necessary on all feedgrounds. Artificial feeding programs are not a perfect solution to providing crucial winter range to the elk; in fact, feedgrounds are believed to perpetuate the disease, brucellosis, which reduces the reproductive potential of this species.
- h. **Native crucial winter ranges.** In addition to the NER and state-operated feedgrounds there are native crucial elk winter ranges in Teton County. These naturally occurring winter ranges are also vitally important in maintaining the elk population in Teton County.
- i. **Essential to protect crucial winter range.** In order to sustain elk populations at current levels, it is essential that all crucial elk winter ranges be maintained and protected; without their protection, elk could not survive the typically harsh winters common to Teton County.

3. Mule Deer

- a. **General.** The mule deer is another large ungulate species native to Teton County. Teton County supports a relatively small population of mule deer in comparison to elk, but these animals are particularly obvious during the winter and are enjoyed by many valley residents and visitors.
- b. **Mule deer migrate between summer and fall habitat to crucial winter range.** Mule deer are known as browsers, and rely on a variety of shrub and scrub trees for forage. Because of their diet, and the climate in Teton County and the Greater Yellowstone Ecosystem, mule deer are migratory animals, moving from summer and fall habitat to low elevation winter range. Mule deer winter ranges are classified as either crucial or non-crucial.
- c. **Summer range.** Mule deer summer range is widely distributed throughout Teton County in both lowland and upland areas, but primarily occurs on public lands in the mountains which surround the valley.
- d. **Migration to winter range.** Heavy snow accumulation on summer ranges reduces food availability and forces mule deer to migrate to low elevation winter range. Non-crucial winter ranges are used first by mule deer until environmental conditions cause deer to move to crucial winter range.
- e. **Migration routes essential to survival.** Although mule deer rely less on traditionally used migration routes than elk, they do use the same general route while moving to and from winter ranges and between crucial and non-crucial winter ranges. These "movement corridors," which allow unencumbered access to both crucial and non-crucial winter range, are essential to the survival of Teton County mule deer and are classified as crucial migration routes.
- f. **Crucial winter range essential to survival.** Crucial mule deer winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types that mule deer use during the crucial winter months eight (8) out of every ten (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 Jackson Hole may number as many as two thousand three hundred (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 subalpine 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 eight (8) out of every ten (10) years 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 Jackson Hole 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 ten thousand (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 forty-eight (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 Jackson Hole area totals approximately two hundred and fifteen (215) birds.
- f. **Population breeds and winters in Teton County.** In spite of the harsh winter conditions, trumpeter swans which breed in Teton County also winter here, apparently because they have lost the knowledge of traditional migration routes to more hospitable wintering areas.
- g. **Viable maintenance requires protection of nesting areas and winter habitat.** Protection of nesting areas and winter habitat is critical to the viable maintenance of the trumpeter swan population.
- h. **Breeding territories in Teton County.** Thirty-one (31) 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 two (2) inches in depth, winter water depths of less than four and three-tenths (4.3) feet, watercourse channels of fifty (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 eight (8) out of every ten (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 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 one-half (0.5) to two and one-half (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. Special attention must be given to this species' needs to prevent its extinction.
- b. **Federal and State recognition.** Bald eagles have dwindled throughout their range from a once widely distributed species to a few sparsely scattered populations. Bald eagles are protected by several pieces of legislation including the Federal Endangered Species Act, the Bald Eagle Protection Act, and the Migratory Bird Treaty and are classified as threatened or endangered in all forty-eight contiguous states.
- 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-story 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. Over forty (40) percent of the young birds successfully fledged in the Wyoming portion of the Snake River Unit are produced in the section between Moose and the South Park Bridge. It is crucial to the survival of bald eagles in Jackson Hole that this habitat be protected from the impacts of development. If it is not, it 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 prey items.
- i. **Winter habitat is important.** During winter, heavy snow accumulation and the freezing of water surfaces reduces the availability of spring, summer, and fall habitat. At these times, bald eagles rely on wild ungulate and livestock carrion, supplemented by fish and waterfowl carcasses for forage. 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.

B. **Purpose.** The purpose of the Natural Resources Overlay (NRO) District is to protect and maintain (1) the migration routes and crucial winter ranges of elk, (2) the migration routes and crucial winter ranges of mule deer, (3) the crucial winter habitat of moose, (4) the nesting areas and winter habitat of trumpeter swans, (5) the spawning areas of cutthroat trout, (6) the nesting areas and crucial winter habitat of bald eagles, and (7) the natural resources and bio-diversity that supports the wildlife population. This is done through the establishment of the Natural Resources Overlay (NRO) District, which protects these areas through development standards, mitigation, and habitat enhancement.

SECTION 3250. ESTABLISHMENT OF NATURAL RESOURCE OVERLAY (NRO) DISTRICT

A. **General.** There is hereby established the Natural Resource (NRO) Overlay District, which, in areas where it applies, shall overlay all other base zoning districts established by these Land Development Regulations. Included within the NRO District are (1) the migration routes and crucial winter ranges of elk, (2) the migration routes and crucial winter ranges of mule deer, (3) the crucial winter habitat of moose, (4) the nesting areas and winter habitat of trumpeter swans,

(5) the spawning areas of cutthroat trout, and (6) the nesting areas and crucial winter habitat of bald eagles.

B. **NRO District Definitions.** The following definitions shall apply in the NRO District.

1. **Crucial elk migration routes.** Crucial elk migration routes are the migration routes used by elk eight (8) out of every ten (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.
2. **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 eight (8) out of every ten (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.
3. **Crucial mule deer migration routes.** Crucial mule deer migration routes are used by mule deer eight (8) out of every ten (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.
4. **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 eight (8) out of every ten (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.
5. **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 eight (8) out of every ten (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.
6. **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 Land Development Regulations, 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).

7. **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 two (2) inches in depth, winter water depths of less than four and three-tenths (4.3) feet, watercourse channels of fifty (50) feet or more, and banks with little or no shrubbery or tree cover and gradual slopes. These habitats attract trumpeter swans eight (8) out of every ten (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.
8. **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 one-half (0.5) to two and one-half (2.5) inches in diameter.
9. **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.
10. **Bald eagle crucial winter habitat.** Bald eagle crucial winter habitat consists of the bald eagle nesting area plus elk crucial winter ranges, mule deer crucial winter ranges, and moose crucial winter habitat.

11. **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 (1) nest within its nesting territory. There are three (3) types of bald eagle nests. An occupied nest is one in which evidence (such as fresh nest material, droppings, feathers, or prey remains in or below the nest, or the birds themselves) indicates that a pair of eagles is present. An active nest is an occupied nest in which eggs have been laid or young eagles are present, indicating that the mated pair are actively attempting to produce young. An inactive nest is one which occurs within the nesting territory but shows no evidence of occupation. For the purpose of these Land Development Regulations, a bald eagle nest is either an occupied nest, an active nest, or an inactive nest.

C. NRO District Map

1. **General.** The general location of (1) migration routes and crucial winter ranges of elk, (2) migration routes and crucial winter ranges of mule deer, (3) crucial winter habitat of moose, (4) nesting areas and winter habitat of trumpeter swans, (5) spawning areas of cutthroat trout, and (6) nesting areas and crucial winter habitat of bald eagles are identified on the Natural Resources Overlay (NRO) District Map, which is incorporated herein by reference.
2. **General NRO District Map/site specific analysis is required.** The NRO District Map is a general map that identifies, on a general scale, the locations of those areas protected by the NRO District. Its purpose is to place a landowner on notice that land may be within the NRO District and to assist in the general administration of this Division. A site-specific analysis of whether land is included within the NRO District is required pursuant to Section 3140.A., Environmental Analysis, prior to the review of the first application for development permit for that land (except for applications for amendments to the Official Zoning District Map).

SECTION 3260. APPLICABILITY

A. Development in NRO. In addition to all other standards required by these Land Development Regulations, all development within the NRO District shall comply with the standards of this Division, unless exempted in Section 3260.B., Exemptions.

B. Exemptions

1. **Alterations and additions.** Structural alterations and additions to existing structures shall be exempt from Section 3270, Standards for Development in the NRO District.
2. **NC District lands.** All development, except new subdivisions, within the NC District shall be exempt from Section 3270, Standards for Development in the NRO District.

except that subsections 3270.E, Trumpeter swan, 3270.G, Bald eagle, and 3270.I, Fencing shall apply. (Amended 9/27/94)

3. **Agricultural operations.** Agricultural operations and uses shall be exempt from Section 3270, Standards for Development in the NRO District.
4. **Land in conservation easement.** Land protected by a conservation easement where proposed development density is one (1) house per seventy (70) acres or less and the total acreage subject to the easement is three hundred twenty (320) acres or more, shall be exempt from the development standards of Section 3270, Standards for Development in the NRO District, except for Section 3270.E, Trumpeter Swan Nest and Habitat Restrictions, and Section 3270.G, Bald Eagle Nest and Habitat Restrictions.

SECTION 3270. STANDARDS FOR DEVELOPMENT IN THE NRO DISTRICT

A. General. All development located within the NRO District shall comply with the standards established in this Section, unless exempted in Section 3260.B, Exemptions.

B. Elk

1. **Crucial elk migration routes.** No development shall occur within crucial elk migration routes, unless the developer can demonstrate that the development 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.
2. **Crucial elk winter range.** No development shall occur on crucial elk winter range, unless the developer can demonstrate that the development 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.

C. Mule deer

1. **Crucial mule deer migration routes.** No development shall occur within crucial mule deer migration routes, unless the developer can demonstrate that the development 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.
2. **Crucial mule deer winter range.** No development shall occur on crucial mule deer winter range, unless the developer can demonstrate that the development 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.

D. Crucial moose winter habitat. No development shall occur within crucial moose winter habitat, unless the developer can demonstrate that the development 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.

E. Trumpeter swan

1. **Trumpeter swan.** Notwithstanding the boundaries of the NRO, no development shall occur within a radius of three hundred (300) feet of a trumpeter swan nest.
2. **Trumpeter swan winter habitat.** No development shall occur within trumpeter swan winter habitat, unless the developer demonstrate that the development 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.

F. Cutthroat trout spawning areas. Notwithstanding the boundaries of the NRO, no development shall occur within one hundred fifty (150) feet of cutthroat trout spawning areas, unless the developer can demonstrate that the development will cause no run-off into the stream and have no detrimental affect 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.

G. Bald eagle

1. **Bald eagle nest area.** Notwithstanding the boundaries of the NRO, no development shall occur within a radius of four hundred (400) meters of a standing/occupied, active or inactive nest, unless either an "incidental taking" permit is received pursuant to 16 U.S.C. § 1531, et. seq., the Federal Endangered Species Act, or a statement of no jeopardy is received from the U.S. Fish and Wildlife Service.
2. **Bald eagle crucial winter habitat.** No development may occur within bald eagle crucial winter habitat unless either an "incidental taking" permit is received pursuant to 16 U.S.C. § 1531, et. seq., the Federal Endangered Species Act, or a statement of no jeopardy is received from the U.S. Fish and Wildlife Service.

H. Impact on NRO District lands. The base site area, computed pursuant to Section 2460, Maximum Gross Density/Intensity Calculation, shall not be reduced because a portion of the lot, parcel or tract is in the NRO. Where densities/intensities permitted by Table 2400, Schedule of

Dimensional Limitations, cannot be achieved by locating development outside of the NRO, then lands protected by Section 3250, Natural Resources Overlay (NRO) District, may be impacted pursuant to the standards of this subsection.

1. **Minimizes wildlife impact.** The location of the proposed development minimizes impact on the area protected (e.g., crucial migration routes, crucial winter range, nesting areas), to the maximum extent possible.
2. **Habitat enhancement.** The developer provides mitigation and habitat enhancement for the land impacted, either on-site or off-site, on a basis of two (2) acres of mitigation/habitat enhancement for every one (1) acre of land impact. This shall be completed pursuant to a mitigation/ enhancement plan, which includes a monitoring program.

- I. **Fencing.** Fencing is a structural element with which wildlife has particular difficulty as it creates a serious impediment to wildlife movement throughout the County. Use of fencing shall be minimized; if fencing is built, however, the following regulations shall apply.
 1. **Design.** The design of all fencing outside the immediate vicinity of a residential structure shall comply with the standards set forth in the document Fencing for Wildlife Access, Teton County, May 1988, which is available in the Planning Office.
 2. **Agricultural operations.** Fencing for agricultural operations shall be exempt from this subsection.

DIVISION 3300. SCENIC RESOURCES OVERLAY (SRO) DISTRICT

SECTION 3310. FINDINGS AND PURPOSE

- A. **Findings.** 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 travellers 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.
- B. **Purpose.** The purpose of the Scenic Resources Overlay (SRO) District 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 District, within which the location, design, and landscaping of development is regulated, so that development preserves, maintains, and/or complements the County's important scenic resources.

SECTION 3320. LOCATION AND GENERAL STRUCTURE OF THE SCENIC RESOURCE OVERLAY (SRO) DISTRICT

A. Scenic Areas. The Scenic Resources Overlay (SRO) District consists of the following Scenic Areas, to protect important scenic resources that are frequently seen from the County's public roads which set an image of the rural and western ranching heritage of the County. These Scenic Areas are generally described in Section 3320.A.1. - 3320.A.8.

1. **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 the 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 frame the area's broad and open meadows.
2. **Highway 22 Scenic Area.** The Highway 22 Scenic Area consists of four (4) distinct areas. They are described below.
 - a. **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 Jackson Hole that it provides as well as setting the western entry to Wilson, defining Wilson as a unique and special place.
 - b. **Wilson Approach.** The Wilson Approach portion of the Highway 22 Scenic Area extends along the north and south sides of Highway 22, from the eastern edge of Wilson to the Snake River. 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.
 - c. **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.

- d. **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.
 3. **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.
 4. **Highway 89 Scenic Area.** The Highway 89 Scenic Area consists of three (3) distinct areas. They are described below.
 - a. **Broadway and North Highway 89 Scenic Area.** The Broadway and North Highway 89 Scenic Area includes all of 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.
 - b. **South Highway 89 Scenic Area.** The South Highway 89 Scenic Area extends along sides of South Highway 89, beginning near the State of Wyoming Elk Feeding Area, where the road rises to provide an initial sense of entry into the Jackson area, and ends at 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 districts. 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.
 - c. **Snake River Canyon Scenic Area.** The Snake River Canyon Scenic Area extends along both sides of South Highway 89 from the South Park Bridge 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 Snake River, the east slopes of Munger Mountain and the Teton, Gros Ventre, Wyoming and Snake River Mountain ranges.

5. **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 north edge of South Park Ranches 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.
6. **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.
7. **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.
8. **Buffalo Valley Scenic Area.** The Buffalo Valley Scenic Area extends along the northern and southern sides of US 26/287 from Moran to Blackrock. 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.

B. **Foreground.** Most of the Scenic Areas consist of a Foreground, which is the relatively flat, open area immediately adjacent to the public road that extends back to where there is either a distinct topographic change, such as the edge of a hillside or butte, or a drop in elevation toward a river bottom, or where dense vegetation screens views to areas behind the vegetation. The Foreground provides the setting for views to distant mountain ranges and valley buttes.

C. **Skyline.** 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.

D. SRO District Map

1. **Foreground.** The location of the Foreground for the Moose-Wilson Road Scenic Area, the Highway 22 Scenic Area, the Spring Gulch Road Scenic Area, Broadway and North Highway 89, the South Highway 89 Scenic Area, the South Park Loop Scenic Area, the Teton Canyon Scenic Area, and the Buffalo Valley Scenic Area are identified on the Scenic Resources Overlay (SRO) District Map, which is incorporated herein by reference. A copy of the SRO District Map is located at the office of the Planning Director and may be reviewed during normal business hours.
2. **Skyline.** The Skyline is described in Subsection C. above and is contained in the Scenic Areas identified on the SRO District Map, which is incorporated herein by reference.
3. **Buttes.** The location of the East and West Gros Ventre Buttes, Antelope Butte, Boyles Hill and Hufsmith Hill are identified on the SRO District Map, which is incorporated herein by reference.

SECTION 3330. APPLICABILITY

- A. **Development in Foreground of Scenic Areas.** All development within the Foreground of the Scenic Areas described above shall comply with the standards in Section 3350, Scenic Area Foreground Development Standards.
- B. **Development in Skyline of Scenic Areas.** All development within the Skyline of a Scenic Area shall comply with the standards of Section 3360, Skyline Development Standards.
- C. **Exemptions**
 1. **NC District.** All development, except new subdivisions, within the NC District shall be exempt from the provisions of this Division except for Section 3360, Skyline Development Standards which shall apply.
 2. **Remodeling or expansion of existing structures.** Remodeling or expansion of structures that existed prior to May 9, 1994, shall be exempt from the provisions of this Division except for Section 3360, Skyline Development Standards which shall apply.
 3. **Agricultural operations.** Agricultural operations and uses shall be exempt from the Section 3350, Scenic Area Foreground Development Standards and Section 3360, Skyline Development Standards.
 4. **Land in conservation easement.** Land protected by a conservation easement where proposed development density is one (1) house per seventy (70) acres or less and the total acreage subject to the easement is three hundred twenty (320) acres or more, shall be

exempt from the development standards of this section except for Section 3360, Skyline Development Standards.

SECTION 3340. PROCEDURE

- A. **Environmental Analysis.** An Environmental Analysis, pursuant to Section 3030.G, Environmental Analysis, shall be prepared and contain a visual analysis component. The visual analysis component shall demonstrate compliance with the standards of this Division.
- B. **Review of applications.** There are no special or additional procedures required for development proposals on lands that are within the SRO District. The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing (if relevant) for an application for development on land in the SRO District shall comply with the procedures for the first development permit application. The Environmental Analysis shall be submitted as part of the first development permit application.
- C. **Impact on SRO District lands.** The base site area, computed pursuant to Section 2460, Maximum Gross Density/Intensity Calculation, shall not be reduced because a portion of a lot, tract or parcel is located within the SRO.

SECTION 3350. SCENIC AREA FOREGROUND DEVELOPMENT STANDARDS

All development within the Foreground of the Scenic Areas described above shall comply with the following standards.

- A. **General location of structures.** Development 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.
 - 1. **Development located at 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 development shall comply with the following standards.
 - a. **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.

- b. **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.
- c. **Separate developed areas.** It shall be located so as to separate areas which are developed from natural areas and pastures and to preserve open space in the largest continuous pieces possible.
- d. **Supplementary vegetation.** Where the proposed development 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 Section 4150,B, Standard Plant Units. 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. **Development at the side edges of the Foreground where there is an open meadow or pasture.** When development is located at the side edges of the Foreground where there is an open meadow or pasture, the development shall comply with the following standards.

 - a. **Separate developed areas.** It shall be located so as to separate areas which are developed from natural areas and pastures and to preserve open space in the largest continuous pieces possible.
 - b. **Supplementary vegetation.** Where the proposed development 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 Section 4150,B, Standard Plant Units. 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. **Development located 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 development shall comply with the following standards.

 - a. **Scale of development.** The scale of the development shall not interrupt or obscure the existing occurring stand of vegetation behind which it is located.

- b. **Supplementary vegetation.** Where natural vegetation does not adequately screen the development 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.
 - c. **Preservation of existing vegetation.** Existing vegetation shall be preserved to the maximum extent practical.
4. **Development 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, development shall comply with the following standards.
 - a. **Scale.** Scale and height shall be subordinate to the natural change in topography.
 - b. **Earth moving.** Earth moving may be used to the minimum extent necessary to extend a naturally occurring topographic change and screen the development, but not to create a new, man-made landform.
5. **Ranch compound within irrigated pasture or meadows.** When development 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.
 - a. **Not preclude view of designated vistas.** It shall not entirely preclude views from the public road to the rear portions of the Foreground.
 - b. **Clustered design.** It shall consist of a cluster design.
 - c. **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 Section 4150.B, Standard Plant Units. 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. **Exceptions to general location of structures.** If it is demonstrated that the maximum amount of density/intensity for the land permitted by Table 2400, Schedule of Dimensional Limitations, has been located pursuant to the standards of Section 3350.A, General Location of Structures, the remaining density/intensity allowed pursuant to Table 2400, Schedule of Dimensional Limitations, shall be located at other locations, subject to the following standards:

1. **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.
2. **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.
3. **Screening of development.** The development 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 Section 4150.B, Standard Plant Units. 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. Exterior of structures

1. **Earth tone materials.** The exterior of all development, except that located and designed in the form of a ranch compound, shall be built or painted with indigenous earth tone materials.
2. **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.

D. Roof materials

1. **Color that of surrounding natural features.** The color of all roofs shall be similar to the colors of surrounding vegetation or land features.
2. **Treat reflective materials.** Reflective roof materials shall not be used, unless the materials are treated to eliminate reflection.

E. Earth moving and berms

1. **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.
2. **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 five percent (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.

3. **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.

F. Roads and driveways

1. **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.
2. **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.

SECTION 3360. SKYLINE DEVELOPMENT STANDARDS

The following standards shall apply to development within the Skyline of all butte tops viewed from state highways, Spring Gulch Road and Alta County Road.

- A. **Skyline penetration prohibited.** Development shall not penetrate the Skyline on buttes and hillsides, as viewed from any public road, except in the case of an existing lot where there is no other siting alternative that complies with the standards of these Land Development Regulations.
- B. **Mitigation of necessary Skyline penetration.** In the case of an existing lot where, if no other siting alternative is available that complies with the standards of these Land Development Regulations, development may penetrate the Skyline on hillsides and buttes by complying with the following standards.
 1. **Pursue variation of regulations first.** Attempts shall first be made to obtain variance of other regulations, such as setbacks, that would enable the proposed structures to comply with the provisions of Section 3360.A, Skyline penetration prohibited.
 2. **Height.** The height of development shall not exceed twenty (20) feet above original grade.

3. **Mass.** The mass of the 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.
4. **Form.** The form of the 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.
5. **Exterior of structure.** The exterior of all development shall be built or painted with earth tone materials or colors.
6. **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.
7. **Earth moving.** Development shall minimize the need for earth moving or disturbance to the maximum extent practical. 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. Top soil 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.
8. **Landscape screening.** Development shall be located so as to preserve, to the maximum extent practical, existing vegetation which may help to screen its appearance. Indigenous vegetation shall be planted to supplement existing vegetation. Indigenous vegetation shall be selected from "Landscape Plant Material from the Teton County Area," a copy of which is available at the Teton County Planning Department. Indigenous vegetation shall be planted so as to screen at least fifty (50) percent of the development within three (3) years of its occupancy, as measured during the summer.

DIVISION 3400. AGRICULTURAL RESOURCES PRESERVATION

SECTION 3410. FINDINGS AND PURPOSE

- 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 are 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 this Division is to protect and maintain the existing and potential agricultural lands in Jackson Hole for the purpose of perpetuating agriculture in Jackson Hole and preserving agricultural open space which is crucial to the wildlife, scenic and community values of Jackson Hole. This is particularly done through the mechanisms in these Land Development Regulations that have been adopted for the purpose of promoting agricultural preservation.

SECTION 3420. SUMMARY OF MECHANISMS TO PROMOTE AGRICULTURAL PRESERVATION

A. **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.

B. **Rural District open space.** Developments in the Rural District are required to provide either fifty (50) percent or seventy (70) percent 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 Land Development Regulations that developments in the Rural District preserve as much open space as practical. The open space should be configured to maximize continued or future agricultural use.

C. **Rural District density.** Developments in the Rural District 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 Rural District shall be compatible with agricultural operations. The County will minimize the conflicts between agricultural operations and neighboring developments by (among other things): (1) encouraging

protection of contiguous open space; (2) encouraging the protection of large blocks of open space; and (3) development of an aggressive program to educate Teton County residents about ranching operations and ways to minimize potential conflicts.

D. **Rural District permitted land uses.** Certain uses generally compatible with agricultural uses have been permitted in the Rural District 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 Rural District, in many cases, specifically to promote agriculture.

Working ranch subdivision
Agricultural employee housing
Mobile homes
Nurseries
Bed and breakfasts
Dude ranches
Agricultural support and service uses
Campgrounds
Outdoor recreational uses
Home businesses
Cottage industries

E. **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 slopes in excess of thirty (30) percent.

F. **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.

G. **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.

DIVISION 3500. LODGING OVERLAY (LO) DISTRICT

SECTION 3510. FINDINGS AND PURPOSE

A. **Findings.** As a resort and residential community, the County requires that a balance 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 County is to retain its resident population and its attraction to visitors.

B. **Purpose.** The purpose of the LO District is to provide lands within the County 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.

SECTION 3520. ESTABLISHMENT OF LODGING OVERLAY (LO) DISTRICT

A. **General.** There is hereby established the Lodging Overlay (LO) District which, in areas where it applies, shall overlay all other base zoning districts established by these Land Development Regulations.

SECTION 3530. APPLICABILITY

A. **Location.** The LO District shall apply to lands as identified on the Official Zoning District Map, until such time as the Planned Resort District (PRD) ordinance is adopted, not to exceed two (2) years from May 9, 1995. (Amended 8/15/95)

B. **Existing lodging uses outside the LO.** All lodging uses legally established prior to May 9, 1994 which are located outside the LO shall be allowed to continue either as a nonconforming use in accordance with Article VII, Nonconformities, or as an existing use in accordance with Section 2430, Standards in the Business Conservation (BC) District.

C. **Exemptions.** Dude ranches, bed and breakfasts, and campgrounds are exempt from the lodging overlay.

D. **Expiration of standard.** The applicability of the Lodging Overlay shall expire two (2) years from May 9, 1995. (Amended 8/15/95)

SECTION 3540. STANDARDS FOR DEVELOPMENT IN THE LO DISTRICT

A. **Uses.** All uses that are permitted, permitted as a conditional use, or permitted by limited review in the underlying zone district according to Table 2200, Use Schedule, shall remain as permitted uses, conditional uses, or uses permitted by limited review within the LO District.

B. **Dimensional limitations.** The dimensional limitations for lodging uses in the LO District shall be subject to the dimensional limitations of the underlying zone district except that the FAR for the UC District shall apply to all lodging uses within the AC Zoning District. These dimensional limitations are established in Table 2400, Schedule of Dimensional Limitations, and apply to all uses within the LO District.

C. **Underlying zone district standards.** All development standards of the underlying zone district, as specified in these Land Development Regulations, shall apply to all uses, including lodging uses, within the LO District.

DIVISION 3600. TOWN SQUARE OVERLAY (TSO) DISTRICT

SECTION 3610. FINDINGS AND PURPOSE

A. **Findings.** An essential component of the tourism environment for Teton County and the Town of Jackson is the Town Square and the commercial environment that has developed in the immediate vicinity of the Square. This area is important to both the County and the Town because the character of the area is the cornerstone of tourism commercial activity in the community. Part of the tourism economy of Teton County and the Town of Jackson is the attraction to "the last and best of the Old West." Development around the Town Square has been directed in the past to promote an old-time western atmosphere; the tourism economy of Teton County and the Town of Jackson are, in part, dependent upon maintaining this atmosphere.

B. **Purpose.** The purpose of the Town Square Overlay District is to provide development standards that preserve and enhance the unique character, qualities, and pedestrian-oriented environment of the Jackson Town Square and its immediate vicinity.

SECTION 3620. ESTABLISHMENT OF THE TOWN SQUARE OVERLAY (TSO) DISTRICT

A. **General.** There is hereby established the Town Square Overlay (TSO) District which, in areas where it applies, shall overlay all other base zoning districts established by these Land Development Regulations.

B. **Location.** The location of the TSO District is identified on the Official Zoning District Map.

SECTION 3630. APPLICABILITY

A. **Development in TSO.** In addition to all other standards required by these Land Development Regulations, all development within the TSO District shall comply with the standards of this Division.

SECTION 3640. STANDARDS FOR DEVELOPMENT IN THE TSO DISTRICT

- A. General.** All development within the TSO shall comply with the standards established for the UC District and Section 4520, Architectural Standards in the UC and AC Districts, except as modified by this section.
- B. Dimensional limitations.** All dimensional limitations found in Table 2400, Schedule of Dimensional Limitations, for the Urban Commercial (UC) District shall apply except as follows:
 - 1. Floor area ratio (FAR.)** The maximum gross FAR shall be 1.83.
 - 2. Landscape surface ratio (LSR.)** The minimum LSR shall be .05.
- C. Permitted uses.** Notwithstanding the permissions and restrictions listed in Table 2200, Use Schedule, only the following uses shall be permitted in the TSO:
 - 1. Residential uses.** No primary residential uses are permitted in the TSO; Accessory Residential Units and Accessory Commercial Apartments are permitted subject to limited use review.
 - 2. Outright nonresidential uses.** Only the following nonresidential uses are permitted as outright uses in the TSO:
 - a. Office
 - b. Commercial Retail
 - c. Services
 - d. Restaurant
 - e. Public Events
 - 3. Conditional uses.** Only Indoor Commercial Amusement uses may be permitted by issuance of a Conditional use permit.

DIVISION 3700. RESORT OVERLAY (RO) DISTRICT

SECTION 3710. FINDINGS AND PURPOSE

- A. Findings.** An essential component of the tourism environment for Teton County and the Town of Jackson are the ski resorts and other potential resort uses such as hot springs that rely upon the natural features of the area. These areas are important to both the County and the Town because they are part of the overall tourism economy upon which the community depends; the winter resorts are especially important in a successful full year tourism economy. The natural

features of the area provide sufficient opportunities for resorts and tourism, avoiding the need to develop resorts that are not linked to the unique environment of Teton County.

B. **Purpose.** The purpose of the Resort Overlay District is to provide a mechanism for permitting limited development opportunities within an existing or potential resort area, prior to approval of a Planned Resort District (PRD.) The Resort Overlay District is intended to be an interim measure until a Planned Resort District ordinance and an overall resort master plan are approved. Therefore, development opportunities are limited within the Resort Overlay District in order to discourage development that may be incompatible with future resort development.

SECTION 3720. ESTABLISHMENT OF THE RESORT OVERLAY (RO) DISTRICT

A. **General.** There is hereby established the Resort Overlay (RO) District which, in areas where it applies, shall overlay all other base zoning districts established by these Land Development Regulations.

SECTION 3730. APPLICABILITY

A. **Location.** The RO District shall apply to lands as identified on the Official Zoning District Map, until such time as the Planned Resort District (PRD) ordinance is adopted, not to exceed two (2) years from May 9, 1995. (Amended 8/15/95)

B. **Definitions**

1. **Minor development.** For the purposes of this Division, minor development shall be defined as follows:
 - a. Development that is processed as a minor development according to Section 51200, Development Plan, in the underlying zoning district according to these Land Development Regulations; and
 - b. Free-standing nonresidential structures shall be two thousand (2,000) square feet of gross floor area or less and the structures or uses shall be accessory and subordinate to existing development; or
 - c. Development is no more than a ten (10) percent expansion of existing structures or uses, provided there is no increase in lodging units.

SECTION 3740. PROCEDURE

- A. **PRD required.** All development, except minor development, shall require a PRD approval, in accordance with the Planned Resort District Division in Article V, Administration.
- B. **Minor development.** Minor development shall be processed in accordance with Section 51200, Development Plan.

SECTION 3750. STANDARDS FOR DEVELOPMENT IN THE RO DISTRICT

- A. **Lodging.** Reserved.
 - 1. **Amount.** Reserved.
 - 2. **Density.** Reserved.
- B. **Comprehensive plan objectives.** Reserved.
 - 1. **Wildlife.** Reserved.
 - 2. **Scenic vistas.** Reserved.
 - 3. **Natural resources.** Reserved.
 - 4. **Community balance.** Reserved.
- C. **Residential development.** Reserved.
 - 1. **Type.** Reserved.
 - 2. **Density.** Reserved.
 - 3. **Short term rental.** Reserved.
- D. **Employee housing.** Reserved.
- E. **Parking.** Reserved.
- F. **Commercial space.** Reserved.
- G. **Other allowable uses.** Reserved.
- H. **Off-site impacts.** Reserved.

1. **Roads.** Reserved.
2. **Utilities.** Reserved.
3. **Community services.** Reserved.

I. **Environmental impacts.** Reserved.

J. **Architectural/character standards.** Reserved.

K. **Pathways.** Reserved.

MESIC AND NONMESIC HABITATS APPENDIX

A. Purpose. This Appendix is to establish a mechanism for protecting mesic and nonmesic habitats. Mesic habitats and nonmesic habitats are divided into several subcategories and should be protected according to their importance to wildlife and its survival. Protecting these habitats to a certain extent ensures maintenance of a variety of vegetation within the community, which protects the community's character and viability as a functioning part of the Greater Yellowstone Ecosystem.

B. Resource definitions

1. **Mesic habitats.** Mesic habitats are generally moist, productive sites at lower elevations but do not include wetland communities or habitats which are treated as a separate category. The following are categories of mesic habitats:

a. **Deciduous forest**

(1) **Aspen.** Two categories are defined.

(a) **Mature.** Stand composition comprised of a dominant tree strata (greater than or equal to twenty-five [25] percent canopy coverage) consisting of aspen greater than twenty (20) feet in height and with less than ten (10) percent conifer or narrowleaf cottonwood species comprising the dominant strata of the canopy.

(b) **Immature.** Similar to (a), Mature, above, but with the dominant strata comprised of aspen less than twenty (20) feet in height.

(2) **Narrowleaf cottonwood.** Three categories of cottonwood forest are defined.

(a) **Mature.** Stand composition consisting of a dominant tree strata (greater than or equal to twenty-five [25] percent canopy coverage) comprised of cottonwood greater than forty (40) feet in height with less than ten (10) percent of the canopy coverage in the dominant strata consisting of other tree species.

(b) **Medium.** Similar to (a), Mature, above, but with the dominant strata comprised of cottonwood trees twenty (20) to forty (40) feet in height.

(c) **Immature.** Similar to (a), Mature, above, but with the dominant strata comprised of cottonwood trees less than twenty (20) feet in height.

b. **Mixed species forest**

(1) **Cottonwood/spruce.** Forest where the dominant strata (greater than or equal to twenty-five [25] percent canopy coverage) consists of mixture of cottonwood and spruce; or where the forest is dominated by cottonwood trees and supports an understory or codominant strata of ten (10) percent canopy coverage of spruce of varying age classes.

(2) **Other mixed forest.** Forest where the dominant strata (greater than or equal to twenty-five [25] percent 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 ten (10) percent of the canopy cover.

c. **Coniferous forest.** Forest in which the dominant strata is comprised of twenty-five (25) percent or more of coniferous species and which does not meet the definition for any other forest cover type.

d. **Other mesic types**

(1) **Tall forb.** Dominant vegetation (greater than or equal to twenty-five [25] percent canopy coverage) consisting of tall forbs (e.g., *Senecio*, *Mertensia*, *Heracleum*, *Anqelica*) with trees and/or shrubs consisting of less than ten (10) percent canopy coverage.

(2) **Tall shrub.** Dominant vegetation (greater than or equal to twenty-five [25] percent canopy coverage) consisting of tall shrubs of varying species composition such as, *Prunus*, *Amelanchier*, *Crataegus*, and *Salix*.

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

a. **Deciduous forest**

(1) **Aspen.** Aspen stands, as defined above, which occur on other than mesic or wetland sites. Two categories are defined.

(a) **Mature.** The dominant aspen strata is greater than or equal to twenty (20) feet in height.

(b) **Immature.** The dominant aspen strata is less than twenty (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 Appendix.

b. **Coniferous forest.** Four cover types are defined.

- (1) **Lodgepole pine.** Stands where lodgepole pine dominate (greater than or equal to twenty-five [25] percent 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 twenty-five (25) percent of the total canopy coverage in the dominant strata.
- (2) **Subalpine fir/spruce.** Stands where subalpine fir or spruce dominate (greater than or equal to twenty-five [25] percent 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 twenty-five (25) percent of the total canopy coverage in the dominant strata.
- (3) **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 twenty-five (25) percent of the canopy coverage and the total individual coverage of aspen, lodgepole pine, or other species is less than or equal to twenty-five (25) percent of the canopy.
- (4) **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 ten (10) trees per acre.

c. **Shrub-grassland and scrub**

- (1) **Tall shrub**
 - (a) Stands dominated (greater than or equal to twenty-five [25] percent canopy coverage) by chokecherry, serviceberry, mountain snowberry, or other tall shrubs with less than ten (10) percent tree canopy coverage present.

(b) Stands dominated by mountain mahogany.

(2) **Other shrub or scrub habitats**

(a) **Mesic shrub.** Big sagebrush, bitterbrush and/or shrubby cinquefoil dominated shrub-land with bunch grasses generally codominant.

(b) **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.)

(c) **Scrub.** Wind and ice-blasted or snow-accumulation sites that support deformed and dwarfed trees (krummholz) and/or shrubs.

d. **Grassland.** Area dominated by perennial grasses and low herbaceous vegetation and that do not have shrub-dominated cover type characteristics.

(1) **Mesic grassland.** Mesic grasslands are sites with a perennial grass and forb ground cover of greater than or equal than fifty (50) percent. These sites are sometimes referred to as dry meadows.

(2) **Xeric grassland.** Xeric grasslands are sites with a perennial grass and forb ground cover of less than fifty (50) percent. Growth is sparse and ground cover is incomplete and lacking in many places.

(3) **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. **Development design guidelines.** Mesic and nonmesic habitats are intended to be protected through development design guidelines. Property proposed for development that contains resources identified by this Appendix should be designed to protect as many of the identified resources as possible. Open space should be used to protect areas containing the most important identified protected resources; conversely, projects should 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.

1. **Ordinal ranking.** The resources defined in this Appendix 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.
 - a. **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.)
 - b. **Priority - 7.** Immature aspen forest (mesic, deciduous forest); medium narrowleaf cottonwood (mesic, deciduous forest); mature aspen (nonmesic, deciduous forest.)
 - c. **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.)
 - d. **Priority - 5.** Coniferous forest (mesic); subalpine fir/spruce (nonmesic, coniferous forest); mesic shrub (nonmesic, shrub-grassland and scrub.)
 - e. **Priority - 4.** Lodgepole pine (nonmesic, coniferous forest); scrub (nonmesic, shrub-grassland and scrub.)
 - f. **Priority - 3.** Tall forb (mesic, other mesic types); xeric shrub (nonmesic, shrub-grassland and scrub); mesic grassland (nonmesic, grassland.)
 - g. **Priority - 1.** Xeric grassland (nonmesic, grassland); disturbed grassland (nonmesic, grassland.)

ARTICLE IV

DEVELOPMENT STANDARDS - TETON COUNTY

ARTICLE IV

DEVELOPMENT STANDARDS

TABLE OF CONTENTS

	<u>PAGE</u>
DIVISION 4000. PURPOSE	IV-1
DIVISION 4100. LANDSCAPING STANDARDS	IV-1
SECTION 4110. PURPOSE	IV-1
SECTION 4120. APPLICABILITY	IV-1
SECTION 4130. LANDSCAPE PLAN	IV-2
SECTION 4140. LANDSCAPING PLANT MATERIAL	IV-3
SECTION 4150. STANDARD PLANT UNIT	IV-4
SECTION 4160. LANDSCAPING STANDARDS	IV-6
SECTION 4170. INSTALLATION AND MAINTENANCE	IV-8
SECTION 4180. SUPPLEMENTARY STANDARDS	IV-9
DIVISION 4200. PARKING AND LOADING STANDARDS	IV-9
SECTION 4210. PURPOSE	IV-9
SECTION 4220. APPLICABILITY	IV-9
SECTION 4230. PARKING, LOADING, AND SNOW STORAGE PLAN ..	IV-9
SECTION 4240. OFF-STREET PARKING REQUIRED	IV-9
SECTION 4250. OTHER GENERAL STANDARDS FOR OFF-STREET	
PARKING AND LOADING	IV-16
OFF-STREET PARKING FACILITY DESIGN	
STANDARDS	IV-19
SECTION 4270. RESERVED	IV-25
SECTION 4280. OFF-STREET LOADING STANDARDS	IV-25
SECTION 4290. SNOW STORAGE STANDARDS FOR OFF-STREET	
PARKING AND LOADING AREAS	IV-26
DIVISION 4300. RESERVED	IV-27
DIVISION 4400. RESIDENTIAL ARCHITECTURAL STANDARDS	IV-27
SECTION 4410. MINIMUM ALLEY SETBACK AND DESIGN	
STANDARDS	IV-27
SECTION 4420. RESERVED	IV-28
SECTION 4430. BUILDING MATERIALS	IV-28
SECTION 4440. PROJECTIONS INTO REQUIRED SETBACKS	IV-28

TABLE OF CONTENTS (cont'd)

	<u>PAGE</u>
DIVISION 4500. NONRESIDENTIAL ARCHITECTURAL STANDARDS	IV-29
SECTION 4510. GENERAL	IV-29
SECTION 4520. ARCHITECTURAL STANDARDS IN THE UC AND AC DISTRICTS	IV-29
DIVISION 4600. SIGNS	IV-30
SECTION 4610. PURPOSE	IV-30
SECTION 4611. SHORT TITLE - CITATION	IV-30
SECTION 4612. APPLICABILITY	IV-30
SECTION 4613. MASTER SIGNAGE PLAN	IV-31
SECTION 4614. IDENTIFICATION TAG - DISPLAY REQUIRED	IV-31
SECTION 4615. NONCONFORMING SIGNS	IV-31
SECTION 4616. DEFINITIONS	IV-32
SECTION 4620. ALLOWABLE SIGNAGE BY DISTRICT	IV-32
SECTION 4630. OPTIONAL AND ALTERNATIVE SIGNS	IV-34
SECTION 4640. WINDOW SIGNS	IV-35
SECTION 4650. PROHIBITED SIGNS	IV-35
SECTION 4660. EXEMPTED SIGNS	IV-36
SECTION 4670. SPECIAL PURPOSE SIGNS	IV-38
SECTION 4671. TEMPORARY USES	IV-38
SECTION 4680. SIGN MATERIALS AND DISPLAY STANDARDS	IV-39
SECTION 4690. DANGEROUS OR DEFECTIVE SIGNS	IV-43
SECTION 4691. SIGN CONSTRUCTION STANDARDS	IV-43
DIVISION 4700. TRANSPORTATION FACILITIES	IV-43
SECTION 4710. PURPOSE	IV-43
SECTION 4720. ACCESS TO ROADS, STREETS AND HIGHWAYS	IV-43
SECTION 4730. RESERVED	IV-44
SECTION 4740. STREET AND ROAD STANDARDS	IV-44
SECTION 4750. EASEMENTS AND RIGHT-OF-WAY DEDICATION	IV-54
SECTION 4760. CLEAR VIEW OF INTERSECTING STREETS	IV-56
DIVISION 4800. UTILITY STANDARDS	IV-57
SECTION 4810. POTABLE WATER SUPPLY	IV-57
SECTION 4820. SANITARY SEWER SYSTEMS	IV-58
SECTION 4830. IRRIGATION SYSTEMS AND DESIGN	IV-58
SECTION 4840. OTHER UTILITIES	IV-60

TABLE OF CONTENTS (cont'd)

	<u>PAGE</u>
DIVISION 4900. STORMWATER MANAGEMENT STANDARDS	IV-60
SECTION 4910. GENERAL PROVISIONS	IV-60
SECTION 4920. DESIGN REQUIREMENTS FOR STORMWATER MANAGEMENT FACILITIES	IV-61
DIVISION 49100. GRADING AND EROSION CONTROL	IV-65
SECTION 49110. PURPOSE AND APPLICABILITY	IV-65
SECTION 49120. SUBMITTAL REQUIREMENTS FOR GRADING AND EROSION CONTROL PERMITS	IV-66
SECTION 49130. CONTENT OF THE GRADING AND EROSION CONTROL STATEMENT	IV-67
SECTION 49140. CONTENT OF THE GRADING AND EROSION CONTROL PLAN	IV-68
SECTION 49150. REVIEW PROCESS FOR GRADING AND EROSION CONTROL PLANS AND STATEMENTS	IV-70
SECTION 49160. STANDARDS FOR GRADING AND EROSION CONTROL	IV-70
SECTION 49170. GRADING AND EROSION CONTROL PERMITS	IV-75
SECTION 49180. INSPECTION	IV-77
DIVISION 49200. RESERVED	IV-77
DIVISION 49300. OTHER ENVIRONMENTAL PERFORMANCE STANDARDS	IV-77
SECTION 49310. FAULT AREAS	IV-77
SECTION 49320. AIR CONTAMINANTS	IV-77
SECTION 49330. WATER QUALITY	IV-79
SECTION 49340. HEAT AND HUMIDITY	IV-80
SECTION 49350. RESERVED	IV-80
SECTION 49360. RESERVED	IV-80
SECTION 49370. EXTERIOR LIGHTING AND GLARE	IV-80
SECTION 49380. NOISE	IV-82
SECTION 49390. VIBRATION	IV-83
SECTION 493100. ELECTRICAL DISTURBANCES	IV-84
SECTION 493200. FIRE AND EXPLOSIVE HAZARDS	IV-84
SECTION 493300. RADIOACTIVITY	IV-84

TABLE OF CONTENTS (cont'd)

DIVISION 49400.	RESIDENTIAL AFFORDABLE HOUSING STANDARDS (Amended 2/21/95)	IV-85
SECTION 49410.	FINDINGS AND PURPOSE	IV-85
SECTION 49420.	APPLICABILITY	IV-86
SECTION 49430.	EXEMPTIONS	IV-86
SECTION 49440.	CALCULATION OF AFFORDABLE HOUSING STANDARDS FOR RESIDENTIAL DEVELOPMENT	IV-87
SECTION 49450.	METHOD FOR PROVIDING AFFORDABLE HOUSING	IV-89
SECTION 49460	HOUSING MITIGATION PLAN	IV-96
SECTION 49470.	INDEPENDENT CALCULATION	IV-97
DIVISION 49500.	DEVELOPMENT EXACTIONS	IV-98

ARTICLE IV

DEVELOPMENT STANDARDS

DIVISION 4000. PURPOSE

The purpose of this Article is to establish site development standards applicable to all types of development within the County. This Article contains landscaping standards; parking and loading standards; road access standards; residential and nonresidential architectural standards; sign standards; street and alley standards; utility standards; stormwater management standards; grading and erosion control standards; other environmental performance standards; resident housing and employee housing standards; and development exactions.

DIVISION 4100. LANDSCAPING STANDARDS

SECTION 4110. PURPOSE

The purpose of these landscaping standards are to assist in maintaining the character of the zoning districts by providing minimum planting, buffering, and screening around and within development. Some landscaping is required for both residential and nonresidential development based upon the type of development proposed, and the zoning district in which the development is located.

SECTION 4120. APPLICABILITY

The standards of this Division shall apply to all development within the County, except for the following:

- A. **Single family homes in the NC District.** Single family homes in the NC District.
- B. **Parking lots.** Parking lots of five (5) or less spaces.
- C. **Single family homes.** All single family units shall be exempted from the provisions of Section 4130, Landscape Plan, but single family units outside of the NC District shall be landscaped in accordance with the remaining standards of this Section.
- D. **Minor development plans.** The Planning Director may exempt minor development plan applications from the provisions of Section 4130, Landscape Plan, if sufficient information demonstrating compliance with the provisions of this Division is provided in a landscaping statement. (Amended 9/27/94)

SECTION 4130. LANDSCAPE PLAN

A. **General.** A landscape plan shall be submitted for review, along with the appropriate application for development permit for any development not exempted above. A landscape plan shall be prepared by a landscape architect registered in the State of Wyoming. Approval of the landscape plan and posting of a performance bond in an amount equal to one hundred and twenty-five (125) percent of the estimated costs of the landscaping is required prior to issuance of any permit for the proposed development.

B. **Requirements of landscape plan.** The landscape plan shall include the following:

1. **Mapping of existing vegetation.** A map identifying all deciduous trees of five (5) inches in caliper or greater, and all coniferous trees of four (4) inches in caliper or greater, within an area proposed for clearing and within twenty-five (25) feet of any area to be cleared. This mapping requirement may be combined with the mapping completed pursuant to Division 3100, Environmental Analysis.
2. **Calculation to determine required landscaping.** A summary of all calculations used to determine the total amount of landscaping required by this Division.
3. **Legend.** A legend, identifying symbols for the number, size, and type of all existing vegetation, for credit purposes, and all proposed landscaping.
4. **Location, size, and type of proposed landscaping.** The location, size, and type of all proposed landscaping .
5. **Maintenance Plan.** A minimum two (2) year maintenance plan showing how plants will be irrigated.
6. **Erosion Control.** A description of how erosion is to be controlled on-site, both permanently and during construction.
7. **Cost estimates.** Cost estimates for landscaping.

C. **Standards.** The landscape plan shall comply with the following standards.

1. **Landscape Plant Material, Standard Plant Unit, Landscape Standards, Installation and Maintenance and Supplementary Standards.** The applicable standards are contained in Section 4140, Landscaping Plant Materials, Section 4150, Standard Plant Unit, Section 4160, Landscaping Standards, Section 4170, Installation and Maintenance, and Section 4180, Supplementary Standards.
2. **Plant material should be native vegetation.** Plant material should be native vegetation which duplicates adjacent plant communities both in species composition and spatial distribution patterns. For 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 certain plant species' relative attractiveness 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.

3. **Landscaped areas/seeded with lawn, pasture, or native groundcover.** All landscaped areas proposed for vegetation shall be planted with lawn, pasture, or native groundcover unless such vegetation is already fully established. Native groundcover shall be used beyond two hundred (200) feet of the building area.
4. **Evergreen shrubs planted in clusters.** Evergreen shrubs shall be planted in clusters to maximize their chance for survival.
5. **Combination of plant material and fencing.** Where a combination of plant materials and fencing is used, the fence shall be located near or toward the more intensive zoning district or use and the majority of plant material shall be located near or toward the less intensive zoning district or use. A segmented and off-set fence with plant materials on both sides is encouraged.
6. **Erosion Control.** Erosion is to be controlled on-site, both permanently and during construction.
7. **Parking Lots.** Parking lots shall include landscaped islands to avoid large expanses of asphalt and be screened from off-site, or their view substantially filtered by vegetation.

SECTION 4140. LANDSCAPING PLANT MATERIAL

- A. **Approved plant material.** All plant material required by this Division shall be derived from a list entitled "Landscape Plant Materials for the Teton County Area." It is available in the County Planning Department. Plant materials not on this list may be planted if the Planning Director determines the plant material is similar and will provide similar landscaping qualities to plant materials identified in the list.
- B. **Credit for existing vegetation.** Retention of existing vegetation is encouraged. Any retained existing plant material which satisfies, or with five (5) years of growth would satisfy the standards of Section 4160, Landscaping Standards, shall be counted towards satisfying the landscape standards of that Section.
- C. **Removal of existing vegetation prohibited.** Removal of specimen trees of two (2) inch caliper or greater, and removal of shrub stands and rows with an average height of three (3) feet or greater is prohibited in the UC, UR, AC, AR, PRD, MHP, RB, OP, BP, and S zoning districts

except in accordance with an approved Development Plan and landscape plan. Dead, diseased, or damaged trees and shrubs which are a potential hazard to life and property may be removed.

SECTION 4150. STANDARD PLANT UNIT

A. **General.** This Section describes a standard landscaping element called a "plant unit." It serves as a basic measure of plant material upon which are based the standards of this Division. Each standard for landscaping in this Division is described in terms of the number of plant units.

B. **Standard Plant Units.** Four (4) interchangeable plant unit alternatives are identified in Table 4150, Plant Unit Alternatives. Any one (1) or a combination of these four (4) alternatives, A through D may be used. Some of the alternatives, however, may be required upon review of the proposed landscape plan. For example, where year-round screening is needed, Alternative Unit C or D may be required. Plant sizes given in Table 4150, Plant Unit Alternatives, are minimums. All landscaping shall be in scale with the development proposed, and shall be of adequate installed size to clearly achieve the purpose of the required landscaping, i.e., screening, buffering, softening of structural mass, community character enhancement, etc.

An applicant may be relieved from the standard plant units specified in Table 4150, Plant Unit Alternatives, if it can be demonstrated to the Planning Director that the design intent of the proposed project is compromised by the use of the plant units as specified in Table 4150, Plant Unit Alternatives. In order for the Planning Director to grant relief, the applicant shall show that the alternative proposed meets the objectives of softening and integrating the project into the existing landscape.

Table 4150
PLANT UNIT ALTERNATIVES

Plant Unit Alternative	Quantity, Size & Type of Plants Required
Alternative Unit A	1 3" caliper canopy tree
	6 6' - 8' large shrubs or multistem trees
	4 #5 container shrubs
Alternative Unit B	2 3" caliper canopy trees
	2 6' - 8' large shrubs or multistem trees
	3 8' high evergreen trees
*Alternative Unit C	3 6' - 8' large shrub or multistem trees
	3 8' high evergreen trees
	2 #5 container shrubs
*Alternative Unit D	3 8' high evergreen trees
	3 6' - 8' large shrubs or multistem trees
	3 #5 container shrubs

*Preferred for year-round screen.

C. **Plant guidelines.** The following plant types are provided as guidelines: three (3) inch caliper canopy tree - cottonwood or aspen; six (6) to eight (8) foot large shrub or multistem trees - chokecherry or amur maple; number five (#5) container shrub - dogwood or willow; eight (8) foot evergreen - spruce.

D. **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.

1. **Movable planters.** Ten (10) square feet of permanent or movable planters containing flowers, flowering shrubs or similar vegetation may be substituted for four (4) number five (#5) container shrubs. Notwithstanding, moveable planters shall not be substituted for required landscaping in parking lots.
2. **Bench.** One (1) bench seating at least two (2) people or a similar seating arrangement may be substituted for one (1) canopy tree.

3. **Bike rack.** One (1) bike rack designed to accommodate at least six (6) bikes may be substituted for one (1) canopy tree.

SECTION 4160. LANDSCAPING STANDARDS

The landscaping required shall be all of the landscaping prescribed by the standards of this Section.

A. Residential standards

1. **General.** All new residential development shall provide one (1) plant unit per dwelling unit.
2. **Location of residential landscaping**
 - a. **Single-family conventional subdivisions.** For residential development within single-family conventional subdivisions, the plant unit required per dwelling unit shall be located on each lot.
 - b. **All other development.** For all other residential development the location of the landscaping shall be anywhere within the development parcel pursuant to the standards of Section 4130.C, Standards. For example, the landscaping may be located along the periphery of a cluster of units and not necessarily on the lots, or it may be located around a potentially high use open space or park within the subdivision.

B. Nonresidential standards

1. **General.** For nonresidential development, landscaping shall be provided at a rate of one (1) plant unit per one thousand (1,000) square feet of required landscaped surface as required by Table 2400, Schedule of Dimensional Limitations, except in the Rural District where landscaping shall be provided at a rate of one (1) plant unit per 1,000 square feet of building area, not the entire parcel. For example, only the area containing the ranch compound on a dude ranch shall be counted when determining the required number of plant units to be provided.
2. **Measurement.** One (1) 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 (1) plant unit.

C. Parking lot standards. Parking lot developments shall comply with the following landscaping standards.

1. **General.** All parking lots shall comply with the landscaping standards in Table 4160.C. Landscaping Standards for Parking Lots by District.

Table 4160.C.
LANDSCAPING STANDARDS FOR PARKING LOTS BY DISTRICT

		1 Plant Unit per Number of Parking Spaces
RURAL (R)		
Agriculture		none
Agricultural support		8*
Residential		8*
All others		8*
SUBURBAN (S)		
Residential		12
Institutional		8
All others		8
OFFICE PROFESSIONAL (OP)		
Residential		12
All others		8
MOBILE HOME PARK (MHP)		
All uses		8
AUTO-URBAN (AR)		
Residential		12
Institutional		12
All others		8
AUTO-URBAN COMMERCIAL (AC)		
Institutional		12
All others		8
BUSINESS PARK (BP)		
All uses		16
URBAN COMMERCIAL (UC)/URBAN RESIDENTIAL (UR)		
Residential		12
All others		12
BUSINESS CONSERVATION (BC)		
All uses		12

*Must be all native species, not attractive to wildlife.

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 landscaping standards for parking lots.

D. Loading area screening standards. All loading areas shall comply with the following standards:

1. **Loading area.** Except in the UC District, two (2) plant units per loading bay shall be provided.
2. **Loading area abutting residential area.** A loading area that abuts a residential area shall be set back from the property line a minimum of fifteen (15) feet, and be provided within that fifteen (15) foot setback with four (4) plant units per one hundred (100) lineal feet of property boundary abutting the residential area, or two (2) plant units per loading bay, whichever is greater.
3. **Loading area visible from road.** Except in the UC District, if the loading area is visible from a public or private road, two (2) plant units per one hundred (100) lineal feet of property boundary from which the loading area is visible shall be provided to screen the loading area from the public or private road in addition to the plant units required in Section 4160.D.1, Loading area or Section 4160.D.2, Loading area abutting residential area.

E. Dedicated open space standards. All areas of required dedicated 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 revegetated with a minimum of four (4) plant units per acre. In addition, adequate ground cover shall be provided so that no landscaped ground areas are exposed to erosion.

SECTION 4170. INSTALLATION AND MAINTENANCE STANDARDS

- A. Performance bond.** Prior to issuance of any development permit, a bond or other acceptable surety equal to one hundred twenty-five (125) percent of the cost of supplying and installing the plant materials for an approved landscaping plan shall be submitted to the Planning Director. Upon completion of the installation of the landscaping plan, the surety amount shall be returned.
- B. Irrigation.** Landscaping areas that cannot naturally be provided with adequate moisture for the types of plants to be installed shall be equipped with an irrigation system.
- C. Maintenance.** All landscaping materials and features required pursuant to this Article shall be maintained. Maintenance shall be the responsibility of the landowner, and shall be carried out regularly so that the intent and integrity of the approved landscape plan is preserved. If any plant materials die or are damaged, they shall be replaced by the landowner.

SECTION 4180. SUPPLEMENTARY STANDARDS

- A. **Use of landscaped areas.** No portion of a site required to be landscaped, or required to meet OSR/LSR standards pursuant to Table 2400, Schedule of Dimensional Limitations, shall be used for the parking of vehicles or for open storage of any kind.
- B. **Phasing.** Landscape plans and the installation of required materials may be phased consistent with the development phasing approved for a project.
- C. **Required time for completion.** All landscaping for single family detached residences shall be in place within one (1) year of occupancy, and all other required landscaping must be in place and completed within three (3) months of the date of occupancy if the date of initial occupancy occurs in the months of April through August, and nine (9) months of the initial date of occupancy if the initial date of occupancy occurs in the months of September through March.

DIVISION 4200. PARKING AND LOADING STANDARDS**SECTION 4210. PURPOSE**

This Division establishes parking and loading standards for development in the County. 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.

SECTION 4220. APPLICABILITY

The standards of this Division shall apply to all development.

SECTION 4230. PARKING, LOADING, AND SNOW STORAGE PLAN

Prior to the approval of a Zoning Compliance Verification, a Parking, Loading, and/or Snow Storage Plan shall be submitted to the Planning Director for review and approval as part of the Zoning Compliance Verification Permit or building permit.

SECTION 4240. OFF-STREET PARKING REQUIRED

All uses shall be required to meet the standards for off-street parking set forth in Table 4240, Parking Standards, By Use. When determination of the number of required off-street parking spaces results in a fractional space, the requirement shall be rounded up to the next whole number. When square feet of floor area is specified, the calculation shall be based on the entire gross floor area of the structure. When

employees are specified, the calculation shall be based upon the maximum number of employees normally on duty at any one (1) time.

**Table 4240
PARKING STANDARDS, BY USE**

Use	Parking Spaces Req'd. per 1000 sf of Floor Area	Queuing Space	Other Standard
Residential Uses:			
Single-Family	--	--	2 per du
Cluster Single-Family (Planned Residential)	--	--	2 per du
Duplex	--	--	2 per du
3-Family or more	--	--	2 per du, plus 0.5 per du for guest parking
Mobile Home	--	--	2 per du
Mobile Home Park	--	--	2 per du, plus 0.5 space per du for guest parking
Studio/Accessory Residential Units (Amended 2/21/95)	--	--	1.25 per du
One (1) Bedroom Apartment	--	--	1.75 per du
Two (2) or Three (3) Bedroom Apartment	--	--	2.5 per du
Group Homes and Institutional Residential	--	--	1 per bedroom or 1 per two pillows, whichever is greater
Agricultural Uses:			
Agriculture	none	--	--
Nurseries	2	--	plus 1 per 4,000 sf of outdoor display area, plus 1 for each company vehicle, plus 1 for each employee
Institutional Uses: Indoor			
Church	--	--	0.25 per seat or 1 per 30 sf of floor area used for seating in the main sanctuary, whichever is greater
Clubs & Associations	--	--	1 per 100 sf
Hospital	--	--	1 per employee, plus 1 per 4 beds

Table 4240
PARKING STANDARDS, BY USE

Use	Parking Spaces Req'd. per 1000 sf of Floor Area	Queuing Space	Other Standard
Schools: Elementary & Junior High	--	--	1 per employee, plus 1 per 3 seats or per 30 sf of floor area used for seating or 6 feet of bench length in the auditorium, gymnasium, or other similar place of assembly, whichever is greater
Schools: Senior High	--	--	1 per employee, plus 1 per 8 students at ultimate school capacity or 1 per 3 seats or per 30 sf of floor area used for seating, or per 6 ft of bench length in the auditorium, gymnasium, or other similar place of assembly, whichever is greater
College	--	--	0.5 space per student
Trade School	--	--	1 per student
Rooming & Boarding Houses	--	--	1 per room or unit, plus 2 per residence
Protective Care	--	--	1 per 2 rooms
Utilities	--	--	1 per employee plus 1 per stored vehicle
Day Care Center, Group	--	--	1 per employee, plus 1 per 10 children
Commercial Uses: Office			
General, including government offices	3.3 ^a	--	--
Medical	6 ^b	--	--
Bank	5 ^b	--	--
Commercial Uses: Retail			
Convenience Market	8	--	--
Department Stores	5	--	--
Drugstores	5	--	--
Food stores	6	--	--
Furniture & Carpet Stores	1.5	--	--
Hardware, Paint & Home Improvement	3.5	--	--
Liquor Store	5	--	--

Table 4240
PARKING STANDARDS, BY USE

Use	Parking Spaces Req'd. per 1000 sf of Floor Area	Queuing Space	Other Standard
Other Misc. Freestanding Retail	5 ^b	--	--
Commercial Uses: Heavy Retail/Service			
Auto Sales	2	--	or 2 per salesman, whichever is greater
Building Materials	3	--	--
Vehicle Repair	--	--	4 per bay
Commercial Uses: Light Auto Service			
Car Washes	--	6 per wash bay	plus 1 per employee and 1 per bay
General	1.5	--	or 4 per bay, whichever is greater
Commercial Uses: Services			
Beauty and Barber Shops	--	--	2 per chair, plus 1 per employee
Commercial Laundry & Dry Cleaner	--	--	1 per employee, 1 per company vehicle, plus 1 per 170 sf of customer service area
Financial w/Drive-in	5	5 per service lane	plus 1 space for each employee
Financial w/o Drive-in	5	--	--
Funeral Homes	--	--	1 per 150 sf of floor area of assembly rooms, plus 1 per employee, plus 1 for each vehicle owned by the establishment
Gunsmith	2	--	--
Laundromat	--	--	1 space per washer/dryer, plus 1 per employee
Repair Shops	2	--	plus 1 per employee and 1 for each company vehicle
Taxidermist	2	--	--

Table 4240
PARKING STANDARDS, BY USE

Use	Parking Spaces Req'd. per 1000 sf of Floor Area	Queuing Space	Other Standard
Commercial Uses: Restaurant and Drive-in Facility			
Bars/Taverns	10	--	or 1 per 2 seats or stools, plus 1 per employee, whichever is greater
General Restaurant	--	--	1 per 3 seats, plus 1 space per employee
Drive-in Facility	--	7 per service lane	--
Commercial Uses: Commercial Lodging			
Convention Center w/Lodging	--	--	1 per guest room (in suite, each bedroom shall constitute a separate guest room), plus 1 per 150 sf of assembly room, plus 1 per 500 sf of accessory commercial space
Non-Convention Center Lodging	--	--	1 per guest room (in suite, each bedroom shall constitute a separate guest room), plus 1 per 500 sf of accessory commercial space
Dude/Guest Ranch	--	--	1 per rental unit
Bed & Breakfast	--	--	1 per du and 1 per rental room
Ag. Support/Service	5	--	--
Amusement/Resort Uses: Indoor Recreational			
Bowling Alleys	--	--	5 per lane, 1 per employee, plus 2 per pool/billiard table
Health Club/Spa	--	--	1 per 2 exercise stations, 4 per sauna or similar facility, 4 per 1,000 sf of other activity area, plus 1 per employee
Indoor Arenas	--	--	1 per 3 seats, or 1 per 30 sf of floor area used for seating, or 1 per 6 ft of bench length, whichever is appropriate
Library	3.5	--	--
Museum	3.5	--	--
Recreation Center	5	--	--
Swimming Pool	--	--	1 per 100 sf pool, plus 1 per employee
Tennis/Racquetball/Handball	--	--	4 per court, plus 1 per employee
Theaters/Assembly Rooms	--	--	0.33 per seat if seats are fixed, or 1 per 30 sf of floor area

Table 4240
PARKING STANDARDS, BY USE

Use	Parking Spaces Req'd. per 1000 sf of Floor Area	Queuing Space	Other Standard
Amusement/Resort Uses: Outdoor Recreational			
Camps, Day or Youth	--	--	1 per employee
Campgrounds	--	--	1 per travel trailer space
Golf Course	--	--	3 per hole, plus any required for other uses which are a part of the facility
Golf Driving Range or Rifle Range	--	--	1 per 10 linear ft of driving or firing line plus 1 per employee
Outdoor Arenas	--	--	1 per 3 seats, or 1 per 30 sf of floor area used for seating, or 1 per 6 ft of bench length, whichever is appropriate
Playing Fields	--	--	1 per 4,000 sf of outdoor play field area, plus 1 space per acre of passive recreation area
Resorts	--	--	1 per 3 patrons
Riding Arenas & Equestrian Centers	--	--	1 per 4 equestrian stalls, plus 1 per 2,000 sf of riding area (in arena), plus 1 per employee
Riding Stables	--	--	1 per employee, plus 1 per 4 equestrian stalls
Skating Rink	--	--	6 per 1,000 sf of rink area, plus additional parking as may be required by buildings or areas used for other purposes
Ski Areas	--	--	1 for every 7 comfortable carrying capacity (see Division 8300, Definitions), plus 1 per 2 employees, plus 1 per each 2 hotel rooms* *In PRD, may be based upon mix of uses in approved master plan.
Swimming Pool	--	--	1 per 100 sf pool, plus 1 per employee
Tennis Courts	--	--	2 per court
Home Uses:			
Home Occupations	--	--	2 per du plus 1 per employee
Home Businesses	--	--	2 per du plus 1 per employee
Day Care Home, Family	--	--	1 off-street parking space available during operating hours for loading and unloading of children
Day Care Home, Group	--	--	2 during operating hours for loading and unloading children
Cottage Industry	--	--	2 per du, plus 1 per employee, plus 1 per company vehicle

Table 4240
PARKING STANDARDS, BY USE

Use	Parking Spaces Req'd. per 1000 sf of Floor Area	Queuing Space	Other Standard
Aeronautical Uses:			
Balloon Operations	--	--	To be determined by Plan Commission on individual basis based upon operational plans
Landing Strips, Heliports, & Airports	--	--	7 per daily airplane movements
Industrial Uses:			
Bakeries (non-retail)	0.25	--	plus 1 per employee, plus 1 per company vehicle
Industrial Uses: Light Industry			
Light Industry	2	--	--
Contractor Shop	1	--	plus 1 per company vehicle
Warehouse	0.5	--	or 1 space per employee, whichever is greater, plus 1 space for each company vehicle stored on the premises
Mini-warehouses	--	--	1 per employee, plus 1 per 10 storage units
Industrial Uses: Heavy Industry			
Heavy Industry	2.5	--	or 1 per employee, plus 1 per company vehicle, plus per 5,000 sf of visitor parking, whichever is greater
Trucking (no loading or warehousing)	1.5	--	or 1 per employee, plus 1 per company vehicle, plus 1 per 5,000 sf of visitor parking, whichever is greater
Industrial Uses: Extraction and Disposal			
Concrete/Asphalt Batch Plant	--	--	1 per employee
Extraction and Disposal	--	--	1 per employee
Junkyards	--	--	1 per employee
Temporary Uses:			
Christmas Tree Sales	--	--	1 per 1,000 sf outdoor display, plus 1 per employee
Contractor's Construction Site Office	10	--	--
Public Interest Events	--	--	1 per 3 attenders

Table 4240
PARKING STANDARDS, BY USE

Use	Parking Spaces Req'd. per 1000 sf of Floor Area	Queuing Space	Other Standard
Special Event	--	--	1 per 3 attenders
Real Estate Sales Office	3.3	--	--
Shelter	--	--	2 per du
Farm Stand	5	--	plus 1 per 1,000 sf

Uses Not Listed: For uses not listed parking requirements shall be determined by the Planning Director, based upon the parking requirements of a land use in this table that is similar to the use not identified in this table, or other professional sources.

^aIn the Urban Commercial (UC) District and in any other nonresidential district within one thousand six hundred (1,600) feet of the USC&GS BM V-40, on the Town Square, this standard is 2.9.

^bIn the Urban Commercial (UC) District, this standard is 4.

SECTION 4250. OTHER GENERAL STANDARDS FOR OFF-STREET PARKING AND LOADING

The following general standards shall govern the development and maintenance of off-street parking and loading:

A. **Location of off-street parking.** The location of all off-street parking facilities shall be as specified below, based upon use type:

1. **Single-family and two-family dwelling units.** For all single-family and two-family dwelling units, all off-street parking shall be located on the same lot as the structure the parking is to serve.
2. **Multiple-family dwelling units.** For all multiple-family dwelling units, off-street parking facilities shall be located on the same lot or within the same residential development and within one hundred fifty (150) feet of the structure the parking is to serve.
3. **Industrial uses.** For all industrial uses, off-street parking facilities shall be located within five-hundred (500) feet of the structure the parking is to serve.
4. **Institutional and all other nonresidential uses.** For all institutional and all other nonresidential uses in all zoning districts all off-street parking facilities not shared with an adjacent landowner shall be located on-site. Notwithstanding, in the UC District and

in any other nonresidential district within one thousand six hundred (1,600) feet of the USC&GS BM V-40, on the Town Square, off-street parking shall be located within two hundred fifty (250) feet of the structure the parking is to serve.

- B. **Change of use.** If the use of land or a structure changes, the new use shall conform with all of the off-street parking and loading provisions of this Division.
- C. **Multiple uses occupying single parcel of land or structure.** If two or more uses occupy a single parcel of land or structure, the standard for off-street parking and loading shall be the additive total for each individual use of the parcel of land or structure unless the standards of Section 4250.D, Shared parking and adjoining landowners, are met.
- D. **Shared parking and adjoining landowners**
 - 1. **General.** The owners of two (2) or more uses, structures, or parcels of land may agree to jointly use the same off-street parking and loading spaces, provided that said uses, structures, or parcels of land do not have significant overlapping hours of operation.
 - 2. **Shared parking between apartments and nonresidential uses.** A percentage of the off-street parking spaces provided for nonresidential uses may be considered shared with on-site residential apartments, in accordance with Table 4250.D, Shared Parking Credit Allowances for Apartments with Nonresidential Uses, and the following standards. The shared parking percentage granted shall be based upon the extent to which: (Amended 2/21/95)
 - a. **Provide employee housing.** The residential apartments provide on-site employee housing.
 - b. **Shared parking function.** The development location and design enhances the shared parking function.

Table 4250.D.
SHARED PARKING CREDIT ALLOWANCES FOR APARTMENTS WITH
NONRESIDENTIAL USES (Amended 2/21/95)

Use Mix	Maximum Percentage of Credit Allowed*	
	Affordable Housing and Accessory Residential Units	All Other Residential
Accessory Apartments/Commercial	100	25
Apartments/Office	100	75
Apartments/Restaurants	100	20
Apartments/Services	100	25
Apartments/Industrial	100	75
Apartments/Other Nonresidential	100	20

*Calculated as a percentage of the total spaces required for the apartment use under the requirements of Table 4240, Parking Standards, by Use.

- E. **Storage prohibited in required off-street parking spaces.** 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.
- F. **Display of vehicles for sale.** The vehicles shall not be displayed for sale in non-residential 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.
- G. **Prohibition of repair work in off-street parking and loading areas.** No repair work that renders the vehicle inoperable for more than twenty-four (24) hours shall be permitted on off-street parking or loading facilities.
- H. **Maintenance of off-street parking and loading areas.** All off-street parking and loading areas shall be maintained adequately for all weather use and be properly drained.

SECTION 4260. OFF-STREET PARKING FACILITY DESIGN STANDARDS

All off-street parking facilities shall meet the following design standards:

- A. **Parking areas to be located on site.** Except in the UC District, where there may be permitted payment of fees in-lieu of off-street parking, and except for any development for which shared parking agreements are approved, all parking spaces, aisles, and turning areas shall be located entirely within the boundaries of the land served and 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.
- B. **Backing onto roads and public streets prohibited.** Except for parking facilities serving single-family residential lots and parking facilities accommodating four (4) vehicles or less, all off-street parking areas shall be designed so that it will not be necessary for vehicles to back out into any road or public streets.
- C. **Tandem parking.** Tandem parking (one vehicle parking directly behind another) is not permitted, and shall not be credited toward meeting any off-street parking requirement of this Division except for residential structures not exceeding four (4) units on one (1) lot, provided that the tandem parking spaces are assigned to the same dwelling unit.
- D. **Parking in required yards and parking lot buffers.** No parking, maneuvering, or drive areas are permitted to occupy a required front yard or the street side of a required side yard, except for the following:
 1. **Driveway access.** Driveway access to parking or loading located elsewhere on the site.
 2. **One family detached and two family residential structures.** In required yards of one-family detached and two-family residential structures, parking, maneuvering or drive areas in a front yard setback may occupy no more than forty (40) percent of the lot frontage as measured in linear feet.
 3. **Buffers for parking areas.** All parking areas shall be set back from the property line a minimum of five (5) feet when they are adjacent to roads or residential uses.
- E. **Access and circulation standards**
 1. **Unobstructed areas.** 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 residential tandem parking.
 2. **Parking row, aisles and module standards.** Except for parking facilities serving single family residential lots and parking facilities accommodating four (4) vehicles or less, all off street parking facilities shall open directly onto an aisle and meet the standards of Section 4260.I, Dimensional Standards for Standard Parking Rows, Aisles, and Modules.

- F. **Traffic interference prohibited in all districts.** All off-street parking facilities in all zoning districts shall be designed with access to a street or alley in one (1) or more locations which cause the least interference with traffic movements.
- G. **Nonresidential use access drive.** Access drives in nonresidential zoning districts shall have a minimum width of fifteen (15) feet to all roads for posted one-way drives, or twenty-four (24) feet for two-lane and thirty-six (36) feet for three (3) lane drives.

H. **Parking surface and drainage**

- 1. **Paving required.** Outdoor off-street parking areas, aisles and access drives for all uses shall be paved, except parking areas, aisles and accessways for single-family and two-family dwelling units which may be gravel.
- 2. **Gravel area dimensions.** The minimum size of a gravel parking area shall be ten (10) percent larger than required of a paved area.
- 3. **Paved area standards.** Paved parking areas, aisles and access drives shall be paved with concrete, paving blocks, asphalt or other all weather surface.
- 4. **Compaction and drainage.** Parking 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 Land Development Regulations, or other applicable regulations and standards.

I. **Dimensional standards for standard parking rows, aisles, and modules.** Table 4260.I, Minimum Dimensions for Parking Modules, specifies the minimum widths for standard parking rows, aisles, and modules. A standard parking space shall be nine (9) feet in width and twenty (20) feet in length. (Also see Figure 4260.I, Dimensional Standards for Standard Parking Rows, Aisles, and Modules.)

- 1. **Length of parking spaces.** The length of parking spaces may be reduced to eighteen (18) feet, including wheel stop, if an additional space of two (2) feet in length is provided for the front overhang of the car, provided that an overhang shall not reduce the width of the adjacent walkway to less than four (4) feet in width.
- 2. **Vertical clearance.** Parking spaces shall have a vertical clearance of at least seven (7) feet.

		One-Way Parallel	Space Angle (degrees)			
			30	45	60	90
Single row of parking	9'	18'	21'	22'	20'	
Driving aisle	12'	12'	13'	18'	24'	
Minimum width of module (row & aisle)	21'	30'	34'	40'	44'	
<hr/>						
Two rows of parking	18'	36'	42'	44'	40'	
Driving aisle	12'	12'	13'	18'	24'	
Minimum width of module (row & aisle)	30'	48'	55'	62'	64'	

FIGURE 4260.I.
DIMENSIONAL STANDARDS FOR STANDARD PARKING
ROWS, AISLES, AND MODULES

SINGLE ROW OF PARKING

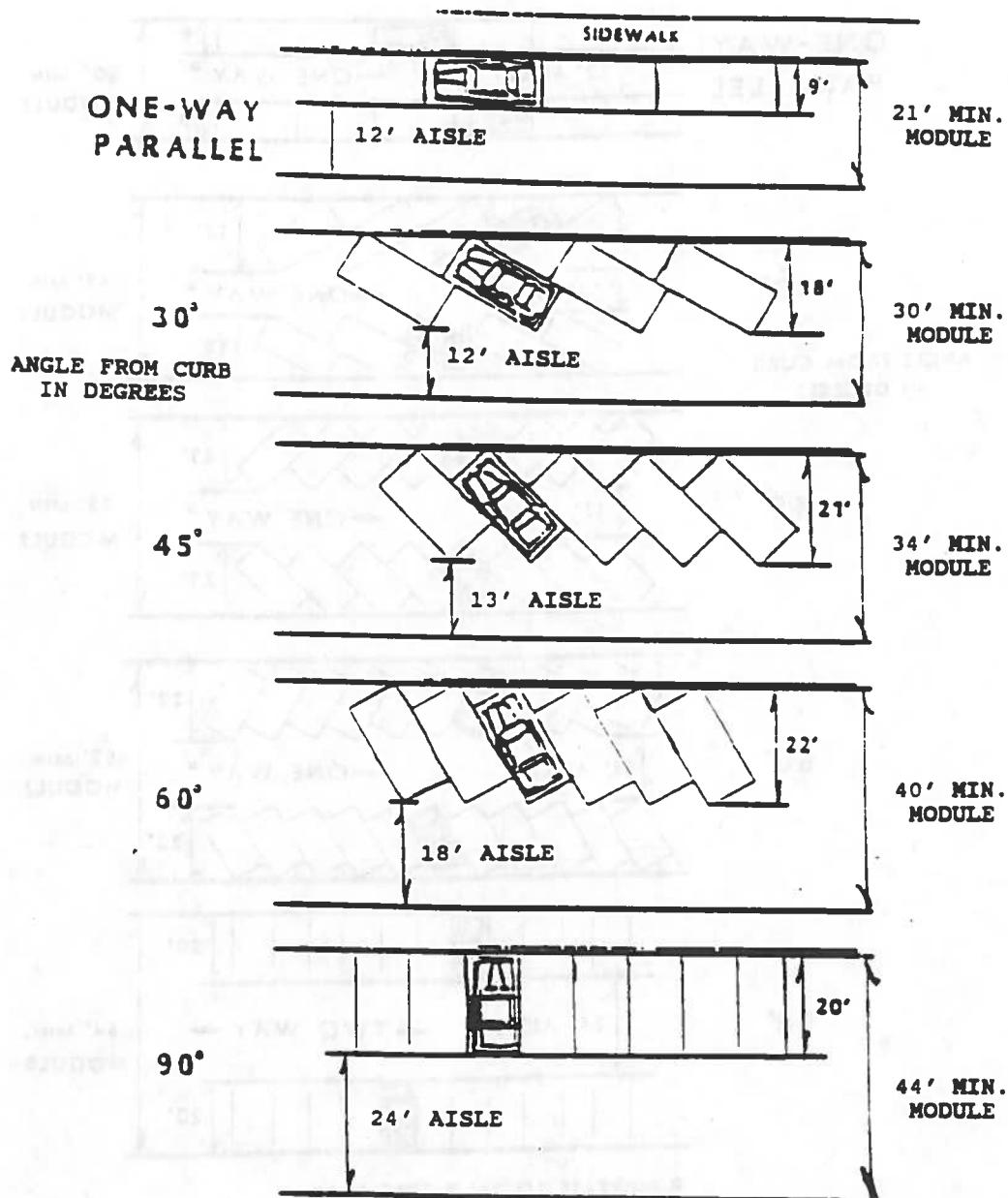
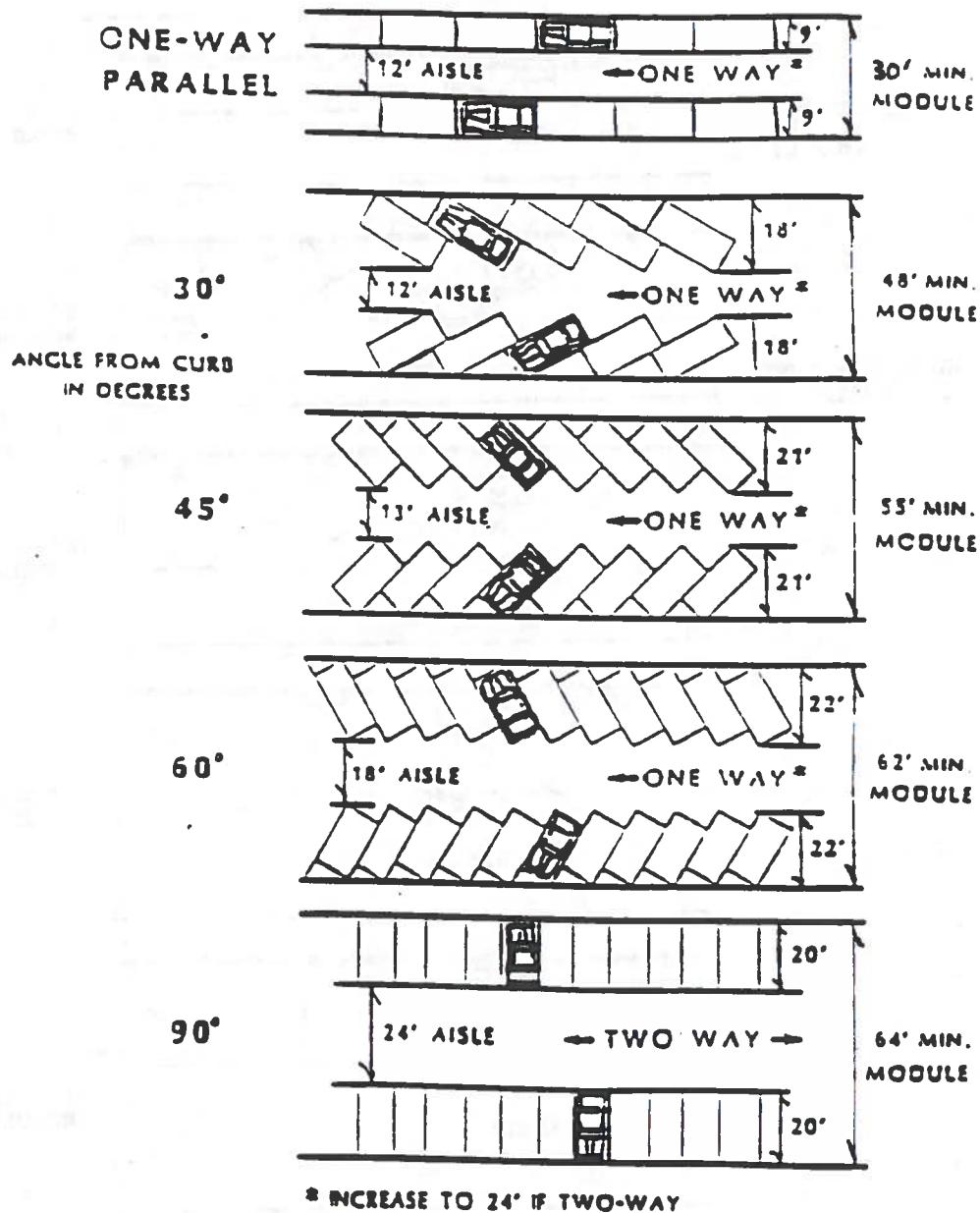


FIGURE 4260.I. (cont'd)
DIMENSIONAL REQUIREMENTS FOR STANDARD PARKING
ROWS, AISLES, AND MODULES

TWO ROWS OF PARKING



J. **Access drive intersections.** Intersections of parking lot drive aisles shall be at least forty (40) feet from a curb cut.

K. **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 minimum standards set forth in Table 4260.K, Required number of disability off-street parking spaces, and this subsection.

Table 4260.K. REQUIRED NUMBER OF DISABILITY OFF-STREET PARKING SPACES	
Number of Parking Spaces Provided	Number of Disability Spaces Required
1-25	1*
26-50	2*
51-75	3*
76-100	4*
101-150	5*
151-200	6*
>200	7 plus 1 for each 100 addl. parking spaces provided over 200*

* One (1) space shall also be provided for each dwelling unit that is designed for occupancy by the physically disabled.

1. **Dimensions.** The dimensions for all parking spaces provided for use by disabled persons shall be a minimum of eight (8) feet wide by twenty (20) feet long with an adjacent parallel access aisle five (5) feet wide. The adjacent parallel access aisle may be shared by two (2) accessible parking spaces. One (1) in every eight (8) accessible spaces shall have an access aisle which is a minimum of eight (8) feet wide (rather than five (5) feet) and shall be signed "Van Accessible."
2. **Location.** Parking spaces provided for use by disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area and building without assistance.
3. **Posted and marked.** All parking spaces provided for the use of disabled persons 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.

4. **Counts toward total off-street parking standards.** Those off-street parking spaces required for the disabled by this subsection shall count toward fulfilling the total off-street parking standards of this Division.

SECTION 4270. RESERVED

SECTION 4280. OFF-STREET LOADING STANDARDS

- A. **General.** Structures, or a complex of structures with a gross floor area of five thousand (5,000) square feet or more, containing uses which require deliveries or shipments, shall provide off-street loading facilities in accordance with the standards of Table 4280.A., Required Off-Street Loading Berths.

Table 4280.A. REQUIRED OFF-STREET LOADING BERTHS	
Gross Floor Area in Square Feet	Number of Berths
COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS	
<5,000	1
5,000-24,999	2
25,000-59,999	3
RECREATIONAL AND INSTITUTIONAL	
<10,000	1
10,000-99,999	2
each additional 100,000	1
ALL OTHERS	*

*The number of required loading berths shall be determined by the Planning Director.

B. Loading bay area standards

1. **Dimensional standards for loading bay areas.** The minimum dimensions for a loading bay area shall be twelve (12) feet wide and twenty-five (25) feet long excluding maneuvering area. If the outdoor loading area is covered, the minimum height of the loading bay area shall be fourteen (14) feet.
2. **Maneuvering space required to service loading areas.** Adequate off-street truck maneuvering areas shall be provided for in the design of the off-street loading facilities.
3. **Loading area location.** All loading areas are required to be located on the same lot as the building or establishment served by the loading area.
4. **Interference with fire exit or emergency access prohibited.** Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a structure or site.

SECTION 4290. SNOW STORAGE STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS

- A. **Snow storage prohibited in required off-street parking and loading areas.** The storage of plowed snow for more than forty-eight (48) hours is prohibited in required off-street parking and loading areas.
- B. **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 or 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 two and one-half (2.5) percent of the total required off-street parking or loading area, inclusive of access drives, shall be provided as the snow storage area.

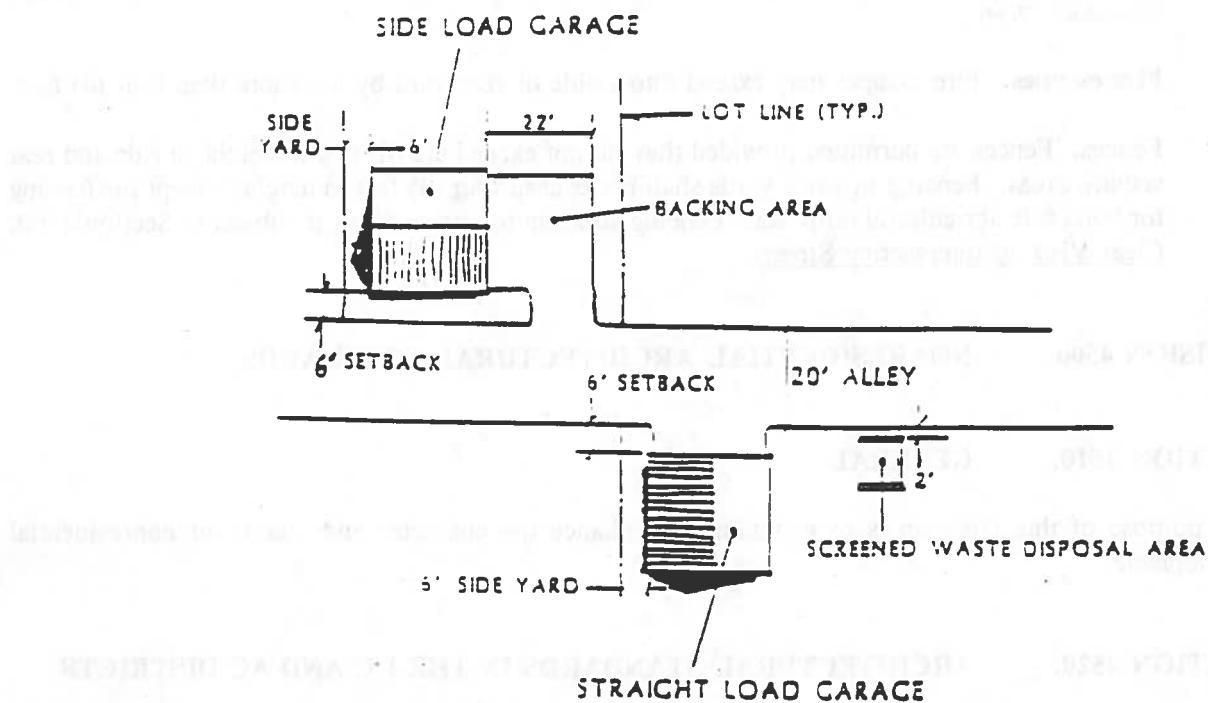
- b. Adequate drainage of the snow storage area shall be provided to accommodate snowmelt, and no snowmelt shall drain onto abutting lands.
- c. Required yards and open space may be used to accommodate the required snow storage area, including landscaped areas properly designated for snow storage. However, stored snow shall not restrict access and circulation, nor create a visual obstruction for motorists and pedestrians.

DIVISION 4300. RESERVED**DIVISION 4400. RESIDENTIAL ARCHITECTURAL STANDARDS****SECTION 4410. MINIMUM ALLEY SETBACK AND DESIGN STANDARDS**

All lots abutting alleys shall meet the standards in Table 4410, Minimum Alley Setback and Design Standards, and Figure 4410, Alley Design Standards.

Table 4410 MINIMUM ALLEY SETBACK AND DESIGN STANDARDS	
Alley width	20 feet
Side load garage setback	6 feet
Side load garage backing area	22 feet
Straight load garage	6 feet
Garage side yard	6 feet
Mandatory screened area for waste disposal	2 feet

Figure 4410
ALLEY DESIGN STANDARDS



SECTION 4420. RESERVED

SECTION 4430. BUILDING MATERIALS

- A. **Nonreflective surfaces.** External surfaces shall be covered with nonreflective materials.
- B. **Earth (soil) colors.** External surfaces shall employ earth (soil) colored tones. The roof of an addition to an existing structure and the roof of an accessory structure, when matching existing colors, shall be exempt. (Amended 9/27/94)

SECTION 4440. PROJECTIONS INTO REQUIRED SETBACKS

All street, side, and rear yards required in Table 2400, Schedule of Dimensional Limitations, shall be open and unobstructed, except as follows:

- A. **Architectural features.** In the UR, AR, and S districts, covered and uncovered decks, porches, and balconies may encroach into a front yard by not more than six (6) feet. In the UR, AR, S, and R districts, cornices, canopies, eaves, decks, porches, bay windows, chimneys, patios and similar architectural features may encroach into a side or rear yard not more than four (4) feet. (Amended 9/27/94)
- B. **Fire escapes.** Fire escapes may extend into a side or rear yard by not more than four (4) feet.
- C. **Fences.** Fences are permitted provided they do not exceed six (6) feet in height in side and rear setback areas. Fencing in street yards shall not exceed four (4) feet in height, except for fencing for bona fide agricultural purposes. Fencing adjacent to intersections is subject to Section 4760, Clear View of Intersecting Streets.

DIVISION 4500. NONRESIDENTIAL ARCHITECTURAL STANDARDS

SECTION 4510. GENERAL

The purpose of this Division is to maintain and enhance the character and quality of nonresidential development.

SECTION 4520. ARCHITECTURAL STANDARDS IN THE UC AND AC DISTRICTS

The following architectural standards shall apply to all the exteriors of new and remodeled structures in the UC and AC Districts.

- A. **Earth (soil) colors.** External surfaces shall employ earth (soil) colored tones. The roof of an addition to an existing structure, when matching existing colors, shall be exempt. (Amended 9/27/94)
- B. **Exposed fronts and street sides of buildings.** Exposed fronts and street sides of buildings shall be nonreflective and be of stone and/or natural wood. All other surfaces shall be nonreflective.
- C. **Glass.** Use of glass for displays and to allow visual access to interior space is permitted.
- D. **Exposed Metal.** Exposed metal shall be painted, stained, or anodized in non-reflective earth tones. Copper, brass, and wrought iron may remain natural.
- E. **Metal awnings.** Metal awnings of any kind are expressly prohibited.
- F. **Canopies and boardwalks.** Canopies and boardwalks are required in the UC District.

G. **Metal windows.** Metal as a window framing support or mounting material is prohibited on the front of any building in the Town Square Overlay, and are discouraged elsewhere.

DIVISION 4600. SIGNS**SECTION 4610. PURPOSE**

The purpose of this Division 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 Division sets forth standards and criteria for the fabrication, erection, and use of signs, symbols, markings, and other advertising devices in Jackson and 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.

SECTION 4611. SHORT TITLE - CITATION

This Division shall be known as the "sign code" of Teton County, Wyoming, and may be so cited and pleaded.

SECTION 4612. APPLICABILITY

A. **Permit required.** No person shall erect, alter, or relocate any sign without first obtaining a Sign Permit pursuant to Section 51100, Sign Permit, and meeting the standards set forth in this Division. Signs conforming to the requirements of this Division 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. All applications for sign permits shall be accompanied by plans, designs, specifications or drawings stating specifically all dimensions, animations if any, lighting, colors, and plan of installation stating clearances and setbacks. All sign permit fees shall be determined by resolution or ordinance as appropriate and may be changed from time to time. The Planning Director shall have the authority to refuse a Sign Permit for any sign which does not comply with the requirements of this Division. Appeal from the provisions or enforcement of this Division shall be made as provided in Section 5180, Appeals on Decisions of Planning Director. Sign permits expire one (1) year after issuance if the sign is not erected or altered pursuant to the permit.

B. **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 Section 4615, Nonconforming Signs.

SECTION 4613. MASTER SIGNAGE PLAN

The number, sizes, and types of signs allowed by this Division 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 Division when multiple signs are allowed, and/or multiple tenants, businesses, or other entities occupy a single building or storefront.

- A. **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.
- B. **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.
- C. **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 standards set forth in Section 4620, Allowable Signage By District.
- D. **Optional signs.** When optional signs are proposed pursuant to Section 4630.A, Freestanding signs and/or Section 4630.B, Canopy signs, a Master Signage Plan shall clearly indicate where substitutions are proposed and that all applicable standards are met.

SECTION 4614. IDENTIFICATION TAG - DISPLAY REQUIRED

- A. **Display identification tag.** Each sign approved pursuant to this Division for which a permit is issued is required to have affixed to it and displayed an identification tag provided by the County for the purpose of identifying signs lawfully in use.
- B. **Issuance of tag.** Identification tags shall be provided for each sign at the time of issuance of a sign permit by the Planning Director. The serial number of each tag shall be recorded on the sign permit.

SECTION 4615. NONCONFORMING SIGNS

- A. **Nonconforming sign.** A nonconforming sign is any sign which was legally placed or erected or previously existed as a nonconforming sign prior to the effective date of these LDRs, or is located in newly annexed territory, which does not conform to the provisions of this code as it may be amended from time to time.

B. **Repair.** All nonconforming signs advertising a business which is sold or which changes names after the effective date of these LDRs or which shall be repaired, repainted or replaced at a cost equal to fifty percent (50%) or more of the original cost of the sign, shall be made to conform to the requirements of this code at the time of such sale, change of name or alteration or repair.

SECTION 4616. DEFINITIONS

Certain words, phrases, terms, and concepts used in this Division are operationally defined. These definitions may be found in Article VIII, Definitions.

SECTION 4620. ALLOWABLE SIGNAGE BY DISTRICT

A. Rural (R) District

1. **Nonresidential uses**
 - a. **Freestanding signs.** Each freestanding nonresidential building or complex of buildings is allowed one (1) rustic freestanding sign, not to exceed sixteen (16) square feet in area or ten (10) feet in height.
2. **Residential uses.** One (1) unlighted rustic freestanding sign not to exceed four (4) feet in height, or one (1) unlighted wall sign, neither of which may exceed four (4) square feet in area, identifying the owner and/or the name of the property is allowed.
3. **Home occupations.** One (1) unlighted wall sign, which may not exceed two (2) square feet, identifying legal home occupations shall be allowed.

B. Residential Business (RB), Suburban (S) and Neighborhood Conservation (NC) Districts

1. **Nonresidential uses.** Each freestanding building or complex of buildings is allowed one (1) rustic freestanding sign not to exceed six (6) feet in height and twelve (12) square feet in area, or, one (1) wall sign not to exceed twelve (12) square feet in area.
2. **Residential uses.** For a residential use on a lot or parcel of three (3) acres or more, one (1) unlighted rustic freestanding sign not to exceed four (4) feet in height and four (4) square feet in area, or, one (1) unlighted wall sign, not to exceed four (4) square feet in area, identifying the owner and/or name of the property is allowed. For a residential use on a lot or parcel less than three (3) acres, one (1) unlighted wall sign identifying the name of the owner and/or property, not to exceed three (3) square feet, is allowed.
3. **Home occupations.** One (1) unlighted wall sign not to exceed two (2) square feet, is allowed.

C. Auto Urban Residential (AR), Auto Urban Commercial (AC), Urban Residential (UR), Business Park (BP), Office Professional (OP), and Business Conservation (BC)**1. Nonresidential uses.** For nonresidential uses in the AR, AC, UR, BP, RB, OP, and BC districts, signage is permitted according to the following standards.

- a. **Freestanding signs.** Each freestanding building or complex of buildings is allowed one (1) rustic freestanding sign at the primary entrance or street frontage, not to exceed eight (8) feet in height. The maximum area of the sign shall be one (1) square foot for each linear foot of building facing the street, not to exceed forty (40) square feet.
- b. **Wall signs.** Each freestanding building or storefront is allowed one (1) wall sign per street frontage which shall not exceed one (1) square foot per two (2) linear feet of building facing the street, to a maximum area of twenty-four (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 (1) entry sign per entrance, not to exceed four (4) feet in height, nor six (6) square feet in area.

2. Residential uses

- a. **Single-family residential and multifamily residential of less than eight (8) units.** One (1) unlighted wall sign identifying the name of the owner and/or property, not to exceed three (3) square feet is permitted.
- b. **Multifamily residential of eight (8) units or more.** One (1) rustic freestanding project identification sign not to exceed six (6) feet in height and six (6) square feet in area, or, one (1) wall sign not to exceed six (6) square feet in area is permitted.

3. Home occupations. One (1) unlighted wall sign not to exceed two (2) square feet in area is allowed.**D. Urban Commercial (UC)****1. Nonresidential uses**

- a. **Freestanding signs.** For each building or complex situated on lots or sites which exceed fifteen thousand (15,000) square feet in area, one (1) rustic freestanding sign not to exceed five (5) feet in height and eight (8) square feet in total area is allowed.

b. **Wall signs.** Each freestanding building or storefront is allowed one (1) wall sign which may not exceed one (1) square foot per linear foot of building or storefront facing a street to a maximum size of twelve (12) square feet. Where a building or storefront faces more than one street, an additional wall sign is allowed for each additional street frontage, the area of which may not exceed one (1) square foot per two (2) linear feet of building or storefront facing the street, to a maximum size of six (6) square feet. For a building or storefront which faces a pedestrian precinct or other pedestrian way, one (1) wall sign not to exceed six (6) square feet is allowed for each separate frontage.

2. **Residential uses**

a. **Single-family residential uses and multifamily residential uses of less than eight (8) units.** One (1) unlighted wall sign identifying the name of the owner and/or property, not to exceed three (3) square feet is permitted.

b. **Multifamily residential uses of eight (8) units or more.** One (1) rustic freestanding project identification sign not to exceed six (6) feet in height and six (6) square feet in area, or, one (1) wall sign not to exceed six (6) square feet in area is permitted.

3. **Home occupations.** One (1) unlighted wall sign not to exceed two (2) square feet is allowed.

SECTION 4630. 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 standards of Section 4680, Sign Materials 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 seven and one-half (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 four (4) feet from the wall to which it is mounted. Any projecting sign must have a minimum vertical clearance of seven and one-half (7.5) feet from any walking surface.

SECTION 4640. 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 as set forth in Section 4620, Allowable Signage By District, 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 twenty-five percent (25%) of the area of the window in which it is displayed. In no event shall window signage exceed sixteen (16) square feet in any one (1) window.
- B. **Prohibited features of window signs.** No window sign, nor 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.

SECTION 4650. PROHIBITED SIGNS

The following signs and types of signs are prohibited in all zoning districts in Jackson and Teton County.

- A. **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 Section 4670.C., Time and temperature displays.
- B. **Moving appurtenances.** Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.
- C. **Rotating beacon lights.** Rotating beacon lights.
- D. **Inflatable signs.** Inflatable advertising devices or signs.
- E. **Portable signs.** Changeable copy trailer or portable signs, either fixed or moveable.
- F. **Changeable copy signs.** Changeable copy signs except as permitted in Section 4670, Special Purpose Signs.
- G. **Banners.** Banners, except as permitted in Sections 4630, Optional and Alternative Signs and Section 4671.D, Special event.
- H. **Off-site signs.** All off-site, off-premise, and directional signs which 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.

- I. **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 which has attached thereto or located thereon any sign for the purpose of advertising a product or directing people to a business activity.
- J. **Neon signs.** Neon signs or valances unless inside a building or in a window and not to exceed four (4) square feet, except as exempted in Section 4660, Exempted Signs.
- K. **Internally illuminated signs.** Signs with internal illumination of any type.
- L. **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. 10 through Jan. 10.
- M. **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 Section 4671, Temporary Uses.
- N. **Roof signs.** Signs mounted on a roof or atop a parapet wall.

SECTION 4660. EXEMPTED SIGNS

The following signs are not regulated by this Division.

- 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 thirty (30) days prior to the election and which are removed by the candidate or property owner who placed the sign within five (5) days after the election.
- C. **Time and temperature signs.** The moving or changing portion of time and/or temperature signs allowed pursuant to Section 4670.C, Time and temperature displays, 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 twenty (20) square feet each and further provided they are not mounted on a roof or atop other signs. One (1) 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 twenty (20) square feet.
- E. **Private warning signs.** Private warning signs provided they do not exceed three (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 (1) sign of twenty-four (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 (1) Open/Closed and one (1) Vacancy/No Vacancy sign, one (1) hours of operation sign, and one (1) credit card acceptance sign, not to exceed a total of three (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 twenty (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. **Murals.** 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 six (6) square feet, and that only one (1) sign per property per street frontage is displayed.
- O. **Gate or arch sign.** A gate or arch sign situated over the primary entry of a ranch or other agricultural operation exceeding two hundred (200) acres in total contiguous area; provided that the sign face does not exceed eight (8) square feet and that the sign provides a clearance of at least thirteen and one-half (13.5) feet from the driving surface.
- P. **Minor residential signs.** Wall signs not to exceed one (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.

SECTION 4670. SPECIAL PURPOSE SIGNS

A. **Changeable copy signs.** Reader-board or changeable copy signs are permitted to be displayed by the following types of businesses.

1. **Theaters.** Motion picture theaters and play-houses.
2. **Convention facilities with liquor licenses.** Businesses with convention facilities, and which qualify for resort liquor licenses under the Statutes of the State of Wyoming.
3. **Fuel stations.** Business which sell motor fuels at retail dispensed from pumps on premises.

Changeable copy signs may be either freestanding signs or wall signs, as permitted in Section 4620, Allowable Signage by District. The area of any changeable copy sign in its entirety shall conform to the standards of Section 4620. Only one (1) 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 two (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 twelve (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 Section 4620, Allowable Signage By District.

C. **Time and temperature displays.** Banks, savings and loan associations, and credit unions are permitted, in addition to signage permitted by Section 4620, Allowable Signage By District, to display the correct time and air temperature for the information of the general public. Time and temperature displays are limited to one (1) per eligible business establishment, and the moveable/changeable area of the display may not exceed twelve (12) square feet. Time and temperature displays may be affixed to either freestanding or wall signs, as permitted by Section 4620, Allowable Signage By District.

SECTION 4671. TEMPORARY USES

Signage for the temporary uses listed in Table 2200, Use Schedule, and for one-time grand openings, is permitted subject to the conditions and limitations stated herein. All signs require a Temporary Use Sign Permit issued by the Planning Director. Unless otherwise specified, signs must be removed immediately upon the discontinuance of the use or event.

A. **Christmas tree sales.** One (1) freestanding sign, not to exceed six (6) feet in height, or one (1) wall sign, or one (1) banner per sales lot is permitted, not to exceed eight (8) square feet in area.

- B. **Contractors and real estate sales offices.** In addition to the construction sign(s) allowed in Section 4660.G, Construction signs, one (1) wall sign affixed to the office and not to exceed three (3) square feet is permitted.
- C. **Public interest event.** One (1) freestanding sign not to exceed six (6) feet in height, or one (1) banner is permitted, neither of which may exceed twelve (12) square feet in area. The sign or banner must be displayed on the site of the event. Up to two (2) off-premise directional signs not to exceed six (6) square feet each are also permitted. Signs may be displayed up to fourteen (14) days prior to the event.
- D. **Special event.** One (1) freestanding sign not to exceed six (6) feet in height, or one (1) banner, neither of which may exceed twelve (12) square feet in area, is permitted per street frontage at the site of the event. Signs may be displayed up to fourteen (14) days prior to the event.
- E. **Shelters.** Shelters are permitted signage according to Section 4620, Allowable Signage By District, for residential uses in the zoning district in which the shelter is located.
- F. **Farm stands.** Farm stands are permitted one (1) temporary sign or banner, not to exceed six (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 (1) banner not to exceed twelve (12) square feet, to be displayed for a period of not more than fourteen (14) calendar days.

SECTION 4680. SIGN MATERIALS AND DISPLAY STANDARDS

- A. **Sign materials.** Any and all materials used to construct signs, supports, or fasteners shall conform to the following standards:
 - 1. **Permitted materials generally.** Signs may be constructed of painted, stained, or carved wood; brick or stone; glass; metal or metallic leaf which is rust resistant, painted or anodized, or otherwise treated to prevent reflective glare.
 - 2. **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 (1) 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.
 - 3. **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.

B. **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 in Figure 4680, Prototypical Signs.

1. **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 Section 4760, Clear View of Intersecting Streets.
2. **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, except as provided in sub-paragraph 10.b, Projections into public right-of-way, UC district, of this Section.
3. **Lighting.** Signs may be unlighted or lighted externally, unless otherwise indicated in Section 4620, Allowable Signage By District.
4. **Shielded spotlights.** Any spotlights permitted to illuminate signs shall be shielded such that their light source cannot be seen from adjoining roads.
5. **Wall signs mounted on parapets.** A wall sign mounted on a parapet wall shall be mounted six (6) inches or more below the top of the parapet wall.
6. **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.
7. **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.
8. **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.
9. **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.
 - a. **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 six (6) inches.

- b. **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.

10. **Sign setbacks**

- a. **Freestanding signs.** Any rustic freestanding sign, entry sign, or monument sign shall be set back a minimum of two (2) feet from any property line, except that rustic freestanding signs are allowed at the front or side property line in the Urban Commercial (UC) district.
- b. **Projections into public right-of-way, UC district.** Any projecting or canopy sign in the Urban Commercial (UC) district may project into the public right-of-way of a street, provided that the minimum vertical clearance set forth in Sections 4630.B, Canopy signs and 4630.C, Projecting signs, are maintained, and provided that the sign shall be no closer than eighteen (18) inches from the back of the adjacent street curb.

11. **Landscaping.** The ground area around the base of all freestanding signs shall be landscaped in accordance with the requirements of these Land Development Regulations. 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.

12. **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 pursuant to Section 4620, Allowable Signage By District.

C. **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 one (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 two faces are back to back and are at no point farther than two (2) feet from one another. Otherwise, the area of all faces shall be included in determining the area of the sign.

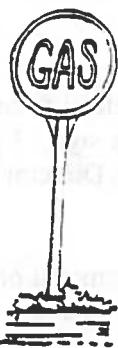
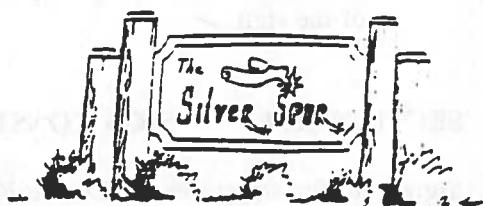
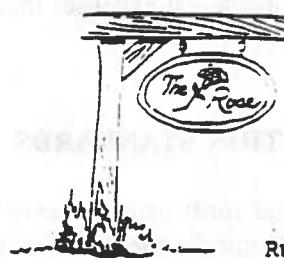
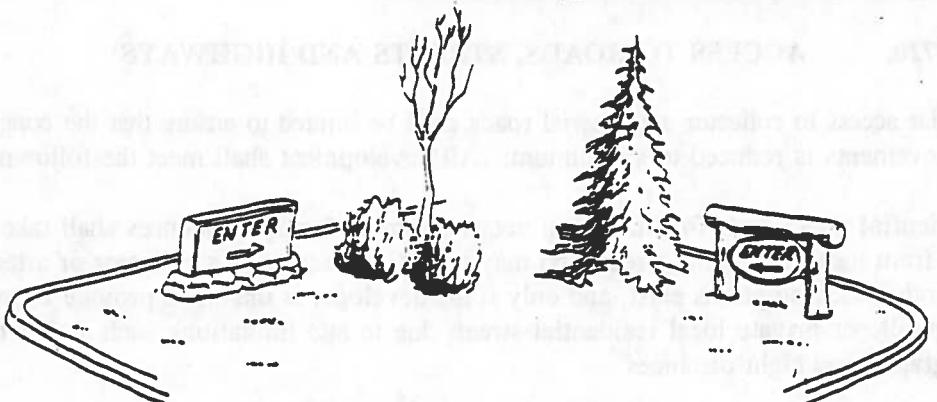
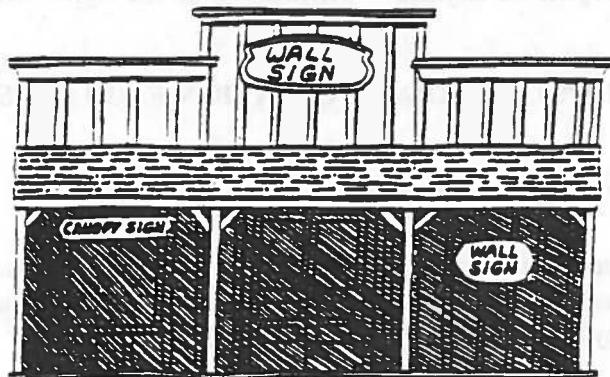
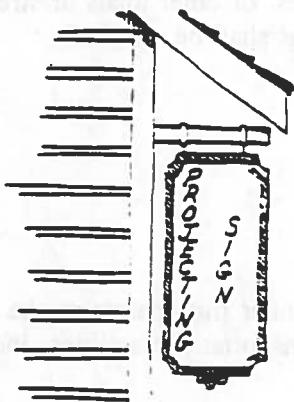


FIGURE 4680

PROTOTYPICAL SIGNS**Conventional Freestanding Signs****Rustic Freestanding Signs****Monument and Entry Signs**

SECTION 4690. DANGEROUS OR DEFECTIVE SIGNS

- A. **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 Article IX, Enforcement.
- B. **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.
- C. **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.

SECTION 4691. SIGN CONSTRUCTION STANDARDS

Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in the Uniform 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.

DIVISION 4700. TRANSPORTATION FACILITIES**SECTION 4710. PURPOSE**

The purpose of this Division is to control access to 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.

SECTION 4720. 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 for individual detached single-family residences 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, such as planned residential development, shall take direct access to collector or arterial streets to avoid infiltration of lower density neighborhoods.
- 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 parcels.
 - 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 Section 4720.D, Access Limited to Collector and Arterial Road.)
- D. **Access limited to collector and arterial road.** At least three hundred (300) feet shall separate access points on collector and arterial roads with posted speeds of less than thirty five (35) miles per hour (mph), and six hundred (600) feet from roads with posted speeds of thirty five (35) miles per hour (mph) or more.
- E. **Traffic study required if more than one (1) access point.** In instances where more than one (1) access point is requested on any one (1) 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 (1) access point/designate "right turn only," wherever possible.** When more than one (1) access point exists for a development, at least one (1) exit shall contain a "right turn only" lane, when traffic patterns and the design layout allow it.

SECTION 4730. RESERVED

SECTION 4740. 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 plans 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 general government.

C. **Interpretation.** In their interpretation and application, the provisions of this Section shall be held to be the minimum requirements and shall apply to all roads within its territorial jurisdiction. No provision of this Section is intended to repeal, abrogate, annul, impair or interfere with any existing resolution of the County, provided that where any provision of this 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 provisions of this resolution shall govern.

D. **Functional classification.** 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 described in part E of this Section.

1. **Functional class.** 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 Land Development Regulations.

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.
2. **Acceptance for specific need/benefit.** Arterials and most major collectors are the responsibility of the Wyoming Transportation Department. 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 established in subsection D of this section and Table 4740.K, Minimum Planning and Design Standards.
3. **Safety.** Road layout and design shall provide for the safety of motorists, bicyclists, pedestrians, equestrians and residents of abutting 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 should 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 should 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 should 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 1000 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.
 2. **Trip generation for residential uses.** For residential uses the following trip generation factors are to be used per dwelling unit:

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 Table 4740.K, Minimum Planning and Design Standards.
- L. **Cul-de-sac streets.** Cul-de-sac streets should 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 1/2 the required right-of-way, whichever is greater.

TABLE 4740.K
MINIMUM PLANNING AND DESIGN STANDARDS

Functional Class	Arterials	Collectors		Local	
Design Item		Major	Minor	Major	Minor
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
Design Speed* (mph)					
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
<p>*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 Table 4740.N, <u>Maximum Grades (%)</u>, 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 m.p.h.</p> <p>**Widening on the inside of sharp curves should be provided. Additional width equal to 400 divided by the curve radius in feet is recommended.</p> <p>***In accordance with AASHTO requirements.</p>					

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.

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 1/2 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, Table 4740.N, Maximum Grades (%):

Type of Terrain	Design Speed (MPH)							
	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 percent of the values shown above for a distance not to exceed 500 feet.

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 .08 ft. per foot.

5. **Surface types.** For each functional road class, the surface types specified in Table 4740.K, Minimum Planning and Design Standards, 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.
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 Land Development Regulations.
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 Transportation Department'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.** 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 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.

1. **Plan requirements.** 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 Transportation Department. 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.

SECTION 4750. EASEMENTS AND RIGHT-OF-WAY DEDICATION

- A. **Road and pathway rights-of-way.** In any subdivision or other development project requiring a Teton County Development 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 Table 4740.K, Minimum Planning and Design Standards, 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 abuts 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 Transportation Department. 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 final plat signature for any subdivision, or to issuance of the development permit for any other project. However, for any development 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 final plat signature for any subdivision including or adjacent to the right-of-way, upon the approval of any development 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:
 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 six (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 twelve (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

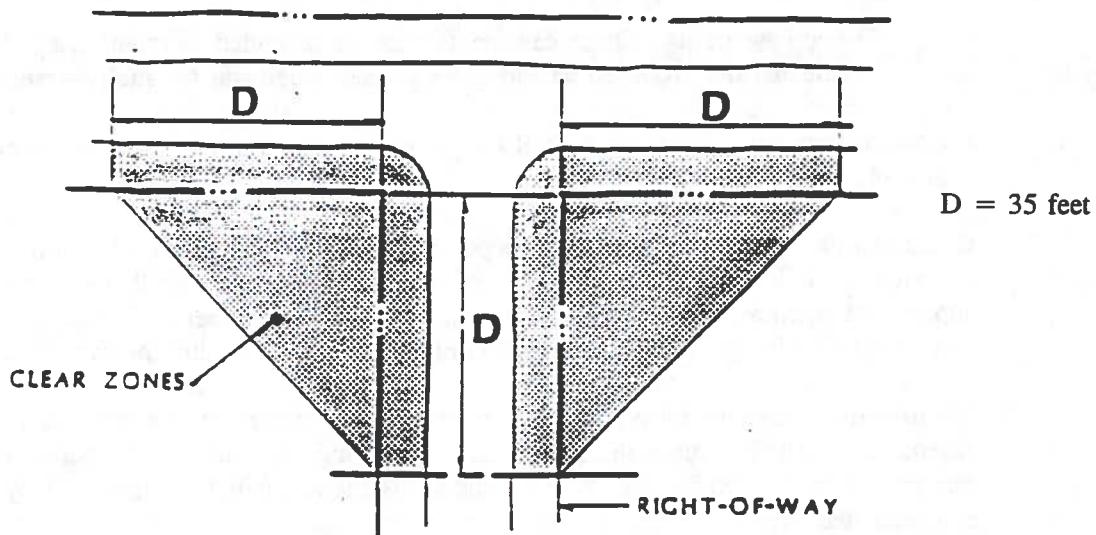
be done safely on road rights-of-way or will seriously disrupt motor vehicle traffic, cattle path easements should be provided. Except where the Board of Commissioners has determined that such an easement should be obtained or maintained by the County, such easements will be to private individuals or corporations and be maintained by them. Width should 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.

SECTION 4760. 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 in Figure 4760, Clear View of Intersecting Streets, except essential traffic control signs required in Section 4740.N.6, Traffic control devices.

FIGURE 4760
CLEAR VIEW OF INTERSECTING STREETS



DIVISION 4800. UTILITY STANDARDS

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.

SECTION 4810. 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 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 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.** Submit evidence satisfactory to the County Engineer that an adequate water supply meeting all State and County requirements is otherwise available to each lot 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.

SECTION 4820. SANITARY SEWER SYSTEMS

A. **Public sanitary sewer system available.** Where a public sanitary sewer system is located within five hundred (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.

B. **Public sanitary sewer not reasonably available.** Where a public sanitary sewer is not located within five hundred (500) feet, the applicant shall install sewage disposal facilities, or lot owners shall install individual septic tanks and sewage disposal systems for each lot which shall be approved by the County Sanitarian. The subdivider 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.

SECTION 4830. IRRIGATION 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 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.** (Amended 9/27/94)

1. **General.** Development shall be set back fifteen (15) feet from the edge of all irrigation ditches; notwithstanding, adequate access for maintenance of the ditch shall be provided to the entity organized to maintain the ditch or to all the water rights owners on the ditch.
2. **Variation.** This setback shall be varied by the Planning Director when there is demonstrated evidence provided that:
 - a. it will not adversely impact the water quality in the irrigation ditch or irrigation system within which the irrigation ditch is a part;
 - b. it will not cause any change in the hydrology of neighboring lands;
 - c. it will not cause safety problems for those persons using the proposed development; and
 - d. written permission is obtained from the entity organized to maintain the ditch or from owners of at least fifty (50) percent of the water rights owners on the ditch; and
 - e. the requirements of all State Statutes applicable to irrigation ditches are satisfied.
3. **Note on Development Plan/Final Plat.** Required setbacks from ditches shall be noted on the Development Plan and/or Final 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. (Amended 9/27/94)

1. **Permission of other water rights owners.** Written permission shall be obtained from the entity organized by the water rights owners to maintain the ditch or from all of the water rights owners on the ditch.
2. **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.
3. **Setback from edge of open ditches.** A fifteen (15) foot setback shall be maintained from the edge of all open ditches.

SECTION 4840. OTHER UTILITIES

- A. **Buried utilities required.** All utilities shall be installed underground.
- B. **Easements.** Where utilities are not provided within a dedicated road right-of-way, easements of not less than thirty (30) feet shall be provided in the proposed development for accommodating water lines, sanitary sewers and stormwater drainage. Minimum width of easements for power lines, telephone lines, and other utilities shall be fifteen (15) feet.

DIVISION 4900. STORMWATER MANAGEMENT STANDARDS

SECTION 4910. GENERAL PROVISIONS

All development shall be required to meet the following requirements of this Division:

- A. **Limitation of the amount of stormwater runoff.** No development 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 subdivision and/or development with the land in its previous condition. The range of storms considered shall be the one (1) year through one hundred (100) year event.
- B. **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.")
- C. **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.

D. **Timing of stormwater management facility construction.** Where the development 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.

E. **Compliance required for approvals.** No application for a Zoning Compliance Verification shall be approved until such time as the applicant shall have submitted detailed plans and specifications for the construction of stormwater management facilities on the land to be developed.

F. **Location within subdivision.** All stormwater management facilities shall be constructed within the confines of the proposed development, except in the case of approved regional stormwater detention facilities.

G. **Stormwater management plan required.** All applicants for development shall submit to the Planning Director a stormwater management plan prepared by an engineer or landscape architect licensed in the State of Wyoming and prepared to the level of detail considered necessary by the County Engineer. Applicants whose development proposals do not affect the grade or ground cover of the land, such as second story additions or development on existing impervious surfaces, are exempt from this requirement. Applicants with development proposals that do affect the grade or ground cover of the land, but appear not to significantly affect the rate of stormwater runoff to adjacent properties, may submit a letter, in lieu of a stormwater management plan, demonstrating that the standards of this Division 4900, Stormwater Management Standards, are met. The Planning Director may require the letter to be certified by an engineer or landscape architect licensed in the State of Wyoming if there is reason to believe that professional calculations are necessary to demonstrate compliance with the regulations. All applicants shall submit the information determined necessary by the County Engineer to confirm the standards of this Division are met by the development proposal. (Amended 12/6/94)

SECTION 4920. DESIGN REQUIREMENTS FOR STORMWATER MANAGEMENT FACILITIES

A. **Storage capacity.** All stormwater storage facilities shall be designed with sufficient capacity to maintain a post-development runoff rate from a development site that is equal to or lower than the predevelopment runoff rate. The stormwater storage facilities shall be designed for the range of storms from the one (1) year through one hundred (100) year storm events.

B. **Design regulations.** All stormwater management facilities and improvements required by this Section shall comply with the following standards:

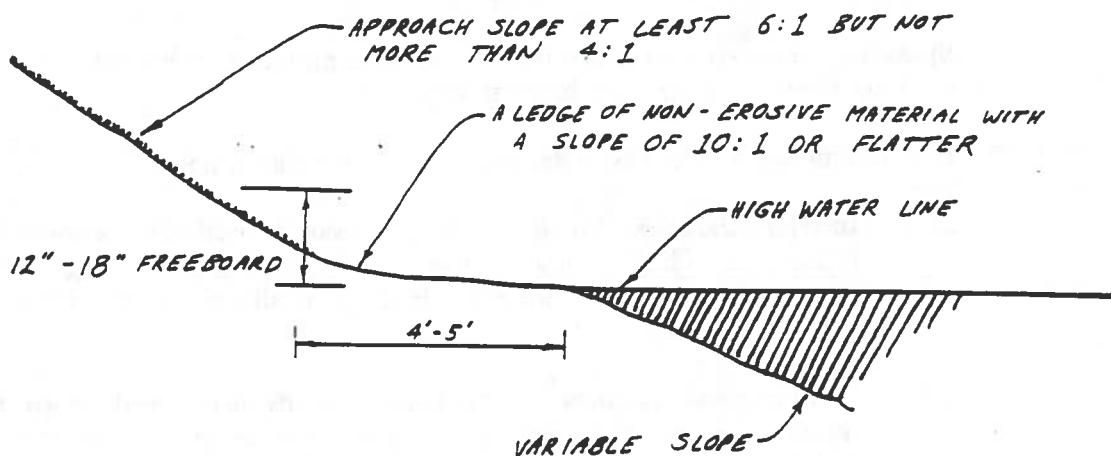
1. **Method of calculation.** The "rational method" shall be used to calculate peak flow rates. The "modified-rational method" shall be used to calculate volumetric

B. **Design regulations.** All stormwater management facilities and improvements required by this Section shall comply with the following standards:

1. **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 ten (10) acres or less. The "Soil Conservation Service" method shall be used to calculate volumetric requirements when the drainage area is more than ten (10) acres. Intensity, duration, frequency data included in Table 4920 A and B, Jackson IDF Curve Data shall be used. Calculations for sites known to have greater precipitation shall increase these figures by an appropriate amount. Data twenty (20) percent greater shall be used for the Teton Village area.
2. **Outlet control structures.** Outlet control structures shall be designed as simply as possible and shall operate automatically. They shall be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed the runoff of the site in its pervious condition.
3. **Spillway.** Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity.
4. **Dry bottom basin.** For basins designed without permanent pools:
 - a. **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.
 - b. **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.
5. **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:
 - a. **Depth for fish.** If fish are anticipated at least one-quarter (0.25) of the area of the permanent pool must have a minimum depth of ten (10) feet.
 - b. **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.
 - c. **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 within approach slopes of at least six to one (6:1) horizontal to vertical, but not more than four to one (4:1) sloping toward the basin. A ledge shall be of non-erodic material with a slope of ten to one (10:1) or flatter. The ledge shall be four (4) to six (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 twelve (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. Figure 4920, Slope Requirement for Wet Stormwater Basins, presents this concept.

Figure 4920
SLOPE REQUIREMENTS FOR WET STORMWATER BASINS



6. **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.
7. **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 six (6) inches.
8. **Pollution abatement.** Where a development 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.

C. **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, a registered engineer, or registered landscape architect, or their designated representative, employed by the County staff 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.

TABLE 4920.A**JACKSON IDF* CURVE DATA - 10 YEAR STORM EVENT**

Recurrence Frequency = 10 percent	
Duration minutes	Intensity inches/hour
5	1.80
10	1.42
15	1.19
20	1.05
30	0.83
40	0.67
50	0.57
60	0.51
70	0.47
80	0.43
90	0.40
100	0.37
110	0.35
120	0.33

*IDF stands for Intensity-Duration-Frequency

TABLE 4920.B.

JACKSON IDF* CURVE DATA - 100 YEAR STORM EVENT

Recurrence Frequency = 1 percent	
Duration minutes	Intensity inches/hour
5	3.00
10	2.33
15	1.90
20	1.65
30	1.30
40	1.08
50	0.95
60	0.82
70	0.74
80	0.65
90	0.61
100	0.56
110	0.52
120	0.48

*IDF stands for Intensity-Duration-Frequency

DIVISION 49100. GRADING AND EROSION CONTROL

SECTION 49110. 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 Section 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 excluded by this Section, including, but 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 of rock, sand or gravel. Grading and erosion control plans and statements shall be reviewed and approved or denied by the Planning Director.

C. **Exemptions.** The following activities shall be exempt from the requirements to obtain a Grading and Erosion Control permit. All activities, however, shall comply with the standards in Section 49160, Standards for Grading and Erosion Control, regardless of whether or nor a permit is required.

1. **Agricultural Activities.** Earthmoving operations occurring on slopes that are less than twenty five (25) percent, which are commonly associated with agricultural activities, such as farming, construction and maintenance of field access improvements, and construction and maintenance of irrigation systems.
2. **Small Areas.** Grading involving areas of less than twelve thousand (12,000) square feet on slopes of five (5) percent or less and which do not propose more than forty one (41) percent impervious surface on the lot. (Amended 12/5/95)
3. **Small Areas on slopes.** Grading involving areas of less than one thousand (1000) square feet on slopes greater than five (5) but less than fifteen (15) percent and which do not propose more than forty one (41) percent impervious surface on the lot.
4. **Emergency flood control work.** Earthmoving operations occurring as emergency flood control measures.

SECTION 49120. SUBMITTAL REQUIREMENTS FOR GRADING AND EROSION CONTROL PERMITS

A permit is required for all land disturbing activities unless explicitly exempted in Section 49110, Purpose and Applicability. An application for a grading and erosion control plan or grading and erosion control statement, whichever is applicable, as indicated in this Division, shall be submitted to the planning director along with an application fee. Table 49120 presents a summary of the submittal requirements for land disturbances of various sizes on different slopes for sites with less than 41%

impervious surface proposed on the lot. Any activity which proposes 41% or greater coverage by impervious surface requires a grading and erosion control plan.

Table 49120 (Amended 12/5/95) Submittal Requirements for obtaining Grading and Erosion Control Permits for land disturbances of varying slopes and for sites where less than 41% impervious surface is proposed on the lot.			
Required Submittal ¹			
Slope of area	Exempt	Statement	Plan
5% or less	less than 12,000 sq. ft.	12,000 sq. ft. or greater and less than 1 acre	one (1) acre or greater
from greater than 5% to 15%	less than 1000 sq. ft.	1000 sq. ft. or greater and less than 1 acre	One (1) acre or greater
greater than 15%		3000 sq. ft. or less	greater than 3000 sq. ft.

NOTWITHSTANDING, IF THE AMOUNT OF AREA OF LAND DISTURBANCE OF ALL THREE SLOPE CATEGORIES TOTALS 12,000 SQUARE FEET OR MORE A STATEMENT IS REQUIRED. IF THE AREA TOTALS AT LEAST ONE (1) ACRE, A PLAN IS REQUIRED. (Amended 9/27/94)

SECTION 49130. CONTENT OF THE GRADING AND EROSION CONTROL STATEMENT

A grading and erosion control statement is required for land disturbing activities covering an area of less than one (1) acre on slopes of fifteen (15) percent or less; areas of 3000 sq. ft. or less on slopes greater than fifteen (15) percent and areas where less than forty one (41) percent impervious surface is proposed; but for which a permit is required. A grading and erosion control statement shall be submitted to describe the site grading and erosion controls that will be used to meet the requirements of this Division. Included shall be the site development schedule, the proposed grading plan, details of revegetation and a map of the erosion control plan. Plans and maps shall be prepared at a scale that clearly illustrates the details of the proposed development. The purpose of the Grading and Erosion Control Statement is to allow the Planning Director to review land disturbances which, while small in area, may impact other land owners and the environment.

SECTION 49140. CONTENT OF THE GRADING AND EROSION CONTROL PLAN

The contents of the grading and erosion control plan for land disturbing activities covering more than one (1) acre, on lands with slopes of 15% or steeper and which disturb areas of greater than 3000 sq. ft. or on sites where forty one (41) percent impervious surface or more is proposed shall include the following:

- A. Existing Site Map.** A map, or maps, of existing site conditions drawn at a scale of at least one (1) inch equals one hundred (100) feet (1" = 100') that includes:
 - 1. Site boundaries and contiguous lands.** Site boundaries and immediately contiguous lands which accurately identify site location;
 - 2. Watercourses.** Lakes, streams, wetlands, channels, ditches, and other water courses on and immediately adjacent to the site;
 - 3. Floodplains.** One hundred (100)-year floodplains, flood fringes, and floodways, on and immediately adjacent to the site;
 - 4. Landslide or bedrock slump.** Location of any landslide or bedrock slump, active talus formation or rockfall slope, or avalanche path located within five hundred (500) feet of the proposed land disturbing activity;
 - 5. Predominant soil types.** Location and identification of the predominant soil types of the site;
 - 6. Vegetation cover.** Location and identification of the vegetative cover of the site;
 - 7. Stormwater drainage/natural drainage patterns.** Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
 - 8. Utilities and other structures.** Locations and dimensions of utilities, structures, roads, highways, and paving immediately adjacent to the site; and
 - 9. Site topographic map.** A site topographic map of the existing site conditions at a contour interval not to exceed two (2) feet for slopes up to twenty (20) percent, and at a contour interval of five (5) foot contours for slopes twenty (20) percent or greater.
- B. Plan of final site conditions.** A plan of the final site conditions showing the site changes at the same scale as the existing site map.

C. **Site construction plans.** Site construction plans that include:

1. **Land disturbing activities.** Locations and dimensions of all proposed land disturbing activities;
2. **Temporary topsoil/dirt stockpiles.** Locations and dimensions of all temporary topsoil and/or dirt stockpiles;
3. **Plans and sections of grading features.** Plans and sections of each type of grading feature proposed and drawn to scale by an engineer or landscape architect, licensed to practice in the State of Wyoming, showing slope angles and dimensions of the cut and fill slopes as well as any proposed features such as retaining walls, drainage facilities or similar features together with a written analysis of provisions for the control of stormwater and snowmelt run-off, erosion, and sediment production. All calculations used for the design of said features shall also be submitted. Retaining walls with a total exposed vertical face in excess of four (4) feet shall be designed by an engineer licensed to practice in the State of Wyoming.
4. **Engineering technique to minimize adverse effect of geologic or flood conditions.** Graphic and/or descriptive information of any engineering technique or other measure(s) proposed to minimize any adverse effects or hazards resulting from any of the geologic or flood conditions shown on the topographic information required under Section 49140.A, Existing site map.
5. **Plans for revegetation.** Detailed plans for the revegetation of the affected site area necessary for the stabilization of all disturbed surfaces except for roads and other areas to be covered with impervious surfaces and/or structures. Revegetation shall approximate the natural state including use of site specific indigenous seed mixtures.
6. **Site stormwater management and erosion control measures.** Locations and dimensions of all construction site stormwater management and erosion control measures necessary to meet the requirements of this Division.
7. **Starting and completion date of land disturbances/land development activity.** A schedule of anticipated starting and completion dates for each land disturbing or land developing activity, or phase, including the installation of site erosion control measures, grading, and revegetation needed to meet the requirements of this Division. In addition, grading shall be done in increments of workable size which can be completed during a single construction season.
8. **Maintenance of site erosion control measures.** Provisions for the maintenance of the site erosion control measures during construction.

- D. **Plans to be prepared by registered professional.** All grading and erosion control plans shall be prepared by a professional engineer or landscape architect registered in the State of Wyoming.
- E. **Geotechnical report.** A geotechnical report shall be submitted for construction sites with existing slopes greater than twenty-five (25) percent 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 geotechnical engineer registered in the State of Wyoming.

SECTION 49150. REVIEW PROCESS FOR GRADING AND EROSION CONTROL PLANS AND STATEMENTS

- A. **General.** The Planning Director shall review the application and grading and erosion control plan or statement to determine if the application and the plan or statement complies with the standards of this Division.
 - 1. **Review process/approval.** If all standards are met, the Planning Director shall approve the grading and erosion control plan or statement, inform the applicant, and issue a permit.
 - 2. **Review process/inadequate information or disapproval.** If the standards are not met, the Planning Director shall inform the applicant in writing that either additional information is required or that the grading and erosion control plan or statement has been disapproved. Upon receipt of the required information, the Planning Director shall again determine if the plan meets the standards of this Section. If the grading and erosion control plan is disapproved, the Planning Director shall inform the applicant in writing of the reasons for disapproval.
 - 3. **Consolidation of review.** The grading and erosion control plan or statement shall be consolidated and reviewed concurrently with any other applications for development of subject property.
 - 4. **Independent submittal.** If the grading and erosion control plan is submitted independent of any other development plan, the application shall be reviewed within thirty (30) working days of receipt of the application.

SECTION 49160. STANDARDS FOR GRADING AND EROSION CONTROL

- A. **General Standards.** The following general standards shall be met before a site grading and erosion control plan or statement is approved and a permit is issued by the Planning Director.

1. **Avoid risk of landslides.** The grading shall avoid the risk of landslides or other forms of slope failure, rockfalls, 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 water courses.
3. **Not significantly alter drainage patterns.** The grading shall not significantly alter natural drainage patterns.
4. **Conforms with general natural forms.** The grading preserves and conforms with the general natural form and contours of the land surface.
5. **Preserves natural or established vegetation.** The grading is 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 planned shall stabilize the slope and shall be compatible with native vegetation.
9. **Minimizes cut and fill.** The plan shall minimize cut and fill on a site. An application for a grading and erosion control permit shall be denied if it is determined that its issuance would result in excessive cutting and filling and that the intended structure or use would be feasible with less alteration of the natural terrain.
10. **Slopes in excess of twenty-five (25) percent.** No development shall be permitted on slopes in excess of twenty-five (25) percent, except to provide essential access for vehicles and/or utilities when no other alternative access exists, and except in the NC District where subsection A.11, NC District, shall apply.
11. **NC District.** In the NC District, no development shall be permitted on slopes in excess of thirty (30) percent, except to provide essential access for vehicles and/or utilities when no other alternative access exists.
12. **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 should be taken to preserve the historic or prehistoric artifacts.

13. **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. 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.

14. **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. **If possible, 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 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 and shall be reviewed and approved by the County.
- f. **Contact County Road and Levee Agent.** Prior to construction, improvement or alteration of drainageways, the County Road and Levee agent must be contacted and appraised in writing of the intended activity.

15. **Unstable soils.** No development shall be permitted on unstable soil 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 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.

B. **Grading standards.** All grading activities required to comply with this Division 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 thirty (30) calendar days prior to the commencement of grading, and permanent revegetation shall be commenced as soon as practical after the completion of grading. Site specific indigenous 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 four (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 ninety-five (95) percent 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 five (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. **Maximum grade of cut and fill slopes.** Cut and fill slopes shall be no steeper than fifty (50) percent unless approved by the County Engineer.
8. **Fill slopes near roads.** On roads, fill slopes shall not be located where the base of the slope is within fifteen (15) feet horizontally of the top of an exterior or planned cut slope, except at road switchbacks.
9. **Cut and fill slope setbacks from site boundaries.** The tops and toes of cut and fill slopes shall be set back from site boundaries a distance of five (5) feet plus one-half (0.5) of the vertical height of the cut or fill slope, but not more than a distance of twenty-five (25) feet.
10. **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.
11. **Cut and fill slopes.** Cut and fill slopes shall be graded to a slope no steeper than two to one (2:1), or fifty (50) percent to allow 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.

C. **Design criteria, standards, and specifications for erosion control measures.** The following standards shall apply to all grading activities during land disturbance and development.

1. **Site dewatering.** Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up-slope chambers, hydro-cyclones, swirl concentrators, filter fences, or other appropriate controls as determined by the County Building Department. 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 thirteen thousand (13,000) square feet in area 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 (1) 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.

D. **Varied standards for levee construction and maintenance.** The standards of this Section may be varied as necessary to allow for construction and maintenance of flood control structures, such as levees.

SECTION 49170. GRADING AND EROSION CONTROL PERMITS

- A. **Duration.** Permits shall be valid for a period of three hundred sixty (360) calendar days from the date of issuance, or for the length of the building permit or other construction authorizations, whichever is longer. The Planning Director may extend the period one (1) or more times for up to an additional one hundred eighty (180) days, for good cause shown. The Planning Director may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Division.
- B. **Performance bond.** As a condition of approval and issuance of the grading and erosion control permit, the Planning Director shall require the applicant to deposit a performance

bond or irrevocable letter of credit to guarantee a good faith execution of the approved grading and erosion control plan and any permit conditions.

C. **Permit conditions.** All permits shall require the permittee to:

1. **Notify Planning Director prior to commencing land disturbing activity.** Notify the Planning Director forty-eight (48) hours prior to the commencing any land disturbing activity;
2. **Notify Planning Director/completion of erosion control measure.** Notify the Planning Director of completion of erosion control measures within two (2) calendar days after their installation;
3. **Obtain permission to modify erosion control measure.** Obtain permission in writing from the Planning Director prior to modifying the grading and erosion control plan;
4. **Install control measures in erosion control plan.** Install all control measures as identified in the approved grading and erosion control plan;
5. **Maintain drainage systems, erosion control measures.** Maintain all road drainage systems, stormwater drainage systems, erosion control measures, and other facilities identified in the grading and erosion control plan;
6. **Repair erosion damage.** Repair the erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities;
7. **Inspect erosion control measures.** Inspect the erosion control measures after each rain and at least once each week and make needed repairs;
8. **Allow Planning Director to enter site to inspect.** Allow the Planning Director 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. **Copy of erosion control plan on site.** Keep a copy of the erosion control plan on the site.

SECTION 49180. INSPECTION

The applicant is responsible for compliance with the approved grading and erosion control plans and any permit conditions. Development that requires grading and erosion control plans be prepared by a professional engineer or landscape architect shall also require inspection of the development and certification of compliance by the same design professional. The Planning Director shall have the right to inspect construction sites at least once a month during the land development or land disturbing period to ensure compliance with the approved grading and erosion control plans.

DIVISION 49200. RESERVED (Amended 9/27/94)**DIVISION 49300. OTHER ENVIRONMENTAL PERFORMANCE STANDARDS**

In order to preserve and protect the high quality environment that exists in the County, in order to maintain and improve the health, safety, and general welfare of residents and visitors, and in order to achieve the goals and objectives of the Comprehensive Plan, the following performance standards shall apply to all development.

SECTION 49310. FAULT AREAS

- A. **Comply with Uniform Building Code for Seismic Zone 3.** All structures in Teton County shall comply with the Uniform 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 development is within 200 feet of a fault line and the County Engineer considers that the proposed development creates a dangerous situation.
- B. **Notification on Development Plan/Final Plat.** On lots where a fault line exists according to fault line maps for the area, a note shall be placed on all Development Plans and Final Plats stating that a Seismic Zone 3 fault line potentially subject to movement exists on the lot.

SECTION 49320. AIR CONTAMINANTS

Protection of clean air resources is a goal of the County of Teton, 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 in Section 49320.A.1, Emission rate of particulate matter and dust/general.
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 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 in Section 49320.B.1, Ambient air quality standards, the release of such materials shall not exceed one-fortieth (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 twenty-four (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.

3. **Standards not applicable in case of equipment breakdown, or to home fireplaces, barbecues, other instances.** The provisions of Section 49320.B.1, Ambient air quality standards and Section 49320.B.2, Toxic materials not included in ambient air quality standards, 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 legally licensed sanitary landfill operations.

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 one eight-hour period. In order to meet this requirement, all new potential point sources and any alterations or additions 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 of paragraphs 1 and 2 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 one (1) volume of odorous air to two (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.)"

SECTION 49330. WATER QUALITY (Reserved)

SECTION 49340. 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 beyond any site 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.

SECTION 49350. RESERVED

SECTION 49360. RESERVED

SECTION 49370. EXTERIOR LIGHTING AND GLARE

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 following 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 ninety (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 five (5) feet above the ground at the perimeter of the lighted area. The light, furthermore, shall be contained entirely on-site. The maximum permitted mounting height of the luminaire or fixture shall be as set forth in Table 49370.A.2., Maximum Luminaire Illumination and Height.

Table 49370.A.2.
MAXIMUM LUMINAIRE ILLUMINATION AND HEIGHT
(CUT-OFF LESS THAN 90°)

Use and District	Max. Permitted Illumination (in footcandles)	Maximum Permitted Height
All residential uses in the S, AR, AC, UC and UR Districts	1.00	15 ft.
All residential in all other districts, and in NRO	0.50	15 ft.
All nonresidential in R, S, OP, and RB Districts, and NRO	1.00	18 ft.
All nonresidential in BP District	2.00	18 ft.
All nonresidential in all other districts	1.50	18 ft.

B. Exempt uses. Because ball diamonds, playing fields, and tennis courts have unique requirements for nighttime visibility and generally have limited hours of operation, they shall be exempted from the exterior lighting standards of Section 49370.A.1, Total cut-off, if the following standards are met:

1. **Complies with requirements.** The proposed development meets all other requirements of these Land Development Regulations.
2. **Do not exceed maximum height.** Exterior light sources do not exceed a maximum post height of forty (40) feet, unless an alternative height is approved via issuance of a Conditional use permit pursuant to Section 5140, Conditional and Special Use.
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 ninety (90) degrees. The maximum permitted illumination at the nearest interior setback line for a principal residential structure shall not exceed one and one half (1.50) footcandles.

C. Prohibited lights. Notwithstanding any other provision of this Section, the following lighting is prohibited for all uses in all zoning districts:

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.

SECTION 49380. NOISE

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 zoning district boundary or site boundary line. All uses shall conform with the following standards.

A. **Exceptions.** 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.

B. **Maximum noise standard.** Noises shall not exceed the maximum sound levels prescribed in Table 49380, Noise Level Restrictions, beyond the site boundary lines, except that when a nonresidential zoning district or activity abuts a residential zoning district, the residential zoning district standard shall govern.

**Table 49380
NOISE LEVEL RESTRICTIONS**

Zoning District	Maximum Permitted Sound Level
R, S, AU, NC, MHP, OP, PL	55 DBA
All other Districts	65 DBA

C. **Limited exception/limited interval of time/one day.** The levels prescribed in Section 49380.B, Maximum noise standards, may be exceeded by 10 DBA for a single period, not to exceed fifteen (15) minutes, in any one day.

D. **Impact noises.** For the purposes of this Section, impact noises are those noises whose peak values are more than six (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 values prescribed in Section 49380.B, Maximum noise standard, increased by ten (10) DBA.

SECTION 49390. VIBRATION

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 three (3) mutually perpendicular directions (one) vertical and two (2) horizontal). The three (3) motions are added vectorially, 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 one hundred (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 one hundred (100) pulses per minute. 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 Table 49390, Maximum Permitted Steady State Vibration Displacement.

Table 49390
MAXIMUM PERMITTED STEADY STATE VIBRATION DISPLACEMENT

Frequency (cycles per second)	Vibration Displacement (inches)
10 and below	.0008
10-20	.0005
20-30	.0003
30-40	.0002
40 and over	.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 two (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 three-hundredths (.003) of one (1) inch.

SECTION 493100. ELECTRICAL DISTURBANCES

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.

SECTION 493200. 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 one hundred (100) year flood areas and in the Flat Creek winter flood area.

SECTION 493300. 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, but 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. Other uses of radioactive materials shall be limited to measuring, gauging, and calibration devices, such as tracer elements in X-ray and similar apparatus, and in connection with the processing and preservation of food.

DIVISION 49400. RESIDENTIAL AFFORDABLE HOUSING STANDARDS
(Amended 2/21/95)

SECTION 49410. FINDINGS AND PURPOSE

A. **Findings.** 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.

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 percent 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 percent of its annual income for a median priced home. Obviously, given the fact that most indicators provide affordable housing as that which amounts to 250 percent to 350 percent 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.

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.

Analysis in the *Affordable Housing Needs Assessment* (Appendix A, Chapter 5, 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 fifteen (15) percent 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

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.

SECTION 49420. APPLICABILITY

A. The standards of this Division apply to residential types and uses, as listed in Section 2220.A, Residential Development Types, and Section 2220.B., Residential Uses, unless exempted in Section 49430, Exemptions.

B. **County 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 Division.

SECTION 49430. EXEMPTIONS

The following residential development types are exempted from the standards of this Division.

- A. **Redevelopment of preexisting uses.** Redevelopment or remodeling of a use existing prior to the effective date of this Division 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.
- B. **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.
- C. **Working ranch subdivision.** Development of a working ranch subdivision, as listed in Section 2220.A.5, Working Ranch Subdivision, is exempt from the requirements of this Division.
- D. **Development of conventional single-family unit on previously created lot.** The development of one (1) conventional single-family unit on a parcel or lot created prior to the effective date of this Division is exempt from the requirements of this Division, if the total habitable space proposed has a value, excluding any land value, which falls into the affordable price range, i.e., affordable to a household with no more than 120 percent of the Teton County median family income.
- E. **Development on lot or parcel for which affordable housing standard has already been met.** Development on any lot or parcel for which the affordable housing standard, pursuant to this Division, has already been met via provision of affordable housing, conveyance of land, or payment of fees-in-lieu, is exempt from the standards of this Division.

- F. **Agricultural employee housing.** Development of agricultural employee housing is exempt from the standards of this Division.
- G. **Guest house/guest unit.** Development of a guest house or guest unit is exempt from the standards of this Division.
- H. **Accessory residential unit.** Development of an accessory residential unit is exempt from the standards of this Division.
- I. **Institutional residential.** Development of an institutional residential unit is exempt from the standards of this Division.
- J. **Agriculture.** Agriculture, as listed in Section 2220.C.1.a, Agriculture, is exempt from the standards of this Division.
- K. **Home uses.** Development of a home use, as listed in Section 2220.C.5, Home Uses, is exempt from the standards of this Division.
- L. **Temporary uses.** Development of a temporary use, as listed in Section 2220.C.8, Temporary uses, is exempt from the standards of this Division.
- M. **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. 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.

SECTION 49440. CALCULATION OF AFFORDABLE HOUSING STANDARDS FOR RESIDENTIAL DEVELOPMENT

The affordable housing standards for all residential development, not exempted pursuant to Section 49430, Exemptions, shall be as follows.

- A. **Required affordable housing percentage.** Fifteen percent (15%) of all residential development shall consist of affordable housing as determined by the following formula:

The total number of proposed residential units (both affordable housing and free market units, and including units on noncontiguous parcels) multiplied by the applicable occupancy contained in Table 49440.A., Number of Persons Housed Per Unit, shall equal the total number of occupants of the development. The number of occupants of the required affordable housing units, shall be at least fifteen (15%) percent of the total number of occupants of the development. In instances where residential subdivisions are proposed without dwelling units, the applicant shall project the type of dwelling units. 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 pursuant to the procedures and standards of Section 49460, Housing Mitigation Plan.

**Table 49440.A.
NUMBER OF PERSONS HOUSED PER UNIT**

Unit Type	Persons Housed Per Unit
Studio	1.25
One Bedroom	1.75
Two Bedroom	2.25
Three Bedroom	3.00
Four Bedroom	3.75
Five Bedroom	4.50
Each Additional Bedroom	0.50
Dormitory	1.00 per 150 s.f. of net habitable area

B. **Reduction in percentage requirement.** An applicant has the option of obtaining a reduction in the affordable housing standards required in Section 49440.A.1, Required Affordable Housing Percentage, by voluntarily restricting proposed units or lots so that they remain available over time to year-round residents who are employed in Teton County. Such units shall be known as "voluntary affordable housing units." The following formula shall be used to determine a reduced percentage requirement, if applicable. The units with sales prices that result in a reduction of the fifteen (15%) percent affordable housing requirement, pursuant to Section 49440.A.1, Required affordable housing percentage, must be restricted to occupancy by year-round residents who are employed full-time in Teton County, as set forth in the Teton County Housing Office Affordable Housing Guidelines. The restriction shall be in a form acceptable to the County Attorney. The reduced percentage requirement shall be calculated as follows:

$$\frac{P - AP}{MH - AP} * .10 = \text{Percent affordable housing standard}^{1,2}$$

Where P = the price of an individual unit³

AP = 3 * (1.2 * median income for Teton County)

MH = Median housing cost for Teton County

¹ The "Percent affordable housing standard" shall not exceed 15 percent.

² The formula shall apply only to prices between MH (median single family house price) and AP (affordable house price).

³ For residential developments in which no housing units are proposed, i.e., a subdivision of land only, "the price of the unit shall be three (3) times the cost of the lot. For residential developments in which the price of individual lots or units varies, the formula shall be calculated for each unit; the resulting "Percent affordable housing standard" for all lots/units shall be averaged in order to obtain the reduced percentage standard for the development.

SECTION 49450. METHOD FOR PROVIDING AFFORDABLE HOUSING

Applicants shall propose how they will satisfy the affordable housing standards established in Section 49440, Calculation of Affordable Housing Standards, by submitting a housing mitigation plan, pursuant to the procedures and standards of Section 49460, Housing Mitigation Plan, specifying how the affordable housing standards of Section 49440, Calculation of Affordable Housing Standards, will be met by one (1), or a combination of the following ways established by this Section.

A. Production of new units

1. **General.** An applicant shall develop or ensure the development of affordable housing units as part of the proposed development, unless it is demonstrated that the provision of affordable housing on the site is impractical or inequitable pursuant to Section 49450.B.2.
2. **Not required if impractical or inequitable.** An applicant shall not be required to develop or ensure the development of affordable housing units as part of the development if it is demonstrated that such development is impractical or inequitable.
 - a. **Impractical.** The development of affordable housing shall be considered impractical if it can be demonstrated that the number of units required is too small to create a viable project or if the site location is deemed to be an undesirable location for affordable housing or if it is considered more practical for the required units to be pooled with affordable housing units from other projects to create a more viable project off-site.
 - b. **Inequitable.** The development of affordable housing shall be considered inequitable if it will result in the applicant bearing a disproportionate portion of the cost of the affordable housing in relation to the need for affordable housing. In making this determination, the value of land at the proposed site shall be considered.
 - c. **Alternative to on-site.** If the applicant succeeds in demonstrating that such an on-site development of affordable housing units is impractical or inequitable, the applicant shall first be required to provide such housing off-site, as described in Section 49450.A.3.d.(2). Only if such off-site development can

also be proven to be impractical or inequitable shall conveyance of land pursuant to Section 49450.B. or payment of in-lieu fee pursuant to Section 49450.C. be considered as an alternative means of compliance.

3. **Requirements for units developed.** The affordable housing units developed as part of the development shall meet the following requirements.

- a. **Restriction.** Required affordable housing units shall be restricted to sales terms and occupancy limitations, and voluntary affordable housing units shall be restricted to occupancy requirements, both of which comply with the Teton County Housing Office Affordable Housing Guidelines. The required and voluntary affordable housing units may be restricted to rental units, if it is determined they will address an affordable housing need. The restrictions shall be in a form acceptable to the County Attorney and may include deed restrictions, rights of first refusal and shared ownership of land and/or housing unit with an affordable housing agency.
- b. **Required affordable housing categories.** The required affordable portion of each residential development shall provide housing units for persons in each of three (3) income categories as described below, and in the percentage amounts stated herein. The housing units to be provided for persons in each income category shall be determined by the Teton County Housing Authority, in accordance with the housing unit types, minimum sizes and maximum prices described in the Teton County Housing Office Affordable Housing Guidelines adopted herein by reference. Fractions in each category shall be combined to create a whole person when possible. Payment of an in-lieu fee, in accordance with Section 49450.C, Payment of in-lieu fee, shall be made for any remaining fraction of a person.
 - (1) **Category 1.** No less than thirty-three (33) percent of the persons required to be housed shall be provided with housing units affordable to low income households, unless a different proportion is recommended by the Teton County Housing Authority (TCHA) and approved by the Board of County Commissioners.
 - (2) **Category 2.** No less than thirty-three (33) percent of the persons to be housed shall be provided with housing units affordable to moderate income households, unless a different proportion is recommended by the TCHA and approved by the Board of County Commissioners.
 - (3) **Category 3.** No more than thirty-three (33) percent of the persons required to be housed shall be provided with housing units affordable to middle income households, unless a different proportion is recommended by the TCHA and approved by the Board of County Commissioners.

- c. **Voluntary affordable housing units.** The voluntary affordable housing unit portion of a residential development shall be restricted in terms of initial sales or rental prices and occupancy, as set forth in the Teton County Housing Office Affordable Housing Guidelines.
- d. **Location**
 - (1) **General.** The affordable housing units shall be located on the same site as the free market portion of the development, unless all or a portion of the affordable units are approved, or required, to be located on another site within Teton County by the Board of County Commissioners pursuant to Section 49450.A.3.b.
 - (2) **Off-site location.** Approval for an off-site location shall be made by the Board of County Commissioners 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:
 - (a) Proximity of the proposed off-site location to employment centers and infrastructure;
 - (b) Desirability of the off-site location for residential uses;
 - (c) Compliance of the proposed off-site location with the Jackson/Teton County Comprehensive Plan and these Land Development Regulations.
 - (d) Impact of the affordable housing units on the ability of the site proposed for the residential development to properly function and the compatibility of affordable housing units with the character of surrounding lands.
 - (e) The ability of the proposed off-site location to accommodate the dwelling units within the permitted maximum gross density.
 - (f) The need to locate the units off-site to maintain general consistency in the value of the affordable housing subsidy with the typical value of subsidies provided by other developers.

e. **Size and materials standards for affordable housing units.**

- (1) **Size limitations.** Affordable housing units shall comply with the minimum size requirements established within the Teton County Housing Office Affordable Housing Guidelines, adopted herein by reference.
- (2) **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 of the Uniform Building Code and all other development codes adopted by Teton County.

f. **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 Housing Authority and 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 can be developed in proportion to the phases of the free market portion, provided that the Housing Authority and developer have identified qualified buyer or renters, whichever is applicable. If qualified buyers or renters have not been identified at a rate consistent with the development of the free market portion of the development, the provision of the affordable housing units may be delayed until such buyers or renters have been identified. The developer, with the support of the Housing Authority, shall make a good faith effort to market the required affordable housing units.

B. **Conveyance of land**

1. **General.** If the applicant has demonstrated that provision of affordable housing units is impractical or inequitable pursuant to Section 49450.A.2, and the County has determined that land within the proposed residential development is land appropriate for the development of affordable housing units, the applicant shall convey land in fee to the County. The fair market value of the land conveyed shall be at least equal to the equivalent in-lieu fee, as calculated pursuant to Section 49450.C, Payment of in-lieu fee, for all required affordable housing units for which units are not provided pursuant to Section 49450.A, Production of new units.
2. **Establishment of fair market value.** Fair market value shall be established by a licensed professional real estate appraiser.

- a. **Preliminary value.** Fair market value shall be established on a preliminary basis at the time the housing mitigation plan is reviewed, pursuant to Section 49460, Housing Mitigation Plan.
- b. **Final value.** Fair market value shall be confirmed at the time of final 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.
- c. **Value net of commission.** Fair market value shall be net of any customary real estate commission for the sale of land.

3. **Time of dedication.** Land conveyance shall occur concurrently with approval of the final development plan for the project, unless other arrangements are made, with financial assurances, both of which shall be acceptable to the County. (Amended 12/5/95)
4. **Early conveyance.** An applicant may choose to convey land to Teton County, prior to receiving final approval for a development plan or plat for subdivision and receive a discount on the equivalent fee requirement. The discounted fee structure shall represent the present value of the advance payment.
5. **Conditions of approval.** The Board of County Commissioners may require, as a condition of approval, that the land be fully developed and ready for construction, with roads, water supply, sewage disposal and other basic services in place. A soils report or other necessary environmental report may also be required, stipulating whether the land is suitable for the type of construction contemplated and identifying any special construction techniques which may prove necessary for its development.
6. **Subsequent conveyance permitted.** The Board of County Commissioners shall be permitted to sell the land pursuant to the following criteria.
 - a. **Interest bearing account.** All proceeds from the sale of the land shall be placed in an interest bearing trust fund.
 - b. **Authorized uses of proceeds.** The proceeds from the sale, and any interest accrued, shall be used only for the purposes of planning for, subsidizing or developing affordable housing.

C. **Payment of in-lieu fee**

1. **General.** If the applicant has demonstrated that it is impractical or inequitable to provide affordable housing pursuant to Section 49450.A.2, and it is determined that land within the proposed residential development is not appropriate for the development of affordable housing pursuant to Section 49450.B, Conveyance of Land, or if the applicant is required to provide less than one (1) affordable housing unit, the

applicant shall pay an in-lieu fee for the affordable housing units required by this Division. The fees set forth below shall be reviewed and updated within two (2) years of their original adoption, and at least every two (2) years thereafter.

2. **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 affordable housing units, but for whom affordable housing units are not provided by the proposed development, pursuant to Section 49450.A, Production of New Units, or for which land is not conveyed pursuant to Section 49450.B, Conveyance of Land. The in-lieu fee shall be in the following dollar amounts:

- a. **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 \$23,700.
- b. **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 \$18,700.
- c. **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 \$2,400.

3. **Single-family house on a parcel or on a previously created lot.** The applicant for a permit to construct a single-family house on a lot that existed prior to the effective date of this Division, or on a parcel that is not exempted pursuant to Section 49430, Exemptions, shall pay an in-lieu fee equal to fifteen (15%) percent of the average of the three (3) fees assigned to Category 1, Category 2, and Category 3 in Section 49450.C.1, Payment of In-lieu Fees, unless the following formula yields a smaller percentage, in which case, the smaller percentage shall be used to calculate the fee. Notwithstanding, the fee for single-family houses in which the total habitable space is valued at less the AP (affordable house price) as defined in the formula below, shall be zero (0).

$$\frac{\text{HS} - \text{AP}}{\text{MH} - \text{AP}} * .15 = \text{Percent affordable housing requirement}$$

Where HS = the value of the total amount of habitable space proposed
AP = $3 * (1.2 * \text{median income for Teton County})$

MH = Median housing cost for Teton County

An applicant for a permit to construct a single-family house on a lot that existed prior to the effective date of this Division may apply for relief from the fee, as calculated

above. The application shall be through a process established by the Board of County Commissioners. (Amended 12/5/95)

4. **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 final development plan for the project, unless other arrangements are made, with financial assurances, both of which shall be acceptable to the County. (Amended 12/5/95)
 - 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 for, subsidizing or developing affordable housing units.
5. **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 seven (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 three (3) more years.
 - b. **Written request.** To obtain the refund, the present owner must submit a written request to the County Planning Director within one (1) year following the end of the seventh (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 noncommencement of construction, may be refunded if a request for refund is submitted to the County Planning Director within three (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.
6. **Prepayment discount.** An applicant may choose to pre-pay the in-lieu fee prior to the submission of any building permit application for the free market portion of the

development, and receive a discount on the fee due. The discounted fee structure represents the present value of the advance payment.

SECTION 49460 HOUSING MITIGATION PLAN

A. **Housing mitigation plan required.** An applicant shall propose how they will satisfy the affordable housing standards of this Section by submitting a housing mitigation plan specifying how the affordable housing standards of Section 49440, Calculation of Affordable Housing Standards for Residential Development, will be met by compliance with the standards of Section 49450, Methods for Providing Affordable Housing.

1. **Content.** The housing mitigation plan shall include the following:

- a. **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.
- b. **Method.** The method by which housing is to be provided, in compliance with Section 49450, Method for Providing Affordable Housing.
- c. **Unit descriptions.** A conceptual site plan and building floor plan (if applicable), illustrating the number of units proposed, their location, the number of bedrooms and size (s.f.) of each unit, the rental/sale mix of the development, and the categories to which each required affordable housing unit belongs. A tabulation of this information shall also be submitted.
- d. **Units developed.** If affordable housing units are proposed to be developed, the proposed restrictions that will be placed on the units to ensure the units remain affordable.
- e. **Land specifications.** If land is to be conveyed, the following:
 - (1) **Location and acreage.** The location and acreage of the land to be conveyed;
 - (2) **Appraisal.** An appraisal of the fair market value of the land, prepared by a licensed professional real estate appraiser; and
 - (3) **Additional information.** If appropriate, any additional information necessary to determine the suitability of the land for development.

f. **Fee calculations.** If fees-in-lieu are proposed, the calculations for determining the required fee amounts, pursuant to Section 49450.C, Payment of In-lieu Fee, shall be submitted.

2. **Procedure.** Review of the housing mitigation plan shall occur at the time of the initial review of the free market portion of the development plan or plat for subdivision.

B. **Review standards.** The Board of County Commissioners shall approve the housing mitigation plan if it complies with the standard of this Division, addresses the need for affordable housing, and is consistent with the Comprehensive Plan.

SECTION 49470. INDEPENDENT CALCULATION

A. **General.** An applicant may submit an application for independent calculation requesting modification to the following:

1. **Occupants.** The number of occupants to be housed by a proposed development to be used in place of the occupant generation requirements of Table 49440.A, Number of Persons Housed Per Unit;
2. **Housing Mix.** The mix of affordable housing to be provided by the development pursuant to Section 49450.A.3.b.(1); or
3. **Percent of set aside/in-lieu fee.** The amount of affordable housing required to be provided, and/or the in-lieu fee amount.

B. **Application contents.** 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.

C. **Procedure and standards.** The application for independent calculation shall be reviewed by the Board of County Commissioners. 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 shall approve the independent calculation and make the relevant modification.

DIVISION 49500. 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 the particular residentially developed area.

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 within a Planned Unit Development.

1. The location of dedicated land shall be shown on the Development Plan or, in the case of a Planned Unit Development, on the Preliminary Master 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 .03 acres per housing unit or lot.

B. **Fee in lieu of land dedication.** 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.

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 residentially developed areas. 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 a residential lot or parcel. 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 final plat and signature by the Board of County Commissioners or, in the case of a PUD, at the time or times established in the Final Master Plan approval, 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 acceptable to the County Commissioners. The letter of credit may be extended on an annual basis at the discretion of the Board of County Commissioners in such amounts as it may require.

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, PUD, or parcel division, the fee shall be due upon issuance of any building permit for a habitable structure. If a building permit is requested for a habitable structure, such as a guest house, when there is no main house, the fee shall be due upon issuance of the building permit for the 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 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 of 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 shall 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.

ARTICLE V

ARTICLE V

ADMINISTRATION - TETON COUNTY

ARTICLE V**ADMINISTRATION****TABLE OF CONTENTS**

		PAGE
DIVISION 5000.	DUTIES AND RESPONSIBILITIES OF DECISION-MAKING AND ADMINISTRATIVE BODIES	V-1
SECTION 5010.	BOARD OF COUNTY COMMISSIONERS	V-1
SECTION 5020.	PLANNING AND ZONING COMMISSION	V-2
SECTION 5030.	HEARING OFFICER	V-4
SECTION 5040.	TETON COUNTY PLANNING DIRECTOR	V-6
SECTION 5050.	RESERVED	V-7
SECTION 5060.	COUNTY ATTORNEY	V-7
DIVISION 5100.	COMMON PROCEDURES	V-7
SECTION 5110.	GENERAL	V-7
SECTION 5120.	PROVISIONS OF GENERAL APPLICABILITY	V-8
SECTION 5130.	INTERPRETATIONS	V-16
SECTION 5140.	CONDITIONAL AND SPECIAL USES	V-17
SECTION 5150.	AMENDMENTS TO THE TEXT OF THESE LAND DEVELOPMENT REGULATIONS OR THE OFFICIAL ZONING DISTRICT MAP	V-21
SECTION 5160.	VARIANCES	V-24
SECTION 5170.	ZONING COMPLIANCE VERIFICATION	V-26
SECTION 5180.	APPEALS ON DECISIONS OF PLANNING DIRECTOR ..	V-27
SECTION 5190.	BENEFICIAL USE DETERMINATION	V-28
SECTION 51100.	SIGN PERMIT	V-33
SECTION 51200.	DEVELOPMENT PLAN	V-33
DIVISION 5200.	EXTRAORDINARY CIRCUMSTANCES (Amended 9/12/95)	V-48
SECTION 5210.	EXTENSION OF TIME LIMITS	V-48

ARTICLE V

ADMINISTRATION

DIVISION 5000. DUTIES AND RESPONSIBILITIES OF DECISION-MAKING AND ADMINISTRATIVE BODIES

The following decision-making and administrative bodies shall have the following duties and responsibilities in the administration of these Land Development Regulations in the unincorporated portions of Teton County.

SECTION 5010. BOARD OF COUNTY COMMISSIONERS

A. **Powers and duties.** 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 powers and duties under the provisions of these Land Development Regulations:

1. **Adopt Comprehensive Plan.** To adopt a Comprehensive Plan.
2. **Amendments to Comprehensive Plan.** To initiate, hear, consider, and approve or disapprove amendments to the Comprehensive Plan.
3. **Amendment to text of these Land Development Regulations.** To initiate, hear, consider and approve or disapprove applications to amend the text of these Land Development Regulations;
4. **Amendment to the Official Zoning District Map.** To initiate, hear, consider and approve or disapprove applications for development permits to amend the Official Zoning District Map of these Land Development Regulations;
5. **Planned Resort (PR) District.** Reserved.
6. **Other Applications for Development.** To hear, consider, and approve, approve with conditions, or disapprove applications for Conditional Uses, Special Uses, Final Plats and Development Plans;
7. **Beneficial Use Determination.** To hear, consider and approve, approve with conditions or disapprove Appeals for Beneficial Use Determinations;
8. **Decision of Planning Director.** To hear, consider, and affirm, modify, or reverse, decisions of the Planning Director;

9. **Appoint Hearing Officers.** To designate and appoint Hearing Officers to make decisions as the Board of County Commissioners may deem appropriate;
10. **Variances.** To hear, consider and approve, approve with conditions, or disapprove applications for development permits for Variances to these Land Development Regulations; (Amended 7/11/95)
11. **Other Action.** 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 these Land Development Regulations.

SECTION 5020. 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.** The Planning and Zoning Commission shall have the following powers and duties under the provisions of these Land Development Regulations.
 1. **Prepare Comprehensive Plan.** To prepare or cause to be prepared the Comprehensive Plan, or any element or portion thereof and certify it for adoption by the Board of County Commissioners pursuant to Section 18-5-202 (b), Wyoming Statutes;
 2. **Prepare these Land Development Regulations.** To prepare or cause to be prepared implementing regulations for the Comprehensive Plan which is recommended for adoption by the Board of County Commissioners pursuant to Section 18-5-202 (c), Wyoming Statutes;
 3. **Recommend amendments to Comprehensive Plan.** To initiate, review, hear, consider and make recommendations to the Board of County Commissioners to approve or disapprove amendments to the Comprehensive Plan pursuant to Section 18-5-202 (b), Wyoming Statutes;
 4. **Recommend amendments to text of these Land Development Regulations.** To initiate, review, hear, consider, and make recommendations to the Board of County Commissioners to approve or disapprove applications to amend the text of these Land Development Regulations pursuant to Section 18-5-202 (c), Wyoming Statutes;

5. **Recommend amendments to Official Zoning District Map.** To initiate, review, hear, consider, and make recommendations to the Board of County Commissioners to approve or disapprove applications for development permits to amend the Official Zoning District Map of these Land Development Regulations pursuant to Section 18-5-202 (c), Wyoming Statutes;
6. **Recommend Planned Resort (PR) District.** Reserved.
7. **Other Applications for Development.** To hear, consider and recommend to the Board of County Commissioners to approve, approve with conditions, or disapprove applications for Conditional uses, Special uses, and Development Plans;

(Variances. Deleted by Amendment 7/11/95)

8. **Make additional studies.** 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.

C. **Commission 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.

D. **Officers; quorum; rules of procedure**

1. **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 (1) year. No member shall serve as Chairperson for more than two (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.
2. **Secretary.** The County Clerk or a deputy 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.
3. **Staff.** The County Planning Department shall be the professional staff of the Planning and Zoning Commission.

4. **Quorum and voting; rules of procedure**

- a. **Quorum and voting.** The presence of three (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 Planning and Zoning Commission when a quorum is present, except that three (3) affirmative votes shall be necessary in order for any development permit for a Variance to be adopted by the Planning and Zoning Commission.
- b. **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.

E. **Meetings**

1. **General.** Meetings of the Planning and Zoning Commission shall be held on the first and third Monday of each month to deal with of matters properly before the Planning and Zoning Commission. Additionally, meetings may be called by the Chairman or at the request of three (3) members of the Planning and Zoning Commission. The location of all Planning and Zoning Commission meetings shall be in the County in a place accessible to the public.
2. **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.
3. **Notice.** Public hearings shall be set for a time certain after due public notice pursuant to Section 5120.E, Notice of Public Hearings.

F. **Compensation.** The members of the Planning and Zoning Commission shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the Board of County Commissioners.

SECTION 5030. HEARING OFFICER

A. **Creation and appointment.** The Board of County Commissioners may appoint one (1) or more Hearing Officers to hear Appeals for Beneficial Use Determinations, may appoint one (1) or more Hearing Officers to conduct hearings on Abatement, and may appoint one (1) or more Hearing Officers to hear and consider such matters as may be required under any provision of these Land Development Regulations 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. Such 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. Whoever shall accept an appointment as a Hearing Officer shall, for a period of one (1) 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.

B. Minimum qualifications. A Hearing Officer shall have the following minimum qualifications:

1. **Administration, environmental and land use law.** Hearing Officers hearing appeals for Beneficial Use Determinations shall demonstrate knowledge of administrative, environmental and land use planning and law and procedures;
2. **Familiarity with Land Development Regulations.** Familiarity with these Land Development Regulations; and
3. **Hold no appointive or elective office.** Hold no other appointive or elective public office or position in the County government during the period of appointment.

C. Duties. A Hearing Officer shall have the following duties:

1. **Hearings on Beneficial Use Determinations.** To conduct hearings on Appeals for Beneficial Use Determinations and recommend approval, approval with conditions, or disapproval to the Board of County Commissioners;
2. **Hearings on Abatement.** To conduct hearings on alleged Abatement actions, and recommend Abatement to the Board of County Commissioners;
3. **Conduct other hearings requested by Board of County Commissioners.** To conduct fact-finding hearings on such matters as may be requested by the Board of County Commissioners;
4. **Written reports.** To render to the Board of County Commissioners a written report containing a summary of the testimony and evidence given and findings and recommendations regarding the specific standards applicable to the particular matter; and
5. **Other tasks assigned by Board of County Commissioners.** To perform such other tasks as the Board of County Commissioners may assign.

SECTION 5040. TETON COUNTY PLANNING DIRECTOR

- A. **Creation and appointment.** The Teton County Planning Director shall be the agency head of the Planning Department and shall be appointed by and serve at the pleasure of the Board of County Commissioners.
- 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 County regulations and the Board of County Commissioners, the Planning Director shall have the following authorities and duties under these Land Development Regulations:
 - 1. **Interpretation.** To review, consider and render interpretations of the text of these Land Development Regulations or the Official Zoning District Map;
 - 2. **Decide upon certain applications.** To hear, consider and approve or disapprove applications for Zoning Compliance Verification, Minor Development, Grading Permit, and Sign Permit;
 - 3. **Day to day administration.** To undertake the day to day administration of these Land Development Regulations;
 - 4. **Process applications.** To receive applications for development permits for processing pursuant to the terms of these Land Development Regulations;
 - 5. **Ensure adequate public notice.** To ensure that adequate public notice is provided for public hearings on applications for development permits pursuant to the terms of these Land Development Regulations;
 - 6. **Revocations of Permits.** To initiate actions to revoke permits where development is not in compliance with the terms and conditions of the permit.
 - 7. **Undertake Comprehensive Planning.** To provide assistance, advice and consultation to the County in undertaking the current and long range comprehensive planning responsibilities of the County;
 - 8. **Review Comprehensive Plan.** To review every two (2) years, the Comprehensive Plan and these Land Development Regulations and recommend amendments to the Planning and Zoning Commission and Board of County Commissioners.
 - 9. **Coordinate planning processes.** To coordinate with other local, regional, state, and federal agencies in planning and permitting processes affecting development in the unincorporated County and to serve as liaison to such local, regional, state, and federal planning agencies having jurisdiction over development in the unincorporated County.

10. **Other action provided for in Land Development Regulations.** To take such other action and perform such other duties as may be provided for in these Land Development Regulations.
11. **Request County Attorney to proceed against violators.** To initiate requests to the County Attorney to institute proceedings against the violators of these Land Development Regulations.

SECTION 5050. RESERVED

SECTION 5060. COUNTY ATTORNEY

In addition to the jurisdiction, authority and duties which may be conferred upon the County Attorney by law, the County Attorney shall have the following authority and duties under these Land Development Regulations:

- A. **Review as to form written findings of fact and resolutions.** To review as to form all written findings of fact and resolutions drafted by the Planning Director, Planning and Zoning Commission, or Board of County Commissioners, in connection with any requirement of these Land Development Regulations;
- B. **Review as to form all legal instruments.** To review and approve as to form all proposed new regulations or amendments to these Land Development Regulations and Development Agreements, easements, declarations of covenants, letters of credit, performance guarantees or other such documentation in connection with any requirement of these Land Development Regulations; and
- C. **Advise County officials and boards.** To advise the Planning Director, Planning and Zoning Commission, and Board of County Commissioners in regard to the legal issues which may arise during implementation of the Comprehensive Plan and these Land Development Regulations.
- D. **Enforcement of these Land Development Regulations.** To enforce the provisions of these Land Development Regulations.

DIVISION 5100. COMMON PROCEDURES

SECTION 5110. GENERAL

- A. **Purpose.** The purpose of Division 5100, Common Procedures, is to establish uniform procedures for all administrative functions of these Land Development Regulations for Teton County.

B. Common Review Procedures. Table 5110 B.1, Common Review Procedures, indicates all steps that any application for development permit is required to follow in the County.

Table 5110 B.1.
COMMON REVIEW PROCEDURES

Table 5110 B.1. COMMON REVIEW PROCEDURES													
Review	Interpretation	Conditional Use and Special Use	Map & Text Amendment	Development Plan		Planned Unit Development	Zoning Compliance Verification	Appeal	Beneficial Use				
				Subdivision Final Plat									
				Major									
Application Completion Review	X	X	X	X	X	X	X	X	X				
Fee Payment			X	X	X	X	X	X	X				
Staff Review and Recommendation			O	O	O	O	O	O	O				
Planning Director			A			A		A	A				
Hearing Officer								O					
Advertisement				X	X	X	X	X	X				
Public Hearing				X	X	X	X	X	X				
P u b l i c H e a r i n g O f f i c e				O	O	O	O	O	O				
Planning Commission													
B o a r d o f C o u n t y C o m m i s s i o n e													
Board of County Commissioners				A	A	A	A	A	A				

0 = review and recommendation
 x = required
 A = final action

**May 9, 1994 LAND DEVELOPMENT REGULATIONS
Second Printing, May 1996**

SECTION 5120. PROVISIONS OF GENERAL APPLICABILITY

- A. **Application forms.** All applications for development permits shall be on the specified County forms, which shall be available from the Planning Director. The Planning Director shall develop a checklist which shall be distributed to the public indicating all information that must be presented in order for the Planning Director to evaluate the application. No application shall be accepted for consideration unless the information required in the form and checklist is found by the Planning Director to be in sufficient detail to evaluate the application to determine whether it complies with the substantive requirements of these Land Development Regulations.
- B. **Fees.** All applications shall be accompanied by the applicable fee required by the County fee schedule. The fee schedule shall be established and may be revised from time to time by the Board of County Commissioners. Its purpose shall be to defray the costs of processing applications. The fee schedule shall be available for review in the County Planning Department during normal business hours.
- C. **Preapplication conference**
 - 1. **General Overview.** A preapplication conference shall be held prior to submission of an application for Development Plan, except for single-family home applications which shall be exempt. A preapplication conference is optional prior to the submission of any other application for development permit. The purpose of the preapplication conference is for the applicant to obtain information regarding the applicable provisions of these Land Development Regulations required to permit the development proposed.
 - 2. **Initiation of Preapplication Conference.** An applicant shall initiate the request for a preapplication conference with the Planning Director. Along with the request for the preapplication conference, the applicant shall submit in a form provided to the public by the Planning Director, a description of the character, location, and magnitude of the proposed development and the type of development permit sought.
 - 3. **Scheduling of Preapplication Conference.** Upon receipt of a request for a preapplication conference, the Planning Director shall schedule the preapplication conference. The preapplication conference shall be held within sixty (60) days of receipt of the request for such a conference. An applicant may request that the preapplication conference be held with the Planning and Zoning Commission and/or the Board of County Commissioners, in which case the preapplication conference shall occur within one hundred and twenty (120) days of receipt of the request. The Planning Director shall notify the applicant of the time, date, and place of the preapplication conference.
 - 4. **Preapplication Conference issues.** At the preapplication conference, the applicant and the Planning Director, and/or the Planning and Zoning Commission, and/or the Board of County Commissioners, shall discuss the proposed development, and based upon the information provided by the applicant and the provisions of these Land Development

Regulations, ascertain what provisions of these Land Development Regulations apply to the proposed development.

5. **Written Summary.** The Planning Director shall mail to the applicant a written summary of the preapplication conference, within fourteen (14) working days of the completion of the preapplication conference.
- D. **Common procedure for review of applications.** Unless otherwise stated in this Article, the submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of public hearings on all applications for development permits shall comply with the procedures of this subsection.
 1. **Initiation.** Applications for development permits shall be submitted to the Planning Director by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.
 2. **Submission of application.** An application for a development permit shall be submitted to the Planning Director along with a fee established pursuant to Section 5120.B, Fees.
 3. **Required contents of application.** Minimum requirements for the contents of each type of application shall be established by the Planning Director.
 4. **Determination of sufficiency.** Within seven (7) days of the submittal of an application, the Planning Director shall determine if the application contains the required items from the checklist and any items agreed upon in the preapplication conference, in sufficient detail to allow a review and evaluation of the application.
 - a. **Determined insufficient.** If the Planning Director determines that the application is not sufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the application shall be considered withdrawn. If the Planning Director fails to mail written notice of any deficiencies to the applicant within fourteen (14) calendar days of submission of the application, the application shall be deemed sufficient.
 - b. **Determined sufficient.** When the application is determined sufficient, the Planning Director shall notify the applicant, in writing, of the application's sufficiency, and, if known at that time and if applicable, the date set for the first public hearing for the application, which shall in any event be scheduled no more than one hundred and twenty (120) calendar days following the submission of a sufficient application.

5. Action by Planning Director

a. **Planning Director as final action.** After determining an application upon which the Planning Director has final action, as indicated on Table 5110.B.1, Common Review Procedures, is sufficient, the Planning Director shall review the application and render a decision within sixty (60) calendar days for minor development plans and thirty (30) calendar days for all other applications. For all applications except single-family homes, prior to rendering a decision, the Planning Director shall notify neighboring property-owners regarding the application in accordance with Section 5120.E.2, Mailed notice and prepare a Staff Report on whether the application complies with all appropriate standards of these Land Development Regulations (LDRs). A copy of the Staff Report shall be provided to the applicant. (Amended 12/5/95)

If the Planning Director finds that the application complies with the applicable standards of these LDRs, the proper permit shall be issued. If the Planning Director finds the application does not comply with the applicable standards of these LDRs, the applicant shall be notified and have thirty (30) calendar days to submit a corrected application. If a corrected application is received, the Planning Director shall approve or disapprove the application, based on the standards of the applicable sections in these LDRs. If the application is not resubmitted within thirty (30) calendar days, the application shall be considered withdrawn. If the Planning Director fails to render a decision within the required time period, the application shall be deemed approved and the proper permit shall be issued. (Amended 12/5/95)

b. **Planning Director recommendation for public hearing.** Within thirty (30) calendar days after mailing of notice that an application, for which a public hearing is required, is determined to be sufficient, the Planning Director shall review the application and prepare a Staff Report. The Staff Report shall be mailed to the applicant and made available to the public no later than seven (7) calendar days before the scheduled public hearing on the application. The Staff Report shall report whether the application complies with all appropriate standards of these Land Development Regulations; it shall also recommend any changes in the development, as submitted, and the conditions for approval, if any, necessary to bring the development into compliance with the appropriate review standards, or denial. Conditions for approval may also be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the proposed development.

6. **Scheduling of Public Hearing(s).** The initial public hearing, if required, on the application shall be scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the decision making body reviewing the application, within one hundred and twenty (120) calendar days of the submission of a sufficient application, and by which time a Staff Report can be prepared, the application can be fully considered at

the meeting of the decision making body, and by which time the public notice requirements can be satisfied pursuant to Section 5120.E, Notice of Public Hearings. The applicant may waive the one hundred and twenty (120) day time limit upon written notice to the decision-making body reviewing the application. The applicant may agree to hold the public hearing at such time as is mutually agreed upon between the applicant and the Planning Director, as long as it complies with Section 5120.E, Notice of Public Hearings.

E. **Notice of public hearings.** All applications for development permits requiring public hearings shall follow the provisions of this Subsection with regard to public notice. The Planning Director shall be responsible for ensuring compliance with the Notice in Newspaper and Mailed Notice.

1. **Notice in newspaper.** An application for development permit requiring a public hearing shall be advertised in the legal notice section of a newspaper of general circulation in the County. Such notice shall appear no less than fifteen (15) nor more than thirty (30) calendar days prior to the date of the public hearing, except that the public hearing on an application for an amendment to the text of these Land Development Regulations or the Official Zoning District Map shall require publication in a newspaper of general circulation in the County at least thirty (30) calendar days before the date of a Planning and Zoning Commission public hearing, and publication at least forty-five (45) calendar days before a Board of County Commissioners public hearing. Such notices shall contain the following information.
 - a. **Type of application.** The type of application sought: i.e. Conditional use, Special use, Variance, amendment to the Official Zoning District Map, amendment to the text of these Land Development Regulations, Planned Resort District, or Development Plan, or Final Plat.
 - b. **Description of action.** A short description of the proposed action requested, and for an amendment to the text of these Land Development Regulations a description of the subjects and issues involved, a citation of the regulations involved, and the law authorizing the regulations.
 - c. **Description of land.** The address of the land subject to the application, a general legal description of the land, and a description of the area of the land.
 - d. **Location, date, time.** The location, address, date, and time of the public hearing.
 - e. **Where information may be obtained.** Information on where the full details of the application may be obtained including the location, hours, and phone number.
2. **Mailed notice.** A notice containing all the information required under Section 5120.E.1.a-e, Notice in Newspaper, shall be sent by mail, to all landowners

within two hundred (200) feet of the land subject to the application no less than fifteen (15) calendar days prior to the public hearing.

F. **Public hearing procedure.** A public hearing held pursuant to these Land Development Regulations shall comply with the following procedures.

1. **Examination and copying of application and other documents.** At any time upon reasonable request, and during normal business hours, any person may examine any application and materials submitted in support of or in opposition to an application at the office of the County Planning Department, and the Staff Report, if available. Copies of such materials shall be made available at cost and upon reasonable notice.
2. **Request for mailing of notification of public hearing.** Notification of all public hearings shall be provided by the Planning Director to any person who requests notification in writing from the Planning Director, and pays the costs of the processing and mailing of the notification.
3. **Staff report.** A Staff Report shall be provided to the applicant and the public at least seven (7) calendar days prior to the public hearing. This recommendation shall address each factor required to be considered by these Land Development Regulations prior to approval of the application.
4. **Conduct of public hearing.** The conduct of a public hearing governed thereby shall comply with the requirements of Section 16-3-101, *et. seq.*, Wyoming Statutes, the Wyoming Administrative Procedures Act, as well as the following procedures. In instances of conflict, the Wyoming Administrative Procedures Act shall control.
 - a. **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 Chairman, 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 an address, and if appearing on behalf of an organization, state the name and mailing address of the organization.
 - b. **Order of proceedings.** The Chairperson conducting the public hearing may exclude information that it finds to be irrelevant, immaterial or unduly repetitious. The order of the proceedings shall be as follows:
 - (1) **Narrative and graphic description.** The Planning Director shall present a narrative and/or graphic description of the matter to be heard.
 - (2) **Staff Report presented.** The Planning Director shall present a Staff Report.

- (3) **Applicant presentation.** The applicant shall present any information the applicant deems appropriate.
- (4) **Public statements.** Public statements shall be heard, first in favor of the proposal, then in opposition to it.
- (5) **Applicant response.** The applicant may respond to any information presented by the public.
- (6) **County Staff response.** The Planning Director, or Planning Department staff, the County Attorney, and any other County staff may respond to any statement made by the applicant or any public comment.

c. **Offer of Proof.** In the event any statements or information are excluded as irrelevant, immaterial or unduly repetitious, 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.

d. **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, provided that notice of the continued public hearing is promptly thereafter posted at the entrance of the meeting room. In the event the applicant demands in writing that action be taken on an application continued or tabled, the decision making body that continued or tabled the matter shall complete the public hearing and take action on the application within thirty (30) calendar days after receipt of such written demand by the applicant. An applicant shall have the right to request and be granted one (1) continuance. All subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown. If the body conducting the application continues the application so that the applicant can provide additional information, and the applicant fails to respond to the request within sixty (60) calendar days, the application for development permit shall be considered withdrawn. The running of all established time periods between stages of the review process shall be tolled during any continuance.

e. **Withdrawal of application.** An applicant shall have the right to withdraw an application at any time prior to the action on the application by the decision-making body.

f. **Record**

- (1) **Recording of public hearing.** The body conducting the public hearing shall record the public hearing by any appropriate means, including transcription or audio-recording. A copy of the public hearing record

may be acquired by any person upon application to the Planning Director and payment of a fee to cover the cost of duplication of the record.

(2) **The record.** The written or taped record of oral proceedings, including testimony and statements of personal opinions, the minutes of the Secretary, all applications, exhibits and papers submitted in any proceeding before the decision-making body, the Staff Report and the decision of the decision-making body shall constitute the record.

g. **Actions by decision-making and administrative bodies.**

(1) **General.** All decision-making bodies and persons shall act in accordance with the time limits established in these Land Development Regulations, which may, however, be tolled during any continuance. Action shall be taken as promptly as possible in consideration of the interests of the citizens of the County.

(2) **Findings and Decisions.** All decisions shall be in writing and shall include a clear statement of required findings of fact and conclusions of law referring to the relevant standards relied upon as set forth in these Land Development Regulations, and a clear statement of approval, approval with conditions, or disapproval.

h. **Notification.** Notification of a decision-making body's decision shall be provided by the Planning Director to the applicant within fourteen (14) calendar days by mail. A copy of the decision shall also be made available to the applicant at the offices of the County Planning Department, during normal business hours, within fourteen (14) calendar days after the decision.

G. **Successive applications.** Unless otherwise stated in this Section, whenever any application is denied for failure to meet the substantive requirements of these Land Development Regulations (except for a Zoning Compliance Verification), no application for the same or a similar development proposal shall be accepted or considered for all or a part of the same or substantially the same land for a period of one (1) year after the date of denial, unless the applicant can demonstrate a change of circumstances or conditions, or unless a majority of the membership of the decision-making body that made the final decision on the application determines that the prior disapproval was based on a material mistake of fact. The decision-making body charged with conducting the public hearing under a successive application shall resolve any question concerning a change of circumstances or conditions, or a mistake of material fact.

H. **Consolidation.** The land development review process is intended to encourage efficient processing of applications for development permits. Applicants are encouraged to request, and the Planning Director shall consolidate the review of more than one (1) application for development permit for the same parcel of land. The Planning Director is authorized to waive any overlapping application requirements in the consolidated submission.

SECTION 5130. INTERPRETATIONS

- A. **General.** The Planning Director shall be responsible for interpreting these Land Development Regulations, based upon the legislative intent of the Board of County Commissioners in its adoption.
- B. **Findings to be considered in rendering interpretations.** In making interpretations to these Land Development Regulations, the Planning Director shall consider the following:
 - 1. **Public purpose.** Before any interpretation is made, there must be an identification of the purposes for which the regulation was initially imposed by the Board of County Commissioners.
 - 2. **Flexibility if objectives are met.** Flexibility in the application of these Land Development Regulations is encouraged if it does not lower the protection afforded. An interpretation which permits increased flexibility is to be encouraged, while one which lowers the level of protection, as provided by the standards in these Land Development Regulations, shall be prohibited. An interpretation which provides a greater degree of flexibility to establish a permitted development is allowed by these Land Development Regulations. An interpretation which provides for any of the following is prohibited: (a) a new or not previously permitted development, except under the similar use determination; (b) enlargement of a nonconforming development or (c) an intensity increase in the development beyond the degree specified in these Land Development Regulations.
 - 3. **Prevent the sacrifice of legitimate goals or adverse impact on property rights.** These Land Development Regulations have been carefully designed by the County to avoid regulations that either sacrifice legitimate public goals, including the protection of adjoining landowners, or require undue limitations on the ability of landowners to use their land in a manner consistent with the goals of the Comprehensive Plan. Great care has been taken to both balance the rights of competing groups and achieve maximum protection with flexibility and a range of use options. In interpreting these Land Development Regulations, the Planning Director's judgment should not be substituted for the legislative intent of the Board of County Commissioners.
- C. **Procedure**
 - 1. **Initiation.** An interpretation may be requested by any landowner with respect to the application of these Land Development Regulations to their land or by any person that has submitted or intends to submit an application for development permit to the County pursuant to the procedures and standards of these Land Development Regulations.

2. **Submission of request for interpretation.** Before an interpretation shall be provided by the Planning Director, a Request for Interpretation shall be submitted to the Planning Director.
3. **Rendering of interpretation.** Within thirty (30) calendar days of receipt of a request for interpretation, the Planning Director shall evaluate the request in light of the Comprehensive Plan, these Land Development Regulations, and the Official Zoning District Map, whichever is appropriate, consult with the County Attorney, and then render an interpretation. The interpretation shall be in writing and shall be sent to the applicant by mail.

D. **Appeal.** The interpretation of the Planning Director may be appealed to the Board of County Commissioners within thirty (30) calendar days after the date of mailing by submitting a written appeal. The Board of County Commissioners shall render a decision affirming, modifying, or revising the interpretation within thirty (30) calendar days after receipt of such written appeal.

E. **Official record.** The Planning Director shall maintain a record of all interpretations rendered. This record shall be available for public inspection in the County Planning Department during normal business hours.

SECTION 5140. CONDITIONAL AND SPECIAL USES

Conditional uses are those uses that are generally compatible with the other uses permitted in a zoning district but require individual review of their location, design, configuration, density and nature and intensity of use, structures, and may require the imposition of appropriate conditions in order to ensure the compatibility of the use at a particular location, and mitigate any potentially adverse effects on surrounding lands. All Conditional uses shall meet the standards set forth in this Section.

Special uses are those uses that are inherently incompatible with other common land uses throughout the County, but are essential to the community. 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 county-wide selection process designed to identify locations that best serve the Special use while minimizing the negative impacts and obtrusiveness to the county residents and visitors, and the wildlife and scenic resources. Special uses also require individual review of their design configuration, density of structures, intensity of use and operational procedures, and may require the imposition of appropriate conditions in order to mitigate potential adverse impacts on surrounding lands. All Special uses shall meet the standards set forth in this Section.

A. **Procedure.** All Conditional and Special uses shall be processed according to the procedure set forth in Section 51200, Development Plan.

B. **Conditional use standards.** The issuance of a Conditional use permit shall be dependent upon findings that the proposed use, as conditioned, fully complies with all the standards of this Section, this Division, these Land Development Regulations and, where applicable, with Article

VI. Platting and Land Records. At the request of the applicant, a Conditional use may be issued on a temporary or term basis, in order to determine and demonstrate the nature and extent of any adverse effects of the Conditional use. The Board of County Commissioners may also attach any other conditions deemed appropriate, including conformity to a specific site plan, to ensure compliance with the following standards.

1. **Consistent with Comprehensive Plan.** The proposed Conditional use shall be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
2. **Compatibility.** The proposed Conditional use shall be compatible with the character of the immediate vicinity of the land proposed for development including scale, bulk, and general appearance;
3. **Minimizes adverse impact.** The design, development, and operation of the proposed Conditional use shall minimize or mitigate adverse effects, including visual impact of the proposed use on adjacent lands; furthermore, the proposed Conditional use shall avoid significant adverse impacts on surrounding lands regarding trash, odors, noise, glare, and vibration, and not create a nuisance.
4. **Minimizes adverse environmental impact.** The development and operation of the proposed Conditional use shall minimize adverse environmental impacts.
5. **Impact on public facilities.** The proposed Conditional use shall not have a significant adverse impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMT facilities.
6. **Other relevant standards of Land Development Regulations.** The development and operation of the proposed Conditional use shall comply with all standards imposed on it by all other applicable provisions of these Land Development Regulations for use, layout, and general development characteristics.

C. **Special Use Standards.** The issuance of a Special use permit shall be dependent upon findings that the proposed use, as conditioned, fully complies with all the standards of this Subsection, this Section, this Division, these Land Development Regulations and, where applicable, with Article VI, Platting and Land Records. The Board of County Commissioners also may attach any other conditions deemed appropriate, including conformity to a specific site plan, to ensure compliance with the following standards.

1. **Consistent with Comprehensive Plan.** The proposed Special use shall be consistent with the purposes, goals, objectives, policies, and maps of the Comprehensive Plan; (Amended 12/19/95)
2. **No substantial hazard.** The design, development, and operation of the proposed Special use shall not constitute a substantial physical hazard to a neighboring dwelling unit,

school, church, hospital, commercial or industrial building, public road, or other public property;

3. **Compliance with specific standards.** (Amended 12/19/95) The proposed Special Use shall comply with the LDRs specific to the proposed use as follows:
 - a. **Gravel Processing.** The proposed gravel processing operation shall comply with all standards specified in Section 231200, Gravel Processing and Extraction;
4. **Impacts on public lands.** The proposed Special use does not have a significant adverse effect on the purposes of a publicly-owned park, publicly-owned forest, or publicly-owned recreation area;
5. **Minimizes adverse environmental and visual impacts.** The development and operation of the proposed Special use shall minimize adverse environmental and visual impacts to the extent possible considering the nature and essential existence of the proposed Special use;
6. **No Damage to Water Supply Sources.** The proposed Special use does not potentially damage or contaminate any public, private, residential, or agricultural water supply source;
7. **Relevant standards of these Land Development Regulations.** The development and operation of the proposed Special use shall comply with all standards imposed on it by all applicable provisions of these Land Development Regulations for use, layout, and general development characteristics; (Amended 12/19/95)
8. **Other agency permits.** The development and operation of the proposed Special use shall comply with all standards imposed on it by all other applicable regulatory agencies including, but not limited to, the Wyoming Department of Environmental Quality, the Wyoming Game and Fish Department, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.
9. **Other County resolutions.** The development and operation of the proposed Special Use shall comply with all relevant standards imposed on it by other applicable County resolutions; and (Amended 12/19/95)
10. **Annual Review of Special Use Permits.** Special Use Permits for gravel extraction and processing shall be reviewed annually by the Board of County Commissioners. The scope of this annual review shall be limited to reviewing continued compliance with land use regulations, as well as the conditions of the initial approval. All gravel extraction and processing Special Use Permit operations, that have been in operation for at least nine (9) months, shall be reviewed in a public meeting during the month of January each year thereafter. The permit for any gravel operation which is found to be in noncompliance with the land use regulations or the conditions of its Special Use Permit

approval may be suspended or revoked, or other appropriate remedies may be pursued by the County. The annual review does not preempt or prevent normal inspections and enforcement remedies. (Amendment 12/19/95)

D. Conditions and restrictions

1. **Authority.** The Board of County Commissioners may, in approving the permit for any Conditional or Special use, impose such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required to comply with the foregoing standards, to meet the general purposes, goals, and objectives of the Comprehensive Plan and these Land Development Regulations, and to minimize the adverse effects from the proposed use and development on other lands in the neighborhood and on the general health, safety, and welfare of the County.
2. **Conditions set forth in permit.** All conditions imposed in any development permit for a Conditional or Special use, with the exception of conditions made applicable to such approval by the express terms of these Land Development Regulations, shall be expressly set forth in the development permit.

E. Performance bond. As a condition for granting a development permit for a Conditional or Special use, the applicant may be required to post a performance bond in an amount sufficient to insure completion of required improvements, including landscaping or any required off-site improvements. In such case, the applicant shall file with the Planning Director a surety or cash bond, letter of credit, or other collateral suitable to the Board of County Commissioners, in an amount specified by the Board of County Commissioners to insure the actual construction of such required improvements within such period of time as may be determined by the Board of County Commissioners. Upon completion of the required improvements, the applicant shall obtain certification from a professional Engineer licensed by the State of Wyoming that the improvements have been constructed in accordance with the approved plan. Upon receipt of an acceptable certification, the Planning Director shall release the security within seven (7) calendar days.

F. Effect of issuance of a development permit for a Conditional or Special use. All permits for a Conditional or Special use shall expire twelve (12) months from the date of issuance if no building permit has been issued to establish the use authorized in the development permit, or, if the use does not require a building permit, the use has not been established, and placed in operation. Upon written request, one (1) extension of time may be granted by the Board of County Commissioners for a period not to exceed six (6) months, for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no less than twenty (20) calendar days prior to the date the permit for the Conditional or Special use is to expire. The permit shall be deemed extended until the Board of County Commissioners has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the permit for the Conditional or Special use null and void.

- G. **Additional development permits.** Development of the Conditional or Special use shall not be carried out until the applicant has secured all other permits required by these Land Development Regulations. A permit for a Conditional or Special use does not ensure that the development approved shall receive subsequent approval for other applications for development unless the relevant and applicable portions of these Land Development Regulations are met.
- H. **Minor deviations.** Minor deviations from a development permit for a Conditional or Special use may be approved by the Planning Director. Minor deviations that are authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development and that are not reasonably anticipated during the initial approval process, as long as they comply with the standards of these Land Development Regulations. Minor deviations shall not include reductions in the amount of required open space, or required resource protection, or increases in the amount of proposed building square footage. All changes not qualifying as minor deviations shall be considered amendments, and shall be subject to Section 5140.I, Amendment to Development Permit for Conditional or Special Use.
- I. **Amendment to development permit for Conditional or Special use.** A development permit for a Conditional or Special use may be amended, extended, varied or altered only pursuant to the standards and procedures for the approval of the original Conditional or Special use pursuant to this Section.

SECTION 5150. AMENDMENTS TO THE TEXT OF THESE LAND DEVELOPMENT REGULATIONS OR THE OFFICIAL ZONING DISTRICT MAP

All amendments to the text of these Land Development Regulations or amendments to the Official Zoning District Map shall meet the standards set forth in this Section.

- A. **Purpose.** The purpose of this Section is to provide a means for changing the boundaries of the Official Zoning District Map or the text of these Land Development Regulations. In determining whether to grant a requested amendment, the Board of County Commissioners shall consider, in addition to the factors set forth in this Section, the consistency of the proposed amendment with the purposes, goals and policies of the Comprehensive Plan.
- B. **Initiation**
 - 1. **General amendment to Official Zoning District Map.** An amendment to the Official Zoning District Map may be proposed by the Board of County Commissioners, the Planning and Zoning Commission, the Planning Director, or the owner or another person having a recognized interest in land affected by a proposed amendment, or their agent.
 - 2. **Amendment to text of Land Development Regulations.** An application for an amendment to the text of these Land Development Regulations may be proposed by the Board of County Commissioners, the Planning Director, or the Planning and Zoning Commission. Any citizen of the unincorporated County may propose in writing an

amendment to the text of these Land Development Regulations. Any such proposal shall be considered and responded to in accordance with the provisions of Wyoming Statute 16-3-101 et. seq.

C. Procedure

1. **Review of Applications.** The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing for an application for amendment to the Official Zoning District Map or the text of these Land Development Regulations shall comply with the procedures and standards established in Section 5120.D, Common Procedure for Review of Applications.
2. **Review and recommendation of Planning and Zoning Commission.** The Planning and Zoning Commission shall conduct a public hearing on an application for amendment to the Official Zoning District Map or the text of these Land Development Regulations. At the public hearing, the Planning and Zoning Commission shall consider the application, the relevant support materials, the Staff Report, and the public statements given at the public hearing. No later than thirty (30) calendar days after the close of the public hearing, the Planning and Zoning Commission shall recommend to the Board of County Commissioners either to approve or disapprove the application based on the standards in Section 5150, Amendments to the Text of these Land Development Regulations or the Official Zoning District Map, D-F.
3. **Action by Board of County Commissioners.** The Board of County Commissioners shall conduct a public hearing on an application for amendment to the Official Zoning District Map or the text of these Land Development Regulations. At the public hearing, the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, the Planning and Zoning Commission recommendation, and the public statements given at the public hearing. No later than thirty (30) calendar days after the close of the public hearing, or such other period of time as the applicant may agree, the Board of County Commissioners shall either approve or disapprove the application based on the standards set forth in this Section.

D. **General standards.** Amendments to the text of these Land Development Regulations or an amendment to the Official Zoning District Map shall be consistent with the following:

1. **Consistent with purposes.** Amendments shall be consistent with the purposes of these Land Development Regulations.
2. **Consistent with Comprehensive Plan.** Amendments shall be consistent with the Comprehensive Plan.
3. **Consistent with Land Development Regulations.** Amendments shall be consistent with other provisions of these Land Development Regulations.
4. **Consistent with other County Resolutions.** Amendments shall be consistent with other adopted resolutions of the County.

E. **Standards for review of amendments to the Official Zoning District Map.** Amendments to the Official Zoning District Map may be approved only if the amendments are consistent with the Comprehensive Plan and are compatible with surrounding land uses in the immediate neighborhood unless there is compelling evidence that there would be a threat to the public health and safety or one of the following conditions exist:

1. **Mistake.** There is a mistake in the Comprehensive Plan. That is, the assumptions about the property or other factors were in error and, thus, the amendment is justified.
2. **Changes.** There have been changes in road locations, other infrastructure, population trends, land committed to development, or other changes that justify the amendment to the Official Zoning District Map.

F. **Standards for review of Amendments to the text of these Land Development Regulations.** Amendments to the text of these Land Development Regulations may be approved for reasons including but not limited to the following:

1. **Implements Comprehensive Plan.** The amendment to the text would implement a portion of the Comprehensive Plan that is new.
2. **Better achieve Comprehensive Plan goals and objectives.** The amendment to the text would implement and better achieve the goals and objectives of the Comprehensive Plan that have proved difficult to achieve under the existing provisions of these Land Development Regulations.
3. **Existing Land Development Regulations unreasonable.** The provisions of these Land Development Regulations were inconsistent or unreasonable in light of standards for similar uses.

4. **Responds to State or Federal legislation rendering Land Development Regulations obsolete.** The amendment to the text is necessary in order to respond to State and/or Federal legislation.
5. **Additional flexibility.** The amendment to the text provides additional flexibility in meeting the objectives of these Land Development Regulations without lowering the general standards of these Land Development Regulations.

SECTION 5160. VARIANCES

This Section sets forth the procedures and conditions for a Variance from the standards of these Land Development Regulations. Variances are deviations from the terms of these Land Development Regulations that would not be contrary to the public interest when, owing to special circumstances or conditions, the literal enforcement of the provisions of these Land Development Regulations would result in undue and unnecessary hardship. No use variance shall be approved pursuant to the terms of this Section.

A. Procedure

1. **Review of Applications.** The submission of an application for, determination of its sufficiency, staff review of, and scheduling of a public hearing for an application for development permit for Variance shall comply with the procedures established in Section 5120.D, Common Procedure for Review of Applications.
2. **Review and Recommendation of Planning and Zoning Commission.** The Planning and Zoning Commission shall conduct a public hearing on an application for a Variance. At the public hearing, the Planning and Zoning Commission shall consider the application, the relevant support materials, the Staff Report, and the public statements given at the public hearing. No later than thirty (30) calendar days after the public hearing or such other period of time as the applicant may agree, the Planning and Zoning Commission shall recommend to the Board of County Commissioners either to approve or disapprove the application based on the standards in Section 5160.B, Standards. (Amended 7/11/95)
3. **Action by Board of County Commissioners.** The Board of County Commissioners shall conduct a public hearing on an application for a Variance. At the public hearing, the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, and the public statements given at the public hearing. No later than thirty (30) calendar days after the public hearing or such other period of time as the applicant may agree, the Board of County Commissioners shall either approve or disapprove the application based on the standards in Section 5160 B., Standards. (Amended 7/11/95)

B. **Standards.** In order to authorize a Variance, the Board of County Commissioners must find that: (Amended 7/11/95)

1. **Special conditions and circumstances exist.** 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; and
2. **Not result of applicant.** The special circumstances and conditions have not resulted from any act of the applicant that was intended to circumvent these Land Development Regulations; and (Amended 12/5/95)
3. **Strict application is unreasonable.** The special circumstances and conditions are such that the strict application of the provisions of these Land Development Regulations would either deprive the applicant of reasonable use of the land or building or create a hardship on the landowner far greater than the protection afforded to the community by the regulation sought to be varied; and (Amended 12/5/95)
4. **Variance is necessary to provide reasonable use.** The granting of the Variance is necessary to either provide the applicant a reasonable use of the land or building or provide a reasonable balance between the intent of the regulation sought to be varied and its impact on the applicant; and (Amended 12/5/95)
5. **Minimum Variance.** The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building; and
6. **Not injurious to neighborhood.** 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
7. **Harmony with Land Development Regulations.** The granting of the Variance is consistent with the general purposes and intent of these Land Development Regulations.

C. **Conditions and restrictions**

1. **Conditions and restrictions.** The Planning and Zoning Commission may, in approving the Variance, impose such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required by the general purposes, goals and objectives of the Comprehensive Plan, and these Land Development Regulations to prevent or minimize adverse effects from the proposed Variance on other land in the neighborhood and on the general health, safety, and welfare of the County.
2. **Conditions in permit.** All conditions imposed upon any Variance, with the exception of conditions made applicable to such approval by the express terms of these Land

Development Regulations, shall be expressly set forth in the granting of such permit for the Variance.

- D. **Effect of issuance of a permit for a variance.** All Variances shall expire twelve (12) months from the date of issuance if no building permit has been issued to establish the variation authorized, or if the variation does not require a building permit, the variation is established, ongoing, and in operation. Such time period will not be extended by transfer of ownership. Upon written request, one (1) extension of time may be granted by the Board of County Commissioners for a period not to exceed six (6) months for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no later than thirty (30) calendar days prior to the date the Variance is to expire. The permit shall be deemed extended until the Board of County Commissioners has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the Variance null and void. (Amended 7/11/95)
- E. **Subsequent permits.** The development for which the Variance was granted shall not be carried out until the applicant has secured all other permits required by these Land Development Regulations. A permit for a Variance shall not ensure that the development approved as a Variance shall receive subsequent approval for other applications for development unless the relevant and applicable portions of these Land Development Regulations are met.
- F. **Amendment to permit for variance.** A Variance may be amended, varied or altered only pursuant to the standards and procedures for the original approval of a Variance pursuant to this Section.

SECTION 5170. ZONING COMPLIANCE VERIFICATION

- A. **Purpose.** The purpose of a Zoning Compliance Verification is to ensure that proposed development complies with the standards in these Land Development Regulations.
- B. **Applicability.** Zoning Compliance Verification shall be required prior to making a change of use, prior to issuance of a development permit or prior to any other land disturbance.
- C. **General.** An application for a Zoning Compliance Verification shall be reviewed and approved, or disapproved by the Planning Director pursuant to the procedures and standards of this Section.
- D. **Procedure.** The submission of an application for, determination of sufficiency for, and action by the Planning Director on, a Zoning Compliance Verification shall comply with the procedures established in Section 5120.D, Common Procedure for Review of Applications.
- E. **Standards.** Prior to approval of a Zoning Compliance Verification, the Planning Director shall find that the application complies with all standards of these Land Development Regulations.

F. **Effect of zoning compliance verification.** Issuance of a Zoning Compliance Verification shall mean that the proposed development is in compliance with the procedures and standards of these Land Development Regulations.

G. **Time limitations.** A Zoning Compliance Verification shall expire at the end of one (1) year after the date of its initial approval if an application for a building permit has not been approved, or if the development does not require a building permit, the development is not established, ongoing, and in operation. Such time period will not be extended by transfer of ownership. In developments that consist of multiple phases that will require building permits to be issued over several years, only the initial building permit needs to be approved within one (1) year to preserve the Zoning Compliance Verification. Only one (1) extension, up to one (1) year in length, shall be granted for a Zoning Compliance Verification by the Planning Director, upon written application to the Planning Director, and a showing of good cause. No request for an extension shall be considered unless a written application requesting the extension is received by the Planning Director no later than thirty (30) calendar days prior to the date the Zoning Compliance Verification is to expire. The Zoning Compliance Verification shall be deemed extended until the Planning Director has acted upon the request for extension. Failure to submit an application for a building permit within the time limits established by this Section shall render null and void the Zoning Compliance Verification. (Amended 12/5/95)

H. **Appeal.** An appeal may be taken by any person aggrieved by a decision of the Planning Director to the Board of County Commissioners pursuant to Section 5180, Appeals on Decisions of Planning Director.

SECTION 5180. APPEALS ON DECISIONS OF PLANNING DIRECTOR

An appeal may be taken by any person aggrieved by a decision of the Planning Director to the Board of County Commissioners. For the purposes of this Section, a person aggrieved shall be the person who has submitted the application or requested an interpretation which has been acted upon by the Planning Director.

A. Procedure

1. **Initiation.** The appeal shall be in writing and filed with the Planning Director within thirty (30) calendar days of the date of mailing of written notice of the decision of the Planning Director.
2. **Contents of appeal.** The appeal shall include a statement of the decision appealed from, the date of that decision, and all supporting materials related to the appeal, as well as the basis of the appeal.
3. **Scheduling of hearing.** The Board of County Commissioners shall consider the appeal at the next available regularly scheduled meeting but in no case shall the appeal be

scheduled more than ninety (90) calendar days following the receipt of written notice of appeal by the Planning Director.

4. **Action by Board of County Commissioners.** At the meeting, the appellant or the appellant's agent may state the grounds for the appeal, and provide any information to support the appeal. The Planning Director and any other County employee shall be provided the opportunity to respond, as well as any other person the Board of County Commissioners deem necessary. The Board of County Commissioners shall either affirm, affirm with modifications, or reverse the decision of the Planning Director, within thirty (30) calendar days of the appeal meeting.
- B. **Stay.** An appeal shall stay all further action of the appellant or proceedings by the County related to the subject appeal, unless a stay would cause imminent peril to life or property.

SECTION 5190. BENEFICIAL USE DETERMINATION

If after the submission and decision on the appropriate application for development permits for a plan for development of land, a landowner in the unincorporated County is of the opinion that an economically beneficial use of that landowner's land has been denied by the application of these Land Development Regulations, 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 nonjudicial forum.

- A. **Purpose.** The purpose and intent of the Board of County Commissioners is that every landowner in the unincorporated County enjoy an economically beneficial use of land. It is also the purpose and intent of this Section to provide for relief to the landowner, where appropriate, from application of these Land Development Regulations. 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 Board of County Commissioners for relief sufficient to provide an economically beneficial use of the land.

B. Procedure

1. **Application for an Appeal for Beneficial Use Determination.** An Appeal for a Beneficial Use Determination may be made by a landowner to the Planning Director by filing an appropriate application along with an application fee established pursuant to Section 5120.B, Fees. The Planning Director shall date stamp the application.
2. **Contents of application.** The application shall be submitted in a form established by the Planning Director and made available to the public, and shall include the following:
 - a. **Name and address.** The landowner's name and address.

- b. **Legal description.** A legal description and the street address (when a street address is available) of the land.
 - c. **Date of purchase and offers to purchase.** Documentation of the date of purchase and the purchase price of the land, and any offers to purchase the land made by any person, corporation, or association, within the last three (3) years.
 - d. **Description of land.** A description of the physical features present on the land, the land's total acreage, the present use of the land, and the use of the land at the time of the adoption of these Land Development Regulations.
 - e. **Improvements to land.** Evidence of any investments made by the landowner to improve the land, the date the improvements were made, and the costs of the improvements.
 - f. **Description of regulations and uses.** A description of what uses of land were available when the land was purchased by the landowner. In addition, a description of the regulations and uses permitted which are alleged to result in an elimination of economically beneficial use of the land together with all appraisals, studies, any other supporting evidence, and any actions taken by Teton County related to the land.
 - g. **Description of minimum beneficial use.** A description of the use which the landowner believes represents the minimum legally required reasonable beneficial use of the land and all documentation, studies, and other supporting evidence thereof.
3. **Determination of sufficiency.** The Planning Director shall determine if the application is sufficient and includes data in sufficient detail to evaluate the application to determine whether it complies with the appropriate substantive requirements of this section.
 - a. **Determined insufficient.** If the Planning Director determines the application is not sufficient, 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 thirty (30) calendar days, the application shall be considered withdrawn, and the application fee shall be refunded.
 - b. **Determined sufficient.** When the application is determined sufficient, the Planning Director shall notify the applicant, in writing, of the application's sufficiency, and forward the application to the Hearing Officer for the scheduling of a hearing.
4. **Establishment of date for Hearing by Hearing Officer and notice.** Within thirty (30) calendar days of the date that the application has been determined sufficient by the

Planning Director, the Hearing Officer shall schedule a hearing on the Appeal for Beneficial Use Determination.

5. **Hearing by Hearing Officer.** At the hearing, the applicant shall present the applicant's case and the County Attorney shall represent the local government. All evidence presented shall be under oath, and the parties involved shall be permitted to cross-examine witnesses. The sworn testimony and evidence shall pertain to the standards set forth in Section 5190.C, Beneficial Use Standards, as to whether the applicant has been deprived of an economically beneficial use of the land and the standards in Section 5190.D, Granting of Relief, pertaining to the degree of relief needed to provide the landowner with an economically beneficial use of the land.
6. **Findings of the Hearing Officer.** Within thirty (30) calendar days of the close of the hearing, the Hearing Officer shall prepare recommended finding of facts and a proposed order for consideration by the Board of County Commissioners. The findings and recommendations of the Hearing Officer as to whether the land is provided economically beneficial use shall be based upon the evidence submitted and standards in Section 5190.C, Beneficial Use Standards. If the Hearing Officer finds that the applicant has been denied economically beneficial use of the subject land, then the Hearing Officer shall recommend a use that permits an economically beneficial use and results in a minimum change from the regulations of these Land Development Regulations as they apply to the subject land, pursuant to the standards set forth in Section 5190.C, Beneficial Use Standards, and Section 5190.D, Granting of Relief. The Hearing Officer's recommended findings of facts and proposed order shall be in writing and shall detail the basis of the conclusions from the record of the hearing.
7. **Action by Board of County Commissioners.** The Board of County Commissioners shall schedule a hearing on the application within thirty (30) calendar days of the date the Hearing Officer issues the recommended findings of fact and proposed order. The Planning Director shall provide the applicant and all landowners within five hundred (500) feet of the land subject to the Appeal for Beneficial Use Determination at least twenty (20) calendar days notice of the hearing by mail. At the hearing, the Board of County Commissioners shall approve the findings of fact and proposed order of the Hearing Officer, or may attach conditions, modify, or reverse the findings of fact or proposed order of the Hearing Officer, based on the standards of Section 5190.C, Beneficial Use Standards, and Section 5190.D, Granting of Relief. If the Board of County Commissioners attaches conditions, modifies or reverses the findings of fact or proposed order, it shall do so only where the record of the hearing indicates that the Hearing Officer is unsupported by the record, or that the proposed order is not in conformance with the standards of Section 5190.C, Beneficial Use Standards, and Section 5190.D, Granting of Relief.

C. **Beneficial use standards.** In determining if a landowner has been deprived of an economically beneficial use of land, the Hearing Officer and Board of County Commissioners shall take into account the following factors:

1. **Economically viable use.** In making the determination of whether the land is provided an economically viable use, the Hearing Officer/Board of County Commissioners shall first evaluate the uses of the land as provided by these Land Development Regulations, and the uses of land in relation to the uses provided similarly situated lands. For the purposes of this Section, economically viable 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 these Land Development Regulations which 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 Land Development Regulations shall constitute its highest and best use on March 11, 1991 or the date of purchase of the land, whichever is later, and any other land value/appraisal information that the applicant would like to be 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; the diminution must be so substantial that it effectively deprives the landowner of any material use or enjoyment of the land, commensurate with any reasonable investment backed expectations, if any.
3. **External costs**
 - a. **Subsidy.** The amount or nature of any subsidy that may be required by Teton County, neighbors, purchasers, tenants, or the public at large if the uses allowed under these Land Development Regulations are modified.
 - b. **Other adverse effects.** 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**

1. **General.** If the finding is that a landowner has been deprived economically beneficial use of land or is otherwise entitled to relief pursuant to the standards of this Section, relief shall be granted.
2. **Minimum increase.** In granting relief, the landowner shall be given the minimum increase in use intensity or other possible concessions from these Land Development Regulations 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 intensity that is considered a minimum economically viable use on a market valuation basis.
- b. **Common use.** A use common to the unincorporated 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 unincorporated County but which uses still provide for occupation and living within the County. These land uses, as well, shall be considered economically viable uses.
- c. **Actual condition of land considered.** The actual condition of the land shall be considered. The reality of limited development potential, given the natural condition of the land, shall not be attributed to the regulations applied to the land. If the land is such that it cannot safely accommodate development with normal grading and clearing practices, this fact shall lower the intensity of use that is considered a minimum economically viable use.
- d. **Potential for damages.** The potential for damages to either residents or land shall be assessed in determining economically viable use. The need for a governmental subsidy to future landowners shall be considered, and the cost of such subsidies shall be deducted from the otherwise established minimum economically viable use.
- e. **Only investment backed expectations considered.** Expectations shall, in general, not be considered. Only reasonable expectations backed by investments as recognized by the current state of the law shall be considered.
- f. **Current state of 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.

SECTION 51100. SIGN PERMIT

- A. Purpose.** The purpose of this Section and Division 4600, Signs, is to regulate signs.
- B. Applicability**
 - 1. **Obtain sign permit.** No person shall erect, alter, or relocate any sign within the unincorporated County without first obtaining a Sign Permit pursuant to the procedures and standards of this Section.
 - 2. **Repainting, changing of parts, and maintenance of signs.** The repainting, changing of parts, and maintenance of signs located on the site shall not be deemed alterations requiring a Sign Permit, except as specified in Section 4615, Nonconforming Signs.
- C. Exemptions.** All exemptions to the requirements of this Section are established in Section 4660, Exempted Signs.
- D. Procedure**
 - 1. **Review of Applications.** The submission of an application for, determination of sufficiency for, and action by the Planning Director on, a Sign Permit shall comply with the procedures established in Section 5120.D., Common Procedure for Review of Applications.

SECTION 51200. DEVELOPMENT PLAN

- A. Purpose and objectives.** The purpose of this section is to institute a uniform public review and decision making process to ensure that all aspects of a proposed development comply with these Land Development Regulations. The general objectives to be achieved through this process are:
 - 1. **Protect public health, safety and welfare.** Protect the public health, safety, and welfare of the residents of the County;
 - 2. **Organize land records.** Assure well organized and uniform land records to facilitate the transfer, development and devolution of land;
 - 3. **Protect environment.** Protect the County's unique environmental qualities and scenic beauty;
 - 4. **Maintain human environment.** Maintain and enrich the human environment for County residents and visitors;
 - 5. **Ensure conformance with public improvement plan.** Ensure conformance and coordination of land development with the public improvement plans of the County;

6. **Minimize damage to wildlife habitat.** Provide for well-planned developments by establishing standards ensuring lot and building locations that minimize damage to wildlife habitat, scenic views and vistas, and other natural features; and
7. **Safeguard interests.** Safeguard the interests of the public, landowner, and developer.

B. Applicability

1. **Permitted uses.** This Section establishes the requirements and procedures to review the design and development of uses indicated as permitted uses according to Table 2200, Use Schedule.
2. **Conditional and Special uses.** Any development requiring a conditional or special use review according to Table 2200, Use Schedule, shall be reviewed as either an intermediate or a major development as defined below in Section 51200.C.4, Thresholds for Development Plans.
3. **Subdivision.** No person shall subdivide any land which is located in the unincorporated County except in conformance with this Section, these Land Development Regulations and Article VI, Platting and Land Records. In addition, no person shall subdivide any land which is located within one (1) mile of the corporate limits of the Town, except in accordance with the Town of Jackson Land Development Regulations.

Notwithstanding, any land division expressly exempted by Section 18-5-303, Wyoming Statutes, as amended, minor boundary adjustments, and certain vacations or modifications to filed plats that are identified in Article VI, Section 6030, Exemptions, are exempt from this Section.

C. Procedure

1. **Submission and scheduling of applications.** The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of public hearings on applications for Sketch Plan and Final Development Plan shall comply with the procedures in Section 5120.D. Common procedure for review of applications and Section 5120.E, Notice of public hearings. The Planning Director shall develop and distribute a checklist indicating the procedures and information necessary for each level of development plan.
2. **Multiple applications.** Conditional use applications, platting applications, and any other applications reasonably combined with a Development Plan application shall be consolidated for a combined review.
3. **Development Plan Review.** The Development Plan process shall consist of five (5) review steps; six (6) steps are required if the development is to be platted. Each public

hearing, as described below, shall be noticed pursuant to Section 5120.E, Notice of public hearings and each public hearing shall be conducted pursuant to Section 5120.F, Public hearing procedure.

- a. **Preapplication conference.** A preapplication conference is mandatory for all applicants, except those proposing a single-family home, prior to submission of an application for Development Plan. The preapplication conference shall be conducted in conformance with the provisions of Section 5120 C., Preapplication Conference.
- b. **Sketch Plan review and recommendation by Planning and Zoning Commission.** The Planning and Zoning Commission shall conduct a public hearing on the Sketch Plan, at which the Planning and Zoning Commission may confer with the developer on changes deemed advisable and the kind and extent of such improvements. Within thirty (30) calendar days of the public hearing, the Planning and Zoning Commission shall recommend to the Board of County Commissioners, approval, approval with conditions, or disapproval of the Sketch Plan based upon a finding that the application complies or fails to comply with the standards of these Land Development Regulations.
- c. **Sketch Plan action by Board of County Commissioners.** The Board of County Commissioners shall hold a public hearing on the Sketch Plan after the conclusion of the review of the application by the Planning and Zoning Commission. At the public hearing on the Sketch Plan, the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, the Planning and Zoning Commission recommendation, and the public testimony given at the public hearing. Within thirty (30) calendar days of the public hearing, the Board of County Commissioners shall either approve, approve with conditions or disapprove the application for Sketch Plan based on a finding that the application complies or fails to comply with the standards of these Land Development Regulations.
- d. **Final Development Plan review and recommendation by Planning and Zoning Commission.** The Planning and Zoning Commission shall conduct a public hearing on the application for Final Development Plan, at which the Planning and Zoning Commission may confer with the developer on changes deemed advisable and the kind and extent of such improvements. Within thirty (30) calendar days of the public hearing, the Planning and Zoning Commission shall recommend approval, approval with conditions, or disapproval of the Final Development Plan based upon a finding that the application complies or fails to comply with the standards of this Section.
- e. **Final Development Plan action by Board of County Commissioners.** The Board of County Commissioners shall hold a public hearing on the application for Final Development Plan, after the conclusion of the review of the application

by the Planning and Zoning Commission. At the public hearing on the proposed Final Development Plan, the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, the Planning and Zoning Commission recommendation, and the public testimony given at the public hearing. Within thirty (30) calendar days of the public hearing, the Board of County Commissioners shall either approve, approve with conditions or disapprove the application for Final Development Plan based on a finding that the application complies or fails to comply with the standards of these Land Development Regulations. If the Final Development Plan is disapproved by the Board of County Commissioners, such disapproval shall state in writing the reasons for the disapproval. An applicant may resubmit an application for Final Development Plan within six (6) months, provided that all deficiencies causing the original application to be disapproved have been substantially corrected.

- f. **Final plat action by the Board of County Commissioners.** The Board of County Commissioners shall hold a public hearing on the application for Final Plat, after the Final Development Plan application is approved, pursuant to Division 6100, Final Plat.
4. **Thresholds for Development Plans.** The review procedure for Development Plans is designed to be commensurate with the magnitude of the project, as follows:
 - a. **Minor Development Plans.** Minor developments shall be exempt from the Sketch Plan review and the Final Development Plan review by the Planning and Zoning Commission and the Board of County Commissioners. Single-family homes classified as minor developments shall also be exempt from the preapplication conference requirement. Within sixty (60) calendar days of the Finding of Sufficiency, the Planning Director shall approve, approve with conditions, or deny the Final Development Plan based upon a finding that the application complies or fails to comply with the standards of these Land Development Regulations. The application for minor development plan shall contain the items listed below in subsection D, Application requirements for Development Plans, unless waived by the Planning Director. No Conditional or Special use shall be considered a minor development. The following are minor developments:
 - (1) **Residential.** Any residential development of four (4) or less dwelling units.
 - (2) **Nonresidential.** Any nonresidential development containing 3,450 square feet or less of total gross floor area or, if no structure is proposed, containing an activity that will occupy land area of 6,000 square feet or less.

- (3) **Agricultural employee housing.** Agricultural employee housing meeting the standards in Section 2310, Agricultural Employee Housing.
- (4) **Temporary gravel extraction and processing.** Temporary gravel extraction and processing meeting the standards in Section 231300.E, Gravel extraction and processing.
- (5) **Reclassification.** The Planning Director may reclassify a minor development application to be an intermediate development application, thereby subjecting it to a Final Development Plan review by the Planning and Zoning Commission and Board of County Commissioners, if the development will have a major local or community impact that warrants public review.

b. **Intermediate Development Plan.** Intermediate developments shall be exempt from the Sketch Plan review by the Planning and Zoning Commission and the Board of County Commissioners, and may proceed directly to a Final Development Plan after a preapplication conference. The application for Intermediate Development Plan shall contain the items listed below in subsection D, Application requirements for Development Plan, unless waived by the Planning Director at the preapplication conference. The following are intermediate developments:

- (1) **Residential.** Any residential development of over four (4) but less than or equal to ten (10) units; platting of residential developments that are ten (10) or less lots/units.
- (2) **Nonresidential.** Any nonresidential development containing more than 3,450 gross square feet of gross floor area but less than or equal to 12,000 square feet of gross floor area or, if no structure is proposed, containing an activity that will occupy land area over 6,000 square feet; platting of nonresidential developments that are ten (10) or less lots/units.
- (3) **Conditional uses outside BC District.** Any conditional use proposal containing 12,000 square feet or less of gross floor area or, any Conditional use proposal in which no structures are proposed. (Amended 9/27/94)
- (4) **Conditional use in BC District.** Any Conditional use in the BC District which is either a change of use, or an expansion of an existing use containing more than 3,450 square feet of gross floor area or containing over 6,000 square feet in area in which no structures are proposed. (Amended 9/27/94)

(5) **Special uses.** Any Special use proposal containing 12,000 square feet or less of gross floor area or, any Special use proposal in which no structures are proposed. (Amended 9/27/94)

c. **Major Development Plan.** Major developments shall be subject to the entire Development Plan review procedure as described above in subsection C.3, Development Plan review. The application for major development plan shall contain the items listed below in subsection D, Application requirements for Development Plans, unless waived by the Planning Director at the preapplication conference. The following are major developments:

- (1) **Residential.** Any residential development of more than ten (10) units, or platting of residential developments of more than ten (10) lots/units.
- (2) **Nonresidential.** Any nonresidential development containing over 12,000 square feet of gross floor area, or platting of nonresidential developments of more than ten (10) lots/units.
- (3) **Conditional or Special uses.** Any conditional or special use proposal containing more than 12,000 square feet of gross floor area. (If no structures are proposed, see intermediate development plan.)

D. **Application requirements for Development Plans.** An application for a Development Plan shall contain the information described below, unless a waiver of said requirements, or portions thereof, is granted by the Planning Director for good cause shown. The Planning Director shall ensure that only pertinent information is required from the applicant, commensurate with the magnitude of the project.

1. **Substantive requirements on the plan.** The actual sketch plan and final development plan shall clearly represent the site upon which the proposed development is located and provide the information described below.
 - a. **Scale, date, north arrow.** The plan shall be drawn to a scale of no less than one (1) inch equals two hundred (200) feet. The date of preparation, all dates of revisions, north arrow, and scale shall be shown as well as the source(s) of survey and contour information and the date of the survey or mapping from which the information shown was derived.
 - b. **Title block.** A title block, in the lower right hand corner of the sheet(s), showing the name of the proposed development plan and its location by aliquot part and Section, Township, and Range, and if applicable, the lot, block and subdivision name.
 - c. **Vicinity map.** A vicinity map, showing the location of the proposed development, and the Section, Township, and Range; existing and platted or

public roads and highways within 1/4 mile of the development, along with their names; the name(s) of adjoining subdivision(s) and adjoining land owner(s), and other pertinent information. The vicinity map may be on a separate sheet.

- d. **Owner/developer addresses and phone numbers.** The names, addresses, and phone numbers of the owner, and developer if other than the owner, the developer's representative, if any, and the person or firm preparing the plan.
- e. **Legend.** Symbols and differing line types used for boundaries, easements, rights-of-way, and other features shall be described in a legend.
- f. **Project boundary.** The boundary of the proposed development, accurately related to at least two (2) corners of the Public Land Survey System (section, quarter, or 1/16 corner). The boundary of the development and these ties shall be to a standard of accuracy of at least one (1) part in ten thousand (10,000).
- g. **Total acreage.** The total acreage of the project and all adjoining land owned by, or under the control of, the developer or owner. Where the proposed development covers only a portion of the land owned by the developer or property-owner, a sketch of the prospective road and infrastructure system for the entire holding shall be shown and its relation to existing or proposed infrastructure or transportation elements of the Town, County, or adjoining subdivision or political entities.
- h. **Adjacent properties.** The boundary lines of adjacent parcels of land showing ownership information, land uses, locations of buildings, parking areas, landscaping, access drives, easements and zoning. Section lines and incorporation limits within or adjacent to the proposed development shall also be shown.
- i. **Zoning district boundaries.** The boundaries and identification of the zoning district, or zoning districts, within which the proposed development is located.
- j. **Existing uses or parcels.** The location of any existing uses, structures, or parcels and the identification of any nonconforming uses or parcels within the proposed development.
- k. **Streams and rivers.** The names and locations of all streams, rivers or other water bodies within the development, along with all applicable setback lines associated with those waterbodies.
- l. **Contours.** Contours, existing and proposed (finished), at appropriate vertical intervals. In areas where the average vertical land gradient is less than twenty-five (25) percent, the interval shall be not more than two (2) feet. In areas where the natural slope is greater than twenty-five (25) percent, five (5) foot intervals

shall be provided. High water levels, and areas subject to flooding as shown on FIRM maps, and base flood elevation data, shall be indicated in the same datum as for the contour elevations.

- m. **Existing agricultural water rights.** Where applicable, a listing of existing agricultural water rights and any ditches conveying water through the land for agricultural purposes and associated setback lines.
- n. **Easements.** Existing and proposed easements and rights-of-way for utilities, pathways, drainage, public or private access, or other purposes.
- o. **Roads and traffic control.** The location, easement or right-of-way width, road surface width, and functional class for all roads, existing and proposed within 200 feet of the development; roads shall be identified by existing or proposed name and numbers. All existing and/or proposed entrance and exit curb cuts, deceleration and acceleration lanes, traffic islands and other traffic control devices. Location of crosswalks, curbs, gutters, pathways and sidewalks existing or proposed to be built within the development. Private roads shall be annotated in bold letters with the statement, "NO PUBLIC MAINTENANCE OF STREETS OR ROADS."
- p. **Areas dedicated to the public.** Accurate boundaries and legal descriptions of any areas or roads dedicated to the public or for public use, and a notation with the purpose of the dedication indicated therein. Any areas reserved by deed or covenant for the common use of the landowners, or restricted by covenant or dedication, shall be appropriately identified and noted.
- q. **Lot lines or buildings, areas, dimensions, and numbering.** Lot lines or buildings, building envelopes, maximum height, setback lines, or other lines delineating areas in which restrictions of development are to be imposed, and area in acres or square feet, for each lot or building. On the Final Development Plan, accurate angular and lineal dimensions for all lines, angles, and curves used to describe boundaries, streets or alleys, easements or other areas or important features. Also, radii, internal angles, arc lengths, chords, and chord bearings, shall be given for all arcs. Identification of all lots, blocks, buildings, streets, and other areas; lots or buildings shall be numbered progressively in accordance with Section 34-12-102, Wyoming Statutes, 1977, as amended.
- r. **Underground utilities.** The location of all existing sewers, water mains, manholes, storm drains, culverts, and other underground facilities within the proposed development and for a distance of at least one hundred (100) feet beyond the boundaries of the development, indicating pipe sizes and grades.
- s. **Wells and reservoirs.** The location of all wells and reservoirs proposed, active, or abandoned, within the proposed development. The location of any private

well within one-quarter (1/4) mile of the proposed development or public wells within five (5) miles of the proposed development shall also be shown. If no domestic water source is proposed for the development, the plan shall be annotated in bold letters with the statement: "**NO PROPOSED DOMESTIC WATER SOURCE.**"

- t. **Location of wastewater treatment facilities.** Where the proposed wastewater treatment system consists of septic tanks and leach fields, the location of two (2) leach field sites, one (1) for immediate use and one (1) to be held in reserve for future use, shall be shown. When a community wastewater treatment system is proposed, the site of the treatment facility shall be shown. When connection to an existing community wastewater treatment system is proposed, the location of existing sewer mains to which the development is proposed to connect shall be shown. If no public sewage disposal system is proposed for the development, the plan shall be annotated in bold letters with the statement: "**NO PROPOSED PUBLIC SEWAGE DISPOSAL SYSTEM.**"
- u. **Coordinates.** For the Final Development Plan, Wyoming State Plane Coordinates, NAD 1983, on at least two (2) boundary points of the development, and a note indicating the monument(s) used to derive this information. A base bearing shall be derived from this system.
- v. **Monuments.** For the Final Development Plan, the accurate location of all monuments, found or set, within or adjacent to the development, including bench marks or triangulation stations. Each lot corner and road easement corner shall be monumented or witnessed as required by Wyoming Statutes and the regulations of the State Board of Registration for professional Engineers and Land Surveyors. Descriptions of all monuments, found or set, shall be shown by legend or separate description.
- w. **Developments within two (2) miles of Airport.** Developments within, or partially within, a two (2) mile area measured from any point on the centerline of the Jackson Hole Airport runway shall be annotated: "**THIS DEVELOPMENT LIES IN THE IMMEDIATE PROXIMITY TO THE JACKSON HOLE AIRPORT.**"

2. Drawings, Statements, and Other Data to Accompany the Plan

- a. **Land development program.** Complete land development program to include gross acreage, net acreage (as applicable), gross floor area by use, FAR and residential densities as appropriate, lot coverage, LSR, and required and proposed parking. Other pertinent data may be required by the Planning Director.

- b. **Natural resources.** A composite map, if applicable, indicating the location and extent of natural resources identified in Article III, Natural, Scenic, Agricultural and Tourism Resources Protection.
- c. **Approval of street location.** When streets are proposed to be constructed on land controlled by a public agency or utility company, approval of the location, improvement, and maintenance of such streets shall be obtained and recorded as deemed appropriate by the County Attorney.
- d. **Analysis of street intersections.** An analysis of street intersection locations relative to other intersections, sight distance, road speed, and pedestrian movements as well as the number of trips generated by the proposed development and the capacity of the existing road system serving the proposed development. The Planning Director may require a traffic impact study in order to determine the need for acceleration, deceleration, or turning lanes, signalization, or improvements on roads affected by the proposed development.
- e. **Certification that roads remain private.** If the streets or roadways within the development are to be private, then the applicant shall submit a written certification that the roadways within the development shall remain private.
- f. **Statement regarding water supply and wastewater treatment.** A statement demonstrating how the applicant proposes to provide water supply and wastewater treatment services, illustrated by appropriate plans and drawings, if applicable, and any engineering analysis required by these Land Development Regulations, including but not limited to:
 - (1) Any proposed community wastewater systems, with sufficient detail as to type and location so that the feasibility of the proposed system can be properly evaluated by the County Sanitarian and/or the Department of Environmental Quality.
 - (2) In the case of any development proposing to connect to an existing public or private wastewater treatment plant or water supply system, a letter from the appropriate authority, indicating that there exists, or can be constructed, sufficient capacity to handle anticipated demands of the proposed development.
- g. **Copies of agreements.** Copies of any agreements with adjacent or other land owners relevant to the proposed development.
- h. **Covenants or restrictions.** With the Final Development Plan, copies of any covenants or restrictions proposed to be filed with the development, which may govern the use of the buildings or lots, or may be used to administer the development and facilities.

- i. **Cross-sections, profiles and gradients of streets.** Typical cross-sections, profiles, and proposed gradients of all proposed streets within or accessing the proposed development shall be provided which are designed to comply with County requirements. These drawings should provide sufficient detail to evaluate the practicality of design, cut and fill extent, "visual impact" and conformance with AASHTO and Fire Department standards of all proposed roads.
- j. **Subsurface soils and geologic investigation.** Once the street and lot or building layout is established, a subsurface soils and geologic investigation report shall be prepared by an engineer registered in the State of Wyoming. The report shall address the soil suitability of all areas where improvements are planned.
- k. **Stormwater runoff management.** A statement of the method by which the applicant proposes to handle stormwater and snowmelt drainage, including provisions for erosion control, illustrated by appropriate plans and drawings.
- l. **Agricultural water rights.** A statement of the applicant's intent with respect to water rights on the subject land, and evidence that the proposed development will not interfere with existing water rights on other lands, shall be provided. The applicant shall provide assurance adequate to the appropriate governing and reviewing body that any proposed water uses on the land will not adversely impact other lands, either by denying other lands access to water or by artificially raising the groundwater or surface water levels on other lands.
- m. **Landscaping plan required.** With the Final Development Plan, a landscape plan pursuant to Division 4100, Landscaping Standards.
- n. **Building plans and elevations.** With the Final Development Plan, building plans and elevations shall be submitted for all proposed buildings in the project.
- o. **Lighting.** With the Final Development Plan, location, type, and height of lighting fixtures.
- p. **Parking areas.** Location and dimensions of all parking areas, number of parking stalls, and all driving or maneuvering lanes. (Typical parking stalls may be indicated to eliminate repetition of all stalls.)
- q. **Signs.** With the Final Development Plan, location of signs, with appropriate dimensional information, including the height, length and area.
- r. **Pathways.** Location of off-site pathways within two hundred (200) feet of the project, along with a depiction of the internal pathway system and proposed method of connection and/or access to the nearest off-site system.

- s. **Phasing plan/construction schedule.** Proposed development phasing plan and construction schedule, identifying specific portions of the development and target dates for completion.
- t. **Existing permits and variances.** A statement identifying any active development permits for the property and any variances obtained for development of the property.
- u. **Additional materials.** Such additional material as the Planning Director may determine to be necessary during the preapplication conference and/or the applicant may choose to submit pertinent to the application.

3. **Required review.** The following reviews shall be conducted and review letters obtained by the Planning Director during the course of the Planning Department review of a Sketch Plan or Final Development Plan.

- a. **County Engineer.** A review letter shall be obtained from the County Engineer addressing the drainage, stormwater management, erosion control, pathways and street system designs, and any other infrastructure improvements or construction practices.
- b. **Wyoming Department of Environmental Quality.** A review letter shall be obtained from the Wyoming Department of Environmental Quality (DEQ) addressing sanitary sewer collection systems and/or water distribution systems for which a DEQ permit is required. The review letter and/or permit shall be submitted prior to approval of a Final Development Plan.
- c. **Fire Department.** A review letter from the Fire Department concerning compliance with the Fire Code, and a statement from the applicant describing how the requirements of the Fire Department will be met.
- d. **Other reviews and referrals.** Sheriff's Department, Park and Recreation, School District, Road Department, Wyoming Department of Transportation, and any other agencies as requested by the Planning Director.
- e. **County Sanitarian.** A review letter shall be obtained from the County Sanitarian addressing the proposed water and wastewater treatment systems. In furtherance thereof:
 - (1) Any information required by the County Sanitarian for determining the adequacy for water and wastewater treatment shall be provided. Depending on the individual site locations, high groundwater information may be required to be collected during the high groundwater season (usually during the height of the irrigation season, late June through July.)

- (2) If applicable, developers shall furnish the County Sanitarian a report of percolation tests completed on the land by a registered professional engineer or land surveyor indicating that a sufficient number of percolation tests 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 are adequate to permit the installation of the proposed type of soil absorption system without creating sanitation or pollution problems.
- (3) The design and construction of all individual sewage disposal systems shall be subject to inspection and approval of the County Sanitarian.
- (4) A site plan with all existing and proposed waterbodies, including human-made ponds and irrigation ditches, proposed by the developer shall be submitted for review and approval by the County Sanitarian. The site plan shall include information concerning the size, location, depth, flows and proposed uses of the waterbodies; the County Sanitarian shall review the site plan with respect to the waterbodies potential effects on sewage disposal systems.

4. Design standards

- a. **Lot or building numbering.** All lots or buildings shall be numbered in a logical order and all lots intended to be platted shall be numbered progressively in accordance with Section 34-12-102, Wyoming Statutes, 1977, as amended.
- b. **Road names.** New road names shall neither duplicate nor closely resemble existing road names.
- c. **Suitable development locations.** Buildings or building sites shall not be located on a landslide or bedrock slump, on talus slopes or rockfall slopes, on colluvium, on old lake deposits either at the surface or overlain by other deposits, or in an avalanche path.
- d. **Lot/building configuration.** The configuration of lots or buildings within a development shall provide each lot or building a suitable construction site when taking into consideration the topography of the site, any other natural resource features located in the area, and existing and probable future public improvements to the area.
- e. **Limitation of access to arterial streets and highways.** Where a proposed development abuts a major local collector, arterial road or highway, direct access to such road or highway from individual lots or buildings is prohibited. On lots, or buildings, which abut such a road or highway, the development plan shall indicate a "NO VEHICULAR ACCESS" restriction.

E. Standards. Approval of a Sketch Plan or Final Development Plan shall be dependent upon findings that the proposed use, as conditioned, fully complies with all the standards of these Land Development Regulations. The Board of County Commissioners may also attach any other conditions deemed appropriate, including conformity to a specific site plan, to ensure compliance with the following standards.

1. **Consistent with Comprehensive Plan.** The proposed Development Plan shall be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
2. **Impact on Public Facilities.** The proposed Development Plan shall not have a significant adverse impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMT facilities.
3. **NRO/SRO.** The proposed Development Plan shall achieve the standards and objectives of both the NRO, pursuant to Division 3200, Natural Resources Overlay (NRO) District, and the SRO, pursuant to Division 3300. Scenic Resources Overlay (SRO) District.
4. **Other relevant standards of these Land Development Regulations.** The proposed Development Plan shall comply with all standards imposed on it by all other applicable provisions of these Land Development Regulations for use, layout, and general development characteristics.
5. **Conditional and Special uses.** The proposed Development Plan shall comply with the conditional or special use standards, as applicable, pursuant to Section 5140.B, Conditional use standards, or Section 5140.C, Special use standards, if the proposed use is specified as a Conditional or Special use in Table 2200, Use Schedule.

F. Conditions and restrictions

1. **Authority.** The Board of County Commissioners may, in approving a Development Plan, impose restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required to comply with the foregoing standards to meet the general purposes, goals, and objectives of the Comprehensive Plan and these Land Development Regulations, and to minimize the adverse effects from the proposed use and development on other lands in the neighborhood and on the general health, safety, and welfare of the County.
2. **Conditions set forth in permit.** All conditions imposed in any permit for a Development Plan, with the exception of conditions made applicable to such approval by the express terms of these Land Development Regulations, shall be expressly set forth in the permit.

G. **Performance bond.** As a condition for granting a Development Plan permit, the applicant may be required to post a performance bond in an amount sufficient to insure completion of the required improvements, including landscaping or any required off-site improvements. In such case, the applicant shall file with the Planning Office a surety or cash bond, letter of credit, or other collateral suitable to the Board of County Commissioners, in an amount specified by the Board of County Commissioners to insure the actual construction of such required improvements within such period of time as may be determined by the Board of County Commissioners. Upon completion of the required improvements, the applicant shall obtain certification from a professional Engineer licensed by the State of Wyoming that the improvements have been constructed in accordance with the approved plans. Upon receipt of an acceptable certification, the Planning Office shall release the security within seven (7) calendar days.

H. **Effect of issuance of a development plan permit.** All permits for a Development Plan shall expire twelve (12) months from the date of issuance if no building permit has been issued to establish the use authorized in the permit, or if no applications for required subsequent permits have been submitted. Upon written request, one (1) extension of time may be granted by the Board of County Commissioners for a period not to exceed six (6) months, for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no less than twenty (20) calendar days prior to the date the permit for the Development Plan is to expire. The permit shall be extended until the Board of County Commissioners has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the permit for the Development Plan null and void.

I. **Additional permits.** The applicant shall secure all other permits required by these Land Development Regulations prior to commencing construction of the development permitted by the approval of a Development Plan. A permit for a Development Plan shall not ensure that the development approved as a Development Plan shall receive subsequent approvals for other applications for development unless the relevant and applicable portions of these Land Development Regulations are met.

J. **Minor deviations.** Minor deviations from a Development Plan permit shall be approved by the Planning Director. Minor deviations that are authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development and that are not reasonably anticipated during the initial approval process, provided they comply with the standards of these Land Development Regulations. Minor deviations shall not include reductions in the amount of required open space or required resource protection, or increases in the amount of proposed building floor area. All changes not qualifying as minor deviations shall be considered amendments, and shall be subject to Section 51200.K, Amendment to a Development Plan permit.

K. **Amendment to a Development Plan permit.** A Development Plan permit may be amended, varied or altered only pursuant to the standards and procedures for the approval of the original Development Plan pursuant to this Section, except for minor deviations pursuant to Section 51200.J, Minor deviations, above.

DIVISION 5200. EXTRAORDINARY CIRCUMSTANCES (Amended 9/12/95)

SECTION 5210. EXTENSION OF TIME LIMITS

A. Purpose. The purpose of this Section is to provide a means for extending, due to extraordinary circumstances, the time limitations on the actions of applicants, that are established in the land development regulations. This purpose and means includes retroactively extending time limitations that may have already expired.

B. Procedure.

1. **Submission and scheduling of request.** The submission of a request for extension, the staff review of, in Section 5120.D. Common procedure for review of applications and Section 5120. E. Notice of Public hearings.
2. **Action by Board of County Commissioners.** Within thirty (30) days of receipt of the request for extension, the Board of County Commissioners shall conduct a public hearing on the request. At the public hearing, the Board shall consider the written request, the relevant supporting materials, the staff report, and the public statements given at the public hearing. No later than thirty (30) calendar days after the close of the public hearing, or such longer period of time as the applicant may agree, the Board of County Commissioners shall grant, grant with conditions, or deny the request based on the standards set forth in this section.
3. Time limitations in Sections 1430.A; 1440.B.1, and B.2; 5140.F; 5160.D; 5170.G; and 51200.H may be extended by the Board of County Commissioners, pursuant to Section 5210. Extension of Time Limits.

C. Standards. Decisions to grant or deny requests for extensions shall be consistent with the following:

1. **Consistent with Comprehensive Plan and Land Development Regulations.** The development for which the extension is requested shall comply with the Teton County Comprehensive Plan and Land Development Regulations in effect prior to May 9, 1994, if the application was approved prior to that date, or shall comply with the Teton County Comprehensive Plan and Land Development Regulations in effect after May 9, 1994, if the application was approved after that date.
2. **Circumstances Beyond Applicant's Control.** The circumstances causing the need for the request for extension shall be beyond the control of the applicant.

ARTICLE VI

PLATTING AND LAND RECORDS - TETON COUNTY

ARTICLE VI

PLATTING AND LAND RECORDS

TABLE OF CONTENTS

	<u>PAGE</u>
DIVISION 6000. PURPOSE, APPLICABILITY AND EXEMPTIONS	VI-1
SECTION 6010. PURPOSE	VI-1
SECTION 6020. APPLICABILITY	VI-1
SECTION 6030. EXEMPTIONS	VI-1
SECTION 6040. SALE OF LAND IN UNAPPROVED SUBDIVISION	VI-2
DIVISION 6100. FINAL PLAT	VI-2
SECTION 6110. PROCEDURE	VI-3
SECTION 6120. DIMENSIONAL LIMITATIONS	VI-6
SECTION 6130. GENERAL DESIGN AND LAYOUT STANDARDS	VI-6
SECTION 6140. SUBDIVISION IMPROVEMENTS AGREEMENT	
CONTRACT AND GUARANTEE	VI-6
SECTION 6150. COMPLETION OF IMPROVEMENTS	VI-9
DIVISION 6200. VACATIONS/MODIFICATIONS TO FILED PLATS	VI-10
DIVISION 6300. MINOR BOUNDARY ADJUSTMENTS	VI-12

ARTICLE VI

PLATTING AND LAND RECORDS

DIVISION 6000. PURPOSE, APPLICABILITY AND EXEMPTIONS

SECTION 6010. PURPOSE

The subdivision of land is achieved by obtaining a Development Plan permit, pursuant to Section 51200, Development Plan, and recording of a Final Plat, pursuant to this Article. The County has adopted these platting and land development standards set forth within this Article to:

- A. **Protect public health, safety and welfare.** Protect the public health, safety, and welfare of the residents of the County;
- B. **Organize land records.** Assure well organized and uniform land records to facilitate the transfer, development and devolution of land.
- C. **Safeguard interests.** Safeguard the interests of the public, landowner, and subdivider; and
- D. **Ensure equitable processing.** Ensure equitable processing of all subdivision applications through the establishment of uniform procedures and standards.

SECTION 6020. APPLICABILITY

- A. **Platting.** All subdivision of land, including condominium and townhouse subdivisions, shall comply with Section 51200, Development Plan, and this Article.
- B. **Land records.** Boundary adjustments to all property shall comply with this Article.

SECTION 6030. EXEMPTIONS

Section 51200, Development Plan and this Article shall not apply to the following:

- A. **Exempted by Wyoming Statutes.** Any land division expressly exempted by Section 18-5-303, Wyoming Statutes, as amended. This includes but is not limited to:
 1. **Cemetery lots.** The subdivision of land for cemetery lots;

2. **Sale of land to State or political subdivision.** The sale of land to the State of Wyoming or any political subdivision of Wyoming;
3. **Sale for agricultural purposes.** The sale of land for agricultural purposes;
4. **Sale of thirty-five (35) acres or greater.** The sale of land where the parcel involved in the sale is thirty-five (35) acres or larger;
5. **Statutory rights of way.** Statutory and authorized rights-of-way.
6. **Alignment for agricultural purposes.** Alignment of property lines for agricultural purposes;
7. **Sale of platted lot.** The sale of any parcel(s) of land which may be shown as lot(s) of a subdivision for which a plat has been recorded in the office of the Clerk of Teton County.

B. **Conservation easements.** The division of a parcel of land such that any portion is smaller in size than the minimum lot size in the zoning district in which it is located, for conveyance of such nonconforming parcel in fee simple to a qualified non-profit organization in connection with the conveyance of a perpetual conservation easement to which it is appurtenant, provided that the parcel of land so conveyed in fee simple is subject to the same or similar conservation easement restrictions.

C. **Minor boundary adjustment.** Any boundary adjustment described in Division 6300, Minor Boundary Adjustments.

SECTION 6040. SALE OF LAND IN UNAPPROVED SUBDIVISION

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 plan or plat of subdivision before such plan or plat has been approved and recorded in the manner prescribed in this Article. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this Article. 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 Preliminary Plat. Conveyance of individual lots or units, however, shall not occur until approval and recordation of Final Plat.

DIVISION 6100. FINAL PLAT

The processing, design and layout of all final plats shall conform with the standards of this Division.

SECTION 6110. PROCEDURE

- A. **Review of applications.** The submission of, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing on an application for Final Plat shall comply with the procedures in Section 5120.D, Common Procedures for Review of Applications.
- B. **Application requirements for Final Plat.** The Final Plat for a subdivision shall be prepared by a Wyoming registered land surveyor. The Final Plat shall be clearly and legibly drawn on a sheet size and format conforming with Section 33-29-139, Wyoming Statutes, 1977, as amended. A Final Plat shall meet the requirements of all applicable Sections of these Land Development Regulations, and the following:
 1. **Conformance with approved Final Development Plan.** The Final Plat of subdivision shall conform with the approved Final Development Plan and all of the requirements and conditions of the approval, except for minor deviations authorized by the Planning Director pursuant to Section 51200.J, Minor Deviations.
 2. **Notice of Intent to Subdivide.** Evidence that the applicant has published a "Notice of Intent to Subdivide" once each week for two (2) weeks within thirty (30) calendar days prior to filing an application for subdivision, pursuant to Section 18-5-306(a)(10), Wyoming Statutes, 1977, as amended.
 3. **Form of Final Plat.** The Final Plat shall be prepared and submitted in black, indelible ink, on a mylar or tracing linen sheet, or sheets, twenty-four (24) inches in height and thirty-six (36) inches in width. The mylar shall be no less than four (4) mils thick; the tracing linen shall be durable and approved by the County Clerk. The Final Plat shall conform with the margin requirements of Section 33-29-139(a), Wyoming statutes, 1977, as amended. The scale shall be not less than 1:1200 (1" = 100') unless the County Surveyor has approved a lesser scale, and sufficient detail can be legibly shown at the lesser scale to fully satisfy the information requirements below.
 4. **Contents of Final Plat.** The Final Plat shall contain the information required in Section 51200.D.1, Substantive requirements on the Plan, unless waived by the Planning Director, and Section 18-5-306, Wyoming Statutes, 1977, as amended, as well as the following:
 - a. **Survey in digital format.** At the time the Final Development Plan is submitted for final approval, unless the applicant or agent can demonstrate to the County Surveyor that considerable practical difficulty or financial hardship would result from the application of this requirement, the following information shall be submitted on a floppy disc or other approved media in digital format.
 - (1) **ASCII coordinates.** ASCII coordinates of all lot corners, boundary corners, and controlling corners in the following or similar format:

Point No. (space) Northing coordinate (space) Easting coordinate (space) Elevation (if applicable) (space) Description.

Each point will occupy one line in the file.

Coordinates shall be in a plane coordinate system specified by the County Surveyor and shall be based upon State plane coordinates, NAD 83 Wyoming West Zone. (Amended 12/5/95)

- (2) **DXF format file.** An Autocad(R) compatible dxf format file or an Autocad(R) drawing file with layer separation for each plan view sheet which defines ownership boundaries. The development boundary, the individual lot or unit boundary lines, easement lines, and line annotation shall be provided on separate working layers from other sheet information.
- (3) **Survey ties.** A survey tie, or ties, to a corner of the Public Land Survey System (1/4, 1/16, or section corners).

If this requirement has been waived by the County Surveyor, the information requirements of Section 6110.B.3.a. and c., shall be supplied on a typed (hard copy) sheet(s) of paper, with each point occupying a separate line and in the format described above.

- b. **Statement regarding further subdivision.** The statement, "This subdivision shall not be subject to further divisions", shall be placed on the Final Plat if, according to these Land Development Regulations, no further density can be ascribed to the development parcel.
- c. **Standard certifications.** The following certifications shall be on a Final Plat:
 - (1) **Legal description included.** Legal description of the land included in the subdivision and included in the Certificate of Surveyor or Certificate of Owner;
 - (2) **Certificate of surveyor.** Certificate of Surveyor, signed by a Professional Land Surveyor registered in the State of Wyoming and certified in accordance with Section 33-29-124, Wyoming Statutes, 1977, as amended;
 - (3) **Certificate of owners.** Certificate of Owner(s) in accordance with Section 34-12-103, Wyoming Statutes, 1977, as amended;
 - (4) **Certificate of acceptance of mortgagees.** Certificate of Acceptance of Mortgagees, if any, of the lands included in the subdivision;