

TOWN OF JACKSON

LAND DEVELOPMENT REGULATIONS

(3/16/18 P17-052 AMENDMENTS TO 8/9/17 LDRs)

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The LDRs contain 9 articles.

General

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

Zone Specific Standards

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

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

Standards Applicable to All Zones

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

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

Administration

Article 8: Administrative Procedures	This article establishes the procedures and review standards for the permits or approvals that are used to ensure development complies with the standards of these LDRs. It also establishes the enforcement provisions for the LDRs. The applicable procedures are referenced within the zone standards (Articles 2-4) and standards applicable in all zones (Articles 5-7).
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2. A nonconforming building shall not be subdivided into condominiums or townhomes, unless the subdivision brings the physical development into compliance with these LDRs.
3. A boundary adjustment pursuant to Sec. 8.5.5. of a site that includes nonconforming physical development shall not increase the nonconformity of the physical development.
4. A subdivision or development option on a site with nonconforming physical development shall require all physical development on the site, except existing buildings, comply with these LDRs.

1.9.3. Nonconforming Uses (P17-0521/4/17, Ord. 1158)

A. Applicability

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

1. A lawfully established use that is not allowed in the zone or overlay;
2. A lawfully established conditional or special use that does not have an approved Conditional Use Permit or Special Use Permit; and
3. A lawfully established use that does not comply with the use standards applicable to the zone or overlay. Use standards applicable to all zones are found in Article 6. Use standards applicable to specific zones are found in Subsection C of the zone-specific sections found in Article 2.-Article 4.

B. Expansion

1. A nonconforming use may only be expanded a cumulative total of 20% in the floor area and site area occupied and/or the daily and annual duration of operation.
2. An expansion of a nonconforming use shall not create or increase nonconformity with use-based standards such as parking and ~~affordable workforce-employee~~ housing.
3. An expansion of a nonconforming use shall comply with all physical development, development option, and subdivision standards of these LDRs.
4. An expansion of a use that is nonconforming because it does not have an approved CUP or SUP requires approval of a CUP or SUP upon 20% cumulative total expansion in the floor area and site area occupied and/or the daily and annual duration of operation.

C. Change in Use

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

1. The new use is a materially less intense nonconforming use. The determination of the level of intensity shall include, but is not limited to, consideration of traffic generated (amounts and type), impacts on access, parking demand, proposed level of activity, operational characteristics, and other potentially adverse impacts on neighboring lands.
2. The new use shall not create or increase nonconformities with use-based standards such as parking and ~~affordable workforce-employee~~ housing.
3. The new use shall obtain a Conditional Use Permit pursuant to Sec. 8.4.2.

D. Discontinuance

1. If a nonconforming use is operationally discontinued for a period of more than one year, whether or not the equipment or furniture is removed, the use shall not be reestablished or resumed, and any subsequent use of the site shall conform to these LDRs.
2. When government action other than those described in 1.9.1.1., a natural disaster, or any other action not considered a willful act of the owner or occupant can be documented as the reason for discontinuance, the nonconforming use may be discontinued for longer than one year provided an application to reconstruct or reestablish the use is submitted to the Planning Director within one year from cessation of the use, and reconstruction or reestablishment is completed within the time period established in the permit approved for the reconstruction or reestablishment.
3. Once a nonconforming principal use is discontinued, all associated accessory uses shall discontinue within 31 days or a sufficient application to permit each accessory use in association with another principal use shall be submitted within 31 days.
4. Time spent maintaining, altering, replacing, or expanding a structure or site devoted to the nonconforming use is not considered a discontinuance of the use, provided:
 - a. All appropriate permits or approvals are obtained;
 - b. The maintenance, alteration, replacement, or expansion is completed within 18 months after commencement; and
 - c. The use is reestablished within 31 days after completion of the maintenance, alteration, replacement, or expansion.

E. Subdivision of a Nonconforming Use Prohibited.

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

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C. Allowed Uses and Use Standards

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	Individual Use (max)	Density (max)	Parking (min) (Div. 6.2.) (E.1.)	<u>Affordable Workforce Housing Units-Employee Housing</u> (min) (Div. 6.3.)
Residential Uses					
Attached Single-Family Unit (6.1.4.B.)	B	8,000 sf habitable excluding basement	n/a	1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	$0.000017 * sf + (Exp(-14.17 + 1.59 * \ln(sf))) / 2.414$ n/a
Apartment (6.1.4.D.)	B				
Dormitory (6.1.4.F.)	C	n/a	n/a	0.251/bed	exempt n/a
Group Home (6.1.4.G.)	C	n/a	n/a	0.5/bed	exempt n/a
Lodging					
Conventional Lodging (6.1.5.B.)	B (LO)	n/a	n/a	0.75/room	$0.204 * \text{bedrooms} - 47 \text{ sf} / 1,000 \text{ sf}$
Short-term Rental Unit (6.1.5.C.)	B (LO)	n/a	n/a	1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	$0.204 * \text{bedrooms} - n/a$
Commercial Uses					
Office (6.1.6.B.)	B	n/a	n/a	1.65/1,000 sf	$0.000655 * sf - 14 \text{ sf} / 1,000 \text{ sf}$
Retail (6.1.6.C.)	B	12,500 sf	n/a	2.25/1,000 sf	$0.000573 * sf - 156 \text{ sf} / 1,000 \text{ sf}$
Service (6.1.6.D.)	B	excluding basement	n/a	1.5/1,000 sf	$0.000573 * sf - 56 \text{ sf} / 1,000 \text{ sf}$
Restaurant/Bar (6.1.6.E.)	B	storage	n/a	1/110 sf dining area + 1/60 sf bar area	$0.001589 * sf - 378 \text{ sf} / 1,000 \text{ sf}$
Amusement/Recreation					
Amusement (6.1.7.B.)	B	n/a	n/a	1/60 sf seating area or independent calculation	$0.000573 * sf$ independent calculation
Developed Recreation (6.1.7.D.)	B	n/a	n/a	2.25/1,000 s	independent calculation
Outfitter/Tour Operator (6.1.7.E.)	C	n/a	n/a	independent calculation	independent calculation
Institutional Uses					
Assembly (6.1.8.B.)	C	n/a	n/a	independent calculation	$0.000698 * sf$ exempt
Day Care/Education (6.1.8.C.)	B	n/a	n/a	independent calculation	$0.000698 * sf$ exempt

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	Individual Use (max)	Density (max)	Parking (min) (Div. 6.2.) (E.1.)	Affordable Workforce Housing Units Employee Housing (min) (Div. 6.3.)
Transportation/Infrastructure					
Parking (6.1.10.B.)	C	n/a	n/a	n/a	0.000326*s ² f independent calculation
Utility Facility (6.1.10.C.)	C	n/a	n/a	0.5/employee + 0.5/stored vehicle	0.000326*s ² f independent calculation
Wireless Communications Facilities (6.1.10.D.)					
Minor	B	n/a	n/a	0.5/employee + 0.5/stored vehicle	0.000326*s ² f independent calculation
Accessory Uses					
Accessory Residential Unit (6.1.11.B.)	B	n/a	n/a	1/DU	exempt-n/a
Home Occupation (6.1.11.D.)	B	n/a	n/a	n/a	exempt-n/a
Family Home Daycare (6.1.11.F.)	B	n/a	n/a	0.5/employee + 0.5 off-street pick-up/drop-off	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	n/a	n/a	0.5/1,000 sf outdoor display area + 0.5/employee	exempt
Farm Stand (6.1.12.E.)	B	n/a	n/a	2.5/1,000 sf display area	exempt
Y = Use allowed, no use permit required B = Basic Use Permit (Sec. 8.4.1.) C = Conditional Use Permit (Sec. 8.4.2.) (LO) = Lodging Overlay Only					

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

D. Development Options and Subdivision

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

1. Allowed Subdivision and Development Options						
Option	GSA (min)	Lot Size (min)	Density (max)	LSR (min)	FAR (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	5,000 sf	n/a	determined by physical development		Sec. 7.2.3.
Townhouse Condominium Subdivision	n/a	n/a	n/a	n/a	n/a	Sec. 7.2.4.
2. Residential Subdivision Requirements						
Affordable Workforce Housing						Div. 6.3.
Required Workforce Affordable Housing			Housing required for maximum floor area allowed on each lot + affordable unit per 4 market units			
Schools and Parks Exaction						
Schools exaction				.020 acres per 1- or 2-family unit .015 acres per multi-family unit		
Parks exaction				9 acres per 1,000 resident		
3. Infrastructure						
Transportation Facilities						(Div. 7.6.)
Access						required
Right-of-way for Minor Local Road (min)						60'
Paved travel way for Minor Local Road (min)						20'
Required Utilities						(Div. 7.7.)
Water						public
Sewer						public
4. Required Subdivision and Development Option Permits						
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)	
Land Division						
≤ 10 Lots			X		X	
> 10 Lots		X	X		X	
Condominium/Townhouse						X

C. Allowed Uses and Use Standards

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	Individual Use (max)	Density (max)	Parking (min) (Div. 6.2.) (E.1.)	<u>Affordable Workforce Housing Units-Employee Housing</u> (min) (Div. 6.3.)
Residential Uses					
Attached Single-Family Unit (6.1.4.B.)	B	8,000 sf habitable excluding basement	n/a	1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	$0.000017 * \text{sf} + (\text{Exp}(-14.17 + 1.59 * \text{Ln}(\text{sf}))) / 2.414$ n/a
Apartment (6.1.4.D.)	B				
Dormitory (6.1.4.F.)	C	n/a	n/a	0.25/bed	exempt n/a
Group Home (6.1.4.G.)	C	n/a	n/a	0.5/bed	exempt n/a
Lodging					
Conventional Lodging (6.1.5.B.)	B (LO)	n/a	n/a	0.75/room	$0.204 * \text{bedrooms} - 47 \text{ sf} / 1,000 \text{ sf}$
Short-term Rental Unit (6.1.5.C.)	B (LO)	n/a	n/a	1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	$0.204 * \text{bedrooms} - \text{n/a}$
Commercial Uses					
Office (6.1.6.B.)	B	n/a	n/a	2.47/1,000 sf	$0.000655 * \text{sf} - 14 \text{ sf} / 1,000 \text{ sf}$
Retail (6.1.6.C.)	B	6,000 sf	n/a	3.37/1,000 sf	$0.000573 * \text{sf} - 156 \text{ sf} / 1,000 \text{ sf}$
Service (6.1.6.D.)	B	excluding basement	n/a	2.25/1,000 sf	$0.000573 * \text{sf} - 56 \text{ sf} / 1,000 \text{ sf}$
Restaurant/Bar (6.1.6.E.)	B	storage	n/a	1/73 sf dining area + 1/40 sf bar area	$0.001589 * \text{sf} - 378 \text{ sf} / 1,000 \text{ sf}$
Amusement/Recreation					
Amusement (6.1.7.B.)	B	n/a	n/a	1/40 sf seating area or independent calculation	$0.000573 * \text{sf}$ independent calculation
Developed Recreation (6.1.7.D.)	B	n/a	n/a	3.37/1,000 sf	independent calculation
Outfitter/Tour Operator (6.1.7.E.)	B	n/a	n/a	independent calculation	independent calculation
Institutional Uses					
Assembly (6.1.8.B.)	C	n/a	n/a	independent calculation	$0.000698 * \text{sf}$ exempt
Day Care/Education (6.1.8.C.)	B	n/a	n/a	independent calculation	$0.000698 * \text{sf}$ exempt

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	Individual Use (max)	Density (max)	Parking (min) (Div. 6.2.) (E.1.)	<u>Affordable Workforce Housing Units Employee Housing (min)</u> (Div. 6.3.)
Transportation/Infrastructure					
Parking (6.1.10.B.)	C	n/a	n/a	n/a	0.000326*sف independent calculation
Utility Facility (6.1.10.C.)	C	n/a	n/a	0.75/employee + 0.75/stored vehicle	0.000326*sف independent calculation
Wireless Communications Facilities (6.1.10.D.)					
Minor	B	n/a	n/a	0.75/employee + 0.75/stored vehicle	0.000326*sف independent calculation
Accessory Uses					
Accessory Residential Unit (6.1.11.B.)	B	n/a	n/a	1/DU	exempt n/a
Home Occupation (6.1.11.D.)	B	n/a	n/a	n/a	exempt
Family Home Daycare (6.1.11.F.)	B	n/a	n/a	0.75/employee + 0.75 off-street pick-up/drop-off	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	n/a	n/a	0.75/1,000 sf outdoor display area + 0.75/employee	exempt
Farm Stand (6.1.12.E.)	B	n/a	n/a	3.75/1,000 sf display area	exempt

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

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

D. Development Options and Subdivision

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

1. Allowed Subdivision and Development Options						
Option	GSA (min)	Lot Size (min)	Density (max)	LSR (min)	FAR (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	7,500 sf	n/a	determined by physical development		Sec. 7.2.3.
Townhouse Condominium Subdivision	n/a	n/a	n/a	n/a	n/a	Sec. 7.2.4.
2. Residential Subdivision Requirements						
Affordable Workforce Housing						Div. 6.3.
Required Workforce Affordable Housing			Housing required for maximum floor area allowed on each lot + affordable unit per 4 market units			
Schools and Parks Exaction						
Schools exaction				.020 acres per 1- or 2-family unit .015 acres per multi-family unit		
Parks exaction				9 acres per 1,000 resident		
3. Infrastructure						
Transportation Facilities						(Div. 7.6.)
Access						required
Right-of-way for Minor Local Road (min)						60'
Paved travel way for Minor Local Road (min)						20'
Required Utilities						(Div. 7.7.)
Water						public
Sewer						public
4. Required Subdivision and Development Option Permits						
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)	
Land Division						
≤ 10 Lots			X		X	
> 10 Lots		X	X		X	
Condominium/Townhouse						X

C. Allowed Uses and Use Standards

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	Individual Use (max)	Density (max)	Parking (min) (Div. 6.2.) (E.1.)	Affordable Workforce Housing Units-Employee Housing (min) (Div. 6.3.)
Residential Uses					
Attached Single-Family Unit (6.1.4.B.)	B	8,000 sf habitable excluding basement	n/a	1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	$0.000017 * \text{sf} + (\text{Exp}(-14.17 + 1.59 * \text{Ln}(\text{sf}))) / 2.414$ n/a
Apartment (6.1.4.D.)	B				
Dormitory (6.1.4.F.)	C	n/a	n/a	0.25/bed	exempt n/a
Group Home (6.1.4.G.)	C	n/a	n/a	0.5/bed	exempt n/a
Live-Work Unit (6.1.4.H.)	B	750 sf min, 2,000 sf max habitable	n/a	1.5 /DU or 1.5/1,000 sf	[Use to be deleted by P17-077] n/a
Lodging					
Conventional Lodging (6.1.5.B.)	B (LO)	n/a	n/a	0.75/room	$0.204 * \text{bedrooms} - 47 \text{ sf} / 1,000 \text{ sf}$
Short-term Rental Unit (6.1.5.C.)	B (LO)	n/a	n/a	1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	$0.204 * \text{bedrooms} - \text{n/a}$
Commercial Uses					
Office (6.1.6.B.)	B	n/a	n/a	2.47/1,000 sf	$0.000655 * \text{sf} - 14 \text{ sf} / 1,000 \text{ sf}$
Retail (6.1.6.C.)	B	6,000 sf	n/a	3.37/1,000 sf	$0.000573 * \text{sf} - 156 \text{ sf} / 1,000 \text{ sf}$
Service (6.1.6.D.)	B	excluding basement storage	n/a	2.25/1,000 sf	$0.000573 * \text{sf} - 56 \text{ sf} / 1,000 \text{ sf}$
Restaurant/Bar (6.1.6.E.)	B		n/a	1/73 sf dining area + 1/40 sf bar area	$0.001589 * \text{sf} - 378 \text{ sf} / 1,000 \text{ sf}$
Amusement/Recreation					
Amusement (6.1.7.B.)	B	n/a	n/a	1/40 sf seating area or independent calculation	$0.000573 * \text{sf}$ independent calculation
Developed Recreation (6.1.7.D.)	B	n/a	n/a	3.37/1,000 sf	independent calculation
Outfitter/Tour Operator (6.1.7.E.)	B	n/a	n/a	independent calculation	independent calculation
Institutional Uses					
Assembly (6.1.8.B.)	C	n/a	n/a	independent calculation	$0.000698 * \text{sf}$ exempt
Day Care/Education (6.1.8.C.)	B	n/a	n/a	independent calculation	$0.000698 * \text{sf}$ exempt

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	Individual Use (max)	Density (max)	Parking (min) (Div. 6.2.) (E.1.)	Affordable Workforce Housing Units Employee Housing (min) (Div. 6.3.)
Transportation/Infrastructure					
Parking (6.1.10.B.)	C	n/a	n/a	n/a	0.000326*sف independent calculation
Utility Facility (6.1.10.C.)	C	n/a	n/a	0.75/employee + 0.75/stored vehicle	0.000326*sف independent calculation
Wireless Communications Facilities (6.1.10.D.)					
Minor	B	n/a	n/a	0.75/employee + 0.75/stored vehicle	0.000326*sف independent calculation
Accessory Uses					
Accessory Residential Unit (6.1.11.B.)	B	n/a	n/a	1/DU	exempt n/a
Home Occupation (6.1.11.D.)	B	n/a	n/a	n/a	exempt
Family Home Daycare (6.1.11.F.)	B	n/a	n/a	0.75/employee + 0.75 off-street pick-up/drop-off	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	n/a	n/a	0.75/1,000 sf outdoor display area + 0.75/employee	exempt
Farm Stand (6.1.12.E.)	B	n/a	n/a	3.75/1,000 sf display area	exempt
Y = Use allowed, no use permit required B = Basic Use Permit (Sec. 8.4.1.) C = Conditional Use Permit (Sec. 8.4.2.) (LO) = Lodging Overlay Only					

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

D. Development Options and Subdivision

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

1. Allowed Subdivision and Development Options						
Option	GSA (min)	Lot Size (min)	Density (max)	LSR (min)	FAR (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	7,500 sf	n/a	determined by physical development		Sec. 7.2.3.
Townhouse Condominium Subdivision	n/a	n/a	n/a	n/a	n/a	Sec. 7.2.4.
2. Residential Subdivision Requirements						
Affordable Workforce Housing						Div. 6.3.
Required Workforce Affordable Housing			Housing required for maximum floor area allowed on each lot + affordable unit per 4 market units			
Schools and Parks Exaction						
Schools exaction				.020 acres per 1- or 2-family unit .015 acres per multi-family unit		
Parks exaction				9 acres per 1,000 resident		
3. Infrastructure						
Transportation Facilities						(Div. 7.6.)
Access						required
Right-of-way for Minor Local Road (min)						60'
Paved travel way for Minor Local Road (min)						20'
Required Utilities						(Div. 7.7.)
Water						public
Sewer						public
4. Required Subdivision and Development Option Permits						
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)	
Land Division						
≤ 10 Lots			X		X	
> 10 Lots		X	X		X	
Condominium/Townhouse						X

C. Allowed Uses and Use Standards

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	Individual Use (max)	Density (max)	Parking (min) (Div. 6.2.)	<u>Affordable Workforce Housing Units-Employee Housing</u> (min) (Div. 6.3.)
Residential Uses					
Attached Single-Family Unit (6.1.4.B.)	B	8,000 sf habitable excluding basement	n/a	1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	$\frac{0.000017 * \text{sf} + (\text{Exp}(-14.17 + 1.59 * \text{Ln}(\text{sf})))}{2.414}$ n/a
Apartment (6.1.4.D.)	B				
Dormitory (6.1.4.F.)	C	n/a	n/a	0.25/bed	exempt n/a
Group Home (6.1.4.G.)	C	n/a	n/a	0.5/bed	exempt n/a
Live-Work Unit (6.1.4.H.)	B	750 sf min, 2,000 sf max habitable	n/a	1.5 /DU or 1.5/1,000 sf	[Use to be deleted by P17-077] n/a
Commercial Uses					
Office (6.1.6.B.)	B	n/a	n/a	2.47/1,000 sf	$0.000655 * \text{sf} - 14 \text{ sf} / 1,000 \text{ sf}$
Retail (6.1.6.C.) (E.3.)	B	2,000 sf excluding basement storage	E.3.	exempt	$0.000573 * \text{sf} - 156 \text{ sf} / 1,000 \text{ sf}$
Service (6.1.6.D.) (E.3.)	B		E.3.	exempt	$0.000573 * \text{sf} - 56 \text{ sf} / 1,000 \text{ sf}$
Institutional Uses					
Assembly (6.1.8.B.)	C	n/a	n/a	independent calculation	$0.000698 * \text{sf}$ exempt
Day Care/Education (6.1.8.C.)	B	n/a	n/a	independent calculation	$0.000698 * \text{sf}$ exempt
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	n/a	n/a	0.75/employee + 0.75/stored vehicle	$0.000326 * \text{sf}$ independent calculation
Wireless Communications Facilities (6.1.10.D.)					
Minor	B	n/a	n/a	0.75/employee + 0.75/stored vehicle	$0.000326 * \text{sf}$ independent calculation
Accessory Uses					
Accessory Residential Unit (6.1.11.B.)	B	n/a	n/a	1/DU	exempt n/a
Home Occupation (6.1.11.D.)	B	n/a	n/a	n/a	exempt
Family Home Daycare (6.1.11.F.)	B	n/a	n/a	0.75/employee + 0.75 off-street pick-up/drop-off	exempt

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

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

D. Development Options and Subdivision

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

1. Allowed Subdivision and Development Options						
Option	BSA (min)	Lot Size (min)	Density (max)	LSR (min)	FAR (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	7,500 sf	n/a	determined by physical development		Sec. 7.2.3.
Townhouse Condominium Subdivision	n/a	n/a	n/a	n/a	n/a	Sec. 7.2.4.
2. Residential Subdivision Requirements						
Affordable Workforce Housing						Div. 6.3.
Required Workforce Affordable Housing			Housing required for maximum floor area allowed on each lot + affordable unit per 4 market units			
Schools and Parks Exaction						
Schools exaction				.020 acres per 1- or 2-family unit .015 acres per multi-family unit		
Parks exaction				9 acres per 1,000 resident		
3. Infrastructure						
Transportation Facilities						(Div. 7.6.)
Access						required
Right-of-way for Minor Local Road (min)						60'
Paved travel way for Minor Local Road (min)						20'
Required Utilities						(Div. 7.7.)
Water						public
Sewer						public

Div. 2.3. Complete Neighborhood Legacy Zones

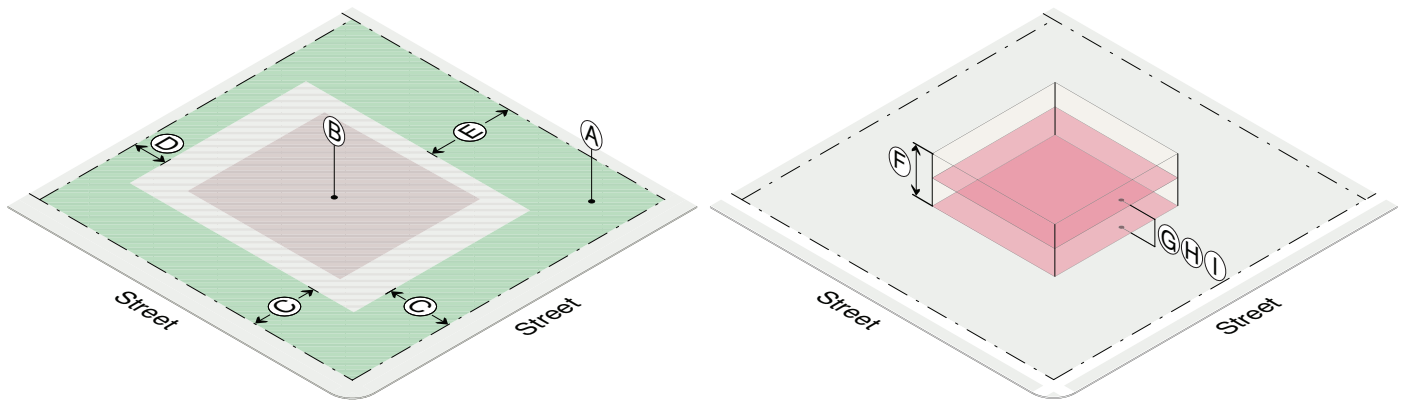
2.3.1. Town Square (TS) (P17-052 1/4/17, Ord. 1159)

A. Intent

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

B. Physical Development

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



1. Structure Location and Mass

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

Exceptions

FAR. A 25% increase in FAR is allowed provided the increased floor area is devoted to on-site permanently affordable **workforce** housing (deed restricted) ~~and/or employee housing~~.

Side/Rear yard residential projections. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard

Rear yard setback for nonresidential uses. Minimum rear setback of 22 feet on the ground level with the exception of structural elements supporting the upper floor.

Detached Accessory Structure Separation. 10'

C. Allowed Uses and Use Standards

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.) (E.2.)	<u>Affordable Workforce Housing Units Employee Housing Area</u> (min) (Div. 6.3.)
Lodging					
Conventional Lodging (6.1.5.B.)	C(LO)	0 sf	n/a	0.75/LU + 1 per 150 sf assembly area	<u>0.204*bedrooms-47-sf/1,000-sf</u>
Short-term Rental Unit (6.1.5.C.)	C(LO)	0 sf	n/a	1.5/1,000 sf, max 2	<u>0.204*bedrooms-n/a</u>
Commercial Uses					
Office (6.1.6.B.)	B	0 sf	n/a	1.65/1,000 sf	<u>0.000655*sf-14-sf/1,000-sf</u>
Retail (6.1.6.C.)	B	0 sf	n/a	2.25/1,000 sf	<u>0.000573*sf-156-sf/1,000-sf</u>
Service (6.1.6.D.)	B	0 sf	n/a	1.5/1,000 sf	<u>0.000573*sf-56-sf/1,000-sf</u>
Restaurant/Bar (6.1.6.E.)	B	0 sf	n/a	1/110 sf dining area + 1/60 sf bar area	<u>0.001589*sf-378-sf/1,000-sf</u>
Amusement/Recreation					
Amusement (6.1.7.B.)	C	0 sf	n/a	1/60 sf seating area or independent calculation	<u>0.000573*sf independent calculation</u>
Transportation/Infrastructure					
Wireless Communications Facilities (6.1.10.D.)				0.5/employee + 0.5/stored vehicle	<u>0.000326*sf independent calculation</u>
Minor	B	0 sf	n/a		
Accessory Uses					
Accessory Residential Unit (6.1.11.B.)	B	0 sf	n/a	1.25/DU	<u>exempt-n/a</u>
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	<u>exempt-n/a</u>

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

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

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

D. Development Options and Subdivision

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

1. Allowed Subdivision and Development Options								
Option	BSA (min)	Lot Size (min)	Density (max)	OSR (min)	LSR (min)	FAR (max)	Lot Coverage (max)	Option Standards
Allowed Subdivision Options								
Land Division	n/a	5,000 sf	n/a	n/a		determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	n/a		determined by physical development		(Sec. 7.2.4.)
2. Residential Subdivision Requirements								
Affordable <u>Workforce</u> Housing							(Div. 6.3.; Div. 7.4.)	
Required Affordable <u>Workforce</u> Housing		<u>Housing required for maximum floor area allowed on each lot</u> <u>1 affordable unit per 4 market units</u>						
Schools and Parks Exaction							(Div. 7.5.)	
Schools exaction					.020 acres per 1- or 2-family unit .015 acres per multi-family unit			
Parks exaction					9 acres per 1,000 resident			
3. Infrastructure								
Transportation Facilities							(Div. 7.6.)	
Access					required			
Right-of-way for Minor Local Road (min)					60'			
Paved travel way for Minor Local Road (min)					20'			
Required Utilities							(Div. 7.7.)	
Water					public			
Sewer					public			

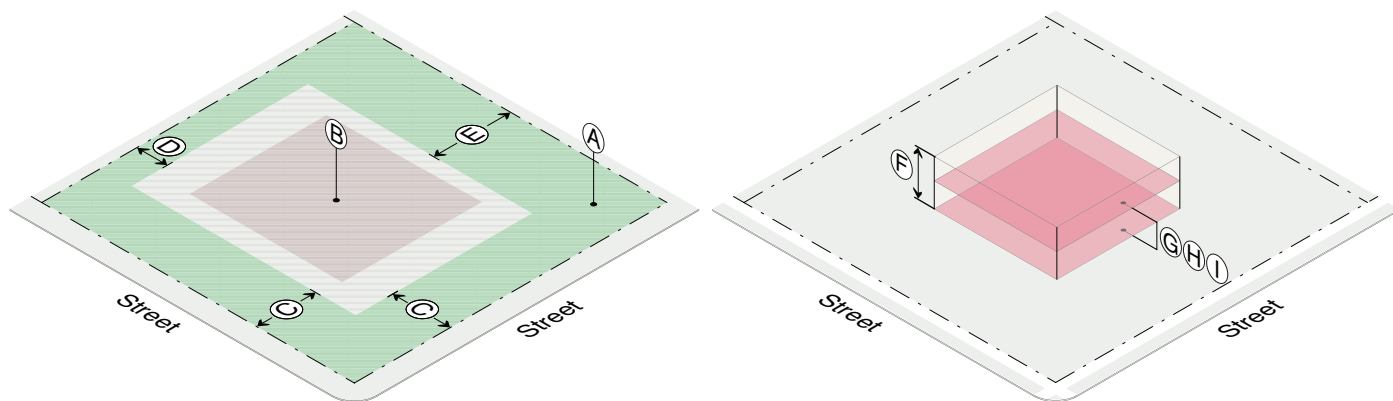
2.3.2. Urban Commercial (UC) (P17-052 1/4/17, Ord. 1159)

A. Intent

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

B. Physical Development

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



1. Structure Location and Mass

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

Exceptions

FAR. A 25% increase in FAR is allowed, provided the increased floor area is devoted to on-site permanently affordable workforce housing (deed restricted) ~~and/or employee housing~~.

Side/Rear Yard Residential Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard.

Rear yard for nonresidential uses. Minimum rear setback of 22 feet on the ground level with the exception of structural elements supporting the upper floor.

Detached Accessory Structure Separation. 10'

C. Allowed Uses and Use Standards

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.) (E.5.)	Affordable Workforce Housing Units-Employee Housing Area (min) (Div. 6.3.)
Residential Uses					
Detached Single-Family Unit (<u>6.1.4.B.</u>)	Y	0 sf	n/a	1.5/1,000 sf, max 2	$\frac{0.000017 * sf + (Exp(-15.49 + 1.59 * Ln(sf)))}{2.414}$ n/a
Attached Single-Family Unit (<u>6.1.4.C.</u>) (<u>E.2.</u>)	B	0 sf	n/a	1.5/1,000 sf, max 2	$\frac{0.000017 * sf + (Exp(-14.17 + 1.59 * Ln(sf)))}{2.414}$ n/a
Apartment (<u>6.1.4.D.</u>) (<u>E.2.</u>)	B	0 sf	n/a	1.5/1,000 sf, max 2	$\frac{0.000017 * sf + (Exp(-14.17 + 1.59 * Ln(sf)))}{2.414}$ n/a
Dormitory (<u>6.1.4.F.</u>)	C	0 sf	35 rooms per acre	1/bed	exempt n/a
Group Home (<u>6.1.4.G.</u>)	C	0 sf	35 rooms per acre	0.5/bed	exempt n/a
Lodging					
Conventional Lodging (<u>6.1.5.B.</u>)	B(LO)	0 sf	n/a	0.75/LU + 1 per 150 sf assembly area	$0.204 * bedrooms - 47 \text{ sf} / 1,000 \text{ sf}$
Short-term Rental Unit (<u>6.1.5.C.</u>)	B(LO)	0 sf	n/a	1.5/1,000 sf, max 2	$0.204 * bedrooms$ n/a
Commercial Uses					
Office (<u>6.1.6.B.</u>)	B	0 sf	n/a	1.65/1,000 sf	$0.000655 * sf - 14 \text{ sf} / 1,000 \text{ sf}$
Retail (<u>6.1.6.C.</u>)	B	0 sf	n/a	2.25/1,000 sf	$0.000573 * sf - 156 \text{ sf} / 1,000 \text{ sf}$
Service (<u>6.1.6.D.</u>)	B	0 sf	n/a	1.5/1,000 sf	$0.000573 * sf - 56 \text{ sf} / 1,000 \text{ sf}$
Restaurant/Bar (<u>6.1.6.E.</u>)	B	0 sf	n/a	1/110 sf dining area + 1/60 sf bar area	$0.001589 * sf - 378 \text{ sf} / 1,000 \text{ sf}$
Amusement/Recreation					
Amusement (<u>6.1.7.B.</u>)	C	0 sf	n/a	1/60 sf seating area or independent calculation	$0.000573 * sf$ independent calculation
Developed Recreation (<u>6.1.7.D.</u>)	B	0 sf	n/a	2.25/1,000 s	independent calculation
Outfitter/Tour Operator (<u>6.1.7.E.</u>)	C	0 sf	n/a	independent calculation	independent calculation

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.) (E.5.)	Affordable Workforce Housing Units-Employee Housing-Area (min) (Div. 6.3.)
Institutional Uses					
Assembly (6.1.8.B.)	C	0 sf	n/a	independent calculation	0.000698*sف exempt
Day Care/Education (6.1.8.C.)	B	0 sf	n/a	independent calculation	0.000698*sف exempt
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	0 sf	n/a	0.5/employee + 0.5/stored vehicle	0.000326*sف independent calculation
Wireless Communications Facilities (6.1.10.D.)					
Minor	B	0 sf	n/a	0.5/employee + 0.5/stored vehicle	0.000326*sف independent calculation
Accessory Uses					
Accessory Residential Unit (6.1.11.B.)	B	0 sf	n/a	1.25/DU	exempt n/a
Bed and Breakfast (6.1.11.C.)	B(LO)	0 sf	n/a	0.75/LU	0.204*bedrooms-47 sf/1,000-sف
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Home Business (6.1.11.E.)	B	0 sf	n/a	0.5 per employee	exempt
Family Home Daycare (6.1.11.F.)	B	0 sf	n/a	0.5/employee + 0.5 off-street pick-up/drop-off	exempt
Home Daycare Center (6.1.11.G.)	B	0 sf	n/a	0.5/employee + 1 off-street pick-up/drop-off	exempt
Drive-in Facility (6.1.11.H.)	B	0 sf	n/a	n/a	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 sf	n/a	0.5/1,000 sf outdoor display area + 0.5/employee	exempt
Temporary Shelter (6.1.12.D.)	Y		1 unit per lot	1.5/1,000 sf, max 2	exempt
Farm Stand (6.1.12.E.)	B	0 sf	n/a	2.5/1,000 sf display area	exempt
Temporary Gravel Extraction & Processing (6.1.12.F.)	B	0 sf	n/a	0.5/employee	exempt

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

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

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

D. Development Options and Subdivision

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

1. Allowed Subdivision and Development Options								
Option	BSA (min)	Lot Size (min)	Density (max)	OSR (min)	LSR (min)	FAR (max)	Lot Coverage (max)	Option Standards
Allowed Subdivision Options								
Land Division	n/a	5,000 sf	n/a	n/a	determined by physical development			(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	n/a	determined by physical development			(Sec. 7.2.4.)
Allowed Development Options								
Urban Cluster Development (UCD)	15,000 sf	n/a	23.5 du/ac	.20	n/a	.65	n/a	(Sec. 7.1.3.)
Planned Unit Development (PUD-ToJ)	15,000 sf	n/a	n/a	n/a	.30	.65	.5	(Sec. 4.4.2.)
2. Residential Subdivision Requirements								
Affordable <u>Workforce</u> Housing								(Div. 6.3. Div. 7.4.)
Required Affordable <u>Workforce</u> Housing			<u>Housing required for maximum floor area allowed on each lot</u> <u>+ affordable unit per 4 market units</u>					
Schools and Parks Exaction								(Div. 7.5.)
Schools exaction						.020 acres per 1- or 2-family unit .015 acres per multi-family unit		
Parks exaction						9 acres per 1,000 resident		

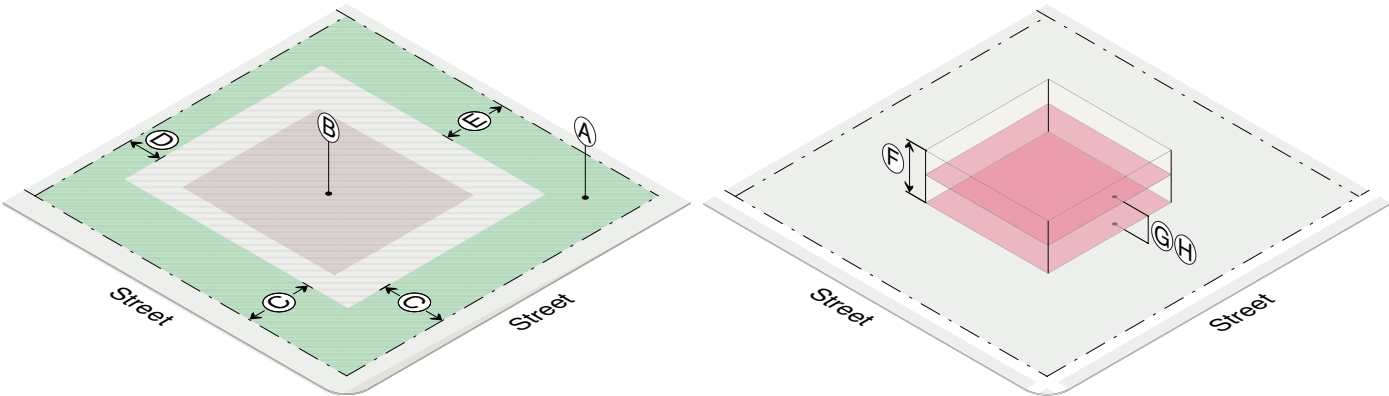
2.3.10. Business Park-Town (BP-ToJ) (P17-052 3/22/17, Ord. 1170)

A. Intent

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

B. Physical Development

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



1. Structure Location and Mass								
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	LSR (min)	Lot Coverage (max)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	Stories (max)	FAR (max)
Live-work unit	.15	n/a	20'	10'	20'	35'	2	.40
Other principal use	.15	n/a	20'	10'	20'	35'	2	.41
Accessory use	See standards for primary use with which associated							
Exceptions								
Street/Side Yard - U.S. Highway 26-89-189-191. No structure shall be located within 20 feet of the highway right-of-way of U.S. Highway 26-89-189-191. The design, development, and operation of the proposed building or structure shall minimize or mitigate adverse effect, including visual impact of the proposed building or structure on adjacent properties.								
FAR. A 25% increase in FAR is allowed in all nonresidential zones, provided the increased floor area is devoted to on-site permanently affordable <u>workforce</u> housing (deed restricted)-and/or employee housing.								
Detached Accessory Structure Separation. 10'								

C. Allowed Uses and Use Standards

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.) (E.1.)	Affordable Workforce Housing Units Employee Housing Floor Area (min) (Div. 6.3.)
Open Space					
Outdoor Recreation (6.1.3.C.)	C	0 sf	n/a	independent calculation	independent calculation
Residential					
Live-Work Unit (6.1.4.H.)	C	0 sf	n/a	1.5 /DU or 1.5/1,000 sf	[Use to be deleted by P17-077] n/a
Commercial					
Heavy Retail/Service (6.1.6.F.)	B	0 sf	n/a	2/1,000 sf + 3/repair bay + 1/wash bay	0.000573*s f + 16 s f/1,000 s f
Mini-Storage Warehouse (6.1.6.G.)	B	0 sf	n/a	1/10 storage units + 1/employee	0.000326*s f independent calculation
Nursery (6.1.6.H.)	C	0 sf	n/a	2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee	0.000573*s f independent calculation
Amusement/Recreation					
Developed Recreation (6.1.7.D.)	C	0 sf	n/a	4.5/1,000 sf	independent calculation
Outfitter/Tour Operator (6.1.7.E.)	C	0 sf	n/a	independent calculation	independent calculation
Adult Entertainment Business (6.1.7.F.)	C	0 sf	n/a	1/30 sf seating area	0.000573*s f independent calculation
Institutional					
Assembly (6.1.8.B.)	C	0 sf	n/a	independent calculation	0.000698*s f exempt
Daycare/Education (6.1.8.C.)	C	0 sf	n/a	independent calculation	0.000698*s f exempt
Industrial					
Light Industry (6.1.9.B.)	B	0 sf	n/a	1/1,000 sf + 1/company vehicle	0.000326*s f + 8 s f/1,000 s f
Heavy Industry (6.1.9.C.)	C	0 sf	n/a	2/1,000 sf + 1/company vehicle	0.000326*s f + 8 s f/1,000 s f
Disposal (6.1.9.D.)	C	0 sf	n/a	1/employee	0.000326*s f + 8 s f/1,000 s f

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.) (E.1.)	<u>Affordable Workforce Housing Units-Employee-Housing Floor-Area</u> (min) (Div. 6.3.)
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	0 sf	n/a	1/employee + 1/stored vehicle	<u>0.000326*sف</u> independent calculation
Wireless Communications Facilities (6.1.10.D.)					
Minor	B	0 sf	n/a	1/employee + 1 per stored vehicle	<u>0.000326*sف</u> independent calculation
Major	C	0 sf	n/a		
Heliport (6.1.10.E.)	C	0 sf	n/a	7/daily aircraft movement	<u>0.000326*sف</u> independent calculation
Accessory Uses					
Accessory Residential Unit (6.1.11.B.)	C	0 sf	n/a	1.25/DU	exempt-n/a
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Family Home Daycare (6.1.11.F.)	B	0 sf	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	0 sf	n/a	1/employee + 2 off-street pick-up/drop-off	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 sf	n/a	1/1,000 sf outdoor display area + 1/employee	exempt
Real Estate Sales Office (6.1.12.C.)	B	0 sf	n/a	3.3/1,000 sf	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

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

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

D. Development Options and Subdivision

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

1. Allowed Subdivision and Development Options								
Option	BSA (min)	Lot Size (min)	Density (max)	OSR (min)	LSR (min)	FAR (max)	Lot Coverage (max)	Option Standards
Allowed Subdivision Options								
Land Division	n/a	10,000 sf	n/a	n/a		determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	n/a		determined by physical development		(Sec. 7.2.4.)
2. Residential Subdivision Requirements								
Affordable Workforce Housing							(Div. 6.3. Div. 7.4.)	
Required Affordable Workforce Housing			Housing required for maximum floor area allowed on each lot 1 affordable unit per 4 market units					
Schools and Parks Exaction							(Div. 7.5.)	
Schools exaction						.020 acres per 1- or 2-family unit .015 acres per multi-family unit		
Parks exaction						9 acres per 1,000 resident		
3. Infrastructure								
Transportation Facilities							(Div. 7.6.)	
Access (E.3.a.)							required	
Right-of-way for Minor Local Road (min)							60'	
Paved travel way for Minor Local Road (min)							20'	
Required Utilities							(Div. 7.7.)	
Water							public	
Sewer							public	
4. Required Subdivision and Development Option Permits								
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)		Development Plan (Sec. 8.3.2.)		Development Option Plan (Sec. 8.5.2.)		Subdivision Plat (Sec. 8.5.3.)
Land Division								
≤ 10 Lots				X				X
> 10 Lots		X		X				X
Condominium/Townhouse							X	

Article 3. Rural Area Zones

Div. 3.1. All Rural Area Zones (1/1/15, Ord. 1074)	3-2
Div. 3.2. Rural Area Character Zones (1/1/15, Ord. 1074).....	3-2
Div. 3.3. Rural Area Legacy Zones.....	3-3
3.3.1. Rural Residential-Town (R-ToJ) (P17-0521 <u>4/17</u> , Ord. 1160)	3-3

C. Allowed Uses and Use Standards

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	<u>Affordable Workforce Housing Units- Employee Housing Floor-Area (min) (Div. 6.3.)</u>
Open Space					
Agriculture (<u>6.1.3.B.</u>)	B	0 ac	n/a	n/a	exempt
Outdoor Recreation (<u>6.1.3.C.</u>)	C	0 ac	n/a	independent calculation	independent calculation
Residential					
Detached Single-Family Unit (<u>6.1.4.B.</u>)	Y	0 ac	1 unit per lot	2/DU	$\frac{0.000017 * sf + (Exp(-15.49 + 1.59 * Ln(sf)))}{2.414}$ n/a
Dormitory (<u>6.1.4.F.</u>)	C	0 ac	7 rooms per acre	1/bed	exempt n/a
Group Home (<u>6.1.4.G.</u>) (<u>E.3.</u>)	C	0 ac	7 rooms per acre	0.5/bed	exempt n/a
Commercial					
Nursery (<u>6.1.6.H.</u>)	C	0 ac.	n/a	2 per 1,000 sf + 1 per 4,000 sf outdoor display area + 1 per employee	$0.000573 * sf$ independent calculation
Institutional					
Assembly (<u>6.1.8.B.</u>)	C	0 ac	n/a	independent calculation	exempt
Transportation/Infrastructure					
Utility Facility (<u>6.1.10.C.</u>)	C	0 ac	n/a	1/employee + 1/stored vehicle	$0.000326 * sf$ independent calculation
Wireless Communications Facilities (<u>6.1.10.D.</u>)					
Minor	B	0 sf	n/a	1/employee + 1 per stored vehicle	$0.000326 * sf$ independent calculation
Accessory Uses					
Accessory Residential Unit (<u>6.1.11.B.</u> , <u>E.5.</u>)	B	0 sf	1 unit per lot	1/bedroom	exempt
Home Occupation (<u>6.1.11.D.</u>)	B	0 ac	n/a	n/a	exempt
Home Business (<u>6.1.11.E.</u>)	C	0 ac	n/a	1/employee	exempt
Family Home Daycare (<u>6.1.11.F.</u>)	B	--	n/a	1/employee + 1 off-street pick-up/drop-off	exempt

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

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

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

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

D. Development Options and Subdivision

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

1. Allowed Subdivision and Development Options								
Option	Site Area (min)	Lot Size (min)	Density (max)	OSR (min)	LSR (min)	FAR (max)	Lot Coverage (max)	Option Standards
Allowed Subdivision Options								
Land Division	n/a	12,000 sf	n/a	n/a		determined by physical development		(Sec. 7.2.3.)
2. Residential Subdivision Requirements								
Affordable Workforce Housing							(Div. 6.3, Div. 7.4.)	
Required Affordable Workforce Housing			Housing required for maximum floor area allowed on each lot 1 affordable unit per 4 market units					
Schools and Parks Exaction							(Div. 7.5.)	
Schools exaction						.020 acres per 1- or 2-family unit .015 acres per multi-family unit		
Parks exaction						9 acres per 1,000 resident		
3. Infrastructure								
Transportation Facilities							(Div. 7.6.)	
Access							required	
Right-of-way for Minor Local Road (min)							60'	
Paved travel way for Minor Local Road (min)							20'	
Required Utilities							(Div. 7.7.)	
Water							public	
Sewer							public	
4. Required Subdivision and Development Option Permits								
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)			
Land Division								
≤ 10 Lots				X	X			
> 10 Lots		X		X	X			
Condominium/Townhouse							X	

Article 4. Special Purpose Zones

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

C. Use Standards

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units Employees Required to be Housed (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	Y	0 sf	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	0 sf	n/a	independent calculation	exempt
Residential					
Dormitory (6.1.4.F.)	C	0 sf	n/a	1/bed	exempt
Group Home (6.1.4.G.)	C	0 sf	n/a	0.5/bed	exempt
Commercial					
Office (6.1.6.B.)	C	0 sf	n/a	3.3/1,000 sf	exempt
Service (6.1.6.D.)	C	0 sf	n/a	3/1,000 sf	exempt
Heavy Retail/Service (6.1.6.F.)	C	0 sf	n/a	2/1,000 sf + 3/repair bay + 1/wash bay	exempt
Mini-Storage Warehouse (6.1.6.G.)	C	0 sf	n/a	1/10 storage units + 1/employee	exempt
Amusement/Recreation					
Developed Recreation (6.1.7.D.)	C	0 sf	n/a	4.5/1,000 sf	exempt

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units Employees Required to be Housed (min) (Div. 6.3.)
Institutional					
Assembly (6.1.8.B.)	C	0 sf	n/a	independent calculation	exempt
Daycare/Education (6.1.8.C.)	C	0 sf	n/a	independent calculation	exempt
Industrial					
Light Industry (6.1.9.B.)	C	0 sf	n/a	1/1,000 sf + 1/company vehicle	exempt
Heavy Industry (6.1.9.C.)	C	0 sf	n/a	2/1,000 sf	exempt
Disposal (6.1.9.D.)	C	0 sf	n/a	1/employee	exempt
Transportation/Infrastructure					
Parking (6.1.10.B.)	C	0 sf	n/a	n/a	exempt
Utility Facility (6.1.10.C.)	C	0 sf	n/a	1/employee + 1/stored vehicle	exempt
Wireless Communications Facilities (6.1.10.D.)					
Minor	B	0 sf	n/a	1/employee + 1 per stored vehicle	exempt
Major	C	0 sf	n/a		
Heliport (6.1.10.E.)	C	0 sf	n/a	7/daily aircraft movement	exempt
Accessory Uses					
Accessory Residential Unit (6.1.11.B.)	B	0 sf	n/a	1.25/DU	exempt
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Home Daycare Center (6.1.11.G.)	B	0 sf	n/a	1/employee + 2 off-street pick-up/drop-off	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 sf	n/a	1/1,000 sf outdoor display area + 1/employee	exempt
Farm Stand (6.1.12.E.)	B	0 sf	n/a	5/1,000 sf display area	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

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

3. Maximum Scale of Use

not applicable

4. Nuisance Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Max sound level at property line	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)

D. Development Options

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

1. Allowed Subdivision and Development Options							
Option	BSA (min)	Lot Size (min)	Density (max)	OSR (min)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options							
Land Division	n/a	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.4.)
2. Residential Subdivision Requirements							
Affordable <u>Workforce</u> Housing						(Div. 6.3. Div. 7.4.)	
Required Affordable <u>Workforce</u> Housing				<u>exempt 1 affordable unit per 4 market units</u>			
Schools and Parks Exactions						(Div. 7.5.)	
Schools exaction					0.02 acres per 1- or 2-family unit 0.015 acres per multi-family unit		
Parks exaction					9 acres per 1,000 residents		
3. Infrastructure							
Transportation Facilities						(Div. 7.6.)	
Access						required	
Required Utilities						(Div. 7.7.)	
Water				Connection to public supply required			
Sewer				Connection to public supply required			

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

C. Use Standards

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units-Employees Required to be Housed (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	Y	0 sf	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	0 sf	n/a	independent calculation	independent calculation-exempt
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	0 sf	n/a	1/employee + 1/stored vehicle	0.000326*sف independent calculation
Wireless Communications Facilities (6.1.10.D.)					
Minor	B	0 sf	n/a	1/employee + 1 per stored vehicle	0.000326*sف independent calculation
Major	C	0 sf	n/a		
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 sf	n/a	1/1,000 sf outdoor display area + 1/employee	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

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

3. Maximum Scale of Use

not applicable

4. Nuisance Standards**Outside Storage** (Sec. 6.4.1.)**Refuse and Recycling** (Sec. 6.4.2.)

Trash and recycling enclosure required >4 DUs and all nonresidential

Noise (Sec. 6.4.3.)

Max sound level at property line 65 DBA

Vibration (Sec. 6.4.4.)**Electrical Disturbances** (Sec. 6.4.5.)**Fire and Explosive Hazards** (Sec. 6.4.6.)**D. Development Options**

Standards applicable to development options and subdivision in the P-ToJ zone are provided or referenced below.

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

1. Allowed Subdivision and Development Options

Option	BSA (min)	Lot Size (min)	Density (max)	OSR (min)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options							
Land Division	n/a	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	n/a	determined by physical development		Sec. 7.2.4.

2. Residential Subdivision Requirements**Affordable [Workforce](#) Housing** (~~Div. 6.3.~~ [Div. 7.4.](#))Required Affordable [Workforce](#) Housing [Housing required for maximum floor area allowed on each lot](#)
~~1 affordable unit per 4 market units~~**Schools and Parks Exactions** (Div. 7.5.)Schools exaction 0.02 acres per 1- or 2-family unit
0.015 acres per multi-family unit

Parks exaction 9 acres per 1,000 residents

3. Infrastructure**Transportation Facilities** (Div. 7.6.)

Access required

Required Utilities (Div. 7.7.)

Water Connection to public supply required

Sewer Connection to public supply required

B. Applicability

Only those lands described below shall be eligible for Planned Resort zoning. The intent is that a limited number of PR Districts be created and only in locations that are consistent with the Jackson/Teton County Comprehensive Plan.

1. **Snow King Ski and Summer Resort.** For the purposes of this Division, this area shall be known as "Snow King Resort" and shall encompass the property described in Sec. 4.3.2.
2. **Teton Village.** The Teton Village Resort Zone is comprised of 2 Planned Unit Developments (PUDs) known as Teton Village I and Teton Village II. For the purposes of this Division, this area in its entirety shall be known as "Teton Village" and shall encompass the property described in Sec. 4.3.3. and Sec. 4.3.4.
3. **Jackson Hole Golf and Tennis Club.** For the purposes of this Division, this area shall be known as "Golf and Tennis" and shall encompass the property described in Sec. 4.3.5.
4. **Snake River Canyon Ranch.** For the purposes of this Division, this area, formerly known as Astoria Mineral Hot Springs, shall be known as "Snake River Canyon Ranch" and shall encompass the property described in Sec. 4.3.6.
5. **Grand Targhee.** For the purposes of this Section, this area shall be known as "Grand Targhee" and shall encompass the property described in Sec. 4.3.7.

C. Legislative Act

Each Planned Resort Zone is subject to the legislative authority of the Town Council and to the findings and procedural standards outlined in Sec. 8.7.3. An approved Planned Resort master plan shall establish the development standards for that Planned Resort Zone.

D. Findings for Approval

A Planned Resort master plan shall be approved only if all of the following findings are made.

1. **Consistency with Comprehensive Plan.** The Planned Resort master plan is consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan.
2. **Consistency with Purpose and Intent.** The Planned Resort master plan is substantially consistent with the purpose and intent of this Section, as set forth in 4.3.1.A.
3. **Affordable ~~Workforce and Employee~~ Housing.** The Planned Resort master plan ensures a supply of affordable ~~workforce and employee~~ housing that is in accordance with the requirements for housing created by development within the Planned Resort.

6. **Housing Element.** The Planned Resort master plan shall have a housing element to ensure a supply of affordable ~~workforce-and-employee~~ housing that is commensurate to the demand for housing created by development within the Planned Resort.

- a. ~~Affordable Housing.~~ ~~Affordable housing shall be provided in conjunction with residential development pursuant to Div. 7.4., of these LDRs.~~
- b. ~~Employee Housing.~~ ~~Employee-Affordable workforce~~ housing shall be provided ~~in conjunction with nonresidential development~~ pursuant to Div. 6.3.
 - i. **Employee Housing Calculations.** Since development of a Planned Resort may span time periods over which numbers of employees and their salaries may fluctuate, the calculations performed in developing a Housing Mitigation Plan shall use data current for the most recent full year prior to application for Planned Resort master plan.
 - ii. **Master Plan Estimate.** The ~~number of employees amount of housing~~ required ~~to be housed~~ and the locations where ~~it-they~~ will be ~~provided-housed~~, as presented in the Planned Resort master plan, shall be treated as an estimate/concept, and shall be finalized by the Planning Director as ~~Final~~-Development Plans within the Planned Resort are reviewed and acted upon. Each approved ~~Final~~-Development Plan shall establish the actual ~~amount and location of required housing-number of employees-required to be housed and the locations in which they will-be housed~~ for that portion of the Planned Resort master plan.

7. **Design Element.** The Planned Resort master plan shall include design guidelines, and a mechanism for their implementation, that establish design parameters for both buildings and spaces in the Planned Resort. The design theme of the resort shall be defined by the applicant and be consistent with the standards of this Section. This Subsection establishes concepts that the design guidelines shall address; the design guidelines shall be evaluated as to whether or not they address these concepts, as well as character objectives for specific resorts set forth in Sec. 4.3.2.-Sec. 4.3.7. The design guidelines shall be prepared by an architect or landscape architect licensed in the State of Wyoming; preparation by a person or persons of similar expertise may be permitted by the Planning Director.

- a. **General.** There shall be visual continuity among the resort structures and design elements without unduly limiting variety in design. Development shall be compatible with the surrounding built and natural environment in both scale and character. The design theme of the Planned Resort shall have an emphasis on outdoor recreational activities and create a sense of place. A sense of place is created when site planning and architecture:
 - i. concentrate activities and human interaction into identifiable spaces, such as a plaza or mall;

- d. **Relationship of Phasing to Overall Resort Plan.** Phasing shall implement the stated purpose of the Planned Resort master plan, i.e., if a destination ski area is the basis for the resort plan, the ski area facilities should not be the last increment of development. Similarly, open space dedications, amenities, and required performances that mitigate the impacts of the resort shall be developed or provided in proportion to the type and amount of development in each phase.
 - e. **Performance Objectives.** The Town shall establish performance objectives as part of the Planned Resort master plan approval that ensure that development within the Planned Resort achieves the required mitigation of projected impacts on the community. The resort developers shall be responsible for ensuring that proposed mitigation measures are effective. For example, the resort approval may require vehicle trip reduction techniques in order to avoid undesired vehicle trips; performance objectives shall be identified and incorporated into a monitoring program, described below.
 - f. **Monitoring Program.** A program for monitoring compliance with performance objectives for each phase of development shall be designed in a collaborative effort between the applicant(s) and the Town, and shall be set forth in the Planned Resort master plan approval. The monitoring program shall be implemented by the applicant, or an entity that equitably represents all landowners within the Planned Resort, and will include monitoring of TDM components, ~~affordable workforce-employee~~ housing developments, and other such elements as identified by the Town Council.
 - i. **Program Contents.** The monitoring program shall specify data collection needs, responsibility for data collection, techniques to be used in analyzing data, how the data shall be used to determine achievement of performance objectives, and the schedule for reporting to the Town the results of the monitoring effort.
 - ii. **Program Results.** Representatives of the landowners within the Planned Resort shall have 3 reporting opportunities to demonstrate achievement of performance objectives. If, by the third scheduled report, the resort has been unable to meet any specified performance objective, the Planned Resort master plan may be subject to reconsideration pursuant to E.8.d.
 - g. **Achievement of Performance Objectives.** Approval of future final development plans may be delayed until the performance objectives of the previous phases are met or a strategy for achieving them has been approved by the Town Council.
12. **Community Services Element (Optional).** Resorts function as integral parts of the community by participating in civic initiatives and implementing the goals of the community. The optional community services element is intended to be a component of the Planned Resort master plan in which the benefits that the resort area provides to the community are acknowledged. Landowners within Planned Resorts are encouraged to continue with, and expand upon, programs

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- ii. minimize conflicts between agricultural operations and neighboring developments by encouraging protection of large, contiguous blocks of open space; and
 - iii. to preserve agricultural open space which is crucial to the wildlife, scenic and community values of Teton County, as outlined in the Comprehensive Plan.
- b. **Active.** Agricultural land shall be actively farmed or ranched.
- c. **Ancillary retail prohibited.** Retail sale of agricultural products on-site is prohibited unless permitted as a separate use.
- d. **Exemptions.** The following exemptions apply to agricultural uses:
- i. **Regulation Exemptions.** Agricultural uses are exempt from certain provisions of the regulations listed below. Refer to the referenced LDR section for specifics of the exemption.
 - a). Grading, Erosion Control, and Stormwater except on natural slopes of 25% or greater (Sec. 5.7.2. - Sec. 5.7.4.)
 - b). ~~Affordable Workforce-Employee~~ Housing Requirements (Div. 6.3.Sec. 6.3.7.)
 - ii. **Permit Exemptions.** Agricultural uses are exempt from obtaining the following permits. However, exemption from the requirement to obtain a permit does not grant exemption from any regulations. See subsection 6.1.3.B.2.d.i., above for applicable regulation exemptions.
 - a). Grading Permits except on natural slopes of 25% or greater (Sec. 5.7.1.)

C. Outdoor Recreation

1. **Definition.** Outdoor recreation is the use of land for passive or active recreational or athletic purposes that requires minimal permanent physical development relative to the open space.
 - a. **Includes:**
 - i. parks
 - ii. arboretums
 - iii. athletic fields not in stadiums
 - iv. equestrian centers
 - v. nordic ski trails
 - vi. downhill ski areas
 - vii. outdoor receptions (4 or more events per year, excluding non-profit events)

2. Establishment of Lodging Overlay (LO)

There is hereby established the Lodging Overlay (LO) which, in areas where it applies, shall overlay all other base zones established by these LDRs.

- a. **Findings.** As a resort and residential community, a balance must be maintained between the amount of lodging available to visitors and concomitant visitor and resident services. The balance between these uses is necessary if the community is to retain its resident population and its attraction to visitors.
- b. **Purpose.** The purpose of the LO is to provide lands which are appropriate for lodging uses, and to ensure that a balance is maintained between the amount of lodging uses and other visitor and resident-oriented uses and services.
- c. **Location.** The LO shall apply to lands as identified on the Official Zoning Map.
- d. **Existing Lodging Uses Outside the LO.** Notwithstanding the floor area limitations in Div. 1.9. and the zone in which it exists, an existing lodging use outside the LO shall be permitted to expand a maximum of 10% in gross floor area for the purpose of adding amenities or support facilities. The additions shall not add lodging rooms. This 10% limitation applies cumulatively to all additions since November 9, 1994.

B. Conventional Lodging

1. **Definition.** Conventional lodging is any lodging use other than those specifically defined elsewhere in this Section.
 - a. **Includes:**
 - i. hotels
 - ii. motels
 - iii. convention centers with lodging facilities
 - b. **Does Not Include:**
 - i. short-term rental unit
 - ii. campgrounds
 - iii. bed and breakfasts
 - iv. dude/guest ranches

C. Short-term Rental Unit

1. **Definition.** Short-term rental means the rental of all or a portion of a residential unit such that occupancy is limited to less than 31 days.

2. Standards

- a. No residential unit or portion of a residential unit may be rented so as to limit occupancy to less than 31 days unless permitted for short-term rental.
- b. Developments that have been approved for short-term rentals of less than 31 days prior to November 9, 1994 will be allowed to continue such rentals in accordance with Div. 1.9. or in accordance with the PUD approval, whichever is applicable.
- c. A short-term rental unit shall be subject to the stricter of the two standards when residential and nonresidential standards would apply.

EXAMPLE: A short-term rental unit is subject to ~~lodging-residential~~ affordable workforce housing requirements rather than ~~nonresidential~~ ~~affordable workforce-employee~~ housing requirements.

6.1.6. Commercial Uses (1/4/17, Ord. 1163)

A. All Commercial Uses

1. **Definition.** A commercial use is the sale of goods or services.

B. Office

1. **Definition.** Office use is a professional service or other activity customarily provided in an office environment where appointments are scheduled.
 - a. **Includes:**
 - i. legal, accounting, investment, and financial services
 - ii. medical, dental, and other health services
 - iii. engineering, architectural, and other design services
 - iv. counseling and social services
 - v. insurance and real estate
 - vi. broadcast studios for television and radio
 - vii. administrative and sales offices for business, industry, and government, provided that only administrative, bookkeeping, and clerical types of activities are conducted on site.
2. **Establishment of Office Overlay.**
 - a. **Establishment.** There is hereby established the Office Overlay (OF) which, in areas where it applies, shall allow office uses.
 - b. **Location.** The Office Overlay shall apply to lands as identified on the Official Zoning Map.

3. Standards

- a. **Zone Specific Standards Also Apply.** In addition to the standards of this subsection, applicable standards for an ARU may also be found in Subsection C and/or E for the Section of the Zone in which the ARU is located.
- b. **Occupancy.** The occupancy of an ARU shall be restricted to persons that meet one of the following standards:
 - i. The occupants shall be employed within Teton County, in accordance with the Jackson/Teton County Housing Rules and Regulations; or
 - ii. The occupants shall be members of the same family occupying the principal dwelling unit, such as parents or adult children; or
 - iii. The occupants shall be intermittent, nonpaying guests of the family occupying the primary Detached Single-Family Unit.
- c. ~~Use as Required Housing Primary Use Is Not Residential. An~~ accessory residential units may be ~~utilized~~ ~~counted~~ to satisfy ~~the any~~ requirements set forth in Div. 6.3. ~~so long as it complies with the standards of Div. 6.3.~~

C. Bed and Breakfast

1. **Definition.** A bed and breakfast is a residential unit in which bedrooms are rented as lodging units.
2. **Primary Uses:**
 - a. Detached single-family unit
3. **Standards**
 - a. A bed and breakfast shall have no more than 4 lodging units (bedrooms).
 - b. A bed and breakfast shall average no more than 8 persons per night during any 30 day period.
 - c. No more than 2 family style meals may be provided per 24 hour period. The meals shall be for the guests of the bed and breakfast only.
 - d. The owner or manager shall reside in the dwelling unit.

D. Home Occupation

1. **Definition.** A home occupation is an accessory nonresidential use conducted entirely within a residential unit or on-site structure accessory to the residential unit. The intent of a home occupation is to give small, local businesses a place to start. Home occupations are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home occupations.

1. **Administrative Adjustment.** The Planning Director may establish a lesser parking requirement pursuant to the procedure of Sec. 8.8.1, based on information from reliable sources that demonstrates a lesser standard is workable due to anticipated parking demand and alternative transportation services available.
2. **Change of Use.** An applicant for a change of use shall only be required to additionally provide the difference between the parking requirement of the existing use and proposed use, regardless of the actual parking that exists.

B. Shared Parking

If two or more uses occupy a site or structure, the required parking, queuing and loading shall be the additive total for each individual use unless the Planning Director determines uses are compatible for sharing parking based on the following standards.

1. **Residential and Nonresidential Uses.** A percentage of the parking spaces required for nonresidential uses may be considered shared with on-site residential uses in accordance with the table below, and the extent to which:
 - a. The residential use provides on-site ~~affordable workforce-employee~~ housing; and
 - b. The location and design of the development enhances the shared parking function.

Percentage of Nonresidential Parking Spaces that May Be Shared		
Nonresidential Use	Affordable Workforce Affordable/Employee Housing or ARU	Other Residential Use
Retail	100%	25%
Office	100%	75%
Restaurant/Bar	100%	20%
Service	100%	25%
All Industrial Uses	100%	75%
Other nonresidential uses	100%	20%

2. **Other Compatible Uses.** Notwithstanding the standard percentages established in the table above, reductions in total parking requirements between and among any uses may be granted in one or more of the following circumstances:
 - a. When it is intended that patrons frequent more than one use in a single trip (example: lodging and restaurant)
 - b. When operating hours are substantially different (example: movie theater and office)
 - c. When peak trip generation characteristics are substantially different (example: lodging and retail)

Div. 6.3. Affordable Workforce Housing Standards- Employee Housing Requirements

6.3.1. Purpose and Findings (P17-052)

A. Purpose

The purpose of these affordable workforce housing standards is to ensure that affordable workforce housing is provided to the local workforce by new physical development, use, development options, and subdivision proportionate with the need for affordable workforce housing they create.

B. Legislative Findings

In adopting this Section, the Town Council finds:

1. A local workforce is a defining feature of community character. 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 the presence of 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. Maintenance of a local workforce is key to a balanced and sustainable local economy and resilient level of critical service provision.
2. Supply of local workforce housing is limited by affordability. One of the primary factors that historically allowed this special community character in Teton County and the Town of Jackson is that, until the mid-1990s, the cost of housing was affordable to those persons living and working in the community. Beginning in the mid-1980s, a significant second home market emerged in Jackson Hole. These home buyers came from different parts of the country and had substantially higher incomes than the local workforce. They have contributed to a dramatic increase in land and construction costs in the community, resulting in a substantial increase in the price of housing. This increase in housing prices, when coupled with a slight increase or static local workforce wages (accounting for inflation), has made market-rate housing unaffordable to most of the local workforce, forcing many to move outside the community. Review of state and national census and other wage and labor data demonstrate this trend.
 - a. In 1986, median sales prices of homes (\$90,000) in Teton County and the Town of Jackson were on target with the affordable housing price for a median income household (\$90,667). From that point in time forward, housing prices have increased so that they no longer align with what is affordable to median income households.
 - b. By 2000, the median sales price (\$565,000) was nearly three times the price that was affordable to a median income household (\$196,333).
 - c. In 2007, the median sales price (\$1,075,000) was approximately four times the price affordable to a median income household (\$270,000).

- d. While the Great Recession had an impact on housing prices, even during the downturn housing was never affordable to most of the workforce. In 2012, the median sales price of housing (\$853,150) was more than 2.6 times the price that is affordable to a median income household (\$320,667).
 - e. By 2016, the affordability gap had returned to pre-Great Recession levels with the median sales price (\$1,130,000) at 3.95 times the price that is affordable to a median income household (\$286,000).
3. As a result, the percentage of the workforce living locally has declined. This phenomenon has resulted in a number of persons employed in the community and their families being forced to move outside the community, to places like Teton County, Idaho and Lincoln County, Wyoming. Estimates indicate that in 1986 approximately 91% of the workforce lived locally. In 1995 this number had decreased to approximately 80%. By 2005 it was 68%. By 2015, it was estimated only 58% of the workforce resided locally.
4. The decline in the local workforce has resulted in a deterioration of community character. This decline in the percentage of the workforce living locally has resulted in an impairment of the social, economic, and political fabric of the community, along with the community's character. Estimates indicate this problem will continue to worsen in the future, unless additional housing is provided within price and rental ranges that are affordable to the workforce. More specifically:
- a. A local workforce household is more likely to reinvest socially, civically, and economically in the community. As a greater percentage of the workforce commutes, their children no longer attend schools in the community, they no longer worship in the community, and they no longer express their ideas at the ballot box.
 - b. A local workforce results in a more balanced and sustainable local economy and resilient provision of critical services. As the community becomes more reliant on commuters it also becomes more susceptible to weather events that adversely impact the local economy and the provision of critical community services.
 - c. A local workforce also results in a healthier ecosystem. A commuter workforce generates more traffic than a local workforce, which results in greater impact to wildlife and the environment in general.
 - d. The lack of affordable workforce housing opportunities will result in the loss of generational continuity. If there are few housing opportunities available that are affordable to the workforce, there is little chance children who grow up in the community can raise their own families in the community, and continue to support and participate in the civic and social life of the community which they have been a part of their entire lives.

5. As a result the community set a workforce housing goal. To address the impacts from this loss of the local workforce, in 2012 Teton County and the Town of Jackson set a goal In the Jackson/Teton County Comprehensive Plan to ensure a variety of workforce housing opportunities exist in the community so that at least 65% of those employed locally live locally.
6. To implement this goal, development must provide mitigation for the need for affordable workforce housing it creates. To assist in the implementation of this goal, these standards require new physical development, use, development options, and subdivision to provide affordable workforce housing proportionate to the need it creates.
7. For these reasons, these affordable workforce housing standards, are hereby adopted by the Town Council.

C. Technical support

The technical support and analysis upon which these affordable workforce housing standards are established is based upon The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, which is incorporated herein by reference.

D. Authority

The Town Council of the Town of Jackson has the authority to adopt these affordable workforce housing standards in accordance with Article 13, Section 1 of the Wyoming Constitution, and Section 15-1-601, et. seq., Wyoming Statutes, and such other authorities and provisions that are established in the statutory and common law of the State of Wyoming.

6.3.2. Applicability (P17-052)

These affordable workforce housing standards apply to any employee generating development, unless exempted below.

A. Approved Unbuilt Development

1. Approval prior to February 21, 1995. Employee generating development approved prior to February 21, 1995 which has not yet been developed shall also be subject to this Division upon submittal of any required application to complete the development.
2. Substantial amendment to prior approval. In addition, this Division shall apply to all employee generating development not completed under an existing approval when that existing approval is substantially amended, regardless of whether the amendment applies to the entire uncompleted portion of the approval, and regardless of the approved Housing Mitigation Plan (or Housing Mitigation Agreement). A substantial amendment is any amendment that would increase the amount of affordable workforce housing required.

EXAMPLE: A Sketch Plan was approved for a three building development and included a Housing Mitigation Plan. Only one building has been built, and only the required housing associated with the built building has been provided. An amendment to the Sketch Plan is proposed to increase the size of one of the unbuilt buildings. The amount of affordable workforce housing required to approve the amendment would be equal to the current requirement for both unbuilt buildings.

B. Exemptions

The following are exempt from the standards of this Division.

1. Existing. An existing physical development or use, and maintenance or alteration of an existing physical development or use.
2. Prior approval. Approved employee generating development with an approved Mitigation Plan that is completed pursuant to the approval.
3. Replacement. Replacement of an existing physical development, use, development option, or subdivision within 12 months, except for:
 - a. Any expansion of the existing physical development, use, development option, or subdivision; or
 - b. Replacement of an existing residential use for which housing mitigation has not been provided.

EXAMPLE: An existing apartment building built prior to 1995 is being razed to build a new apartment building. Because the apartment building being razed did not provide any affordable housing mitigation when it was built, the new apartment building would be subject to this Division as though the apartment building being razed did not exist.

4. Affordable workforce housing unit. A residential unit subject to a deed restriction administered by the Housing Department, Jackson Hole Community Housing Trust, or Habitat for Humanity of the Greater Teton Area. (This exemption shall not apply to an occupancy restriction as defined in the Housing Department Rules and Regulations.)
5. Agriculture. An agriculture use (6.1.3.B).
6. Mobile home. A mobile home (6.1.4.E) or mobile home park (7.1.4).
7. Dormitory. A dormitory (6.1.4.F).
8. Group home. A group home (6.1.4.G).
9. Accessory use. An accessory use (6.1.11), except for a Bed and Breakfast (6.1.11.C).
10. Workforce housing incentive. A residential unit approved pursuant to Div. 7.8, whether deed restricted or not.

6.3.3. Amount of Affordable Workforce Housing Required (P17-052)

11. Non-Single-Family Subdivision. Land division in the DC, CR-1, CR-2, CR-3, OR, TS, UC, BP, NH-1, NM-2, NM-1, P, and P/SP zones.
12. Public/semi-public zone. Physical development, use, development option, or subdivision in the public/semi-public zone.

6.3.3. Amount of Affordable Workforce Housing Required (P17-052)

A. Requirement

Any employee generating development to which this Division applies shall provide at least the amount of affordable workforce housing determined by the following calculations. The calculations vary by the use being proposed and are the function of the size of the proposal. The calculations are based on the analysis found in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, and assume an affordable workforce housing unit houses 1.8 local employees.

Required Affordable Workforce Housing	
Use	Affordable Workforce Housing Units Required
<u>Detached Single-Family Unit (6.1.4.B)</u> <u>(Non-Local Occupancy, A.8)</u>	$0.000017 * sf + (Exp(-15.49 + 1.59 * Ln(sf))) / 2.414$
<u>Detached Single-Family Unit (6.1.4.B)</u> <u>(Local Occupancy, A.8)</u>	$0.000017 * sf + (Exp(-16.14 + 1.59 * Ln(sf))) / 2.414$
<u>Attached Single-Family Unit (6.1.4.C),</u> <u>Apartment (6.1.4.D)</u> <u>(Non-Local Occupancy, A.8)</u>	$0.000017 * sf + (Exp(-14.17 + 1.59 * Ln(sf))) / 2.414$
<u>Attached Single-Family Unit (6.1.4.C),</u> <u>Apartment (6.1.4.D)</u> <u>(Local Occupancy, A.8)</u>	$0.000017 * sf + (Exp(-14.82 + 1.59 * Ln(sf))) / 2.414$
<u>Conventional Lodging (6.1.5.B),</u> <u>Short-Term Rental Unit (6.1.5.C)</u>	$0.204 * room$
<u>Office (6.1.6.B)</u>	$0.000655 * sf$
<u>Retail (6.1.6.C), Service (6.1.6.D), Heavy</u> <u>Retail/Service (6.1.6.F), Nursery (6.1.6.H),</u> <u>Amusement (6.1.7.B)</u>	$0.000573 * sf$
<u>Restaurant/Bar (6.1.6.E)</u>	$0.001589 * sf$
<u>Industrial Uses (6.1.9), Transportation/</u> <u>Infrastructure Uses (6.1.10), Mini-Storage</u> <u>Warehouse (6.1.6.G)</u>	$0.000326 * sf$
<u>Institutional Uses (6.1.8)</u>	$0.000698 * sf$

1. Schedule and calculator available. A schedule of the requirement for employee generating development of various sizes and a calculator to use in determining the requirement are both available in the Administrative Manual. The residential requirement is a logarithmic equation because there is an exponential relationship between the size of a unit and the number of operations and maintenance employees generated.

2. Use not listed. For uses not listed, the Planning Director shall either find a use comparable to the proposed employee generating development and utilize the comparable calculation, or require the applicant to conduct an independent calculation pursuant to 6.3.3.B to determine the requirement.
3. Expansion. In the case of an expansion to an existing physical development, use, development option, or subdivision, the amount of affordable workforce housing required shall be calculated based only on the expansion.
4. Change of Use. In the case of a change of use, the amount of affordable workforce housing required shall be the difference between the requirement for the proposed use and the requirement for the existing use. An existing use shall not have been discontinued for longer than 12 months.
5. Estimating use or size. Where the use or size of the proposal is unknown, the following estimates shall be used:
 - a. Platting vacant single family-lots. For subdivision in the R, NL-1, NL-2, NL-3, and NL-4 zones, the maximum habitable floor area allowed above ground on each lot proposed shall be used to calculate the amount of affordable workforce housing required at the time of subdivision. If additional habitable floor area is proposed at the time of building permit, the additional affordable workforce housing mitigation as required by this Section shall be required at that time.
 - b. Unknown use. For the development of floor area with an unknown use, the allowed use in the zoning district with the greatest need for affordable workforce housing shall be used, except that use of a Restaurant/Bar use shall only be required in association with a Restaurant/Bar use permit.
6. Sf. In the calculations “sf” is equal to the habitable floor area (in square feet), including basement, of each residential, lodging, or nonresidential unit.
 - a. The calculation for a multi-unit building shall be the sum of the calculation for each unit.
 - b. Common hallways, entryways, stairways, and other circulation areas in buildings with multiple residential or nonresidential units, that are not within any individual unit, shall not be included in the calculation.
 - c. Other square footage used for commercial activity that are not habitable floor area, such as outdoor seating and sales areas, shall be included in the calculation.
7. Room. In the calculations “room” is equal to a single lodging room. In the case of a conventional lodging or short-term rental with multiple bedrooms per unit, the number of rooms used in the calculation shall be the number of bedrooms, not the number of units.
8. Local occupancy restriction. The requirement for non-local occupancy shall be applied to all residential uses. In order to utilize the local occupancy calculation, an occupancy restriction as defined in the Housing Department Rules and

Regulations shall be placed on the unit. (Placement of an affordable restriction or workforce restriction, as defined in the Housing Department Rules and Regulations, shall exempt the unit from any requirement pursuant to 6.3.2.B.4.) In order to remove such a restriction, the affordable workforce housing required on the date of the removal shall be provided. In the case of removal of an occupancy restriction the affordable workforce housing requirement shall be calculated as a change of use from local to non-local occupancy.

9. Update requirement regularly. The determination of need for affordable workforce housing shall be evaluated and updated at least every five years to account for changes in the economic and demographic trends in the community. Updates shall be based on update to The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.

B. Independent Calculation

Where applicable, an independent calculation shall establish the amount of affordable workforce housing required.

1. Applicability

- a. Applicant option. An applicant may elect to prepare an independent calculation of the required affordable workforce housing if the applicant believes the nature, timing, or location of the proposed employee generating development is likely to create less need for affordable workforce housing than otherwise required in this Section.
- b. Unspecified use. The Planning Director may require an independent calculation of the need created for required affordable workforce housing if:
 - i. A calculation for the proposed use is not established in Sec. 6.3.3.A; or
 - ii. A proposed use does not rely on floor area; or
 - iii. The Planning Director finds the employee generating development to be unique from the general circumstances surveyed in The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.

2. Calculation Methodology. An independent calculation shall use the methodology used in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013) to generate the calculations in 6.3.3.A. That methodology is represented by the following equation:

$$\text{Requirement (units per sf/room)} = [A/30/X*Y] + [B/X*Y] + [C/X*Y] + [D/W*Y]$$

- a. A = the number of construction workers needed to construct one sf/room of the use.

- b. B = the post-construction workers needed to operate one sf/room of the use. In the case of residential development these are the operations and maintenance employees such as landscapers, trash collectors, and property managers. In the case of nonresidential development these are the employees who work at the use.
 - c. C = the number of fire and emergency medical personnel needed to serve one sf/room of the use.
 - d. D = the number of law enforcement personnel needed to serve one sf/room of the use.
 - e. 30 = the 30 year average career of a construction worker.
 - f. X = the average number of workers in the household of an employee in a specific industry.
 - g. Y = the percentage of workers in a specific industry that cannot afford market housing.
3. Calculation Values. The values in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, shall be used in the independent calculation except pursuant to the following standards.
- a. Values that may be altered. In equation for independent calculation an alternate value shall only be used for A, B, or C.
 - b. Alternate values. The alternate value proposed shall be calculated using:
 - i. Generally recognized principles and methods of impact analysis; and
 - ii. Verifiable local information and data.

6.3.4. Type of Affordable Workforce Housing Required (P17-052)

The affordable workforce housing units required by this Division shall comply with the following requirements to ensure their affordability and livability.

A. Unit types allowed.

A required affordable workforce housing unit shall be a detached single-family unit (6.1.4.B), attached single-family unit (6.1.4.C), apartment (6.1.4.D), or accessory residential unit (6.1.11.B). No other residential or lodging unit type shall be required affordable workforce housing.

B. Affordability.

- 1. Restriction. Each affordable workforce housing unit shall be subject to one of the following restrictions.
 - a. Less than 50% of Median Income. An affordable rental restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making 50% of family median income or less.

- b. 50%-80% of Median Income. An affordable rental restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making above 50% up to 80% of family median income.
 - c. 80%-120% of Median Income. An affordable rental or affordable ownership restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making above 80% up to 120% of family median income.
 - d. 120%-200% of Median Income. A workforce rental or workforce ownership restriction, as defined in the Housing Department Rules and Regulations, for households making above 120% up to 200% of family median income.
2. Allocation of restrictions. The above restrictions shall be allocated to the required units in the following order. For requirements above 8 units the order of allocation shall repeat. A fractional requirement shall be the last allocated.

<u>Allocation of Affordability Restrictions</u>				
<u>Units Required</u>	<u>< 50%</u>	<u>50% - 80%</u>	<u>80% - 120%</u>	<u>120% - 200%</u>
<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>
<u>2</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>0</u>
<u>3</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>0</u>
<u>4</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>0</u>
<u>5</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>0</u>
<u>6</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>0</u>
<u>7</u>	<u>3</u>	<u>2</u>	<u>2</u>	<u>0</u>
<u>8</u>	<u>3</u>	<u>2</u>	<u>2</u>	<u>1</u>

- a. The Housing Director may adjust the restriction allocation in accordance with the procedure of Sec. 8.8.1 and the following standards.
 - i. The adjustment shall not reduce the required number of units.
 - ii. The restriction allocation shall meet the following distribution.

<u>Distribution of Affordability Restrictions</u>	
<u>Affordability Restriction</u>	<u>% of Required Units</u>
<u>< 50%</u>	<u>At least 34%</u>
<u>50% - 80%</u>	<u>At least 27%</u>
<u>80% -120%</u>	<u>No more than 23%</u>
<u>120% - 200%</u>	<u>No more than 15%</u>

3. Allocation of restrictions by unit size. To the maximum extent practicable the allocation of restrictions shall be evenly distributed across all unit sizes.

C. Unit Size - Allocation of bedrooms per unit.

The size of the required units, in number of bedrooms, shall be determined in the following order. For requirements above 4 units the order of allocation shall repeat. A fractional requirement shall be the last allocated.

<u>Allocation of Number of Bedrooms</u>			
<u>Units Required</u>	<u>1 Bedroom or Studio</u>	<u>2 Bedroom</u>	<u>3 Bedroom</u>
<u>1</u>	<u>0</u>	<u>1</u>	<u>0</u>
<u>2</u>	<u>0</u>	<u>2</u>	<u>0</u>
<u>3</u>	<u>0</u>	<u>2</u>	<u>1</u>
<u>4</u>	<u>1</u>	<u>2</u>	<u>1</u>
<u>*Assumed Employees per Unit</u>	<u>1.45</u>	<u>1.85</u>	<u>2.1</u>

1. Administrative Adjustment. The Housing Director may adjust the bedroom allocation in accordance with the procedure of Sec. 8.8.1 and the following standards.
 - a. The adjustment shall not reduce the required number of units.
 - b. The maximum number of bedrooms in any unit shall be 3.
 - c. The bedroom mix shall serve the needs of the local workforce.
 - d. The bedroom allocation shall provide housing for a total number of workers equal to the required number of units times 1.8 workers per unit. The number of workers housed through the proposed bedroom allocation shall be calculated using the employees per unit assumed in the above table.

D. Required components of livability.

Each required affordable workforce housing unit shall include, at a minimum the following components of livability as they are defined in the Housing Department Rules and Regulations.

1. A fully equipped kitchen;
2. A fully equipped bathroom;
3. An area for living;
4. An area for sleeping; and
5. An area for storage.

E. Compliance with Rules and Regulations.

Each required affordable workforce housing unit shall comply with the Housing Department Rules and Regulations.

6.3.5. Method for Providing Required Affordable Workforce Housing (P17-052)

1. The Jackson/Teton County Affordable Housing Department ("Housing Department") is responsible for administration of any affordable workforce housing units established in accordance with this Division, as well as other affordable workforce housing units it is directed to administer by the Town Council.
2. To assist in the administration of this Division, the Housing Department is authorized to establish the Jackson/Teton County Housing Department Rules and Regulations, which shall authorize the Housing Department to:
 - a. Manage and oversee all affordable workforce housing units.
 - b. Determine the structure and design of the units.
 - c. Determine the building materials to be used for the units.
 - d. Administer the marketing of the units.
 - e. Establish rules for qualifying renters and buyers, and administer selection of renters and buyers.
 - f. Establish rules for and monitor the units to ensure applicants, renters, and sellers comply with the requirements of this Division and the Rules and Regulations. The Rules and Regulations shall also include rules addressing:
 - i. Renter and buyer non-compliance, which may include but is not limited to requirements for disqualification and prosecution for fraud.
 - ii. Seller non-compliance (for initial or subsequent sales), which may include but is not limited to issuance of an affidavit affecting title and prosecution for fraud.
 - iii. Housing Department reimbursement by the renter, seller, or applicant, for any attorney's fees and other costs associated with the Department's compliance enforcement.

6.3.5. Method for Providing Required Affordable Workforce Housing (P17-052)

A. Standards Applicable to All Methods

Regardless of the method used to provide the affordable workforce housing required, each required affordable workforce housing unit provided shall comply with the following standards.

1. **Type.** Each required affordable workforce housing unit shall meet the standards of Section 6.3.4, as well as all other standards of these LDRs and the Housing Department Rules and Regulations.
2. **Location.** Each required unit shall be located in the Town of Jackson or in Teton County east of the Tetons, and shall be in an area determined suitable for affordable workforce housing.

3. Deed Restriction. To ensure compliance with the standards of this Division, the property of each affordable workforce housing unit and the property of the employee generating development shall both be subject to a deed restriction, in perpetuity, and a Housing Mitigation Agreement. More specifically:
 - a. Deed restriction. The property of the affordable workforce housing unit and the property of the employee generating development shall be subject to a deed restriction in a form established and approved by the Housing Department, and included in the Rules and Regulations.
 - b. Housing Mitigation Agreement. The property of the affordable workforce housing unit and the property of the employee generating development shall also be subject to a Housing Mitigation Agreement which shall be recorded against the property of the employee generating development in a form acceptable to the Town Attorney.

B. Preferred Methods.

Each employee generating development subject to the requirements of this Division shall provide the required affordable workforce housing by one or a combination of the methods identified below, in order of priority. Alternate methods shall not be proposed.

1. Construction of required affordable workforce housing on the site of the employee generating development, or off-site.
2. Conveyance of land for affordable workforce housing.
3. Utilization of a banked affordable workforce housing unit.
4. Restriction of an existing residential unit as an affordable workforce housing unit.
5. Payment of an in-lieu fee.

C. Priority Method Impracticable

A required affordable workforce housing unit shall be provided through the highest priority method practicable. A lower priority method may be used upon making one of the following findings for each higher priority method.

1. Less than one unit. An in-lieu fee may be paid for an affordable workforce housing requirement of less than one unit.
2. On-site provision impractical. On-site provision of the required workforce housing:
 - a. Is inconsistent with the Comprehensive Plan or LDRs; or
 - b. Does not comply with other Town, County, State, or Federal laws; or
 - c. Is unreasonable due to lack of infrastructure, inappropriate soils, or other site conditions.

3. Off-site methods not reasonably available. A good faith effort to provide the required affordable workforce housing units off-site, is unsuccessful due to infrastructure, regulatory (either Town, County, State or Federal), or other site constraints of the land, or due to the price at which the land was available for sale. Conditions relevant to these constraints include but are not limited to factors like:
 - a. No off-site options are for sale that would support affordable workforce housing units at an economically feasible density to provide the amount of affordable workforce housing units required.
 - b. The inability to provide the needed infrastructure (e.g., roads, water supply, sewage disposal, telephone, electricity and gas) for the development of available off-site locations.

D. Standards Applicable to Specific Methods

In addition to the standards applicable to all methods, the following shall also apply to the specific method used for the provision of affordable workforce housing.

1. Construction. Construction of required affordable workforce housing units shall comply with the following standards.
 - a. Timing. Unless an alternate phasing plan is established in the Housing Mitigation Agreement, each required affordable housing unit shall be reviewed and constructed pursuant to the following standards. If an alternate phasing plan is established, the Housing Mitigation Agreement shall include financial assurances that the construction will occur.
 - i. Each required affordable workforce housing unit constructed shall receive a certificate of occupancy prior to the granting of the applicable certificate of occupancy, use permit, or subdivision plat for the employee generating development.
 - ii. If the employee generating development is approved for phases, the required affordable workforce housing units shall be constructed in proportion to the phases of the employee generating development. The phasing plan shall be established in the Housing Mitigation Agreement. The phasing plan shall require a recalculation of the amount of affordable workforce housing required at each phase.
 - iii. The application to construct the affordable workforce housing shall be sufficient in order for an application for development plan, use permit, or building permit for employee generating development to be determined sufficient.
 - iv. The approval process for the employee generating development shall occur concurrent with the approval process of the required affordable workforce housing development.

EXAMPLE: An employee generating development proposes off-site required affordable workforce housing of a scale that requires a development plan. The development plan for the employee generating development shall not be approved until the development plan for the required affordable workforce housing is approved.

2. Conveyance of Land. Conveyance of land for affordable workforce housing shall comply with the following standards.
 - a. Acceptance. Land conveyed shall only be approved and accepted at the discretion of the Town Council, regardless of the decision maker on approval of the employee generating development that is providing the mitigation.
 - b. Timing. Land conveyance shall occur concurrently with approval of the development plan, use permit, or building permit, whichever occurs first, unless a different time of conveyance is established in the Housing Mitigation Agreement. If a different time is established, the Housing Mitigation Agreement shall include financial assurances that land conveyance will occur.
 - c. Amount. Land conveyed shall be in an amount that allows for economically feasible construction of at least the amount of affordable workforce housing units required under the zoning applicable to the land, at the time of conveyance. The value of the land conveyed shall also be at least equal to the in-lieu fee that would be required.
 - d. Confirmation of fair market value. The fair market value of the land conveyed shall be confirmed at the time of conveyance. Fair market value shall be net of any customary real estate commission for the sale of land.
 - e. Clear title. Land conveyed shall have clear title, physical and legal access, and be free of any liens.
 - f. Onsite Infrastructure. Land conveyed shall be fully ready for development and ready for construction, with roads, water supply, sewage disposal, telephone, electricity and gas (if available), and other basic services in place to the property line of the land, as applicable. If this cannot be demonstrated, the applicant shall post a bond in accordance with Section 8.2.11, to complete the improvements. (In no event shall the bonded improvements be completed more than one year after the date of conveyance of the land to the Town.)
 - g. Suitability. Where there is concern about the suitability of soils or other site conditions to support affordable workforce housing, a soils report and/or other reports shall be prepared by an engineer or other consultant deemed qualified by the Town Council, at the applicant's expense, stipulating the land is suitable for the type of construction contemplated, stating any special construction techniques necessary for its development.

h. Use of conveyed land.

- i. Land conveyed shall be used for the development of affordable workforce housing units, and when accepted by the Town Council shall be conveyed to the Jackson/Teton County Housing Authority for that purpose.
- ii. Where it is determined by the Board of County Commissioners and Town Council that the goals of providing affordable workforce housing will be better met through sale of the conveyed land, the conveyed land may be sold by the Jackson/Teton County Housing Authority.
- iii. Proceeds from the sale of conveyed land shall be placed in the interest-bearing Affordable Workforce Housing Account. Proceeds from the sale of conveyed land, and any interest accrued from the sale, shall be used for development of affordable workforce housing that meets the standards of this Division, within a reasonable period of time after deposit into the account.

3. Banked units.

- a. Banking of a unit. A voluntarily restricted affordable workforce housing unit may be banked if it complies with the following standards.
 - i. The voluntarily restricted unit shall not be tied to any requirement in these LDRs.
 - ii. The deed restriction shall be approved by the Housing Department.
 - iii. The deed restriction shall identify the unit as a banked unit and require re-recording of the restriction to associate the unit with the employee generating development that utilizes the banked unit.
 - iv. The unit shall be banked for a maximum of 20 years.
- b. Utilization of a banked unit. Utilization of a banked unit to fulfill an affordable workforce housing requirement shall comply with the following.
 - i. The banked unit shall have a deed restriction that complies with Section 6.3.4. (The deed restriction on a banked unit may be amended, if approved by the Housing Department, to meet this requirement.)
 - ii. Prior to approval of the development plan, use permit, or building permit for the employee generating development, whichever comes first, the deed restriction on the banked unit shall be re-recorded to reference the employee generating development it is mitigating. At the same time, the Housing Mitigation Agreement identifying use of the banked unit shall be recorded against the property of the employee generating development.

4. Restriction of an existing unit. Restriction of an existing residential unit as an affordable workforce housing unit shall comply with the following standards.
 - a. Age and Condition. The unit shall be less than 15 years old and shall have been maintained to the standards required by the Rules and Regulations.
 - b. Timing. A restriction approved by the Housing Department shall be placed on the existing unit prior to the granting of the applicable certificate of occupancy, use permit, or subdivision plat for the employee generating development.
5. Payment of an in-lieu fee. Payment of a fee in-lieu for affordable workforce housing shall comply with the following standards.
 - a. Amount. The amount of the in-lieu fee shall be proportionate to the need created by the development as established in Sec. 6.3.3 based on the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended. The in-lieu fee amounts shall vary by affordability restriction and number of bedrooms. The current in-lieu fee amounts are included in the Administrative Manual.
 - b. Fractional amount. If a fraction of an affordable workforce housing unit is required, the same fraction of the in-lieu fee amount shall be required.
 - c. Update. The Town Council shall update the fee in-lieu amount annually by Resolution, based on the cost of developing the required affordable workforce housing and the resale value of the required workforce housing.
 - i. The cost of development shall be provided by the Housing Director based on recent past development.
 - ii. Unit sizes shall be assumed to be
 - a). 1 Bedroom/Studio: 750 sf
 - b). 2 Bedroom: 1,050 sf
 - c). 3 Bedroom: 1,350 sf
 - iii. The maximum sales and rental prices shall be as established by the Housing Department annually pursuant to the Rules and Regulations.
 - iv. The capitalization rate for rental units shall be assumed to be eight percent (8%).
 - d. Timing. The in-lieu fee shall be paid prior to the granting of the applicable certificate of occupancy, use permit, or subdivision plat for the employee generating development, whichever occurs first.
 - e. Payment. In-lieu fees collected shall be immediately deposited into the interest-bearing Affordable Workforce Housing Account.

- f. Use of Fees. In-lieu fees, and any interest accrued from in-lieu fees, shall be used for the development of affordable workforce housing that meets the standards of this Division.
- g. Refund of in-lieu fees.
 - i. Seven year limit. In-lieu fees shall be refunded upon written request by the current owner of the development for which in-lieu fees are paid, if the fees are not expended within seven years from the date the fees are paid.
 - a). Notwithstanding this provision, if the Town Council earmarks the fees for expenditure on a specific affordable workforce housing project, then the Town Council may extend the time period by up to three additional years.
 - b). In-lieu fee payments shall be deemed expended on the basis that the first payment in shall be the first payment out.
 - c). The written request shall be submitted to the Planning Director within one year from the end of the seventh year, or one year from the end of the extended refund time period.
 - ii. Expired approval or permit. An in-lieu fee required for an employee generating development for which approval has expired shall be refunded upon a written request from the current owner of the property for which the fee was paid. Such request shall be submitted to the Planning Director within three months of the date of the expiration.
 - iii. Written request. In all instances where a refund of an in-lieu fee is available, the current owner must submit proof of ownership of the property and proof of payment of the in-lieu fee.

6.3.6. Housing Mitigation Plan and Housing Mitigation Agreement (P17-052)

A. Housing Mitigation Plan

An application for physical development, use, development option, or subdivision shall demonstrate compliance with, or exemption from, this Division through a Housing Mitigation Plan.

1. Part of application. The Housing Mitigation Plan shall be a required component of a sufficient application for physical development, use, development option, or subdivision.
2. Review and decision. The decision maker on the application, for which the Housing Mitigation Plan is a part, shall review and make a decision on the Housing Mitigation Plan as part of the review of the application, except that only the Town Council can accept a proposal to convey land.

3. Contents of Mitigation Plan. The Housing Mitigation Plan shall be in the form of the Housing Mitigation Plan template provided in the Administrative Manual and include the following.
 - a. Applicability. A statement that the requirements of this Division apply, or the proposed employee generating development is exempt from this Division in accordance with Sec. 6.3.2, along with an explanation why.
 - b. Calculation of Requirement. Calculation of the amount of required affordable workforce housing created by the employee generating development in accordance with Sec. 6.3.3.
 - c. Tabulation of unit types. Demonstration how the unit types required by Sec. 6.3.4 will be provided.
 - d. Proposed method of provision. The method (or combination of methods) by which affordable workforce housing is to be provided in accordance with Sec. 6.3.5. The method of provision proposed shall include the following, as applicable.
 - i. Findings to justify that higher priority methods are impracticable (e.g., construction of affordable workforce housing units, on-site or off-set) if they are not used.
 - ii. Location of the proposed units, if applicable.
 - iii. The time by which the units or another method of mitigation will be provided.
 - iv. A completed Housing Department Deed Restriction Worksheet for each unit.
 - v. Demonstration of compliance with the standards of Subsection 6.3.5.D. for the specific method proposed.
 - vi. In the case of construction of units, the application number for the permit to construct the units.
 - vii. In the case of a conveyance of land:
 - a). A topographic and boundary survey of the land to be conveyed.
 - b). An analysis of the residential development allowed on the land by the current zoning.
 - c). Evidence that on-site infrastructure needed for development is on the site, or will be timely provided by the person conveying the land.
 - d). A title report on the land demonstrating clear title, physical and legal access, any liens, easements, and other information necessary to fully describe the legal status of the land to be conveyed.

- e). An appraisal of the fair market value of the land.
- f). Any additional information or studies determined by the Planning Director to be necessary to demonstrate compliance with Subsection 6.3.5.D.2.
- viii. In the case of restriction of an existing unit, the certificate of occupancy for the unit, and an inspection of the maintenance of the unit to the standards of the Rules and Regulations shall be completed by a qualified professional inspector.
- ix. In the case of payment of an in-lieu fee, calculation of the in-lieu fee amount.

B. Housing Mitigation Agreement

As a condition of approval of the employee generating development, the owner of the property on which the employee generating development is proposed shall enter into a Housing Mitigation Agreement with the Town. The Housing Mitigation Agreement shall include: the approved Housing Mitigation Plan; all terms and conditions of the approval of the Housing Mitigation Plan; all applicable deed restrictions; and any other provisions the decision-maker or the Housing Department deems relevant.

- 1. In signing the agreement, the applicant agrees to comply with the terms and conditions of the approved Housing Mitigation Plan and the Housing Mitigation Agreement.
- 2. The Housing Mitigation Agreement shall be recorded against the property of the employee generating development.
- 3. The Housing Mitigation Agreement shall be in a form acceptable by the Town Attorney.
- 4. The Housing Mitigation Agreement shall be amended only in accordance with its original approval.

6.3.7. ~~Town Employee Housing Standards~~ (1/4/17, Ord. 1163)

A. ~~Purpose~~

~~The purpose of this Division is to provide for a reasonable supply of affordable, attainable housing suitable for the needs of the seasonal work force in Teton County. It is the intent of this Division to set forth standards, guidelines, and requirements for such housing to be equitably provided in conjunction with nonresidential use.~~

B. ~~Applicability~~

~~The standards of this Division apply to all nonresidential uses unless exempted herein.~~

C. ~~Exemptions~~

The following uses are exempted from the standards of this Division:

1. **Redevelopment of Preexisting Uses.** Redevelopment or remodeling of a nonresidential use existing prior to December 18, 1995 is exempt from the standards of this Division, provided no additional floor area is created by the redevelopment or remodeling activity. In the event new floor area is created, only the area that existed prior to the redevelopment or remodeling shall be exempt from the standards of this Division.
2. **Change of Use.** Any change of use which would result in an employee housing requirement less than or equal to a prior use legally existing on December 18, 1995 is exempt from the provisions of this Division. In the event that a change of use results in an employee housing requirement, which is greater than that of the prior legally existing use, only the difference in the employee housing requirement is subject to being provided pursuant to this Division.
3. **Use of a Lot of Record for Which Employee Housing Standard has Already Been Met.** Any use for which the employee housing standard, pursuant to this Division, has already been met through provision of employee housing, conveyance of land, or payment of fees in lieu, is exempt from the standards of this Division.
4. **Agriculture Use.** Agriculture use is exempt from the standards of this Division.
5. **Institutional Uses.** Any institutional use is exempt from the standards of this Division.
6. **Accessory Uses.** Nonresidential accessory uses are exempt from the standards of this Division.
7. **Temporary Uses.** Temporary uses are exempt from the standards of this Division.
8. **Utility Facilities.** Utility facilities are exempt from the standards of this Division.
9. **Home Uses.** Home occupations and home businesses are exempt from the standards of this Division.
10. **P/SP Uses.** Any use in the P/SP zone is exempt from the standards of this Division.

D. Calculation of Employee Housing Requirement

The standards in the table below are the result of calculating the number of summer (peak) season employees who are in need of housing, accounting for those who may already live in the community and accounting for average wages paid by various land uses (see Seasonal Employee Housing Needs Assessment, Appendix D, Jackson/Teton County Comprehensive Plan.) The conversion from number of employees to square footage is based upon minimum dwelling unit size as established in Jackson/Teton County Housing Rules and Regulations. The employee housing standards for all nonresidential development not exempted shall be as follows:

Employee Housing Requirement	
Use	Floor Area to be Designated for Employee Housing (per 1,000 sf)
Conventional Lodging	47 sf
Office	14 sf
Retail	156 sf
Service	56 sf
Restaurant/Bar	378 sf
Heavy retail/service	16 sf
All Industrial uses	8 sf
Other Uses Not Listed	Determined by independent calculation (6.3.7.H.)

E. Method for Providing Employee Housing

One or a combination of the following methods may meet employee housing standards:

1. **On-Site Housing.** Where permitted by these LDRs, the applicant may provide employee housing on-site through mixed-use development subject to all applicable dimensional standards. This is the primary and preferred method for providing employee housing, and should be used whenever possible and wherever practicable. Accessory residential units may comprise the residential component of a mixed-use development, in whole or in part. When on-site housing is provided, any square footage requirement that would create a unit smaller than the minimum unit size is waived.
2. **Alternative Compliance Methods.** The applicant shall be required to provide employee housing using an alternative compliance method should the applicant demonstrate that on-site development of employee housing is not practical. Alternative compliance to these employee housing requirements may be achieved through any of the following methods listed by order of preference:
 - a. **Off-Site Housing.** The applicant may provide or cause to be provided, off-site conventional residential housing, either single family or multiple family, or dormitories. Applicants with obligations to provide employee housing may pool their required units with employee or affordable units from other developments to create a viable off-site housing project. The purchase or otherwise designation, assignment, or commitment of existing housing stock is not permitted for purposes of meeting the requirements of this Division.
 - b. **Payment of In-Lieu Fees.** The applicant may pay an in-lieu fee for each square foot of floor area required by this Division. The fees shall be set by resolution of the Town Council updated from time to time as necessary.

- i. **Time of Payment and Use of Funds.** ~~Payment of the in-lieu fee shall be made to the Town of Jackson prior to, and on a proportionate basis to the issuance of any building permits for the free market portion of the development. The Town shall transfer the funds to an interest bearing trust fund. The funds, and any interest accrued, shall be used only for the purposes of planning for, subsidizing or developing employee housing units.~~
- ii. **Refund of Fees.** ~~Fees collected pursuant to this Section may be returned to the then present owner of property for which a fee was paid, including any interest earned, if the fees have not been encumbered within 7 years from the date of payment, unless the Town Council shall have earmarked the funds for expenditure on a specific project, in which case the Town Council may extend the time period by up to 3 years. To obtain the refund, the present owner must submit a written request to the Planning Director within one year following the end of the 7th year from the date payment was received.~~
- iii. **Sequence of Expenditures.** ~~Fees paid pursuant to this Section are deemed to be spent or encumbered in the sequence in which they were received.~~
- iv. **Refunds for Expired Permits.** ~~Any payment for a project for which a use permit has expired due to non-commencement of the use may be refunded provided a request for refund is submitted to the Planning Director within 3 months of the date of the expiration of the building permit. All requests shall be accompanied by proof that the applicant is the current owner of the property and a copy of the dated receipt issued for payment of the fee.~~
- v. **Credit for Non-Refunded Payments.** ~~Any payments made for a use that is not realized for any reason, and for which a refund has not been requested in accordance with this Subsection, shall be retained by the Town of Jackson and a credit shall be established. Such credit runs with the land, is not transferable to other property, and may only be used against future employee housing obligations on the subject property. The Town shall maintain a record of such credit.~~

F. Employee Housing Development Standards

1. **Rent.** ~~Rents charged for any on-site residential unit produced to satisfy the standards of this Division may not exceed 30% of the seasonal employee's gross wages, in accordance with Jackson/Teton County Housing Rules and Regulations.~~
2. **Maintenance.** ~~All employee units shall be regularly maintained, and kept in a safe, sanitary, livable, and rentable condition.~~
3. **Location.** ~~Employee Housing units may be located within the Town limits.~~

4. ~~**Minimum Size.** No employee housing unit shall be less than 400 square feet. Developments that generate an employee housing requirement of less than 400 square feet may pay the fee in lieu.~~
5. ~~**Deed Restrictions.** All employee housing units shall be subject to deed restrictions to ensure long-term use and affordability to employees. All deed restrictions are subject to review and recommendation by the Jackson/Teton County Affordable Housing Department and final approval by Town Council. Such deed restriction shall be recorded prior to issuance of a certificate of occupancy for the subject property.~~

G. **Housing Mitigation Plan**

~~A housing mitigation plan shall be submitted for all uses not exempted.~~

1. ~~**Content.** The housing mitigation plan shall include the following:~~
 - a. ~~**Requirement Calculations.** Calculations determining the employee housing standard that indicate each step of the calculation, from total floor area that generates an employee housing requirement to the actual amount of floor area required to be provided.~~
 - b. ~~**Method.** The method by which housing is to be provided, in compliance with the primary method or alternative compliance methods contained in this Division.~~
 - c. ~~**Unit Descriptions.** A conceptual site plan and building floor plan (if applicable), illustrating the number of units proposed, their location, and the number of bedrooms and size (square feet) of each unit. A tabulation of this information shall also be submitted.~~
 - d. ~~**Proposed Deed Restrictions.** If employee housing units are proposed to be developed, the proposed deed restrictions that will be placed on the units to ensure the units will remain available as employee housing units.~~
 - e. ~~**Fee Calculations.** If fees in lieu are proposed, the calculations for determining the required fee amounts.~~
2. ~~**Review Process.** Review of the housing mitigation plan shall occur at the time of the initial review of the nonresidential use permit.~~
3. ~~**Review Standards.** The Town Council shall approve the housing mitigation plan if it complies with the standards of this Division, addresses the need for employee housing, and is consistent with the Jackson/Teton County Comprehensive Plan.~~

H. **Independent Calculation**

1. ~~**General.** An applicant may submit an independent calculation requesting modification to the amount of employee housing required to be provided, and/or the in-lieu fee amount.~~

2. ~~Calculation Contents.~~ Local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence that supports the proposed modification shall support the independent calculation.
3. ~~Procedure and Standards.~~ The Town Council shall review the independent calculation. If the materials and information supporting the calculation demonstrate by competent substantial evidence that there is a reasonable basis to modify the standards of this Division because of unique circumstances related to the proposed development, the Town Council may approve the independent calculation and make the appropriate modifications.

6.3.8. ~~County Employee Housing Standards~~ (1/1/15, Ord. 1074)

~~{Section number reserved; standards only apply in County}~~

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~~[Division number reserved, original Division deleted]~~

7.4.1. ~~County Residential Affordable Housing Standards~~ ~~(1/1/15, Ord. 1074)~~

~~[Section number reserved, standards only apply in County]~~

7.4.2. ~~Town Residential Affordable Housing Standards~~ ~~(5/17/17 Ord. 1174)~~

A. Findings

~~The findings contained in this Section are abstracted from Appendix D, Jackson/Teton County Comprehensive Plan which is adopted by resolution of the Jackson Town Council and the Technical Analysis: Condominium Conversions (dated September, 2008). These documents are available at the office the Jackson Town Clerk.~~

- ~~1. **Social and Economic Diversity.** The social and economic diversity of Jackson and Teton County is heavily dependent upon a reasonable supply of affordable housing.~~
- ~~2. **Economic Well-Being.** The economic vitality and well-being of the community is dependent upon a reasonable supply of affordable housing. Persons employed in visitor services, as well as persons such as teachers, medical personnel, peace officers, and providers of financial and other professional services, which are vital to the community, are dependent upon the availability of affordable housing.~~
- ~~3. **Escalation of Housing Costs.** From 1986 to 2007, the median home price in Teton County rose from 354% to 1,448% of the county-wide median annual income.~~
- ~~4. **Primary Cause.** This home price escalation is primarily caused by land and housing prices which are rising in response to a vigorous demand for the ownership of "second homes" and vacation homes by persons who have lived and worked outside of the local community.~~
- ~~5. **Need for Regulatory Action.** The Affordable Housing Needs Assessment (Appendix D) of the Jackson/Teton County Comprehensive Plan) concludes that if a reasonable supply of housing in Teton County is to remain affordable, approximately 25% of new housing must be made available at prices which are affordable to the community's citizens.~~

B. Purpose

~~The purpose of this Division is to ensure that new residential development including condominium and townhouse subdivisions in Jackson and Teton County include a reasonable supply of affordable housing to meet the needs of the community's~~

~~citizens. This Division sets forth standards for affordable housing to be provided in conjunction with market rate residential development and condominium and townhouse subdivisions. Where the provision of such housing is determined to be impractical, this Division will set forth standards for the conveyance of land or an in-lieu fee.~~

C. **Applicability**

1. **General.** ~~The standards of this Division apply to residential development options and uses unless exempted below.~~
2. **General Obligation.** ~~It is the objective of the Town of Jackson to make measurable progress toward reducing the existing deficit of affordable housing that existed on the date of adoption (12/18/95) of this Division.~~

D. **Exemptions**

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

1. **Redevelopment of Preexisting Uses.** ~~Redevelopment or remodeling of a use existing prior to December 18, 1995 is exempt from the requirements of this Division, provided no additional residential units are created by the redevelopment or remodeling activity. In the event new residential units are created, only the number of units that existed prior to the redevelopment or remodeling shall be exempt from the standards of this Division. For the purposes of this Subsection, conversion of an existing dwelling unit to a condominium or townhouse is a change in use, creates a new use that did not exist prior to the effective date of this Division and is not exempt from this Division.~~
2. **Mobile Home Park.** ~~Development of a mobile home park is exempt from the standards of this Division, provided that during its review, the Jackson Town Council makes a finding that the units to be located within the development meet the purposes of this Division and, therefore, provision of added affordable housing as a consequence of the development is not required.~~
3. **Development of Conventional Single-Family Unit on Previously Created Lot.** ~~The development of one conventional single-family unit on a legal lot of record created prior to December 18, 1995 is exempt from the requirements of this Division.~~
4. **Development on Lot of record for Which Affordable Housing Standard Has Already Been Met.** ~~Development on any lot of record for which the affordable housing standard, pursuant to this Division, has already been met via provision of affordable housing, conveyance of land, or payment of fees in-lieu, is exempt from the standards of this Division.~~
5. **Employee Housing.** ~~Development of employee housing pursuant to Div. 6.3. of these LDRs is exempt from the standards of this Division.~~
6. **Accessory Residential Unit.** ~~Development of an accessory residential unit is exempt from the standards of this Division.~~

7. ~~**Group Residential.** Development of a dormitory or group home is exempt from the standards of this Division.~~
8. ~~**Temporary Uses.** Development of a temporary use is exempt from the standards of this Division.~~
9. ~~**Affordable Housing Development.** Residential developments that are designed and administered to meet the objectives of this Division, as determined by the Jackson Town Council. This may include projects developed or sponsored by non-profit organizations that are charged to promote affordable housing and projects for which agreements have been executed that provided affordable housing or land for said purpose.~~
10. ~~**Subdivision.** The subdivision of a previously-platted residential lot into no greater than two lots shall be exempt from the standards of this Division. Further, this exemption shall only be applied on a one-time basis.~~
11. ~~**Live/Work Units.** Development of a live/work unit is exempt from the standards of this Division.~~
12. ~~**Workforce Housing Floor Area Bonus.** A unit developed pursuant to Sec. 7.8.4 of these LDRs is exempt from the standards of this Division.~~
13. ~~**Apartment Building.** An apartment building meeting the following standards is exempt from the standards of this Division:~~
 - a. ~~The apartment building shall have 20 or more units.~~
 - b. ~~No apartment in the building shall exceed the maximum habitable floor area established below, except that a 10% adjustment may be approved.~~
 - i. ~~Studio: 450 sf~~
 - ii. ~~1 bedroom: 675 sf~~
 - iii. ~~2 bedroom: 975 sf~~
 - iv. ~~3 bedroom: 1,175 sf~~
 - v. ~~Each additional bedroom: 200 sf~~
 - c. ~~By January 31 of each year following issuance of a certificate of occupancy of the building, the owner of the apartment building shall provide the Housing Director with a report containing demographic information required by the Town that can be legally obtained and shared by the owner, including but not limited to:~~
 - i. ~~Average rent charged by unit type,~~
 - ii. ~~Average number of tenants by unit type, and~~
 - iii. ~~Percentage of tenants employed in Teton County.~~

- d. ~~If any apartment in the building is approved for another use (e.g., condominiumization to attached single family use or approval of short-term rental use) this exemption shall be voided for the entire building. At the time of such approval, the standards of this Division shall be applied to all previously exempted units as though they were being newly developed.~~
- e. ~~This exemption shall expire May 15, 2022.~~

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

The affordable housing standards for all residential development including condominium and townhouse subdivisions shall be as follows:

1. **Required Affordable Housing Percentage.** Residential development and condominium or townhouse subdivisions shall consist of at least a 1:4 ratio of affordable housing to free market housing, as determined by the following formula:

~~The total number of proposed free market residential units (including units on noncontiguous lots of record), or the total number of rental units converted to condominiums or townhouses in a condominium or townhouse subdivision, whichever is applicable, multiplied by the applicable occupancy contained in the table below, shall equal the number of free market occupants of the development. The number of occupants of the required affordable housing units, shall be at least 25% of the number of free market occupants of the development. In instances where residential subdivisions are proposed without dwelling units, the applicant shall project the type of dwelling units. The Jackson Town Council shall approve the projected mix of dwelling units based on comparable developments in Teton County and the Town of Jackson as part of its review of a Housing Mitigation Plan.~~

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

2. **Reduction in Percentage Requirement.** An applicant has the option of obtaining a reduction in the affordable housing by voluntarily restricting proposed units or lots so that they remain available over time to year-round residents who are employed in Teton County. Such units shall be known as “voluntary affordable housing units.” The following formula shall be used to determine a reduced percentage requirement, if applicable. The units with sales prices that result in

a reduction of the 25% affordable housing requirement must be restricted to occupancy by year-round residents who are employed full-time in Teton County, as set forth in the Jackson/Teton County Housing Rules and Regulations. The restriction shall be in a form acceptable to the Jackson/Teton County Affordable Housing Department. The reduced percentage requirement shall be calculated as follows:

$$\frac{P - AP}{MH - AP} \times 0.25 = \text{Percent Affordable Housing Standard}^{* **}$$

Where

P = The price of an individual unit

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

MH = Median housing cost for Teton County

* The "Percent affordable housing standard" shall not exceed 25%.

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

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

F. Method for Providing Affordable Housing

Affordable housing standards may be met by one, or a combination of the following methods:

1. Production of New Units

- a. **General.** An applicant shall develop or ensure the development of affordable housing units as part of the proposed development, unless it is demonstrated that the provision of affordable housing on the site is impractical or inequitable.
- b. **Not Required if Impractical or Inequitable.** An applicant shall not be required to develop or ensure the development of affordable housing on site as part of a market rate development if it is demonstrated impractical or inequitable to do so:
 - i. **Impractical.** The development of affordable housing shall be considered impractical if it can be demonstrated that the number of units required is too small to create a viable project, or if the site location is deemed to be undesirable for affordable housing, or if it is considered more practical for the required units to be pooled with affordable housing units from other projects to create a more viable project off-site.

- ii. ~~Inequitable.~~ The development of affordable housing shall be considered inequitable if it will result in the applicant bearing a disproportionate share of the cost of the affordable housing in relation to the need for affordable housing. In making this determination, the value of land at the proposed site shall be considered.
- c. ~~Alternative Compliance to On-Site Production of New Units.~~ Should the applicant demonstrate that on-site development of affordable housing is impractical or inequitable, the applicant shall first be required to provide such housing off-site, as described in ~~d.iv.~~ and ~~d.ii.~~ Only if such off-site development is also proven to be impractical or inequitable shall purchase of existing housing stock, conveyance of land or payment of in-lieu fee be considered as alternative means of compliance.
- d. ~~Requirements for Affordable Units.~~ Affordable housing units required by this Division shall meet the following requirements:
 - i. ~~Sales and Occupancy Restrictions.~~ Required affordable housing units shall be restricted to sales terms and occupancy limitations, and voluntary affordable housing units shall be restricted to occupancy requirements, both of which comply with the Jackson/Teton County Housing Rules and Regulations. The required and voluntary affordable housing units may be restricted to rental units, if it is determined they will address an affordable housing need. The restrictions shall be in a form acceptable to the Jackson/Teton County Housing Department and may include deed restrictions, rights of first refusal, and shared ownership of land and/or housing unit with an affordable housing agency.
 - ii. ~~Affordable Housing Categories.~~ The required affordable portion of each residential development shall provide housing units for persons in each of the three income categories described below, and in the percentage amounts stated herein. The housing units to be provided for persons in each income category shall be determined by the Jackson/Teton County Housing Department, in accordance with the housing unit types, minimum sizes and maximum prices described in the Jackson/Teton County Housing Rules and Regulations adopted herein by reference. Fractions in each category shall be combined to create a whole person when possible. Payment of an in-lieu fee shall be made for any remaining fraction of a person.
- a). ~~Category 1.~~ No less than 1/3 of the persons required to be housed shall be provided with housing units affordable to low income households, unless a different proportion is recommended by the Jackson/Teton County Housing Department and approved by the Jackson Town Council.

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- b). **Materials.** Affordable housing units shall be constructed with building materials having a compatible exterior style to other units in the development. Each affordable housing unit shall include, at a minimum, a fully equipped kitchen and bathroom, areas for living and sleeping and designated areas for storage. Units shall comply with all applicable standards of the current building codes and all other development codes adopted by the Town of Jackson.
 - vi. **Timing of Occupancy.** The affordable housing units shall be ready for occupancy no later than the date of the initial occupancy of the free market portion of the project, provided that the Jackson/Teton County Housing Department and developer have identified qualified buyers or renters, whichever is applicable. If the free market portion is to be developed in phases, the affordable housing units may be phased accordingly, provided that the Jackson/Teton County Housing Department and developer have identified qualified buyer or renters. If qualified buyers or renters have not been identified at a rate which keeps pace with the free market portion of the development, the provision of the affordable housing units may be delayed until such buyers or renters have been identified. The developer, with the support of the Jackson/Teton County Housing Department, shall make a good faith effort to market the required affordable housing units.
 - vii. **Restricting Existing Housing Stock.** When restricting existing housing stock is used to meet the affordable housing requirement such housing will be subject to the following additional standards:
 - a). **Age.** Existing housing stock more than 15 years old from the date of certificate of occupancy to the date of approval of the Housing Mitigation Plan, may be accepted by Town Council on a case-by-case basis subject to review and recommendation by the Town's Chief Building Official and Planning Director;
 - b). **Inspection.** Each unit shall be subject to inspection and approval by the Town's Chief Building Official for compliance with current building code standards for life and safety; and;
 - c). **Housing Rules and Regulations.** All units are subject to the Jackson/Teton County Housing Rules and Regulations regarding quality standards for existing housing units.
- 2. **Conveyance of Land**
 - a. **General.** If the provision of affordable units on site is found to be impractical or inequitable the Town may accept the conveyance of land in fee. Land accepted pursuant to this provision may only be used for the production of affordable housing. Such land may be on the same site as the market rate portion of the project, or may be in an alternate location suitable for affordable housing. The fair market value of the land conveyed shall be at least equal to the equivalent in-lieu fee, for all required affordable housing units not provided.

- b. **Establishment of Fair Market Value.** Fair market value shall be established at the developer's expense by a licensed professional real estate appraiser acceptable to the Town of Jackson:
 - i. **Preliminary Value.** Fair market value shall be established on a preliminary basis at the time the housing mitigation plan is reviewed, pursuant to Subsection G.
 - ii. **Final Value.** Fair market value shall be confirmed at the time of subdivision plat approval for the free market portion of the development. For projects that do not require a plat, value shall be confirmed at the time of development plan approval.
 - iii. **Value Net of Commission.** Fair market value shall be net of any customary real estate commission for the sale of land.
 - c. **Time of Conveyance.** Land conveyance shall occur prior to the issuance of any building permit for the free market portion of the development.
 - d. **Conditions of Approval.** The Jackson Town Council may require, as a condition of approval, that land conveyed pursuant to this Section be fully developed and ready for construction, with roads, water supply, sewage disposal and other basic services in place. A soils report or other necessary environmental report may also be required, stipulating whether the land is suitable for the type of construction contemplated and identifying any special construction techniques which may prove necessary for its development.
 - e. **Subsequent Conveyance Permitted.** Land conveyed pursuant to this Section may be subsequently conveyed by the Town of Jackson subject to the following conditions:
 - i. **Interest bearing account.** All proceeds from the sale of the land shall be placed in an interest bearing trust fund.
 - ii. **Authorized uses of proceeds.** The proceeds from the sale, and any interest accrued, shall be used only for the purposes of planning for, subsidizing or developing affordable housing.
3. **Payment of In-Lieu Fee**
- a. **General.** If the applicant has demonstrated that it is impractical or inequitable to provide affordable housing and it is determined that land within the proposed residential development is not appropriate for affordable housing pursuant to Subsection 2, Conveyance of Land, or if the applicant is required to provide less than one affordable housing unit, the applicant shall pay an in-lieu fee for the affordable housing units required by this Division. A fee schedule shall be set forth by resolution, and shall be reviewed and updated within 2 years of its original adoption, and at least every 2 years thereafter.

- b. **Time of Payment and Use of Funds.** ~~Payment of the in-lieu fee shall be made to the Town of Jackson prior to, and on a proportionate basis to, the issuance of any building permits for the free market portion of the development.~~
 - i. **Interest Bearing Account.** ~~The Town of Jackson shall transfer the funds to an interest bearing trust fund.~~
 - ii. **Authorized Uses of Fees.** ~~The funds, and any interest accrued, shall be used only for the purposes of planning for, subsidizing or developing affordable housing units.~~
- c. **Refund of Fees**
 - i. **Seven Year Limit.** ~~Fees collected pursuant to this Section may be returned to the then present owner of property for which a fee was paid, including any interest earned, if the fees have not been encumbered within 7 years from the date of payment, unless the Jackson Town Council shall have earmarked the funds for expenditure on a specific project, in which case the Council may extend the time period by up to 3 years.~~
 - ii. **Sequence of Expenditures.** ~~Fees paid pursuant to this Section are deemed to be spent or encumbered in the sequence in which they were received.~~
 - iii. **Written Request.** ~~To obtain the refund, the present owner must submit a written request to the Town Planning Director within one year following the end of the 7th year from the date payment was received.~~
 - iv. **Refunds for Expired Permits.** ~~Any payment for a project for which a building permit has expired due to noncommencement of construction may be refunded provided a request for refund is submitted to the Town Planning Director within 3 months of the date of the expiration of the building permit. All requests shall be accompanied by proof that the applicant is the current owner of the property and a copy of the dated receipt issued for payment of the fee.~~
 - v. **Credit for Non-Refunded Payments.** ~~Any payments made for a project which is not begun or completed for any reason, and for which a refund has not been requested shall be retained by the Town of Jackson and a credit shall be established. Such credit runs with the land, is not transferable to other property, and may only be used against future affordable housing obligations on the subject property. A record of such credit shall be maintained by the Town of Jackson.~~

G. **Housing Mitigation Plan**

1. **Housing Mitigation Plan Required.** For all developments a housing mitigation plan shall be submitted:
 - a. **Content.** The housing mitigation plan shall include the following items:
 - i. **Requirement Calculations.** Calculations determining the affordable housing standard that indicate each step of the calculation, from projected market value of each unit or lot to the resulting number and type of affordable units required and voluntarily provided.
 - ii. **Method.** The method by which housing is to be provided.
 - iii. **Unit Descriptions.** A conceptual site plan and building floor plan (if applicable), illustrating the number of units proposed, their location, the number of bedrooms and size (s.f.) of each unit, the rental/sale mix of the development, and the categories to which each required affordable housing unit belongs. A tabulation of this information shall also be submitted.
 - iv. **Units Developed.** If affordable housing units are proposed to be developed, the proposed restrictions that will be placed on the units to ensure long-term affordability.
 - v. **Land Specifications.** If land is to be conveyed, the following information is required:
 - a). **Location and Acreage.** The location and acreage of the land to be conveyed;
 - b). **Appraisal.** An appraisal of the fair market value of the land, prepared by a licensed professional real estate appraiser; and
 - c). **Additional Information.** If appropriate, any additional information necessary to determine the suitability of the land for development.
 - vi. **Fee Calculations.** If fees-in-lieu are proposed, the calculations for determining the required fee amounts shall be submitted.
 - b. **Procedure.** Review of the housing mitigation plan shall occur at the time of the initial review of the free market portion of the development plan or subdivision.
2. **Review Standards.** The Town may approve the housing mitigation plan if it complies with the standards of this Division, addresses the need for affordable housing, and is consistent with the Comprehensive Plan.

H. **Independent Calculation**

1. **General.** An applicant may submit an independent calculation requesting modification to any or all of the following standards:

- a. ~~Occupants.~~ The number of occupants to be housed by a proposed development to be used in place of the occupant generation requirements in the table in ~~7.4.2.E.~~;
 - b. ~~Housing Mix.~~ The mix of affordable housing to be provided by the development pursuant to ~~F.1.d.ii.~~; or
 - c. ~~Percent of Set Aside/In-Lieu Fee.~~ The amount of affordable housing required to be provided, and/or the in-lieu fee amount.
2. ~~Calculation Contents.~~ The independent calculation shall be supported by local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence supporting the proposed modification(s).
3. ~~Procedure and Standards.~~ The independent calculation shall be reviewed by the Jackson Town Council. If the materials and information supporting the calculation demonstrate by competent substantial evidence that there is a reasonable basis to modify the number of occupants to be housed, the housing mix, or the percent set aside for in-lieu fee, whichever is relevant, because of unique circumstances related to the proposed development, the Town Council may approve the independent calculation and make the appropriate modifications.

Div. 7.8. Workforce Housing Incentive Program

7.8.1. Intent (11/23/16, Ord. 1153)

This Division establishes incentives for the development of workforce housing. Because not every landowner will use the incentives, this Division manages growth by limiting the actual (rather than a projected) use of the incentives. Section 7.8.2. establishes the limit on the cumulative use of the incentives over time, and the following Sections establish specific incentives.

7.8.2. Cumulative Limit on Incentives (11/23/16, Ord. 1153)

Use of an incentive in this Division is prohibited if the application would increase the amount of residential development allowed in the Town and County above the amount allowed and planned for since 1994.

- A. The amount of residential development allowed in the Town and County is reported annually as Indicator 1 of the Jackson/Teton County Comprehensive Plan Indicator Report. Past Indicator Reports can be found at www.jacksontetonplan.com.
- B. A residential unit shall be added to the amount of residential development allowed in the Town and County upon its initial approval using an incentive in this Division.
- C. A residential unit approved using an incentive in this Division shall be subtracted from the amount of residential development allowed in the Town and County upon expiration, revocation, or extinguishment of the approval.

EXAMPLE: A project proposing 4 residential units through use of the Workforce Housing Floor Area Bonus (Sec. 7.8.4.) receives Sketch Plan approval in 2016. The 2017 Indicator Report would report an increase of 4 residential units as a result of the project. If by 2018 the units are not built and the Sketch Plan approval has expired, the 2019 Indicator Report would report a decrease of 4 residential units as a result of the project expiration. The cumulative effect of the increase reported in the 2017 and decrease reported in the 2019 would reflect that no incentive units have been built on the site.

7.8.3. Deed Restricted Housing Exemption (~~P17-052-1/4/17, Ord. 1164~~)

A. Intent

Deed restricted housing is required by Div. 6.3., ~~Div. 7.4.~~ and other standards of these LDRs. A landowner may also voluntarily deed restrict housing. In order to encourage incorporation of required and voluntary deed restricted housing into development, deed restricted housing is exempt from certain LDRs.

B. Applicability

The exemptions of this section shall apply to the following floor area.

1. **Required Restricted Housing.** Floor area in a residential unit that is required to be restricted in order to comply with Div. 6.3., ~~Div. 7.4.~~, or another standard of these LDRs.
2. **Voluntary Restricted Housing.** Floor area in a residential unit that is subject to an affordable or, ~~employee, employment-based, or rental~~ workforce deed restriction, acceptable to the Jackson/Teton County Housing Department, which is recorded with the County Clerk, that is not required by Div. 6.3., ~~Div. 7.4.~~, or another standard of these LDRs.

C. Exemptions

Floor area meeting the applicability standards of this Section is exempt from calculation of the following standards, but is still subject to all other applicable standards of these LDRs.

1. Maximum Floor Area Ratio (FAR)
2. Thresholds for physical development permits
3. Affordable workforce housing required by Div. 6.3-~~Div. 7.4.~~
4. Limit on 20% expansion of a nonconforming physical development

7.8.4. Workforce Housing Floor Area Bonus (P17-052 1/4/17, Ord. 1164)

A. Intent

In most cases, the volume of building allowed by the minimum setbacks and maximum height exceeds the volume of building allowed by the FAR of a property. The purpose of the workforce housing floor area bonus is to encourage development, especially by the private sector, of additional deed restricted housing in that excess volume by allowing additional unrestricted floor area.

B. Applicability

The exemptions of this Section shall apply to both the deed restricted and unrestricted floor area approved pursuant to this Section.

1. **Maximum Amount of Unrestricted Housing.** The maximum amount of unrestricted floor area that can be approved pursuant to this Section is limited by the amount of restricted floor area provided pursuant to this Section, as tabulated below.

Maximum Exempt Unrestricted Floor Area per Voluntarily Restricted Floor Area	
Zone	Unrestricted Floor Area : Restricted Floor Area
DC	2:1
CR-1	2:1
CR-2	2:1
OR	2:1

2. **Restricted Housing.** The restricted floor area provided pursuant to this Section shall be subject to an affordable ~~or, employee, employment-based, or rental~~ workforce deed restriction, acceptable to the Jackson/Teton County Housing Department, which is recorded with the County Clerk.
3. **Required Restrictions Do Not Apply.** Floor area that is required to be restricted in order to comply with Div. 6.3, ~~Div. 7.4~~, or another standard of these LDRs shall not be included in the calculation of the maximum amount of unrestricted floor area allowed by this Section.
4. **Allowed Use.** Floor area approved pursuant to this Section shall only be used for one of the following uses:
 - a. Attached Single Family Dwelling (6.1.4.C.); or
 - b. Apartment (6.1.4.D.); or
 - c. Dormitory (6.1.4.F.); or
 - d. Group Home (6.1.4.G.).

C. Exemptions

Floor area meeting the applicability standards of this Section is exempt from calculation of the following standards, but is still subject to all other applicable standards of these LDRs.

1. Maximum Floor Area Ratio (FAR)
2. Thresholds for physical development permits
3. Affordable workforce housing required by ~~Div. 6.3~~ Div. 7.4.
4. Limit on 20% expansion of a nonconforming physical development

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Div. 9.5. Defined Terms

When used in these LDRs, the following terms shall have the following meanings:

A (P17-052 1/4/17, Ord. 1166)

Access. Access means a method to provide physical entrance to or exit from a property, street, or highway.

Accessory Residential Unit. See 6.1.11.B.

Accessory Structure. An accessory structure is a separate structure that is secondary and subordinate to another structure on the same property.

Accessory Use. See 6.1.2.B.3.

Adjoining. See "Contiguous."

Adjusted Site Area. See 9.4.4.C.

Affordable Workforce Housing Unit. A detached single-family unit, attached single-family unit, or apartment unit that is deed restricted in accordance with Sec. 6.3.4 for the purpose of providing for sale or rental housing that is affordable to those members of the workforce in the Jackson Hole community whose incomes are less than 200% of the median income.

~~**Affordable.** A term used in conjunction with or with reference to a sale or rental price for a dwelling unit. Affordable housing means a dwelling unit that a household earning 120% or less of the Teton County median family income can purchase with a mortgage payment that does not exceed 30% of its gross household income, or rent with the gross rent and utility payments not exceeding 30% of its the gross household income.~~

Agriculture. See 6.1.3.B.

Alley. An access way, no more than 30 feet wide, which provides a means of public access to contiguous property that is not intended for general traffic circulation.

Alter or Alteration. Alter or alteration means any change, addition, or modification in construction or occupancy.

Amusement Use. See 6.1.7.B.

Antenna. Any apparatus used for the transmission and/or reception of radio frequency energy, including, but not limited to, omni-directional antenna (whip), directional antenna (panel), microcell, and parabolic antenna (dish). Antenna does not include support structures, utility structures, or towers.

Apartment. See 6.1.4.D.

Arterial Road. See, "Road, Arterial."

Assembly. See 6.1.8.B.

Attached Single-Family Unit. See 6.1.4.C.

Awning. Awning means a roof-like cover that projects from and is supported by the wall of a building for the purpose of shielding a doorway or window from the elements.

B (P17-052 1/4/17, Ord. 1166)

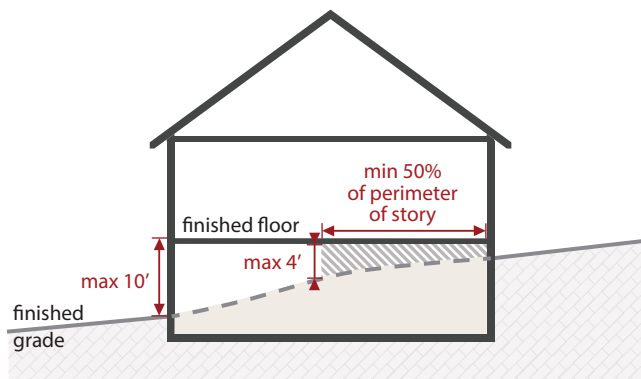
Background Area. The entire area of a sign on which lettering and/or graphics can be placed.

Bank (Stream/River/Ditch). Bank means the natural or man-made slope immediately bordering the channel of a river, stream, or creek containing and/or confining the normal water flow. See also "Top of Bank"

Banked unit. A residential unit, on which a deed restriction approved by the Housing Department has been voluntarily been place, which may be utilized within 20-years of placement of the restriction as required housing for employee generating development.

Bar. See 6.1.6.E.

Basement. A basement is any story for which the finish floor of the story above is less than 4 feet above finished grade for at least 50% of the perimeter of the story and at no point greater than 10 feet above finished grade.



Base Site Area. See 9.4.4.B.

Base Station. A structure or equipment at a fixed location that enables or is designed to enable FCC-licensed or authorized wireless communications between user equipment and a communications network in connection with the provision of personal wireless services as defined in 47 U.S.C. Section 332(c)(7). The term does not encompass a Tower as defined in this subpart or any equipment associated with a Tower.

- a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Easement. Easement means a less than fee interest in land, which provides a person other than the owner of the land certain rights over that land, or any designated part of that land, for the purposes specified.

Education. See 6.1.8.C.

Employee generating development. New physical development, use, development option, or subdivision not currently in existence, unless exempted in accordance with Sec. 6.3.2.B.

Employee Housing Unit. A dwelling unit that is restricted to occupation by a person, and that person's family, employed within Teton County, Wyoming through deed, lease, covenant, or other means.

Erosion. Erosion means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, and/or gravity.

Essential Service. Essential service means facilities owned or maintained by utility companies or public agencies, located in public ways or in easements provided for that purpose, or on a customer's premises not requiring a private right-of-way, that is reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers. Essential services do not include any cross-country line on towers in a private right-of-way.

Excavation. Excavation means any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, as well as the resulting conditions.

Existing Use or Development. Existing use or development means any use or development of a site, which is located on the site at a given point in time, whether or not the use or development conforms with the provisions of these LDRs.

F (1/4/17, Ord. 1166)

Facade. A facade is a building's elevation, as viewed in a single plane parallel to a referenced lot line.

Facade Width. Facade width is the linear width of the building elevation, measured in a single plane parallel to the referenced lot line.

Fair Market Value. The price that land will bring in a competitive and open market under all conditions of fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus.

Family. Family means one or more individuals related by blood, marriage, adoption, or guardianship, or not more than 3 individuals not so related, occupying a dwelling unit and living as a single housekeeping unit.

Fall Zone. The area in which a Wireless Facility may be expected to fall in the event of a structural failure, as measured by engineering standards.

L [\(P17-052 1/4/17, Ord. 1166\)](#)

Land Disturbing Activity. A land disturbing activity is any manmade change to the land surface, including removing vegetative cover, excavating, filling, and grading. The tending of gardens and agricultural activities are not land disturbing activity.

Land. Land means all land or water surfaces, whether public or private, including lots of record, or other ownership categories and all rights – surface, subsurface, or air – that may be attached or detached from the land.

Landscape Surface Area. Landscape surface area is the area of a site that is covered by natural vegetation, trees, or landscaped areas such as turf grass, planted trees and shrubs, mulch, or xeriscape. Any area of a site meeting the definition of site development is not landscape surface area.

Landscape Surface Ratio. See [9.4.6.E.](#)

Landscaping, Required. Required landscaping includes required landscape surface area and required plant units.

Light Industry. See [6.1.9.B.](#)

Live/Work Unit. See [6.1.4.H.](#)

Loading Area or Space. The portion of a site developed for the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and related landscaped areas.

[Local Occupancy.](#) Residential units subject to an occupancy restriction as defined in the [Housing Department Rules and Regulations.](#)

Local Road. See, “Road, Local.”

Lodging. See [Sec. 6.1.5.](#)

Lot Area. Lot area means the gross site area of a lot of record.

Lot Coverage. See [9.4.6.F.](#)

Lot Line, Front. Front lot line means the street lot line unless no street lot line exists in which case it means the lot line across which access is taken.

Lot Line, Rear. Rear lot line means a lot line opposite a street or front lot line. A non-rectangular lot of record or lot of record with multiple street lot lines may not have a rear lot line or may have multiple rear lot lines. See also [Sec. 9.4.10.](#) regarding designation of street and rear lot lines.

Lot Line, Side. Side lot line means any lot line other than a street, front, or rear lot line.

Lot Line, Street. Street lot line means a lot line contiguous with a road right-of-way or roadway. See [Sec. 9.4.10.](#) for rules for determining street lot line designation.

Monopole. A single, freestanding, tubular, self-supporting pole-type structure supporting one or more antennas

N ~~(P17-052 1/1/15, Ord. 1074)~~

Native Species. Native species means vegetation which is indigenous to, and is commonly found in, landscapes in the Town of Jackson and Teton County which have never been disturbed. A list of native species is available at the Planning Department.

Natural Grade. See “Grade, Natural.”

Natural Topographic Break. Natural topographic break means any naturally occurring change in relief on land such as a mound, knoll, hill, bank, ridge, or terrace, or an area sloping away from a flat grade, which creates a recessed area capable of screening development.

Neon Sign. See, “Sign, Neon.”

Nonconforming or Nonconformity. See [Div. 1.9.](#)

Non-Local Occupancy. [Residential units not subject to an occupancy restriction as defined in the Housing Department Rules and Regulations](#)

Nursery. See [6.1.6.H.](#)

O (1/4/17, Ord. 1166)

Office. See [6.1.6.B.](#)

Off-Premise Sign. A sign identifying or advertising a business, person, activity, goods, products or services, which is not located on the premises where the business or commercial activity is conducted.

Off-Site. Located neither on the land that is the subject of the application nor on a contiguous portion of a street or other right-of-way.

On-Site. Located on the land that is the subject of the application.

Open Space Ratio. See [9.4.6.D.](#)

Open Space (Use). See [Sec. 6.1.2.](#)

Open Space, Required. Required open space is undeveloped area that is required in order to receive approval of a development or use. Unless otherwise noted for a specific development or use, the standards for required open space are in [Div. 7.3.](#)

Outdoor Recreation. See [6.1.3.C.](#)

Outfitter. See [6.1.7.E.](#)

Unstable Soil. Unstable soil means soil subject to slippage, creep, landslide, avalanche, bedrock slump, talus, rockfall, colluvium, and lacustrine deposits, either at the surface or overlain by other deposits, or subject to other movements as indicated by the Land Stability Maps of Teton County, site specific geotechnical reconnaissance studies, or any other technically competent source.

Urban Cluster Development. See Sec. 7.1.3.

Use, Accessory. See 6.1.2.B.3.

Use, Conditional. See 6.1.1.C.

Use, Incidental. See 6.1.2.B.2.

Use, Primary. See 6.1.2.B.4.

Use, Principal. See 6.1.2.B.2.

Use, Special. See 6.1.1.D.

Use, Temporary. See 6.1.2.B.5.

Use. See 6.1.2.A.

Utility Facility. See 6.1.10.C.

V

(1/1/15, Ord. 1074)

~~**Voluntary Affordable Housing Unit.** A dwelling unit with a restricted sale price in order to be affordable to people or housekeeping units with incomes between 120% of the Teton County family median income and the income needed to afford the Teton County median-priced dwelling unit at the time of initial sale. Such units have been voluntarily restricted by a developer or owner in order to obtain a reduction in the number of required affordable housing units.~~

W

(1/1/15, Ord. 1074)

Wastewater Treatment System, Community. Community wastewater treatment system means a privately owned and operated system, other than a municipal sewage treatment plant, for the collection and treatment of wastewater generated by the dwelling units and accessory uses in a development.