

[NOTE: Division 5.9. Preservation of Historic Resources is an entirely new section that establishes the historic preservation program within the Land Development Regulations (LDRs)]

Div. 5.9. Preservation of Historic Resources *[this is an entirely new section]*

5.9.1 Purpose:

The Town of Jackson has a wide range of historic properties. The Town Council and the citizens of Jackson find that these properties are worthy of protection and recognition. The purpose of this Division is to:

- A. Effect and accomplish the protection and preservation of the town's architecture, culture, and heritage as embodied in historic properties by appropriate regulations and incentives;
- B. Enhance property values and stabilize historic neighborhoods;
- C. Establish the Jackson Historic Register listing of historic buildings, structures, sites and objects; and
- D. Establish a mechanism whereby incentives for preservation may be made available.

5.9.2 Establishment of Jackson Historic Register

- A. The Town Council hereby establishes the Jackson Historic Register.
 - 1. Properties may be listed in the Jackson Historic Register only if such property has been so designated pursuant to the procedures in Sec. 8.5.6.
 - 2. All properties listed in the Wyoming State Register of Historic Properties and the National Register of Historic Places are eligible for the Jackson Historic Register but are not designated until approval, pursuant to this section, is obtained.
- B. Properties in the Jackson Historic Register shall be divided into the following two categories.
 - 1. Landmark. A Landmark property is one of the highest significance in the Town of Jackson.
 - 2. Registered Historic Resource. A Registered Historic Resource property is one of general historic significance in the Town of Jackson.

5.9.3. Applicability

This Division shall apply to all structures designated as a Landmark or Registered Historic Resource as established in this Division. More specifically, the provisions in this Division apply to historic properties as follows:

- A. Landmark properties: The provisions of this Division are mandatory, as further provided in this Division.
- B. Registered Historic Resources:
 - 1. While a landowner's decision to list a property on the Jackson Historic Register is voluntary, the provisions in this Division are mandatory for a Registered Historic Resource once listed, as specified below.
 - i. For a Registered Historic Resource that utilizes a development incentive in Section 5.9.6. or other financial incentive (e.g., state or federal), the provisions in this Division are mandatory in perpetuity or as otherwise stated in the LDRs;

- ii. For a Registered Historic Resource that does not utilize a development incentive in Section 5.9.6. or other financial incentive (e.g., state or federal), the landowner may opt out of the Registered Historic Resource designation at any time.
- C. Structures of Merit: This Division does not apply to Structures of Merit, except for Sec. 5.9.5.

5.9.4 Designation Criteria to the Jackson Historic Register

Below are the criteria to designate a property to the Jackson Historic Register. Landmark properties and Registered Historic Resources shall meet all three designation criteria (A, B, and C) listed in this section. Under Criterion B, "Historic Significance," a Landmark shall meet a minimum of three of the categories listed and a Registered Historic Resource shall meet a minimum of two of the categories listed.

- A. Age. Individual properties shall be at least 50 years old. However, a property may be exempted from the age standard if Council finds it to be exceptionally important.
- B. Historic Significance. Properties shall be found to have historic significance in these categories in order to be considered for designation:
 - 1. Association with events that have made a significant contribution to history;
 - 2. Connection with persons significant in history;
 - 3. Distinctive characteristics of a type, period, method of construction, or artisan;
 - 4. Geographic importance; and/or
 - 5. Possibility to yield important information related to prehistory of history.
- C. Integrity. In addition to having historic significance as outlined above, a property must be found to retain sufficient integrity. All properties shall be evaluated for their physical integrity using the following criteria:
 - 1. Location
 - 2. Design
 - 3. Setting
 - 4. Materials
 - 5. Workmanship
 - 6. Feeling

5.9.5 Structures of Merit

- A. General
 - 1. A list of Structures of Merit is hereby established. The purpose is to recognize properties of historic significance that have not been formally designated to the Town's Historic Register. No regulation of the property as identified for properties on the Town's Historic Register applies to these properties.
- B. Identification
 - 1. Structures of Merit are identified through professional surveys using the criteria listed above in Sec. 5.9.4.
 - 2. The Planning Director shall formally accept the survey as the listing of Structures of Merit by resolution.
- C. Classification
 - 1. If a property owner(s) wishes to nominate their Structure of Merit to the Town's Historic Register, they may do so by following the procedures outlined in Sec. 8.5.6.
- D. List of Structures of Merit

1. The Town of Jackson shall maintain an up-to-date List of Structures of Merit, which shall be made publicly available.
2. If a property on the List of Structures of Merit is subsequently designated to the Town's Historic Register, it shall then be removed from the List of Structures of Merit.

5.9.6 Incentives for Historic Preservation

In recognition that requirements in the LDRs can be a barrier to the preservation of historic resources, this section provides zoning incentives to property owners. The intent is to provide financial incentives and regulatory flexibility to avoid the demolition of historic properties and to encourage context-sensitive reinvestment in and redevelopment of historic properties. Toward this end, this section provides zoning-related incentives for Landmark and Registered Historic Resource properties. Once an incentive is used, the historic designation of the property cannot be removed unless otherwise stated in this section.

It should be noted that many of these incentives are located in other parts of the LDRs, thus only references to the appropriate sections are provided here. In addition, other incentives for historic preservation are available in Chapter 12 of the International Existing Building Code and through federal and state programs not included in the LDRs.

A. Nonconforming Structures.

1. Landmark and Registered Historic Resource properties are allowed to increase existing nonconformities on expansions by matching existing setbacks, height, and other dimensional standards (see Sec. 1.9.2.B.1. for full text).
2. Landmark and Registered Historic Resource properties are exempted from the 20% limitation on expansion of nonconforming structures (see Sec. 1.9.2.B.3.b for full text).
3. Landmark and Registered Historic Resource properties are exempted from the limitation on replacing (and expanding) nonconforming structures (see Sec. 1.9.2.B.4.a for full text).

B. Flexibility in the Applicability of Development Standards

1. Administrative Adjustment

- a. Structure Setbacks and Site Development Setbacks. The Planning Director may establish a lesser structure setback or site development setback for a Landmark or Registered Historic Resource property based on credible information from the applicant that the lesser standard is necessary to meet the goals of this Division and will protect the character of the adjacent properties and neighborhood (see Sec. 8.8.1.B.2).
- b. The protection of historic resources is one justification for approving Administrative Adjustments to provide additional flexibility for parking, LSR, setbacks) and other important standards (see Sec. 8.8.1.C.2.b for full text).

2. FAR exemption

- a. Any floor area within a Landmark or Registered Historic Resource structure does not count as floor area for the purpose of calculating the maximum allowed floor area (FAR) on a property.

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- b. An addition to a Landmark or Registered Historic Resource structure does not count as floor area for the purpose of determining development review thresholds in each zone district (i.e., see subsection. B.10 in each zone district).
- c. A residential unit(s) that is a Landmark or Registered Historic Resource structure, or that is contained within such a structure, shall not count as a dwelling unit for the purposes of maximum density.

3. Minimum Lot Size

The minimum lot size on a property with a structure listed on the Jackson Historic Register may be reduced by half and subdivided provided all resulting lots meet all applicable requirements of the LDRs and the historic resource is protected in perpetuity on the lot (repositioning allowed) by a deed restriction recorded in the County Clerk's office.

4. Workforce Housing Mitigation

- a. Uses within a Landmark or Registered Historic Resource are exempt from the affordable workforce housing mitigation requirements in Div. 6.3 (see Sec. 6.3.2.C.3 for full text).
- b. Landmark and Registered Historic Resources get a credit equal to twice the amount of floor area of existing historic structures if still located in original site, or has not been moved in last 50 years (see Sec. 6.3.2.C.3 for full text).

C. Transfer of Development Rights (TDR) for Historic Preservation

To encourage the preservation of historic properties, properties with Landmark and Registered Historic Resource structures may transfer or sell unused floor area to another eligible property according the standards below.

1. Applicability

- a. Any property with a Landmark and Registered Historic Resource structure can transfer or sell any unused floor area to another eligible site, as provided in this section.

2. Requirements for 'sending' properties

A 'sending' property is one that meets all of the following criteria:

- a. The property must contain either a designated Landmark or Registered Historic Resource.
- b. The sending property may be located in any zone in the Town.
- c. The property must have unused floor area available for transfer to another property. Unused floor area is calculated by subtracting the total amount of existing floor area on the site (not including designated historic structures) from the maximum allowed floor area as determined by the base FAR.

[EXAMPLE: On a property with a 2,000 sf historic structure and 1,500 sf non-historic structure, and where a total of 5,000 sf of development is allowed by the base FAR (i.e., without the use of any floor area bonuses), the property would be eligible to transfer 3,500 sf of floor area to a qualified receiving site].

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- d. A site that has already received a transfer of floor area (i.e., a receiving site) may become a sending site in cases where that the transferred floor area is transferred again to another eligible receiving site.

3. Requirements for 'receiving' properties

A 'receiving' property must meet all of the following criteria:

- a. The property must be located in the DC-1, DC-2, CR-1, CR-2, CR-3, BP, NM-2, or NH-1 zone in the Town;
- b. No variance to any development standard is required to accommodate the transferred floor area;
- c. The property must not have significant environmental or developmental constraints, such as being in the Natural Resource Overlay (NRO), having wetlands, or subject to significant geologic instability, avalanches, wildfire, or similar hazards.
- d. No additional significant public infrastructure improvements paid by the Town are needed to accommodate the transferred floor area.

4. Documentation required for transfer of floor area under TDR program

All transfers of floor area under the TDR program shall comply with the following requirements.

- a. The sale or transfer of the floor area is a private transaction to be agreed upon by the affected landowners. The Town is not involved in determining the value or price of the transferred floor area.
- b. Prior to any transfer of floor area, the owner of the sending property must apply for a Zoning Compliance Verification (ZCV) from the Town Planning Department to verify the amount and type of floor area available to be transferred from the sending site and to verify that the intended receiving site is eligible to be a receiving site.
- c. The sale or transfer of any the floor area shall include a deed restriction recorded in the County Clerk's office against both the sending and receiving property that clearly identifies the following: a) the owners of the sending and receiving properties; b) the amount and type of floor area to be transferred, c) the amount of floor area remaining on the sending site, d) the historic resource on the sending site being protected and the nature and timeframe of the protection; and e) any other information necessary to provide clear notice to future property owners and Town regarding the status of future development potential on each property. The Town may provide a template TDR deed restriction that may be used or required to meet the requirements of this section.
- d. The required TDR deed restriction shall state the designated historic resource shall be protected in perpetuity or for less period if the transferred floor area is not used and the floor area is expired or returned to the sending site.

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- e. The required TDR deed restriction must be recorded prior to issuance of any building permit that includes use of transferred floor area.
 - f. The owner of the sending site shall provide a copy of the signed transfer instrument to the Town Planning Department. Failure to send this required notice to the Town may result in delay in the use of the transferred floor area.
5. General requirements and rules of TDR program
- a. Transferred floor area does not count as FAR on the receiving site.
 - b. A sending property in a residential zone can only transfer residential floor area.
 - c. A sending property in a mixed-use zone can transfer either residential or non-residential floor area provided it is allowed as a Basic Use. Floor area allowed as a Conditional Use or Special use cannot be transferred;
 - d. Floor area that has been transferred legally to an eligible receiving site may be transferred again to another eligible receiving site (i.e., the receiving site becomes a sending site) subject to the requirements of this section. This process may be repeated as many times as necessary to transfer floor area to a site intended for development.
 - e. Transferred floor area does not expire and there is no deadline by which time the floor area must be used. Purchasers of transferred floor area, however, may voluntarily expire or permanently retire the transferred development rights by filing an instrument in the County Clerk's office that clearly documents the location and rights that are to be expired.
 - f. In the CR-3 zone, a fourth story and 48' in height is allowed provided that the fourth story is equal to the amount of floor area transferred to the site using the TDR program (see Sec. 2.2.13.E.7 for full text).
 - g. The Town will track all transfers of floor areas from the TDR program and make this information available to the public.
 - h. The designated historic resource on a sending property may be repositioned on the sending site consistent with the requirements of Sec. 8.5.8, but if it is moved to another site the sending site must comply with the retroactive requirements in Sec. 5.9.6.D.
 - i. When an owner proposes to subdivide a property with unused transferred floor area from the TDR program, the applicant shall clearly allocate the unused transferred floor area to the newly created lots or units.

6. Vesting of Transferred Floor Area

Floor area that is purchased or otherwise transferred through the TDR program does not guarantee a development right or create a vested right on the receiving site. The transferred floor area is vested only after an approved development permit or building permit is issued that includes the additional transferred floor area and demonstrates that it can fit on the receiving site while complying with all applicable LDRs.

D. Retroactive Requirement

When an incentive in this Division is used for a Landmark or Registered Historic Resource but the designated historic resource is subsequently removed physically or is no longer designated on the Jackson Historic Register, the benefiting property owner will be responsible to retroactively comply with, either through payment or performance, the LDR requirement that was relaxed or exempted.

5.9.7 Maintenance

- A. The Town Council intends to preserve from deliberate or inadvertent neglect the exterior portions of historic properties and all interior portions thereof whose maintenance is necessary to prevent deterioration of any exterior portion. No owner, lessee, or occupant of any historic property shall fail to prevent significant deterioration of the exterior of the building, structure, object, or special feature beyond the condition of such historic property on the effective date of the designating ordinance.
- B. No owner, lessee, or occupant of any historic property shall fail to comply with all applicable provisions of these LDRs.
- C. Prior to beginning any enforcement action for failure to maintain the historic property, the Town shall notify the owner, lessee or occupant of the need to repair, maintain, or restore such property; shall assist the owner, lessee, or occupant in determining how to preserve such property; and shall give the owner, lessee, or occupant a reasonable time to perform such work.
- D. Unsafe or Dangerous Conditions Exempted. Nothing in this section shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any property, other feature, or parts thereof where such condition is declared unsafe or dangerous by the Town and where the proposed measures have been declared necessary by the Town to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining a Certificate of Appropriateness under this ordinance, but a certificate is required for permanent construction, alteration, removal, or demolition.

5.9.8 Enforcement

- A. Landmark properties are required to maintain in perpetuity, or for another period of time as approved, the integrity of the historic resource per the standards in this Division. Landmark properties that also take advantage of any of the development incentive in Sec. 5.9.6 are further required to maintain the integrity of the historic resource in perpetuity.
- B. Registered Historic Resource properties are designated only with the consent of the property owner, thus the provisions of this Division are enforced through the Design Guidelines for as long as the property is a designated historic resource. However, any Registered Historic Resource that takes advantage of any of the development incentive in Sec. 5.9.6 is required to maintain the integrity of the historic resource in perpetuity, or for another period of time as approved.

[NOTE: Sections 8.5.6 through 8.5.8 are entirely new sections that establish new procedures related to the Historic Preservation program in a different section of the Land Development Regulations (LDRs)]

Section 8.5.6 Designation Process to Jackson Historic Register

A. Purpose

The purpose of the historic preservation designation process is to review the historic significance of a particular property, structure, site, or resource to determine whether it meets the criteria for designation to the Jackson Historic Register.

B. Applicability

This process applies to any property in the Town that is properly nominated for designation as a Landmark or Registered Historic Resource in the Jackson Historic Register.

C. Nomination process

An application to designate a property as a Landmark or Registered Historic Resource shall include a nomination according to the below requirements.

- a. A nomination for a Landmark or Registered Historic Resource on the Town's Historic Register may be made:
 - i. By the owner or owners of the property to be designated;
 - ii. By a vote of the Teton County Historic Preservation Board; and/or
 - iii. By a member or members of the Town Council
- b. Owner notification or consent:
 - i. For a Landmark nomination, if not nominated with the landowner's consent, the Town shall notify the property owner(s) in writing, outlining the reasons and effects of listing in the Town's Historic Register at least 30 days prior to submission of the designation application.
 - ii. For a Registered Historic Resource nomination, written consent by the property owner(s) is required and shall be provided with the designation application.

D. Designation Criteria

To be designated as a Landmark or Registered Historic Resource the property must meet the designation criteria provided in Sec. 5.9.4. The application must specify and provide evidence to demonstrate which criteria the property meets.

E. Effect of Approval

Approval of a historic designation application will result in the designated property being added to the Jackson Historic Register within 30 days of approval. Such approval allows the owner to represent their property as being on the Town's Historic Register and potentially qualifies the

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property for certain development incentives and subjects it to certain design and relocation requirements in the Design Guidelines and LDRs.

F. Expiration

A property's historic designation has no expiration date. The designation of a historic property may be revoked, however, under the procedures provide in Sec. 8.5.6.G.

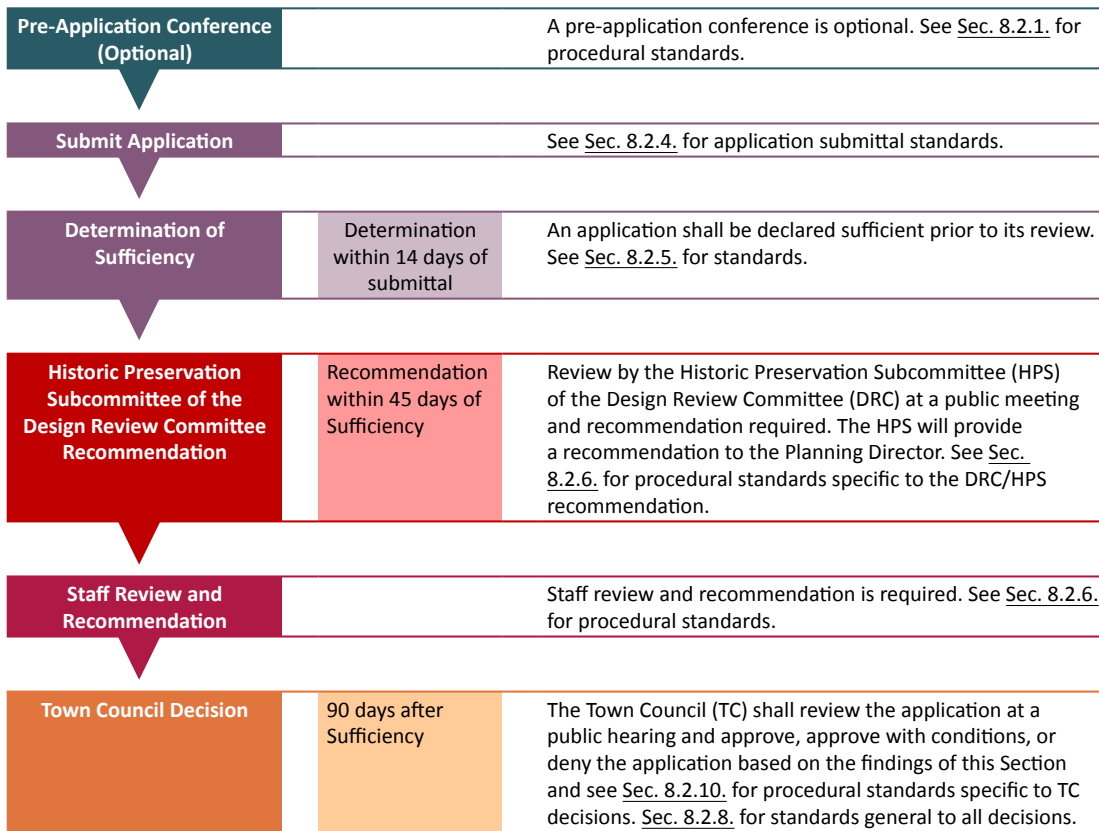
G. Revocation

If a historic property has not been properly maintained or has been altered to a degree that it no longer retains its historic integrity, the Council may recommend revocation of the designation in the case of Landmark or the Planning Director may do so in the case of a Registered Historic Resource in the absence of the owner's application according to the procedure in Sec. 8.9.3. However, an owner of a Registered Historic Resource property may request withdrawal of their historic designation for any reason by providing written notification to the Planning Director, provided that the property has not taken advantage of any development incentive(s) that requires continued preservation of the historic resource.

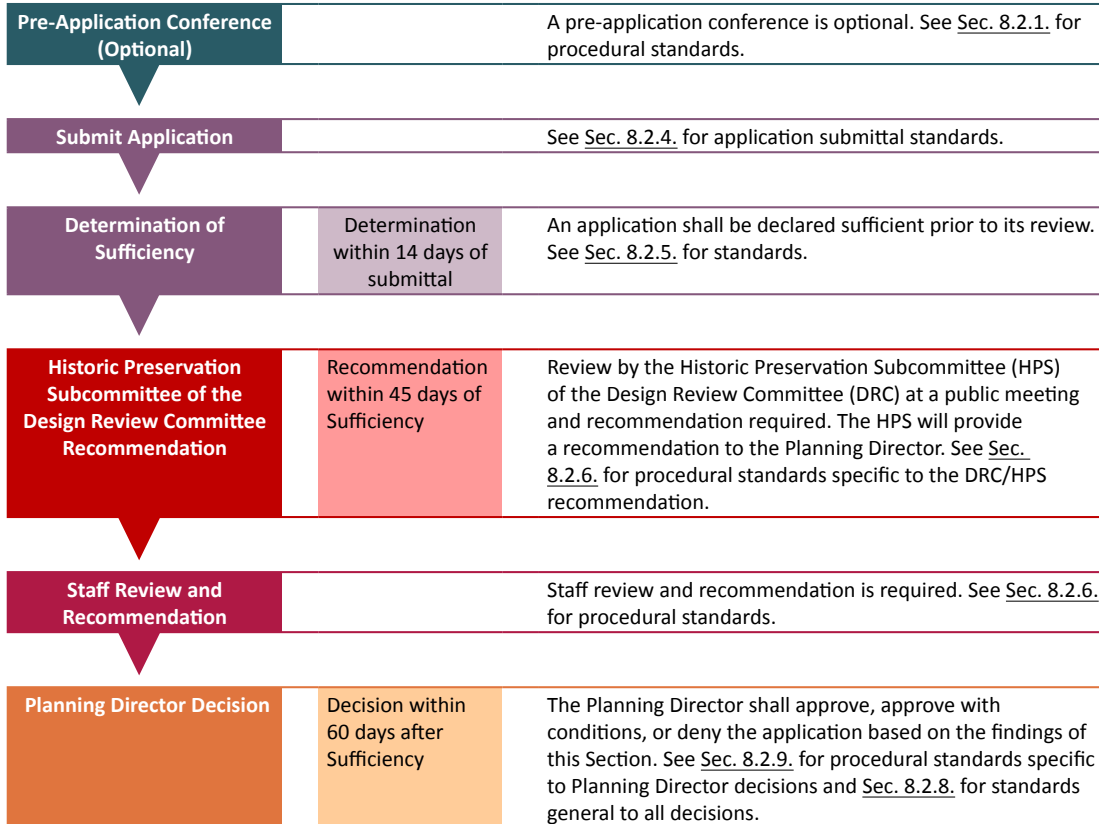
H. Review process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete each step before moving to the step below. The designation procedures for Land and Registered Historic Resources are different — Landmark properties require final approval by the Council while Registered Historic Resources require final approval by the Planning Director.

Designation Process for Landmark Property



Designation Process for Registered Historic Resource Property



Section 8.5.7 Exterior Alterations to Properties on the Jackson Historic Register

A. Purpose

The purpose is to allow owners to obtain a Certificate of Appropriateness (CoA) to make exterior alterations of properties listed on the Jackson Historic Register in ways that are compatible with and maintain the historic integrity of the resource consistent with the Historic Preservation Design Guidelines. The Planning Director may consult with the Historic Preservation Subcommittee (HPS) as necessary to achieve the purposes of this section.

B. Applicability

This process applies to any property in the Town listed on the Jackson Historic Register for which the landowner desires to make exterior alterations that requires a development permit or building permit, or that does not require a building permit but has the potential to negatively impact the integrity of the historic resource (e.g., exterior painting, the non-structural replacement of exterior siding, windows, or roof covering). Interior alterations are not subject to this section.

C. General Procedures

1. Review Process

Before carrying out an alteration to the exterior of any designated historic property, the owner(s) shall follow the procedures below.

a. Submission

- i. Exterior alterations to a Landmark or Registered Historic Resource that require a building permit shall be submitted to the Building Official, while all other alterations subject to this section shall be submitted to the Planning Director.
- ii. When submitted, the applicant shall mark the application as involving a designated historic property (Landmark or Registered Historic Resource).
- iii. Applicants that are unsure whether a proposed alteration requires review under this section should contact the Planning Department for guidance.

b. Certificate or Appropriateness (CoA) Required

All exterior alterations to a Landmark or Registered Historic Resource require approval of a CoA by the Planning Director as provided below:

- i. The Planning Director shall provide a final decision and CoA within 14 days of a sufficient application on the following types of applications that do not generally require consultation with the HPS:
 - a) ADA accessibility improvements to the rear or side/secondary façade.
 - b) The repair or restoration of character-defining features and architectural elements.

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- c) In-kind repair/replacement work that matches the existing size, style, material, profile, color, finish, etc.
 - ii. The Planning Director shall provide a final decision and CoA within 14 days of HPS recommendation on the following types of applications that generally require consultation with the HPS:
 - a) ADA accessibility improvements located on the front/primary façade
 - b) Removal of character-defining features
 - c) A proposal that significantly changes historic materials
 - d) Additions to residential buildings
 - e) Relocation or reposition
 - f) Demolition request
- 2. Resubmittal
The applicant may resubmit an amended application or reapply for a Certificate of Appropriateness that takes into consideration the recommendations of the HPS and/or the Planning Director.
- 3. Appeal
If a Certificate of Appropriateness is denied, the applicant may appeal the denial to the Town Council per Sec. 8.8.3. Appeals of a decision of the Council may be filed in circuit court.
- 4. Whether consultation with the HPS is required or voluntary, the Planning Director may consult with the HPS either in writing or during a regular meeting at his discretion.

D. Approval Criteria

In making its determination for a Certificate of Appropriateness, Planning Director, in consultation with the HPS as appropriate, must determine that the application complies with the Historic Preservation Design Guidelines adopted by the Town, including those that specifically address alterations to historic structures.

E. Effect of Approval

Approval of an alteration by issuance of a Certificate of Appropriateness will allow the applicant to proceed with the alteration consistent with any conditions of approval from the HPS and final decision-making entity, provided all other required permit are obtained.

F. Expiration

A Certificate of Appropriateness has no uniform expiration date but expires when the associated building permit expires or when the physical alterations permitted by the CoA and associated building permit are completed, inspected by the Town, and signed off by the Town.

Section 8.5.8 Repositioning and Relocation of Properties on the Jackson Historic Register

A. Purpose

The purpose is to allow owners to obtain a Certificate of Appropriateness to reposition a designated historic property within its parcel or to relocate a designated historic property to another site in ways that are compatible with and maintain the historic integrity of the resource consistent with the Historic Preservation Design Guidelines.

B. Applicability

This process applies to any property in the Town that is listed on the Jackson Historic Register that the landowner or other qualified representative desires to reposition within its parcel or to relocate to another site. However, if a Landmark or Registered Historic Resource has made use of a development incentive, the designated historic property may not be considered for relocation to another site unless the Planning Director determines that the new site provides a similar or better setting or recalls a historic setting.

C. General Procedures

1. In addition to the criteria and procedures in Sec. 8.5.7, the Planning Director, in consultation with the HPS, will use the criteria of this section to review a proposed repositioning of a designated historic property within its parcel or relocation of a designated historic property to another site.
2. Applicants for repositioning a designated historic property within the same parcel shall:
 - a. Assure the repositioning means the historic property will be preserved on the site.
 - b. Maintain the general character as seen from the street.
 - c. Stabilize the building from further deterioration.
3. Applicants for relocation to another site shall:
 - a. Document the original building location on the current site
 - b. Provide plans to safely move the designated historic property, including the protection of building features
 - c. Ensure the relocation site provides an appropriate context to the building. Ideally the new site shall convey a character similar to that of the historic site, or the current site if the original site is unknown.
 - d. Provide plans to stabilize and rehabilitate the building so that it has a viable use on the new site.
 - i. Alterations that require a building permit shall be submitted to the Building Official. The Building Official will be final decision maker on these applications, however, the Planning Director will issue the Certificate of Appropriateness.
4. Appeal
If a Certificate of Appropriateness is denied, the applicant may appeal the denial to the Town Council per Sec. 8.8.3. Appeals of a decision of the Council may be filed in circuit court.
5. No building permit to reposition or relocate a property designated as a Landmark or Registered Historic Resource shall be issued until a Certificate of Appropriateness has been issued.

6. The Planning Director may consult with the HPS, either in writing or during a regular meeting, to review proposed alterations before the Certificate of Appropriateness and final permit or approval are issued

D. Approval Criteria

In making its determination for a Certificate of Appropriateness, the Planning Director, in consultation with the HPS as appropriate, must determine that the application complies with the Historic Preservation Design Guidelines adopted by the Town, including those that specifically address repositioning and relocating historic structures.

E. Effect of Approval

Approval to reposition or relocate an historic structure by issuance of a Certificate of Appropriateness will allow the applicant to proceed with the repositioning or relocation consistent with any conditions of approval from the HPS and final decision-making entity.

F. Expiration

A Certificate of Appropriateness has no uniform expiration date but expires when the associated building permit expires or when the physical alterations permitted by the CoA and associated building permit are completed, inspected by the Town, and signed off by the Town.

[NOTE: This section provides additional changes throughout the Town of Jackson Land Development Regulations (LDRs) that are required to be consistent with the above new material on historic preservation. Proposed new text is shown in redline]

1.9.2. Nonconforming Physical Development

A. Applicability

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

B. Maintenance, Alteration, Expansion, and Replacement

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

1. No Increase in Nonconformity. Maintenance, alteration, replacement, or expansion shall not increase the nonconformity and shall otherwise comply with all applicable standards of these LDRs, except that maintenance, alteration, or expansion of a nonconforming Detached Single-Family Unit or property listed on the Jackson Historic Register shall not be subject this limitation (e.g., an addition to a house or designated historic structure that is nonconforming as to height may be the same height as the existing nonconforming or historic house).

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

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

a. Detached Single-Family Unit. This standard shall not limit the expansion of a Detached Single-Family Unit.

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

4. Replacement. A nonconforming physical development shall be brought into compliance with all applicable standards of these LDRs upon willful demolition of any structural support for the

portion of the physical development that is nonconforming. Except that this subsection shall not prohibit any of the following.

- a. ~~Jackson Historic Register Detached Single Family Unit~~. This standard shall not limit the ~~expansion-replacement~~ of a ~~property listed on the Jackson Historic Register Detached Single Family Unit~~.

Sec. 2.2.13.E.7

7. Additional Height and Story for Historic Preservation TDR Program
A 48' maximum height and a fourth story are allowed provided that the fourth story is equal to the amount of floor area transferred to the site per the TDR program. The transferred floor area is subject to all other applicable LDR requirements.

Div. 5.8. Design Guidelines

5.8.1. Applicability

A. General

The following applications shall be required to complete design review based upon criteria established in the Town's Design Guidelines prior to the issuance of a building permit or development plan, as established in Div. 8.3.

1. All applications for nonresidential development and redevelopment within the Town.
2. All applications within the ~~DETS-1, TS-2, DC-1, DC-2~~, CR-1, CR-2, CR-3, and OR zones.
3. All applications for residential development that includes three or more attached units.
4. All applications for a property listed on the Jackson Historic Register, as applicable, per the procedures in Sec. 8.5.7. and 8.5.8.

Sec. 6.3.2.C.3

C. Exemptions

The following are exempt from the standards of this Division.

1. Housing Department Unit. A residential unit subject to a deed restriction administered by the Housing Department.
2. Other Workforce Housing. A residential unit subject to a deed restriction administered by the Jackson Hole Community Housing Trust or Habitat for Humanity of the Greater Teton Area; or an apartment in the NL-5 zone.

3. Historic Building. Use of a building included on the ~~Teton County Historical Preservation Board (TCHPB) list of historically significant properties, or that is otherwise deemed in writing by the TCHPB to be historically significant~~ Jackson Historic Register. In addition, ~~if a historic building is used in its historic location~~, floor area elsewhere on the site equal to the amount of historic floor area used on-site is also exempt for as long as the historic structure remains on the property.

EXAMPLE: A 2,000 square foot historic cabin being converted into a restaurant would be exempt from this Division. If the historic cabin has not been moved in last 50 years and is being used as a restaurant in its historic location, another 2,000 square feet of floor area elsewhere on the site are also exempt from this division. ~~If the historic cabin has been relocated from another location, only the cabin itself is exempt.~~

Sec. 8.2.6.C

C. Design Review Committee Review

An application subject to the Town's Design Guidelines, as established in Div. 5.8., shall be reviewed by the Design Review Committee (DRC) Historic Preservation Subcommittee (HPS).

1. Review by the DRC or HPS shall occur in a meeting open to the public. At the public meeting, the DRC shall consider the application, and any relevant support materials.
2. The DRC or HPS may confer at the meeting with the applicant on changes deemed advisable to comply with the Town's Design Guidelines established in Div. 5.8.
3. At the public meeting, the DRC or HPS shall provide a recommended decision on the application based on the Town's Design Guidelines. The recommendation shall clearly state the factors considered in making the recommendation.

8.8.1. Administrative Adjustment

A. Purpose

The purpose of an administrative adjustment is to allow minor adjustments to certain requirements and numerical standards in these LDRs based on specific review standards. The intent is to provide relief when application of a standard creates practical difficulties in advancement of Comprehensive Plan goals or zoning district purposes.

B. Applicability

An application may be made for administrative adjustment of the following standards of the LDRs.

1. Landscape Surface Ratio may be adjusted up to 20%.
2. Structure setbacks, not including setbacks from natural resources, may be adjusted up to 20%, or for a property listed on the Jackson Historic Register structure setbacks may be adjusted as provided in Sec. 5.9.6.B.1.a.

3. Site development setbacks, not including setbacks from natural resources, may be adjusted up to 20%, or for a property listed on the Jackson Historic Register site development setbacks may be adjusted as provided in Sec. 5.9.6.B.1.a.

C. Findings

An administrative adjustment shall be approved upon finding the application:

1. Complies with the applicability standards of this Section;
2. Either:
 - a. Compensates for some unusual constraint of the site or proposal that is not shared by landowners generally, or
 - b. Better protects natural ~~and~~ scenic, or historic resources, or
 - c. Better supports the purpose of the zone;

8.10.4. Design Review Committee

A. Establishment and Purpose

There is hereby established a Design Review Committee (DRC) and Historic Preservation Subcommittee (HPS) for the Town of Jackson, consisting of members who are qualified by experience and training to advise and provide technical assistance to the Planning Director, Planning and Zoning Commission, Board of Adjustment, and Town Council in regards to design review pursuant to Div. 5.8.

B. Powers and Duties

The Design Review Committee, including the Historic Preservation Subcommittee as appropriate, shall have the powers and duties established under the provisions of the LDRs, including:

1. To prepare or cause to be prepared Design Review Guidelines, and recommend such Design Review Guidelines for adoption by the Town Council;
2. To hear requested pre-application conferences pursuant to Sec. 8.2.1.;
3. To hear, consider, and recommend a decision to the Planning Director, the Planning and Zoning Commission, the Board of Adjustment, and the Town Council on the following applications:
 - a. sketch plan pursuant to Sec. 8.3.1.,
 - b. development plan pursuant to Sec. 8.3.2., ~~and~~
 - c. building permit pursuant to Sec. 8.3.3.; and
 - d. designation of historic resources and alterations and repositioning/relocation of historic resources.

C. Membership

1. Qualifications. Members of the DRC and HPS shall be residents of the Town of Jackson or Teton County. No member of the Town Council, Planning and Zoning Commission, Board of Adjustment, or Town Employees shall serve as a member. Although no certification is required for appointment, members shall be experienced or educated in architecture, landscape architecture, planning, and other design related fields. A diversity of members is encouraged from all professions and from a variety of design firms. In addition, members of the HPS should meet the Secretary of the Interior's Standards and Guidelines Professional Qualifications Standards for History, Archaeology, Architectural History, Architecture and/or Historic Architecture, and/or that have served on the Teton County Historic Preservation Board.

2. Appointment. The DRC shall be composed of 7 members, to be appointed by the Mayor with the consent of the Town Council. The HPS shall be composed of 3 DRC members and shall be appointed by the DRC.

E. Quorum and Voting

The presence of 4 or more members of the DRC shall constitute a quorum necessary to take action and transact business, except that the presence of 2 or more members will constitute a quorum for the HPS. All actions shall require a simple majority of affirmative votes of the quorum present.

Div. 9.5 Defined Terms

[These are all new definitions that would be added alphabetically to Sec. 9.5 in LDRs]

1. Alteration: Any act or process, except repair and light construction, that changes one or more of the architectural features of a structure or site, including, but not limited to, the erection, construction, reconstruction, relocation of, or addition to a structure.
2. Applicant – person or persons submitting a nomination for designation as a historic property, or a request for approval of work on a historic property.
3. Association – the direct link between an important historic event or person and a historic property.
4. Certificate of Appropriateness (CoA) – Certificate issued by the Community Development Director authorizing any proposed repair, preservation, restoration, reconstruction, rehabilitation, alteration, new construction on a historic property, repositioning on a historic property, relocation to another property, or demolition of a historic property pursuant to this ordinance.
5. Compatible – consistent or harmonious with location, design, setting, materials, workmanship, feeling, or association or an individual building, structure, object or site, or of surrounding properties.
6. Design – the combination of elements that create the form, plan, space, structure, and style of a property.
7. Design guideline – a criterion with which the Design Review Commission and/or Community Development Director will require compliance when it is found

- applicable to the specific proposal. A guideline is subject to some interpretation when determining compliance.
8. Eligibility criteria – the criteria by which a property is determined to be historic.
 9. Feeling – a property’s expression of the aesthetic or historic sense of a particular period of time.
 10. Historic property – a site, building, structure or object significant in American history, architecture, engineering, archaeology or culture at the national, State or local level.
 11. Historic significance – the meaning or value ascribed to a building, structure, object or site based on criteria for evaluation as identified in Section 3.
 12. Integrity – the ability of a property to convey its historic significance through its physical features.
 13. Jackson Historic Register (JHR) – the list of buildings – Landmarks and Registered Historic Resources – found to have significance in the Town of Jackson as maintained by the Planning and Building department.
 14. Landmark – a building, property or object that is determined to be of exceptional historic significance and value as part of the development, heritage or cultural characteristics of the city, state or nation, and is designated to the Jackson Historic Register pursuant to this ordinance.
 15. Location – the place where the historic property was constructed or the place where the historic event occurred.
 16. Integrity – the ability of a historic property to convey its historic significance through its physical features.
 17. Maintenance – all activities necessary to prolong the useful life and aesthetic appearance of a historic property.
 18. Materials – the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
 19. National Register of Historic Places (NRHP) – the list of significant buildings, structures, sites, objects or districts in American history, architecture, archaeology, engineering, or culture maintained by the U.S. Secretary of the Interior.
 20. Period of Significance – span of time during which significant events and activities associated with a property occurred.
 21. Owner – the person, corporation, government or other legal entity who owns or who has any legal or equitable interest in property and who is so listed as Owner on the records of the Teton County Assessor’s Office.
 22. Registered Historic Resource – a property, structure, feature or object that is determined to be of historic significance and is designated to the Jackson Historic Register pursuant to this ordinance.
 23. Relocation or Relocate – moving a building, structure, or object to a different location, either temporarily or permanently.
 24. Secretary of the Interior’s Standards for the Treatment of Historic Properties – the preservation, rehabilitation, restoration, and reconstruction standards adopted by the U.S. Department of the Interior.
 25. Setting – the physical environment of a historic property.
 26. Significant – having architectural characteristics and historical associations that make the building, structure, feature or area worthy of preservation.

27. State Historic Preservation Officer (SHPO) – means the individual appointed by the Governor to administer the Wyoming Historic Preservation Program.
28. Survey (Historic) – the process of identifying and gathering data on a community’s historic properties. A survey includes field work and may also include background research and more in-depth evaluation of the potential historic properties for designation. Survey work often culminates in an inventory of properties that are found to be significant.
29. Survey (Professional) – survey work led by a preservation professional, someone who meets the Secretary of the Interior’s Professional Qualifications in architectural history or history as outlined by the federal government in 36 CFR 61, Appendix A.
30. Property – a building, structure, site or object.
31. Workmanship – the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

[Existing Definition in Sec. 9.5 to be deleted]

~~Historic Building. Historic building means a building which: (a) is listed on or nominated by the State Historical Society for listing on the National Register of Historic Places; (b) is included in a district which is listed on or nominated by the State historical society for listing on the National Register of Historic Places; or (c) is included on a certified Town list of historic property.~~

[The below change would be made in the B.3 subsection (Bulk and Mass Standards) of every zone district where this excerpt is found (i.e., most zones)]

Design Guidelines

The Design Guidelines apply to all residential and nonresidential development of three attached units or greater, and to properties on the Jackson Historic Register, except where exempted by Planning Director for additions of 20% or less that are consistent with existing architecture

Chapter 15.38 Demolition Standards (Jackson Municipal Code)

15.38.020 Historic Buildings

A. General. The Town Council recognizes that many areas, improvements, buildings or structures have features with historic character or special historic or aesthetic interest or value representing architectural products of distinct periods in the history of Jackson. The Town Council also recognizes that the protection, enhancement and perpetuation of areas, improvements, buildings and structures with features having historic character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the people of the Town.

For the purposes of this section, historic buildings or structures are those buildings, improvements or structures, which are on the Jackson Historic Register or are in excess of fifty (50) years old, or which are otherwise historically or architecturally significant.

Every applicant for a demolition permit shall state to the best of his or her knowledge whether a building or structure for which demolition is sought is either in excess of, or less than, fifty (50) years old as of the date of the application.

B. Authority to Enact. Authority for enacting this chapter to protect historic integrity is provided in Wyo. Stat. Section §15-1-601(d)(iv).

C. The Teton County Historic Preservation Board. The Teton County Historic Preservation Board (“TCHPB”) shall be an advisory board to owners seeking to demolish historic buildings within the Town.

1. The TCHPB shall be an informational and advisory board only, and shall advise owners or residents of buildings or structures on the historic nature, aspects and other historic preservation issues concerning the building or structure sought for demolition.
2. The TCHPB will maintain a non-exclusive list of structures which are either in excess of fifty (50) years old or are otherwise historically or architecturally significant. This list, the TCHPB Building List, will be made publicly available and will be updated from time to time. The TCHPB Building List updated from time to time serves as a guideline to building owners and Town of Jackson officials.
3. The TCHPB may present to the Town Council its findings and recommendations about any development proposal or regulation which impacts any building or structure in excess of fifty (50) years old or which are otherwise historically or architecturally significant.

D. Demolition Permit Review

1. Upon receipt of a demolition permit application pursuant to Section 105.1 of the International Building Code, the planning and building department shall refer the demolition application to the TCHPB.

2. The TCHPB shall review demolition proposals which affect the exterior of any principal or accessory building or structure which is on the TCHPB Building List or the Jackson Historic Register for their impacts on historic resources. The TCHPB will make a recommendation to the planning and building department and/or Town Council within ~~twenty-one (21)~~ thirty (30) calendar days from initial submission of the demolition application to the TCHPB. The TCHPB will either determine that:

- A. The building or structure is not historically or architecturally significant, ~~or~~
- B. That the building or structure is historically or architecturally significant and recommend a ninety (90) day stay in the issuance of a demolition permit for public comment and in order for the applicant, the TCHPB and other interested parties to explore alternatives to demolition. The TCHPB shall cite the historic preservation principles upon which it is relying to make its comments or recommendations regarding the impact of such demolition on historic preservation, or-

C. That the building is designated as a Landmark property on the Jackson Historic Register and so should not be demolished.

Draft Historic Preservation Program Land Developments Regulations

3. All demolition permit applicants pertaining to historic buildings or structures may meet with the TCHPB, or a sub-committee thereof, to discuss the impacts of demolition on historic resources. A meeting will be scheduled during the initial ~~twenty-one (21)~~ thirty (30) day review period on applicant's request.

4. In the event the TCHPB does not make a recommendation to the planning and building department and/or Town Council within ~~twenty-one (21)~~ thirty (30) calendar days from initial submission of the demolition application, the Town will assume that the TCHPB does not have a formal recommendation, and the application shall proceed through the regular permitting process.