

***TETON COUNTY
LAND DEVELOPMENT
REGULATIONS***

**MAY 9, 1994
THIRD PRINTING OCTOBER, 2002
(WITH AMENDMENTS THROUGH JANUARY 31, 2005)**

LAND DEVELOPMENT REGULATIONS

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ARTICLE I

GENERAL PROVISIONS – TETON COUNTY

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ARTICLE I

GENERAL PROVISIONS

DIVISION 1000. TITLE AND CITIATION

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

DIVISION 1100. AUTHORITY

The Board of County Commissioners of Teton County (hereinafter “County”) has the authority to adopt these Land Development Regulations pursuant to the Wyoming Constitution, Section 18-5-202, et. seq., Section 9-9-101, et. seq., and Section 18-5-301, et. seq., and Section 34-12-101, et. seq., Wyoming Statutes, and such other authorities and provisions that are established in the statutory and common law of the State of Wyoming.

DIVISION 1200. PURPOSE

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

A. Land Use Patterns and Community Character

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

B. Natural Resources

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

C. Scenic, Cultural, and Agricultural Resources

1. Protecting the County’s scenic and cultural resources.

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

D. Affordable Housing

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

E. Infrastructure

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

F. Preservation of Local Economy and Land Value

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

G. Administration

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

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

DIVISION 1300. APPLICABILITY**SECTION 1310. APPLICATION**

The provisions of these Land Development Regulations shall apply to the development in the unincorporated area of Teton County, except as expressly and specifically provided in these Land

Development Regulations. No development shall be undertaken without prior authorization pursuant to these Land Development Regulations.

SECTION 1320. GENERAL

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

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

SECTION 1410. EXISTING USES OR STRUCTURES

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

SECTION 1420. LOTS OF RECORD

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

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

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

SECTION 1440. SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS

- A. **Final Planned Unit Development Approved.** The provisions of these Land Development Regulations shall not affect the validity of any PUD Final Plat or Final Master Plan formally approved by the Board of County Commissioners in accordance with any prior regulations of Teton County providing therefor.
- B. **Subdivisions or PUDs in Process.** Developments in the subdivision or PUD approval process that have not received Final Plat or PUD Final Master Plan approval prior to the effective date of these Land Development Regulations must comply with these Land Development Regulations, except any proposed development that has received a PUD Concept Plan approval by the Board of County Commissioners or Preliminary Subdivision Plat approval by the Board of County Commissioners may continue to be processed and governed by the regulations in effect prior to the adoption of these Land Development Regulations so long as the following occurs:
 - 1. **PUD Concept Plan approval.** Those developments with PUD Concept Plan approval provided they receive PUD Preliminary Master Plan approval within one (1) year of the date of their original approval or within one (1) year of May 9, 1994, the date of adoption of these Land Development Regulations, whichever is longer; and
 - 2. **Preliminary Subdivision Plat or PUD Preliminary Master Plan approval.** Those developments with Preliminary Subdivision Plat or PUD Preliminary Master Plan approval provided they receive Final Plat or Final PUD Master Plan approval within one (1) year of the date of approval of the Preliminary Plat or PUD Preliminary Master Plan or within one (1) year of May 9, 1994, the date of adoption of these Land Development Regulations, whichever is longer.
- C. **Modifications.** Modifications to any Final Plat or PUD Final Master Plan, Preliminary PUD Master Plan, or PUD Concept Plan approved prior to the effective date of these Land Development Regulations that constitutes a substantial change to such proposed development, shall be in conformance with these Land Development Regulations, or shall reduce the level of density or intensity of the development.

SECTION 1450. SPECIFICALLY RECOGNIZED PROJECTS

The provisions of these Land Development Regulations or any amendments thereto shall not affect the validity of the following specified developments for which master plans were filed either prior to the County's Land Use and Development Regulations Resolution and the Subdivision Regulations Resolution of Teton County, adopted on December 6, 1977, or are otherwise recognized by the County by being listed in this Section.

- A. Bar J Chuckwagon
- B. Four Lazy F Ranch (renamed 3 Creek Ranch in 2003) (*AMD 02-0008*)
- C. Lake Creek Ranch
- D. Targhee Village, as amended by that instrument dated the 15th of September, 1995 and recorded in the records of the Clerk of Teton County on the 22nd of September, 1995 in Book 310 of Photo, pages 136-139.
- E. Moulton Ranches (located in the SE1/4 and E1/2 of SW1/4 of Section 22, Township 42 North, Range 116 West) – but only insofar as the minimum permitted lot size is 2.25 acres.
- F. C Bar V Ranch, with no conditions, according to the amended master plan approved by the Teton County Board of County Commissioners on September 25, 1997.

SECTION 1460. COMPLIANCE WITH PERMIT CONDITIONS

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

SECTION 1470. VOLUNTARY COMPLIANCE

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

DIVISION 1500. REPEALER**SECTION 1510. REPEAL OF COUNTY'S PRIOR LAND USE AND DEVELOPMENT REGULATIONS AND SUBDIVISION REGULATIONS**

Except in the case of Section 1430, Existing Building Permits, Development Permits, Conditional Use Permits, Lot Split Permits, Sign Permits, Home Occupation Permits, and Variances, and Section 1440, Subdivisions and Planned Unit Developments, or to the extent necessary to enforce compliance with permits issued pursuant thereto or issued prior to adoption of these Land Development Regulations, the Land Use and Development Regulations Resolution and the Subdivision Regulations Resolution of the Teton County Comprehensive Plan and Implementation Program adopted on December 6, 1977, and amended from time to time, are hereby repealed on the date of the County's adoption of these Land Development Regulations. The Mobile Home Park Resolution of Teton County, as adopted on November 20, 1979, is hereby repealed on the date of the adoption of these Land Development Regulations. The repeal of these resolutions does not include the repeal of other resolutions not specified herein.

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

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

DIVISION 1600. SEVERABILITY

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

ARTICLE II

ZONING DISTRICT REGULATIONS – TETON COUNTY

ARTICLE II

ZONING DISTRICT REGULATIONS

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ARTICLE II

ZONING DISTRICT REGULATIONS

DIVISION 2000. GENERAL

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

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

SECTION 2010. ESTABLISHMENT OF ZONING DISTRICTS AND ZONING DISTRICT OVERLAYS

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

Urban Districts

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

Suburban District

5. Suburban (S) District

Rural District

6. Rural (R) District

Conservation Districts

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

Special Purpose Districts

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

Overlay Districts

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

SECTION 2020. OFFICIAL ZONING DISTRICT MAP

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

SECTION 2030. INTERPRETATION OF ZONING DISTRICT BOUNDARIES

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

- A. **Boundaries following municipal boundaries.** Boundary lines shown as following or approximately following County boundaries shall be construed as following such limits.
- B. **Boundaries following streets or alleys.** Boundary lines shown as following or approximately following streets or alleys shall be construed as following the centerline of such streets or alleys.
- C. **Boundaries following section lines, platted lot lines, Park or Forest Service boundaries.** Boundary lines shown as following, or approximately following, section lines, platted lot lines, park or forest service boundaries, or other property lines as shown on the Official Zoning District Map shall be construed as following such lines.
- D. **Boundaries following streams, or rivers.** Boundary lines shown as following, or approximately following, the centerline of streams, or rivers, or other continuously flowing watercourses shall be construed as following the thread of the channel of such watercourses. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the thread. In any instance where the thread extends beyond a County boundary, the boundary shall become coterminous with the County boundary.
- E. **Boundaries following ridgelines.** Boundaries following or approximately following ridgelines shall be construed as following such lines.

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

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

H. **Parallel boundaries.** Boundaries shown as separated from, and parallel or approximately parallel to, any of the features identified in Section 2030 A-D, Interpretation of Zoning District Boundaries, shall be construed to be parallel to such features and at such distances as shown on the Official Zoning District Map.

SECTION 2040. CHANGE OF JURISDICTION

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

DIVISION 2100. PURPOSE OF ZONING DISTRICTS

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

SECTION 2110. URBAN DISTRICTS

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

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

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

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

C. **Auto-Urban Commercial (AC) District.** The purpose of the Auto-Urban Commercial (AC) District is to provide for commercial development that is oriented to the street and is easily accessed

by automobiles, with adequate parking and pedestrian connections to adjoining developments in order to promote nonvehicular movement between buildings in commercial areas. The AC District is further subdivided into AC and AC/T (Auto-Urban Commercial/Town.) The AC/T is intended to apply to in-town commercial areas where uses serve both residents and visitors. The AC District is intended to apply primarily to community-serving commercial areas.

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

SECTION 2120. SUBURBAN DISTRICT

The purpose of the Suburban district classification is to provide for places with enough open space and sufficient lot size to provide a moderate predominance of landscape over buildings, where there is less human interaction than in the Urban zoning districts, where a stronger sense of privacy is maintained through building orientation and landscaping, and where shared open space is provided.

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

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

SECTION 2130. RURAL DISTRICTS

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

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

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

SECTION 2140. CONSERVATION DISTRICTS

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

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

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

B. **Neighborhood Conservation (NC) District.** The purpose of the Neighborhood Conservation (NC) District is to recognize existing residential neighborhoods and subdivisions, and allow development

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

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

SECTION 2150. SPECIAL PURPOSE DISTRICTS

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

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

- A. **Office Professional (OP) District.** The purpose of the Office Professional (OP) District is to provide for the development of office uses and a limited array of service uses separate from the commercial districts where office uses often cannot compete with retail uses for space. The OP District may be mixed with residential uses that include the conversion of single-family residences to office or service uses, the development or continuation of residential uses, and the conduct of limited business uses from a home.
- B. **Residential Business (RB) District.** The purpose of the Residential Business (RB) District is to provide for the conduct of small scale businesses on a lot on which the principal use is residential.
- C. **Business Park (BP) District.** The purpose of the Business Park (BP) district is to provide suitable locations and environs for a variety of industrial, wholesaling, distribution, and service commercial types of uses to meet general community needs.
- D. **Mobile Home Park (MHP) District.** The purpose of the MHP District is to provide locations for mobile homes in a park-like setting.
- E. **Public/Semi-Public (P/SP) District.** The purpose of the Public/Semi Public (P/SP) District is to provide locations for new and existing uses and facilities of a public or semi-public nature. Land in the P/SP District and/or facilities operated therein may be under the control of federal, state, or local governments, or other governmental entities such as a school district or hospital district.
- F. **Park and Open Space (P) District.** The purpose of the Park and Open Space (P) District is to designate land which is publicly owned by the County, State or Federal agencies, or special districts, and whose primary purpose is to provide recreational opportunities for residents, tourists, and visitors. The P District provides for active recreational facilities or open space opportunities in these areas.
- G. **Planned Unit Development (PUD) District for Affordable Housing.** The purpose of the Planned Unit Development (PUD) District for Affordable Housing is to permit relief from the strict application of the standards of the traditional zoning districts in order to allow flexibility to landowners to plan for the development of affordable housing, and to establish procedural and

substantive standards that encourage the innovative design and development of planned mixed-income neighborhoods, that provide a benefit to the community by addressing an acute affordable housing shortage in the community.

H. **Planned Unit Development (PUD) District for Planned Resort.** A Planned Unit Development (PUD) District for Planned Resort is a visitor service development district that includes a mix of recreational, retail, and service-oriented activities which has a high degree of self-containment and provides economic and other benefits to the community. Typical uses include, but are not limited to, ski slopes and associated facilities, hot springs swimming and associated facilities, campgrounds, lodging, convention facilities, and restaurants.

SECTION 2160. ZONING DISTRICT OVERLAYS

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

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

- A. **Natural Resources Overlay (NRO).** The purpose of the Natural Resources Overlay (NRO) is to provide protection to the most important and sensitive natural areas throughout the County that provide critical winter habitat and migration routes that are essential for survival of the elk, mule deer, and moose, nesting habitat that is essential to the survival of the bald eagle and trumpeter swan, and spawning areas that are essential to the survival of the cutthroat trout.
- B. **Scenic Resources Overlay (SRO).** The purpose of the Scenic Resources Overlay (SRO) is to preserve and maintain the County's most frequently viewed scenic resources that are important to both its character and economy.
- C. **Lodging Overlay (LO).** The purpose of the Lodging Overlay (LO) is to provide lands within the County which are appropriate for lodging uses, and to insure that a balance is maintained between the amount of lodging uses and other visitor and local-oriented uses.
- D. **Town Square Overlay (TSO).** The purpose of the Town Square Overlay (TSO) is to provide development standards to preserve and enhance the unique character, qualities and pedestrian-dominated environment of the Jackson Town Square and its immediate vicinity.

SECTION 2170. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR AFFORDABLE HOUSING

A. **Purpose and objectives.** The purpose of the Planned Unit Development (PUD) District for Affordable Housing is to permit relief from the strict application of the standards of traditional zoning districts in order to allow flexibility and creativity for the development of affordable housing, and establish procedural and substantive standards that encourage the innovative design and development of planned mixed-income neighborhoods, that provide a benefit to the community by addressing an acute affordable housing shortage in the community. The general objectives of the Planned Unit Development (PUD) District are:

1. **Density.** To provide for density increases that contribute directly to solving the affordable housing shortage.
2. **Mixed-income.** To provide restricted, below-market ownership and rental housing that is mixed with market housing.
3. **Neighborhood development design.** To provide neighborhood development designed to achieve the following:
 - a. **Best management practices for higher densities.** Development design that best manages impacts of higher density development, such as Traditional Neighborhood Design as described by the Congress for the New Urbanism.
 - b. **Integration.** Integration with surrounding land uses through planning, design, and other development techniques.
 - c. **Diversity.** A diversity of housing choices.
 - d. **Connectivity.** A high degree of interconnectivity among areas within the neighborhood and the adjoining developments, particularly pedestrian-friendly and pedestrian-safe connections.
 - e. **Amenities.** Provision of sites for schools, day care centers, active and passive parks, and other neighborhood amenities, appropriate to the development's size.
 - f. **Preservation and enhancement of land values.** Preservation and enhancement of surrounding and internal land values through planning, design, and other development techniques.
 - g. **Reduce vehicular trips on external road network.** Minimize vehicular trip-making and promote internal trip capture within the neighborhood, and increase use of transit service and other alternative forms of travel.
 - h. **Coordinated services.** Roads, pathways and utilities that are coordinated with similar facilities off-site.
4. **Adequate public facilities.** To guide the development to locations where adequate public facilities can be provided, consistent with the goals of the Jackson/Teton County Comprehensive Plan and these Land Development Regulations.
5. **Environmental protection.** To guide the development away from locations in which environmentally sensitive lands and critical wildlife habitat and corridors would be difficult to protect, in accordance with the goals of the Jackson/Teton County Comprehensive Plan and these Land Development Regulations.

B. **Applicable locations.** PUDs for Affordable Housing shall be located in accordance with the following criteria:

1. **Wastewater treatment capacity.** Accessible to an existing or planned central wastewater treatment plant with sufficient capacity or feasible expansion capacity to accommodate the proposed development.
2. **Water system capacity.** Accessible to an existing or planned water supply system with sufficient water supply and distribution capacity to serve the proposed development.
3. **Road capacity.** Roads that provide access to the development have sufficient existing or planned capacity to serve the proposed development.

4. **Transit provisions.** Accessible to an existing or planned transit route, or in an area that is a logical extension of the existing transit system.
5. **Pathway connections.** Accessible to an existing or planned community pathway route, or in an area that is a logical extension of the existing regional pathway system.
6. **Wildlife impacts.** In order to protect wildlife crucial winter range and migration corridors, the PUD for Affordable Housing is not a permitted use within the NRO. (AMD 03-0021)

C. **Review procedure.** All PUDs for Affordable Housing are subject to Sketch Plan and Development Plan approval as provided in Section 51200, Development Plan, of these Land Development Regulations. A PUD for Affordable Housing shall be approved only if the Board of County Commissioners finds that the application meets the purpose and objectives of this section, as well as all applicable standards of these LDRs. The sequence of review and approvals is as follows:

1. Amendment to Official Zoning District Map.
2. Sketch Plan approval, if applicable.
3. Final Development Plan approval. (also referenced as a Final Master Plan in other parts of these LDRs.)
4. Platting (as applicable) according to further procedures and requirements set forth in Article VI, Platting and Land Records.

D. **Development standards.** Affordable housing PUDs shall comply with all applicable standards of these LDRs, unless exempted or modified by this section, and the following standards:

1. **Affordable housing.** (AMD 03-0021)
 - a. **Minimum percentage.** A minimum of fifty (50) percent of the housing units shall be restricted as affordable housing pursuant to the Teton County Housing Authority Guidelines.
 - b. **Distribution.** The required affordable housing units shall be distributed equally across the below-market sales/rents categories identified by the Teton County Housing Authority Affordable Housing Guidelines, as adopted and from time to time amended by the Teton County Housing Authority.
 - c. **Design and construction.** The design and construction of each type of affordable unit shall comply with the standards set forth for each type of unit in the Teton County Housing Authority Affordable Housing Guidelines in effect at the time the application for a PUD-AH development is submitted to the County.
 - d. **Implementation strategy.** An implementation strategy shall be established that demonstrates the plan for developing, constructing and delivering the affordable housing units to the targeted population. The method for ensuring that the units remain permanently affordable also shall be described in the implementation strategy. The implementation strategy shall include the proposed timing of the delivery of any required on-site and off-site amenities and infrastructure improvements to coordinate with the timing of availability of housing units for occupancy.
2. **Site plan.** A site plan shall be developed that is based, as much as practical, on design principles known to successfully manage the impacts of higher density development, such as Traditional Neighborhood Design principles, as described by the Congress for the New

Urbanism. If the subject property is not large enough to provide for a complete neighborhood, then the plan shall clearly demonstrate the incorporation of such principles to the greatest extent physically practical. (AMD 03-0021)

- a. **Streets and blocks.** The street network shall provide for a high degree of connectivity within the development. Where physically possible based upon the size and configuration of the site, new Blocks shall be created that generally should be no larger than 230 by 600 feet to ensure that building lots front streets and that pedestrian traveling distances are practical. New streets shall connect directly to the adjacent existing street system, to become a part of the community and regional network. (AMD 03-0021)
- b. **Integration of affordable housing.** The affordable housing shall be reasonably integrated through-out the PUD, using techniques such as interspersing houses of different sizes but similar appearance, providing condominiums and apartments in buildings similar in size and character to market housing, or over stores, and providing for garage apartments and small cottages behind single-family homes. (AMD 03-0021)
- c. **Park and civic spaces.** Utilize the Development Exaction provisions defined in Division 49500 for projects with a site area of less than 6 acres. For larger project sites, functional on-site park and civic spaces shall be required to meet the need for such facilities generated by the PUD. These spaces shall be designed into the PUD in locations that create a neighborhood focal point, enhance environmental features, and promote pedestrian travel. (AMD 03-0021)
- d. **Pathway network.** Pathways shall be provided within the PUD that connect parks, civic spaces and residential areas. Mid-block pedestrian paths may be required in order to provide acceptable connectivity. The pathway network for the PUD shall provide connections to existing regional or neighboring pathway systems; when no neighboring pathway system exists, the PUD pathway network shall provide for future connections at logical locations. (AMD 03-0021)
- e. **Street sections.** Street sections shall be designed to enhance the pedestrian experience and create neighborhood character. A variety of street sections may be required. On-street parking shall be used wherever possible to control traffic speed, protect pedestrians, and distribute parking. The alignment of street trees and other plantings, and sidewalk widths shall reflect accepted higher density design principles. Site design shall include provisions for adequately sized and functionally located snow plowing, snow storage, visitor parking, fire department access, trash pick-up and container storage, and for school bus stops where not available in close proximity to the site. (AMD 03-0021)
- f. **Building relationships.** In the PUD center, or neighborhood center, buildings shall be close to the street and any necessary parking lots shall be small and located in the interiors of the blocks in order to maintain building continuity on the street. The ratio of building heights to adjacent street widths, and build-to lines, shall reflect the principles of accepted higher density designs, such as Traditional Neighborhood Design. (AMD 03-0021)

3. **Permitted land uses.** The following uses, as defined in these Land Development Regulations, may be permitted in a PUD for Affordable Housing subject to review and approval of the Amendment to the Official Zoning District Map and development plan. Uses approved shall contribute to the purpose and objectives of this Section, as stated in subsection A.1., Purpose and objectives.

- a. single-family residential attached
- b. single-family residential detached
- c. townhouses
- d. condominiums
- e. apartments
- f. accessory residential units
- g. mobile home parks
- h. institutional residential
- i. institutional uses
- j. day care uses
- k. utilities
- l. open space and public parks
- m. public facilities
- n. home uses
- o. office uses, at a neighborhood scale
- p. neighborhood serving commercial retail uses
- q. neighborhood serving service uses
- r. neighborhood serving restaurant/bar uses

4. **Rules and regulations.** Rules and Regulations for the PUD for Affordable Housing shall be adopted as part of the amendment to the Official Zoning District Map and development plan for each PUD. All standards in these Land Development Regulations shall apply to the PUD, unless they are approved as modified in the Rules and Regulations in ways that are consistent with the purpose and objectives of this section. The Rules and Regulations shall include, but not be limited to, specifications for the following: (AMD 03-0021)

- a. **Uses, densities, and intensities.** A development program shall specify the uses, densities, and intensities permitted within the PUD.
- b. **Architectural design standards.** Architectural design standards shall be required for each PUD development, as determined by the Planning Director. The architectural design standards shall establish common character, architectural style, scale of structures, and materials palette parameters for the PUD. The standards shall encourage variety while ensuring the harmony necessary to give character to a neighborhood. (AMD 03-0021)
- c. **Dimensional standards.** Any dimensional standards proposed to be different from the previous zoning district standards for the site shall be specified. (AMD 03-0021)
- d. **Applicability of previous zoning district LDRs.** The standards of the previous zoning district shall apply if the PUD for Affordable Housing does not specify an alternative standard. The standards shall be specified on plans and in other documentation describing the PUD project. (AMD 03-0021)
- e. **Transportation Demand Management Plan.** A Transportation Demand Management (TDM) Plan may be required for larger developments, by the Planning Director, that demonstrates the type of travel behavior that may be expected from residents and visitors to the PUD and the traffic volumes anticipated, both within the PUD and onto the external transportation network. The design of the PUD shall contribute to minimizing the number of vehicular trips on the internal and external roadway network. If necessary, the TDM Plan shall specify other techniques to be implemented that will further contribute to reducing the number of vehicles anticipated on the external

roadway network and increasing average vehicle occupancy, transit use, and other nonmotorized travel methods. (AMD 03-0021)

f. **On-going maintenance, management, enforcement and oversight program.** The Rules and Regulations shall specify the mechanisms established to ensure on-going maintenance and management of PUD facilities, including but not limited to water systems, sewer systems, streets, pathways, parks, common areas and other on-site amenities, and shall include such specifics as snow removal, trash pick-up and container storage management in coordination with the appropriate use of on-street and off-street parking. The Rules and Regulations shall specify oversight and enforcement mechanisms for ensuring compliance with all PUD provisions and standards. All such mechanisms shall provide for reliable management and maintenance of PUD facilities and compliance with PUD provisions and standards. (AMD 03-0021)

g. **Other standards.** Other standards, including but not limited to landscaping, sign, parking, lighting and street standards, shall be addressed in the Rules and Regulations in order to implement traditional neighborhood design, as described in subsection D.2., Site plan, above. (AMD 03-0021)

5. **Integration.** Integration with surrounding land uses shall be achieved by providing at the edge of the PUD densities and design elements similar to the adjoining development, or a buffer space, or by incorporating other design mechanisms that provide a transition from the PUD to the adjoining development. At project boundaries abutting developed residential properties, a minimum setback equivalent to what would have been required by the previous zoning shall be provided, unless natural resources and landscaping, existing or proposed, would sufficiently buffer the neighboring property. (AMD 03-0021)

6. **Development scheduling plan.** A development schedule shall be provided for the PUD for Affordable Housing to ensure the proposed development occurs in a logical sequence including project amenities and necessary public facilities. The development scheduling plan shall identify the general sequence or phases in which the land is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure and pathways will be installed, and how development will be coordinated with governmental capital improvements. The scheduling plan shall ensure public facilities and amenities are developed in concurrence with demand for those facilities.

E. **Findings.** Approval by the Board of County Commissioners of a PUD for Affordable Housing shall be dependent upon finding that the benefit to the community derived from the affordable housing produced by the PUD outweighs the costs associated with the density of the PUD, in terms of impacts to public facilities and services and impacts to the neighborhood and community. This finding shall be made in addition to the standards for approval of a development plan, as set forth in Section 51200, Development Plan, and the Standards for approval of an amendment to the Official Zoning District Map, as set forth in Section 5150, Amendments to the Text of these Land Development Regulations or the Official Zoning District Map. (AMD 05-0004)

F. **Expiration.** A PUD for Affordable Housing Sketch Plan shall expire three (3) years from the date of its approval unless a sufficient application for Final Development Plan, in accordance with the approved development scheduling plan, is filed with the Planning & Development Department. A PUD for Affordable Housing Sketch Plan shall expire five (5) years from the date of its approval unless there is commencement of construction or operation of land uses or activities in accordance with the approved development scheduling plan. Final Development Plans shall expire in accordance with Section 51200.H., Effect of issuance of a development plan permit. Furthermore, after development has commenced, if the development ceases to progress in accordance with the

development scheduling plan, or there is otherwise no action on the development for two (2) years, then the development plan permit for the remaining undeveloped portion of the project shall expire, unless dutifully extended in accordance with these LDRs. Upon such expiration, all rights that are established pursuant to the Amendment of the Official Zoning District Map shall lapse and the Board of County Commissioners may amend the Official Zoning District Map to the zoning district that existed on the property prior to the approval of the PUD for Affordable Housing. Notwithstanding, alternative time frames for expiration of a PUD for Affordable Housing Sketch Plan or Final Development Plan may be established in an approved development scheduling plan.

SECTION 2180. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT FOR PLANNED RESORT

A. Purpose and intent. The purpose of the PUD District for Planned Resort is to provide for and guide the creation or continuation of a planned development configured around a major recreational activity. The intent of this development type is to:

1. Encourage recreational activities that rely on indigenous natural attributes of the area, contribute to the community's character and economy and have had a long-standing, beneficial role in the community; and
2. Provide flexibility for planning and developing recreational resort facilities in a creative, efficient and coordinated manner in order to provide quality visitor experiences; and
3. Create a process in which Teton County and the Town of Jackson collaborate with landowners in planning and designing resort master plans that meet community goals and respond to the unique circumstances of the resort area; and
4. Permit resort development that contributes to expanding the winter and shoulder economic seasons; and
5. Ensure that resort plans incorporate a mix of land uses, promote alternative modes of transportation, and provide a pedestrian-oriented community in order to alleviate traffic-related impacts; and
6. Ensure resort plans are consistent with the Comprehensive Plan, and therefore, are beneficial to the community; and
7. Enable long-range planning for infrastructure, capital facilities, and community land use patterns by establishing a level of predictability in the maximum potential size and character of each resort area; and
8. Ensure a balance is maintained between tourism and community that promotes social diversity but does not cause undesired shifts away from rural, western community character; and
9. Produce resort plans that make significant contributions toward protecting attributes of the community that are considered critical to the community's long-term health, welfare, and well being.

B. Applicability.

1. **PUD District for Planned Resort.** Only those lands described below shall be eligible for a PUD District for Planned Resort (hereinafter Planned Resort,) provided a master plan is reviewed and approved pursuant to subsection C, Procedure. The intent is that a limited number of Planned Resorts be created and only in locations that are consistent with the Jackson/Teton County Comprehensive Plan.

- a. **Astoria Mineral Hot Springs.** For the purposes of this Section, this area shall be known as "Astoria Mineral Hot Springs" and shall encompass the property mapped in subsection D.12.d.(5), Area description.
- b. **Teton Village.** For the purposes of this Section, this area shall be known as "Teton Village" and shall encompass the property mapped in subsection D.12.c.(13), Area description.
- c. **Jackson Hole Golf and Tennis Club.** For the purposes of this section, this area shall be known as "Golf and Tennis" and shall encompass the property mapped in subsection D.12.e (5), Area Description.

C. **Procedure.** This procedure is intended to promote collaboration among landowners, the County, and the Town of Jackson in designing land development standards specific for each resort area. While one or more landowners may propose a Planned Resort master plan, and maintain the role of the applicant as identified herein, all landowners within a resort area are encouraged to participate in the design of the PUD. Participation of all landowners within a proposed PUD area, however, is not required for the County to adopt a PUD District for Planned Resort. Two stages of review are required prior to commencement of construction or operation of new land uses within at Planned Resort: PUD District review and approval and Final Development Plan review and approval.

1. **PUD District review and approval.** The PUD District for Planned Resort is established by review and approval of a Planned Resort master plan and concurrent review and approval of an amendment to the Official Zoning District Map. An approved Planned Resort master plan shall establish the development standards for that PUD District.
 - a. **Planned Resort master plan.** Public review and approval for Planned Resort master plans follows the procedures set forth for Sketch Plans and serves as a Sketch Plan pursuant to Section 51200, Development Plan. The standards for review of the master plan, however, are the standards set forth in this Section, in order to allow for flexibility and creativity in the master plan and discretionary review thereof.
 - (1) **Purpose and intent of master plan.** The purpose of a Planned Resort master plan is to establish the development standards and serve as a guide to all future development within the Planned Resort. The Planned Resort master plan is intended to be of sufficient detail to describe the amount, type, size, location, and impact of the proposed resort, but technical specifications of the proposed development, such as fully engineered plans or fully detailed architectural drawings, are not required.
 - (2) **Submittal components.** A Planned Resort master plan application shall include all lands in a given resort area, as listed in subsection B, Applicability. The minimum requirements for a master plan application shall be established by the Planning Director and shall include, but not be limited to:
 - (a) Statement of Purpose
 - (b) Master Site Plan
 - (c) Dimensional Limitation Plan
 - (d) Design Guidelines
 - (e) Transportation Demand Management Plan
 - (f) Housing Mitigation Plan
 - (g) Capital Improvements Plan
 - (h) Land Use Plan
 - (i) Phasing Plan

(j) Community Services Element (optional)

(3) **Recordation.** Upon approval, the Planned Resort Master Site Plan and a Certificate of Standards and Conditions, and any amendments thereto, shall be recorded in the Teton County, Wyoming Clerk's Office. The Certificate shall be in the form of an affidavit and shall detail the Planned Resort master plan conditions of approval and the development standards to be applied within the Planned Resort, as well as any other standards, conditions, or agreements pertaining to future development or responsibilities of landowners within the Planned Resort. The Planning Director shall prepare the affidavit in a form acceptable to the County Attorney.

b. **Amendment to Official Zoning District Map.** Approval of a Planned Resort master plan also shall constitute an amendment to the Official Zoning District Map to establish the PUD District for Planned Resort. The public hearing notice for the Planned Resort master plan shall be accomplished so as to comply with the requirements set forth in Section 5120.E, Notice of public hearings, for amendments to the Official Zoning District Map.

2. **Joint review by Town and County.** In addition to the review procedure set forth in Section 51200, Development Plan, the County Planning Commission and Board of County Commissioners shall make recommendations to the Town Planning Commission and Town Council regarding any Planned Resort master plan application within the Town of Jackson. For the same purpose, the County Planning Commission and the Board of County Commissioners shall receive and consider recommendations from the Town Planning Commission and Town Council regarding any Planned Resort master plan application in the County.

a. **Purpose.** The purpose of the County's and Town's review of any Planned Resort in the other jurisdiction is to recognize the impact of resorts on neighboring jurisdictions and to provide an opportunity for cooperation in planning and mitigation of potential impacts.

b. **Intent.** The intent of review is for the Town Planning Commission and Town Council to have an opportunity for review and comment of a Planned Resort. The Town role is advisory only and does not include a voting participation in review of the Planned Resort master plan.

3. **Development Plan review and approval.** After approval of a Planned Resort master plan and PUD District for Planned Resort, Development Plan and building permit approvals are required prior to commencement of any construction or operation of any new land use within the Planned Resort.

a. **Development Plans at Teton Village.** All applications for development at Teton Village shall be reviewed in accordance with the approved Teton Village Master Plan.

b. **Development Plan application for development at all Resorts other than Teton Village.** Final Development Plan applications shall be submitted in accordance with the Planned Resort master plan and shall be reviewed and approved pursuant to Section 51200, Development Plan. No Sketch Plan review is required. No Final Development Plan shall be approved unless the proposal is consistent with the Planned Resort master plan.

- c. **Phasing.** A Final Development Plan application may encompass only an increment of the total resort development, in accordance with an approved phasing plan.
4. **Standing of Planned Resort master plan.** An approved Planned Resort master plan, as amended, shall specify the development standards for the PUD District for Planned Resort. Upon approval of a Planned Resort master plan and PUD District for Planned Resort, any amendments to these Land Development Regulations shall not affect the approval of the Planned Resort master plan, or the conditions of approval, provided development within the Planned Resort proceeds in accordance with an approved phasing plan and provided none of the conditions occur that prescribe expiration of the Planned Resort master plan, pursuant to subsection C.6, Expiration.
5. **Amendment of master plan.** Any landowner within a PUD District for Planned Resort may apply for amendment to the Planned Resort master plan. The amendment shall be reviewed and acted upon pursuant to the procedures set forth in this Section for review and action on a Planned Resort master plan. The amendment shall be subject to all applicable standards of this Section and these Land Development Regulations that are in effect at the time of review of the amendment. Notwithstanding, minor deviations from a Planned Resort master plan may be approved by the Planning Director, pursuant to Section 51200.J, Minor deviations. In addition, Minor Amendments to the Teton Village Planned Unit Development for Planned Resort Standards and Conditions may be approved by the Planning Director in accordance with the standards of that document.
6. **Expiration.**
 - a. **Time-frame.** A Planned Resort master plan shall expire three (3) years from the date of its approval unless a sufficient application for Final Development Plan, in accordance with the approved phasing plan, is filed with the Planning Department. A Planned Resort master plan shall expire five (5) years from the date of its approval unless there is commencement of construction or operation of land uses or activities in accordance with the approved phasing plan. Notwithstanding, alternate time frames for expiration of a Planned Resort master plan may be established in an approved phasing plan.
 - b. **Effect.** Upon expiration, approval of a Planned Resort master plan and all rights that are established by the master plan shall lapse and the County shall amend the Official Zoning District Map from PUD District for Planned Resort to the zoning district that existed on the property prior to the Planned Resort master plan approval.
7. **Extension.** A Planned Resort master plan approval may be extended by the Board of County Commissioners provided a written request for extension is received at least thirty (30) calendar days prior to expiration of the Planned Resort master plan.
 - a. **Procedure.** The request for extension shall be reviewed by the Board of County Commissioners at a regularly scheduled meeting, by which time a public hearing notice shall be advertised and any necessary information pertinent to the extension request can be made available. The Planned Resort master plan shall be deemed extended until the Board of County Commissioners acts upon the request for extension.
 - b. **Grounds for extension.** The grounds for extending a Planned Resort master plan approval shall be specified by the Board and shall include, but not be limited to, the following:

- (1) **No change in conditions.** Conditions in the community have not substantially changed since the original Planned Resort master plan approval. No extension shall be granted if the Board finds that changes in the community result in the resort plan being inconsistent with the community's land use patterns, these LDRs, or the community's ability to provide infrastructure and services to accommodate the resort.
- (2) **Good faith efforts.** Activities and investments on the part of landowners within the Planned Resort demonstrate good faith efforts in pursuing the development permitted by the Planned Resort master plan.

8. **Reconsideration.** If development within a Planned Resort fails to proceed in general accordance with the approved phasing plan, the Board of County Commissioners may require reconsideration of the Planned Resort master plan and either amend the phasing plan or revoke the master plan, as appropriate.

- a. **Amendment.** Amendment of the phasing plan shall be appropriate if either an acceptable alternative phasing plan that meets the standards of this Section or a development schedule acceptable to the County Commissioners for regaining compliance with the original phasing plan is presented.
- b. **Revocation.** Revocation of the master plan shall have the effect of forfeiting all rights within the Planned Resort to any further development according to the Planned Resort master plan and shall be appropriate if:
 - (1) no material progress has been made in development of the resort for ten (10) consecutive years, or
 - (2) there is substantial noncompliance with the performance objectives specified in the conditions of approval, or the monitoring program, and no agreement can be reached between representatives of the landowners within the Planned Resort or applicant of record and the Board of County Commissioners for bringing the resort development into compliance with the standards of this Section.
- c. **Procedure.** The Board of County Commissioners shall hold a public hearing, in accordance with Section 5120.E, Notice of public hearings, and Section 5120.F, Public hearing procedure, for the purpose of examining the development that has occurred within the Planned Resort and its consistency with the Planned Resort master plan. The Board of County Commissioners shall issue a determination as to whether amendment or revocation of the master plan is appropriate, in accordance with the above specified standards. Amendments to the master plan shall be accomplished pursuant to subsection C.5, Amendment of master plan. Revocation of the master plan shall be accomplished by amending the resort area on the Official Zoning District Map from PUD District for Planned Resort to the zoning district that existed prior to approval of the Planned Resort master plan.

D. **Standards applying to all Planned Resorts.**

1. **Applicability of County Resolutions.**
 - a. **Consistency with Comprehensive Plan.** Planned Resort master plans shall be consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan.

- b. **Compliance with Land Development Regulations.** A Planned Resort master plan shall comply with the standards of these LDRs. Notwithstanding, the applicant for a Planned Resort master plan may propose, and the Board of County Commissioners may approve, alternative standards for development that are consistent with the purpose and intent of this Section. It is fully consistent with this Section that Planned Resorts may have dimensional, design, and other development standards different from those described in other sections of these LDRs due to the unique circumstances of, and community objectives for, resort development. All standards and regulations of the prior zoning district not altered pursuant to an approved Planned Resort master plan shall apply.
2. **Statement of purpose.** The Planned Resort master plan shall have a Statement of Purpose which describes the applicant's rationale for resort expansion and the design theme of the resort development. The Statement also shall describe how the resort master plan fulfills the intents of this Section, as specified in subsection A, Purpose and intent.
3. **Master Site Plan.** The Planned Resort master plan shall have a Master Site Plan that clearly illustrates the proposed development and the site to the satisfaction of the Planning Director.
4. **Dimensional Limitation Plan.** The Planned Resort master plan shall have a Dimensional Limitation Plan which specifies dimensional limitations necessary to achieve the design theme identified by the applicant. The plan shall include floor areas and floor area ratios, densities, landscape ratios, height, setbacks, building envelopes, etcetera, or other lines delineating areas on which restrictions of development are to be imposed and areas in square feet for each lot or building.

Any dimensional limitations unspecified by the Planned Resort master plan shall be established by the standards applicable in the zoning district that existed on the property prior to the approval of the Planned Resort master plan.
5. **Housing element.** The Planned Resort master plan shall have a housing element to ensure a supply of affordable and employee housing that is commensurate to the demand for housing created by development within the Planned Resort.
 - a. **Affordable housing.** Affordable housing shall be provided in conjunction with residential development pursuant to Division 49400, Residential Affordable Housing Standards, of these LDRs.
 - b. **Employee housing.** Employee housing shall be provided in conjunction with nonresidential development pursuant to Division 49600, Employee Housing Standards for Planned Unit Development (PUD) District for Planned Resort.
 - (1) **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.
 - (2) **Master plan estimate.** The number of employees required to be housed and the locations where they will be housed, as presented in the Planned Resort master plan, shall be treated as an estimate/concept, and shall be finalized by the Planning Director as Final Development Plans within the Planned Resort are reviewed and acted upon. Each approved Final Development Plan shall establish

the actual number of employees required to be housed and the locations in which they will be housed for that portion of the Planned Resort master plan.

6. **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 subsection D.12, Character element. 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.** 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:

- concentrate activities and human interaction into identifiable spaces, such as a plaza or mall;
- assemble a built environment that connects buildings, spaces and structures through common scale, design and materials;
- incorporate into the built environment the natural features and cultural heritage of the area; and
- produce an identifiable image that is associated with the planned resort and with Jackson Hole.

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.

b. **Architecture.** Building design guidelines shall reflect:

- (1) the community's architectural character and themes
- (2) a human scale, pedestrian-orientation, which are created when:
 - the height of buildings does not overwhelm people walking beside the buildings; and
 - the ground level doors, windows and design features of buildings create an interesting diversity for people walking past the buildings
- (3) a built environment in keeping with the cultural and aesthetic values of the community
- (4) natural attributes of the immediate vicinity
- (5) building materials and colors compatible with the surrounding natural and built environment.

c. **Bulk and scale.** The design guidelines shall ensure the bulk and scale of individual buildings within the Planned Resort achieve compatibility with:

- (1) other structures within the Planned Resort when the resort development is completed, and

- (2) neighboring structures that are not a part of the resort, and
- (3) the natural environment.

d. **Signs.** The design guidelines shall include a sign component that sets forth the sign theme for the Planned Resort and specifies criteria for determining permitted sign sizes, types, and locations. The guidelines shall contain prototypical examples of all types of signs, including wall, canopy, freestanding, directional, and informational signs. The flexibility extended to Planned Resorts via this Section, to propose standards for signs different from those specified in Division 4600, Signs, is encouraged with the purpose of having sign guidelines in keeping with the unique character and needs of the resort. Variations from Section 4600, Signs, shall be identified and justified by the applicant.

e. **Lighting.** The design guides shall include an analysis of proposed project lighting. Areas to be illuminated (parking areas, walkways, entries, etc.) shall be identified, and general standards should be set forth. Identification of models and types of standards and fixtures is encouraged, but specific illumination plans and photometric footprints are not required. Generally, lighting shall be low-intensity, low-profile, and shielded to avoid "light pollution" and glare to off-site areas. General illumination standards are set forth in Section 49370, Exterior Lighting and Glare.

f. **Site planning.**

- (1) **Orientation and aspect.** Structures and public spaces within the Planned Resort, generally, shall be arranged with views of, and access to, the principal resort recreational amenity.
- (2) **Entrance features.** Entrances to the Planned Resort shall create a sense of arrival. A sense of arrival is created when the entrance into the Planned Resort is easily identifiable and is consistent with the design theme of the resort.
- (3) **Natural resources.** The site design shall highlight the natural resources within the Planned Resort and integrate them into the layout of the resort in order to promote a connection to the natural environment. Consequently, natural features of the site, such as significant vegetation, rock outcroppings, water bodies, etc., shall be preserved and incorporated into the project design to the extent practicable.
- (4) **Pathways and pedestrian facilities.** Pathways and pedestrian facilities, including access for the disabled, shall be integral components of the site design. The site shall provide an attractive, outdoor atmosphere that encourages use and reliance upon pathways and walkways.
 - (a) **Safe, convenient, and direct access.** Pathway and pedestrian systems shall provide safe, convenient, and direct access throughout the resort, to public lands, transit facilities and the existing or planned community pathway system, when adjacent to the resort.
 - (b) **Pathways.** Pathways shall be provided for nonmotorized transportation, except motorized wheelchairs for the disabled shall be permitted. Bicycle racks, ski racks, etc., shall be provided at various destination points within the resort.
- (5) **Transportation facilities.** Site design shall integrate safe, convenient, and direct access to transportation services and facilities (i.e., bus shelters, information

kiosks) and shall incorporate the facilities necessary for the proper functioning of the Transportation Demand Management Plan (see subsection D.7.b, below.)

(6) **Circulation.** The layout of local streets, alleyways, and parking lots shall be sensitive to the natural terrain and landscape. Cut and fill areas shall be minimized, and natural features of the site such as wooded areas, rock outcroppings, and waterbodies, shall be preserved to the maximum extent practical.

(7) **Access.** Safe vehicular access appropriate for refuse removal, recycling, emergency services, and delivery shall be provided. Service access shall not create unsafe conflicts with automobile and pedestrian access to primary destinations within the resort.

(8) **Landscaping.** Project landscaping, including hardscape areas, shall be consistent with the overall design theme of the resort. Use of indigenous plant materials is encouraged. Existing vegetation shall be preserved and incorporated into the design of the project to the extent practical, especially wooded areas and other significant vegetation which provides shelter or habitat for wildlife.

g. **Character objectives.** Subsection D.12, Character element, contains character objectives specific to each resort area that shall be incorporated into the design guidelines.

7. **Transportation element.** The Planned Resort master plan shall have a transportation element to ensure that resort development does not produce an amount of vehicular traffic that undermines the community's character, and endangers the public health, safety and welfare (i.e., noise, air quality and traffic impacts.) The Planned Resort master plan shall provide an optimum mix of automobile, transit, and pathway facilities within the resort, encourage coordination of all resort transportation facilities with the County-wide transportation system, promote design and management which encourages shifts from single-occupancy vehicle trips to multi-occupancy trips, or other transportation modes, and provide equitable cost sharing for facilities and services.

a. **Traffic impact analysis.** A traffic impact and access analysis is required. At a minimum, this analysis shall contain:

(1) Projections of external vehicle trips generated by the Planned Resort.

(2) Analysis of levels of service (LOS) impacts on roadway system segments and intersections serving the Planned Resort.

(3) Specification of any improvements needed to roadway system segments and intersections as a result of increased traffic from the Planned Resort.

b. **Transportation Demand Management Plan.** The Planned Resort master plan shall include a Transportation Demand Management (TDM) Plan that demonstrates how the travel behavior of resort visitors and employees will be managed to minimize the number of vehicle trips on the roadway network resulting from the resort development. The Transportation Chapter of the Jackson/Teton County Comprehensive Plan will allocate a number of vehicle trips to various roadway segments, based upon the projected traffic demand and the planned character of the roadway segments. A goal of the applicant's TDM Plan shall be to manage the transportation demands of the resort so that it is consistent with the allocation of vehicle trips to the various roadway

segments that serve the Planned Resort. Potential mechanisms for managing travel behavior may include, but are not limited to:

- (1) increasing average vehicle occupancy
- (2) shifting vehicular trips (resident and visitor) to public transit
- (3) shifting vehicular trips (resident and visitor) to walking, bicycling and other nonmotorized means
- (4) reducing vehicular trips through internal capture associated with mixed land use patterns.

c. **Parking and loading.** The Planned Resort master plan shall provide parking and loading areas of sufficient amount and type to accommodate the resort's projected demand including parking for visitors and lodging guests, waiting and loading areas for transit vehicles and their passengers, and loading areas for delivery vehicles. Parking shall be designed to encourage nonmotorized transportation, transit and high occupancy vehicle use and discourage single-occupancy vehicle use.

8. **Capital improvements element.** The Planned Resort master plan shall have a capital improvements element to ensure that infrastructure and essential services will be provided in an efficient and timely manner to accommodate projected resort demands. Planned Resort master plans shall include a capital improvements element that identifies service providers, analyzes impacts and proposes a capital improvements plan for facilities and services needed by the resort. Such facilities and services may include, but are not limited to: transportation (including transit, parking and pathways;) potable water and wastewater treatment services; waste management (hazardous and solid;) utilities; stormwater management and snow storage facilities.

- a. **Identification and acknowledgment of service providers.** The applicant shall identify the provider of all infrastructure facilities and services included in the plan. Where services are to be provided by an entity other than the applicant, documents from the service provider shall demonstrate the commitment and ability to provide such service according to the Planned Resort master plan.
- b. **Impact analysis.** An impact analysis shall be performed for all facilities and services, unless waived by the Planning Director. Each impact analysis shall identify the following:
 - (1) The maximum daily peak capacity of existing facilities.
 - (2) The current daily peak demand on existing capacity.
 - (3) The daily peak capacity available for new development.
 - (4) The projected daily peak demand generated by new development in the Planned Resort.
 - (5) When development outside of a resort is reasonably anticipated to utilize the same infrastructure system as the resort, the County Planning Department shall provide the applicant with estimated peak demands.
 - (6) Any planned improvements by other entities, such as the Town of Jackson or the Teton Village Water and Sewer District, and the timing of such improvements.

(7) Any deficits in daily peak capacity potentially resulting from development within the Planned Resort--either from a strict demand standpoint or from a timing standpoint--taking into account other potential new development outside the Planned Resort.

c. **Capital improvements program.** The capital improvements plan shall be consistent with the impact analyses and specify how any deficiencies in infrastructure will be remedied or mitigated, including descriptions of the infrastructure improvements, the responsibility and sources of funding for the improvements, and the timing for completion of improvements. Concept plans for improvements shall be included in the capital improvements plan; engineered plans shall be provided in the final development plan application for subsequent development.

9. **Land use element.** The Planned Resort development shall have a land use element that identifies the land uses within a proposed Planned Resort. The land uses shall be consistent with both the applicant's design theme and the character objectives for the resort, as specified in subsection D.12, Character element.

a. **Permitted uses.** The type of development permitted within a Planned Resort shall be set forth in the Planned Resort master plan and shall be consistent with the following:

- (1) Residential uses shall be permitted.
- (2) Uses necessary for operation of the resort's primary recreational activity (ski area, hot springs) shall be permitted.
- (3) Nonresidential uses that provide for the basic needs of the resort's lodging guests, day visitors, employees and vicinity residents shall be permitted.
- (4) Regional-serving commercial uses which rely upon vehicle trips from a community-wide market area rather than the Planned Resort vicinity shall be prohibited, unless they are determined by the Board of County Commissioners to be resort-related amenities, such as restaurants.
- (5) Commercial amusement activities that are detrimental to the outdoor, natural resource character of Teton County shall be prohibited.

b. **Amount and type of development.** The amount and type of development in a Planned Resort master plan shall be consistent with:

- (1) The applicant's rationale for resort expansion and the character objectives for the resort area pursuant to subsection D.12, Character element.
- (2) The overall amount of development that can be permitted while preserving community character, as reflected in the Jackson/Teton County Comprehensive Plan and the Town and County's LDRs.
- (3) The amount of infrastructure capacity that can be provided while maintaining consistency with community character goals.
- (4) Providing a level of self-sufficiency within the resort, such that vehicle trips ending outside the resort are minimized.

10. **Phasing element.** The Planned Resort development shall have a phasing element to ensure that development within a Planned Resort occurs in logical sequence within the Planned Resort, including amenities and necessary public service expansions. Planned Resort master plans shall contain a phasing plan that identifies the sequence of resort structures, uses and

amenities, installation of infrastructure, implementation of the Transportation Demand Management Plan, Housing Mitigation Plan, and implementation of Planned Resort master plan conditions of approval.

- a. **Description.** All structures, land use activities, mitigation strategies and infrastructure expansions proposed, including such activities and improvements on public lands, shall be included in the phasing plan.
- b. **Functional phases.** Each phase shall be self-sufficient, in conjunction with existing elements of the Planned Resort, i.e., transportation and parking needs, as well as amenities, for each phase shall be satisfied within each phase and shall not be dependent upon a future phase. Each phase shall represent a logical and compact extension of infrastructure and public services. In order to develop certain improvements in logical increments that provide for economies of scale, the phasing plan may propose that improvements required for an earlier phase be provided in a later phase only if:
 - (1) the delayed construction of the improvement does not create a negative impact or exacerbate an existing problematic condition, and
 - (2) financial assurance, in a form acceptable to the Board of County Commissioners, is provided, i.e., letter of credit, that the improvement required for the earlier phase will be developed within a certain time-frame, even if later phases remain undeveloped.
- c. **Coordinated with public services.** Phasing shall be coordinated with the improvements schedule or capital improvements program of public or semipublic service providers, as identified in the Capital Improvements Element.
- d. **Relationship of phasing to overall resort plan.** Phasing shall implement the stated purpose of the Planned Resort master plan, i.e., if a destination ski area is the basis for the resort plan, the ski area facilities should not be the last increment of development. Similarly, open space dedications, amenities, and required performances that mitigate the impacts of the resort shall be developed or provided in proportion to the type and amount of development in each phase.
- e. **Performance objectives.** The County shall establish performance objectives as part of the Planned Resort master plan approval that ensure that development within the Planned Resort achieves the required mitigation of projected impacts on the community. The resort developers shall be responsible for ensuring that proposed mitigation measures are effective. 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, pursuant to subsection D.10.f, Monitoring program, below.
- f. **Monitoring program.** A program for monitoring compliance with performance objectives for each phase of development shall be designed in a collaborative effort between the applicant(s) and the County, and shall be set forth in the Planned Resort master plan approval. The monitoring program shall be implemented by the applicant, or an entity that equitably represents all landowners within the Planned Resort, and will include monitoring of TDM components, employee housing developments, and other such elements as identified by the Board of County Commissioners.

- (1) **Program contents.** The monitoring program shall specify data collection needs, responsibility for data collection, techniques to be used in analyzing data, how the data shall be used to determine achievement of performance objectives, and the schedule for reporting to the County the results of the monitoring effort.
- (2) **Program results.** Representatives of the landowners within the Planned Resort shall have three (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 subsection C.8, Reconsideration.
- g. **Achievement of performance objectives.** Approval of future final development plans may be delayed until the performance objectives of the previous phases are met or a strategy for achieving them has been approved by the Board of County Commissioners.

11. **Community services element (optional.)** Resorts function as integral parts of the community by participating in civic initiatives and implementing the goals of the community. The optional community services element is intended to be a component of the Planned Resort master plan in which the benefits that the resort area provides to the community are acknowledged. Landowners within Planned Resorts are encouraged to continue with, and expand upon, programs designed to retain local access to the resort's main recreational activity and facilities. Community service programs help to maintain a balance at the resort between out-of-town visitors and the community, and contribute to the quality of life in the community. Examples of community services currently provided are:

- a. hosting activities for local disabled persons
- b. hosting Parks & Recreation Department activities
- c. providing trail head access to public forest land
- d. hosting local nonprofit events, including free recreational activities and transportation
- e. offering reduced facility rates for community events and nonprofit organizations
- f. offering local appreciation and promotional reduction in activity fees
- g. offering activity fees that are affordable to the permanent population

12. **Character element.** The Planned Resort master plan shall have a character element to ensure that resort development is in keeping with the community's character and the planned character for the vicinity in which the resort development is located as described in this subsection. The standards set forth in this subsection are unique to each resort area in order to recognize the differences between the individual resorts, the planned character of their neighborhoods, and the community's expectation of resort development in that vicinity.

- a. **General.** The standards specified in this subsection are the minimum required, or maximum permitted, as indicated by a "no less than" or "no more than" statement. Minimum requirements may be increased in order to avoid or mitigate impacts of a specific Planned Resort master plan proposal, better achieve the character objectives for the resort, or better implement the goals and objectives of the Comprehensive Plan. Similarly, an applicant's ability to achieve the maximums permitted is dependent upon the Planned Resort master plan's avoidance or mitigation of negative impacts on the community, its achievement of the character objectives for the resort, or its contribution toward achievement of the goals and objectives of the Comprehensive Plan.

b. **Definitions.**

- (1) **Guest.** A guest is a person who is accommodated in overnight lodging facilities within the Planned Resort. The number of guests is calculated by the "average peak occupancy" of the lodging accommodations.
- (2) **Average peak occupancy.** For the purposes of this Section, the following average peak occupancies (APOs) shall be used in calculating the capacity of guest accommodations:
 - (a) **Hotel, motel, or similar lodging unit.** A hotel, motel, or similar lodging unit that exists as sleeping quarters only, and does not contain other types of living spaces such as a living room or kitchen, shall be assigned an APO of two (2.)
 - (b) **Dwelling unit.** A dwelling unit, used for short term rental, shall be assigned an APO of four (4.)
 - (c) **Other.** Other lodging facilities that do not meet the definitions above shall have an APO assigned that is the sum of the number of bedrooms the lodging facility contains multiplied by two (2.)

c. **Teton Village.** (AMD 02-0001) Teton Village Planned Resort District is comprised of two Planned Unit Developments. **Area One** is composed of that portion of the village that received approval as a Planned Resort before January 1, 2001. **Area Two** is composed of lands approved as a Planned Resort on July 12, 2005. Generally the "Character Elements" are identical for both areas, except as differentiated below.

- (1) **Character.** The character objectives for Teton Village are that it resemble a small urban village with its own sense of place. Important characteristics are:
 - (a) a distinct center, defined both by buildings and activities
 - (b) a mix of land uses, varying from the tourist-oriented to the resident-oriented
 - (c) clear edges, defined both by buildings and open spaces, that distinguish the village from the surrounding ranch lands
 - (d) a continuity in building size, architecture and individual site design
 - (e) a pedestrian streetscape and pedestrian connections throughout the village
 - (f) creation of a sense of arrival
 - (g) a visual transition from the village to neighboring lands
 - (h) a community
 - (i) a destination ski area

(2) **Size.**

- (a) **Lodging Area One.** The total lodging capacity within the Planned Resort Area One shall be for no more than 5240 guests inclusive of the lodging capacity provided by the residential developments approved as of enactment of this Section (Granite Ridge, the Replat of the Second, Third, and Fourth Filings of the Jackson Hole Ski Corporation Addition, and the Sixth, Seventh, Eighth, Ninth-Second Amendment, Tenth and Eleventh

Filings of the Jackson Hole Ski Corporation Addition.) These guests shall be allocated to the commercial and residential properties at Teton Village in accordance with the approved Teton Village Master Plan.

(b) **Lodging Area Two.** The total Average Peak Occupancy (APO) within the Planned Resort Area Two shall be not more than 448, none of which shall be allowed on single family lots in the Teton Village South Residential Area, south of McCollister Drive.

(c) **Area Two Affordable and Employee Housing.** Affordable and employee housing units shall be provided within Planned Resort Area Two in accordance with the Teton Village Expansion Planned Unit Development – Planned Resort Master Plan and Housing Mitigation Plan for Area Two approved on July 12, 2005.

(3) **Land use.**

(a) **Retail, office, and other commercial type uses.**

(i) **Area One.** Within the Teton Village Planned Resort Area One, there shall be no more than 208,000 sf of retail/office or other commercial-type uses not including lodging, ski area operations, institutional or public/semipublic type development. This commercial square footage shall be allocated to the commercial lots and tracts in accordance with the approved Teton Village Master Plan.

(ii) **Area Two.** Within the Village Core area of the Teton Village Planned Resort Area Two, there shall be allowed 10,000 square feet of local commercial uses. In addition, within the Area Two Village Core area there shall be allowed 25,000 square feet of commercial retail, restaurant or other “commercial-type uses” space and 35,000 square feet of office space provided that a like amount of commercial retail, restaurant or other “commercial-type uses” space, or office space, as the case may be, shall be removed from Area One for relocation to Area Two. Other “commercial-type uses” do not include lodging, ski area operations, institutional, resort support, or public/semipublic type development, which may be otherwise provided for in the approved Resort Master Plan.

(b) **Institutional, public, semipublic and resort support uses.**

(i) **Area One.**

(1) **Institutional, public and semipublic uses.** Twenty-seven thousand (27,000) square feet shall be constructed for development of institutional, public and semipublic uses such as religious institutions, public meeting/theatre space, and visitor’s center used for non-retail purposes.

(2) **Resort support uses.** Resort support uses shall be allowed to the extent permitted in the approved Planned Unit Development – Planned Resort Master Plan for Area Two, are defined as facilities that provide amenities or that

are utilized to operate the overall resort, and shall not be considered commercial uses.

(ii) **Area Two.**

(1) **Institutional, public and semipublic uses.** Six thousand five hundred (6,500) square feet shall be constructed for development of institutional, public and semi-public uses, such as a visitor center, sheriff's substation, post office, non-profit office space and other similar uses, utilized for non-retail purposes.

(2) **Resort support uses.** Resort support uses shall be allowed to the extent permitted in the approved Planned Unit Development – Planned Resort Master Plan for Area Two, are defined as facilities that provide amenities or that are utilized to operate the overall resort, and shall not be considered commercial uses.

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

(5) **Intensity.**

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

(b) **Area Two.** The intensity of the development shall not exceed that specified in the adopted Planned Unit Development – Planned Resort Master Plan for Area Two.

(6) **Landscape surface area.**

(a) **Area One.** The minimum landscape surface area provided within the Planned Resort shall be twenty-five (25) percent of the total private land area described in subsection D.12.c.(13), Area description, exclusive of the platted residential lands. Notwithstanding, the Board of County Commissioners may reduce the minimum landscape surface area to no

less than twenty (20) percent upon demonstration by the applicant that the following objectives are achieved with a reduced landscape surface area:

- (i) The landscape surface area creates a quality urban village design and creates public spaces for interaction and public events; and
- (ii) The landscape surface area creates a clear boundary for the resort.

(b) **Area Two.** The minimum Landscape Surface Area provided on each tract, parcel or lot within Area Two shall be as specified in the adopted Master Plan for the Planned Unit Development – Planned Resort for this Area.

(7) **Environmental analysis.** If land within the Teton Village Planned Resort is in the SRO, an EA with a visual component dealing with maintenance of the scenic corridor, shall be required, pursuant to Division 3300, Scenic Resources Overlay (SRO) District.

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

(9) **Area One Platted residential lands.** The platted residential lands included in the Teton Village Area One, as described in subsection D.12.c.(13), Area description, are included to ensure their continued relationship to the resort. The intent is that the type and intensity of development on these residential lands comply with the zoning district in which the residential lands are located upon enactment of this Section. Notwithstanding, Lots 171 and 172 of the Jackson Hole Ski Corporation 9th Filing owned by the Teton Village Water & Sewer District may be developed in accordance with subsection l2, Teton Village Water & Sewer District, below.

(10) **Relationship to Grand Teton National Park.** Programs and facilities shall be established that encourage nonmotorized access into GTNP, in conjunction with National Park Service planning efforts and goals.

(11) **Administration.**

- (a) **Area One.** An entity or administrative organization that equitably represents Teton Village landowners, shall be created and charged with the task of administering the monitoring program portion of the Planned Resort phasing plan. Administration of the program shall include collecting and analyzing the data for evaluating achievement of the performance objectives established in the phasing plan, ensuring compliance with the performance objectives, and representing the Teton Village Planned Resort in reporting the results of the monitoring program to the County, pursuant to subsection D.10.f, Monitoring program.
- (b) **Area Two.** The Owners Associations set up through the adoption and recordation of Covenants, Conditions and Restrictions shall administer the Planned Unit Development – Planned Resort area. Services shall be administered by the Teton Village Improvement and Service District and

other similar public service entities as designated by the approved Planned Unit Development – Planned Resort Master Plan for Area Two.

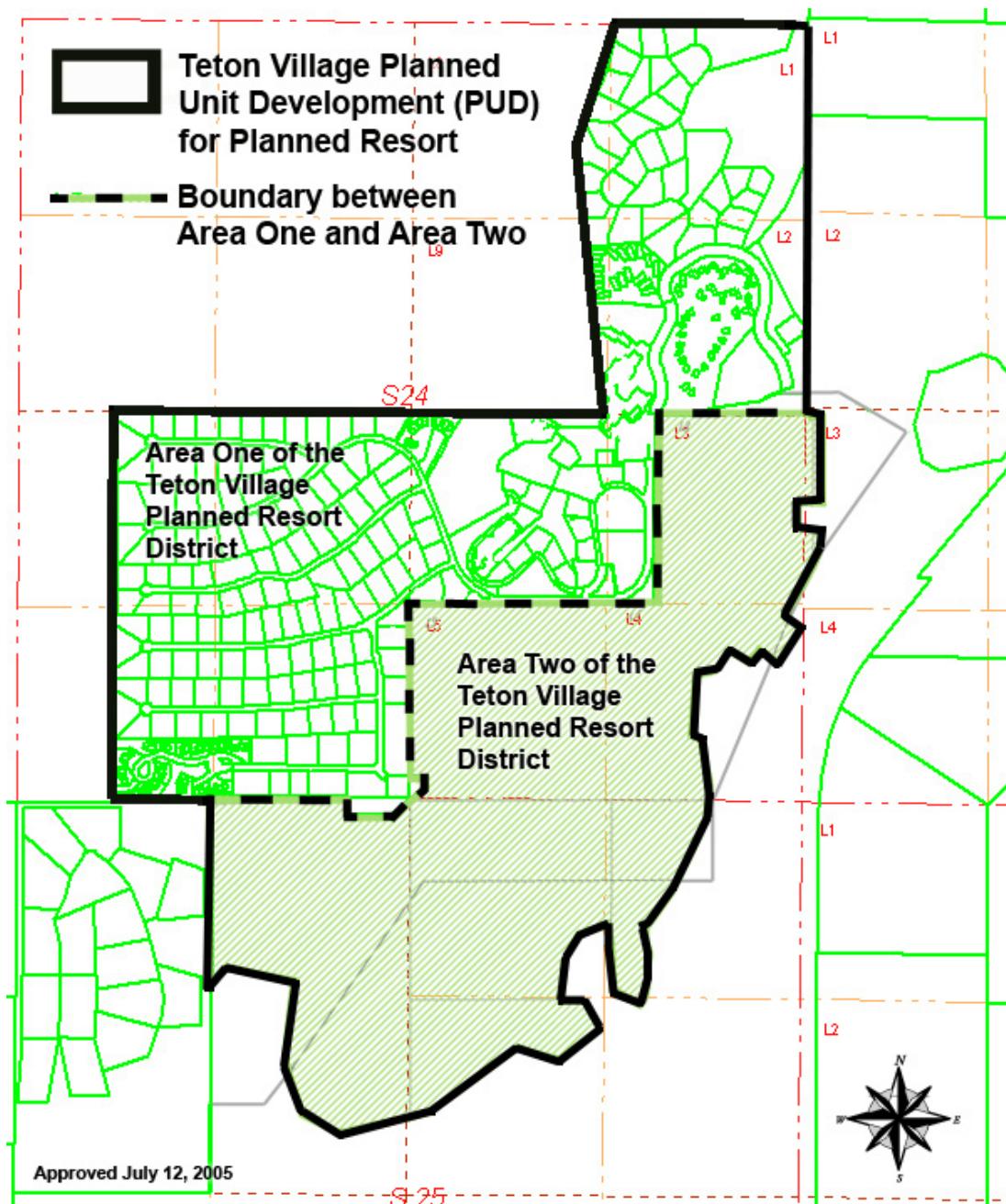
(12) **Teton Village Water & Sewer District.** Notwithstanding the restrictions on platted residential lands set forth in subsection 9, Platted residential lands, above, the following standards shall apply to Lots 171 and 172, and the lands described in that deed recorded in the Teton County, Wyoming Clerk's Office, Document #0415272, Book 318, Pages 1190-1192, so long as the lands are used solely to operate the Teton Village Water & Sewer District or other similar public service entity.

(a) **Floor area ratio.** The floor area ratio shall be no more than 0.47.

(b) **Landscape surface ratio.** The landscape surface ratio shall be no less than 0.30.

(c) **Employee housing.** Six employee housing units shall be permitted.

(13) **Area description.** The following map depicts the Teton Village area that may be a PUD District for Planned Resort. (DBA 02-0001)



d. **Snake River Canyon Ranch**

(1) **Character.** The character objectives for Snake River Canyon Ranch are that it should have a western character reminiscent of the great mountain lodges of the west, but of smaller scale, and:

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

(2) **Size.**

(a) **Lodging.**

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

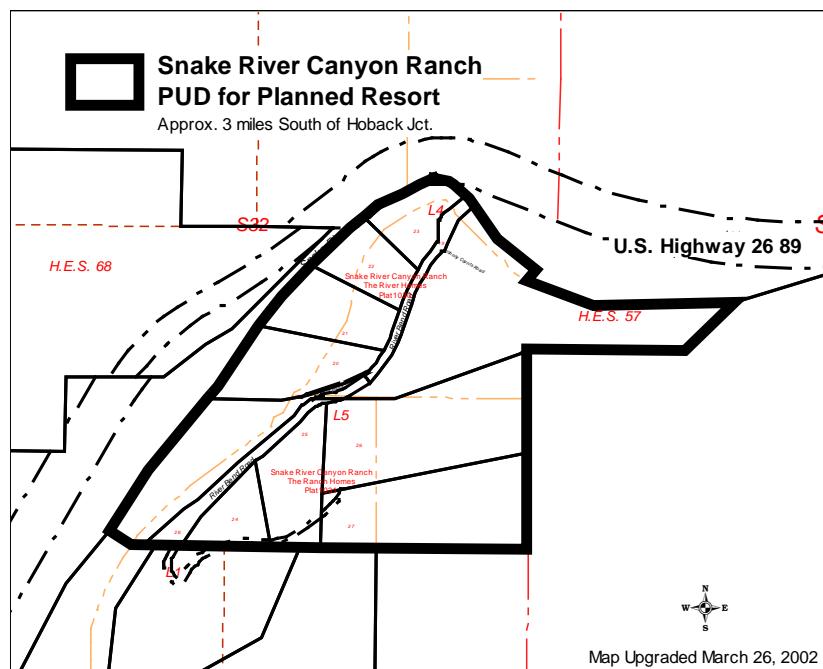
(b) **Buildings.** A total of no more than 100,000 sf of structure space shall be developed, not including structure square footage devoted to employee/affordable housing, eight (8) residential homes and one half (1/2) of the cabins (3 single family and 4 duplex units).

(3) **Recreation and preserved area.**

(a) **Amount required.** The minimum amount of recreation and preserved area provided within the Planned Resort shall be sixty-five (65) percent. Notwithstanding, the Board of County Commissioners may reduce the minimum required recreation and preserved area to no less than fifty (50) percent upon demonstration by the applicant that the following objectives are achieved with a reduced amount of required recreation and preserved area.

- (i) The recreation and preserved area retains the rural character of the area, and

- (ii) The recreation and preserved area protects and highlights the natural features, wildlife habitat, and environmentally sensitive areas on, and adjacent to, the property.
- (b) **Definitions.** The recreation and preserved area definition has two parts, as follows:
 - (i) **Recreation area.** Recreation area shall meet the definition of landscape surface area, pursuant to Division 8300, Definitions. Recreation area shall apply to any lands included to meet the recreation and preserved area amount required by this subsection that are located north and west of the Hoback Junction South Road, as shown on the map in subsection D.12.d.(5), Area description.
 - (ii) **Preserved area.** Preserved area shall meet the definition of required open space, pursuant to Division 8300, Definitions. Notwithstanding, an open space easement shall not be required to preserve these lands. Preserved area shall apply to any lands included to meet the recreation and preserved area amount required by this subsection that are located south and east of the Hoback Junction South Road, as shown on the map in subsection D.12.d.(5), Area description.
- (4) **Environmental analysis.** An EA shall be provided pursuant to Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District, and Division 3300, Scenic Resources Overlay (SRO) District. The EA shall specify any action necessary to mitigate negative visual impacts of new development from Highway 26/191.
- (5) **Area description.** The following map depicts the Snake River Canyon Ranch area that may be a PUD District for Planned Resort.



(6) **Procedures.** If the submitted Final Development Plan is consistent with the approved Sketch Plan, a public hearing will not be required prior to review or approval of the final development plan. The Teton County Planning Director shall have the authority to approve the final development plan if the plan is consistent with the approved sketch plan and with all provisions of the Teton County Land Development Regulations and the Snake River Canyon Ranch Planned Unit Development.

e. **Jackson Hole Golf and Tennis**

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

- (a) Residential buildings are low and relatively small in scale.
- (b) Residential buildings have a similar scale and character to integrate with the surrounding residential development.
- (c) Commercial buildings will be designed to integrate well with the surrounding neighborhood and will be modest in size relative to their proposed uses.
- (d) Clustering techniques are utilized to further reduce the density and visibility of the cabin units from existing residences.
- (e) Incorporate land planning and landscape techniques that help screen the public's view of the cabins.
- (f) The layout and structure design enhances the quality of the visitor experience by emphasizing the extraordinary natural splendor of the Teton mountain and river valley landscape.
- (g) The layout is pedestrian friendly, inviting people to walk or use golf cars within the resort vicinity, among open spaces, which will be shaped by buildings, but shall have a sense of openness.
- (h) A resort design that accommodates a number of guests similar to the population density of the surrounding vicinity.
- (i) A golf course for which local access is available.

(2) **Size**

- (a) Lodging. The cabins shall be available for short-term rental. They shall have the capacity to house no more than 240 guests. No short-term rental involving single-family residential lots shall be allowed. No other lodging facilities will be part of the Planned Resort.
- (b) Buildings.
 - (i) No more than 25,000 square feet of space shall be devoted to a golf club and events facility, exclusive of golf course maintenance and golf car storage facilities.

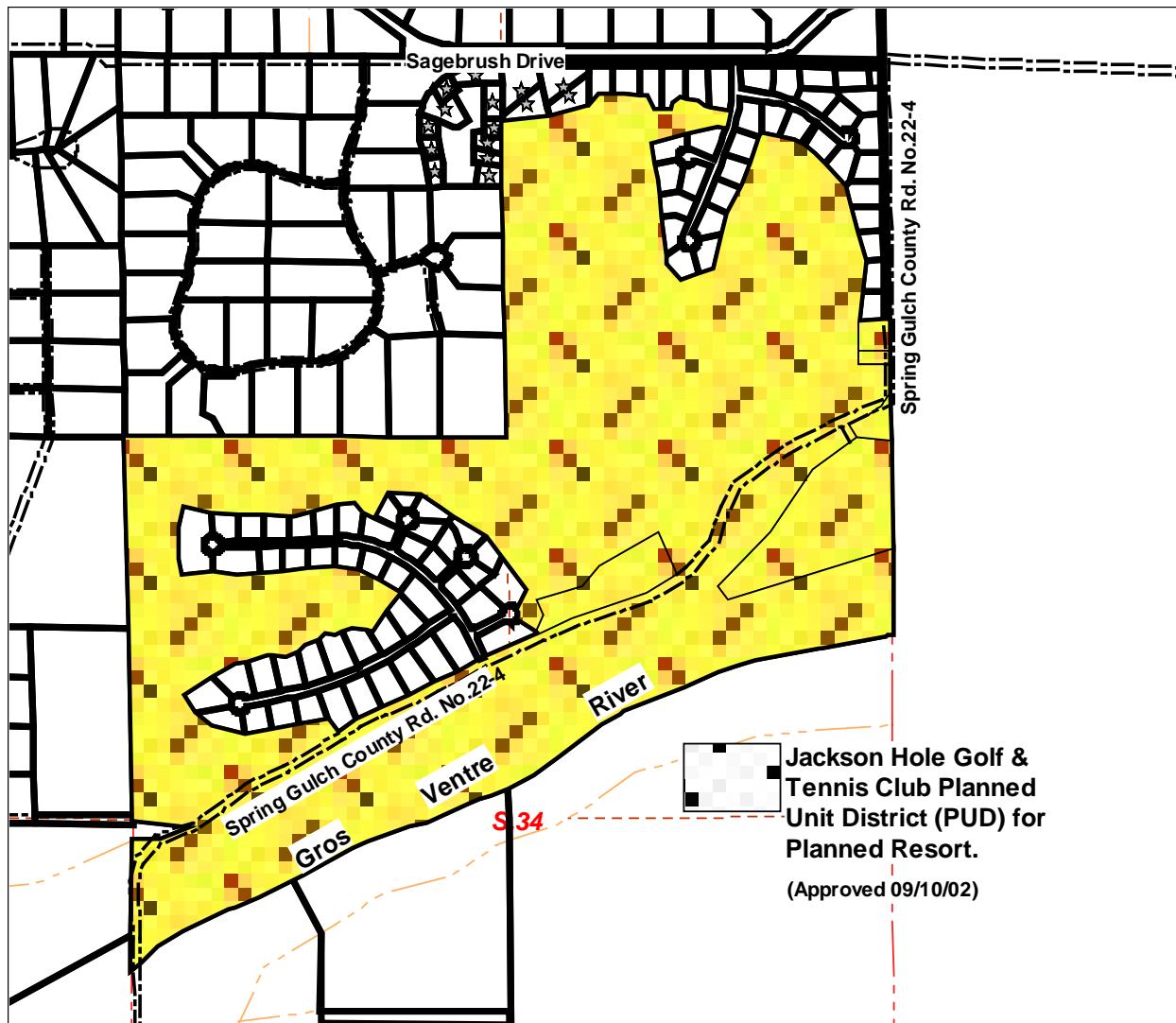
- (ii) No more than 3,000 square feet of space shall be devoted to administration space housed separately from the golf club and events facility.
- (iii) A maximum of 12,000 SF shall be allowed for maintenance buildings.
- (iv) No more than 80,000 square feet total shall be devoted to cabin structures, excluding garages; no individual cabin structure shall exceed 2,800 square feet, above-ground, inclusive of garage.
- (v) If market conditions warrant, a local convenience node may be included within the development. The vision is for a maximum 1200 foot structure; however, the Board of County Commissioners may determine a greater limit on any structures approved by the Board to serve local convenience commercial uses at the time of final development plan approval for the structures.

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

Development Type	Minimum OSR/LSR (1)	Maximum FAR (2)	Maximum APO's (3)	Max. Meeting Space (sf)	Min. Lot Size	Height Limitation	Minimum Street Yard	Minimum Side Yard	Minimum Rear Yard
Resort Lodging									
Clubhouse	N/A	N/A	N/A	4000	N/A	34 ft. (6)	N/A	N/A	N/A
Cabins (4)	N/A	N/A	240	N/A	N/A	24 ft.	20 ft.	10 ft.	10 ft.
Residential Lots									
Employee and Affordable Housing	.25	N/A	N/A	N/A	N/A	24 ft.	(5)		
Single-Family (Market) Lots	.59	0.14	N/A	N/A	0.80 ac	18 ft.	25 ft.	20 ft.	25 ft.
Additional Uses									
Utility and Wastewater Treatment	.40	N/A	N/A	N/A	N/A	18 ft.			
Maintenance/Admin. Building	.25	N/A	N/A	N/A	N/A	24 ft.	(5)		
Exaction	(5)								

- (1) Min. OSR/LSR or Open Space Ratio/Landscape Surface Area Ratio reflects the required open space or landscaped area for each lot, and is calculated by multiplying the ratio by the base site area of the lot.
- (2) Max. FAR or Floor Area Ratio is calculated by dividing the sum of the gross floor areas of all buildings, excluding basements, by the base site area of the lot.
- (3) APO determines the capacity for guest accommodations and pertains only to short-term rental of these units. It is the average number of people housed in short-term rentals at peak occupancy.
- (4) Yard setbacks to apply only to the perimeter of each cabin cluster.
- (5) To be determined at Final Development Plan Approval for each of these development types.
- (6) The clubhouse height limitation is 34' measured per Teton County Land Development Regulations (Article VIII, Division 8300) EXCEPT for those portions of the lower level of the building that will daylight because of a walk out design; said portions of the building shall not exceed 25% of the total building foundation perimeter.

- (4) **Landscape Surface area.** The minimum landscape surface area provided within the Planned Resort shall be fifty (50) percent, exclusive of the platted residential lands that existed upon enactment of this Section (the Jackson Hole Golf and Tennis Club Estates 1st, 2nd and 3rd filings.) Notwithstanding, the Board of county Commissioners may reduce the minimum landscape surface area no less than forty (40) percent upon demonstration by the applicant that the following objectives are achieved with a reduced landscape surface area:
 - (a) The landscape surface area enhances a suburban character, residential scale and sense of spaciousness within the Planned Resort, such that the space is not shaped by buildings, and
 - (b) The landscape surface area creates attractive garden-like pedestrian ways throughout the resort, and
 - (c) The landscape surface area integrates the Planned Resort with the adjoining residential neighborhoods.
- (5) **Environmental analysis.** An EA shall be performed which specifies any action necessary to mitigate impacts to wildlife, especially along the Gros Ventre River corridor, and wetlands. Notwithstanding the resort area being outside the SRO, a visual component shall be included in the EA, which specifies necessary action to mitigate negative visual impacts of new development from Spring Gulch Road and surrounding residential developments. The visual component shall be prepared pursuant to the procedures and standards in Division 3300, Scenic Resources Overlay (SRO) District.
- (6) **Area Description.** The following map depicts the Jackson Hole Golf and Tennis area that may be a PUD District for Planned Resort.



(7) **Golf Course.** The Golf Course shall remain intact as a recreational facility open to the public.

E **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 subsection A, Purpose and intent.
3. **Affordable and employee housing.** The Planned Resort master plan ensures a supply of affordable and employee housing that is in accordance with the requirements for housing created by development within the Planned Resort.
4. **Design guidelines.** The Planned Resort master plan contains design guidelines that
 - a. establish standards for buildings, spaces, signs, and lighting within the Planned Resort;

- b. promote the design concepts set forth in subsection D.6, Design element; and
- c. establish a method for consistent implementation of the guidelines.

5. **Transportation element.** The Planned Resort master plan contains a traffic impact analysis and transportation demand management plan that:
 - a. promote multimodal forms of transportation that are consistent with the transportation goals of the Jackson/Teton County Comprehensive Plan;
 - b. manage the generation of resort related traffic to avoid undermining community character and endangering the public health, safety, and welfare; and
 - c. identify an equitable cost sharing plan for transportation facilities and services.
6. **Capital improvements plan.** The Planned Resort master plan contains a capital improvements plan that ensures infrastructure and essential services will be provided in an efficient and timely manner to accommodate projected resort demands.
7. **Land use element.** The Planned Resort master plan promotes land uses that support and maintain the character of the resort as specified in subsection D.12, Character element.
8. **Phasing plan.** The Planned Resort master plan contains a phasing plan that ensures:
 - a. development of the resort, its amenities, and public facilities necessary to serve the resort, occur in logical sequence and
 - b. an adequate monitoring program is established for determining accomplishment of proposed remedies and mitigation measures for projected impacts on the community.
9. **Character element.** The Planned Resort master plan ensures the resort's development will be in keeping with the community's character and the planned character for the vicinity of the resort.

DIVISION 2200. ZONING DISTRICT USE SCHEDULE

SECTION 2210. GENERAL

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

SECTION 2220. DEFINITIONS FOR USE SCHEDULE

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

Development type means options provided by these Land Development Regulations for residential land development. In some instances, development types provide for a variety of residential uses. Generally,

development types require approval of a Development Plan pursuant to the procedures and standards of Section 51200, Development Plan. If separate ownerships are proposed, Article VI, Platting and Land Records, also applies.

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

1. **Conventional single-family subdivision.** Conventional single-family subdivision means a residential development type containing single-family detached dwelling units built on individual lots with no associated dedicated open space.
2. **Planned Residential Development.** Planned Residential Development means a residential development type which may contain a variety of residential housing types, including but not limited to single-family detached units, townhouses, condominiums, apartments, and mobile homes. Such development is comprehensively planned with open space meeting the standards of Table 2400, Schedule of Dimensional Limitations.
3. **Planned Unit Development for affordable housing.** Planned Unit Development for affordable housing is the creation of a zoning district to accommodate a development type that allows variation from the strict application of fixed standards of traditional zoning districts in order to allow flexibility to plan for the provision of affordable housing, to meet a specified demand for services, or to address other stated objectives of the Comprehensive Plan or these LDRs. Such development shall be comprehensively planned, demonstrate creativity and provide for the efficient use of land.
4. **Mobile Home Park.** Mobile home park means a residential development type which contains mobile home lots for sale or for rent. See Section 2340, Mobile Home Parks.
5. **Working Ranch Subdivision.** Working Ranch Subdivision means the creation of residential lots from a portion of a working ranch or agricultural operation. The remainder of the subdivided parcel continues to operate as a ranch or agricultural operation and is maintained as open space. See Section 2350, Working Ranch Subdivision.

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

1. **Agricultural employee housing.** Agricultural employee housing means housing provided for persons employed on a working ranch or farm of seventy (70) acres or greater.
2. **Conventional single-family unit.** Conventional single-family unit means a single-family detached dwelling unit.
3. **Mobile home.** Mobile home use means a detached, transportable, manufactured single-family dwelling unit, built upon a chassis or under carriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.
4. **Reserved**
5. **Accessory residential unit.** An accessory residential unit is a dwelling unit which is clearly incidental and subordinate to the primary residential or nonresidential use of the property. An accessory unit meets the definition of dwelling unit as it is defined in Article VIII, Definitions.
6. **Institutional residential.** Institutional residential means a use housing more than six (6) individuals unrelated by blood, marriage, adoption, or guardianship. Included are nursing homes; sheltered care facilities and related group living facilities; sheltered workshops and related group living facilities; training and/or residential facilities for the developmentally

disabled; private schools which include residential facilities for students and staff; residential facilities for the instruction in and advancement of the fine arts and performing arts; other educational, training, religious, and cultural facilities where students and staff reside on premises; boarding houses or rooming houses (also see Section 2380, Institutional Residential).

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

1. **Agricultural uses**

- a. **Agriculture.** Agriculture means the use of a site of seventy (70) acres or more for the cultivation of the soil, the production of forage or crops, or the rearing, feeding, and management of livestock, poultry, bees, fish, or other animal species in domestic or captive environments. Agricultural land shall be actively farmed or ranched.
- b. **Nursery.** Nursery means an establishment primarily engaged in the retail or wholesale sale of horticultural specialties such as flowers, shrubs and trees, intended for ornamental or landscaping purposes. Nursery also includes greenhouse.

2. **Institutional uses**

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

3. **Commercial uses**

- a. **Office.** Office uses include a wide range of professional services and other activities which customarily are provided in an office environment: legal, accounting, investment, and financial services; medical, dental, and other health services; engineering, architectural, and other design services; counseling and social services; insurance and real estate, excluding ancillary real estate sales; and administrative and sales offices for business, industry, and government, provided that only administrative, bookkeeping, and clerical types of activities are conducted on site. *(AMD 04-0004)*
- b. **Ancillary real estate sales office.** Conditionally permitted office for the purpose of sales and marketing of real estate located in the development within which the sales office is located. *(AMD 04-0004)*

- c. **Commercial retail.** Commercial retail uses include the retail sale of antiques, souvenirs, apparel and accessories, art, books, cameras and accessories, sporting goods, hardware, liquor, home furnishings, and other general specialty merchandise; food stores, delis, health food, drug stores, bakeries; candy and ice cream/yogurt shops; video rental shops.
- d. **Heavy retail/service.** Heavy retail/service means retail sales of lumber and building supplies and materials; fuels, including gasoline service stations; mobile home and recreational vehicles and equipment sales and service; feed and seed outlets; rental and servicing of light motorized and nonmotorized tools and equipment; automobile sales and service, and auto repair, including auto body, fender, and paint; mini-storage warehouses.
- e. **Service.** Service uses include banks, savings and loans, and credit unions; laundry and dry cleaners, including self-service laundries; beauty and barber shops; tanning and massage; repair and maintenance of small appliances, TV and electronics, garments, shoes and other leather goods, including tack; gunsmithing; taxidermy; photographic studios; mortuary/funeral home; kennels and veterinary service, with indoor runs only.
- f. **Restaurant/bar.** Restaurant or bar means an establishment oriented to the serving of food and/or beverages. Restaurant or bar use does not include establishments providing drive-in service. See Section 2220.C.3.f, Drive-in Facility.
- g. **Drive-in facility.** Drive-in facility means an establishment providing food or financial service to customers in vehicles. Drive-in Facility use includes drive-in restaurants, drive-in banking facilities, and other uses with drive-up windows.
- h. **Commercial lodging.** Commercial lodging means such uses as hotels, motels, convention centers with lodging facilities, and all other facilities that generally are rented on a short term basis of less than thirty (30) days. This type of commercial use does not include bed and breakfasts, dude/guest ranches, residential short-term rental units, and campgrounds, all as defined herein.
- i. **Bed and breakfast.** Bed and breakfast means a private home which is used to provide short-term lodging for a charge to the public with not more than four (4) lodging units (bedrooms) and not more than a daily average of eight (8) persons per night during any thirty (30) day period and in which no more than two (2) family style meals are provided per twenty-four (24) hour period. The meals shall be for the guests of the facility only and the owner or manager shall reside in the facility.
- j. **Guest ranch.** Guest ranch means a ranch that provides multi-night accommodations for guests, provides a recreational activity or immediate access to recreational activities, has dining facilities on-site, barns, associated outbuildings, corrals, pastures, and livestock related to a working ranch and/or the recreational activity available to guests. The ranch does not include a café or bar catering to the general public or actively solicit one (1) night accommodations.
- k. **Dude ranch.** Dude ranch means a ranch that provides multi-night accommodations for guest, has dining facilities on-site, associated outbuildings, corrals, pastures and horses available to accommodate guests for riding activities. The ranch does not include a café or bar catering to the general public or actively solicit one (1) night accommodations.

1. **Residential short-term rental.** Residential short-term rental means the rental of all or a portion of a house, townhouse, condominium, apartment, or other residence for less than thirty (30) days.
- m. **Agricultural support and services.** Agricultural support and services mean veterinary and other livestock services, landscaping services, and farm implement supplies, sales and repair.
4. **Amusement/recreation**
 - a. **Commercial amusement.** Commercial amusement use means bowling alleys, movie theaters, music halls, indoor skating rinks, headquarters for rafting/boat trips and fishing operations, video arcades, pool and billiard halls, and shooting arcades.
 - b. **Campgrounds.** Campgrounds use means establishments providing overnight or short-term sites for recreational vehicles, trailers, campers, or tents, that have no permanent structures other than a management office, laundry, small grocery, storage facilities, and sanitary facilities that shall be solely for the occupants of the campground.
 - c. **Outdoor recreational.** Outdoor recreational includes but is not limited to arboretums, youth recreation camps, soccer, skateboarding, baseball, bicycle facilities and uses, swimming pools, football, croquet, tennis, golf, stables and riding arenas not associated with an agricultural use, rodeos, equestrian centers, outfitters, shooting ranges, cross-country ski trails and facilities.
 - d. **Indoor recreational.** Indoor recreational use includes clubs, gymnasiums, gravity sports centers, indoor swimming pools, tennis, racquetball, handball courts, health and exercise clubs. *(AMD 03-0001)*
 - e. **Ski slopes.** Ski slopes include facilities associated with a downhill ski area that may be located on the mountain: lifts, trams, operational and maintenance facilities, trails, restaurants or warming areas, and ski schools.
 - f. **Planned unit development for planned resort.** A planned unit development for planned resort is a visitor service development district that includes a mix of recreational, retail, and service-oriented activities which has a high degree of self-containment and provides economic and other benefits to the community. Typical uses include, but are not limited to, ski slopes and associated facilities, hot springs swimming and associated facilities, campgrounds, lodging, convention facilities, and restaurants.
 - g. **Golf Courses.** Golf courses include driving ranges, nine and eighteen (18) hole golf courses, executive courses, and "par three" courses. Mini-golf or putt-putt courses are considered Outdoor Recreational uses. Golf Course Clubhouses may also be approved in all districts where golf courses are permitted. The clubhouse includes facilities for a pro shop, lounge, and locker rooms. Specific uses ancillary to the clubhouse may be approved and include food service/bar, indoor and outdoor ball courts, and health and exercise rooms. Planned Residential Developments that are integrally designed with golf courses are considered separately as Residential Uses.
5. **Home uses.** Home uses are businesses that are generally permitted only in nonresidential zoning districts, but which may be permissible in residential districts in association with a predominately residential use, at a residential scale. Home uses give local small businesses a place to start; once these small businesses grow beyond a certain size they can no longer be characterized as home uses. This Subsection lists the types of uses permitted as home uses

and sets forth the definitions for home uses which specify the size, number of employees, and other factors that contribute to the character of a home use.

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

6. Aeronautical

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

7. Industrial uses

- a. **Light industry.** Light industrial uses include light manufacturing and assembly, including sheet metal fabrication and wood work; building contractors and special trade contractors such as cabinetry, carpet and flooring, insulation, roofing, mechanical, and plumbing and heating; custom processing and packaging of meat and game; wholesale sales and distributors; truck and transport terminals; welding and machine shops; industrial laundries and laundry services; food service and distribution; cleaning and janitorial service and supply.
- b. **Heavy industry.** Heavy industrial uses include bulk storage and distribution facilities for fuels, explosives, pesticides, solvents, corrosives, etc.; disinfecting or pest control services; paving, excavation, hauling and other contracting services involving heavy equipment; maintenance and repair of trucks and heavy equipment; lumber milling; stone, clay, and glass product manufacturing.

- c. **Gravel processing.**
 - (1) **Level One.** Any screening, crushing, gravel recycling, washing, or stockpiling of aggregate, in concert or by itself, shall constitute Level One gravel processing.
 - (2) **Level Two.** Any production of asphalt or similar products shall constitute Level Two gravel processing.
 - (3) **Level Three.** Any production of Portland cement or similar products shall constitute Level Three gravel processing.
- d. **Rock/gravel extraction.** Any rock quarrying, gravel removal, and stockpiling, in concert or by itself, shall be considered rock/gravel extraction.
- e. **Disposal.** Disposal includes sanitary landfills; sludge disposal or storage; resource recovery or recycling facilities; trash compaction; and transfer stations. Disposal uses shall not include hazardous waste disposal.
- f. **Junkyard.** Junkyard means any land or structure used for salvaging operations, including, but not limited to, the storage and sale of waste paper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage, and salvage of two (2) or more inoperative vehicles. This includes the aggregate storage of manmade equipment, machinery, scrap, or other used parts having a total cubic volume of seven hundred (700) or more cubic feet.

8. **Temporary uses**

- a. **Christmas tree sale.** Christmas tree sale means the outdoor sale of evergreen trees during the Christmas holiday season.
- b. **Contractor's office.** Contractor's office means an on-site construction office--watchman's trailer, construction equipment shed, contractor's trailer, and similar uses incidental to a construction project.
- c. **Special event.** Special event includes outdoor gatherings, auctions, art sales, bake sales, carnivals, circuses, outdoor concerts, races, or rodeos, that occur infrequently.
- d. **Real estate sales office.** Real estate sales office means a structure placed on a development site and used as a sales office or meeting place only during an initial period of marketing a project for sale or lease. A real estate sales office use shall only be on the site of a new development and shall sell only the lots or units on the site of the development. The real estate sales office shall be removed when seventy-five (75) percent of all lots or units in the new development have been sold, leased, or rented.
- e. **Shelter.** Shelter means a mobile home temporarily occupied while a residence with a valid building permit is being constructed. It may also be permitted when fire or natural disaster has rendered an existing single-family residence unfit for human habitation; a building permit for rehabilitation or reconstruction shall be required within a reasonable period of time, as determined by the Board of County Commissioners. The temporary shelter shall be permitted for a period not to exceed one (1) year. An extension may be granted by the Board of County Commissioners for a period not to exceed two (2) additional years for good cause.
- f. **Farm stand.** A farm stand means a temporary or permanent structure or vehicle used in the sale of regional farm products such as fruits, vegetables, and juices during the time of year when such products are fresh.

g. **Gravel extraction and processing.** Temporary gravel extraction and processing means

- (1) Gravel extraction and processing permitted mainly for project specific purposes or need, for projects that have been reviewed and approved through a public hearing process. Project specific needs include the excavation of ponds for typical water amenity or wildlife habitat enhancement; or
- (2) Gravel extraction and processing, to include only washing and screening, for a period of two (2) years or less, unless a longer period is permitted by the Board of County Commissioners pursuant to Section 231300.D.3.d, Duration.

SECTION 2230. USE SCHEDULE

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

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

TABLE 2200 USE SCHEDULE	ZONING DISTRICT													CONDITIONS	
	Urban				Sub-urban	Rural	Conservation		Special Purpose						
	UC	U R	A R	AC & AC /T	S	R	BC ₁	NC	O P	R B	B P	M H P	P/ SP		
Residential															
Agricultural Employee Housing						Y								Sec. 2310	
Conventional Single-Family Unit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Conventional Single-Family Subdivision						Y ₃		Y							
Planned Residential	Y	Y	Y	Y	Y	Y			Y					Sec. 2320	
Planned Unit Development for Affordable Housing	See Section 2170, Planned Unit Development (PUD) District for Affordable Housing														
Mobile Home											Y			Sec. 2330	
Mobile Home Park											Y			Sec. 2340	
Working Ranch Subdivision						Y								Sec. 2350	
Accessory Residential Unit	Y		Y	Y		Y	Y	Y	Y	Y	Y			Sec. 2370	
Institutional Residential	Y	C	C	Y	C	C								Sec. 2380	
Nonresidential															
Agricultural															
Agriculture				Y	Y	Y	Y	Y	Y	Y	Y				
Nurseries				Y		C	C		Y	Y					
Institutional															
Institutional	Y	Y	Y	Y	C	C	C		Y	Y	C				
Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 2390	
Day Care Center, Group	Y	Y	C	Y		C	C		C	C	Y	C		Sec. 23100	
Y=Permitted by Right, C=Conditional Use, S=Special Use, 1=Any proposed change of use or expansion, of more than 3,450 square feet of gross floor area in the BC District, requires a Conditional Use Permit. Expansions of an existing permitted use meeting the definition of minor development, pursuant to Section 51200, <u>Development Plan</u> , shall be treated as a minor development plan, and do not require a conditional use permit. See Section 2430, <u>Standards in the Business Conservation (BC) District</u> . 2 = Permitted only within the Lodging Overlay. 3 = Permitted only if all resultant lots are 35 acres or larger.															

TABLE 2200 USE SCHEDULE	ZONING DISTRICT													CONDITIONS
	Urban				Sub-urban	Rural	Conservation		Special Purpose					
	UC	U R	A R	AC & AC /T	S	R	BC ₁	NC	O P	R B	B P	M H P	P/ SP	P
Commercial														
Office	Y			Y			C		Y	Y		C		
Ancillary Real Estate Sales Office						C								
Commercial Retail	Y			Y			C							
Heavy Retail/Service				C			C			C	Y	C		
Services	Y			Y			C		Y	C		C		
Restaurant/Bar	Y			Y			C							
Drive-in Facility	Y			Y			C							Sec. 23200
Commercial Lodging	Y ₂			Y ₂			C							
Bed and Breakfast	Y ₂			Y ₂		C	C							
Dude Ranch						C								Sec. 23300
Guest Ranch						C								Sec. 23300
Residential Short-Term Rental	Y ₂			Y ₂			C							Sec. 2250
Agricultural Support/Service				Y		C	C				Y			
Amusement/Resort														
Commercial Amusement	Y			Y										
Campgrounds						C	C					C		Sec. 23400
Golf Courses					C	C						C	C	Sec. 23450
Outdoor Recreational	C	C	C	C	C	C	C			C		Y		Sec. 23500
Indoor Recreational	Y			Y			C			Y				
Planned Unit Development for Planned Resort	See Section 2180, <u>Planned Unit Development (PUD) District for Planned Resort.</u>													
Ski Slopes				Y		C							Y	
Home Uses														
Home Occupations	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Sec. 23600
Home Businesses	Y	Y	Y	C	C	C	Y	C	Y	Y	Y	C	C	Sec. 23700
Day Care Home, Family	Y	Y	Y	Y	Y	Y	C	Y	Y	Y	Y			
Day Care Home, Group	C	C	C	C	C	C	C	C	C	C	Y	C		Sec. 23100
Cottage Industry						C								Sec. 23800

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

TABLE 2200 USE SCHEDULE	ZONING DISTRICT													CONDITIONS	
	Urban				Sub-urban	Rural	Conservation		Special Purpose						
	UC	U	A	AC & AC/T	S	R	BC ₁	NC	O	R	B	M	P/SP	P	
	R	R					P		P	B	P	H			
Aeronautical												C			
Airports															
Landing Strips						C									Sec. 23900
Heliports				C		C	C				C				Sec. 231000
Balloon Operations						C									Sec. 231100
Industrial															
Light Industry				C			C			C	Y		C		
Heavy Industry										C		C			
Gravel Processing	See Section 231200, <u>Gravel Processing and Extraction</u>														
Rock/Gravel Extraction	See Section 231200, <u>Gravel Processing and Extraction</u> or Section 231300, <u>Temporary Uses</u>														
Disposal										C		C			
Junkyards										C					
Temporary Uses															
Christmas Tree Sales	Y	Y	Y	Y		Y	Y			Y	Y		Y	Y	Sec. 231300
Contractor's Office	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	C	Sec. 231300
Special Event	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y	Y	Y	Sec. 231300
Real Estate Sales Office	Y	Y	Y	Y	Y	Y	Y			Y	Y				Sec. 231300
Shelter	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			Sec. 231300
Farm Stand	Y			Y		Y			Y			Y			Sec. 231300
Gravel Extraction & Processing	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Sec. 231300

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

SECTION 2240. DETERMINATION OF SIMILAR USES

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

If a similar use determination is made in the affirmative, the proposed use shall be an authorized use with the same permissions and restrictions as the use to which it was determined to be similar. A similar use determination may be appealed to and reversed by the Board of County Commissioners pursuant to Section

5180, Appeals on Decisions of Planning Director. The approval of an amendment to the text of these Land Development Regulations pursuant to Section 5150, Amendments to the Text of these Land Development Regulations or the Official Zoning District Map may allow a use not otherwise permitted by a determination of similar uses.

SECTION 2250. RESIDENTIAL USE LIMITATIONS AND SHORT TERM RENTALS

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

DIVISION 2300. REVIEW STANDARDS APPLICABLE TO PARTICULAR USES

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

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

SECTION 2310. AGRICULTURAL EMPLOYEE HOUSING

Agricultural employee housing shall meet the following standards and shall be processed as a minor development plan:

- A. **On active agricultural operation.** The agricultural employee housing is on land where agriculture is being practiced.
- B. **Site area.** The agricultural employee housing is on a working agricultural operation of seventy (70) acres in size or greater.
- C. **Occupant employed by operator and work on agricultural operation.** The occupant of the agricultural employee housing is employed by the operator of the agricultural operations and works

in the agricultural operation at least twenty (20) hours per week for a minimum of three (3) months a year. In addition, the immediate family of the occupant may also reside in the agricultural employee housing. At other times of year, renting the housing to others for not less than thirty (30) days is permitted.

- D. **Mobile homes.** Mobile homes shall meet the standards of Section 2330, Mobile Homes and be part of the farm or ranch development.
- E. **Other dimensional limitations.** All other applicable dimensional limitations contained in Table 2400, Schedule of Dimensional Limitations shall be met.
- F. **Maximum density.** The agricultural employee housing shall not result in a density of more than one residence per thirty-five (35) acres of actively farmed or ranched land. Agricultural housing is in addition to the base density permitted by these Land Development Regulations.

SECTION 2320. PLANNED RESIDENTIAL DEVELOPMENT

- A. **Purpose.** The purpose of Planned Residential Development is to permit development that will result in improved living and working environments, promote more efficient development, encourage a variety of types of residential dwellings, encourage ingenuity and originality in total development and individual site design, allow for denser clustering of development and preserve open space to serve wildlife, scenic, agricultural, and recreational purposes all within the densities established by Table 2400, Schedule of Dimensional Limitations.
- B. **Standards.** The site, lot, and building standards for Planned Residential Developments are given added flexibility in order to permit and encourage compact development, affordable housing, preservation of open space, and innovative site planning and design, in concurrence with the Comprehensive Plan. Planned Residential Development proposals shall meet the following standards.
 1. **Conformance with other applicable regulations.** Planned Residential Developments shall conform with the requirements of these Land Development Regulations, all other applicable Resolutions of the County, and Wyoming State Statutes, except as modified by this Section.
 2. **Deviation from schedule of dimensional limitations.** Planned Residential Developments shall be designed to conform with the district standards in Table 2400, Schedule of Dimensional Limitations, except as follows:
 - a. **Minimum yards.** Deviation from the district standards for minimum yards is permitted on the interior of the project where such deviation provides for a more sensitive and efficient use of the land.
 - b. **Third story in the UR District.** In the UR District only, a third story is permitted on a structure if either the first level of the structure is used for parking, or the third story is used for affordable housing.
 3. **Minimum perimeter setback.** All structures located near the perimeter of the development shall be set back from the project perimeter a minimum distance equivalent to the zoning district required front yard.
 4. **Permitted types of dwelling units.** Planned Residential Developments shall be permitted to provide a variety of dwelling unit types, in order to allow more sensitive and efficient use of the land, as in Section 2320.B.2, Deviation from schedule of dimensional limitations. Single-

family homes, townhouses, condominiums, apartments, and mobile homes are all permitted dwelling unit types. Projects shall also be permitted to provide a mix of dwelling unit types.

5. **Open space required.** All Planned Residential Developments are required to provide a certain amount of open space, as specified by the OSR in Table 2400, Schedule of Dimensional Limitations. See Article VIII, Definitions for the definitions of open space and open space ratio (OSR); see also Section 4300, Open Space Standards for Residential Developments.
6. **Arrangement and design.** The configuration of lots or units within the project shall provide each lot, unit, or building with a building site that is suitable when considering the topography of the site, any other natural resource features located on the site, and existing and probable future public improvements to the area.
7. **Access.** Safe and adequate access shall be provided to all areas of the proposed development, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way, or a commonly owned easement.
8. **Limitation of access to arterial streets and highways.** Where a proposed project abuts a major local collector, arterial road or highway, direct access to such road or highway from individual lots, units, or buildings in the project is prohibited.
9. **Double or reverse frontage.** Double frontage or reverse frontage lots or buildings shall be prohibited, except where necessary to limit vehicular access to arterial roads and highways; or to provide separation of development from through traffic; or to overcome specific disadvantages of topography or other natural features of the site.
10. **Circulation.** Circulation for the project shall be designed in accordance with the following:
 - a. **Principal access.** Principal vehicular access points shall be designed to provide smooth traffic flow, minimizing hazards to vehicular, pedestrian, or bicycle traffic.
 - b. **Street connections.** Minor streets shall not be directly connected with streets outside the development in such a way as to encourage use of such minor streets by substantial amounts of through traffic.
 - c. **Access by emergency vehicles.** Access to all structures and uses by emergency vehicles shall be provided.
 - d. **Efficient circulation system.** The circulation system shall be designed to provide adequate access to all areas of the development using the minimum linear footage of roadway.
 - e. **Pathways.** Provision shall be made for pedestrian and bicycle travel in accordance with Pathways in Jackson Hole, A Conceptual Plan (March, 1992). Linkages to schools, parks, public lands, and pathways existing on adjacent properties shall be provided.
11. **Parking lots.** Parking lots (four [4] or more adjacent parking spaces), if proposed, shall be set back from the perimeter of the project a minimum of the required front yard for the zoning district in which the project is located. A minimum separation of ten (10) feet shall be provided between parking lots and inhabited structures.
12. **Pedestrian system.** Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, appropriate project facilities, and principal off-site pedestrian destinations.

13. **Adequate facilities.** There shall be a demonstration that the development proposed is provided with adequate potable water, sewage treatment, solid waste disposal, electrical, park, school, police, and fire-fighting facilities.

SECTION 2325. RESERVED

SECTION 2330. MOBILE HOMES

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

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

SECTION 2340. MOBILE HOME PARKS

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

A. General Mobile Home Park dimensional requirements

1. **Area requirements.** A lot for a single wide unit shall be at least 3,300 square feet in area and a lot for a double wide unit shall be at least 5,000 square feet in area if common recreational open space is provided pursuant to Subsection C, Open space standards, below. If no common recreational open space is to be provided, the above stated area requirements shall be increased to 3,800 and 5,500 square feet respectively.
2. **Replacement of single unit lot with double wide unit.** If any lot in a mobile home park is initially designed to accommodate a single unit, it shall not be replaced by a double wide unit unless all applicable setbacks and spacing between units are met, and the stand is modified to accept the double wide unit.
3. **Side to side spacing.** There shall be a minimum twenty (20) feet side-to-side spacing between units.
4. **End to side spacing.** There shall be a minimum fifteen (15) feet end-to-side spacing between units.
5. **End to end spacing.** There shall be a minimum ten (10) feet end-to-end spacing between units.
6. **Abutting other parcel or lot.** On any lot in a mobile home park site which abuts another parcel or lot not in the mobile home park, the unit shall be set back a minimum of twenty-five (25) feet from the boundary line abutting the other parcel or lot.
7. **Abutting internal streets.** A unit shall be set back a minimum of twenty-five (25) feet from an internal street or road.
8. **Additions and alterations.** Any additions or alterations made to a mobile home unit, including porches, awnings, and overhangs, shall not exceed an area of one hundred sixty

(160) square feet, shall be set back a minimum distance of fifteen (15) feet from an adjacent mobile home, conform in color with the existing unit and be of suitable material.

9. **Limits of mobile home space.** The limits of each mobile home space shall be marked on the ground with monuments placed at each corner.
10. **Adequate support for placement.** The area of the mobile home stand shall be improved to provide adequate support for the placement of the mobile home.
11. **Skirting.** Skirting of mobile homes is mandatory and shall be accomplished within sixty (60) days of placement and installation of the mobile home.
12. **Height.** Mobile homes, including any additions, shall not exceed eighteen (18) feet in height.
13. **Accessory structures.** Accessory structures, such as storage buildings, shall not exceed one (1) story or fifteen (15) feet in height, whichever is greater.
14. **Storage buildings.** Storage buildings and structures may be provided adjacent to individual mobile homes to accommodate seasonal equipment, outdoor furniture, and other large or bulky possessions not normally stored within the mobile home unit. Such structures shall not be used as a living unit and shall not exceed two hundred fifty (250) square feet of space.

B. Access, traffic circulation, and parking

1. **Internal streets.** Internal streets and walkways within the mobile home park shall be privately owned, built, and maintained, and shall be designed for safe and convenient access to all stands and parking spaces, and to facilities for common use of Mobile Home Park residents.
2. **Internal streets to each stand.** An internal street shall be provided to each stand. The street shall be a minimum of twenty-four (24) feet in width. The internal street shall be continuous and connect with other streets in the Mobile Home park or with public streets or shall be provided with a cul-de-sac having an outside roadway diameter of at least one hundred (100) feet, and a street property line diameter of at least one hundred twenty-five (125) feet. No cul-de-sac shall exceed five hundred (500) feet in length.
3. **Drives.** All drives, including the private access to the site, shall be surfaced with a minimum of four (4) inches of crushed aggregate.
4. **Parking lot.** The common parking lot or guest parking lot shall be surfaced with a minimum of four (4) inches of crushed aggregate.
5. **Lot.** Each mobile home lot shall be provided with two parking spaces thereon.
6. **Guest parking space.** A minimum of one (1) guest parking space shall be maintained for every three (3) mobile home lots for the purpose of guest parking. No mobile home lot shall be more than three hundred (300) feet from such guest parking lot.
7. **Internal streets.** Internal streets shall be maintained free of cracks, holes, and other hazards.
8. **Street intersections.** Street intersections generally shall be at right angles for a distance of seventy-five (75) feet from the point of intersection of the centerlines of intersecting streets; a right angle shall be maintained as nearly as possible with consideration for topography and the mobile home park design. There shall be no intersections of streets at angles of less than sixty (60) degrees.

9. **Intersecting streets form jog.** Where the centerlines of intersecting streets are offset to form a jog, the minimum distance between the centerlines of the offset intersecting streets shall be one hundred (100) feet.
10. **Alignment and grade of streets adapted to topography.** The alignment and grades of all internal streets shall be properly adapted to the topography of the Mobile Home Park and shall provide for safety of traffic and pedestrian movement, satisfactory surface and groundwater drainage, and the proper functioning of sanitary and storm sewer systems.
11. **Access to public street.** A Mobile Home Park shall have an entrance drive from a public street or highway and access to individual homes shall be from the internal roadway.
12. **Entrance in relation to public street intersection.** Mobile Home Park entrance drives shall not be located closer than one hundred fifty (150) feet to intersections of public streets or highways. The entrance drive shall be at least thirty (30) feet in width, except that the minimum width shall be at least forty (40) feet if the drive is divided by a landscaped median.
13. **Right of way for public street.** Where a public street is planned, a sixty (60) foot right-of-way shall be maintained.

C. **Open space standards** Mobile Home Parks shall be exempt from Division 4300, Open Space Standards for Residential Developments, and shall comply with the standards below:

1. **Common Recreational open space.** A minimum of three hundred (300) square feet of recreational open space per mobile home unit shall be provided on portions of the Mobile Home Park site which are free from hazards that are incompatible with the purposes of recreational areas. The common recreational open space shall be located so as to minimize hazards to users from traffic and drivers and shall be located so as to be conveniently accessible to all residents of the Mobile Home Park.
2. **Permitted uses.** Common recreational open space shall not include drives, parking areas, storage areas, service areas, or areas required for setbacks, but may include playgrounds, swimming pools, tennis courts, pathways, and other outdoor recreation facilities.
3. **Location and minimum size.** The common recreational open space shall be provided in one (1) or more locations within the Mobile Home Park, unless the individual lots meet the larger lot sizes as stated in Section 2340.A.1. Area Requirements. The minimum size of each required common recreational open space, if applicable, shall be five thousand (5,000) square feet.
4. **Maintenance.** Maintenance of common recreational open space shall be the responsibility of the manager.
5. **Landscaping.** All common recreational open space and other common open space shall be landscaped.

D. **Landscaping standards**

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

E. **Landscaping of unpaved areas.** Unpaved areas between mobile homes shall be landscaped with lawns or other appropriate ground cover, and shall be maintained.

1. **Watering systems.** Sprinklers, hose bibs, or other suitable types of watering systems shall be provided for all landscaped open spaces.
2. **Hose bibs.** Each mobile home space shall be provided with hose bibs.

F. **Maintenance.** Maintenance of all landscaping, except that on individual mobile home spaces, shall be the responsibility of the management in rental Mobile Home Parks.

G. **Water and sewer connections.** If a proposed mobile home park will generate over 2000 gallons of wastewater per day, or require over 2000 gallons of water per day, as determined by the Teton County Sanitarian, approval is required from the Wyoming Department of Environmental Quality. If the wastewater generated or water required will be less than 2000 gallons per day, approval of the County Sanitarian is required.

SECTION 2350. WORKING RANCH SUBDIVISION

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

- A. **Minimum site area.** The parcel is at least seventy (70) acres in size.
- B. **Density and open space.** Although there is no minimum lot size for the residential lots, the density shall be no more than one (1) dwelling unit per thirty-five (35) acres. The land outside the lots that is needed to maintain the maximum density shall be required open space, restricted with an instrument acceptable to the County Attorney; Working Ranch Subdivisions shall otherwise be exempt from the requirements of Division 4300, Open Space Standards for Residential Developments. Active agricultural land shall count as required open space.
- C. **Future development.** The property may be more fully developed at a later date; however, the lots created pursuant to this section shall be included in the density calculation and subdivision review process for the subsequent development.
- D. **Agricultural history.** The land shall have been in active agricultural use for at least fifteen (15) years prior to the subdivision.
- E. **Scenic and Natural Resource Districts.** Building envelopes shall be located entirely outside the NRO and SRO districts to the extent practical. If the entire parcel to be subdivided or the proposed building sites are in one or both districts, then the Board of County Commissioners may permit the building sites to be located in the districts, provided the building sites create minimal detrimental impacts on the wildlife and scenic resources.
- F. **Environmental Analysis.** A working ranch subdivision meeting the standards of this section shall be exempt from the requirement of an Environmental Analysis provided the proposed building envelopes are located to minimize detrimental environmental impacts.
- G. **Development standards.** The development of these lots shall comply with applicable development standards.

SECTION 2360. RESERVED**SECTION 2370. ACCESSORY RESIDENTIAL UNITS**

Accessory residential units are permitted in the AR, AC, AC/T, UC, BC, OP, P/SP, R, NC, RB and BP districts, as indicated in Table 2200, Use Schedule. Accessory residential units are subject to all standards, limitations, and requirements of these Land Development Regulations, except when specifically exempted by this section, and the following:

- A. **Purpose and intent.** The purpose of the accessory residential unit provisions is to provide employee housing. The intent is that accessory residential units are clearly incidental, subordinate, and secondary to the primary residential or nonresidential use of the property.
- B. **Occupancy.** The occupancy of accessory residential units shall be restricted to persons that meet one of the following standards:
 1. **Employees.** The occupants of the accessory residential unit are employed within Teton County, in accordance with the guidelines established by the Teton County Housing Authority. The mechanism, and its specific provisions, for achieving the restriction shall be acceptable to the Teton County Housing Authority and shall be enforceable by the Teton County Housing Authority; or
 2. **Family members.** The occupants of the accessory residential unit are members of the same family occupying the primary dwelling unit, such parents or adult children, and the primary use with which the accessory residential unit is associated is residential; or
 3. **Guests.** The occupants of the accessory residential unit are guests of the family occupying the primary dwelling unit. Use of accessory residential units for housing guests shall be free of payment of any kind, i.e., rent or in-kind services, shall be of an intermittent nature, and shall be associated with a primary use which is residential.
- C. **Minimize conflicts.** Accessory residential units shall be designed to minimize parking, traffic circulation, noise, and other potential conflicts between the accessory residential units and the primary use of the site and neighboring sites.
- D. **Development standards.** Accessory residential units shall be subject to all dimensional limitations and other development standards applicable to the primary use with which the accessory residential units are associated, except as otherwise provided in this section.
- E. **Parking.** Parking for accessory residential units shall be provided in accordance with the standards in Table 4240, Parking Standards, By Use, for the residential dwelling type that most closely fits the accessory residential unit type.
- F. **Outside storage.** Only vehicles used for daily travel may be stored outside. All other possessions belonging to occupants of an accessory residential unit, such as recreational, secondary or inoperative vehicles, boats, motorcycles, canoes, kayaks, lumber and other construction materials not associated with an on-going construction project on the site, or other similar items contributing to an untidy appearance, shall be stored within an enclosed structure, such as a garage.
- G. **Garbage and recycling collection and disposal.** Adequate outdoor, enclosed garbage and recycling receptacles for the accessory residential unit(s) shall be provided. Bear-proof facilities may be required, depending upon the location of the accessory residential unit(s.) Provisions for at least weekly garbage disposal shall be demonstrated.

H. **Rental period.** Rental periods shall be a minimum of ninety (90) days. Short-term rental (less than 30 days) is prohibited.

I. **Primary use is nonresidential**

1. **Districts allowed/prohibited.** Accessory residential units are allowed in association with a nonresidential use in the UC, AC, BC, OP, R, BP, and P/SP districts. Accessory residential units in association with a nonresidential use in the NC and RB districts are prohibited (see subsection J., Primary use is residential, for accessory residential units allowed in the NC and RB districts.)
2. **FAR exemption.** The floor area of accessory residential units, provided on-site, in conjunction with a nonresidential development, shall be exempt from the calculation determining compliance with the maximum floor area ratio limitation for the nonresidential development.
3. **Maximum habitable floor area.** No accessory residential unit may exceed eight hundred and fifty (850) square feet of habitable floor area.

J. **Primary use is residential**

1. **Districts allowed/prohibited.** Accessory residential units are allowed in association with a residential use in the AR, R, BC, NC, OP, and RB districts. Accessory residential units in association with a residential use in the UC, AC, BP, and P/SP districts are prohibited (see subsection I., Primary use is nonresidential, for accessory residential units allowed in these districts.)
2. **AR District.** Accessory residential units are permitted in the AR district in conjunction with the Single-Family Detached development option:
 - a. **Two units allowed.** No more than two (2) accessory units per lot are allowed.
 - b. **Relationship to principal structure.** If only one (1) accessory unit per lot is constructed, it may be attached to or detached from the principal structure. If two (2) accessory units are constructed on one lot, one must be attached to the principal structure, the other detached. The minimum separation between detached units shall be ten (10) feet.
 - c. **Maximum floor area.** No accessory residential unit in the AR district may exceed five hundred (500) square feet of habitable floor area.
3. **R, BC, NC, OP, and RB Districts.** Accessory residential units are permitted in the R, BC, NC, OP, and RB districts as follows: (AMD 03-0011)
 - a. **One unit allowed.** No more than one (1) accessory residential unit per developed primary residential dwelling unit is allowed.
 - b. **Maximum floor area.** The floor area shall not exceed one thousand (1,000) square feet. Notwithstanding, accessory residential units that are legally nonconforming with respect to this subsection may be rented as accessory residential units, so long as they comply with all other standards applicable to accessory residential units.
4. **Maximum scale of development.** The floor area contained within the accessory residential unit shall be included in the maximum scale of development calculation pursuant to Section 2450, Maximum Scale of Development, for the primary dwelling unit with which the accessory residential unit is associated. (AMD 03-0011)

- 5. **FAR.** When the primary residential use is subject to an FAR limitation, the floor area of any accessory residential units shall be included in the calculation, in accordance with the procedure set forth for that calculation.
- 6. **Fire prevention.** Compliance with the Fire Code shall be demonstrated prior to issuance of a Certificate of Occupancy.
- K. **Architectural design.** The architectural design of the accessory residential unit(s) shall be compatible, in terms of bulk and scale, with the surrounding neighborhood.
- L. **Permitting.** Prior to development of any new accessory residential unit, and prior to the initial occupancy of an existing accessory residential unit by anyone other than guests on an intermittent basis, a development permit shall be required that is issued in accordance with the provisions of these Land Development Regulations.

SECTION 2380. INSTITUTIONAL RESIDENTIAL

Institutional Residential uses shall meet the following standards:

- A. **Location.** Institutional Residential uses proposed in the Suburban or Rural Zoning District shall be located at least three hundred (300) feet from an existing dwelling unit unless the institutional residential use was proposed as part of a development that included both the institutional use and the dwelling units.
- B. **Density.** Institutional Residential uses shall comply with the maximum density limitations set in Table 2380, Density Standards for Institutional Residential Uses. For purposes of this Section, rooms shall mean sleeping rooms designed for an occupancy not to exceed two (2) people per room.

**TABLE 2380
DENSITY STANDARDS FOR
INSTITUTIONAL RESIDENTIAL USES**

Zone District	Maximum Gross Density Rooms per Acre
Urban Commercial (UC)	35.0
Urban Residential (UR)	35.0
Auto Urban Commercial (AC)	30.0
Auto Urban Residential (AR)	25.0
Suburban (S)	15.0
Rural (R)	7.0

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

SECTION 2390. UTILITIES

- A. **General.** All utilities shall be located and designed to minimize negative impacts on natural, scenic, agricultural, and residential objectives. A landscaping plan shall be submitted that is designed to screen the utility, except for utility lines, from roads and habitable structures.
- B. **Power lines.** New power lines of one hundred (100) KV or more shall be located within a right-of-way or easement wide enough to provide a minimum separation of thirty (30) feet between the power lines and adjoining development, but in no case shall the right-of-way or easement be less than sixty (60) feet in all zoning districts.
- C. **Equipment housing structures.** Utility structures for housing equipment shall be designed with as low a profile as possible in all zoning districts. If the surrounding uses are residential, the building style shall be compatible with the surrounding land uses.
- D. **Communications towers & wireless telecommunication services/facilities.**
 - 1. **Zoning district locations allowed.**
 - a. **Location.** Location of communication facilities may be permitted in all districts as a Conditional Use Permit but are allowed as an outright use within the Business Park (BP) zoning district.
 - b. **No existing tower/antenna available.** To be eligible to construct a new tower within the Teton County, an applicant must first demonstrate to the reasonable satisfaction of the Board of County Commissioners that no suitable existing tower or antenna support structure is available and no reasonable alternative technology exists that can accommodate the applicant's facility on an existing tower or antenna structure. The proposed structure must comply with provisions of subsection 2.
 - 2. **Co-location.**
 - a. **Provision for other providers.** No communication facility or equipment owner or lessee or employee thereof of a facility permitted under these regulations shall act to exclude or attempt to exclude any other communication provider from using the same building, structure or location. Communication facility owners or lessees or employees thereof shall cooperate in good faith to achieve co-location of wireless telecommunication facilities and equipment with other wireless telecommunication providers.
 - b. **Excess capacity for co-location.** All new communications towers shall be constructed with excess capacity for co-location. The applicant shall provide information showing the ability of the facility to accommodate other providers and a written summary of their policy direction on co-location of antennas on their facility.
 - c. **Use of existing public utilities or the existing Snow King communication sites and Rendezvous communication site are encouraged.** The applicant shall provide documentation by a Registered Professional Civil Engineer, that no existing tower, building, or structure can be utilized to locate the proposed facility and rationale justifying the new site under consideration. Included in the documentation shall be an analysis showing the geographic area to be covered by the proposed structure; justification for the need of that coverage; and an analysis of all existing towers and antenna structures and documentation that co-location is not feasible.
 - 3. **Equipment location/visual and wildlife mitigation.**

- a. **Roof mounted equipment.** If communication equipment is proposed to be roof mounted, it shall be located as far from the edge of the roof as possible unless it can be demonstrated that a location near the roof edge would cause the least visual impact.
- b. **Wall mounted equipment.** Whenever communication equipment is mounted to the wall of a building or structure, the equipment shall be mounted in a configuration as flush to the wall as technically possible.
- c. **Screening.** Roof and ground mounted communication equipment shall be screened by parapet walls or screen walls in a manner compatible with the building's design, color, and material. Landscaping shall be required as specified in Division 4100, Landscape Standards.
- d. **Color.** All communication facilities and equipment shall be painted and/or camouflaged to match as closely as possible the color and texture of the wall, building, or surrounding environment.
- e. **Visual analysis study.** New communication towers shall be required to submit a visual analysis study as defined in Section 3140 to determine the visual impact of a proposed facility and the means to mitigate the visual impact associated with the facility. This study is required on all projects regardless of whether it's located in the SRO or not.
- f. **Natural resource study.** New communication towers located within the NRO shall be required to submit an Environmental Analysis as defined in Section 3140. Towers proposed to be located in known raptor or waterbird concentration areas, daily movement routes, or in major diurnal migratory bird movement routes or stopover sites shall be required to use construction techniques which do not require guy wires.
- g. **Signals/lights prohibited.** No signals, lights, or illumination shall be permitted on a tower or telecommunication facility.

4. **Yard setbacks.**
 - a. **Yard Setbacks for ground mounted equipment.** The minimum yard setbacks for ground mounted communication equipment shall be governed by the applicable yard criteria in Table 2400, Schedule of Dimensional Limitations.
 - b. **Yard Setbacks for towers or monopoles.** Towers or monopoles shall be set back one (1) foot from the property line for every foot of height.
5. **Height.**
 - a. **Roof or Wall Mounted.** Roof or Wall mounted antenna's shall not exceed 4' above the maximum permitted height in the zoning district in which it is located.
 - b. **Free Standing Towers.** New facilities shall comply with the height limits for the zoning district for which they are proposed to be located.
6. **Abandoned tower or facility.**
 - a. **A tower or communications facility shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days.** Any abandoned or unused tower or telecommunications facility shall be removed within thirty (30) days after abandonment.
 - b. **Where a tower or communications facility is abandoned** but not removed within the specified time frame, Teton County may remove the facility and place a lien on the

property in the amount of 120% of all costs associated with removal and disposal of the tower. Towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision.

- c. **Where a ground mounted tower or facility is removed** by an owner, said owner shall stabilize and reseed the site with a native seed-mix approved by Teton County and restore the area to natural grade.

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

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

- A. **Play area.** Each group day care center or group day care home shall have thirty-five (35) square feet of indoor area per client (hallways or area with furniture does not qualify), and a fenced outdoor play area in the rear yard providing a minimum of seventy-five (75) square feet per client. The fenced outdoor play areas shall be screened by shrubs or other vegetation if they are located within twelve (12) feet of the property line.
- B. **Pick-up area.** There shall be an off-street pick-up area providing at least five (5) spaces, reserved for pick-up during the hours of operation.
- C. **Wyoming Statutes.** Each group day care home and group day care center shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety and fire codes.

SECTION 23150. ANCILLARY REAL ESTATE SALES OFFICE (AMD 04-0004)

Ancillary real estate sales offices are allowed only within subdivisions of one hundred or more single-family lots and shall meet the following standards:

- A. **Sales.** No sales or marketing of real estate outside of the development in which the office is located shall be permitted.
- B. **Development Standards.** All generally applicable dimensional limitations and development standards contained within the Land Development Regulations, as well as those applicable to the particular development in which the sales office is located, shall apply.
- C. **Signage.** Signage to identify the sales office shall not be visible from any area beyond the development.
- D. **Parking.** All parking shall be provided on-site. Off-site parking is prohibited.

SECTION 23200. DRIVE-IN FACILITY

Drive-in facilities shall meet the following standards:

- A. **Parking.** The on-site parking standards of Division 4200, Parking and Loading Standards shall apply. Off-site parking is prohibited.
- B. **Screening.** If adjoining land is in residential use or the drive-in facility is in a residential district, the drive-in facility shall provide a fence, wall, or evergreen hedge at least six (6) feet in height; structures shall be set back from the property line at least five (5) feet; and one and one-half (1.5)

plant units (as defined by Division 4100, Landscaping Standards) per one hundred (100) lineal feet of property boundary shall be provided.

C. **Operating Hours.** If adjoining land, including land separated by an alley, is in residential use or the drive-in facility is in a residential district, then the operating time of the drive-in facility shall be limited to the hours of 6 a.m. to 10 p.m.

SECTION 23300. DUDE/GUEST RANCH

Dude ranches and guest ranches shall meet all the following standards except where the text distinguishes between the two uses and makes clear that a specific provision applies only to one of the uses and not the other:

A. **Minimum site size.** The site shall have a minimum of seventy (70) acres of privately owned Base Site Area. Lands restricted by a conservation easement or deed restricted lands, however, may be counted as part of the Base Site Area provided the restricted land has not been counted as the required open space for another development.

B. **Agricultural history.** The land serving as Base Site Area for a dude/guest ranch shall have been in active agricultural use for a least fifteen (15) years prior to the commencement of the dude/guest ranch or has been legally operating as an active dude/guest ranch upon the enactment of this ordinance.

C. **Required horses and horseback riding for dude ranch.** A dude ranch shall have on-site or readily available at least one (1) horse per guest and organized horseback riding activities for guests.

D. **Acreage formula.** The total acreage accessible to a dude/guest ranch via ownership, lease, or recreational permits issued by a government agency, shall equate to no less than five (5) acres per guest. For example, a ranch with access to eighty (80) acres would permit no more than sixteen (16) guests ($80/5=16$). This calculation includes the Base Site Area and may include acreage that serves as open space in a planned residential development provided the easement protecting said open space permits recreational activities and legal access to the guests of the dude/guest ranch. In no case, however, shall a dude/guest ranch private acreage fall below the minimum required acreage in A. Minimum site size, above.

E. **Required renewal of dude/guest ranch approval.** If a dude/guest ranch is dependent upon leased private land or recreational permit issued by a governmental agency to comply with the land area requirement in D. Acreage formula, the dude/guest ranch Conditional Use Permit (CUP) shall run concurrently with the land lease and/or recreational permit. If the lease or permit is renewed or extended, the CUP shall be reviewed by the Board of County Commissioners and may be renewed or extended. The Board of County Commissioners' review shall be limited to reviewing only the affects that may result from any changes in the lease or permit.

F. **Leased land and permitted land contiguous to dude/guest ranch.** When leased private land or land accessible via a permit issued by a government agency is required to comply with the land area requirement in D. Acreage formula, said leased private land or permitted land shall be contiguous to or within one (1) mile of the dude/guest ranch that possesses the lease or permit. If the leased land or permitted land is not contiguous but rather within one (1) mile of the dude/guest ranch, legal access shall exist that permits guests of the ranch to access the leased land or permitted land via the route that is no longer than one (1) mile in length.

G. **Maximum occupancy.** Dude/guest ranches shall be limited to a maximum occupancy of seventy-five (75) guests. In addition to guests, housing for employees shall be permitted.

H. **Recreational activities.** Dude ranches and guest ranches shall provide outdoor recreational activities for their guests:

1. Dude ranches shall, at a minimum, provide facilities, horses and horseback riding activities to accommodate guests. In addition to horseback riding activities, other recreational activities may occur as part of the dude ranch provided they are approved as part of the Conditional Use Permit (CUP). These additional activities may include, but not be limited to, the recreational activities allowed for a guest ranch and described in paragraph 2 below.
2. Guest ranches shall provide recreational activities or immediate access to recreational activities for guests. They may include, but not be limited to, day and overnight horseback trips, hunting guide trips, fishing trips, rafting trips, cook-outs, hay rides, cross-country skiing, and snowmobiling. Outdoor activities shall be approved as part of the Conditional Use Permit (CUP) and may be restricted both in location and the time of year during which they may be conducted in accordance with the wildlife protection guidelines provided by the Wyoming Game & Fish Department.

I. **Agricultural buildings.** Agricultural buildings associated with the dude/guest ranch shall be actively used for the care and management of livestock kept on the property. Agricultural buildings shall be exempt from required landscaping pursuant to Section 4160, Landscaping Standards. Accessory structures such as maintenance buildings are permitted.

J. **Dining facilities.** A dining facility capable of accommodating the maximum number of guests permitted at the ranch may be provided. If a common dining facility is not provided, cooking facilities shall be provided to guests as part of the lodging accommodations. Typically the dude/guest ranch provides all meals to the guests.

K. **Lodging accommodations.** Permanent buildings for lodging all guests shall be provided. Lodging may be in cabins or a main lodge. Lodging in temporary facilities, such as tents, is permitted as part of overnight recreational activities, but shall not be the primary type of accommodation.

SECTION 23400. CAMPGROUNDS

Campgrounds shall meet the following standards:

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

SECTION 23450 GOLF COURSES

A. **Purpose.** The purposes of this section are to:

1. Establish and describe the types of information that must be provided by the applicant to allow assessment of the proposed golf course development.
2. Provide conditional use findings and general evaluation criteria to determine if a golf course proposal is a compatible land use at the proposed site.
3. Provide a set of development standards to ensure that new golf course development is designed, constructed and operated to sustain site-specific community values.

4. Provide protection of the ecosystem and the ecological health and quality of life.

B. Exemptions

1. Existing golf courses developed prior to the date of this amendment shall be exempt from this Section of the Land Development Regulations, except when the golf play areas are expanded into new land outside the boundary of the previously existing golf play areas, in which case this Section of the Land Development Regulations shall apply to the new expansion areas.
2. Notwithstanding the exemption established in number 1 above, golf courses existing prior to the date of this amendment, shall prepare regular reports on water quality and submit said reports to the Teton Conservation District and participate in a countywide water quality program.

C. Application requirements. In addition to all other applicable sections of these Land Development Regulations, development applications for golf courses shall include the following information:

1. **All new golf courses** including driving ranges and par three golf courses shall submit:
 - a. **Environmental Analysis.** An environmental analysis pursuant to Section 3140, Content of Environmental Analysis, as applicable, shall be submitted with a sketch plan.
 - b. **Conceptual Natural Resource Management Plan.** A Sketch Plan submittal shall include a Natural Resource Management Plan. It shall specify and demonstrate how agronomic, maintenance and other management practices will protect wetlands, ground water and surface water quality, and geomorphology. Furthermore, it shall demonstrate the use of integrated pest management, explain the control of nutrient applications, designate turf grass planting locations and treatments, and provide mitigation for any wildlife or fishery habitats. The conceptual NRMP will set forth a monitoring program that will ensure regular monitoring of key indicators of ecological health, to be reviewed by Wyoming DEQ, plan review committee and the Director of the Teton Conservation District.
 - c. **Final Natural Resource Management Plan.** In conjunction with a Final Development Plan submittal, a Final Natural Resource Management Plan shall be submitted that builds on the conceptual NRMP submitted with the sketch plan by providing more detailed information and any additional information requested by the federal, state or local agencies based on their review of the conceptual NRMP. Revisions may be subsequently required in the NRMP as site-specific conditions that are identified during construction that may require additional information or mitigation.
 - d. **Guidelines for Natural Resource Management Plan.** A Golf Course Natural Resource Management Plan Guidance Document is available in the Teton County Planning Department. Consulting this document is encouraged, as it will provide guidance to the County on such management plans. Said Plan, as amended from time to time administratively by the Planning Director, is non-regulatory and provides guidance only.
 - e. **Grading and construction management plans.** Grading and construction management plans shall be submitted with the Final Development Plan application.
2. The submittal requirements listed above for golf courses are in addition to all requirements for any Planned Residential Development when such development is proposed with a golf course. All elements of the residential development shall be included in the Environmental Analysis and Development Impact Assessment required for the associated golf course.

D. **Required findings.** In order to assess whether the proposed site is appropriate for a golf course and if a golf course on the proposed site is generally compatible to the community's land use goals and objectives, the Planning Commission shall provide their recommendations, and the Board of County Commission shall affirm that all of the findings below are true.

1. The natural and pre-development lay of the land is conducive to the layout of a golf course and does not require substantial alteration to the natural landscape.
2. The location and general layout of the golf course, including the placement of associated buildings and residences, preserve significant open vistas and create deep setbacks as viewed from the public travel corridors defined in Section 3320 of these Land Development Regulations and any adjoining rivers.
3. The golf course and any associated residential development will not overload the existing or proposed roadway system.
4. The proposed golf course is located and the layout is configured to minimize land clearing, tree cutting and grading. Land clearing, tree cutting and grading may not have a significant negative impact on wildlife, wildlife habitat, aquatic or scenic values. Mitigation may be required to offset any identified negative impacts.
5. The best scientific data shall demonstrate that wildlife migration corridors, nests, spawning substrates, and crucial winter habitats will be functionally sustainable within one year of the completion of golf course grading activities. And in relation to impacts to threatened and endangered species, any necessary authorizations have been obtained.
6. Golf course development shall not degrade ecological functions and values present at the site of the proposed golf course or on adjacent parcels of land.

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

1. **Base Site Area:** Land area devoted to golf playing surfaces such as putting greens, fairways, tee boxes, roughs, sand traps, and areas between and surrounding these features, and land supporting golf facilities such as club house, parking lots and maintenance structures, shall be counted toward the Base Site Area of the golf course, with the exception of functional wildlife habitat areas either natural or created. The land devoted to a golf course shall not be used in calculating the base site area or density for accompanying residential development. *(AMD 03-0014)*
2. **Open Space:** The putting greens, fairways, tee boxes, sand traps, roughs, and other mowed areas and areas between and surrounding these features within a golf course do not satisfy the open space requirement for a Planned Residential Development as established in Division 4300, Open Space Standards for Residential Developments, with the exception of functional wildlife habitat areas that are either natural or created. Functional wildlife habitat areas within the perimeter of the golf course may be counted as open space upon the approval of the Planning Director. These areas designated as wildlife habitat must be designed or designated by a qualified wildlife biologist and/or ecologist and ensured by a financial bond in an amount sufficient to cover the cost of preservation or creation for two growing seasons. *(AMD 03-0014)*
3. **Landscape Surface Ratio:** Notwithstanding the standards in Table 2400, Schedule of Dimensional Limitations, the LSR for a golf course shall be 0.90.
4. **Building standards**

- a. The Clubhouse and any other golf course related building shall not exceed 30,000 square feet of gross floor area in any single structure.
- b. When any building is designed to exceed 5,000 square feet gross floor area above grade, all elevations facing public view corridors or existing residential areas shall employ varied roof heights and lines and structural articulations to visually reduce the bulk and scale of the building.
- c. All buildings shall have exterior surfaces and windows that use non-reflective materials and appear as natural wood or stone.
- d. Maintenance and storage buildings shall be located on the property that have low visibility from public view corridors and adjoining residential areas, or shall be designed to look like farm or ranch buildings, or shall be effectively screened from view using native vegetation.

5. **Landscaping for buildings and parking lots**
 - a. An individual Landscape Plan shall be submitted per Section 4130, Landscape Plan, for the areas immediately around all buildings and parking lots.
 - b. Landscaping shall be in accordance with Section 4160.B, Nonresidential standards, Section 4140. C, Parking lot standards, and Section 4160. D, Loading area screening standards.
6. **Waterbody and wetland setback/buffers.**
 - a. Putting greens, tee boxes, fairways and sand traps are prohibited within the setback/buffers for streams, and rivers, as described in Section 3220.C, No development, setbacks/buffers required.
 - b. Putting greens, fairways, tee boxes, or sand traps may be permitted within wetland setback/buffer where it can be demonstrated that a USACOE 404 Permit would be issued to dredge or fill the buffered wetland for the purpose of locating said golf course features. The setback encroachment is permitted to avoid or significantly reduce the filling of the wetland and is therefore permitted provided the applicant demonstrates the avoidance or significant reduction in wetland filling is achieved.
 - c. Under no circumstances shall a wetland setback/buffer be reduced per subsection "b" above by more than fifteen (15) feet for a putting green or tee box surface.
 - d. Elevated cart paths over wetlands and non-elevated cart paths providing direct access to bridges shall be allowed to encroach in the waterbody or wetland buffer/setback.
 - e. Cart-path areas not required for direct wetland or watercourse crossings shall not be permitted within the standard buffer area.
 - f. No grading or vegetation disturbance shall occur within standard river and stream setback/buffers except for restoration or mitigation planting as approved under a development permit, or as permitted per this subsection of the Land Development Regulations.
 - g. Site -specific factors such as sloping ground, porous soil texture, and high percolation rates may require tee boxes and putting greens be located further than fifty (50) feet from streams, even in the absence of riparian vegetation, to protect water quality.

- h. No setback is required from man-made ponds, lakes, streams and wetlands unless said man-made features were constructed to satisfy mitigation requirements. In event of such requirement the standard setback/buffer shall apply.
 - i. During the construction phase there shall be no construction activity or land disturbance within any designated setback/buffer, except as permitted pursuant to this Section of the Land Development Regulations.
7. **Use of the floodplain.** No structures are permitted in the 10-year floodplain, pursuant to Section 3220.C.1, Development prohibited, except for certain water dependent uses and essential road or utility crossings, and the following:
 - a. Golf cart bridges and related footings and pilings may be placed in the ten (10) year floodplain.
 - b. Fill or deposition of materials in floodplains for limited areas of turf grass planting and cart path crossings shall be in accordance with Section 3220.C.3.a.(5), Fills in floodplains, except that riprap, sheet piling or bulkheads shall not be used to prevent erosion.
8. **Annual Operation Plan and Monitoring Program.**
 - a. An Annual Operation Plan and Monitoring Program shall be prepared by the operators of the golf course and submitted to the Teton County Planning Department, by January 31st of each year, for review.
 - b. Said Plan and Program shall summarize the operations of the previous year and identify any proposed changes from past years concerning agronomic practices, wildlife use, or any other biological or physiographic changes proposed to occur on the property.
 - c. These records shall be available to the Director of the Teton Conservation District for his inspection in connection with a countywide water quality-monitoring program.

SECTION 23500. OUTDOOR RECREATIONAL

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

- A. **NRO.** For land within the NRO, outdoor recreational uses shall only be permitted subject to a detailed mapping of the resources present on the site, an analysis of the proposed outdoor recreational uses, and development of a use management plan that complies with the following:
 1. **Limitation of access during eagle nesting.** Access to the protective radius around a bald eagle nest shall be limited to times of the year when eagles are not nesting.
 2. **River and stream bank buffers for trumpeter swans.** River and stream bank buffers for trumpeter swans shall be two (2) times that required in Section 3270.E. Trumpeter Swans.
 3. **Mitigation plan.** Preparation and agreement to implement a mitigation plan, based on a detailed site analysis of the species present, that measures the total habitat disturbed and requires mitigation to enhance the environment and to return the site after development to the same habitat value as it had before development of the site. This includes creating wetlands, afforestation, planting shelter, screening or forage plants, limiting trails, providing viewing platforms, and removing fences or marking power lines.
- B. **Other zoning districts.** In all other zoning districts, the use management plan shall ensure that outdoor recreational uses are designed to minimize any glare from night lighting into residential

areas, and that the hours of operation of potentially noisy uses which might disrupt a residential area are limited.

SECTION 23600. HOME OCCUPATION

A home occupation shall meet the following standards:

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

SECTION 23700. HOME BUSINESS

Home businesses shall meet the following standards:

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

SECTION 23800. COTTAGE INDUSTRY

A cottage industry shall comply with the following standards:

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

SECTION 23900. LANDING STRIPS

Landing strips shall meet the following standards:

- A. **Commercial aviation prohibited.** Landing strips shall not be used for commercial purposes. All commercial aviation activities shall be located at the Jackson Hole Airport where adequate safety facilities are present.
- B. **Flight paths.** Typical flight paths shall be identified, and must not cross residential areas or places of assembly such as schools or churches. Approaches shall be free of towers or other hazards.
- C. **Overhead utilities.** Providers of overhead utilities shall be given an opportunity to review the approach corridors and plans. Any marking of utility lines in the area requested by the providers shall be completed at the developer's expense.

SECTION 231000. HELIPORT

Heliports shall meet the following standards:

- A. **Location.** The use shall be removed from residential areas to the extent practical.
- B. **Flight paths.** Typical flight paths shall be identified, and must not cross residential areas or places of assembly such as schools or churches. Approaches shall be free of towers or other hazards.
- C. **Overhead utilities.** Providers of overhead utilities shall be given an opportunity to review the approach corridors and plans. Any marking of utility lines in the area requested by the providers shall be done at the developer's expense.
- D. **Services.** In order to minimize noise and other negative impacts on the general public, commercial air tour operations are prohibited. The term "commercial air tour" means any flight conducted for compensation or hire in a powered aircraft where the purpose of the flight is sightseeing. Notwithstanding Article VII, Nonconformities, helicopter operators and their respective heliports (High Mountain Heliskiing on the Snake River Ranch and the Snake River Canyon Ranch, and

Hawkins & Powers on Spring Gulch Road) existing on private land on the date of enacting this standard (September 4, 2001,) shall be entitled to maintain their historic volume of “commercial air tours.” The historic volume of “commercial air tours” shall be transferable to future buyers of the existing operators and shall be transferable to new heliport locations provided said locations are properly approved and permitted.

SECTION 231100. BALLOON OPERATIONS

Balloon operations shall meet the following standards.

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

SECTION 231200. GRAVEL PROCESSING AND EXTRACTION

- A. **Purpose.** The purpose of this section is to establish operational, locational and reclamation standards for gravel processors and associated extraction activities, that are designed to minimize negative impacts on the rural quality of Teton County, the residential values of its citizens, and the recreational opportunities shared by all, and the nationally recognized environmental treasures located in and adjacent to Teton County.
- B. **Permitting.** Gravel processing shall be allowed only at locations listed in subsection C, Location, and for the processing level(s) for which said site has been designated, provided a Special Use Permit is issued, pursuant to Section 5140, Conditional and Special Use Standards. Rock/gravel extraction may be permitted in association with processing activities.
- C. **Location.** The locations listed below have been determined by a comprehensive, County-wide selection process designed to identify locations that best serve the operational requirements of gravel processors, while minimizing the negative impacts and obtrusiveness to the County’s residents, visitors, wildlife, and scenic resources. Specification of location authorizes application for a Special Use Permit only and shall, in no way, be construed as allowing a gravel processing operation without obtaining a Special Use Permit.
 1. Evans Contractor Yard and Gravel Pit shown on County Maps M-1 and O-4 and more specifically described as those portions of Sections 33 and 34, Township 40 North, Range 116 West, identified as Parcel 14 and 17 in Section 34 and Parcel 7 in Section 33 which are part of the existing gravel and contractor’s yard operation with limits of said operation shown

on Aerial Photo Mylar No. 15 flown on 6-13-93. All levels of gravel processing, as described in Section 2220.C.7.c, Gravel processing, activities may be permitted at this location.

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

D. Operational standards. Gravel processing operations shall comply with the following standards. For the purposes of this Section, if the proposed gravel operation site is within a larger parcel, or parcels, owned by the same entity, then "property boundary" shall mean the property boundary between the parcel, or parcels, owned by the entity controlling the gravel operation site and any adjacent parcels that are not under the control of the same.

1. **DEQ permits.** Only projects qualifying as Ten (10) Acre Exemptions from the Wyoming DEQ, or otherwise exempt from regulation by the DEQ shall be permitted. No project shall qualify for a Special Use Permit if it requires a Small Mining Permit from the DEQ unless a cooperative regulatory agreement is reached with the DEQ, or some other mechanism is offered by the applicant, to ensure the standards of this Section are met and can be subject to the continued oversight and enforcement action by the County. If an operation should ever fall outside of said jurisdiction, its Special Use Permit shall terminate automatically and it shall cease operation immediately and complete its reclamation according to its reclamation plan and time-line.
2. **Hours of operation.** Hours of operation, which shall include maintenance and testing of equipment that creates visual or audible impacts at the property-line, shall occur between 8:00 a.m. and 6:00 p.m., Monday through Friday and between 8:00 a.m. and noon on Saturdays. Saturday operations shall be limited to sale, pick-up, and delivery of products--no gravel processing or extraction shall be conducted on Saturdays. Notwithstanding, an extension of hours may be granted by the Board of County Commissioners based upon the applicant's proposal to exceed the standards established in this Section to mitigate the negative impacts of gravel operations on surrounding neighbors and the standards set forth in Section 5140, Conditional and Special Use Standards. Hours of operation shall not apply when the gravel operator is responding to a bona fide public emergency, i.e., flood fight.

3. Project traffic impacts.

- a. **Transportation facility improvements.** Projected traffic impacts shall be addressed according to AASHTO guidelines and the cost of all improvements required, on and off-site, shall be borne entirely by the applicant. The cost of additional wear and tear on County roads, as determined by the County Road Supervisor, shall also be borne by the applicant. A bond or letter of credit may be required to assure payment of such expenses.
- b. **Trip generation.** The Board of County Commissioners may establish a maximum number of truck trips allowed to enter and exit a processing location. The limit on the number of trips, and weekly rate, shall reflect the classification of the road traveled to reach a State Highway, the distance the processing location is from the State Highway, the projected impacts of the truck traffic on surrounding uses, and the demand for the processed material.
- c. **Traffic counts.** Traffic counts at the entrance of the operation shall be performed and certified by a Wyoming Registered Engineer, and presented at the annual review of the operation's Special Use Permit for the purposes of determining the operation's impacts

on local infrastructure and compliance of any trip generation limits that may be set. Said traffic counts shall be conducted in a manner set by the Board of County Commissioners.

4. **Setbacks.** All operations and activities shall be set back a minimum of three hundred (300) feet from all property lines unless written permission from adjacent property-owners is submitted agreeing to reduce the required setback. All operations and activities also shall be set back a minimum of three hundred (300) feet from all public road rights-of-way and public recreational easements.
5. **Visual screening measures.** Visual screening shall be required for stockpiling, parking areas, and permanent or semipermanent equipment and structures.
 - a. **General.** The view from all public roads, rivers, and adjoining residential areas shall receive a minimum fifty (50) percent screen provided by vegetation, topography, or other measures which ensure the unobtrusiveness of the operations.
 - b. **Buildings.** All buildings' design, scale, and location shall minimize both the obtrusiveness and the conflict with the character of the surrounding area to the maximum extent practical.
6. **Protection against attractive nuisances.** The proposed Special use shall be landscaped, bermed, fenced, or otherwise enclosed, where necessary, for health and safety protection.
7. **Noise.**
 - a. **Noise level.** All processing equipment shall be designed to prevent the noise level of the equipment from causing a perceptible increase in the average ambient noise level of the existing neighborhood; meeting this standard may require enclosing the equipment in a building. A perceptible increase in the noise level is considered to be three (3) or more decibels. The average shall be determined by measuring the existing ambient noise level at the property boundary of the gravel processor, at least five times, at regular intervals, between the hours of 8:00 a.m. and 6:00 p.m., on at least two different week days, with no gravel processing equipment in operation. Notwithstanding, the maximum noise level permitted at the property boundary shall not exceed the noise standards specified in Section 49380, Noise, and the operator shall in no case be required to attain a noise level of less than forty (40) dBA at the property boundary. The owner of an adjacent property may waive the noise standard required to be met at the common property line; however, the noise standard shall then be applied at the remaining property lines of the property of said owner.
 - b. **Noise study.** The applicant shall submit a study determining the existing average ambient noise level, as specified above, and the projected noise level of the proposed operations, taking into account the natural topography, vegetation, the type of equipment to be used and any noise mitigation measures which the applicant proposes to include. The study shall recommend additional mitigation measures that may be necessary, and the study shall draw conclusions as to the compliance of proposed activities with these Land Development Regulations. This study shall be completed by a qualified professional with experience in the field of acoustics. The County may require that the study be reviewed by another qualified professional at the applicant's expense. Notwithstanding the outcome of the study, if a permit is issued, and the standards in these LDRs, or conditions placed on the Special Use Permit, are exceeded once the gravel operations begin, the permit may be suspended or revoked at the annual

review, pursuant to Section 5140, Conditional and Special Use Standards or other enforcement action taken pursuant to Article IX, Enforcement.

8. **Hazardous materials.** Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment with a concrete floor and impermeable berms high enough to contain a spill or leak should one occur. A similar impoundment area shall be provided for any equipment or vehicle maintenance to be conducted on the site. An emergency preparedness plan shall be designed, kept on the site, and followed, as approved by the County. The plan shall specify procedures for containment and clean-up of hazardous materials spills.
9. **Dust.** All operational areas and traffic corridors shall be sprayed with water, as often as weather conditions require, to minimize fugitive dust.
10. **Odor.** Compliance with Section 49320, Air Contaminants, shall be required.
11. **Wildlife.** All gravel processing shall be limited to locations and times of year that ensure no significant negative impacts to endangered species as determined by the Wyoming Game and Fish Department and the U.S. Fish and Wildlife Department, as appropriate. Proposed locations and operation times also shall minimize impacts on species of special concern, as described in *Teton County Wildlife-Habitat Assessment Final Report*, by Biota Research and Consulting, Inc., dated July 1, 1991.
12. **Height.** All equipment and structures shall comply with the height limit specified in Table 2400, Schedule of Dimensional Limitations, for the district in which the subject property is located unless the County judges it is impractical to do so. Such judgment shall be based upon the design of equipment and the need to enclose it in a building pursuant to subsection D.7.a, Noise level, above. For equipment or structures permitted by the County to exceed the height limit, the visual screening required in subsection D.5.a, Visual screening, shall be increased to eighty (80) percent.
13. **Other operational standards.** The Special Use Permit may include site specific operational standards as necessary to mitigate both on-site and off-site impacts.
14. **Extraction.** Rock/gravel extraction shall be permitted only in association with a Special Use permit for processing. In addition to the other operational standards set forth in this Section, all extraction activities shall comply with the following standards:
 - a. **Grading and erosion/sediment control.** Requirements pursuant to Division 49100, Grading and Erosion Control, shall be met. Notwithstanding, no extraction shall be permitted on slopes of greater than fifteen (15) percent, if the area of fifteen (15) percent or greater slope is one (1) acre in size or larger.

Practices for sediment and erosion control shall be designed, constructed and maintained to prevent additional contribution of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall consist of the utilization of proper reclamation methods and sediment control practices including, but not limited to:

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

b. Activities in or near waterbodies.

(1) Controlled watercourses.

- (a) **Consistent with Restoration Study.** Extraction proposed in the Snake or Gros Ventre Rivers shall be in a location and manner specified in the Restoration Study.
- (b) **Prior to approval of Restoration Study.** If the Restoration Study is not yet completed and approved by the County, then the following standards shall apply.
 - (i) Extraction may be proposed in a location approved by the Planning Director and the Levee Supervisor. In no case shall a location and time of excavation be approved that may have negative impacts on endangered or threatened species, or species of special concern, as described in *Teton County Wildlife-Habitat Assessment Final Report*, by Biota Research and Consulting, Inc., dated July 1, 1991.
 - (ii) A report and recommendations from a Hydrologist shall be submitted detailing how the extraction can be accomplished in a manner most beneficial to the river system; the applicant shall be required to abide by the report's recommendations.
- (2) **Uncontrolled/natural watercourses.** When working in uncontrolled, or naturally flowing, watercourses, the proposed operation shall be conducted in a manner that improves fisheries and waterfowl habitat. A report and recommendations from a Fisheries Biologist shall be required detailing how the proposed operation will accomplish habitat improvements and the operator shall be required to abide by the report's recommendations.
- (3) **Minimum buffer.** A minimum fifty (50) foot border of natural vegetation between the water's edge and any plant site on the permitted area shall be left undisturbed subject to the operator's right to normal access to the river or stream.
- (4) **Setbacks from structures.** The County Road and Levee Supervisor and the Wyoming Department of Transportation shall be contacted in reference to setback requirements from bridges, levees, and other structures for in-stream excavation activity.
- (5) **No negative impact.** No extraction shall be permitted that is deemed by the County to have a negative impact on the river, or on landowners adjacent to the river with respect to bank erosion or potential flooding. If more than one river extraction site has been approved or executed within the same vicinity as the extraction site in question, the cumulative impacts of such river extraction shall also be considered when assessing potential negative impacts on the river or on landowners adjacent to the river.

c. **Cultural and historic sites.** If historic or prehistoric ruins or monuments are uncovered or become apparent, all work in the immediate area shall cease until the Wyoming State Archeologist determines what precautions shall be taken to preserve the historic or prehistoric artifacts.

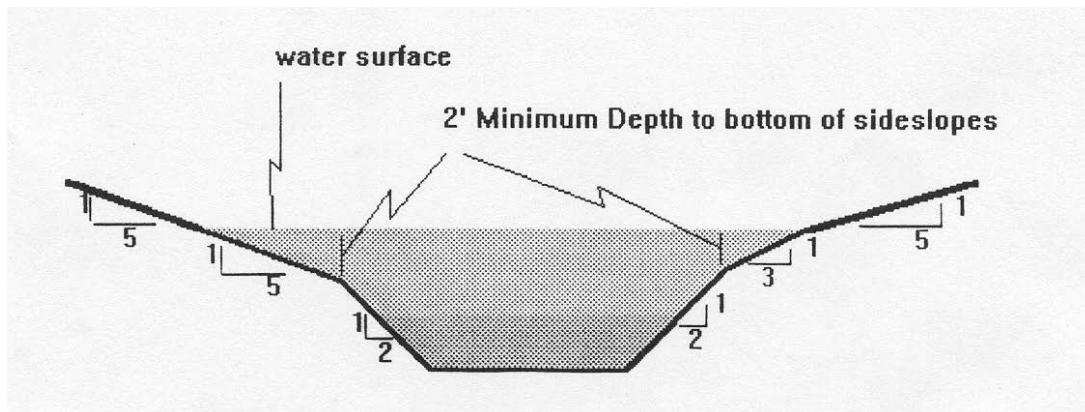
- d. **Access.** Adequate and available access to/from the proposed extraction site and to/from the processing site shall be shown, to the satisfaction of the Planning Director and County Attorney, and maintained, to the standard specified by the County Engineer.
- e. **Site area.** Gravel extraction shall be limited to less than ten (10) acres in size and a DEQ ten (10) acre Exemption permit, unless a cooperative regulatory agreement is reached with the DEQ in conjunction with issuance of a Small Mining Permit, or some other mechanism is offered by the applicant to ensure the standards of this Section are met and can be subject to the continued oversight and enforcement action by the County. If an operation should ever fall outside of said jurisdiction, its Special Use Permit shall terminate automatically and it shall cease operation immediately and complete its reclamation according to its reclamation plan and time-line.
- f. **Surrounding vegetation.** Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the operation site shall be preserved to the maximum extent possible.
- g. **Water supply.** Extraction and filling of a reservoir shall not infringe on down-stream appropriator's rights as established by the State Engineer's Office.
- h. **Extraction, processing, and reclamation plan.** An extraction, processing and reclamation plan, meeting the standards of this Section, shall be provided. The plan shall restrict operations to areas of workable size so that no area is left inactive and unreclaimed for more than sixty (60) days. Reclamation shall proceed in conjunction with extraction and shall proceed in phases over the life of the operation.

E. **Reclamation plan and bond.** A reclamation plan shall be provided that is designed and certified by a Wyoming Registered Landscape Architect, and meets the reclamation standards specified in subsection F, Reclamation standards, below. The plan shall restrict operations to areas of workable size so that no area is left inactive and unreclaimed for more than sixty (60) days, unless approved by the Special Use Permit. The plan shall specify any phasing of reclamation and estimate the cost of the entire reclamation project. A bond shall be posted, in a form acceptable to the County Attorney, in an amount 125 percent of the estimated cost of reclamation. The bond amount shall be reviewed annually, as part of the annual review of the Special Use Permit, as specified in Section 5140, Conditional and Special Use Standards, for the purpose of up-dating the bond amount in accordance with any changing costs of reclamation.

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

- 1. **General.** Reclamation shall restore land areas to a condition suitable for residential use. Wildlife habitat shall be restored, in a manner comparable or better, to the habitat conditions that existed prior to the gravel operation. In general, all slopes shall be graded to 3:1 or flatter to promote revegetation.
- 2. **Blending with natural contours.** Disturbed areas shall be regraded to blend into, and conform with, the general natural form and contours of the adjacent areas, provide through-drainage, and complement the proposed future land use.

3. **Compliance with grading standards.** Compliance with Section 49160, Standards for Grading and Erosion Control, is required.
4. **Revegetation.** A landscape plan, pursuant to Section 4130, Landscape Plan, shall be provided. The landscape plan shall demonstrate revegetation of disturbed areas at a minimum planting density of the same plant density that existed on the site prior to the gravel operations, or at a density of one (1) plant unit per one thousand (1,000) square feet of disturbed area, pursuant to Section 4160.B.1, Nonresidential standards, whichever is less. This is to allow a landowner to return the site to its original condition, rather than a condition of increased vegetation, if it is to be used, or continue to be used, for agriculture. Native species predominant in the neighboring areas shall be used for revegetation.
5. **Ponds/water features.** All ponds or water features created by gravel extraction shall meet the standards of this subsection.
 - a. **Water supply.** Extraction and filling of a reservoir shall not infringe on down-stream appropriator's rights as established by the State Engineer's Office.
 - b. **Shoreline transition.** The slope from the shoreline to upland areas shall be no more than 5:1 for at least fifteen (15) feet from the shore toward the upland area.
 - c. **Pond/water feature side slopes.** All pond and island shorelines shall have 5:1 side slopes for at least fifty (50) percent of the shoreline length; the Planning Director may waive or alter this requirement, based upon there being no reasonable expectation that the pond will be used by waterfowl and upon demonstration that the design shall not pose a safety hazard. All other side slopes shall be no steeper than 3:1. All side slopes shall be maintained into the pond/water feature for the length necessary to reach a depth of two (2) feet; thereafter, side slopes shall be no steeper than 2:1. Shorelines shall receive a minimum six inches of topsoil until the side slope reaches a depth of two (2) feet.



- d. **Shallows.** Sufficient shallows to allow the water feature to effectively function as wildlife habitat shall be provided if the cumulative pond/water feature areas on a site are over one (1) acre in size. The design shall be reviewed, at the applicant's expense, by a wildlife biologist or by Wyoming Game and Fish, to ensure that shallows are designed to provide functional wildlife habitat.
- e. **Supplemental water supply.** A supplemental water supply, e.g., water from the Snake River or any other watercourse and conveyed irrigation ditches, shall be developed, if necessary, to stabilize water levels and prevent steeper grades from becoming exposed.

6. **Existing watercourses/river.** Extraction areas in any watercourse covered by the Restoration Study shall be reclaimed, if necessary, in accordance with the reclamation specifications in the Restoration Study. If the Restoration Study is not completed and approved by the County, or the watercourse/river in which the gravel extraction is proposed is not covered by the Restoration Study, then the applicant shall employ a Hydrologist, Fisheries Biologist, or both, as appropriate, to submit either evidence that reclamation is unnecessary since it will be inundated during the high water period to a degree which makes reclamation moot, or a reclamation plan designed to ensure the watercourse/river suffers no negative impacts, such as bank degradation or channelization, from the extraction operations. See also subsection D.14.b, Activities in or near waterbodies, of this Section.

G. **State/Federal requirements.** Compliance with the standards of this Section and these LDRs shall not be construed to replace, supersede, or override any State or Federal requirements that may apply.

SECTION 231300. TEMPORARY USES

Temporary uses shall comply with the following standards:

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

1. **Entrance and exit/adequate sight distances.** The entrance and exit locations shall have adequate sight distances to ensure safe entry and exit based on the speed of the road, as specified in Division 4700, Transportation Facilities.
2. **Electrical and sanitary inspections.** The temporary use shall pass electrical and sanitary inspections before being opened to the public.
3. **Bond.** A bond, in a form acceptable to the County Attorney, for the clean up and restoration of the temporary use area shall be posted in an amount sufficient to restore the area to its prior condition or to the condition specified by reclamation standards in this Section.

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

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

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

D. **Gravel extraction and processing.** Temporary gravel extraction and processing shall be permitted as a minor development plan pursuant to the following standards:

1. **Exemptions.** Extraction and use within an agricultural operation for agricultural purposes and incidental extraction of one thousand (1,000) cubic yards or less for incidental residential or wildlife habitat enhancement purposes shall be exempt from this subsection.
2. **Permitted projects.** Listed below are the types of projects for which a temporary gravel extraction and/or processing Development Plan permit may be obtained. Notwithstanding, no project shall qualify if it requires a Small Mining Permit from the Wyoming DEQ, unless a cooperative regulatory agreement is reached with the DEQ, or some other mechanism is offered by the applicant, to ensure the standards of this Section are met and can be subject to

the continued oversight and enforcement action by the County. If an operation should ever fall outside of said jurisdiction, its Development Plan Permit shall terminate automatically and it shall cease operation immediately and complete its reclamation according to its reclamation plan and time-line.

a. **Specific private projects.** Gravel extraction and processing to provide gravel for a specific private project. The project for which the products of gravel extraction and processing will be used shall be a development that has been reviewed and approved through an official public hearing process conducted by the applicable governmental agency. The gravel extraction and processing site must be located either:

- (1) on the same property as the project,
- (2) on a contiguous property, or
- (3) on a noncontiguous property only if written approval is granted from all intervening property owners.

Sale, barter, or gift of raw gravel for other uses is permitted so long as the extraction thereof occurs only during seasons in which improvements for the specific project are being performed and does not continue beyond the season in which improvements for the specific project are finished. Only gravel processing levels one and three, as defined in Section 2220.C.7.c, Gravel processing, are permitted, and materials may be imported or recycled as part of the gravel processing, so long as all processed material is for the specified project only.

b. **Specific public projects.** Gravel extraction and processing to provide gravel for a specific public project. The project for which the products of gravel extraction and processing will be used shall be a public works project sponsored by a governmental agency and reviewed and approved through an official process by the appropriate governmental agency. Sale, barter, or gift of products for other uses is permitted so long as the extraction and processing thereof occurs only during seasons in which improvements for the specific project are being performed and do not continue beyond the season in which improvements for the specific project are finished. All levels of gravel processing, as defined in Section 2220.C.7.c, Gravel processing, are permitted and materials may be imported or recycled as part of the gravel processing, so long as their use is for the specific project.

c. **Wildlife habitat enhancement projects and fire ponds.** For the purposes of this section, gravel extraction to excavate or construct a pond or watercourse for wildlife habitat enhancement, or to construct a fire pond, shall be treated as an extraction and processing project, as described below in subsection d, Extraction and limited processing on less than 10 acres, below, and shall be subject to the same permissions and restrictions stated therein.

d. **Extraction and limited processing on less than 10 acres.** Gravel extraction, and the limited processing activities of washing and screening of gravel extracted on-site, on less than ten (10) acres. Said activity does not require an associated specific private or public project for which the gravel products are to be used.

3. Operational standards.

a. Traffic and road impacts.

- (1) **Infrastructure.** Projected traffic impacts shall be addressed according to AASHTO guidelines and the cost of all improvements required, on and off-site, shall be borne entirely by the applicant. A payment to compensate for the additional wear and tear on County roads, as determined by the County Road Supervisor, also may be required of the applicant.
- (2) **Trip generation.** The Board of County Commissioners may establish a maximum number of truck trips allowed to enter and exit a temporary use location. The limit on the number of trips, and weekly rate, shall reflect the classification of the road traveled to reach a State Highway, the distance the processing location is from the State Highway, the projected impacts of the truck traffic on surrounding uses, and the demand for the material produced.

b. Hours of operation.

Hours of operation, which shall include maintenance and testing of equipment that creates visual or audible impacts at the property-line, shall occur between 8:00 a.m. and 6:00 p.m., Monday through Friday and between 8:00 a.m. and noon on Saturdays. Saturday operations shall be limited to sale, pick-up, or delivery of products--no gravel processing or extraction shall be conducted on Saturdays. Notwithstanding, an extension of hours may be granted by the Planning Director based upon the applicant's proposal to exceed the standards established in this Section to mitigate the negative impacts of gravel operations on surrounding neighbors. Hours of operation shall not apply when the gravel operator is responding to a bona fide public emergency, i.e., flood fight.

c. Property-line setbacks.

A minimum three hundred (300) foot setback from public road rights-of-way, public recreational easements, and all property lines coincident with other property owners, shall be provided for any processing equipment, or written permission from adjacent property owners to reduce the required setback. Extraction operations shall be set back a minimum of fifty (50) feet from a property boundary coincident with other property owners.

d. Duration.

Duration of the gravel extraction and processing shall be no longer than two (2) years, not including time for reclamation, which shall be required to be completed within an additional two growing seasons. Notwithstanding, the Board of County Commissioners may permit extraction and or processing to continue for an additional two (2) years, provided written notice and solicitation for comments on the proposal is mailed to all property-owners within 200 feet of the subject property, and the Board of County Commissioners finds the impacts on the neighborhood to be negligible based upon the comment received from the written notice and examination of other factors including, but not limited to, the size and quality of the access road, the distance to residential structures and recreational use areas. If a specific project, pursuant to subsection 2.a, Specific private projects, or subsection 2.b, Specific public projects, is phased over more than two (2) years, then the gravel extraction and processing activities shall be scheduled according to the phasing plan of the associated specific project. No extraction or processing shall be conducted during a season in which no improvements are planned or performed for the associated specific project.

- e. **Health and safety protection.** The proposed gravel extraction and processing area shall be bermed, fenced, or otherwise enclosed, where necessary, for health and safety protection.
- f. **Grading and erosion/sediment control.** Requirements pursuant to Division 49100, Grading and Erosion Control shall be met. Notwithstanding, no extraction shall be permitted on slopes of greater than fifteen (15) percent, if the area of fifteen (15) percent or greater slope is one (1) acre in size or larger.

Practices for sediment and erosion control shall be designed, constructed and maintained to prevent additional contribution of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall consist of the utilization of proper reclamation methods and sediment control practices including, but not limited to:

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

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

- (1) **Controlled watercourses.**
 - (a) **Consistent with Restoration Study.** Extraction proposed in the Snake or Gros Ventre Rivers shall be in a location and manner specified in the Restoration Study.
 - (b) **Prior to approval of Restoration Study.** If the Restoration Study is not yet completed and approved by the County, then the following standards shall apply.
 - (i) Extraction may be proposed in a location approved by the Planning Director and the Levee Supervisor. In no case shall a location and time of excavation be approved that may have negative impacts on endangered or threatened species, or species of special concern, as described in *Teton County Wildlife-Habitat Assessment Final Report*, by Biota Research and Consulting, Inc., dated July 1, 1991.
 - (ii) A report and recommendations from a Hydrologist shall be submitted detailing how the extraction can be accomplished in a manner most beneficial to the river system; the applicant shall be required to abide by the report's recommendations.
- (2) **Uncontrolled/natural watercourses.** When working in uncontrolled, or naturally flowing, watercourses, the proposed operation shall be conducted in a manner that improves fisheries and waterfowl habitat. A report and recommendations from a Fisheries Biologist shall be required detailing how the proposed operation will accomplish habitat improvements and the operator shall be required to abide by the report's recommendations.

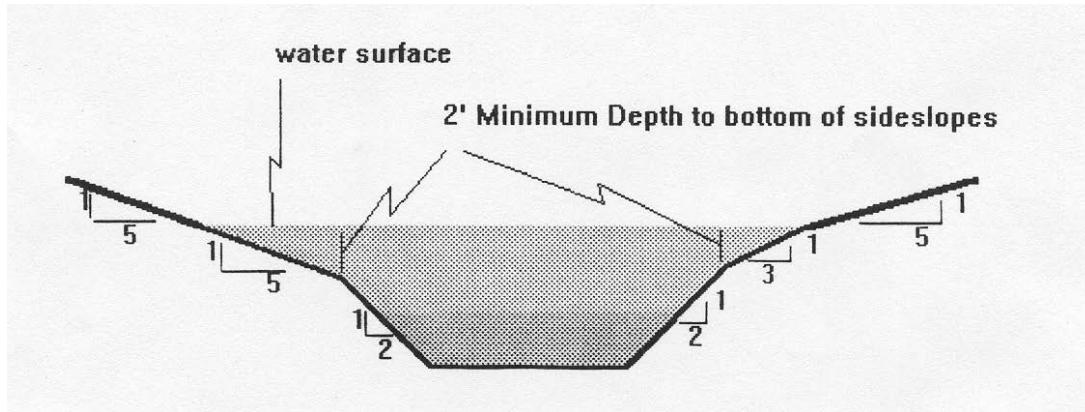
- (3) **Minimum buffer.** A minimum fifty (50) foot border of natural vegetation between the water's edge and any plant site on the permitted area shall be left undisturbed subject to the operator's right to normal access to the river or stream. When the materials extracted are not processed after removal and no plant is located on the property, the operator shall take all necessary precautions to preserve the integrity of the river or stream bank.
- (4) **Setbacks from structures.** The County Road and Levee Supervisor and the Wyoming Department of Transportation shall be contacted in reference to setback requirements from bridges, levees, and other structures for in-stream excavation activity.
- (5) **No negative impact.** No extraction shall be permitted that is deemed by the County to have a negative impact on the river, or on landowners adjacent to the river with respect to bank erosion or potential flooding. If more than one river extraction site has been approved or executed within the same vicinity as the extraction site in question, the cumulative impacts of such river extraction shall also be considered when assessing potential negative impacts on the river or on landowners adjacent to the river.

- h. **Cultural and historic sites.** If historic or prehistoric ruins or monuments are uncovered or become apparent, all work in the immediate area shall cease until the Wyoming State Archeologist determines what precautions shall be taken to preserve the historic or prehistoric artifacts.
- i. **Access.** Adequate and available access to/from the proposed site and to/from a County road or State highway shall be shown, to the satisfaction of the Planning Director and County Attorney, and maintained, to the standard specified by the County Engineer.
- j. **Site area.** Gravel extraction and processing associated with a specific private or public project shall be limited to less than ten (10) acres in size and a DEQ ten (10) acre Exemption permit, unless a cooperative regulatory agreement is reached with the DEQ in conjunction with issuance of a Small Mining Permit, or some other mechanism is offered by the applicant to ensure the standards of this Section are met for projects on larger sites. Extraction and processing projects, not associated with a specific private or public project as described in subsection D.2.d, Extraction and processing on less than 10 acres, shall be limited to less than ten (10) acres in size.
- k. **Surrounding vegetation.** Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the operation site shall be preserved to the maximum extent possible.
- l. **Noise reduction.** All operations shall comply with the standards set in Section 49380, Noise, except for the back-up horns which are exempt pursuant to that section. Stockpiles shall be located to maximize their benefits as noise barriers and equipment shall be located to minimize its negative noise impacts on neighbors. The circulation scheme on the site shall be designed to minimize reverse movements by vehicles utilizing back-up horns.
- m. **Dust.** All operational areas and traffic corridors shall be sprayed with water, as often as weather conditions require, to minimize fugitive dust.

- n. **Wildlife.** All gravel extraction and/or processing shall limit the locations and times of year that ensure no significant negative impacts to endangered species as determined by the Wyoming Game and Fish Department and the U.S. Fish and Wildlife Department, as appropriate. Proposed locations and operation times also shall minimize impacts on species of special concern, as described in *Teton County Wildlife-Habitat Assessment Final Report*, by Biota Research and Consulting, Inc., dated July 1, 1991.
- o. **Water supply.** Extraction and filling of a reservoir shall not infringe on down-stream appropriator's rights as established by the State Engineer's Office.
- p. **Hazardous materials.** Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment with a concrete floor and berms high, and impermeable, enough to contain a spill or leak should one occur. A similar impoundment shall be provided for any equipment or vehicle maintenance to be conducted on the site. An emergency preparedness plan shall be designed, kept on the site, and followed, as approved by the County. The plan shall specify procedures for containment and clean-up of hazardous materials spills.
- q. **Extraction, processing, and reclamation plan.** An extraction, processing and reclamation plan, meeting the standards of this Section, shall be provided. The plan shall restrict operations to areas of workable size so that no area is left inactive and unreclaimed for more than sixty (60) days. Reclamation shall proceed in conjunction with extraction and shall proceed in phases over the life of the operation.

4. **Reclamation standards.** If the landowner intends future development of the property where the gravel extraction or processing is proposed to take place, then the land shall be reclaimed in accordance with an approved development plan. If there is no development plan, approved or being reviewed by the County in conjunction with the proposed gravel operation, then the following standards shall apply.
 - a. **Dry land area.**
 - (1) **Activities involving land forms.** Extraction proposed to take down landforms, such as benches, shall be designed, upon reclamation, to blend into the landforms at the edge of the operation site.
 - (2) **Blending with natural contours.** Disturbed areas shall be regraded to blend into, and conform with, the general natural form and contours of the adjacent areas.
 - (3) **Revegetation.** Disturbed areas shall be revegetated with native species, predominant in the neighboring areas.
 - (4) **Compliance with grading standards.** Compliance with Section 49160.B, Grading Standards, is required.
 - b. **Ponds/water features.** All ponds or water features created by gravel extraction shall meet the standards of this subsection.
 - (1) **Water supply.** Extraction and filling of a reservoir shall not infringe on down-stream appropriator's rights as established by the State Engineer's Office.
 - (2) **Shoreline transition.** The slope from the shoreline to upland areas shall be no more than 5:1 for at least fifteen (15) feet from the shore toward the upland area.

(3) **Pond/water feature side slopes.** All pond and island shorelines shall have 5:1 side slopes for at least fifty (50) percent of the shoreline length; the Planning Director may waive or alter this requirement, based upon there being no reasonable expectation that the pond will be used by waterfowl and upon demonstration that the design shall not pose a safety hazard. All other side slopes shall be no steeper than 3:1. All side slopes shall be maintained into the pond/water feature for the length necessary to reach a depth of two (2) feet; thereafter, side slopes shall be no steeper than 2:1. Shorelines shall receive a minimum six inches of topsoil until the side slope reaches a depth of two (2) feet.



(4) **Shallows.** Sufficient shallows to allow the water feature to effectively function as wildlife habitat shall be provided if the cumulative pond/water feature areas on a site are over one (1) acre in size. The design shall be reviewed, at the applicant's expense, by a wildlife biologist or by Wyoming Game and Fish, to ensure that shallows are designed to provide functional wildlife habitat.

(5) **Supplemental water supply.** A supplemental water supply, e.g., water from the Snake River or any other watercourse and conveyed irrigation ditches, shall be developed, if necessary, to stabilize water levels and prevent steeper grades from becoming exposed.

c. **Existing watercourses/river.** Extraction areas in any watercourse covered by the Restoration Study shall be reclaimed, if necessary, in accordance with the reclamation specifications in the Restoration Study. If the Restoration Study is not completed and approved by the County, or the watercourse/river in which the gravel extractions proposed is not covered by the Restoration Study, then the applicant shall employ a Hydrologist, Fisheries Biologist, or both, as appropriate, to submit either evidence that reclamation is unnecessary since it will be inundated during the high water period to a degree which makes reclamation moot, or a reclamation plan designed to ensure the watercourse/river suffers no negative impacts, such as bank degradation or channelization, from the extraction operations. See also subsection D.3.g, Activities in or near waterbodies, of this Section.

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

DIVISION 2400. ZONING DISTRICT DIMENSIONAL LIMITATIONS AND STANDARDS

SECTION 2410. GENERAL: SCHEDULE OF DIMENSIONAL LIMITATIONS

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

TABLE 2400 SCHEDULE OF DIMENSIONAL LIMITATIONS									
Zoning District and Development Type	Min OSR/ Min LSR	Max Gross Density du's/ac	Floor Area Ratio [1]	Min Base Site Area (sf)	Min Lot Area (sf) [11]	Min Street Yard (ft)	Min Side Yard (ft) [5]	Min Rear Yard (ft) [5]	Max Height (ft) [2]
URBAN COMMERCIAL (UC)/URBAN RESIDENTIAL (UR)									
Conventional Single Family Home	.10	n/a	.45	n/a	n/a	12	5	25	24
Planned Residential	.10	n/a	.65	n/a	n/a	12	5	25	35
All Nonresidential Uses	.10	n/a	1.30	n/a	n/a	0	0	0 ₃	35
Town Square Overlay	See Division 3600, <u>Town Square Overlay</u> .					0	0	0 ₃	35
AUTO URBAN RESIDENTIAL(AR)₄, AUTO URBAN COMMERCIAL(AC) & AUTO URBAN COMMERCIAL/TOWN (AC/T)									
Single Family Detached with one accessory unit	.50	4.6	.30	n/a	7,500	20	10	30	
with two accessory units	.48	n/a	.32	n/a	7,500	20	10	20/6 ₇	
	.45	n/a	.35	n/a	7,500	20	10	6	24
Planned Residential I	.40	11.7	.40	30,000	n/a	25	15	25	28
Planned Residential II	.35	30.0	.50	60,000	n/a	25	20	25	28
Auto Urban Commercial/Town (AC/T) (Only)									
Nonresidential	.20	n/a	.46	n/a	7,500	10	6	40	35
Auto Urban Commercial (AC)									
Nonresidential	.27	n/a	.25	30,000	n/a	50	20	20	26
1=See Section 2450, <u>Maximum Scale of Development</u> and Section 2370, <u>Accessory Residential Units</u> .									
2=Notwithstanding the stated max height, no building shall have more than two (2) levels above ground except as provided in Section 2320, <u>Planned Residential Development</u> .									
3=Nonresidential uses in the UC District shall have a minimum rear setback of twenty (20) feet on the ground level.									
4=Required OSR shall comply with Division 4300, <u>Open Space Standards for Residential Developments</u> .									
5=Notwithstanding, a street yard setback is required from a property line that is faced by a garage door.									
6=In areas west of the Teton Mountains, including Alta, Leigh Canyon, and Squirrel Meadows; the minimum acreage requirement for this option shall be 70 acres.									
7=Minimum rear yard is 20 feet if one accessory residential unit is attached to principal structure; 6 feet if detached.									
8=Deleted by amendment 6/17/97.									
9=A minimum of 4,500 square feet is permitted.									
10=A minimum of 17,424 square feet is permitted.									
11= Lot areas below the minimum listed herein may be permitted pursuant to Division 6200, <u>Vacations/Modifications to Filed Plats</u> , or Division 6300, <u>Minor Boundary Adjustments</u> .									

TABLE 2400 SCHEDULE OF DIMENSIONAL LIMITATIONS									
Zoning District and Development Type	Min OSR/ Min LSR	Max Gross Density du's/ac	Floor Area Ratio [1]	Min Base Site Area (sf)	Min Lot Area (sf) [11]	Min Street Yard (ft)	Min Side Yard (ft) [5]	Min Rear Yard (ft) [5]	Max Height (ft) [2]
SUBURBAN RESIDENTIAL (S)⁴									
Conventional Single Family Unit	.60	2.9	.30	n/a	12,000	25	15	40	24
Planned Residential 25% ratio	.25	3.64	n/a	80,000	n/a	25	10	30	24
Planned Residential 35% ratio	.35	4.0	n/a	80,000	n/a	25	10	30	24
Golf Courses	0.90	n/a	0.007	n/a	n/a	See Section 23450			35
RURAL (R)⁴									
Conventional Single Family Unit									
1. Lots less than 1 acre	See ⁴	n/a	n/a	n/a	n/a	25	10	25	30
2. Lots 1 acre or more						50	30	40	
Conventional Single Family Subdivision	n/a	.029	n/a	n/a	35 ac	50	30	40	30
Planned Residential 50% ratio									
1. (1 du/35 ac)	.50	.029	n/a	n/a	n/a	50	30	40	30
2. (2 du/35 ac)	.50	.057	n/a	121 ac ₆	n/a				
Planned Residential 70% ratio									
1. (3 du/35 ac)	.70	.086	n/a	n/a	n/a	50	30	40	30
2. (6 du/35 ac)	.70	.171	n/a	121 ac ₆	n/a				
Planned Residential 85% ratio									
1. (9 du/35 ac)	.85	.257	n/a	360 ac	n/a	50	30	40	30
Working Ranch Subdivision	n/a	.029	n/a	70 ac	n/a	50	30	40	30
Golf Courses	0.90	n/a	0.007	n/a	n/a	See Section 23450			35
All Nonresidential Uses	0.95	n/a	0.007	35 ac	n/a	50	30	40	35

1=See Section 2450, Maximum Scale of Development.

2=Notwithstanding the stated max height, no building shall have more than two (2) levels above ground except as provided in Section 2320, Planned Residential Development.

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

4=Required OSR shall comply with Division 4300, Open Space Standards for Residential Developments.

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

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

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

8=Deleted by amendment 6/17/97.

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

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

11= Lot areas below the minimum listed herein may be permitted pursuant to Division 6200, Vacations/Modifications to Filed Plats, or Division 6300, Minor Boundary Adjustments.

TABLE 2400 SCHEDULE OF DIMENSIONAL LIMITATIONS									
Zoning District and Development Type	Min OSR/ Min LSR	Max Gross Density du's/ac	Floor Area Ratio [1]	Min Base Site Area (sf)	Min Lot Area (sf) [11]	Min Street Yard (ft)	Min Side Yard (ft) [5]	Min Rear Yard (ft) [5]	Max Height (ft) [2]
BUSINESS CONSERVATION (BC)									
Conventional Single Family Unit									
1. Lots less than 3 acres	.00	n/a	n/a	<3 ac	<3 ac	25	10	25	30
2. Lots 3 acres or more	.00	n/a	n/a	≥3 ac	≥3 ac	50	30	40	30
All Nonresidential Uses									
1. Lots ≤ 15,000 sq. ft	.30	n/a	.30	n/a	n/a	20	10	20	26
2. Lots ≤ 4 acres	.30	n/a	.10 ₉						
3. Lots > 4 acres	.30	n/a	.05 ₁₀						
NEIGHBORHOOD CONSERVATION (NC)									
Conventional Single Family Unit									
A. NC-SF									
1. Lots less than 3 acres		See Section 2420	n/a	n/a	<3 ac	25	10	25	30
2. Lots 3 acres or more		See Section 2420	n/a	n/a	≥3 ac	50	30	40	30
B. NC-TVSF		See Section 2420	n/a	n/a	n/a	30	20	30	35
C. NC-2		See Section 2420	n/a	n/a	7,500	25	10	15	28
D. NC-MHP		See Section 2420	n/a	n/a	n/a	See Section 2420			18
E. NC-PUD					See Section 2420				
Conventional Single Family Subdivision					See Section 2420.B, <u>Subdivision</u>				
OFFICE PROFESSIONAL (OP)									
Conventional Single Family Unit	.00	n/a	n/a	7,500	7,500	25	10	30	24
All Nonresidential Uses									
1. Lots ≤ 15,000 sq. ft.	.30	n/a	.46	n/a	7,500	25	10	25	26
2. Lots > 15,000 sq. ft.	.30	n/a	.30						
RESIDENTIAL BUSINESS (RB)									
All Uses	.30	n/a	.32	n/a	7,500	25	10	25	24
BUSINESS PARK (BP)									
All Uses	.15	n/a	.60	n/a	10,000	20	10	20	35
1=See Section 2450, <u>Maximum Scale of Development</u> . 2=Notwithstanding the stated max height, no building shall have more than two (2) levels above ground except as provided in Section 2320, <u>Planned Residential Development</u> . 3=Nonresidential uses in the UC District shall have a minimum rear setback of twenty (20) feet on the ground level. 4=Required OSR shall comply with Division 4300, <u>Open Space Standards for Residential Developments</u> . 5=Notwithstanding, a street yard setback is required from a property line that is faced by a garage door. 6=In areas west of the Teton Mountains, including Alta, Leigh Canyon, and Squirrel Meadows; the minimum acreage requirement for this option shall be 70 acres. 7=Minimum rear yard is 20 feet if one accessory residential unit is attached to principal structure; 6 feet if detached. 8=Deleted by amendment 6/17/97. 9=A minimum of 4,500 square feet is permitted. 10=A minimum of 17,424 square feet is permitted. 11= Lot areas below the minimum listed herein may be permitted pursuant to Division 6200, <u>Vacations/Modifications to Filed Plats</u> , or Division 6300, <u>Minor Boundary Adjustments</u> .									

Key to Table 2400

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

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

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

Floor Area Ratio. The Floor Area Ratio (FAR) column lists the FAR which, when multiplied by the base site area, yields the maximum floor area of the buildings or structures on the site. In nonresidential and multiple use developments, basements are excluded from floor area for the purposes of FAR calculations. In residential developments, basements, garages, and storage buildings are excluded from floor area for the purposes of FAR calculations. (AMD 03-0011)

Min. Base Site Area (sf). The Minimum Base Site Area column lists the minimum amount of acreage of base site area needed for the development option. Base Site Area is calculated pursuant to Section 2460.A., Density/intensity calculation. The minimum base site area is given in square feet unless noted otherwise.

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

Min. Street Yard (ft). The Minimum Street Yard column gives the distance all buildings, and structures over four (4) feet in height, must be set back from a street right-of-way, roadway, or access easement in feet (ft). Where a site abuts a road or highway having only a portion of its required right-of-way width dedicated or reserved for roadway purposes, or contains or abuts a road or highway proposed by the Teton County Transportation Master Plan, the setback shall be measured from the line establishing the additional width required for right-of-way purposes. In the absence of a street or roadway easement, the minimum street yard shall be measured from the property line which access is taken from. In some cases, accessory structures may be allowed a lesser setback. In other cases, the specific standards for a particular development option may supersede these general setbacks. In the case of driveway easements, the minimum setback shall be no more than twenty-five (25) feet.

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

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

Max. Height (ft). The Maximum Height column gives the maximum height, in feet (ft), allowed for any building or structure in the specified zoning district. See Article VIII, Definitions, for how height is measured. (AMD 03-0010)

SECTION 2420. STANDARDS IN NEIGHBORHOOD CONSERVATION (NC) DISTRICT

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

A. Individual lot density

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

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

1. **Maximum number of lots according to prior regulations.** The maximum number of lots into which a lot, parcel, or tract of land in the NC District can be subdivided shall not exceed the maximum number of lots that would have been permitted on the lot or parcel as mapped on the Land Use Element maps for Jackson-Wilson-Teton Village (revision date 1/1/91), Slide Lake-Gros Ventre Area, Moran-Buffalo Fork Area, South County-Hoback Area, and Alta Area, hereby incorporated by reference and as follows:
 - a. **RA-20, Residential/Agricultural District:** one (1) residential unit per twenty (20) acres. These lands include 10 year flood areas, steep slopes (over 30 percent average gradient), and naturally unstable slopes.
 - b. **RA-10, Residential/Agricultural District:** one (1) residential unit per ten (10) acres. These lands include moderately steep and potentially unstable slopes of 15-30 percent, average gradient and lands with groundwater less than three (3) feet below the surface, not attributed to irrigation, in the Slide Lake-Gros Ventre, Moran-Buffalo Fork, South County-Hoback, and Alta areas.
 - c. **RA-7.5, Residential/Agricultural District:** one (1) residential unit per seven and one-half (7.5) acres. These lands include potentially unstable slopes of 10-15 percent average gradient.
 - d. **RA-6, Residential/Agricultural District:** one (1) residential unit per six (6) acres. These lands include 25-50 year flood areas, the Flat Creek winter flood area, and lands with groundwater less than three (3) feet below the surface, not attributable to irrigation, in the Jackson-Wilson-Teton Village area.
 - e. **RA-6-3 (variable) and RA-6/3 (variable) Residential/Agricultural District:** one (1) residential unit per six to three (6-3) acres. These lands include high terraces and low terraces with groundwater less than three (3) feet below the surface where the

groundwater level possibly is attributable to irrigation in the Jackson-Wilson-Teton Village area, or may be attributable to inaccurate groundwater mapping. Residential development is permitted at a density of not more than one (1) unit per six (6) acres, or not more than one (1) unit per three (3) acres if the groundwater level drops below three (3) feet. All groundwater testing shall be performed during high groundwater season. Not notwithstanding the results of groundwater testing, an amendment of the Official Zoning District Map, pursuant to Section 5150. Amendment of the Text of these Land Development Regulations or the Official Zoning District Map, shall be required prior to the approval of any development density greater than 1 dwelling unit per six acres (1du/6 ac.)

- f. **RA-5, Residential/Agricultural District:** one (1) residential unit per five (5) acres. These lands include stable slopes of 10-15 percent average gradient.
- g. **RA-3, Residential/Agricultural District:** one (1) residential unit per three (3) acres. These lands include low gradient uplands, alluvial fans, high terraces, and low terraces with groundwater more than three (3) feet below the surface.
- h. **Hillsides.** Lands having slopes of ten (10) percent or greater shall use the following procedure to calculate the maximum density allowable.
 - (1) Prepare a contour map at a vertical interval of not more than five (5) feet, or not more than ten (10) feet where the natural slope exceeds fifteen (15) percent. The map shall be certified as complying with the following standard of the United States National Map Accuracy standard, revised June 17, 1947, by the registered land surveyor or registered engineer presenting or preparing the map:

"Vertical accuracy, as applied to contour maps on all publication scales, shall be such that not more than 10 percent of the elevations tested shall be in error more than one-half the contour interval. In checking elevations taken from the map, the apparent vertical error may be decreased by assuming a horizontal displacement within the permissible horizontal error for a map of that scale."

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

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

- (3) From the slope map, measure the acreage in each slope range and divide by the minimum lot size of the corresponding land use classification (RA-3, RA-5, RA-7.5, RA-10, RA-20) to establish the density allowed for each slope range. The base density allowed for a parcel, tract or lot shall be the sum of the number of dwelling units allowed for the slope ranges. For example, assuming there are 100 acres to be subdivided, the formula for ascertaining maximum density in each classification would be as follows:

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

- (4) The total number of proposed lots shall not exceed the base density allowable based on the slope map information.
- (5) A lot in a proposed subdivision shall contain at least eight tenths (.8) of a dwelling unit according to the slope analysis; the overall number of subdivision lots, however, shall not exceed the total number of dwelling units for the entire parcel upon which the subdivision is proposed.

2. **NC-SF minimum lot size.** The minimum lot size in the NC-SF district shall be the minimum lot size permitted according to the prior regulations.
3. **NC-2 minimum lot size.** The minimum lot size in the NC-2 District shall be 7,500 square feet.
4. **NC-PUD.** The minimum lot size in the NC-PUD District shall be governed by the original PUD approval.
5. **NC-TVSF.** The minimum lot size in the NC-TVSF District shall be as platted on May 9, 1994.

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

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

E. **Development standards**

1. **Dimensional limitations.** Minimum yards (setbacks) and maximum height shall conform to Table 2400, Schedule of Dimensional Limitations.
2. **Setbacks**
 - a. **Ancillary structures.** Underground installations such as septic tank systems and wells, walks, driveways, and retaining walls four (4) feet or less in height may be located in a required setback area for structures, but not within any area required for additional right-of-way for roads or pathways proposed by the Teton County Transportation Master Plan. In addition, architectural projections of buildings such as chimneys, eaves, stairway landings, outside stairways and uncovered balconies, uncovered decks, and uncovered porches may extend into a required setback area for structures not more than six (6) feet.
 - b. **Watercourses.** All structures shall be set back a minimum of 150 feet from the Snake, Gros Ventre, Hoback and Buffalo Rivers; a minimum of 50 feet from all streams and creeks; and a minimum of 15 feet from irrigation ditches. The area protected by the setback shall remain free from development, parking, open storage of vehicles, refuse or any other material. Disturbances within the setback area are limited to ones which are essential to permit either a road or utility crossing and shall be limited to the

minimum area that is feasible. A stream or creek means a body of running water that is neither one of the identified rivers nor an irrigation ditch, and has an average annual flow of three (3) cfs or greater including return water from subirrigation practices.

c. **Impervious surfaces.** The minimum setback for impervious surfaces from the site boundary lines shall be as prescribed in Table 2420.D.2.c, Minimum Setback Requirements for Impervious Surfaces. The balance of the required structure setback area may be impervious, provided that the total amount of impervious surface on the site does not exceed the standard prescribed in this Section.

TABLE 2420.D.2.c. MINIMUM SETBACK REQUIREMENTS FOR IMPERVIOUS SURFACES			
Lot Size	Front Setback (feet)	Rear Setback (feet)	Side Setback (feet)
Three (3) acres or more	25	20	15
Less than three (3) acres	12.5	15	5

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

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

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

3. **Coverage by impervious surfaces.** Impervious surfaces are those which cover the ground and do not permit the percolation of rainfall and snowmelt into the soil, thereby resulting in a volume of stormwater runoff greater than that when the area was in its undisturbed natural state. Impervious surfaces include buildings and roofed areas (excluding eaves that over-hang a pervious surface,) paved and/or unpaved parking areas and driveways, paved patios and terraces, swimming pools, and similar improvements. The following standards shall apply:

- a. **Delete waterbodies and access easements from impervious surface calculations.** Any portion of a site contained within a creek, a river, a pond with a total area of one (1) acre or larger, and any access easement shall be deleted from any calculation of impervious surface coverage.
- b. **Amount of coverage.** The amount of site area covered by impervious surfaces in formerly RA and RTR Districts shall not exceed the percent of site area prescribed in Table 2420.E.3.a, Maximum Coverage by Impervious Surfaces for Residential Lots – NC District.

<p style="text-align: center;">TABLE 2420.E.3.a.</p> <p style="text-align: center;">Maximum Coverage by Impervious Surfaces for</p> <p style="text-align: center;">Residential Lots – NC District</p>		
Site Area in Acres (x)	Formula (in which y=allowable impervious surface coverage)	Sample calculation
0 to 0.45 acres	$y = 60-80x$	0.2 acre site is allowed $(60-80*.2)$ 44 percent impervious surface coverage.
0.45 to 1.5 acre	$y = 29-11x$	0.5 acre site is allowed $(29-11*.5)$ 23.5 percent impervious surface coverage.
1.5 to 2 acres	$y = 20-5x$	1.5 acre site is allowed $(20-5*1.5)$ 12.5 percent impervious surface coverage.
2 to 6 acres	$y = 12-x$	3 acre site is allowed $(12-3)$ 9 percent impervious surface coverage.
6 to 7.5 acres	$y = 8-1/3x$	6.5 acre site is allowed $(8-1/3*6.5)$ 5.8 percent impervious surface coverage.
7.5 to 10 acres	$y = 7-0.2x$	8.5 acre site is allowed $(7-0.2*8.5)$ 5.3 percent impervious surface coverage.
over 10 acres	$y = 5$	Any site over 10 acres is allowed 5 percent impervious surface coverage.

- c. **Driveway area exempted if better site design achieved.** If it can be demonstrated, to the satisfaction of the Planning Director, that a better site design and structure location can be achieved by exempting a portion of the area of the driveway from the impervious surface coverage amount, then the portion of the area of the driveway that provides for the better site design and structure location shall be removed from the impervious surface coverage limitation calculation. The following standards shall be used to judge better site design or structure location.
 - (1) **Less visually obtrusive.** The structure is less visually obtrusive from one or more of the following: a State Highway, County road, or the Snake, Gros Ventre, Hoback, or Buffalo Rivers.
 - (2) **Better use of natural topography.** The proposed location of the structure results in better use of the natural topography by minimizing cut and fill for either the driveway or structures; earth sheltered structures shall be exempt.
 - (3) **Preserve natural vegetation.** The proposed location of the structure(s) and driveway preserve and incorporate natural vegetation in the site plan better than would have been possible with a shorter driveway.

- (4) **Minimize impacts on wildlife habitat.** The proposed location of the structure(s) and driveway minimize impacts upon wildlife habitat, with particular regard to crucial winter range and migration routes, better than would have been possible with a shorter driveway.
- (5) **Difficult lot.** Lots or parcels created prior to May 9, 1994, where the configuration of the lot or parcel, or natural resources thereon, requires a longer driveway to site a structure in compliance with setback or yard standards.
4. **NC-MHP.** Mobile home parks within the NC-MHP District shall be allowed to continue, to develop, and to redevelop, based on the existing average yards, impervious surfaces, and area per individual mobile home of the existing mobile home park.
5. **NC-MHP minimum area.** The minimum area for an individual mobile home in the NC-MHP shall be the existing average area per individual mobile home within the existing mobile home park, not including open space areas clearly heretofore undeveloped. Land that typically serves as yard area between mobile homes shall be included in the existing area per individual mobile homes, unless the area between two particular mobile homes is clearly in excess of the average, to the extent that another mobile home could be located there.
6. **NC-PUD.** The development standards within any NC-PUD District shall be governed by the original PUD approval.
7. **Maximum height of accessory structures in NC-SF.** Deleted by an amendment approved November 2, 1999 by the Board of County Commissioners.
8. **Number of building stories in NC-TVSF.** There is no restriction on the number of stories in the NC-TVSF District.

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

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

- A. **Expansion permitted.** The land use existing on the site as of the date of adoption of these Land Development Regulations (May 9, 1994) shall be allowed an out-right expansion of twenty (20) percent of the size of the structure provided all the standards of this section and these Land Development Regulations are met. In instances where expansion of twenty (20) percent permits less expansion than the Floor Area Ratio allows listed in Table 2400, Schedule of Dimensional Limitations, expansion to the FAR shall be permitted, pursuant to the conditions of this section and these Land Development Regulations.
 1. **Determining Size.** The twenty (20) percent expansion permitted shall be determined by the size of the structure in which the use is located on the date of adoption of these Land Development Regulations (May 9, 1994.) For example, the 20% expansion of habitable building square footage shall be based upon the total square footage of all existing habitable building square footage.
 2. **Expansion of existing uses.** Any expansion of existing uses permitted in the BC district shall require a Conditional Use Permit pursuant to Section 5140, Conditional and Special Uses, except expansions of less than 3,450 square feet of gross floor area which shall be treated as a minor development plan.

3. **ADA necessitated expansions exempt.** Expansions to existing buildings for the primary purpose of meeting requirements of the Americans with Disabilities Act (ADA) shall be exempt from any limitations on expansions imposed in this section. Expansions to meet ADA requirements may include, but shall not be limited to, covered wheelchair ramps, lifts, handicap accessible rest rooms, etc.
- B. **Change signs or lighting.** Proposals to change signs or lighting shall not increase the discrepancy between the existing sign and the standards of Division 4600, Signs, or Section 49370, Exterior Lighting and Glare.
- C. **Change of use permitted.** A Conditional use permit issued pursuant to Section 5140, Conditional and Special Uses, is required for any change of use in the BC District. The following standards shall be used in evaluating the change of use:
 1. **Uses.** All uses permitted in the AC District are eligible uses for change of use applications.
 2. **Level of intensity.** Determination of the level of intensity shall include consideration of the size of structures, taking into consideration both the existing and allowed expandable square footage, traffic generation (amount and type), impacts on access, parking demand, level of outdoor activity, operational characteristics, and other potential adverse impacts on neighboring uses.
 3. **Signs and lighting.** If the use is changed pursuant to this Subsection, the sign for the use shall comply with the standards of Division 4600, Signs, and Section 49370, Exterior Lighting and Glare.
- D. **Lodging.** Lodging may be permitted in the BC zone pursuant to the standards of this section.
 1. **Outside of the Lodging Overlay.** A twenty (20) percent expansion of existing lodging is permitted. Notwithstanding the FAR, new lodging or expansion exceeding twenty (20) percent of existing lodging is prohibited.
 2. **In the Lodging Overlay.** Within the lodging overlay, construction of new lodging or expansion of existing lodging is permitted in order to meet existing demand pursuant to all conditions of this section. Existing demand for lodging shall be determined to be lodging demand generated from existing development on the date of the adoption of these Land Development Regulations (May 9, 1994) or lodging demand generated by other attractions in close proximity to the site.

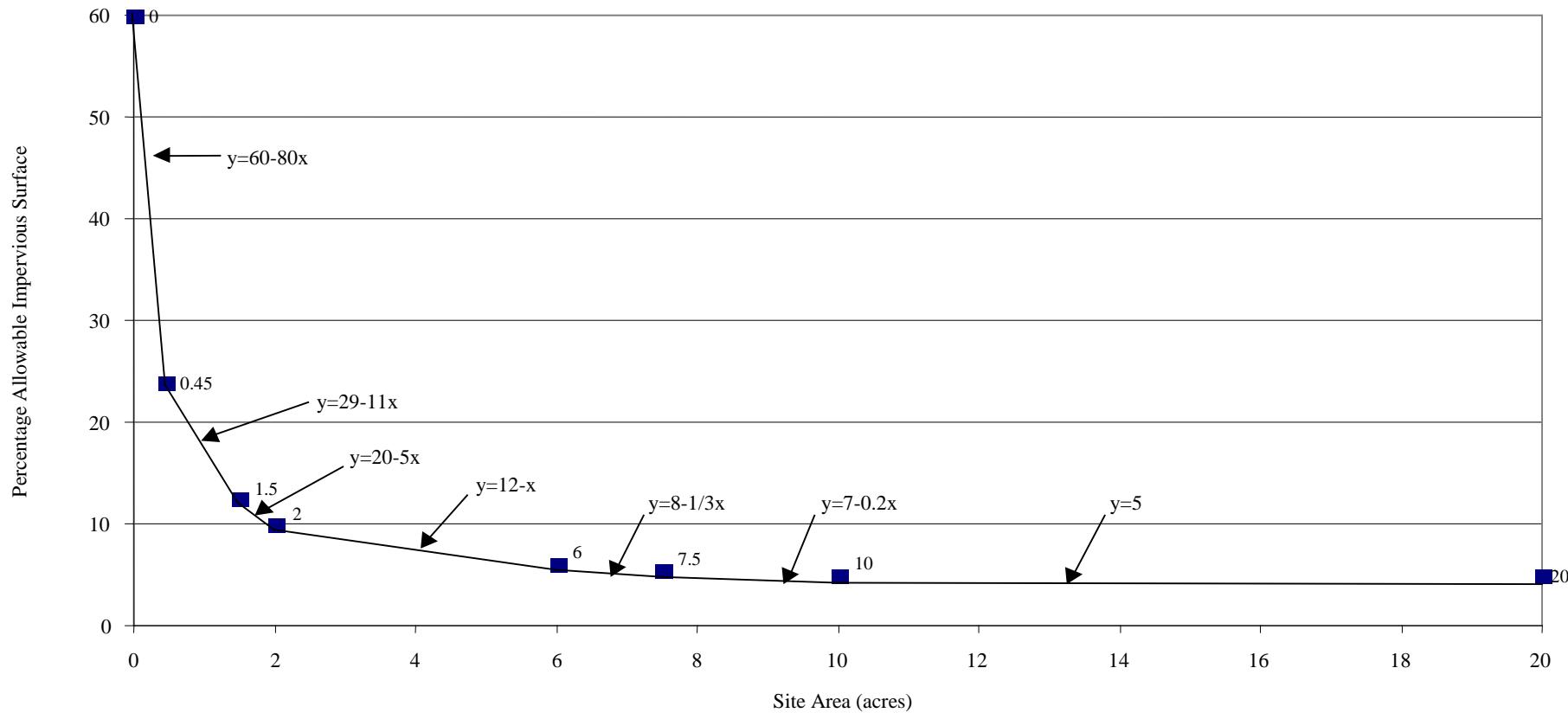
SECTION 2440. MAXIMUM IMPERVIOUS SURFACE LIMITATION FOR RESIDENTIAL LOTS IN ALL DISTRICTS EXCEPT NC

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

TABLE 2440.A. MAXIMUM IMPERVIOUS SURFACE COVERAGE FOR RESIDENTIAL LOTS URBAN, AUTO-URBAN AND SUBURBAN DISTRICTS	
UC and UR	
Conventional Single Family Unit	60%
Planned Residential	65%
AR, AC, AC/T	
Single Family Detached	38%
with one accessory unit	40%
with two accessory units	42%
S	
Conventional Single Family Unit	36%
Planned Residential, 25% ratio	45%
Planned Residential, 35% ratio	48%

Figure 2440.A.
Maximum Impervious Surface Coverage for Residential Lots - Rural District

(Amended 12/5/95)



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

B. **Measuring impervious surface coverage.** Maximum impervious surface coverage shall be measured as follows:

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

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

1. **Less visually obtrusive.** The structure is less visually obtrusive from one or more of the following: a State Highway, County road, or the Snake, Gros Ventre, Hoback, or Buffalo Rivers.
2. **Better use of natural topography.** The proposed location of the structure results in better use of the natural topography by minimizing cut and fill for either the driveway or structures; earth sheltered structures shall be exempt.
3. **Preserve natural vegetation.** The proposed location of the structure(s) and driveway preserve and incorporate natural vegetation in the site plan better than would have been possible with a shorter driveway.
4. **Minimize impacts on wildlife habitat.** The proposed location of the structure(s) and driveway minimize impacts upon wildlife habitat, with particular regard to crucial winter range and migration routes, better than would have been possible with a shorter driveway.
5. **Difficult lot.** Lots or parcels created prior to May 9, 1994, where the configuration of the lot or parcel, or natural resources thereon, requires a longer driveway to site a structure in compliance with setback or yard standards.

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

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

SECTION 2450. MAXIMUM SCALE OF DEVELOPMENT

A. **Residential development.** Notwithstanding the development standards specified in Table 2400, Schedule of Dimensional Limitations, single family development shall comply with the following standards: *(AMD 03-0011)*

1. **Habitable floor area.** The habitable floor area of a single family dwelling, including associated accessory structures, shall not exceed 8,000 square feet.
2. **Floor area.** *(AMD 99-0006)*
 - a. **Residential lots or parcels with a base site area less than ten (10) acres.** The floor area of a single family dwelling, including all associated accessory structures, shall not exceed 10,000 square feet for a residential site with a base site area less than ten (10) acres.
 - b. **Residential lots or parcels with a base site area ten (10) acres and larger.** The total floor area of a single family dwelling, including all associated accessory structures, shall not exceed 10,000 square feet plus 100-square feet of nonhabitable floor area per each acre of base site area of the residential site over ten (10) acres. Notwithstanding, the maximum floor area of an individual building, excluding basements, shall not exceed 10,000-sq. ft., nor shall the total floor area on a parcel exceed 15,000 square feet unless otherwise provided in these regulations.

3. **Basements excluded.** Basements are excluded from the calculation under this Section.

B. **Nonresidential Floor Area Limitations**

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

TABLE 2450.B.
NONRESIDENTIAL FLOOR AREA LIMITATIONS

Zoning District	Maximum Floor Area Above Ground
UC	15,000 sq. ft.
AC	15,000 sq. ft. in AC districts in Teton County which are contiguous with Town of Jackson boundaries; 6,000 sq. ft. in all other parts of Teton County except that an individual commercial building may exceed the 6,000 sq. ft. maximum floor area above ground limitation by up to 20 percent if the design of the commercial building meets the standards set forth in Section 2450.B.6 of the Land Development Regulations.
BP	15,000 sq. ft.; the maximum may be raised to no more than 25,000 sq. ft. with a conditional use permit in accordance with the standards specified in subsection 2450.B.7., <u>Business Park District</u> .
OP	6,000 sq. ft.
BC	6,000 sq. ft.
Lodging Overlay	In AC and UC districts, lodging buildings over 15,000 sq. ft. permitted with CUP up to 35,000 sq. ft. In the BC district, lodging buildings up to 15,000 sq. ft. permitted.
P/SP	Not applicable

2. **Single retail use size.** Notwithstanding the requirements of Table 2450.B, Nonresidential Floor Area Limitations, all single retail uses shall be limited to twelve thousand five hundred (12,500) square feet in size.
3. **Single lodging operation.** Notwithstanding the requirements of Table 2450.B, Nonresidential Floor Area Limitations, a single lodging operation, when housed in more than one (1) building, shall be limited to 90,000 square feet.
4. **Nonresidential uses in residential zoning districts.** Notwithstanding the requirements of Table 2450.B, Nonresidential Floor Area Limitations, nonresidential uses located in residential zoning districts shall comply with maximum building size for residential structures in that zoning district, as stated in Section 2450.A, Residential Development, and shall comply with the maximum floor area ratio limits in Table 2400, Schedule of Dimensional Limitation and any other floor area limits specified in this Section, for the comparable nonresidential district; for example, a nonresidential use in the AR District shall comply with the FAR limits for the AC District. If the maximum building size permitted is larger than the FAR permitted, the remainder of the building shall be used for residential purposes only.
5. **Lodging Overlay District.** Within the Lodging Overlay (LO), the maximum building size may be increased up to a maximum of 35,000 square feet with a conditional use permit pursuant to Section 5140, Conditional and Special Use.
6. **Standards to allow maximum floor area above ground for an individual commercial building to exceed 6000 sq. ft. by up to 20 percent in AC Districts not contiguous to the Town of Jackson.**

- a. The purpose of this provision is (1) to meet the need for additional commercial space within the existing AC Districts, thereby helping to alleviate the pressure to expand the AC Commercial Districts; and (2) to allow greater flexibility to achieve the character and balance objectives for the AC commercial districts, as set forth in Chapter 6 of the County Comprehensive Plan, by means of architectural treatments of facades, heights, exterior materials, colors, trim, building offsets, and other exterior design features that are in scale and character with the surrounding commercial area.
- b. By focusing on the issues of scale, bulk, character and balance, this provision is designed to accomplish:
 - more interesting design of individual buildings
 - compatibility with scale and character of surrounding commercial buildings
 - contribute, with surrounding buildings, to a sense of scale and character consistent with the goals of the County Comprehensive Plan
- c. The flexibility shall be achieved by allowing an individual commercial building to exceed the 6,000 square foot maximum floor area above ground by up to 20 percent if such commercial building or addition is designed to be compatible as well as in scale with the character of the other commercial buildings in the AC District.
- d. At its discretion, the Board of County Commissioners may allow, in the AC Districts not contiguous to the Town of Jackson, individual commercial buildings to exceed by up to 20 percent the 6,000 square foot maximum floor area above ground for an individual commercial building, upon finding that the following standards are met:
 - (1) The resultant building shall be compatible with the bulk and scale of the other commercial buildings in the adjacent commercial area.
 - (2) The resultant building shall have the appearance of being two or more small attached buildings rather than a single building 6,000 to 7,200 square feet in size. It is encouraged that the building components be designed in modules of 2,500 to 3,500 square feet in size, using different roof lines, facade offsets, variation in building materials and other design techniques to achieve the desired attached small building character.
 - (3) The component parts of the commercial building shall have a traditional western character through the creative use of materials and building design elements and shall contribute, with surrounding commercial buildings, to a sense of scale and character consistent with the goals of the County Comprehensive Plan.
 - (4) All other applicable requirements of the Land Development Regulations (e.g. floor area ratio, off-street parking, LSR/OSR requirements, etc.) shall be met.

7. **Business Park District.** In the Business Park District, the maximum floor area above ground may be increased from 15,000 sf up to a maximum of 25,000 sf, with the granting of a conditional use permit pursuant to Section 5140, Conditional and Special Uses, and the following standards:

- a. **Traffic and parking.** The use proposed has neither a high traffic generation rate nor a high demand for parking. The increase in the size of the building has little impact on the amount of traffic expected or parking needed at the site.

- b. **Visual impact.** The visual impact of the size of the building shall be mitigated, particularly for any building proposed that is adjacent to a State Highway or County designated scenic road. Mitigation shall include techniques to break-up the mass of the building, such as architectural treatments and landscaping that reduce the perceived size of the building.

SECTION 2460. MAXIMUM GROSS DENSITY/INTENSITY CALCULATION

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

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

1. **Gross site area.** Gross site area shall be determined by certified boundary survey.
2. **Base site area.** Base site area is gross site area minus the following:
 - a. All land within existing road easements and road rights-of-way;
 - b. All land between levees or banks of rivers and streams, and all lakes or ponds greater than one (1) acre;
 - c. All land which has been previously committed as permanent open space in accordance with the standards of these or prior Land Development Regulations.
 - d. Fifty (50) percent of lands with slope greater than twenty-five (25) percent.
3. **Site maximum density/intensity yield.** Take base site area, multiply acreage by Maximum Gross Density (or square footage by maximum gross Floor Area Ratio, as found on Table 2400, Schedule of Dimensional Limitations), which equals site maximum density/intensity yield. The whole number result of this calculation is the maximum number of dwelling units or square feet permitted under each development option, i.e., a calculation resulting in 3.8 dwelling units means a maximum of 3 dwelling units are permitted.
4. **Noncontiguous parcels.** The gross site area may equal the total area of two (2) noncontiguous parcels provided the following standards are met:
 - a. The location of development that results from the transfer of density/intensity from one (1) noncontiguous parcel to the other shall be consistent with areas designated for development in the Comprehensive Plan;
 - b. Infrastructure shall be available, or can be constructed, to sufficiently serve the proposed development, and;
 - c. Open space that results from the transfer of density/intensity from one (1) noncontiguous parcel to another shall accomplish the objectives of open space preservation described in these Land Development Regulations and the Comprehensive Plan.

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

1. **Density or intensity calculation.** The entire parcel of land may be used to meet minimum site area requirements in either zoning district, but the density or intensity calculations shall be based on the acreage existing in each zoning district.
2. **Locate in area of higher intensity use.** In general, the majority of development shall be located in the area that is designated for higher intensity use. This standard may be deviated from if it can be demonstrated that the location proposed will improve scenic views and lessen adverse environmental impacts.

ARTICLE III

NATURAL, SCENIC, AGRICULTURAL, AND TOURISM

RESOURCES PROTECTION - TETON COUNTY

ARTICLE III

NATURAL, SCENIC, AGRICULTURAL, AND TOURISM RESOURCES PROTECTION

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ARTICLE III

NATURAL, SCENIC, AGRICULTURAL, AND TOURISM RESOURCES PROTECTION

DIVISION 3000. FINDINGS, PURPOSE, AND OVERVIEW

SECTION 3010. FINDINGS

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

SECTION 3020. PURPOSE

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

SECTION 3030. OVERVIEW

There are six (6) divisions that accomplish this Article's purpose.

A. Division 3100, Environmental Analysis.

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

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

1. Natural resources protection
 - a. **Individual protected resources.** This division protects the following individual natural resources:
 - Waterbodies
 - Ten (10) year floodplains
 - Wetlands
 - b. **Protected resources defined.** The above listed resources, and their subcategories are specifically defined in this Division. The Division also specifies the mechanisms used to protect the identified resources.
2. **Natural Resources Overlay (NRO) District**
 - a. **Mapping.** The boundaries of the NRO District are shown on the Official Zoning District Map which has been adopted as part of these Land Development Regulations. These boundaries are general due both to the scale of the map and the difficulty in identifying vegetation and other land characteristics for a large area. Its purpose is to place a landowner on notice that land may be within the NRO District. A site specific analysis is required prior to development pursuant to Division 3100, Environmental Analysis, specifically to identify any NRO lands and apply the appropriate NRO standards to the development.
 - b. **Purpose.** The objective of the NRO District is to protect (1) the migration routes and crucial winter ranges of elk, (2) the migration routes and crucial winter ranges of mule deer, (3) the crucial winter habitat of moose, (4) the nesting areas and winter habitat of trumpeter swans, (5) the spawning areas of cutthroat trout, and (6) the nesting areas and crucial winter habitat of bald eagles. Development is to be designed to protect the areas wildlife need to survive; therefore, development is to be kept outside of the NRO, as much as possible.

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

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

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

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

2. **Purpose.** The purpose of the Scenic Resources Overlay (SRO) District is to preserve and maintain the County's most frequently viewed scenic resources that are important to both its character and economy. This is done through the establishment of several Scenic Areas within the SRO District, within which the location, design, and landscaping of development is regulated, so that development preserves, maintains, and/or compliments the County's important scenic resources.

D. Division 3400, Agricultural Preservation

1. **Purpose.** The purpose of this Division is to identify the mechanisms in these Land Development Regulations that have been adopted for the purpose of promoting agricultural preservation.
2. **Summary of mechanisms.** This Division describes the following mechanisms and their objective of agricultural preservation.

Rural District open space
Rural District density
Rural District permitted land uses
Exemption of regulations for agricultural uses

E. Division 3500, Lodging Overlay (LO) District

1. **Mapping.** The boundaries of the LO District are shown on the Official Zoning District Map which has been adopted as part of these Land Development Regulations.
2. **Purpose.** The purpose of the LO District is to provide lands within the County which are appropriate for lodging uses, and to ensure that a balance is maintained between the amount of lodging uses and other visitor- and resident-oriented services.

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

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

DIVISION 3100. ENVIRONMENTAL ANALYSIS

SECTION 3110. PURPOSE

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

SECTION 3120. APPLICABILITY

All development proposals subject to the provisions in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District or Division 3300, Scenic Resources Overlay (SRO) District shall comply with the provisions of this Division unless specifically exempted below.

SECTION 3130. EXEMPTIONS

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

- A. **Agriculture.** Activities conducted for agricultural purposes.
- B. **Development within an approved project.** All development pursuant to a project approval already received under these Land Development Regulations.
- C. **NC District.** All development within the NC District, except new subdivisions.
- D. **Single-family home.** Development of a single-family home, so long as the following criteria are met:
 1. The location proposed for the single-family home is not within the NRO or the SRO; and
 2. The single-family home is the only residence on the individual lot or parcel or the density on the site is less than or equal to one (1) dwelling unit per thirty-five (35) acres of base site area; and

3. The application for development demonstrates compliance with all setback/buffer standards specified in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District.

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

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

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

H. **Other, at discretion of Planning Director.** The Planning Director may waive the requirement for an Environmental Analysis for development that meets the following criteria:

1. Parcel is outside the NRO and the SRO; and
2. Application for development demonstrates compliance with all setback/buffer standards specified in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District; and
3. Application for development clearly preserves natural resources in accordance with the ordinal ranking given in the Mesic and Nonmesic Habitats Appendix to Article III.
4. Parcel is in NRO but also in an area that has well-documented habitat information and where additional development of the property is anticipated to have minimal additional negative impacts to animal species protected by Article III. While no EA is required for properties meeting this exemption, development on such properties shall still be subject to certain conditions of approval, as deemed appropriate by the Board of County Commissioners.

SECTION 3140. CONTENT OF ENVIRONMENTAL ANALYSIS

A. **General content.** An Environmental Analysis for all proposed developments not otherwise exempted, shall contain one or more of the requirements contained in this section depending on the basis for the need for the EA (e.g., a property that is only in the SRO is only required to provide a visual analysis). The level of detail for each requirement shall correspond to the quality and quantity of the property's wildlife habitat, scenic resources, and agricultural resources, as well as correspond to the amount, location, and type of use of the proposed development. All projects requiring an EA shall be provided by the Planning Director with an "Environmental Analysis Checklist" that will specify the submittal requirements for each project based on the standards of this Article.

1. **Habitat inventory**

- a. **Site conditions.** General description of existing site conditions, both human made and natural, including slopes, hydrology, fault lines, and other important natural attributes;
- b. **Vegetative covertypes.** Description and map of property's vegetative covertypes, including maps and/or plans depicting the location of mesic, and nonmesic habitats as defined in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District; Map(s) should include aerial photography and at least one aerial map that shows neighboring properties within at least 2,640 feet (1/2 mile) of the property;
- c. **Protected resources.** Description and map containing resources protected pursuant to Section 3220, Waterbodies, Ten (10) Year Floodplains, and Wetlands,
- d. **Habitats protected by NRO.** Descriptions and maps that identify the locations of lands serving as critical winter habitat, spawning areas, or migration routes protected by Section 3270, Standards for Development in the NRO District
- e. **Habitat ranking.** A summary shall be provided that ranks the importance of the vegetative covertypes according to the ordinal ranking system in the Mesic and Nonmesic Habitat Appendix in Article III. Notwithstanding, other factors that may compromise or enhance the importance of these habitat types (e.g., artificial obstacles, degraded conditions) shall be identified and considered in ranking the relative importance of the property's habitat types.
- f. **Habitat summary.** A summary of critical findings related to the protected wildlife habitats and protected water features present on the property.

2. **Development impact assessment**
 - a. **Description of proposed development.** This shall include accurate locations of all proposed structures, driveways, and other development, including estimates on the amount of clearing and grading of land. A description of all proposed uses on the property shall also be provided;
 - b. **Setbacks/Buffers.** Map showing all required setbacks/buffers and compliance with all required setbacks/buffers;
 - c. **Habitat Impact Assessment.** Assessment of the short and long term impacts of proposed development to resources protected by Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District. This assessment shall, at minimum, include maps, and/or supporting evidence, that depict the locations of the following:
 - (1) Areas rendered unusable by the proposed development (i.e., impervious surface and other fully developed areas) for species protected under Division 3200 (i.e., protected species) of this Article;
 - (2) Areas impacted, degraded, or fragmented to the extent that they will no longer support long-term utilization by protected species;

- (3) Areas that will be unaffected by the proposed development so that the current quality of the wildlife habitat is maintained;
- (4) Areas that will be enhanced as wildlife habitat relative to current conditions;
- (5) Areas where the proposed development poses a threat to the water quality of any rivers, streams, water bodies, or wetlands protected by this Article.
- (6) Locations where protected species may be displaced to by the proposed development and the suitability of those areas for continued survival of the affected species;

d. **Project vicinity impact statement.** An analysis of critical wildlife habitat and other environmental information within at least 2,640 feet (1/2 mile) of property proposed for development. Due to topographical and ecological variations (e.g., river corridors, mountains), the Planning Director can extend or reduce the ½ mile zone in certain areas to correlate with these variations so that the project vicinity zone may not be a perfect circle. This analysis shall summarize how existing development in the half-mile vicinity zone - including the zone's undeveloped potential - when combined with the proposed development, would foreseeably sustain, alter, or negatively affect the area's wildlife patterns for species protected by this Article, and surface and groundwater.

e. **Endangered plant and vertebrate species.** A list of all known and suspected endangered plants and vertebrates (e.g., birds, fish, amphibians, mammals) shall be provided. In addition, habitat descriptions shall be provided for any identified endangered species and compliance with all applicable federal and state laws protecting identified species shall be demonstrated.

f. **Alternative site design analysis.** Alternative site designs shall be developed by the consultant and Planning Director that shall be based on habitat-based considerations only; visual impacts to the landowner or potential effects on the market value of the property are not to be considered for this purpose. The impacts of development to protected resources shall be addressed for each alternative. At minimum, the following information shall be provided:

- (1) Analysis that compares the degree to which the selected alternative site designs avoid and minimize negative impacts to protected resources to the impacts of the proposed site design;
- (2) Identification of locations for major types of potentially permitted development (e.g., guesthouses, barns, gazebos, etc.) that are not part of the development proposal;
- (3) Recommendations related to the human uses of the property, including, but not limited to, ATV use, livestock grazing, outdoor lighting, cross-country skiing, pet control, bear conflicts, and fencing.

g. **Recommendation by Planning Director of preferred development site design.** The Planning Director shall recommend a site design from the analyzed alternatives that best meets the applicable standards and objectives of this Article and the Jackson/Teton

County Comprehensive Plan. This recommendation may combine elements from each of the alternative site designs. The Planning Director may also recommend conditions of approval for the project based on the content of the EA.

3. **Analysis of required open space.** When a proposed development has required open space, the Environmental Analysis shall consider how well the proposed open space meets the standards of Division 4300, Open Space Standards for Residential Development.
4. **Habitat enhancement plan.** Identification of any habitat enhancement plan(s) as specified by Section 3270.H. Impact on NRO District Lands.
5. **Progress report.** The Planning Director may require the EA consultant to provide one or more progress reports during the development of an EA. Progress reports shall be used primarily on large projects to receive and respond to information and recommendations in the preliminary stages of an EA. Progress reports shall summarize the consultant's actions and important preliminary conclusions related to the EA.
6. **Environmental Analysis in digital form.** The mapping components of the EA shall be submitted in a digital form that is compatible with the County's Geographic Information Systems (GIS) program. The Planning Director may waive this requirement when no practical technical alternative exists to comply with this requirement.
7. **Visual component.** If lands within the proposed development are in the SRO District, the Environmental Analysis shall contain a visual component that includes a visual analysis narrative of the proposed development, provides a photographic simulation or other comparable visual analysis of the proposed development, depicts the boundaries of the Scenic Resources Overlay District, compares the visual impacts of alternative site designs, if any, proposed in the wildlife component of the EA, and include plans identifying how the proposed development on the land complies with the standards of Division 3300, Scenic Resources Overlay (SRO) District. The visual analysis shall also assess the development's visual impacts as viewed from adjacent river corridors where present. The visual analysis may be done by someone other than the consultant for the Environmental Analysis (e.g., by a Wyoming licensed landscape architect) if approved by the Planning Director. Such approval shall not change the requirements of the visual analysis.
8. **Agricultural component.** An environmental analysis shall contain an agricultural component that identifies the location of agricultural land and describes related agricultural operation, such as irrigation practices, that occur on the land.
9. **Priorities.** In reviewing and approving, approving with conditions, or denying an application that contains lands impacted by both the NRO District and the SRO District, the following standards apply.
 - a. **Densities/intensities.** The density/intensity permitted by Table 2400, Schedule of Dimensional Limitations shall be permitted.
 - b. **Conflict.** When conflicts exist between the NRO District and SRO District that impact densities/intensities, the standards of Section 3270, Standards for Development in the NRO District, shall have priority, and shall be achieved to the maximum extent

practical. The requirements of Division 3300, Scenic Resources Overlay District shall receive second priority.

B. **Professional consultant(s) required.** The Environmental Analysis shall be prepared by one (1) or more professionals hired by the developer. The developer of the project that requires the analysis shall pay the cost of preparation of the analysis. The chosen professionals shall have expertise in the subject of the Environmental Analysis based on education, professional certifications, experience in the field, and their understanding of these Land Development Regulations, the Jackson/Teton County Comprehensive Plan, and the goals and objectives thereof. Additional professional consultant(s) may be hired by the developer to review and comment on the Environmental Analysis. Chosen professionals shall also provide documentation of their qualifications upon the request of the Planning Director.

SECTION 3150. PROCEDURE

A. **Concurrent review.** The environmental analysis shall be consolidated and considered with the review necessary to obtain the first development permit for the proposed development for which the analysis is conducted.

B. **Review of applications.** The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing, if applicable, for an application for development on land subject to the standards of Article III, Natural, Scenic, Agricultural, and Tourism Resources Protection, shall be in accordance with Section 5120, Provisions of General Applicability.

C. **Environmental Checklist and submission of development application.** In addition to the review procedures required in Section 5120, Provisions of General Applicability, an EA consultant shall have two (2) meetings with the Planning Director prior to submittal of a Final Development Plan. The first meeting shall be for the purpose of completing the Environmental Checklist (except for the identification of alternative site designs: see below). This meeting shall not take place until the applicant can accurately represent the scale, type, and location of the proposed development.

The purpose of the second meeting is for the Planning Director and consultant to identify alternative site designs for analysis as required by Section 3140.A.2.f. This second meeting shall not take place until the EA consultant has completed, at minimum, the Habitat Inventory and Development Impact Assessment for the proposed development; it is only after these two items have been reviewed that alternative site designs can be accurately identified. Once the EA consultant has completed the alternative site design analysis, the analysis and all other required elements of the EA shall be submitted with the development application.

According to Section 3140.A.2.g, Recommendation of Preferred Development Site Design, the Planning Director shall provide a recommended site design based on the data and analyses contained in the EA. This recommendation shall be provided after the sufficiency determination for the project but prior to a staff recommendation to the Planning Commission.

D. **Methodology.** A statement summarizing the methodology used to produce the Habitat Inventory and Development Impact Assessment shall be provided. This shall include, for example, the number, date, and duration of visits to the site, sources of relevant information (written and verbal), and outline of analytical process and major assumptions used to assess and compare the development impacts of the project.

- E. **Substantial changes.** When substantial changes are made to the proposed development after the Environmental Analysis has been completed, so that the accuracy of the EA is significantly compromised, the Planning Director may require that the applicant provide updated analysis data to address the changes.
- F. **Expiration of EA.** An EA that is completed three (3) or more years before the date of a development application submittal shall not be considered current and shall not meet the requirement of this Article. Notwithstanding this standard, the Planning Director may require a wholly new or amended EA for EA's that are less than three years old if recent development in the vicinity of the proposed projects has occurred so that wildlife patterns and habitat have been altered significantly. Alternatively, the Planning Director may extend the expiration date of an EA beyond three years where 1) No significant development has occurred in the vicinity of the proposed development that would significantly alter wildlife patterns or habitat, and 2) there have been no other significant changes that render the analysis and conclusions in the EA outdated or inaccurate.

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

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

- A. **Findings.** Waterbodies and wetlands provide critical functions in controlling flood waters, providing wildlife habitat, cleansing the water resources and contributing to the special scenic quality of Teton County. Preserving the ten (10) year floodplain protects against the loss of life and property during flood events. Mesic and nonmesic habitats, as described in the Appendix, are essential in maintaining a variety of vegetation within the community, which protects the community's character and viability as a functioning part of the Greater Yellowstone Ecosystem.
- B. **Purpose.** The purpose of Section 3220, Waterbodies, Ten (10) Year Floodplains, and Wetlands is to define critical resources and establish protection standards for waterbodies, floodplains and wetlands.

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

- A. **Purpose.** This Section establishes the protection standards for waterbodies, floodplains, and wetlands. In order to protect the community as a whole from potential negative impacts caused by development that may affect these resources or their functions, this Section prohibits development on and within a certain distance of these resources.
- B. **Resource definitions**
 - 1. **Waterbodies.** Waterbodies means natural features (i.e., rivers, streams, lakes) that convey or contain surface water.

- a. **River.** River means the Snake River, the Gros Ventre River, the Hoback River, or the Buffalo River.
- b. **Stream.** Stream means a body of running water that is neither one of the identified rivers nor an irrigation ditch, and has one (1) or more of the following characteristics:
 - (1) **Flow level.** Has an average annual flow of three (3) cfs. or greater including return water from sub-irrigation practices.
 - (2) **Habitat.** Provides a winter habitat for trumpeter swans or serves as a cutthroat trout spawning area.
- c. **Natural lake/pond.** A natural lake/pond means a body of standing water, usually at least six (6) feet deep, that was created by natural processes.
- d. **Riparian plant community.** Riparian plant communities associated with watercourses in Teton County/Town of Jackson, shall be delineated using Youngblood, A.P., Padgett, W.G. and Winward, A.K., "Riparian Community Type Classification of Eastern Idaho-Western Wyoming," USDA Forest Service, Intermtn. Reg., R4-Ecol-85-01, Ogden, UT, 1985, and the U.S. Department of Interior Fish and Wildlife Service publication: "National List of Plant Species that Occur in Wetlands: Northwest (Region 9)," Biol. Rept. 88 (26.9), May 1988.

2. **Floodplains.** Floodplains mean the land which is subject to a ten (10) percent or greater chance of flooding in any given year, as identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, The Flood Insurance Study for Teton County, dated May 4, 1989. The Flood Insurance Study is on file at the Planning Office in the Teton County Courthouse, Jackson, Wyoming.
3. **Wetlands.** Wetlands mean an area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. Determination of wetlands in the County shall be according to the 1989 Army Corps of Engineers definition of jurisdictional wetlands. This definition excludes irrigation induced wetlands.

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

1. **Development prohibited.** Development in waterbodies, the ten (10) year floodplain, and wetlands is prohibited except for essential facilities as specified in 3, below.
2. **Setback/buffer required.** All development is required to be setback from specified resources as follows:
 - a. **Rivers.** 150 feet.

- b. **Streams general.** Along streams not specified below, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet.
- c. **Natural lake/pond.** Adjacent to natural lakes or ponds, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet.
- d. **Wetlands.** 30 feet.
- e. **Measurement.** Setbacks shall be measured from the mean high water or top of bank, whichever is farthest from the thread of the watercourse or the center of the waterbody.
- f. **Buffer.** The area protected by the setback is the “buffer” and shall remain free from development, parking, open storage of vehicles, refuse, or any other material. Terrain disturbance for bona fide agricultural purposes, flood protection, wildlife habitat enhancement, or pathways are permitted in the buffer upon receipt of applicable permits.
- g. **Land protected by a conservation easement.** Land protected by a conservation easement where proposed development density is one (1) house per seventy (70) acres or less and the total acreage subject to the easement is three hundred twenty (320) acres or more shall be exempt from certain stream setbacks required by this subsection. The stream setback for land under a conservation easement may vary based upon the wildlife, agricultural and scenic analyses performed as part of the design of the easement. Under no circumstances, however, shall the setback from streams be less than fifty (50) feet.

3. Development of essential facilities

- a. **Waterbodies and floodplains.** Certain water dependent uses and essential road or utility crossings must be located in or adjacent to waterbodies and/or in floodplains. These may be permitted provided all structures meet the following requirements.
 - (1) **Flood control, irrigation, or essential crossings.** Only structures which are essential to flood control or irrigation or essential road or utility crossings shall be permitted.
 - (2) **Not for human habitation.** Structures in the floodplain shall not be intended or designed for human habitation.
 - (3) **Compliance with Floodplain Management Resolution.** All development permitted within the floodplain pursuant to this Section shall comply with the Teton County Floodplain Management Resolution. In the event of a discrepancy in regulation between the Floodplain Management Resolution and these Land Development Regulations, the more stringent regulation shall control.
 - (4) **Minimize negative impacts on wildlife.** All development shall be designed to minimize negative impacts on wildlife.

(5) **Fills in floodplains.** Fills or deposition of materials in floodplains may be allowed provided the following standards are met:

- (a) Fill shall be allowed only for essential crossings, water dependent uses, or flood control.
- (b) No fill shall be in the floodway or within twenty (20) feet of the floodway.
- (c) Fill or other materials shall be protected against erosion by riprap, vegetative cover, sheet piling, or bulkhead sufficient to prevent erosion.
- (d) Fill shall be clean and compacted to minimize erosion potential.

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

- (1) **High-intensity use degrades wetland/wetland agriculture-induced.** Where the intensity of adjoining use(s) cause the retained wetlands to become degraded habitats and the wetland area is suitable for development due to planning, location, and other factors, or where the wetland is induced by agricultural irrigation.
- (2) **Necessary to reshape wetland to provide building site.** Where, due to parcel shape and interaction with topography, it is necessary to reshape the wetland boundary to provide a building envelope. Filling up to five (5) percent of the wetland on the parcel, not to exceed one (1) acre, is permitted.
- (3) **Essential crossings when no alternate site.** Essential utility and road crossings shall be permitted to impact wetlands where it is demonstrated that the proposed crossings cannot be practically located without impacting wetlands.
- (4) **Wetland impacts require mitigation.** When wetlands are impacted in accordance with subsections (1), (2), or (3) above, the following mitigation standards shall apply.
 - (a) **All practical measures to reduce impact.** It shall be demonstrated that reasonable project modification measures have been taken to reduce wetland loss and degradation.
 - (b) **On-site mitigation wherever possible.** On-site mitigation shall be provided wherever possible. All on-site mitigation shall be at a ratio of one and one-half (1.5) acres of new wetland for every one (1) acre of wetland filled. All off-site mitigation shall be at a ratio of two and one half (2.5) acres of new wetland for every one (1) acre filled. There must also be a demonstration that these new wetlands will restore lost wetland functions and values.

- (c) **Wetland replanting.** The new wetland area shall be planted with a hydric tolerant mix of seeds in suitable areas, wetland plants, and suitable seed bank soils. A wetlands biologist, or other professional with experience in wetland creation, shall certify the planting plan.
- (d) **Persistence.** It shall be demonstrated that the created or restored wetland will be at least as persistent as the impacted wetland system it replaces.
- (e) **Buffer.** Buffers in accordance with this Section shall be provided around wetlands that are created pursuant to this Subsection.

SECTION 3230. WILD ANIMAL FEEDING (AMD 01-0015)

A. **Findings.** The feeding of those animals recited in Section 3230.D below by humans creates one or more of the following risks:

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

B. **Intent.** The intent of this section is to protect and promote the public health, safety and welfare by 1) reducing the attraction of ungulates to residential areas, and thereby lessening the significant threat to human safety and domestic pets; 2) reducing the attraction of large predators to residential areas, and thereby lessening the significant threat to human life and domestic pets; 3) reducing unnaturally high concentrations of animals, thereby reducing the potential for disease transmission, the overuse of certain habitats, the disruption of natural animal migration, and the domestication of wild animals; 4) discouraging unnatural wildlife behavior, thereby reducing the number of nuisance animals that have to be relocated or destroyed when they frequent residential areas or otherwise come into harmful or threatening contact with humans; and 5) respecting the wild essence of the animals' nature.

C. **Definitions.**

1. **Supplemental feed attractants.** Supplemental attractants are any human food, pet food, hay, forage product or supplement, grain, seed or birdseed, garbage, or other attractant made available to the following animals: antelope, bighorn sheep, deer, elk, moose, mountain goats, bobcats, black bears, grizzly bears, mountain lions, lynx, wild bison, wolves, coyotes, foxes and raccoons.
2. **Agricultural.** For the purposes of this section “agricultural” means the science or art of cultivating the soil, producing crops and raising livestock.

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

E. **Exemptions.** A person engaged in any of the following activities is not subject to liabilities under this section:

1. The normal feeding of livestock and/or the practice of raising crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices; or
2. The cultivation of a lawn or garden, or the feedings of birds where the bird food is made unavailable to the animals specified in paragraphs C and D of this regulation.

A finding that the land was taxed as agricultural land shall create a presumption that the alleged feeding is exempt from this regulation.

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

A. Findings

1. **General.** Teton County is internationally known for the abundant wildlife that results from the County's location in the Greater Yellowstone Ecosystem and its proximity to Grand Teton National Park, Yellowstone National Park, and the Bridger-Teton National Forest. Although all wildlife species are important, premier species with significant biological, ecological, economic, educational and aesthetic values to Teton County include elk, mule deer, moose, bald eagles, trumpeter swans, and cutthroat trout. These species and their respective habitats must be protected in order to assure their continued survival in Teton County.
2. **Elk**
 - a. **General.** The elk, or "wapiti," is a large ungulate and a member of the deer family. Teton County supports one of the largest elk herds in North America (approximately 15,000 animals) and the presence of these animals attracts visitors from all over the world. A variety of consumptive and non-consumptive human activities center around the presence of elk in Teton County.
 - b. **Elk migrate between summer range and winter range.** Elk are known as grazers and rely primarily on grasses and some shrubs for forage. Because of their diet and the climate in Teton County, elk are migratory animals, moving between summer ranges and winter habitat.
 - c. **Summer range.** Elk summer ranges are extensive and occur primarily within the mountains around Teton County.
 - d. **Migration required in winter.** When heavy snow accumulation occurs in the mountains, food availability is reduced within the elk's summer range, and they are forced to migrate to low elevation winter range. Migration from summer ranges to winter ranges occur over a few days or may span several weeks, depending upon the weather.
 - e. **Migration routes essential to survival.** Generally, elk migration routes remain spatially constant without human disturbance and those in Teton County that have not been significantly impacted by development or hunting pressures continue to be used by elk. These migration routes are essential to the elk's survival, because without them elk cannot migrate to their winter ranges.
 - f. **Crucial winter ranges essential to survival.** Elk winter range is classified as either crucial or non-crucial. Crucial elk winter ranges generally consist of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types that are used by the elk eight (8) out of every ten (10) years. Crucial winter ranges are essential to the survival of these animals. During the most inclement and difficult winter weather conditions elk find food and/or cover on these sites because of their physiographic and vegetative characteristics.

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

3. **Mule Deer**

- a. **General.** The mule deer is another large ungulate species native to Teton County. Teton County supports a relatively small population of mule deer in comparison to elk, but these animals are particularly obvious during the winter and are enjoyed by many valley residents and visitors.
- b. **Mule deer migrate between summer and fall habitat to crucial winter range.** Mule deer are known as browsers, and rely on a variety of shrub and scrub trees for forage. Because of their diet, and the climate in Teton County and the Greater Yellowstone Ecosystem, mule deer are migratory animals, moving from summer and fall habitat to low elevation winter range. Mule deer winter ranges are classified as either crucial or non-crucial.
- c. **Summer range.** Mule deer summer range is widely distributed throughout Teton County in both lowland and upland areas, but primarily occurs on public lands in the mountains which surround the valley.
- d. **Migration to winter range.** Heavy snow accumulation on summer ranges reduces food availability and forces mule deer to migrate to low elevation winter range. Non-crucial winter ranges are used first by mule deer until environmental conditions cause deer to move to crucial winter range.
- e. **Migration routes essential to survival.** Although mule deer rely less on traditionally used migration routes than elk, they do use the same general route while moving to and from winter ranges and between crucial and non-crucial winter ranges. These "movement corridors," which allow unencumbered access to both crucial and non-crucial winter range, are essential to the survival of Teton County mule deer and are classified as crucial migration routes.

- f. **Crucial winter range essential to survival.** Crucial mule deer winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types that mule deer use during the crucial winter months eight (8) out of every ten (10) years. Crucial winter range is essential to the survival of these animals. Mule deer find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.
- g. **Location of crucial winter range.** Primary crucial winter range for mule deer in Teton County is generally confined to five areas: (1) the Gros Ventre Buttes (East and West); (2) the west slopes along WY Highway 26, 89, 189 above and to the east of South Park; (3) the Hoback Canyon; (4) the Snake River Canyon; and (5) Miller Butte and the slopes east and west of the National Elk Refuge. In addition, some mule deer are known to irregularly winter within the Snake River riparian zone, depending on the severity of the winter and/or the availability of artificial foods intentionally or unintentionally provided by humans.
- h. **Essential to protect crucial winter range.** It is essential that crucial mule deer winter ranges be maintained and protected, because without it, mule deer could not survive the harsh, energy-demanding winters of Teton County.

4. **Moose**

- a. **General.** The shiras moose is an ungulate and the largest member of the deer family. Estimates suggest that the moose population in Jackson Hole may number as many as two thousand three hundred (2,300) animals.
- b. **Widely distributed in Teton County during summer.** Moose are known as browsers and rely on a variety of woody plant species for forage. Since their arrival, the moose population has inhabited Teton County on a year-round basis. During summer months, moose are widely distributed in Teton County and exploit a wide range of habitat types found at both low and high elevations.
- c. **Winter reduces food availability on high elevation summer habitats.** As winter approaches, heavy snow accumulation in high elevation summer range severely reduces food availability, forcing nearly all moose to move to lower elevation winter range. During winter, the Teton County moose population is confined primarily to riparian areas within the valley, low elevation sub-alpine fir forests, and some shrub-land habitat types.
- d. **Crucial winter habitat essential to survival.** Moose winter habitat is classified as either crucial or non-crucial. The crucial winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. Moose use these crucial winter habitats eight (8) out of every ten (10) years and these habitats are essential to their survival. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.

e. **Essential to protect crucial winter habitat.** In order to maintain the Teton County moose population at current levels, it is essential that crucial winter habitat be protected; without it, moose could not survive the harsh Teton County winters.

5. **Trumpeter Swans**

a. **General.** The trumpeter swan is the largest species of waterfowl in the world. Its pure white coloration makes it a truly striking bird to observe whether in flight or on the water.

b. **Species close to extinction in early 1900's.** The historic commercial swan skin trade, sport hunting, and habitat loss nearly drove the trumpeter swan to extinction in the early 1900's. Although a few remnant populations persisted, including one in the Greater Yellowstone Ecosystem (of which Jackson Hole is a part), the large-scale slaughter of these birds resulted in the disruption of traditional migration patterns.

c. **Federal and State recognition.** Due to their low reproductive potential and continued threats to nesting and winter habitat, trumpeter swans are a Threatened Species under the Federal Endangered Species Act. The Wyoming Game and Fish Department presently classifies trumpeter swans as a "Priority 1 non-game management species," a designation given to species which are vulnerable to extirpation or significant population declines in Wyoming. Recent estimates indicate that less than ten thousand (10,000) trumpeter swans reside in North America.

d. **Teton County part of largest breeding area in contiguous U.S.** The Greater Yellowstone Ecosystem is home for the Tri-state subpopulation of trumpeter swans. It is the largest breeding area for trumpeter swans in the lower forty-eight (48) states. Teton County is part of this Tri-state area (which includes Wyoming, Montana, and Idaho).

e. **Present population in Teton County.** The present trumpeter swan flock found wintering in the Jackson Hole area totals approximately two hundred and fifteen (215) birds.

f. **Population breeds and winters in Teton County.** In spite of the harsh winter conditions, trumpeter swans which breed in Teton County also winter here, apparently because they have lost the knowledge of traditional migration routes to more hospitable wintering areas.

g. **Viable maintenance requires protection of nesting areas and winter habitat.** Protection of nesting areas and winter habitat is critical to the viable maintenance of the trumpeter swan population.

h. **Breeding territories in Teton County.** Thirty-one (31) breeding territories have been identified in Teton County, but not all of these territories are used every year. In fact, the Teton County breeding pairs constitute the largest number of nesting pairs documented in the Greater Yellowstone Ecosystem since detailed records were first kept in 1981.

- i. **Nesting area most critical to breeding.** The most critical portion of the breeding territory to the trumpeter swan is the nesting area.
- j. **Nesting areas.** Generally, trumpeter swans build their nests on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. Important attributes of trumpeter swan nesting areas include: proximity to feeding areas which have early ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building materials; availability and dispersion of feeding areas for cygnets 1-40 days old; and juxtaposition and interspersion of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).
- k. **Essential to protect nest areas.** For the viable maintenance of the trumpeter swan population, it is essential that the trumpeter swan nesting areas be protected, because without its maintenance the trumpeter swan would not be able to procreate and survive.
- l. **Winter swan habitat.** Because the trumpeter swan does not migrate from Teton County during winter, as waterfowl normally do, maintenance of its winter habitat is also crucial to its survival. Trumpeter swans, like other waterfowl species, require rooted aquatic vegetation for food. This vegetation grows in soft sediment along shallow stream and creek bottoms and in shallow ponds and lakes. During winter, not all aquatic features are available to trumpeter swans due to surface freezing. This limits the amount of winter habitat available to trumpeter swans. This, in combination with competition for food with other swans and waterfowl species, makes winter a very critical time for trumpeter swans.
- m. **Trumpeter swan winter habitat.** Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than two (2) inches in depth, winter water depths of less than four and three-tenths (4.3) feet, watercourse channels of fifty (50) feet or more, banks with little or no shrubbery or tree cover and gradual slopes, which trumpeter swans use during the crucial winter months eight (8) out of every ten (10) years. Trumpeter swan winter habitat is essential to the survival of the animal during the critical periods of winter because the swan finds food and/or cover in these areas during the most inclement and difficult winter weather conditions due to their hydrologic and vegetative characteristics.
- n. **Essential to protect trumpeter swan winter habitat.** For the viable maintenance of the trumpeter swan population, it is essential that the trumpeter swan winter habitat be maintained and protected, because without its maintenance the trumpeter swan would not survive the critical periods of winter.

6. Cutthroat trout

- a. **General.** The Snake River fine-spotted cutthroat trout (hereinafter “cutthroat trout”) is indigenous to Teton County. It only inhabits the upper reaches of the Snake River in Wyoming and extreme eastern Idaho, Jackson Lake, and the Palisades Reservoir.

- b. **Economic importance.** The cutthroat trout is a sport fish which attracts many fishermen to Teton County. Without a healthy cutthroat trout population, the County would lose significant tourist dollars.
- c. **Development has affected trout.** In earlier times, it was relatively easy to maintain a strong and viable population of cutthroat trout because suitable spawning and nursery habitat could be found in most of the valley's spring-creeks. Today, however, this is not the case because of the construction and maintenance of flood control levees along the Snake River, and concomitant water quality impacts caused by ranching, irrigation, and other agricultural practices have degraded this spawning habitat.
- d. **Cutthroat trout spawning area limited.** Today, cutthroat trout spawning in Teton County is confined to small sections of a few spring-fed creeks flowing into the Snake River.
- e. **Cutthroat trout spawning areas.** The cutthroat trout spawning sites generally fall within areas of palustrine-unconsolidated shore and bottoms and upper perennial-unconsolidated shore and bottoms. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. In these areas, cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs. Redds are generally constructed in gravel substrate which ranges in size from one-half (0.5) to two and one-half (2.5) inches in diameter.
- f. **Spawning, hatching, and nursery.** Cutthroat trout typically enter spring-creeks between March and April with the spawning occurring between March and June, depending upon the location. Fry emerge throughout late spring and early summer, and reside in the creeks throughout their first year.
- g. **Essential spawning area be protected.** It is critical that these spawning areas be protected in order to maintain a viable population of cutthroat trout.

7. **Bald eagle**

- a. **General.** The bald eagle is part of a group of "fish eagles" distributed throughout the world. The contrasting black, white, and yellow coloration of this raptor is visually striking. An Act of Congress in 1782 officially adopted the bald eagle as the symbol of the United States, representing freedom, strength, and beauty. Although individual eagles are truly powerful and impressive birds, the species as a whole is very sensitive and susceptible to disturbance. Special attention must be given to this species' needs to prevent its extinction.
- b. **Federal and State recognition.** Bald eagles have dwindled throughout their range from a once widely distributed species to a few sparsely scattered populations. Bald eagles are protected by several pieces of legislation including the Federal Endangered Species Act, the Bald Eagle Protection Act, and the Migratory Bird Treaty and are classified as threatened or endangered in all forty-eight contiguous states.
- c. **Bald eagle population in GYE is one of most important.** The bald eagle population residing in the Greater Yellowstone Ecosystem (of which Teton County is a part) is one of the most important bald eagle breeding populations in the United States.

- d. **Survival of bald eagles.** The survival of bald eagles depends, in part, on the availability of suitable habitat, the abundance of food, and reproductive success (which is closely linked to the availability of forage and the lack of disturbance).
- e. **Important to protect bald eagle nesting areas.** Because bald eagles are sensitive to human development and activity, especially during time of breeding and nesting, it is essential to protect bald eagle nesting areas to ensure the animal's survival.
- f. **Bald eagle nest area.** Generally, bald eagle nesting areas occur in uneven-aged, multi-story stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are generally located near watercourses and waterbodies which provide foraging opportunities. Nests are generally in one of the largest trees in a given stand and, in most instances, are located so that the bird is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nest area best suited for reproduction.
- g. **Crucial nesting habitat essential to survival.** The Snake River floodplain between Moose and Palisades Reservoir and its associated riparian zone represents crucial nesting habitat for the bald eagle. Over forty (40) percent of the young birds successfully fledged in the Wyoming portion of the Snake River Unit are produced in the section between Moose and the South Park Bridge. It is crucial to the survival of bald eagles in Jackson Hole that this habitat be protected from the impacts of development. If it is not, it would profoundly impact and detrimentally modify the behavior patterns of bald eagles, including their feeding, breeding, and reproductive capabilities.
- h. **Spring, summer, and fall habitat occurs in riparian areas.** During spring, summer, and fall, bald eagles forage primarily in riparian areas for fish, waterfowl, and prey items.
- i. **Winter habitat is important.** During winter, heavy snow accumulation and the freezing of water surfaces reduces the availability of spring, summer, and fall habitat. At these times, bald eagles rely on wild ungulate and livestock carrion, supplemented by fish and waterfowl carcasses for forage. Ungulate carrion is readily available but sparsely distributed on ungulate winter ranges, meaning that in addition to its nesting habitat, the crucial ungulate winter ranges also become critical to the bald eagle's survival.
- j. **Additional crucial winter habitat essential to survival.** It is vital that bald eagle crucial winter habitat be protected to ensure the survival of this species in Teton County.

B. **Purpose.** The purpose of the Natural Resources Overlay (NRO) District is to protect and maintain (1) the migration routes and crucial winter ranges of elk, (2) the migration routes and crucial winter ranges of mule deer, (3) the crucial winter habitat of moose, (4) the nesting areas and winter habitat of trumpeter swans, (5) the spawning areas of cutthroat trout, (6) the nesting areas and crucial

winter habitat of bald eagles, and (7) the natural resources and bio-diversity that supports the wildlife population. This is done through the establishment of the Natural Resources Overlay (NRO) District, which protects these areas through development standards, mitigation, and habitat enhancement.

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

- A. **General.** There is hereby established the Natural Resource (NRO) Overlay District, which, in areas where it applies, shall overlay all other base zoning districts established by these Land Development Regulations. Included within the NRO District are (1) the migration routes and crucial winter ranges of elk, (2) the migration routes and crucial winter ranges of mule deer, (3) the crucial winter habitat of moose, (4) the nesting areas and winter habitat of trumpeter swans, (5) the spawning areas of cutthroat trout, and (6) the nesting areas and crucial winter habitat of bald eagles.
- B. **NRO District Definitions.** The following definitions shall apply in the NRO District.
 1. **Crucial elk migration routes.** Crucial elk migration routes are the migration routes used by elk eight (8) out of every ten (10) years to migrate from summer ranges to winter ranges. Elk migration occurs over a few days or may span several weeks, depending upon the weather and other factors.
 2. **Crucial elk winter range.** Crucial elk winter range generally consists of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types, that are used during winter months by elk eight (8) out of every ten (10) years. Crucial winter ranges are essential to the survival of these animals during the critical periods of winter. Elk find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.
 3. **Crucial mule deer migration routes.** Crucial mule deer migration routes are used by mule deer eight (8) out of every ten (10) years to migrate from summer ranges to winter ranges. Generally, mule deer migration routes remain constant over a general area, if there is no significant human disturbance. Although specific mule deer migration routes are less common than elk migration routes, a few very important routes have been identified as crucial to Teton County mule deer.
 4. **Crucial mule deer winter range.** Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types which are used during the crucial winter months by the mule deer eight (8) out of every ten (10) years. This crucial winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial winter range is essential to the survival of mule deer. Mule deer find food and/or cover on those sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.
 5. **Crucial moose winter habitat.** Crucial moose winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood, and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. These habitat types are used by moose during winter eight (8) out of every ten (10) years. Crucial winter habitat is essential to

the survival of the moose. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.

6. **Trumpeter swan nest.** Trumpeter swan nest is a nest created by a trumpeter swan for the purpose of procreation and are generally found on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. A trumpeter swan nest is active when eggs have been laid in it or when a trumpeter swan is attempting to lay eggs in it. For the purposes of these Land Development Regulations, a known trumpeter swan nest shall be an active trumpeter swan nest. Important attributes of trumpeter swan nesting areas include: proximity to feeding areas which have early ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building materials; availability and dispersion of feeding areas for cygnets 1-40 days old; and juxtaposition and interspersion of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).
7. **Trumpeter swan winter habitat.** Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than two (2) inches in depth, winter water depths of less than four and three-tenths (4.3) feet, watercourse channels of fifty (50) feet or more, and banks with little or no shrubbery or tree cover and gradual slopes. These habitats attract trumpeter swans eight (8) out of every ten (10) years. Trumpeter swan winter habitat is essential to their survival during critical winter periods. Trumpeter swans find food and/or cover in these areas during the most inclement and difficult winter weather conditions due to their hydrologic and vegetative characteristics.
8. **Cutthroat trout spawning areas.** Cutthroat trout spawning areas generally occur in well-oxygenated waters within palustrine and upper perennial-unconsolidated shore and bottom habitat types. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. Cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs in these areas. Redds are generally constructed in gravel substrate and range in size from one-half (0.5) to two and one-half (2.5) inches in diameter.
9. **Bald eagle nesting areas.** Bald eagle nesting areas generally occur in uneven-aged, multi-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are often located near waterbodies and watercourses which provide foraging opportunities. Nests are generally in one of the largest trees in the stand and in most instances are located so that the bald eagle is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nesting habitat best suited for reproduction.
10. **Bald eagle crucial winter habitat.** Bald eagle crucial winter habitat consists of the bald eagle nesting area plus elk crucial winter ranges, mule deer crucial winter ranges, and moose crucial winter habitat.
11. **Bald eagle nest.** A bald eagle nest is a nest created by a bald eagle for the purpose of procreation. A pair of bald eagles may have more than one (1) nest within its nesting territory.

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

C. Map of the Natural Resource Overlay (NRO) District

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

SECTION 3260. APPLICABILITY

- A. **Development in NRO.** In addition to all other standards required by these Land Development Regulations, all development within the NRO District shall comply with the standards of this Division, unless exempted in Section 3260.B, Exemptions.
- B. **Exemptions**
 1. **Alterations and additions.** Structural alterations and additions to existing structures shall be exempt from Section 3270, Standards for Development in the NRO District.
 2. **NC District lands.** All development, except new subdivisions, within the NC District shall be exempt from Section 3270, Standards for Development in the NRO District, except that subsections 3270.E.1, Trumpeter swan, 3270.G, Bald eagle, and 3270.I, Fencing shall apply.
 3. **Agricultural operations.** Agricultural operations and uses shall be exempt from Section 3270, Standards for Development in the NRO District.
 4. **Land in conservation easement.** Land protected by a conservation easement where proposed development density is one (1) house per seventy (70) acres or less and the total acreage subject to the easement is three hundred twenty (320) acres or more, shall be exempt from the development standards of Section 3270, Standards for Development in the NRO District,

except for Section 3270.E, Trumpeter Swan Nest and Habitat Restrictions, and Section 3270.G, Bald Eagle Nest and Habitat Restrictions.

SECTION 3270. STANDARDS FOR DEVELOPMENT IN THE NRO DISTRICT

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

B. **Elk**

1. **Crucial elk migration routes.** No development shall occur within crucial elk migration routes, unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally affect the ability of elk to migrate from their summer ranges to their crucial winter ranges.
2. **Crucial elk winter range.** No development shall occur on crucial elk winter range, unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the elk, or detrimentally affect the potential for survival of the elk using the crucial winter range.

C. **Mule deer**

1. **Crucial mule deer migration routes.** No development shall occur within crucial mule deer migration routes, unless the developer can demonstrate that the development can be located within the mule deer migration route in such a way that it will not detrimentally affect the ability of mule deer to migrate from their summer ranges to their crucial winter ranges.
2. **Crucial mule deer winter range.** No development shall occur on crucial mule deer winter range, unless the developer can demonstrate that the development can be located within the mule deer crucial winter range in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the mule deer, or detrimentally affect the potential for survival of the mule deer using the crucial winter range.

D. **Crucial moose winter habitat.** No development shall occur within crucial moose winter habitat, unless the developer can demonstrate that the development can be located within the moose crucial winter habitat in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter habitat to the moose, or detrimentally affect the potential for survival of the moose using the crucial winter habitat.

E. **Trumpeter swan**

1. **Trumpeter swan.** Notwithstanding the boundaries of the NRO, no development shall occur within a radius of three hundred (300) feet of a trumpeter swan nest.
2. **Trumpeter swan winter habitat.** No development shall occur within trumpeter swan winter habitat, unless the developer demonstrate that the development can be located within the trumpeter swan winter habitat in such a way that it will not detrimentally affect the food supply and/or cover provided by the winter habitat to the trumpeter swan, or detrimentally

affect the potential for survival of the trumpeter swan using the trumpeter swan winter habitat.

F. **Cutthroat trout spawning areas.** Notwithstanding the boundaries of the NRO, no development shall occur within one hundred fifty (150) feet of cutthroat trout spawning areas, unless the developer can demonstrate that the development will cause no run-off into the stream and have no detrimental affect on the water quality of the stream where the cutthroat trout spawning area is located, and cause no disturbance which would have a detrimental impact on the spawning, incubation, hatching, or rearing of cutthroat trout.

G. **Bald eagle**

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

H. **Impact on NRO District lands.** The base site area, computed pursuant to Section 2460, Maximum Gross Density/Intensity Calculation, shall not be reduced because a portion of the lot, parcel or tract is in the NRO. Where densities/intensities permitted by Table 2400, Schedule of Dimensional Limitations, cannot be achieved by locating development outside of the NRO, then lands protected by Section 3250, Natural Resources Overlay (NRO) District, may be impacted pursuant to the standards of this subsection.

1. **Minimizes wildlife impact.** Based on the data and recommendations in the Environmental Analysis, the location of the proposed development shall minimize impacts on the areas protected (e.g., crucial migration routes, crucial winter range, nesting areas). For the purposes of this standard, “minimize” is defined as locating development to *avoid* higher quality habitats for lesser quality habitats. Only when avoidance is not possible due to significant topographical constraints related to the property, may higher quality habitats be impacted.
2. **Habitat enhancement.** The developer provides mitigation and habitat enhancement for the land impacted, either on-site or off-site, on a basis of two (2) acres of mitigation/habitat enhancement for every one (1) acre of land impact. This shall be completed pursuant to a mitigation/ enhancement plan, which includes a monitoring program. The monitoring program shall consist of a qualified County representative conducting a site visit three (3) years after development plan approval for the project to verify that the enhanced habitat is serving, or will serve in a reasonable amount of time, its required biological purpose. The landowner shall grant access to their property to this County representative, provided that the County representative gives the landowner twenty-four (24) hour prior notice of the inspection. If the County representative determines that the habitat enhancement is not performing to the approved standard, the property owner shall have one year to bring the habitat enhancement into compliance and shall pay the full costs for the compliance. The

applicant shall provide a bond or other financial surety to the County equal to 125% of the estimated cost of the required mitigation.

I. **Fencing.** Fencing is a structural element with which wildlife has particular difficulty as it creates a serious impediment to wildlife movement throughout the County. Use of fencing shall be minimized; if fencing is built, however, the following regulations shall apply.

1. **Design.** The design of all fencing outside the immediate vicinity of a residential structure shall comply with the standards set forth in the document Fencing for Wildlife Access, Teton County, May 1988, which is available in the Planning Office.
2. **Agricultural operations.** Fencing for agricultural operations shall be exempt from this subsection.

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

DIVISION 3300. SCENIC RESOURCES OVERLAY (SRO) DISTRICT

SECTION 3310. FINDINGS AND PURPOSE

- A. **Findings.** An essential component of the physical environment for which Teton County is internationally known is the scenic vistas of jagged mountains rising from broad, open meadows, which set an image of the County's rural and western ranching heritage. These scenic resources are important to both the County and Town because they serve as a cornerstone to the local economy by attracting tourists and other visitors. The scenic resources which are instrumental in the creation of the County's unique character are the vistas to the Teton, Gros Ventre, Wyoming and Snake River mountain ranges that are frequently seen by residents and travellers across wide pastures and meadows from the major public roads that enter the Town of Jackson, Wilson, Grand Teton National Park, Teton Village, Alta, and Teton Pass.
- B. **Purpose.** The purpose of the Scenic Resources Overlay (SRO) District is to preserve and maintain the County's most frequently viewed scenic resources that are important to both its character and economy. This is done through the establishment of several Scenic Areas within the SRO District, within which the location, design, and landscaping of development is regulated, so that development preserves, maintains, and/or complements the County's important scenic resources.

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

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

1. **Moose-Wilson Road Scenic Area.** The Moose-Wilson Road Scenic Area extends along the eastern and western side of Moose-Wilson Road from Lake Creek to the Grand Teton National Park. It is an important County-wide scenic resource because of the vistas it offers of the Teton, Gros Ventre, and Snake River mountain ranges and of the West Gros Ventre Butte which frame the area's broad and open meadows.
2. **Highway 22 Scenic Area.** The Highway 22 Scenic Area consists of four (4) distinct areas. They are described below.
 - a. **Trail Creek Ranch.** The Trail Creek Ranch portion of the Highway 22 Scenic Area extends along the north and south sides of Highway 22, from the lower reaches of Teton Pass to the western edge of Wilson. It is an important County-wide scenic resource because of the panoramic views of Jackson Hole that it provides as well as setting the western entry to Wilson, defining Wilson as a unique and special place.
 - b. **Wilson Approach.** The Wilson Approach portion of the Highway 22 Scenic Area extends along the north and south sides of Highway 22, from the eastern edge of Wilson to the Snake River. It is an important County-wide scenic resource because of its broad open meadows and the unobstructed views provided to surrounding mountains, which create a dramatic sense of arrival to Wilson.
 - c. **Walton Ranch/Skyline Ranch.** The Walton Ranch/Skyline Ranch portion of the Highway 22 Scenic Area extends along the northern and southern portion of the Highway 22 Scenic Area from the Wilson Snake River Bridge to the West Gros Ventre Butte. The Walton Ranch portion is an important County-wide scenic resource because it provides one of the most frequently experienced vistas of meadows and pasture backed by the Teton mountain range. The Skyline Ranch portion is an important County-wide scenic resource because it provides an open space setting for views to the Snake River range.
 - d. **West Gros Ventre Butte/Antelope Butte.** The West Gros Ventre Butte/Antelope Butte portion of the Highway 22 Scenic Area extends along both sides of Highway 22 and includes all of the West Gros Ventre Butte on the north and all of Boyles Hill, the Indian Springs, Brown and Poodle Ranches and Antelope Butte on the south. The views encompass imposing steep sided buttes which rise abruptly from the foreground and long views across open meadows to the Snake River range on the south.
3. **Spring Gulch Road Scenic Area.** The Spring Gulch Road Scenic Area, extends along the eastern and western sides of Spring Gulch Road from Highway 22 to the Gros Ventre River and includes the East Gros Ventre Butte. It is an important County-wide scenic resource because it provides a combination of scenic quality and traditional western character in a location proximate to the Town.
4. **Highway 89 Scenic Area.** The Highway 89 Scenic Area consists of three (3) distinct areas. They are described below.
 - a. **Broadway and North Highway 89 Scenic Area.** The Broadway and North Highway 89 Scenic Area includes all of the East Gros Ventre Butte. Views from the public roads, including Spring Gulch Road, are of the steep sided butte in the immediate foreground which provide a backdrop to the urban development of the Town of

Jackson, the flat expanses of the Elk Refuge, the pastures of Spring Gulch as well as glimpses of the Teton Range in notches of the ridgelines.

b. **South Highway 89 Scenic Area.** The South Highway 89 Scenic Area extends along sides of South Highway 89, beginning near the State of Wyoming Elk Feeding Area, where the road rises to provide an initial sense of entry into the Jackson area, and ends at High School Road. The northern and southern portions of the South Highway 89 Scenic Area are split to exclude the Rafter J subdivision, and the South Park Commercial districts. The South Highway 89 Scenic Area is an important County-wide scenic resource because of the powerful image it projects of the community with its exceptionally broad meadows and panoramic views to Rendezvous Bowl and the Snake River range. The meadows are dotted with existing development, including both ranch compounds and residential developments at varying densities, but the meadows' exceptional breadth and the location of the meadows below the highway preserves the open feel of the area and the background views.

c. **Snake River Canyon Scenic Area.** The Snake River Canyon Scenic Area extends along both sides of South Highway 89 from the South Park Bridge to the County line and encompasses those areas which are at approximately the same or a higher elevation than the highway. The Scenic Area provides views of the Snake River, the east slopes of Munger Mountain and the Teton, Gros Ventre, Wyoming and Snake River Mountain ranges.

5. **South Park Loop Scenic Area.** The South Park Loop Road Scenic Area extends along the eastern and western sides of South Park Loop Road, from the north edge of South Park Ranches to High School Road and includes Hufsmith Hill. It provides an important County-wide scenic resource because the road corridor is framed by cottonwood trees planted along irrigation ditches which line the road. The scenic quality of this area is dependent upon the preservation of the cottonwood corridor, which helps to filter views to development in the adjoining hay meadows. These meadows provide Foreground settings to views of Rendezvous Bowl and the Snake River range.

6. **Hoback Canyon Scenic Area.** The Hoback Canyon Scenic Area extends along both sides of Highway 191 beginning at the west line of the Gilgrease Foundation property, approximately 1 mile east of Hoback Junction, to the County line and encompasses those areas which are at approximately the same or a higher elevation than the highway. The scenic area provides views of the Gros Ventre and Wyoming Mountain ranges and the Hoback River.

7. **Teton Canyon Scenic Area.** The Teton Canyon Scenic Area extends along the south side of Alta Road from Lake Nolo to the boundary with the Targhee National Forest. It is an important County-wide scenic resource because the broad, open meadow of its Foreground is framed by a dense vegetative border, which provides the setting for vistas to the west side of the Teton range. The entire Teton Canyon Scenic Area also establishes a segment of the entry image for visitors driving or biking through Alta to Grand Targhee Resort.

8. **Buffalo Valley Scenic Area.** The Buffalo Valley Scenic Area extends along the northern and southern sides of US 26/287 from Moran to Blackrock. It is an important County-wide scenic resource because it provides a classic mountain valley setting framed by the Teton range. The Buffalo Valley Scenic Area provides monumental views of the entire Teton range, as viewed across very broad, open meadows dotted with small ranch buildings. These vistas foreshadow

the views which are again encountered within Grand Teton National Park, thereby integrating the Buffalo Valley Scenic Area with the image of the National Park.

- B. **Foreground.** Most of the Scenic Areas consist of a Foreground, which is the relatively flat, open area immediately adjacent to the public road that extends back to where there is either a distinct topographic change, such as the edge of a hillside or butte, or a drop in elevation toward a river bottom, or where dense vegetation screens views to areas behind the vegetation. The Foreground provides the setting for views to distant mountain ranges and valley buttes.
- C. **Skyline.** The Skyline is the visual line at which the earth or vegetation and the sky appear to meet. The Skyline is typically viewed as the top of a ridge, hillside or butte.
- D. **Map of the Scenic Resource Overlay (SRO) District**
 - 1. **Foreground.** The location of the Foreground for the Moose-Wilson Road Scenic Area, the Highway 22 Scenic Area, the Spring Gulch Road Scenic Area, Broadway and North Highway 89, the South Highway 89 Scenic Area, the South Park Loop Scenic Area, the Teton Canyon Scenic Area, and the Buffalo Valley Scenic Area are identified on the Official Zoning District Map.
 - 2. **Skyline.** The Skyline is described in Subsection C. above and is contained in the Scenic Areas identified on the Official Zoning District Map.
 - 3. **Buttes.** The location of the East and West Gros Ventre Buttes, Antelope Butte, Boyles Hill and Hufsmith Hill are identified on the Official Zoning District Map.
 - 4. **Snake River Canyon Scenic Area.** The location of the Snake River Canyon Scenic Area is described in Section 3320.A.4.c.

SECTION 3330. APPLICABILITY

- A. **Development in Foreground of Scenic Areas.** All development within the Foreground of the Scenic Areas described above shall comply with the standards in Section 3350, Scenic Area Foreground Development Standards.
- B. **Development in Skyline of Scenic Areas.** All development within the Skyline of a Scenic Area shall comply with the standards of Section 3360, Skyline Development Standards.
- C. **Exemptions**
 - 1. **NC District.** All development, except new subdivisions, within the NC District shall be exempt from the provisions of this Division except for Section 3360, Skyline Development Standards which shall apply.
 - 2. **Remodeling or expansion of existing structures.** Remodeling or expansion of structures that existed prior to May 9, 1994, shall be exempt from the provisions of this Division except for Section 3360, Skyline Development Standards which shall apply.

3. **Agricultural operations.** Agricultural operations and uses shall be exempt from the Section 3350, Scenic Area Foreground Development Standards and Section 3360, Skyline Development Standards.
4. **Land in conservation easement.** Land protected by a conservation easement where proposed development density is one (1) house per seventy (70) acres or less and the total acreage subject to the easement is three hundred twenty (320) acres or more, shall be exempt from the development standards of this section except for Section 3360, Skyline Development Standards.

SECTION 3340. PROCEDURE

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

SECTION 3350. SCENIC AREA FOREGROUND DEVELOPMENT STANDARDS

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

- A. **General location of structures.** Development in the Foreground shall be sited in one or a combination of the following locations: (1) at the rear edge of the Foreground at the back of an open meadow or pasture; (2) at the side edges of the Foreground where there is an open meadow or pasture; (3) behind an existing stand of vegetation; (4) behind or built into a change in natural topography; or (5) within a pasture or meadow, clustered in the form of a ranch compound, or adjacent to or integrated into an existing ranch compound. Standards for each of these locations are as follows.
 1. **Development located at rear edge of Foreground behind meadow or pasture.** When located at the rear of the Foreground at the back of an open meadow or pasture, the development shall comply with the following standards.
 - a. **Distance.** It shall be located at the greatest possible distance from the major public road and, where applicable, it shall be located adjacent to existing development.

- b. **Edge of meadow or pasture.** It shall be located along the rear edge of the meadow or pasture, where the meadow or pasture meets the toe of the hillside, or on a relatively less steep, lower hillside area behind the meadow.
 - c. **Separate developed areas.** It shall be located so as to separate areas which are developed from natural areas and pastures and to preserve open space in the largest continuous pieces possible.
 - d. **Supplementary vegetation.** Where the proposed development is located within 1,320 feet of a State Highway or County designated Scenic Road, native vegetation shall be planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the planning director will be at liberty to vary the requirements of Section 4150,B, Standard Plant Units. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.
2. **Development at the side edges of the Foreground where there is an open meadow or pasture.** When development is located at the side edges of the Foreground where there is an open meadow or pasture, the development shall comply with the following standards.
 - a. **Separate developed areas.** It shall be located so as to separate areas which are developed from natural areas and pastures and to preserve open space in the largest continuous pieces possible.
 - b. **Supplementary vegetation.** Where the proposed development is located within 1,320 feet of a State Highway or County designated Scenic Road, native vegetation shall be planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the planning director will be at liberty to vary the requirements of Section 4150,B, Standard Plant Units. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.
3. **Development located behind existing stand of vegetation.** When located in the Foreground behind an existing stand of vegetation, including vegetation which has grown naturally on the site and vegetation planted as an agricultural wind row, the development shall comply with the following standards.
 - a. **Scale of development.** The scale of the development shall not interrupt or obscure the existing occurring stand of vegetation behind which it is located.
 - b. **Supplementary vegetation.** Where natural vegetation does not adequately screen the development as determined by the visual analysis, native vegetation shall be planted to augment the existing vegetation and maintain the visual integrity of the view-shed.
 - c. **Preservation of existing vegetation.** Existing vegetation shall be preserved to the maximum extent practical.

4. **Development behind or built into natural topographic break.** When located in the Foreground behind a natural topographic break or built into the natural topography in an earth-sheltered design, development shall comply with the following standards.
 - a. **Scale.** Scale and height shall be subordinate to the natural change in topography.
 - b. **Earth moving.** Earth moving may be used to the minimum extent necessary to extend a naturally occurring topographic change and screen the development, but not to create a new, man-made landform.
5. **Ranch compound within irrigated pasture or meadows.** When development is located within an irrigated pasture or meadow in the form of a ranch compound or adjacent to or integrated into an existing ranch compound, it shall comply with the following standards.
 - a. **Not preclude view of designated vistas.** It shall not entirely preclude views from the public road to the rear portions of the Foreground.
 - b. **Clustered design.** It shall consist of a cluster design.
 - c. **Vegetation.** Native vegetation shall be planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the Planning Director will be at liberty to vary the requirements of Section 4150.B, Standard Plant Units. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

B. **Exceptions to general location of structures.** If it is demonstrated that the maximum amount of density/intensity for the land permitted by Table 2400, Schedule of Dimensional Limitations, has been located pursuant to the standards of Section 3350.A, General Location of Structures, the remaining density/intensity allowed pursuant to Table 2400, Schedule of Dimensional Limitations, shall be located at other locations, subject to the following standards:

1. **Along front edge of meadow or pasture.** To the extent practicable, it shall be located along the front edge of the meadow or pasture. To the extent possible, it should be located in proximity to similarly situated development on adjacent lands.
2. **Maintain contiguous open space.** It shall be located so as to maintain the largest amount of contiguous open space practicable, in relation to the scenic view being regulated.
3. **Screening of development.** The development shall be screened with native vegetation planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the planning director will be at liberty to vary the requirements of Section 4150.B, Standard Plant Units. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

C. **Exterior of structures**

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

2. **Traditional ranch colors.** The exterior of a ranch compound shall be built or painted with indigenous earth tone materials, or shall be painted or stained using local, traditional ranch colors, which shall include shades of red or brown. Paints or stains which simulate weathered barn wood also shall be permitted.

D. Roof materials

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

E. Earth moving and berms

1. **Earth moving for earth sheltering.** The creation of man-made land forms is prohibited in the Foreground, except that earth moving may be used in the design of a structure located along a hillside, to the extent it is necessary to create an earth sheltered design, built into and mimicking the natural topography of the land.
2. **Berms.** Berms may be used to screen structures located within a meadow or pasture provided the side of the berm exposed to critical views from designated scenic roads rises at no greater than a five percent (5%) grade. Berms may be used to screen structures located in undulating terrain provided the berm is designed to appear as a naturally occurring extension of the existing topography. Berms must be planted to replicate the surrounding plant communities.
3. **Revegetation of disturbed areas.** Lands disturbed by earth moving or berms shall be revegetated using native species which are already growing on or near the site. Top soil shall be stock piled and placed on disturbed areas. Irrigation shall be provided to the revegetated areas if it is necessary to ensure survival of native species planted.

F. Roads and driveways

1. **Avoid dividing meadows and pastures.** To the maximum extent practical, roads and driveways shall be located to skirt the edge of and avoid dividing meadows and pastures. Roads and driveways shall take advantage of the screening potential of natural topography and existing vegetation. Existing roads and driveways shall be used where practical. To enhance screening, ditches may be dug parallel to roads or driveways, and a row of cottonwood trees may be planted along the roads or driveways.
2. **Soft edges.** To the maximum extent practical, roads and driveways located around the edge of or in meadows shall be laid out with soft, curving edges and shall avoid straight line corridors which are incongruous with the natural setting.

SECTION 3360. SKYLINE DEVELOPMENT STANDARDS

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

- A. **Skyline penetration prohibited.** Development shall not penetrate the Skyline on buttes and hillsides, as viewed from any public road, except in the case of an existing lot where there is no other siting alternative that complies with the standards of these Land Development Regulations.
- B. **Mitigation of necessary Skyline penetration.** In the case of an existing lot where, if no other siting alternative is available that complies with the standards of these Land Development Regulations, development may penetrate the Skyline on hillsides and buttes by complying with the following standards.
 1. **Pursue variation of regulations first.** Attempts shall first be made to obtain variance of other regulations, such as setbacks, that would enable the proposed structures to comply with the provisions of Section 3360.A, Skyline penetration prohibited.
 2. **Height.** The height of development shall not exceed twenty (20) feet above original grade.
 3. **Mass.** The mass of the development shall be designed so as to be broken into distinct, smaller forms, which may involve repeating similar forms at a more modest scale, breaking facades and roof lines into smaller segments, or stepping the building mass into the hillside. To the maximum extent practical, buildings shall be placed down the hill or cut into the slope to minimize the skyline penetration.
 4. **Form.** The form of the development, particularly its roof form, shall re-create the natural form of the hillside or butte. If the natural form of a butte top Skyline that is being penetrated is flat, the building shall have a flat roof form. If the natural form of a hillside Skyline is rounded or jagged, the building shall use a hipped or similar roof form.
 5. **Exterior of structure.** The exterior of all development shall be built or painted with earth tone materials or colors.
 6. **Roof materials.** The color of all roofs shall be the color of surrounding vegetation or land features. Reflective roof materials shall not be used, unless the materials are treated to eliminate reflection.
 7. **Earth moving.** Development shall minimize the need for earth moving or disturbance to the maximum extent practical. Earth moving on a slope to create a flat platform on which development is placed shall be prohibited. Areas disturbed for earth moving shall be revegetated using native species which are already growing on or near the site. Top soil shall be stock piled and placed on disturbed areas. Provision shall be made for irrigation, if it is necessary to ensure survival of the indigenous species planted.
 8. **Landscape screening.** Development shall be located so as to preserve, to the maximum extent practical, existing vegetation which may help to screen its appearance. Indigenous vegetation shall be planted to supplement existing vegetation. Indigenous vegetation shall be selected from "Landscape Plant Material from the Teton County Area," a copy of which is available at the Teton County Planning Department. Indigenous vegetation shall be planted so as to screen at least fifty (50) percent of the development within three (3) years of its occupancy, as measured during the summer.

DIVISION 3400. AGRICULTURAL RESOURCES PRESERVATION

SECTION 3410. FINDINGS AND PURPOSE

- A. **Findings.** Ranching and farming are agricultural uses that formed the original basis for the communities in Teton County. A large part of the private lands in Teton County are still used in agriculture. Agriculture is crucial to the wildlife and scenic qualities, and western atmosphere of Teton County, and therefore to the tourist-based economy. Every major wildlife species in Teton County is dependent on habitat provided by ranch lands. Any view of a major scenic vista in Teton County from highways or roads, encompasses an agricultural scene in the foreground. Maintaining agricultural lands is the most efficient and inexpensive method to preserve open space which is crucial to the wildlife and scenic resources. The ranchers will keep their land undeveloped and unpopulated, control trespassing and poaching, maintain waterways and water rights, and manage vegetation, all without any expense to the public. In all areas of the County, the agricultural industry is threatened with extinction by residential and second home development due to the current basis of Teton County's economy—tourism. Ironically, the attraction for visitors in Teton County is the scenic and wildlife benefits of open space created by agricultural operations; the very operations that are threatened by increasing tourism and development. The County must protect agriculture in order to preserve the very foundation of the communities in Teton County as well as their precious wildlife and scenic resources.
- B. **Purpose.** The purpose of this Division is to protect and maintain the existing and potential agricultural lands in Jackson Hole for the purpose of perpetuating agriculture in Jackson Hole and preserving agricultural open space which is crucial to the wildlife, scenic and community values of Jackson Hole. This is particularly done through the mechanisms in these Land Development Regulations that have been adopted for the purpose of promoting agricultural preservation.

SECTION 3420. SUMMARY OF MECHANISMS TO PROMOTE AGRICULTURAL PRESERVATION

- A. **Agricultural assessment.** By Wyoming Statute, agricultural uses in Teton County do not pay property taxes on the market value of land upon which they are located. If they did, agriculture in Teton County would have disappeared long ago. Agricultural assessments are a conscious decision in order to retain agriculture for as long as possible.
- B. **Rural District open space.** Developments in the Rural District are required to provide either fifty (50) percent or seventy (70) percent open space. If the property proposed for development has an existing agricultural operation, or a land owner wishes to establish an agricultural operation, on the portion of the property proposed as open space, agriculture is an accepted, and encouraged, use of the required open space. It is an objective of these Land Development Regulations that developments in the Rural District preserve as much open space as practical. The open space should be configured to maximize continued or future agricultural use.
- C. **Rural District density.** Developments in the Rural District are kept at a low density for mainly two reasons. One is that residential development and agriculture are generally incompatible. New neighbors harass a rancher's livestock or leave a gate open and the rancher's livestock sometimes

graze on a neighbor's yard or are otherwise considered a nuisance. The more the permitted form of development can either prevent or mitigate such conflicts, the more likely it is that agricultural operations can continue. Developments in the Rural District shall be compatible with agricultural operations. The County will minimize the conflicts between agricultural operations and neighboring developments by (among other things): (1) encouraging protection of contiguous open space; (2) encouraging the protection of large blocks of open space; and (3) development of an aggressive program to educate Teton County residents about ranching operations and ways to minimize potential conflicts.

D. **Rural District permitted land uses.** Certain uses generally compatible with agricultural uses have been permitted in the Rural District in order to provide opportunities for agricultural families to diversify their income base, yet retain their primary way of life--agriculture. The following uses have been permitted in the Rural District, in many cases, specifically to promote agriculture.

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

E. **Exemption of regulations for agricultural uses.** Agricultural uses, unlike other nonresidential uses, need no development permits to operate. Agricultural uses are also exempt from grading regulations, except on slopes in excess of thirty (30) percent.

F. **Stated policy to encourage agriculture.** Ranching is an important part of the local setting, and provides a critical background to tourism. Teton County shall adopt a policy on the significant public values of agriculture in Teton County and shall further foster, promote and encourage agriculture and defend and protect agricultural operations from encroaching development.

G. **Ensure retention of grazing and access to USFS lands.** The County will work with the Forest Service to ensure retention of grazing leases and access rights for ranchers in Teton County.

DIVISION 3500. LODGING OVERLAY (LO) DISTRICT

SECTION 3510. FINDINGS AND PURPOSE

A. **Findings.** As a resort and residential community, the County requires that a balance be maintained between the amount of lodging available to visitors and concomitant visitor and resident services. The balance between these uses is necessary if the County is to retain its resident population and its attraction to visitors.

B. **Purpose.** The purpose of the LO District is to provide lands within the County which are appropriate for lodging uses, and to ensure that a balance is maintained between the amount of lodging uses and other visitor- and resident-oriented uses and services.

SECTION 3520. ESTABLISHMENT OF LODGING OVERLAY (LO) DISTRICT

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

SECTION 3530. APPLICABILITY

A. **Location.** The LO District shall apply to lands as identified on the Official Zoning District Map. (Amended 6/17/97)

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

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

SECTION 3540. STANDARDS FOR DEVELOPMENT IN THE LO DISTRICT

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

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

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

DIVISION 3600. TOWN SQUARE OVERLAY (TSO) DISTRICT

SECTION 3610. FINDINGS AND PURPOSE

A. **Findings.** An essential component of the tourism environment for Teton County and the Town of Jackson is the Town Square and the commercial environment that has developed in the immediate

vicinity of the Square. This area is important to both the County and the Town because the character of the area is the cornerstone of tourism commercial activity in the community. Part of the tourism economy of Teton County and the Town of Jackson is the attraction to “the last and best of the Old West.” Development around the Town Square has been directed in the past to promote an old-time western atmosphere; the tourism economy of Teton County and the Town of Jackson are, in part, dependent upon maintaining this atmosphere.

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

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

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

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

SECTION 3630. APPLICABILITY

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

SECTION 3640. STANDARDS FOR DEVELOPMENT IN THE TSO DISTRICT

A. **General.** All development within the TSO shall comply with the standards established for the UC District and Section 4520, Architectural Standards in the UC and AC Districts, except as modified by this section.

B. **Dimensional limitations.** All dimensional limitations found in Table 2400, Schedule of Dimensional Limitations, for the Urban Commercial (UC) District shall apply except as follows:

1. **Floor area ratio (FAR.)** The maximum gross FAR shall be 1.83.
2. **Landscape surface ratio (LSR.)** The minimum LSR shall be .05.

C. **Permitted uses.** Notwithstanding the permissions and restrictions listed in Table 2200, Use Schedule, only the following uses shall be permitted in the TSO:

1. **Residential uses.** No primary residential uses are permitted in the TSO; Accessory Residential Units and Accessory Commercial Apartments are permitted subject to limited use review.
2. **Outright nonresidential uses.** Only the following nonresidential uses are permitted as outright uses in the TSO:

- a. Office
- b. Commercial Retail
- c. Services
- d. Restaurant
- e. Public Events

3. **Conditional uses.** Only Indoor Commercial Amusement uses may be permitted by issuance of a Conditional use permit.

MESIC AND NONMESIC HABITATS APPENDIX

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

B. **Resource definitions.**

1. **Mesic habitats.** Mesic habitats are generally moist, productive sites at lower elevations but do not include wetland communities or habitats which are treated as a separate category. The following are categories of mesic habitats:
 - a. **Deciduous forest**
 - (1) **Aspen.** Two categories are defined.
 - (a) **Mature.** Stand composition comprised of a dominant tree strata (greater than or equal to twenty-five [25] percent canopy coverage) consisting of aspen greater than twenty (20) feet in height and with less than ten (10) percent conifer or narrowleaf cottonwood species comprising the dominant strata of the canopy.
 - (b) **Immature.** Similar to (a), **Mature**, above, but with the dominant strata comprised of aspen less than twenty (20) feet in height.
 - (2) **Narrowleaf cottonwood.** Three categories of cottonwood forest are defined.
 - (a) **Mature.** Stand composition consisting of a dominant tree strata (greater than or equal to twenty-five [25] percent canopy coverage) comprised of cottonwood greater than forty (40) feet in height with less than ten (10) percent of the canopy coverage in the dominant strata consisting of other tree species.
 - (b) **Medium.** Similar to (a), **Mature**, above, but with the dominant strata comprised of cottonwood trees twenty (20) to forty (40) feet in height.
 - (c) **Immature.** Similar to (a), **Mature**, above, but with the dominant strata comprised of cottonwood trees less than twenty (20) feet in height.
 - b. **Mixed species forest**
 - (1) **Cottonwood/spruce.** Forest where the dominant strata (greater than or equal to twenty-five [25] percent canopy coverage) consists of mixture of cottonwood and spruce; or where the forest is dominated by cottonwood trees and supports an understory or codominant strata of ten (10) percent canopy coverage of spruce of varying age classes.

(2) **Other mixed forest.** Forest where the dominant strata (greater than or equal to twenty-five [25] percent canopy coverage) consists of mixed species composition with two or more of the above species (i.e., cottonwood, aspen, and conifer) each comprise greater than or equal to ten (10) percent of the canopy cover.

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

d. **Other mesic types**

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

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

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

a. **Deciduous forest**

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

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

(b) **Immature.** The dominant aspen strata is less than twenty (20) feet in height. This does not include wind and ice-blasted deformed and dwarfed stands which are included under the category of Scrub in this Appendix.

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

(1) **Lodgepole pine.** Stands where lodgepole pine dominate (greater than or equal to twenty-five [25] percent canopy coverage) the upper-most tree strata, in some cases to the exclusion of other species; or in mixed species stands where individually, other tree species accounts for less than twenty-five (25) percent of the total canopy coverage in the dominant strata.

(2) **Subalpine fir/spruce.** Stands where subalpine fir or spruce dominate (greater than or equal to twenty-five [25] percent canopy coverage) the upper-most tree strata, in some cases to the exclusion of other species; or in mixed species stands (e.g., lodgepole pine, Douglas fir, and aspen) where individually, other tree species account for less than twenty-five (25) percent of the total canopy coverage in the dominant strata.

(3) **Douglas fir.** Douglas fir may occur in nearly pure stands of old growth or in mixed young to intermediate-age stands where aspen, lodgepole pine, or other species may also be present. In the mixed stands, Douglas fir comprise greater than or equal to twenty-five (25) percent of the canopy coverage and the total individual coverage of aspen, lodgepole pine, or other species is less than or equal to twenty-five (25) percent of the canopy.

(4) **Limber pine/juniper.** Limber pine and/or juniper generally occur in open, nearly pure stands. Some minor amounts of Douglas fir or aspen may also be present. Limber pine and/or juniper may occur in minor amounts in any of the above cover types. Limber pine and/or juniper occur in widely spaced open stands with greater than or equal to ten (10) trees per acre.

c. **Shrub-grassland and scrub.**

(1) **Tall shrub**

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

(b) Stands dominated by mountain mahogany.

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

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

(b) **Xeric shrub.** Xeric, scab, shallow-soil, or heavy, clay-soil sites of low productivity dominated by generally widely-spaced, low shrubs and subshrubs, such as *Artemesia spp.*, *Eurotia*, and grasses. This habitat often occurs on sites or exposures where snow cover is periodically wind-transported (blown clear.)

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

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

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

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

(3) **Disturbed grassland.** Sites which are located adjacent to shrub-dominated areas which show a continued history of disturbance, are presently vegetated in perennial grasses and forbs, and which, over time and in the absence of further disturbance, may revert to a sagebrush-dominated cover type. Small, scattered shrubs may be present.

C. **Development design guidelines.** Mesic and nonmesic habitats are intended to be protected through development design guidelines. Property proposed for development that contains resources identified by this Appendix should be designed to protect as many of the identified resources as possible. Open space should be used to protect areas containing the most important identified protected resources; conversely, projects should be designed so that development is located in areas that contain the least valuable resources. Notwithstanding, land identified as being located within the NRO and/or SRO receives the highest priority.

1. **Ordinal ranking.** The resources defined in this Appendix shall be protected in the group order specified below. An ordinal ranking number is given for each group of resources, 10 being the highest, or most important, 1 being the lowest, or least important.
 - a. **Priority - 8.** Immature narrowleaf cottonwood (mesic, deciduous forest); tall shrub (other mesic types); immature aspen forest (nonmesic, deciduous forest); tall shrub (nonmesic, shrub-grassland and scrub.)
 - b. **Priority - 7.** Immature aspen forest (mesic, deciduous forest); medium narrowleaf cottonwood (mesic, deciduous forest); mature aspen (nonmesic, deciduous forest.)
 - c. **Priority - 6.** Mature aspen (mesic, deciduous forest); mature narrowleaf cottonwood (mesic, deciduous forest); cottonwood/spruce (mesic, mixed species forest); other mixed forest (mesic, mixed species forest); Douglas fir (nonmesic, coniferous forest); limber-pine/juniper (nonmesic, coniferous forest.)
 - d. **Priority - 5.** Coniferous forest (mesic); subalpine fir/spruce (nonmesic, coniferous forest); mesic shrub (nonmesic, shrub-grassland and scrub.)
 - e. **Priority - 4.** Lodgepole pine (nonmesic, coniferous forest); scrub (nonmesic, shrub-grassland and scrub.)
 - f. **Priority - 3.** Tall forb (mesic, other mesic types); xeric shrub (nonmesic, shrub-grassland and scrub); mesic grassland (nonmesic, grassland.)
 - g. **Priority - 1.** Xeric grassland (nonmesic, grassland); disturbed grassland (nonmesic, grassland.)

ARTICLE IV

DEVELOPMENT STANDARDS - TETON COUNTY

ARTICLE IV
DEVELOPMENT STANDARDS
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ARTICLE IV

DEVELOPMENT STANDARDS

DIVISION 4000. PURPOSE

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

DIVISION 4100. LANDSCAPING STANDARDS

SECTION 4110. PURPOSE

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

SECTION 4120. APPLICABILITY

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

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

SECTION 4130. LANDSCAPE PLAN

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

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

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

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

1. **Landscape Plant Material, Standard Plant Unit, Landscape Standards, Installation and Maintenance and Supplementary Standards.** The applicable standards are contained in Section 4140, Landscaping Plant Materials, Section 4150, Standard Plant Unit, Section 4160, Landscaping Standards, Section 4170, Installation and Maintenance, and Section 4180, Supplementary Standards.
2. **Plant material should be native vegetation.** Plant material should be native vegetation which duplicates adjacent plant communities both in species composition and spatial distribution patterns. For example, landscaping placed on a hillside or slope should consist of plant material that is typically found on a similar hillside or slope. Similarly, landscaping plant material placed in a floodplain or drainageway should be native vegetation that is generally found in a similar floodplain or drainageway. Further, the use of native vegetation should acknowledge certain plant species' relative attractiveness to wildlife. Responsive planting designs should therefore position plants which are palatable to wildlife in areas where browsing damage will not affect the screening or ornamental qualities of the planting plan.
3. **Landscaped areas/seeded with lawn, pasture, or native groundcover.** All landscaped areas proposed for vegetation shall be planted with lawn, pasture, or native groundcover unless such vegetation is already fully established. Native groundcover shall be used beyond two hundred (200) feet of the building area.
4. **Evergreen shrubs planted in clusters.** Evergreen shrubs shall be planted in clusters to maximize their chance for survival.
5. **Combination of plant material and fencing.** Where a combination of plant materials and fencing is used, the fence shall be located near or toward the more intensive zoning district or use and the majority of plant material shall be located near or toward the less intensive zoning district or use. A segmented and off-set fence with plant materials on both sides is encouraged.

6. **Erosion Control.** Erosion is to be controlled on-site, both permanently and during construction.
7. **Parking Lots.** Parking lots shall include landscaped islands to avoid large expanses of asphalt and be screened from off-site, or their view substantially filtered by vegetation.

SECTION 4140. LANDSCAPING PLANT MATERIAL

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

SECTION 4150. STANDARD PLANT UNIT

- A. **General.** This Section describes a standard landscaping element called a "plant unit." It serves as a basic measure of plant material upon which are based the standards of this Division. Each standard for landscaping in this Division is described in terms of the number of plant units.
- B. **Standard Plant Units.** Four (4) interchangeable plant unit alternatives are identified in Table 4150, Plant Unit Alternatives. Any one (1) or a combination of these four (4) alternatives, A through D may be used. Some of the alternatives, however, may be required upon review of the proposed landscape plan. For example, where year-round screening is needed, Alternative Unit C or D may be required. Plant sizes given in Table 4150, Plant Unit Alternatives, are minimums. All landscaping shall be in scale with the development proposed, and shall be of adequate installed size to clearly achieve the purpose of the required landscaping, i.e., screening, buffering, softening of structural mass, community character enhancement, etc.

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

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

D. **Substitutions for standard plant units.** The following substitutions in plant units may be made where it is demonstrated that the substitution achieves the objectives of the standard plant unit for which it is being substituted.

1. **Movable planters.** Ten (10) square feet of permanent or movable planters containing flowers, flowering shrubs or similar vegetation may be substituted for four (4) number five (#5) container shrubs. Notwithstanding, moveable planters shall not be substituted for required landscaping in parking lots.
2. **Bench.** One (1) bench seating at least two (2) people or a similar seating arrangement may be substituted for one (1) canopy tree.
3. **Bike rack.** One (1) bike rack designed to accommodate at least six (6) bikes may be substituted for one (1) canopy tree.

TABLE 4150
PLANT UNIT ALTERNATIVES

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

SECTION 4160. LANDSCAPING STANDARDS

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

A. **Residential standards.**

1. **General.** All new residential development shall provide one (1) plant unit per dwelling unit.
2. **Location of residential landscaping.**
 - a. **Single-family conventional subdivisions.** For residential development within single-family conventional subdivisions, the plant unit required per dwelling unit shall be located on each lot.
 - b. **All other development.** For all other residential development the location of the landscaping shall be anywhere within the development parcel pursuant to the

standards of Section 4130.C, Standards. For example, the landscaping may be located along the periphery of a cluster of units and not necessarily on the lots, or it may be located around a potentially high use open space or park within the subdivision.

TABLE 4160.C LANDSCAPING STANDARDS FOR PARKING LOTS BY DISTRICT	
	1 Plant Unit per Number of Parking Spaces
RURAL (R)	
Agriculture	none
Agricultural support	8*
Residential	8*
All others	8*
SUBURBAN (S)	
Residential	12
Institutional	8
All others	8
OFFICE PROFESSIONAL (OP)	
Residential	12
All others	8
MOBILE HOME PARK (MHP)	
All uses	8
AUTO-URBAN (AR)	
Residential	12
Institutional	12
All others	8
AUTO-URBAN COMMERCIAL (AC)	
Institutional	12
All others	8
BUSINESS PARK (BP)	
All uses	16
URBAN COMMERCIAL (UC)/URBAN RESIDENTIAL (UR)	
Residential	12
All others	12
BUSINESS CONSERVATION (BC)	
All uses	12
*Must be all native species, not attractive to wildlife.	

B. Nonresidential standards.

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

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

1. **General.** All parking lots shall comply with the landscaping standards in Table 4160.C. Landscaping Standards for Parking Lots by District.
2. **Existing trees can be counted.** Existing trees that can be preserved by leaving the area under their canopy substantially undisturbed shall count towards the landscaping standards for parking lots.

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

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

E. Open space standards. All areas of required open space that are presently covered with natural vegetation and are to remain undisturbed shall not be required to be landscaped. Areas of open space that have been disturbed, except those to be used as sports fields and other areas that are to be paved, must be restored to prior conditions, as much as feasible. In addition, adequate ground cover shall be provided so that no landscaped ground areas are exposed to erosion. (Amended 7/21/98)**SECTION 4170. INSTALLATION AND MAINTENANCE**

- A. **Performance bond.** Prior to issuance of any development permit, a bond or other acceptable surety equal to one hundred twenty-five (125) percent of the cost of supplying and installing the plant materials for an approved landscaping plan shall be submitted to the Planning Director. Upon completion of the installation of the landscaping plan, the surety amount shall be returned.
- B. **Irrigation.** Landscaping areas that cannot naturally be provided with adequate moisture for the types of plants to be installed shall be equipped with an irrigation system.

C. **Maintenance.** All landscaping materials and features required pursuant to this Article shall be maintained. Maintenance shall be the responsibility of the landowner, and shall be carried out regularly so that the intent and integrity of the approved landscape plan is preserved. If any plant materials die or are damaged, they shall be replaced by the landowner.

SECTION 4180. SUPPLEMENTARY STANDARDS

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

DIVISION 4200. PARKING AND LOADING STANDARDS

SECTION 4210. PURPOSE

This Division establishes parking and loading standards for development in the County. The standards are intended to lessen congestion on streets and to ensure an adequate supply of parking and loading spaces within a reasonable distance of development.

SECTION 4220. APPLICABILITY

The standards of this Division shall apply to all development.

SECTION 4230. PARKING, LOADING, AND SNOW STORAGE PLAN

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

SECTION 4240. OFF-STREET PARKING REQUIRED

All uses shall be required to meet the standards for off-street parking set forth in Table 4240, Parking Standards, By Use .

A. **Parking standard set by Planning Director.**

1. **Uses listed in Table 4240.** Notwithstanding the standards set forth in Table 4240, Parking Standards, By Use, a lesser parking standard may be established by the Planning Director for a particular development based on information from reliable sources that demonstrates a lesser standard is workable due to anticipated parking demand and alternative transportation services available.

2. **Uses not listed in Table 4240.** For uses not listed in Table 4240, Parking Standards, By Use, parking requirements shall be determined by the Planning Director, based upon the parking requirements of a land use in Table 4240 that is similar to the use not identified and other available reliable sources of information.

B. Parking calculations.

1. **Fractional spaces.** When determination of the number of required off-street parking spaces results in a fractional space, the requirement shall be rounded up to the next whole number.
2. **Use of gross floor area.** When square feet of floor area is specified, the calculation shall be based on the gross floor area of the structure.
3. **Use of maximum employee shift.** When employees are specified, the calculation shall be based upon the maximum number of employees normally on duty at any one (1) time.

TABLE 4240
PARKING STANDARDS, BY USE

Use	Parking Spaces Req'd. per 1000 sf of Floor Area	Queuing Space	Other Standard
Residential Uses:			
Single-Family	--	--	2 per du
Cluster Single-Family (Planned Residential)	--	--	2 per du
Duplex	--	--	2 per du
3-Family or more	--	--	2 per du, plus 0.5 per du for guest parking
Mobile Home	--	--	2 per du
Mobile Home Park	--	--	2 per du, plus 0.5 space per du for guest parking
Studio	--	--	1.25 per du
One (1) Bedroom Apartment	--	--	1.75 per du
Two (2) or Three (3) Bedroom Apartment	--	--	2.5 per du
Group Homes and Institutional Residential	--	--	1 per bedroom or 1 per two pillows, whichever is greater
Agricultural Uses:			
Agriculture	none	--	--
Nurseries	2	--	plus 1 per 4,000 sf of outdoor display area, plus 1 for each company vehicle, plus 1 for each employee
Institutional Uses: Indoor			
Church	--	--	0.25 per seat or 1 per 30 sf of floor area used for seating in the main sanctuary, whichever is greater
Clubs & Associations	--	--	1 per 100 sf
Hospital	--	--	1 per employee, plus 1 per 4 beds
Nursing Homes	--	--	1 per employee, plus 1 per 4 beds
Schools: Elementary & Junior High	--	--	1 per employee, plus 1 per 3 seats or per 30 sf of floor area used for seating or 6 feet of bench length in the auditorium, gymnasium, or other similar place of assembly, whichever is greater
Schools: Senior High	--	--	1 per employee, plus 1 per 8 students at ultimate school capacity or 1 per 3 seats or per 30 sf of floor area used for seating, or per 6 ft of bench length in the auditorium, gymnasium, or other similar place of assembly, whichever is greater
College	--	--	0.5 space per student
Trade School	--	--	1 per student
Rooming & Boarding Houses	--	--	1 per room or unit, plus 2 per residence
Protective Care	--	--	1 per 2 rooms

TABLE 4240
PARKING STANDARDS, BY USE

Use	Parking Spaces Req'd. per 1000 sf of Floor Area	Queuing Space	Other Standard
Utilities	--	--	1 per employee plus 1 per stored vehicle
Day Care Center, Group	--	--	1 per employee, plus 1 per 10 children
Commercial Uses: Office			
General, including government offices	3.3 ^a	--	--
Medical	6 ^b	--	--
Bank	5 ^b	--	--
Commercial Uses: Retail			
Convenience Market	8	--	--
Department Stores	5	--	--
Drugstores	5	--	--
Food stores	6	--	--
Furniture & Carpet Stores	1.5	--	--
Hardware, Paint & Home Improvement	3.5	--	--
Liquor Store	5	--	--
Other Miscellaneous Freestanding Retail	5 ^b	--	--
Commercial Uses: Heavy Retail/Service			
Auto Sales	2	--	or 2 per salesman, whichever is greater
Building Materials	3	--	--
Vehicle Repair	--	--	4 per bay
Commercial Uses: Light Auto Service			
Car Washes	--	6 per wash bay	plus 1 per employee and 1 per bay
General	1.5	--	or 4 per bay, whichever is greater
Commercial Uses: Services			
Beauty and Barber Shops	--	--	2 per chair, plus 1 per employee
Commercial Laundry & Dry Cleaner	--	--	1 per employee, 1 per company vehicle, plus 1 per 170 sf of customer service area
Financial w/Drive-in	5	5 per service lane	plus 1 space for each employee
Financial w/o Drive-in	5	--	--
Funeral Homes	--	--	1 per 150 sf of floor area of assembly rooms, plus 1 per employee, plus 1 for each vehicle owned by the establishment

TABLE 4240
PARKING STANDARDS, BY USE

Use	Parking Spaces Req'd. per 1000 sf of Floor Area	Queuing Space	Other Standard
Gunsmith	2	--	--
Laundromat	--	--	1 space per washer/dryer, plus 1 per employee
Repair Shops	2	--	plus 1 per employee and 1 for each company vehicle
Taxidermist	2	--	--
Commercial Uses: Restaurant and Drive-in Facility			
Bars/Taverns	10	--	or 1 per 2 seats or stools, plus 1 per employee, whichever is greater
General Restaurant	--	--	1 per 3 seats, plus 1 space per employee
Drive-in Facility	--	7 per service lane	--
Commercial Uses: Commercial Lodging			
Convention Center w/Lodging	--	--	1 per guest room (in suite, each bedroom shall constitute a separate guest room), plus 1 per 150 sf of assembly room, plus 1 per 500 sf of accessory commercial space
Non-Convention Center Lodging	--	--	1 per guest room (in suite, each bedroom shall constitute a separate guest room), plus 1 per 500 sf of accessory commercial space
Dude/Guest Ranch	--	--	1 per rental unit
Bed & Breakfast	--	--	1 per du and 1 per rental room
Ag. Support/Service	5	--	--
Amusement/Resort Uses: Indoor Recreational			
Bowling Alleys	--	--	5 per lane, 1 per employee, plus 2 per pool/billiard table
Health Club/Spa	--	--	1 per 2 exercise stations, 4 per sauna or similar facility, 4 per 1,000 sf of other activity area, plus 1 per employee
Indoor Arenas	--	--	1 per 3 seats, or 1 per 30 sf of floor area used for seating, or 1 per 6 ft of bench length, whichever is appropriate
Library	3.5	--	--
Museum	3.5	--	--
Gravity Sports Center (AMD 03-0001)	--	--	To be determined by Planning director on individual basis based on operation plans
Recreation Center	5	--	--
Swimming Pool	--	--	1 per 100 sf pool, plus 1 per employee
Tennis/Racquetball/ Handball	--	--	4 per court, plus 1 per employee
Theaters/Assembly Rooms	--	--	0.33 per seat if seats are fixed, or 1 per 30 sf of floor area
Amusement/Resort Uses: Outdoor Recreational			
Camps, Day or Youth	--	--	1 per employee

TABLE 4240
PARKING STANDARDS, BY USE

Use	Parking Spaces Req'd. per 1000 sf of Floor Area	Queuing Space	Other Standard
Campgrounds	--	--	1 per travel trailer space
Golf Course	--	--	3 per hole, plus any required for other uses which are a part of the facility
Golf Driving Range or Rifle Range	--	--	1 per 10 linear ft of driving or firing line plus 1 per employee
Outdoor Arenas	--	--	1 per 3 seats, or 1 per 30 sf of floor area used for seating, or 1 per 6 ft of bench length, whichever is appropriate
Playing Fields	--	--	1 per 4,000 sf of outdoor play field area, plus 1 space per acre of passive recreation area
Resorts	--	--	In accordance with approved PUD District for Planned Resort (Amended 12/10/96)
Riding Arenas & Equestrian Centers	--	--	1 per 4 equestrian stalls, plus 1 per 2,000 sf of riding area (in arena), plus 1 per employee
Riding Stables	--	--	1 per employee, plus 1 per 4 equestrian stalls
Skating Rink	--	--	6 per 1,000 sf of rink area, plus additional parking as may be required by buildings or areas used for other purposes
Ski Areas	--	--	1 for every 7 comfortable carrying capacity (see Division 8300, Definitions), plus 1 per 2 employees, plus 1 per each 2 hotel rooms* *In PUD, shall be in accordance with approved master plan.(Amended 12/10/96)
Swimming Pool	--	--	1 per 100 sf pool, plus 1 per employee
Tennis Courts	--	--	2 per court
Home Uses:			
Home Occupations	--	--	2 per du plus 1 per employee
Home Businesses	--	--	2 per du plus 1 per employee
Day Care Home, Family	--	--	1 off-street parking space available during operating hours for loading and unloading of children
Day Care Home, Group	--	--	2 during operating hours for loading and unloading children
Cottage Industry	--	--	2 per du, plus 1 per employee, plus 1 per company vehicle
Aeronautical Uses:			
Balloon Operations	--	--	To be determined by Plan Commission on individual basis based upon operational plans
Landing Strips, Heliports, & Airports	--	--	7 per daily airplane movements
Industrial Uses:			
Bakeries (non-retail)	0.25	--	plus 1 per employee, plus 1 per company vehicle

TABLE 4240
PARKING STANDARDS, BY USE

Use	Parking Spaces Req'd. per 1000 sf of Floor Area	Queuing Space	Other Standard
Industrial Uses: Light Industry			
Light Industry	2	--	--
Contractor Shop	1	--	plus 1 per company vehicle
Warehouse	0.5	--	or 1 space per employee, whichever is greater, plus 1 space for each company vehicle stored on the premises
Mini-warehouses	--	--	1 per employee, plus 1 per 10 storage units
Industrial Uses: Heavy Industry			
Heavy Industry	2.5	--	or 1 per employee, plus 1 per company vehicle, plus per 5,000 sf of visitor parking, whichever is greater
Trucking (no loading or warehousing)	1.5	--	or 1 per employee, plus 1 per company vehicle, plus 1 per 5,000 sf of visitor parking, whichever is greater
Industrial Uses: Extraction and Disposal			
Concrete/Asphalt Batch Plant	--	--	1 per employee
Extraction and Disposal	--	--	1 per employee
Junkyards	--	--	1 per employee
Temporary Uses:			
Christmas Tree Sales	--	--	1 per 1,000 sf outdoor display, plus 1 per employee
Contractor's Construction Site Office	10	--	--
Public Interest Events	--	--	1 per 3 attendees
Special Event	--	--	1 per 3 attendees
Real Estate Sales Office	3.3	--	--
Shelter	--	--	2 per du
Farm Stand	5	--	plus 1 per 1,000 sf

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

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

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

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

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

1. **Single-family and two-family dwelling units.** For all single-family and two-family dwelling units, all off-street parking shall be located on the same lot as the structure the parking is to serve.
2. **Multiple-family dwelling units.** For all multiple-family dwelling units, off-street parking facilities shall be located on the same lot or within the same residential development and within one hundred fifty (150) feet of the structure the parking is to serve.
3. **Industrial uses.** For all industrial uses, off-street parking facilities shall be located within five-hundred (500) feet of the structure the parking is to serve.
4. **Institutional and all other nonresidential uses.** For all institutional and all other nonresidential uses in all zoning districts all off-street parking facilities not shared with an adjacent landowner shall be located on-site. Notwithstanding, in the UC District and in any other nonresidential district within one thousand six hundred (1,600) feet of the USC&GS BM V-40, on the Town Square, off-street parking shall be located within two hundred fifty (250) feet of the structure the parking is to serve.

B. **Change of use.** If the use of land or a structure changes, the new use shall conform with all of the off-street parking and loading provisions of this Division.

C. **Multiple uses occupying single parcel of land or structure.** If two or more uses occupy a single parcel of land or structure, the standard for off-street parking and loading shall be the additive total for each individual use of the parcel of land or structure unless the standards of Section 4250.D, Shared parking and adjoining landowners, are met.

D. **Shared parking and adjoining landowners.**

1. **General.** The owners of two (2) or more uses, structures, or parcels of land may agree to jointly use the same off-street parking and loading spaces, provided that said uses, structures, or parcels of land do not have significant overlapping hours of operation.
2. **Shared parking between apartments and nonresidential uses.** A percentage of the off-street parking spaces provided for nonresidential uses may be considered shared with on-site residential apartments, in accordance with Table 4250.D, Shared Parking Credit Allowances for Apartments with Nonresidential Uses, and the following standards. The shared parking percentage granted shall be based upon the extent to which:
 - a. **Provide employee housing.** The residential apartments provide on-site employee housing.
 - b. **Shared parking function.** The development location and design enhances the shared parking function.

TABLE 4250.D
SHARED PARKING CREDIT ALLOWANCES FOR APARTMENTS
WITH NONRESIDENTIAL USES

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

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

- E. **Storage prohibited in required off-street parking spaces.** Off-street parking spaces shall be available for the parking of operable passenger automobiles of the residents, customers, patrons, and employees of the use for which they are required by this Division. The storage of inoperable vehicles or materials, or the parking of delivery trucks in such spaces shall be prohibited.
- F. **Display of vehicles for sale.** The vehicles shall not be displayed for sale in non-residential parking areas except licensed bona fide automobile dealerships, and excepting casual display by vehicle owners who are employees or patrons present on the premises at the times of such display.
- G. **Prohibition of repair work in off-street parking and loading areas.** No repair work that renders the vehicle inoperable for more than twenty-four (24) hours shall be permitted on off-street parking or loading facilities.
- H. **Maintenance of off-street parking and loading areas.** All off-street parking and loading areas shall be maintained adequately for all weather use and be properly drained.

SECTION 4260. OFF-STREET PARKING FACILITY DESIGN STANDARDS

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

- A. **Parking areas to be located on site.** Except in the UC District, where there may be permitted payment of fees in-lieu of off-street parking, and except for any development for which shared parking agreements are approved, all parking spaces, aisles, and turning areas shall be located entirely within the boundaries of the land served and shall not encroach on any road or other public right-of-way. No parked vehicle shall encroach into any road or public right-of-way.
- B. **Backing onto roads and public streets prohibited.** Except for parking facilities serving single-family residential lots and parking facilities accommodating four (4) vehicles or less, all off-street

parking areas shall be designed so that it will not be necessary for vehicles to back out into any road or public streets.

C. **Tandem parking.** Tandem parking (one vehicle parking directly behind another) is not permitted, and shall not be credited toward meeting any off-street parking requirement of this Division except for residential structures not exceeding four (4) units on one (1) lot, provided that the tandem parking spaces are assigned to the same dwelling unit.

D. **Parking in required street yard.** No parking, maneuvering, or drive areas are permitted to occupy a required street yard except for the following:

1. **Driveway access.** Driveway access to parking or loading located elsewhere on the site.
2. **One family detached and two family residential structures.** In required yards of one-family detached and two-family residential structures, parking, maneuvering or drive areas in a front yard setback may occupy no more than forty (40) percent of the lot frontage as measured in linear feet.

E. **Parking lot buffers.** All parking areas shall be set back from a rear or side property line a distance equal to the impervious surface setback of the applicable zoning district, or for those zoning districts that do not have impervious surface setback requirements, a minimum of five (5) feet, except when common parking facilities serve adjoining lots.

F. **Access and circulation standards.**

1. **Unobstructed areas.** Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley except for approved residential tandem parking.
2. **Parking row, aisles and module standards.** Except for parking facilities serving single family residential lots and parking facilities accommodating four (4) vehicles or less, all off street parking facilities shall open directly onto an aisle and meet the standards of Section 4260.J, Dimensional Standards for Standard Parking Rows, Aisles, and Modules.

G. **Traffic interference prohibited in all districts.** All off-street parking facilities in all zoning districts shall be designed with access to a street or alley in one (1) or more locations which cause the least interference with traffic movements.

H. **Nonresidential use access drive.** Access drives in nonresidential zoning districts shall have a minimum width of fifteen (15) feet to all roads for posted one-way drives, or twenty-four (24) feet for two-lane and thirty-six (36) feet for three (3) lane drives.

I. **Parking surface and drainage.**

1. **Paving required.** Outdoor off-street parking areas, aisles and access drives for all uses shall be paved, except parking areas, aisles and access-ways for single-family and two-family dwelling units which may be gravel.
2. **Gravel area dimensions.** The minimum size of a gravel parking area shall be ten (10) percent larger than required of a paved area.
3. **Paved area standards.** Paved parking areas, aisles and access drives shall be paved with concrete, paving blocks, asphalt or other all weather surface.
4. **Compaction and drainage.** Parking areas, aisles, and access drives shall be compacted and paved or surfaced in conformity with applicable specifications to provide a durable surface, shall be graded and drained so as to dispose of surface water runoff without damage to private or public land, roads, or alleys, and shall conform with any additional standards for

drainage prescribed by these Land Development Regulations, or other applicable regulations and standards.

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

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

TABLE 4260.J
MINIMUM DIMENSIONS FOR PARKING MODULES

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

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

SINGLE ROW OF PARKING

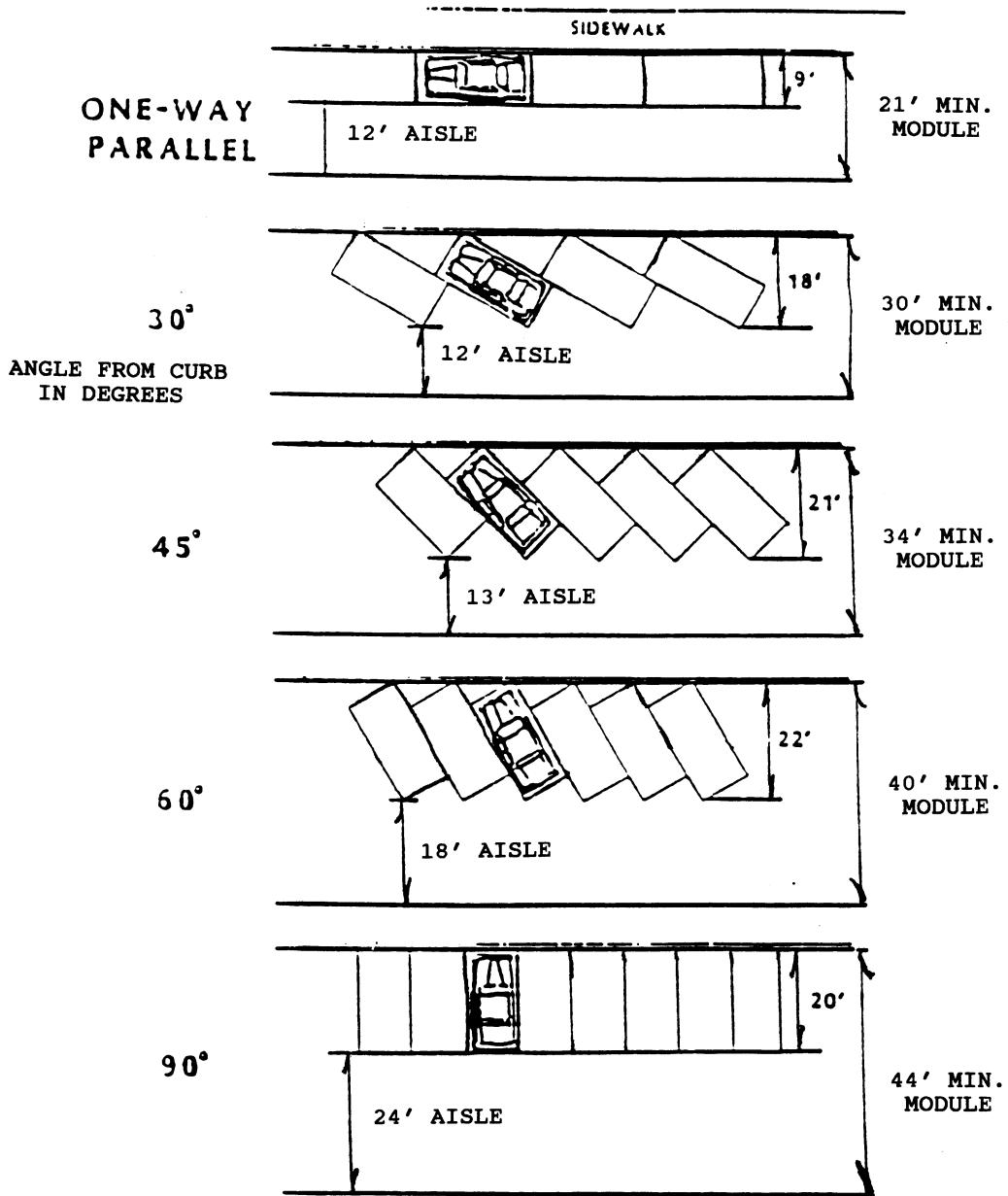
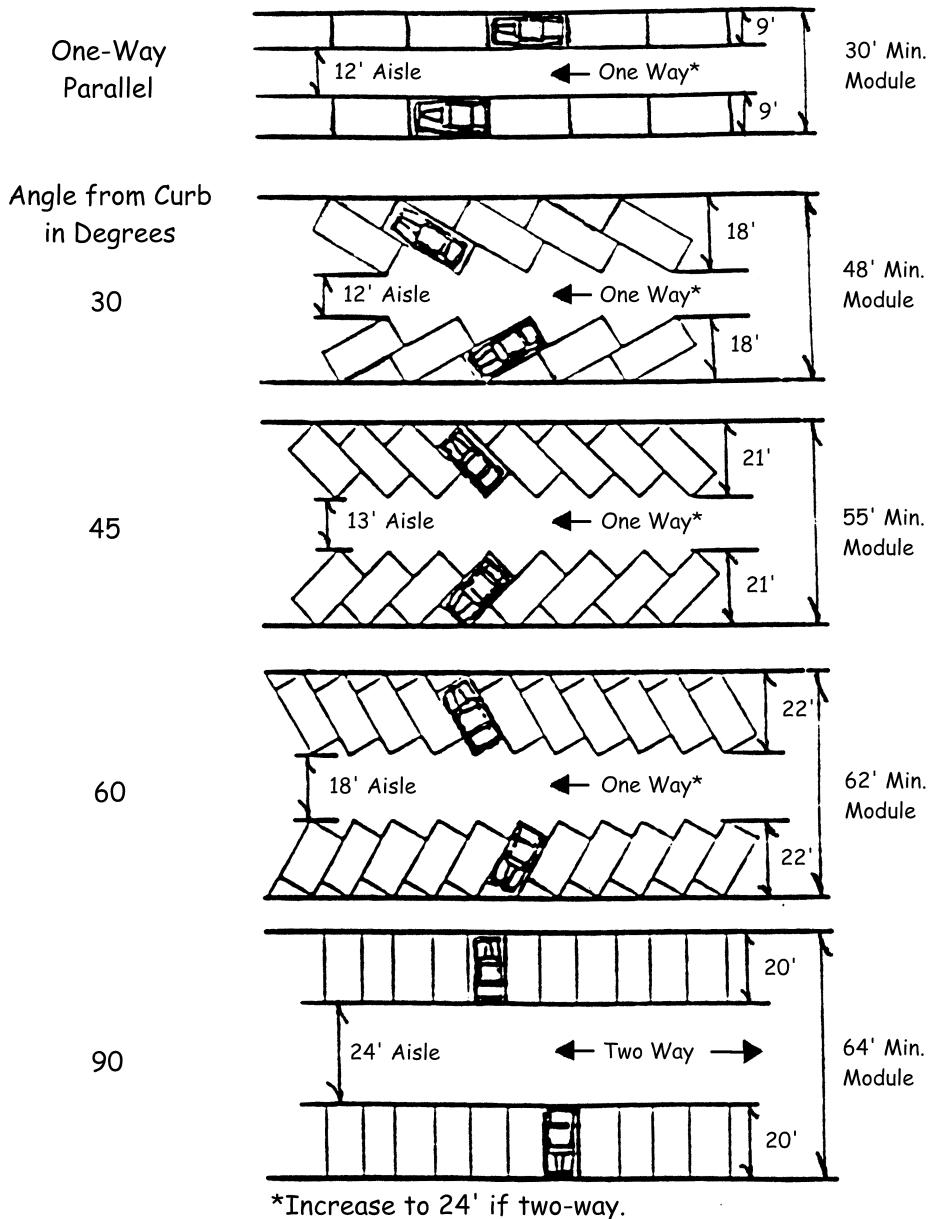


FIGURE 4260.J. (cont'd)
DIMENSIONAL REQUIREMENTS FOR STANDARD PARKING
ROWS, AISLES, AND MODULES

TWO ROWS OF PARKING



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

L. **Disability parking.** All nonresidential uses and residential uses served by a parking lot shall provide parking spaces in the parking lot for use by motor vehicles which transport disabled persons in accordance with the minimum standards set forth in Table 4260.L, Required number of disability off-street parking spaces, and this subsection.

1. **Dimensions.** The dimensions for all parking spaces provided for use by disabled persons shall be a minimum of eight (8) feet wide by twenty (20) feet long with an adjacent parallel access aisle five (5) feet wide. The adjacent parallel access aisle may be shared by two (2) accessible parking spaces. One (1) in every eight (8) accessible spaces shall have an access aisle which is a minimum of eight (8) feet wide (rather than five (5) feet) and shall be signed "Van Accessible."
2. **Location.** Parking spaces provided for use by disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area and building without assistance.
3. **Posted and marked.** All parking spaces provided for the use of disabled persons shall be posted and marked with both a ground-mounted sign and pavement marking which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by disabled persons.
4. **Counts toward total off-street parking standards.** Those off-street parking spaces required for the disabled by this subsection shall count toward fulfilling the total off-street parking standards of this Division.

TABLE 4260.L
REQUIRED NUMBER OF DISABILITY
OFF-STREET PARKING SPACES

Number of Parking Spaces Provided	Number of Disability Spaces Required
1-25	1*
26-50	2*
51-75	3*
76-100	4*
101-150	5*
151-200	6*
>200	7 plus 1 for each 100 addl. parking spaces provided over 200*

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

SECTION 4270. RESERVED**SECTION 4280. OFF-STREET LOADING STANDARDS**

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

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

*Single industrial establishments of 10,000 sf or less may be allowed to provide only one (1) loading bay by the Planning Director.

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

B. Loading bay area standards.

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

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

- A. **Snow storage prohibited in required off-street parking and loading areas.** The storage of plowed snow for more than forty-eight (48) hours is prohibited in required off-street parking and loading areas.
- B. **Snow storage standards.** All parking and loading areas shall comply with the following snow storage standards.
 1. **General.** Adequate on-site snow storage areas shall be developed to accommodate snow removed from off-street parking or loading areas or the removal of snow from elsewhere on the site.
 2. **If snow is to be removed, location of snow repository site.** If the snow is to be physically removed from the site, an adequate location of the proposed snow repository site shall be identified in writing, and permission from the landowner of the snow repository site shall be provided, in a form satisfactory to the Planning Director.
 3. **On-site snow storage standards for parking and loading area.** If an off-site snow repository is not used, adequate on-site snow storage shall be provided using the following standards:
 - a. A minimum site area representing two and one-half (2.5) percent of the total required off-street parking or loading area, inclusive of access drives, shall be provided as the snow storage area.
 - b. Adequate drainage of the snow storage area shall be provided to accommodate snowmelt, and no snowmelt shall drain onto abutting lands.
 - c. Required yards and open space may be used to accommodate the required snow storage area, including landscaped areas properly designated for snow storage. However, stored snow shall not restrict access and circulation, nor create a visual obstruction for motorists and pedestrians.

DIVISION 4300. OPEN SPACE STANDARDS FOR RESIDENTIAL DEVELOPMENTS**SECTION 4310. PURPOSE**

Table 2400, Schedule of Dimensional Limitations permits a landowner development options that have increased density. In return for this benefit, a landowner must set aside open space that contributes to community goals as set forth in the Jackson/Teton County Comprehensive Plan and is a benefit to the community. The purpose of this Division is to establish standards for the open space that is protected in exchange for increased development density or intensity.

SECTION 4320. APPLICABILITY

This Division applies to all residential development for which an open space ratio (OSR) is specified pursuant to Table 2400, Schedule of Dimensional Limitations. All open space provided to satisfy the OSR requirement shall comply with the standards of this Division.

SECTION 4330. OPEN SPACE STANDARDS

Prior to approval of any development subject to this Division, the Board of County Commissioners shall find that all open space proposed to meet the OSR requirement complies with the following standards. If the Board of County Commissioners does not make said finding, it may deny approval of the development associated with the proposed open space.

A. Configuration and location of required open space. Required open space shall be configured and located to protect, or provide space for, the Areas of Public Benefit on the subject property, in perpetuity. The following are the Areas of Public Benefit: 1) Wildlife habitat and migration corridors; 2) Scenic vistas and natural skylines as viewed from public roads; 3) Natural waterbodies (rivers, streams, lakes, ponds), floodplains, and wetlands; 4) Agricultural activities; 5) Public pathways as depicted in the *Pathways in Jackson Hole, A Conceptual Plan*; 6) Public parks and accesses to public lands.

1. Identifying the Areas of Public Benefit on the subject property. The following resources shall be used to identify the Areas of Public Benefit on the subject property:

- a. Teton County Community Issues Maps
- b. Natural Resource Overlay District and Scenic Resource Overlay District as depicted on the Official Zoning District Map and defined in Sections 3200 and 3300 of the Teton County Land Development Regulations
- c. One hundred year floodplains as depicted on the Federal Emergency Management Agency maps
- d. Land Development Regulations:
 - (1) Natural resources as defined in Section 3220, Waterbodies, Ten (10) Year Floodplains, and Wetlands
 - (2) Bona fide agricultural resources as described in Division 3400, Agricultural Resources Preservation
 - (3) Priority 6 to Priority 8 habitats as described in the Appendix to Article III, Natural, Scenic, Agricultural, and Tourism Resources Protection
- e. Environmental Analysis of the subject property
- f. Pathways in Jackson Hole, A Conceptual Plan
- g. Maps and information on the existing conditions of the subject property

2. Order of Priority for protecting the Areas of Public Benefit. Required open spaces shall be configured and located to protect or provide Areas of Public Benefit in the following order of priority from "a" to "f":

- a. Wildlife habitat and migration corridors
- b. Scenic vistas and natural skylines as viewed from public roads
- c. Waterbodies (rivers, streams, lakes, ponds), floodplains, and wetlands
- d. Agricultural activities
- e. Public pathways as depicted in *Pathways in Jackson Hole, A Conceptual Plan*
- f. Public parks and accesses to public lands
- g. The Board of County Commissioners may modify the above order of priority of Areas of Public Benefit for an individual development, provided the Board makes the following finding: based on resources identified in subsection A.1, Identifying the Areas of Public Benefit on the subject property, the modification of the order will result in an increased total public benefit from all priorities as a trade-off for minor impacts to higher ranked priorities.

3. **Map of required open space and Areas of Public Benefit.** The applicant shall submit a map that shows how the configuration and location of the required open space protects the Areas of Public Benefit identified in Subsection A., Configuration and location of required open space, and shows how the Areas of Public Benefit are protected in priority order as outlined in subsection A.2, Order of priority for protecting the Areas of Public Benefit.
4. **When all Areas of Public Benefit are protected on the subject property.** When all Areas of Public Benefit have been protected, or there are no Areas of Public Benefit on the subject property, and an additional amount of open space is required, the additional required open space shall be configured and located to expand the protection of the Areas of Public Benefit, or to expand an existing open space area. The Areas of existing Public Benefit or the existing open space could be on the subject property or on adjacent properties. The purpose of this standard is to maximize the benefit of open space, when there are no Areas of Public Benefit to be protected, by locating the open space in large, unfragmented areas.
5. **Residential lots.** Open space is permitted to include a portion of a residential lot provided it:
 - a. is not fenced apart from, or otherwise visually or functionally separated from, the required open space;
 - b. protects or provides Areas of Public Benefit as identified and prioritized in this Section; and,
 - c. complies with subsection B., Use of open space, subsection C., Structures in Open Space, and subsection D., Record of restriction.
6. **Noncontiguous open space.** Required open space may be provided at a noncontiguous location, pursuant to Section 2460.A.4, Noncontiguous parcels, and provided that the open space meets the standards of this division.
7. **Acreage in rivers.** Acreage within rivers shall not be eligible to satisfy required open space acreage.

B. Use of open space

1. **Permitted uses in open space.** Required open space shall be restricted to uses consistent with the protection of the Areas of Public Benefit that exist on the subject property. For example, if the open space protects a designated wildlife habitat area, the uses and activities permitted on open space lands shall be consistent with protecting and maintaining the habitat value of the property. Uses of the required open space shall not reduce or diminish the Areas of Public Benefit being preserved by the required open space.
 - a. **Rural District.** Notwithstanding the permitted uses, required open space in the Rural District shall remain in agricultural use or in a natural state. Required open space may include nonstructural recreational facilities that disturb no more than five (5) percent of the required open space area.
 - b. **Suburban, Auto-Urban or Urban Districts.** In the Suburban, Auto-Urban, and Urban Districts, less than half the required open space may be developed to accommodate active and passive park uses, when the Area of Public Benefit on the subject property is public park.
2. **Prohibited uses in open space.** Notwithstanding the permitted uses, Areas devoted to building envelopes, parking areas, road and driveway easements, cut or fill slopes, or other permanently disturbed areas that are part of a development are prohibited in required open space, except for recreational uses. Also any commercial, industrial, or development activity

not related to bona fide agricultural uses, recreational uses, wildlife habitat improvement projects, or other uses permitted pursuant to Section 4330.B.1., Permitted uses in open space, are prohibited in required open space.

C. **Structures permitted in open space.** The following structures may be permitted in open space if deemed consistent with the Areas of Public Benefit on the subject property:

1. Nonresidential structures, disturbances, corrals, fencing, etc., for bona fide agricultural uses.
2. Outdoor recreation facilities, such as cross-country ski trails and pathways identified as implementing the *Pathways in Jackson Hole, A Conceptual Plan*.
3. In the Suburban, Auto-Urban, and Urban Districts, structures and other land disturbing activities for active recreation facilities; however, evening or night facilities which require obtrusive lighting are prohibited.
4. Creation of ecologically functioning wetlands for wastewater and stormwater treatment.
5. Wildlife habitat improvements that are primarily enhancing existing wildlife habitat or are restoring existing, but degraded, habitat.

D. **Record of restriction.** Required open space shall be duly restricted by recorded instrument in a form acceptable to the County Attorney and the Board of County Commissioners. The instrument shall not be amended or varied without first obtaining approval by the Board of County Commissioners. Refer to a sample easement, which may be obtained from the Planning Department, for guidance. At minimum, the instrument shall contain the following:

1. A legal description of the property and its location.
2. The purpose of the restriction on the property.
3. Conveyance of rights to enforce the restrictions to an organization qualified and dedicated to preserving the values intended by the restrictions.
4. Specification of the uses and structures permitted and prohibited on the property under restriction.
5. Enforcement procedures.
6. Documentation of the existing uses and condition of the property under restriction.
7. Specification that notice be given fifteen days prior to any transfer of ownership, and that such notice be in a written form to the qualified organization holding the easement.
8. A granting of the restrictions in perpetuity.

E. **Ownership of open space.** An individual landowner, a homeowners association, or nonprofit organization may retain ownership of the required open space. Ownership does not affect the terms of the easement.

DIVISION 4400. RESIDENTIAL ARCHITECTURAL STANDARDS

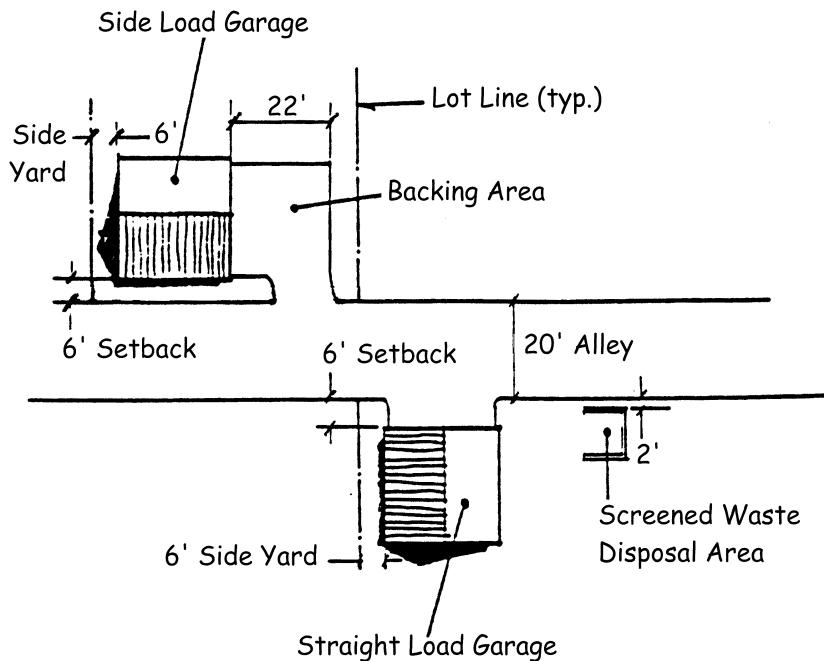
SECTION 4410. MINIMUM ALLEY SETBACK AND DESIGN STANDARDS

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

TABLE 4410
MINIMUM ALLEY SETBACK AND DESIGN
STANDARDS

Alley width	20 feet
Side load garage setback	6 feet
Side load garage backing area	22 feet
Straight load garage	6 feet
Garage side yard	6 feet
Mandatory screened area for waste disposal	2 feet

Figure 4410
ALLEY DESIGN STANDARDS



SECTION 4420 RESERVED

SECTION 4430 BUILDING MATERIALS

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

SECTION 4440. PROJECTIONS INTO REQUIRED SETBACKS

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

- A. **Architectural features.** In the UR, AR, and S districts, covered and uncovered decks, porches, and balconies may encroach into a front yard by not more than six (6) feet. In the UR, AR, S, and R districts, cornices, canopies, eaves, decks, porches, bay windows, chimneys, patios and similar architectural features may encroach into a side or rear yard not more than four (4) feet.
- B. **Fire escapes.** Fire escapes may extend into a side or rear yard by not more than four (4) feet.
- C. **Fences.** Fences are permitted provided they do not exceed six (6) feet in height in side and rear setback areas. Fencing in street yards shall not exceed four (4) feet in height, except for fencing for

bona fide agricultural purposes. Fencing adjacent to intersections is subject to Section 4760, Clear View of Intersecting Streets.

DIVISION 4500. NONRESIDENTIAL ARCHITECTURAL STANDARDS

SECTION 4510. GENERAL

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

SECTION 4520. ARCHITECTURAL STANDARDS IN THE UC AND AC DISTRICTS

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

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

SECTION 4530. ARCHITECTURAL STANDARDS IN THE BP DISTRICT

- A. **Building materials.** All external building components shall be of nonreflective material. Notwithstanding, the use of glass for displays and to allow visual access to interior space is permitted.
- B. **Earth (soil) colors.** Earth (soil) colored tones shall be employed on all external surfaces visible from a state highway, county road, or designated scenic road. Additions to existing structures shall be exempt when 1) matching existing colors, and 2) the addition is no larger than the existing structure.

DIVISION 4600. SIGNS

SECTION 4610. PURPOSE

The purpose of this Division is to allow for the reasonable display of signage to identify and advertise products, services, and business establishments for the information and convenience of the general public. This Division sets forth standards and criteria for the fabrication, erection, and use of signs, symbols, markings, and other advertising devices in Jackson and Teton County. These standards and criteria are

designed to protect and promote the public health, safety, and general welfare of persons within the community. They are also designed to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness, and flexibility in the display and use of signs while protecting and enhancing community character as described in the Jackson/Teton County Comprehensive Plan.

SECTION 4611. SHORT TITLE - CITATION

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

SECTION 4612. APPLICABILITY

- A. **Permit required.** No person shall erect, alter, or relocate any sign without first obtaining a Sign Permit pursuant to Section 51100, Sign Permit, and meeting the standards set forth in this Division. Signs conforming to the requirements of this Division which identify a seasonal business may be removed for the seasons during which the business is not in operation, and may be reinstalled without a new sign permit. All applications for sign permits shall be accompanied by plans, designs, specifications or drawings stating specifically all dimensions, animations if any, lighting, colors, and plan of installation stating clearances and setbacks. All sign permit fees shall be determined by resolution or ordinance as appropriate and may be changed from time to time. The Planning Director shall have the authority to refuse a Sign Permit for any sign which does not comply with the requirements of this Division. Appeal from the provisions or enforcement of this Division shall be made as provided in Section 5180, Appeals on Decisions of Planning Director. Sign permits expire one (1) year after issuance if the sign is not erected or altered pursuant to the permit.
- B. **Maintenance and repainting exempt.** The repainting, changing of parts, and maintenance of signs located on the site shall not be deemed alterations requiring a Sign Permit, except for nonconforming signs as set forth in Section 4615, Nonconforming Signs.

SECTION 4613. MASTER SIGNAGE PLAN

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

- A. **Approval of Master Signage Plan.** The Master Signage Plan is subject to approval by the Planning Director, and once approved, all individual Sign Permits shall comply therewith.
- B. **Requirements.** Each Master Signage Plan shall clearly indicate the location, size, and type of each sign on the property, as well as the distribution of allowed signage among multiple tenants, businesses, or entities within a building or complex.
- C. **Adjustments to number of wall signs permitted.** Subject to an approved Master Signage Plan, the number of wall signs may be increased in order to allow signage for each tenant, business, or other entity occupying a single building or storefront. In no event shall the wall sign area be increased beyond the standards set forth in Section 4620, Allowable Signage By District.

D. **Optional signs.** When optional signs are proposed pursuant to Section 4630.A, Freestanding signs and/or Section 4630.B, Canopy signs, a Master Signage Plan shall clearly indicate where substitutions are proposed and that all applicable standards are met.

SECTION 4614. IDENTIFICATION TAG - DISPLAY REQUIRED

A. **Display identification tag.** Each sign approved pursuant to this Division for which a permit is issued is required to have affixed to it and displayed an identification tag provided by the County for the purpose of identifying signs lawfully in use.

B. **Issuance of tag.** Identification tags shall be provided for each sign at the time of issuance of a sign permit by the Planning Director. The serial number of each tag shall be recorded on the sign permit.

SECTION 4615. NONCONFORMING SIGNS

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

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

SECTION 4616. DEFINITIONS

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

SECTION 4620. ALLOWABLE SIGNAGE BY DISTRICT

A. **Rural (R) District.**

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

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

1. **Nonresidential uses.** Each freestanding building or complex of buildings is allowed one (1) rustic freestanding sign not to exceed six (6) feet in height and twelve (12) square feet in area, or, one (1) wall sign not to exceed twelve (12) square feet in area.

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

C. **Auto Urban Residential (AR), Auto Urban Commercial (AC), Urban Residential (UR), Business Park (BP), Office Professional (OP), and Business Conservation (BC).**

1. **Nonresidential uses.** For nonresidential uses in the AR, AC, UR, BP, RB, OP, and BC districts, signage is permitted according to the following standards.
 - a. **Freestanding signs.** Each freestanding building or complex of buildings is allowed one (1) rustic freestanding sign at the primary entrance or street frontage, not to exceed eight (8) feet in height. The maximum area of the sign shall be one (1) square foot for each linear foot of building facing the street, not to exceed forty (40) square feet.
 - b. **Wall signs.** Each freestanding building or storefront is allowed one (1) wall sign per street frontage which shall not exceed one (1) square foot per two (2) linear feet of building facing the street, to a maximum area of twenty-four (24) square feet per sign.
 - c. **Monument or entry sign.** Each freestanding building or complex, having a primary or secondary entry from a street other than the street which it faces, shall be allowed one (1) entry sign per entrance, not to exceed four (4) feet in height, nor six (6) square feet in area.
2. **Residential uses.**
 - a. **Single-family residential and multifamily residential of less than eight (8) units.** One (1) unlighted wall sign identifying the name of the owner and/or property, not to exceed three (3) square feet is permitted.
 - b. **Multifamily residential of eight (8) units or more.** One (1) rustic freestanding project identification sign not to exceed six (6) feet in height and six (6) square feet in area, or, one (1) wall sign not to exceed six (6) square feet in area is permitted.
3. **Home occupations.** One (1) unlighted wall sign not to exceed two (2) square feet in area is allowed.

D. **Urban Commercial (UC).**

1. **Nonresidential uses.**
 - a. **Freestanding signs.** For each building or complex situated on lots or sites which exceed fifteen thousand (15,000) square feet in area, one (1) rustic freestanding sign not to exceed five (5) feet in height and eight (8) square feet in total area is allowed.
 - b. **Wall signs.** Each freestanding building or storefront is allowed one (1) wall sign which may not exceed one (1) square foot per linear foot of building or storefront facing a street to a maximum size of twelve (12) square feet. Where a building or storefront faces more than one street, an additional wall sign is allowed for each additional street frontage, the area of which may not exceed one (1) square foot per two (2) linear feet of building or storefront facing the street, to a maximum size of six

(6) square feet. For a building or storefront which faces a pedestrian precinct or other pedestrian way, one (1) wall sign not to exceed six (6) square feet is allowed for each separate frontage.

2. **Residential uses.**

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

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

SECTION 4630. OPTIONAL AND ALTERNATIVE SIGNS

- A. **Freestanding signs.** When the architecture of a building or complex and/or the character of the immediate area are such that a rustic freestanding sign is clearly incompatible, the Planning Director may allow a conventional freestanding sign as an alternative, provided the alternative sign meets all standards of Section 4680, Sign Materials and Display Standards.
- B. **Canopy signs.** Canopy signs may be substituted for wall signs, subject to approval by the Planning Director, and a Master Signage Plan if applicable. Any canopy sign must have a minimum vertical clearance of seven and one-half (7.5) feet from any walking surface.
- C. **Projecting signs.** Projecting signs that are perpendicular to a building may be substituted for wall signs, subject to approval by the Planning Director, and a Master Signage Plan if applicable. No sign face of a projecting sign may project more than four (4) feet from the wall to which it is mounted. Any projecting sign must have a minimum vertical clearance of seven and one-half (7.5) feet from any walking surface.

SECTION 4640. WINDOW SIGNS

Signs displayed in windows of buildings or storefronts are permitted. The number of signs and their total area does not count toward the total allowable signage as set forth in Section 4620, Allowable Signage By District, nor is a Sign Permit required for their display, provided the following standards are met:

- A. **Size limit.** Window signage may occupy no more than twenty-five percent (25%) of the area of the window in which it is displayed. In no event shall window signage exceed sixteen (16) square feet in any one (1) window.
- B. **Prohibited features of window signs.** No window sign, nor any other sign within a building or structure shall flash, rotate, or be mechanically or electronically animated in any way so as to be visible from outside of the building or structure.

SECTION 4650. PROHIBITED SIGNS

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

- A. **Moving signs.** Flashing, blinking, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, balloons, holograms, light beams, or other decorations, except time and/or temperature signs as permitted in Section 4670.C., Time and temperature displays.

- B. **Moving appurtenances.** Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.
- C. **Rotating beacon lights.** Rotating beacon lights.
- D. **Inflatable signs.** Inflatable advertising devices or signs.
- E. **Portable signs.** Changeable copy trailer or portable signs, either fixed or moveable.
- F. **Changeable copy signs.** Changeable copy signs except as permitted in Section 4670, Special Purpose Signs.
- G. **Banners.** Banners, except as permitted in Sections 4630, Optional and Alternative Signs and Section 4671.D, Special event and Section 4671.G, Grand Openings.
- H. **Off-site signs.** All off-site, off-premise, and directional signs which advertise businesses, establishments, activities, facilities, goods, products, or services not made, produced, sold, or present on the premises or site where the sign is installed and maintained are prohibited. Those signs placed by governmental agencies for the use and benefit of a concessionaire on the concession land shall not be deemed or construed to be off-premise signs.
- I. **Signs on motor vehicles.** No person shall park any motor vehicle or trailer on public or private property so as to be seen from the public right-of-way which has attached thereto or located thereon any sign for the purpose of advertising a product or directing people to a business activity.
- J. **Neon signs.** Neon signs or valances unless inside a building or in a window and not to exceed four (4) square feet, except as exempted in Section 4660, Exempted Signs.
- K. **Internally illuminated signs.** Signs with internal illumination of any type.
- L. **Strings of lights.** Strings, banks, or rows of lights used to outline or highlight a building or portion of a building, except as holiday decorations from Nov. 10 through Jan. 10.
- M. **Other temporary signs.** Any other device in the form of a sign which is of a temporary nature, or mobile, and not permanently affixed to a building or an upright support affixed firmly to the ground, except as permitted under Section 4671, Temporary Uses.
- N. **Roof signs.** Signs mounted on a roof or atop a parapet wall.

SECTION 4660. EXEMPTED SIGNS

The following signs are not regulated by this Division.

- A. **Traffic signs.** All signs erected in a public right-of-way by a public agency or in a private road right-of-way for controlling or directing traffic.
- B. **Political signs.** Political signs pertaining to a specific election, which are displayed not earlier than thirty (30) days prior to the election and which are removed by the candidate or property owner who placed the sign within five (5) days after the election.
- C. **Time and temperature signs.** The moving or changing portion of time and/or temperature signs allowed pursuant to Section 4670.C, Time and temperature displays, providing they are kept in good repair at all times and providing that any sign containing such features conforms with all other requirements of this code.
- D. **Governmental flags.** Official governmental flags of the United States, State of Wyoming, the County, or the Town and which are properly displayed, provided they do not exceed twenty (20) square feet each and further provided they are not mounted on a roof or atop other signs. One (1)

corporate flag may be displayed along with a proper display of any or all of the official flags listed in this paragraph, provided it does not exceed twenty (20) square feet.

- E. **Private warning signs.** Private warning signs provided they do not exceed three (3) square feet.
- F. **Signs on vehicles.** Signs in or upon a vehicle, provided the vehicle is not left standing in conspicuous places and used primarily as an advertising device.
- G. **Construction signs.** Construction signs announcing the construction of a building or project naming owners, contractors, subcontractors and architects not to exceed one (1) sign of twenty-four (24) square feet for each street frontage of the building or project.
- H. **Historical signs.** Historical signs for sites and/or structures designated by the Board of County Commissioners as having historical significance to the County.
- I. **Guidance signs.** Guidance and other informational signs authorized by the Wyoming Department of Transportation or other governmental agency.
- J. **Business signs.** No more than one (1) Open/Closed and one (1) Vacancy/No Vacancy sign, one (1) hours of operation sign, and one (1) credit card acceptance sign, not to exceed a total of three (3) square feet in area, displayed for each business.
- K. **Noncommercial signs.** Signs that contain noncommercial messages that do not advertise a product or service, provided they do not exceed twenty (20) square feet in area.
- L. **Statuary and sculptures.** Freestanding statuary and sculptures which are considered to be works of art and which are placed on private property clearly for the benefit and interest of the general public.
- M. **Murals.** Murals when depicted on the sides or rear of a building or storefront, provided that the mural has no connection or advertising context to any business conducted or any product or service offered therein.
- N. **Real estate signs.** Signs of real estate companies or private individuals announcing a property for sale, rent, or lease, provided that no such sign exceeds six (6) square feet, and that only one (1) sign per property per street frontage is displayed.
- O. **Gate or arch sign.** A gate or arch sign situated over the primary entry of a ranch or other agricultural operation exceeding two hundred (200) acres in total contiguous area; provided that the sign face does not exceed eight (8) square feet and that the sign provides a clearance of at least thirteen and one-half (13.5) feet from the driving surface.
- P. **Minor residential signs.** Wall signs not to exceed one (1) square foot in area that identify the occupants or owners of a residential property. Larger residential signs shall comply with the provisions of this Division.

SECTION 4670. SPECIAL PURPOSE SIGNS

- A. **Changeable copy signs.** Reader-board or changeable copy signs are permitted to be displayed by the following types of businesses.
 - 1. **Theaters.** Motion picture theaters and play-houses.
 - 2. **Convention facilities with liquor licenses.** Businesses with convention facilities, and which qualify for resort liquor licenses under the Statutes of the State of Wyoming.
 - 3. **Fuel stations.** Business which sell motor fuels at retail dispensed from pumps on premises.

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

- B. **Movie poster signs.** Motion picture theaters and retail stores whose primary business is the sale and/or rental of pre-recorded video tape and/or discs to the general public shall be permitted to display a maximum of two (2) movie poster signs. Movie posters must be displayed in a display case which must be permanently affixed to the wall of the building or storefront. Movie posters shall not be affixed directly to a wall as a temporary sign. Movie poster display cases may be lighted, and shall not exceed twelve (12) square feet in area. The area of any movie poster sign conforming to this section shall not count toward the total signage allowed by Section 4620, Allowable Signage By District.
- C. **Time and temperature displays.** Banks, savings and loan associations, and credit unions are permitted, in addition to signage permitted by Section 4620, Allowable Signage By District, to display the correct time and air temperature for the information of the general public. Time and temperature displays are limited to one (1) per eligible business establishment, and the moveable/changeable area of the display may not exceed twelve (12) square feet. Time and temperature displays may be affixed to either freestanding or wall signs, as permitted by Section 4620, Allowable Signage By District.

SECTION 4671. TEMPORARY USES

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

- A. **Christmas tree sales.** One (1) freestanding sign, not to exceed six (6) feet in height, or one (1) wall sign, or one (1) banner per sales lot is permitted, not to exceed eight (8) square feet in area.
- B. **Contractors and real estate sales offices.** In addition to the construction sign(s) allowed in Section 4660.G, Construction signs, one (1) wall sign affixed to the office and not to exceed three (3) square feet is permitted.
- C. **Public interest event.** One (1) freestanding sign not to exceed six (6) feet in height, or one (1) banner is permitted, neither of which may exceed twelve (12) square feet in area. The sign or banner must be displayed on the site of the event. Up to two (2) off-premise directional signs not to exceed six (6) square feet each are also permitted. Signs may be displayed up to fourteen (14) days prior to the event.
- D. **Special event.** One (1) freestanding sign not to exceed six (6) feet in height, or one (1) banner, neither of which may exceed twelve (12) square feet in area, is permitted per street frontage at the site of the event. Signs may be displayed up to fourteen (14) days prior to the event.
- E. **Shelters.** Shelters are permitted signage according to Section 4620, Allowable Signage By District, for residential uses in the zoning district in which the shelter is located.
- F. **Farm stands.** Farm stands are permitted one (1) temporary sign or banner, not to exceed six (6) feet in area, or, signage permanently painted on, or affixed to, a vehicle may substitute for the sign or banner.

G. **Grand openings.** On a one-time basis, a business establishment shall be permitted one (1) banner not to exceed twelve (12) square feet, to be displayed for a period of not more than fourteen (14) calendar days.

SECTION 4680. SIGN MATERIALS AND DISPLAY STANDARDS

A. **Sign materials.** Any and all materials used to construct signs, supports, or fasteners shall conform to the following standards:

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

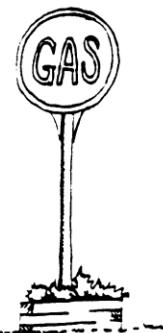
B. **Display standards.** The display of all signs regulated by this Division shall conform to the standards of this section. Illustrated prototypes of all types of signs permitted by this Division are shown in Figure 4680, Prototypical Signs.

1. **No obstruction permitted.** No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance, or exit as required by Section 4760, Clear View of Intersecting Streets.
2. **No projection within right-of-way.** No signs, except traffic signs and similar regulatory notices, shall be allowed to project or be located within public right-of-way lines, except as provided in sub-paragraph 10.b, Projections into public right-of-way, UC district, of this Section.
3. **Lighting.** Signs may be unlighted or lighted externally, unless otherwise indicated in Section 4620, Allowable Signage By District.
4. **Shielded spotlights.** Any spotlights permitted to illuminate signs shall be shielded such that their light source cannot be seen from adjoining roads.
5. **Wall signs mounted on parapets.** A wall sign mounted on a parapet wall shall be mounted six (6) inches or more below the top of the parapet wall.
6. **No imitation of traffic signs.** Signs shall not resemble, imitate, or approximate the shape, size, form, or color of traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals, or devices, nor be lighted in a way that can cause glare or impair driver visibility upon roads.
7. **No prevention of ingress/egress.** Signs shall not be erected, relocated, or maintained in such a way that prevents free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

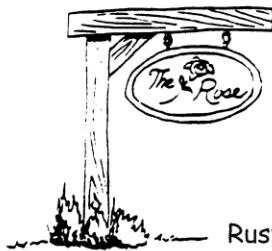
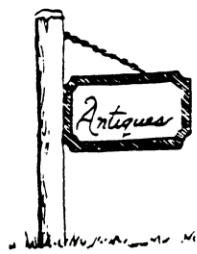
8. **No mounting on natural features.** No signs shall be painted or mounted on trees. No land form or natural land feature (rocks, cliff faces, etc.) may be defaced for purposes of displaying a sign.
9. **Height and clearance.** All signs shall meet the following regulations relating to height and clearance from the ground, or from a walking or driving surface as applicable.
 - a. **Measurement of freestanding sign height.** The height of a freestanding sign shall be measured vertically from the highest point of the sign to the ground below, except that vertical supports of a rustic freestanding sign may extend above the maximum allowed height by not more than six (6) inches.
 - b. **Clearance.** The clearance of a projecting freestanding, wall, canopy, or fascia sign shall be measured from the lowest edge of the overhang to the driving or walking surface below.
10. **Sign setbacks.**
 - a. **Freestanding signs.** Any rustic freestanding sign, entry sign, or monument sign shall be set back a minimum of two (2) feet from any property line, except that rustic freestanding signs are allowed at the front or side property line in the Urban Commercial (UC) district.
 - b. **Projections into public right-of-way, UC district.** Any projecting or canopy sign in the Urban Commercial (UC) district may project into the public right-of-way of a street, provided that the minimum vertical clearance set forth in Sections 4630.B, Canopy signs and 4630.C, Projecting signs, are maintained, and provided that the sign shall be no closer than eighteen (18) inches from the back of the adjacent street curb.
11. **Landscaping.** The ground area around the base of all freestanding signs shall be landscaped in accordance with the requirements of these Land Development Regulations. The Planning Director, however, may exempt some freestanding signs from this standard where it is demonstrated that the landscaping would unduly interfere with pedestrian or vehicular traffic, interfere with traffic visibility, or for other reasons be impractical, for example, on a boardwalk.
12. **No street frontage.** When a freestanding building, complex, or storefront does not face a public street or approved private road, and is accessed via a pedestrian area or common parking and drive area, the linear feet of building or storefront facing the pedestrian area or common parking and drive area shall substitute for purposes of determining allowable signage pursuant to Section 4620, Allowable Signage By District.

C. **Sign area.** The area of a sign shall be the measurement of the face of the sign that is designed to present a message or attract attention, exclusive of structural support members. The area of the sign face shall be the area of the smallest standard geometric shape, or the sum total of the areas of more than one (1) standard geometric shape, that encompasses the sign face. Two sided signs shall be permitted provided that neither side exceeds the maximum allowed area and the two faces are back to back and are at no point farther than two (2) feet from one another. Otherwise, the area of all faces shall be included in determining the area of the sign.

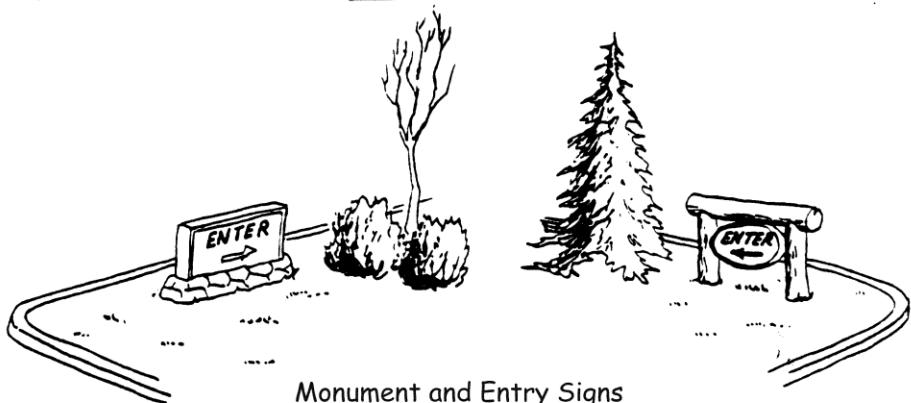
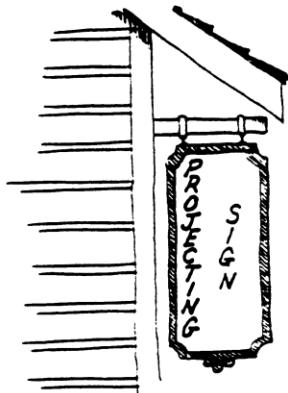
FIGURE 4680
PROTOTYPICAL SIGNS



Conventional Freestanding Signs



Rustic Freestanding Signs



Monument and Entry Signs

SECTION 4690. DANGEROUS OR DEFECTIVE SIGNS

- A. **Removal or repair by owner.** Any sign, which is in a dangerous or defective condition, shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the Planning Director shall proceed pursuant to Article IX, Enforcement.
- B. **Removal by Planning Director.** The Planning Director shall cause the removal of any sign that endangers the public safety or a sign for which no Sign Permit has been issued.
- C. **Cost of removal.** The costs associated with the removal of a sign by the Planning Director shall be paid by the owner of the property on which the sign was located. If the cost is not paid within a reasonable time, the unpaid balance shall be considered a lien against the property. The cost of removal shall include any and all incidental expenses incurred in connection with the removal of the sign.

SECTION 4691. SIGN CONSTRUCTION STANDARDS

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

DIVISION 4700. TRANSPORTATION FACILITIES

SECTION 4710. PURPOSE

The purpose of this Division is to control access to roadways in a manner that maintains the safety, capacity, and function of the roadway and to provide standards for transportation facilities, including streets, alleys, access easements, and pathways.

SECTION 4720. ACCESS TO ROADS, STREETS AND HIGHWAYS

Direct vehicular access to collector and arterial roads shall be limited to ensure that the congestion created by turning movements is reduced to a minimum. All development shall meet the following standards:

- A. **Residential uses.** Lots for individual detached single-family residences shall take direct access to or from local residential streets and may take direct access to a collector or arterial road only if no other access options exist, and only if the developer is unable to provide a street for access to a public or private local residential street, due to site limitations such as but not limited to topography and sight distances.
- B. **Other residential development.** Other residential development of higher density, such as planned residential development, shall take direct access to collector or arterial streets to avoid infiltration of lower density neighborhoods.
- C. **Nonresidential uses.** All nonresidential uses shall take primary access from a parking circulation aisle or drives designed to provide internal circulation within the development or for several parcels.
 1. **Direct primary access to local street.** Direct primary access to a local residential street is prohibited for nonresidential uses.

2. **Direct primary access to arterial or collector road.** Nonresidential uses shall be permitted direct primary access to arterial or collector roads (except as provided in Section 4720.D, Access Limited to Collector and Arterial Road.)
- D. **Access limited to collector and arterial road.** At least three hundred (300) feet shall separate access points on collector and arterial roads with posted speeds of less than thirty five (35) miles per hour (mph), and six hundred (600) feet from roads with posted speeds of thirty five (35) miles per hour (mph) or more.
- E. **Traffic study required if more than one (1) access point.** In instances where more than one (1) access point is requested on any one (1) collector or arterial road, a traffic study shall be required to demonstrate the minimum number needed. The minimum number is all that shall be permitted.
- F. **More than one (1) access point/designate “right turn only,” wherever possible.** When more than one (1) access point exists for a development, at least one (1) exit shall contain a “right turn only” lane, when traffic patterns and the design layout allow it.

SECTION 4730. RESERVED

SECTION 4740. STREET AND ROAD STANDARDS

- A. **Purposes.** These standards are enacted to protect and promote the public health, safety and welfare, to protect Teton County's priceless environmental quality and scenic beauty, and to maintain and promote the efficient, cost-effective and safe movement of persons and goods in Teton County. The requirements and procedures herein are intended to regulate and control the design and improvement of subdivisions, transportation routes, recreational pathways, and other development in the County in order to achieve the following purposes:
 1. **Conformance with highway improvement plans.** To ensure conformance and coordination of land subdivision and other development plans with the highway improvement plans of the County and its municipalities, the State of Wyoming and federal land management agencies.
 2. **Establish standards.** To encourage well-planned land subdivision and other development by establishing adequate standards for design and improvement of roadways and other pedestrian and vehicular movement systems.
 3. **Adequate access.** To ensure adequate access to all properties for fire, police and other vital services.
 4. **Cost/benefit of facilities.** To ensure a fair and just distribution of the costs and benefits of roadways and other pedestrian and vehicular movement systems within the County.
- B. **Jurisdiction.** The territorial jurisdiction of these standards and regulations shall include all of the unincorporated lands within Teton County, Wyoming other than National Park, National Forest, National Elk Refuge lands or other lands not under County jurisdiction for the purposes of general government.
- C. **Interpretation.** In their interpretation and application, the provisions of this Section shall be held to be the minimum requirements and shall apply to all roads within its territorial jurisdiction. No provision of this Section is intended to repeal, abrogate, annul, impair or interfere with any existing resolution of the County, provided that where any provision of this Section imposes more stringent regulations, requirements or limitations than are imposed by any other resolution of Teton County or any Statute of the State of Wyoming, then the provisions of this resolution shall govern.

D. **Functional classification.** All streets and roads in the unincorporated portions of Teton County shall be classified by functional type. Such classification shall establish a hierarchy which separates roads by function and intensity of use in order to achieve safety and efficiency in road layout and design. In addition, a road of any classification may be designated by the Board of County Commissioners as a "Scenic Road" on the basis of its particular value to the county due to the scenic nature of its route, of the adjacent lands or of views from the roadway. Such designation shall be by amendment of the Transportation Master Plan Map described in part E of this Section.

1. **Functional class.** As defined in these regulations, the functional class hierarchy applicable in Teton County shall consist of the following road types:

- a. Arterial
- b. Major Collector
- c. Minor Collector
- d. Major Local
- e. Minor Local
- f. Access Easement

E. **Transportation Master Plan Map.** The Planning Director shall maintain an official map and supporting documents describing the location, functional class, right-of-way width and applicable standards of all existing and proposed roads, roadway corridors, equestrian trails, and pathways in the County. Such map and supporting documents are considered to be a part of these regulations. Any new location for a federal, state, county, or local road, scenic road, highway corridor, equestrian trail, or bikeway not indicated on the map as of the date of these regulations, except for proposed streets, equestrian trails, and pathways within approved subdivisions or other projects, or roads on federal or state lands, shall require adoption by the Board of County Commissioners pursuant to the requirements for amendments specified in these Land Development Regulations.

F. **Jurisdiction and maintenance responsibilities.** Nothing in the above Transportation Master Plan Map shall imply acceptance by Teton County for maintenance or other purposes of any road or street. Such acceptance shall be established only in accordance with Wyoming statutory procedures for adoption or vacation of County roads. Where a highway proposed for adoption as a County road does not meet the structural or right-of-way standards applicable to its classification, such adoption may or may not be conditional upon its improvement to meet those standards, at the discretion of the Board of County Commissioners.

1. **Acceptance of collectors.** It shall, however, be the policy of Teton County to give primary consideration for acceptance and maintenance to those roads classed as major and minor collectors.
2. **Acceptance for specific need/benefit.** Arterials and most major collectors are the responsibility of the Wyoming Transportation Department. Roads on federal lands may or may not be the responsibility of the appropriate federal agency. Local roads are normally the responsibility of developers, private citizens, homeowners' associations or special districts. The County may, at its option and by official action, accept or provide maintenance on such streets where a specific county need or benefit is shown.

G. **General standards.** The following general standards shall govern the layout of roads and streets:

1. **Compatible with Transportation Master Plan.** Road, bicycle, equestrian, and pedestrian facilities and circulation patterns shall be compatible with the Teton County Transportation Master Plan.
2. **Functional class.** Plans shall be designed and constructed in accordance with the standards established in subsection D of this section and Table 4740.K, Minimum Planning and Design Standards.
3. **Safety.** Road layout and design shall provide for the safety of motorists, bicyclists, pedestrians, equestrians and residents of abutting properties.
4. **Rural roadway level of service.** Rural roadways shall be designed to function at level of Service D at buildout within any development, or at 20 years from construction for other roads.
5. **Urban roadway level of service.** Urban roadways shall be designed to function at level of Service D at buildout within any development, or at 20 years from construction for other roads.
6. **Minimize length.** Plans should minimize the overall length of both County and non-County roads while adequately providing for necessary traffic movements.
7. **Access for emergency/service vehicles.** All dwellings and other structures shall be accessible by emergency and service vehicles.
8. **Separate types of traffic.** Pedestrian, bicycle, equestrian and vehicular traffic shall be separated where desirable for safety.
9. **Limit through traffic.** Through traffic should be limited on residential streets.
10. **Minimize environmental impact.** Road layouts shall be designed to minimize cuts, fills, excessive runoff concentrations or other environmental impacts and should follow natural contours wherever possible.
11. **Avoid natural hazard areas.** Roads shall not be constructed in 10-year flood areas, on steep or naturally unstable slopes, in avalanche paths or in other hazardous areas except where no alternative is feasible.
12. **Minimize impact on wildlife.** Roads shall be designed to minimize impacts on wildlife, significant wildlife habitat or migration routes.
13. **Minimize impact on agriculture.** Roads shall be designed to accommodate ranching activities and stock driveways.
14. **Mass transportation facilities.** Bus stops and shelters shall be located to take advantage of existing parking opportunities.

H. **Development street design.** In order to ensure safety, efficiency, residential quality, lower housing costs and environmental protection, and to avoid over design and the confusing network of undifferentiated street types commonly found in subdivisions, all development street systems shall be laid out in accordance with generally accepted standards of the American Association of State Highway and Transportation Officials (AASHTO.) The arrangement of streets in new developments shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided or developed) insofar as such may be deemed necessary by the County Commissioners. The street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining properties when they develop their land and seek

to provide convenient access to it. Any right-of-way for arterials, major collectors, and minor collectors shall not be included within private lots, but shall be platted as a separate entity.

- I. **Traffic impact study.** Proposed subdivisions or other developments which will generate more than 1000 vehicle trips per day shall conduct a traffic impact study to determine any need for additional acceleration, deceleration, traffic, or turning lanes, signalization, or other roadway improvements on roads affected by the development. The traffic impact study shall be reviewed by the Planning Director, the County Engineer, and the County Road Supervisor and will normally include current traffic counts, projected subdivision or development traffic generation, County traffic projections for roads affected by the subdivision or development, calculated capacity of existing and proposed roadways, calculation of intersection capacities and warrants for signalization, turn lanes, channelization, etc., estimates of bicycle and pedestrian movements, and other similar elements as required by the Planning Director.
- J. **Design traffic volumes.** Where average daily traffic (ADT) is referenced in this Section, traffic volumes for State and County roads shall be as described in information maintained by the Planning Director. For existing and proposed roads, ADT shall be calculated using rates derived from "Trip Generation" by the Institute of Transportation Engineers and "Trip Generation Intensity Factors" developed by the Arizona Department of Transportation and the Federal Highway Administration.
 - 1. **Best available information for trip generation.** Where proposed uses are not included in these references or more recent information is available, traffic generation shall be determined by the Planning Director based on the best available information.
 - 2. **Trip generation for residential uses.** For residential uses the following trip generation factors are to be used per dwelling unit:

Single Family	9.5
Townhouse	7.2
Apartment	6.7

Condominiums are considered townhouse or apartment, depending on which type of design they most closely resemble.

- K. **Minimum design standards.** All roads under County jurisdiction shall conform to the standards described in Table 4740.K, Minimum Planning and Design Standards.
- L. **Cul-de-sac streets.** Cul-de-sac streets should be designed to permit future access to other land ownerships where practical, and be designed and located with safety considerations in mind. All cul-de-sacs shall have a terminus consisting of a minimum outside radius of 45 feet, or a "T" or "L" layout having 60 foot legs. In steep or mountainous terrain, where excessive grading would result from a full-sized cul-de-sac, the "T" or "L" legs may be reduced to 45' in length with the approval of the Teton County Engineer.
- M. **Half-streets.** Half-streets along a development boundary or within any part of a development shall not be permitted. The full right-of-way and pavement width of all classes of streets shall always be provided, except where an arterial or collector road is shown on the Highway Master Plan Map along a property boundary. In such case, minimum half-street right-of-way shall be 60 feet or $\frac{1}{2}$ the required right-of-way, whichever is greater.

TABLE 4740.K
MINIMUM PLANNING AND DESIGN STANDARDS

Functional Class	Arterials	Collectors		Local	
Design Item		Major	Minor	Major	Minor
Right-of-way Width (feet)	150	120	80	60	60
Typical A.D.T.	over 5,000	2,000 5,000	500 2,000	200 500	20 200
Design Speed* (mph)					
level terrain	60	40	35	30	25
rolling terrain	50	30	30	25	20
mountainous terrain	40	25	25	25	15
Minimum Horizontal Radius (feet)	***	***	***	140* *	100* *
Intersection Separation (feet)	2,500	600	300	125	125
Width of Travel Lanes (feet per lane)	12	12	11	10	10
Width of Shoulders (paved)(feet each side)	8	5	4	0	0
Bike lane required to be striped	YES	YES	YES	NO	NO
On-Street Parking Allowed	NO	NO	NO	NO	NO
Width of Pedestrian Equestrian Trail (feet one side)	10	10	10	0	0
Surface Type	HIGH	HIGH	HIGH	INT.	LOW

*Minimum design speed. Except where specified otherwise in this Section, geometric design features shall at a minimum be consistent with the design speeds listed in Table 4740.N, Maximum Grades (%), for the appropriate terrain type, except that, unless specified otherwise by the Board of County Commissioners, design speed for designated scenic roads may be reduced by 10 m.p.h.

* * Widening on the inside of sharp curves should be provided. Additional width equal to 400 divided by the curve radius in feet is recommended.

***In accordance with AASHTO requirements.

N. **Road design standards.** All roads and streets in Teton County shall be designed and constructed in accordance with the policies and standards contained in this Division. Where standards are not specified, the current standards of the American Association of State Highway and Transportation Officials (AASHTO) shall be followed.

1. **Urban road design.** Roads located within urban areas as defined in this Section shall be designed and constructed in accordance with a comprehensive set of standards acceptable to

the Planning Director. Those within 1 mile of the Town of Jackson, and within 1 ½ miles of the Jackson sewer line shall conform with standards specified by the Town of Jackson.

2. **Grades.** Maximum grades for any design speed shall be those described in the table below, Table 4740.N, Maximum Grades (%):
3. **Alignment.** Switchback roads in mountainous terrain may be constructed with radii certified, by a registered Wyoming Civil Engineer, as meeting the minimum requirements of the projected traffic on the road.
4. **Super-elevation.** Super-elevation shall not exceed .08 ft. per foot.
5. **Surface types.** For each functional road class, the surface types specified in Table 4740.K, Minimum Planning and Design Standards, shall be the minimum requirements. Pavement structure shall be designed by a registered Wyoming Civil Engineer based upon expected traffic loads and existing soil conditions.

TABLE 4740.N
MAXIMUM GRADES (%)

Type of Terrain	Design Speed (MPH)							
	15	20	25	30	35	40	50	60
Flat ¹	7	7	7	7	7	7	6	5
Rolling ²	10	10	9	9	8	8	7	-
Mountainous ³	10	10	9	9	8	8	-	-

¹Flat terrain refers to those lands within 10 year flood plains, and with slopes of less than 10%.

²Rolling terrain refers to those lands with slopes from 10 to 15%.

³Mountainous terrain refers to those lands on steep or naturally unstable hillsides, and lands with slopes in excess of 15%.

For Major and Minor Local Roads, grades may be increased to 150 percent of the values shown above for a distance not to exceed 500 feet.

6. **Traffic control devices.** Signs, pavement and other markings, and traffic signal controls shall be required in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways" (FHWA).
7. **Structures.** Bridges, culverts, walls, tunnels, and other structures shall be designed and certified by a registered Wyoming Civil Engineer as meeting the minimum requirements for the intended use, traffic load, and soil conditions. The burden of proof of the adequacy of such standards shall rest with the applicant for any development or subdivision permit.
 - a. **Local minor bridges.** Roads of Local Minor Category (ADT of 20-200) or less require bridges designed to HS-20 criteria.
 - b. **Single lane bridges.** Single lane bridges may be constructed on roads having a total projected ADT \leq 250 for all development, including adjacent undeveloped land, that may reasonably be expected to be accessed by the bridge; and as long as the design is safe, considering such factors as sight distance and approach gradient and as long as a

clear 14 foot travel way is provided as required by the Jackson/Teton County Fire Department.

8. **Drainage.** Culverts or bridges of adequate strength shall be installed whenever natural drainages are crossed or no less often than 750 feet to transfer water to the downhill side of a road section. They shall be sized to pass the floodwaters of a storm having a two-year frequency. The minimum culvert size is 18 inches. Crossings of natural drainages shall be designed and constructed to provide for the natural passage of fish when deemed appropriate by the Planning Director.

- a. **Maintain irrigation flow.** All stream and/or ditch crossings must be designed and constructed so as to not restrict irrigation flow to any degree.
- b. **Conformance with LDRs.** All drainage, erosion control and grading items shall be conducted in accordance with these Land Development Regulations.

9. **Access approaches.** Approaches to County roads shall have a roadbed width of not less than 20 feet and a minimum radius at the shoulders of 15 feet. They shall have the same type of pavement as the County road being accessed from the right-of-way line to the shoulder of the County road. Appropriate culvert pipe shall be placed under the approach as directed by the County Road Supervisor. In all other respects approaches shall conform with the applicable standards of the current version of the Wyoming Transportation Department's "Rules and Regulations for Access Driveways to Wyoming State Highways".

10. **Street name signs.** Street name signs shall be installed at all intersections within, and entrances into, any development. Name signs at these locations shall be placed at least 7 feet above the ground, with the street names parallel to their respective streets. The letters shall be clearly readable and at least 4 inches in height for street names, and 2 inches in height for compass and street abbreviations. Street signs for each street shall be readable from both sides.

11. **Road location within easement.** Roadways shall be designed so that the road is constructed at least 8 feet from the edge of the easement.

O. **Plans and specifications.** In addition to any County requirements for materials to accompany applications for development permits, subdivision permits or similar County approvals, plans and specifications for pathways or for roads other than private drives, prepared by a registered Wyoming Civil Engineer, shall be submitted to the Planning Director for review prior to construction. The technical specifications shall be those specified in this Division. If no applicable standards are established by this Division, the plans and specifications shall be designed and certified by a registered Wyoming Civil Engineer as meeting the minimum requirement of the intended use. The burden of proof of the adequacy of such standards shall rest with the applicant and final determination shall be by the Board of County Commissioners.

1. **Plan requirements.** Plans shall include typical cross-sections, plan and profile sheets, cross-section sheets indicating sections appropriately spaced in consideration of the gradient of the roadway, pavement design, calculations, and drainage plans.

P. **Inspections.** For subdivisions or other developments, the following inspections shall be required by County officials during construction:

1. **Plan inspection.** A field review of the proposed roadway or bikeway when completed plans are available, prior to construction (review of development permit for construction).
2. **Staking inspection.** A field review of slope staking, at least every 200 feet, prior to clearing and/or grading.

3. **Grading and drainage inspection.** A field review of grading operation and drainage installation prior to placement of any sub-base material. Check measurements shall be made of cross-section dimensions and drainage structures and soil compaction may be checked.
4. **Pavement inspection.** A field review of pavement placement. Shall include check measurements of depths and widths.
5. **Final construction inspection.** A field review when all items are completed.

Q. **Maintenance.** Most state and federal highways are maintained by the Wyoming Transportation Department. Other roads within National Parks and Forests are maintained by the appropriate federal agency in accord with their adopted standards and practice. Roads accepted as County roads may be maintained by the County. Otherwise, maintenance of subdivision or other roads shall be the responsibility of private individuals, homeowners' associations, improvement districts or similar entities.

SECTION 4750. EASEMENTS AND RIGHT-OF-WAY DEDICATION

A. **Road and pathway rights-of-way.** In any subdivision or other development project requiring a Teton County Development Permit, required rights-of-way for any arterial, major collector, or Pathway shown on the Transportation Master Plan Map and supporting documents, insofar as they may lie on or adjacent to the site of the proposed subdivision or development shall be dedicated to Teton County or to the State of Wyoming, as appropriate, for use as County or State roads, highways or pathways, based on the amount of demand created by the proposed development. Easement requirements beyond that demand must be acquired by the appropriate agency. Width of the required rights-of-way shall be as described in Table 4740.K, Minimum Planning and Design Standards, and on the Transportation Master Plan Map and other supporting documents. This requirement shall include dedication of any required additional rights-of-way for existing State or County roads lying within or adjacent to the site.

1. **Required dedication.** Where the site of a subdivision or other development abuts or contains an existing or proposed arterial indicated on the Transportation Master Plan Map, the Board of County Commissioners may require dedication of additional right-of-way, to provide for access streets, bus stop or shelter locations, planting screens, walls, berms or other elements which may be necessary for adequate protection of residential properties or to afford separation of local and through traffic. The extent of participation in the easement by the developer or landowner will be determined by the demands created by proposed development.
2. **Form of dedication.** Dedication of rights-of-way for County roads or pathways shall be in fee simple by a separate general warranty deed or quitclaim deed (when approved by the Board), by dedication on a recorded subdivision plat, or by a recorded easement, as required by the Board of County Commissioners.
3. **Dedication for State highways.** Dedication of rights-of-way for State highways shall be in a form determined by the Wyoming Transportation Department. In lieu of dedication to the State of Wyoming for such highways, the Board of County Commissioners may approve the dedication of such required rights-of-way to Teton County, in conformance with the requirements above for dedication of County roads, for future transfer to the State of Wyoming as required.
4. **Timing of dedication.** Dedication of any required rights-of-way shall be completed prior to final plat signature for any subdivision, or to issuance of the development permit for any other project. However, for any development permit for the master plan of a planned unit

development for which subdivision plats have not yet been approved or where the Board of County Commissioners determines that immediate dedication of right-of-way is not required or would disrupt continuation of agricultural activities, the required right-of-way may be set aside in a formal reservation for future dedication, including an accurate survey description of the required lands, to be recorded with the Clerk of Teton County. Where such a reservation has been recorded, it shall be binding on all future owners of the underlying property and shall so state. Such reserved right-of-way shall be dedicated to the County or State as described above upon application for final plat signature for any subdivision including or adjacent to the right-of-way, upon the approval of any development permit for construction activity on the site (other than such activity undertaken for agricultural or flood control purposes), upon its change of use from agricultural to any other use, or upon a finding by the Board of County Commissioners that the reserved right-of-way is required by the County or State for road or bikeway construction purposes.

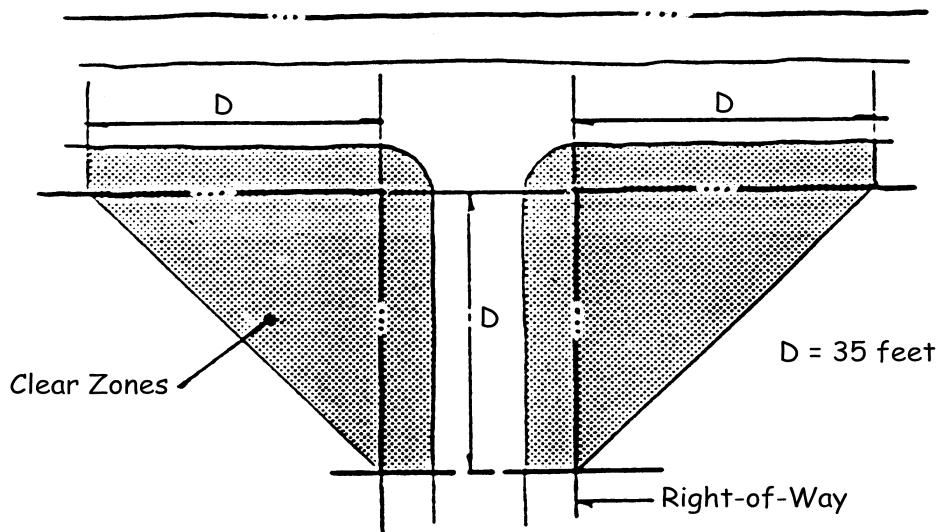
B. Nonroad transportation easements. Easements provided in any subdivision or other development shall be in accordance with the following:

1. **Emergency access easements.** Emergency access easements shall be provided on all private streets or roads and other emergency vehicle lanes. Adequacy of such areas shall be determined by the County Sheriff and the Jackson/Teton County Fire Department.
2. **Cut and fill easements.** Cut and fill easements shall be provided when street or road cuts and fills are not within a street or road right-of-way.
3. **Sidewalk or walkway easements.** Sidewalk or walkway easements may be required to be provided when pedestrian facilities are not within a dedicated street right-of-way. Minimum easement width shall be six (6) feet, though wider easements are encouraged to allow for landscaping, walkway curvature and an enhanced visual experience for pedestrians.
4. **Pathway easements.** Pathway easements shall be provided when such facilities, when required, are not proposed to be located within a dedicated road right-of-way. Minimum easement width shall be twelve (12) feet, though wider easements are encouraged in order to enhance the recreational experience of the user and facilitate maintenance. The amount of participation by the developer or landowner in the easement will be determined by the demand created by the proposed development.
5. **Cattle drive easements.** Where movement of cattle is necessary, particularly from summer range on National Forest and National Park property to private holdings in Teton County, and motor vehicle traffic levels are such that cattle movement cannot be done safely on road rights-of-way or will seriously disrupt motor vehicle traffic, cattle path easements should be provided. Except where the Board of Commissioners has determined that such an easement should be obtained or maintained by the County, such easements will be to private individuals or corporations and be maintained by them. Width should be as determined by the fee simple landowner and the holder of the easement.
6. **Other easements.** Other easements shall be provided as required by the Board to the extent that the proposed development creates a demand for such easements.

C. Easement location. Easements shall be properly located or monumented in accordance with applicable Wyoming Statutes.

D. Construction responsibility. Except as required otherwise by this Division, all improvements located in, on, over or under an easement shall be constructed by the appropriate agency. The underlying fee simple property owner shall not interrupt or in any way interfere with the lawful construction of improvements within the easement.

FIGURE 4760
CLEAR VIEW OF INTERSECTING STREETS



E. **Maintenance responsibility.** Other than County, State or Federal road easements, all easements shall be maintained by the underlying fee simple property owner and all improvements located in, on, over or under easements shall be maintained by the applicable or designated agency.

1. **No interference.** Other improvements provided by the fee simple property owner shall not interrupt or in any way interfere with the designated and continued use and maintenance of the easements and improvements located thereon.
2. **County maintenance.** Except for designated County roads, Teton County shall not be responsible for maintenance of easements and/or improvements thereon, unless otherwise approved by the Board of County Commissioners.

SECTION 4760. CLEAR VIEW OF INTERSECTING STREETS

No signs or other obstructions shall be permitted to be located in road rights-of-way and in the clear zones as indicated in Figure 4760, Clear View of Intersecting Streets, except essential traffic control signs required in Section 4740.N.6, Traffic control devices.

DIVISION 4800. UTILITY STANDARDS

The design, layout and construction of utilities shall conform with the standards of this Division. The standards for design, construction, specifications, and inspection of improvements, as prescribed in this Division, shall be in addition to the standards established by other County Departments.

SECTION 4810. POTABLE WATER SUPPLY

A. **Public water supply reasonably accessible.** Where an approved public water supply is reasonably accessible or procurable, the applicant shall make application to the appropriate authority to

connect to such water supply. If approval is granted, the applicant shall connect to the system and install water lines to make the water supply available to each lot within the development at its property line.

B. **Water supply not accessible.** Where an approved public water supply is not reasonably accessible or procurable, the applicant shall, at the discretion of the Board of County Commissioners, either:

1. **Install central water supply system.** Install a central water supply system and water lines to the lot line of each lot from wells or other approved sources in accord with the State Department of Environmental Quality, and with the approval of the County and the State Engineer, or
2. **Evidence water supply available to each lot.** Submit evidence satisfactory to the County Engineer that an adequate water supply meeting all State and County requirements is otherwise available to each lot in the proposed development, such as by an individual well.

C. **Fire fighting water supply or fire hydrants.** The developer shall provide a fire fighting water supply or fire hydrants within the development. Such hydrants shall be of the type, size, and number and installed in such locations specified by the County Fire Protection Resolution.

SECTION 4820. SANITARY SEWER SYSTEMS

A. **Public sanitary sewer system available.** Where a public sanitary sewer system is located within five hundred (500) feet, and legal access is obtainable, the applicant shall connect to such sanitary sewer system and provide adequate connection lines to the property line of each lot.

B. **Public sanitary sewer not reasonably available.** Where a public sanitary sewer is not located within five hundred (500) feet, the applicant shall install sewage disposal facilities, or lot owners shall install individual septic tanks and sewage disposal systems for each lot which shall be approved by the County Sanitarian. The subdivider shall furnish to the satisfaction of the County Sanitarian or State Department of Environmental Quality a report of percolation, groundwater and soils tests; these tests shall be performed in sufficient numbers and completed on the land by a licensed engineer or land surveyor indicating that a sufficient number of soils tests with results have been made in separate test holes spaced uniformly over proposed absorption field sites, and that the results of such tests indicate that percolation rates and high groundwater levels are adequate to permit the installation of the proposed type of soil absorption system without creating sanitation or pollution problems. The use of individual sewage disposal systems shall be subject to review, inspection of construction and approval of construction by the County Sanitarian.

SECTION 4830. IRRIGATION SYSTEMS AND DESIGN

A. **Surface water rights.** If there are surface water rights appurtenant to the lands to be subdivided, the developer shall provide evidence that the requirements of Section 18-5-306(a)(12), Wyoming Statutes, 1977, as amended will be complied with.

B. **Irrigation water.** If irrigation water is to be made available in a development, it shall be the responsibility of the developer to install an approved delivery system. Such a system shall meet minimum delivery requirements for the development and shall encompass the control of wastewater, drainage water and surface water resulting from irrigation, and protect and deliver the water rights of others using the same water source. The irrigation delivery system shall be approved by the State Engineer. The irrigation system/ditches also shall be approved by the County Sanitarian as to how it affects the operation of individual sewage disposal systems on lots in the immediate and adjacent areas of the development.

C. **Restriction of methods.** The County may restrict the methods of irrigation to be employed in order to prevent an artificial and detrimental rise of the groundwater table under the subdivided land or adjacent lands.

D. **Setbacks.**

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

E. **Irrigation ditch alteration.** The following standards apply for any alteration of an irrigation ditch. This includes moving the irrigation ditch, enclosing the irrigation ditch, or causing any other change in the characteristics of the irrigation ditch.

1. **Permission of other water rights owners.** Written permission shall be obtained from the entity organized by the water rights owners to maintain the ditch or from all of the water rights owners on the ditch.
2. **Restriction of methods.** The County may restrict the methods of irrigation to be employed in order to prevent an artificial and detrimental rise of the groundwater table under the subdivided land or adjacent lands.
3. **Setback from edge of open ditches.** A fifteen (15) foot setback shall be maintained from the edge of all open ditches.

SECTION 4840. OTHER UTILITIES

A. **Buried utilities required.** All utilities shall be installed underground.

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

DIVISION 4900. STORMWATER MANAGEMENT STANDARDS**SECTION 4910. GENERAL PROVISIONS**

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

- A. **Limitation of the amount of stormwater runoff.** No development or subdivision shall cause adjacent landowners, water courses, channels, or conduits to receive stormwater runoff from the proposed development site at a higher peak flow rate or at higher velocities than would have resulted from the same storm event occurring over the site of the proposed subdivision and/or development with the land in its previous condition. The range of storms considered shall be the one (1) year through one hundred (100) year event.
- B. **Limitation of the velocity of stormwater runoff.** Stormwater runoff shall be managed so that the velocity of flow does not cause scour or erosion. (Reference the most recent edition of the U.S. Soil Conservation Service Handbook, "Water Management and Sediment Control for Urbanizing Areas.")
- C. **Stormwater detention basins required.** Detention basins or equivalent management facilities shall be provided within the development in order to properly limit surface runoff as set forth under this Section.
- D. **Timing of stormwater management facility construction.** Where the development of a site could result in danger to persons, land, or wildlife due to runoff during construction, the facilities for stormwater runoff control shall be constructed prior to any earth moving or drainage construction on the site.
- E. **Compliance required for approvals.** No application for a Zoning Compliance Verification shall be approved until such time as the applicant shall have submitted detailed plans and specifications for the construction of stormwater management facilities on the land to be developed.
- F. **Location within subdivision.** All stormwater management facilities shall be constructed within the confines of the proposed development, except in the case of approved regional stormwater detention facilities.
- G. **Stormwater management plan required.** All applicants for development shall submit to the Planning Director a stormwater management plan prepared by an engineer or landscape architect licensed in the State of Wyoming and prepared to the level of detail considered necessary by the County Engineer. Applicants whose development proposals do not affect the grade or ground cover of the land, such as second story additions or development on existing impervious surfaces, are exempt from this requirement. Applicants with development proposals that do affect the grade or ground cover of the land, but appear not to significantly affect the rate of stormwater runoff to adjacent properties, may submit a letter, in lieu of a stormwater management plan, demonstrating that the standards of this Division 4900, Stormwater Management Standards, are met. The Planning Director may require the letter to be certified by an engineer or landscape architect licensed in the State of Wyoming if there is reason to believe that professional calculations are necessary to demonstrate compliance with the regulations. All applicants shall submit the information determined necessary by the County Engineer to confirm the standards of this Division are met by the development proposal. (Amended 12/6/94)

SECTION 4920. DESIGN REQUIREMENTS FOR STORMWATER MANAGEMENT FACILITIES

- A. **Storage capacity.** All stormwater storage facilities shall be designed with sufficient capacity to maintain a post-development runoff rate from a development site that is equal to or lower than the predevelopment runoff rate. The stormwater storage facilities shall be designed for the range of storms from the one (1) year through one hundred (100) year storm events.
- B. **Design regulations.** All stormwater management facilities and improvements required by this Section shall comply with the following standards:
 1. **Method of calculation.** The “rational method” shall be used to calculate peak flow rates. The “modified-rational method” shall be used to calculate volumetric requirements for drainage areas of ten (10) acres or less. The “Soil Conservation Service” method shall be used to calculate volumetric requirements when the drainage area is more than ten (10) acres. Intensity, duration, frequency data included in Table 4920 A and B, Jackson IDF Curve Data shall be used. Calculations for sites known to have greater precipitation shall increase these figures by an appropriate amount. Data twenty (20) percent greater shall be used for the Teton Village area.
 2. **Outlet control structures.** Outlet control structures shall be designed as simply as possible and shall operate automatically. They shall be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed the runoff of the site in its pervious condition.
 3. **Spillway.** Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity.
 4. **Dry bottom basin.** For basins designed without permanent pools:
 - a. **Interior drainage.** Provisions must be made to facilitate interior drainage to include providing natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains.
 - b. **Multi-purpose features.** Dry bottom basins may be designed to serve secondary purposes for recreation, open space, or other types of use which will not be adversely affected by occasional or intermittent flooding.
 5. **Wet basins.** Wet basins shall not be considered for river, stream, or lake bank buffer protection. Wet basins require a Reservoir Permit from the State Engineer’s Office. For basins designed with permanent pools:
 - a. **Depth for fish.** If fish are anticipated at least one-quarter (0.25) of the area of the permanent pool must have a minimum depth of ten (10) feet.

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

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

- b. **Facilities for emptying.** For emergency purposes, cleaning, or shoreline maintenance facilities shall be provided, or plans prepared, for the use of auxiliary equipment to permit emptying and drainage.
- c. **Safety considerations.** Public access to wet basins shall be restricted by appropriately designed and constructed perimeter fences or other approved safety provisions. If access is not restricted, the wet basin shall be constructed within approach slopes of at least six to one (6:1) horizontal to vertical, but not more than four to one (4:1) sloping toward the basin. A ledge shall be of non-erosive material with a slope of ten to one (10:1) or flatter. The ledge shall be four (4) to six (6) feet wide and slope gently toward the shore to prevent people or objects from sliding into deep water. There shall be a freeboard of no less than twelve (12) inches above the high-water elevation on all retention basins. Alternate designs for side slopes may be considered under special circumstances where good engineering practice is demonstrated. Figure 4920, Slope Requirement for Wet Stormwater Basins, presents this concept.

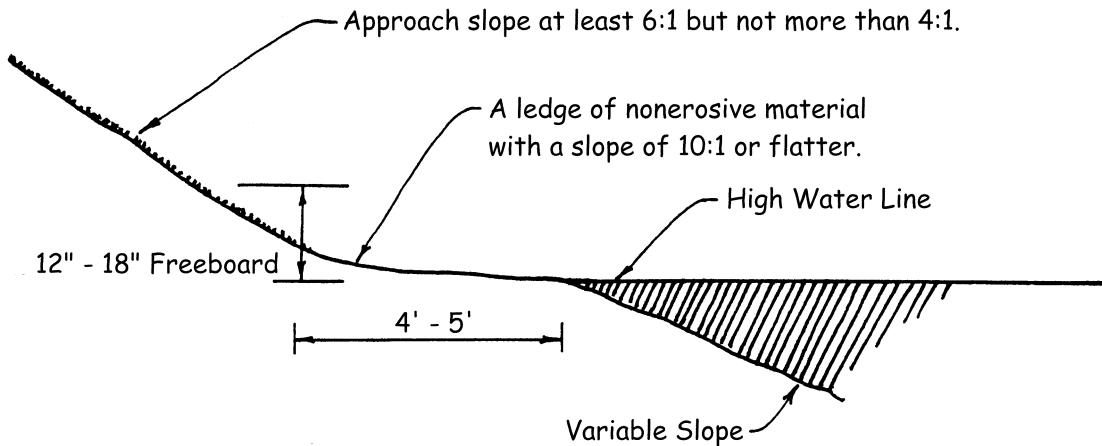
6. **Cleaning of basins.** Basins shall be designed to allow periodic cleaning and removal of sediments. Sediment traps shall be designed to permit periodic cleaning and maintenance.

7. **Parking lot storage.** Paved parking lots may be designed to provide temporary detention storage of stormwater on a portion of their surfaces. Depths of storage shall not exceed six (6) inches.

TABLE 4920.B JACKSON IDF* CURVE DATA - 100 YEAR STORM EVENT	
Recurrence Frequency = 1 percent	
Duration minutes	Intensity inches/hour
5	3.00
10	2.33
15	1.90
20	1.65
30	1.30
40	1.08
50	0.95
60	0.82
70	0.74
80	0.65
90	0.61
100	0.56
110	0.52
120	0.48

*IDF stands for Intensity-Duration-Frequency

Figure 4920
SLOPE REQUIREMENTS FOR WET STORMWATER BASINS



8. **Pollution abatement.** Where a development will cause the introduction of new pollutants into the runoff water, adequate provision shall be made for the storage, treatment, and removal of such pollutants.

C. **Inspection of facilities.** The developer's engineer or landscape architect shall be required to inspect all drainage facilities under construction and certify their compliance with approved plans. In addition, a registered engineer, or registered landscape architect, or their designated representative, employed by the County staff may inspect all drainage facilities while under construction and after completion of construction to ensure that stormwater control facilities are being properly maintained and provided that such inspections shall be conducted during normal weekday working hours. In addition, the County may install hydrological measuring devices in drainage facilities within any development. When facilities are not constructed according to approved plans, the County has the explicit authority to compel compliance and require correction of any situation which is not according to the approved plans.

DIVISION 49100. GRADING AND EROSION CONTROL (AMD 03-0004)

SECTION 49110. PURPOSE AND APPLICABILITY

A. **Purpose.** It has been determined that runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State of Wyoming and the County. Therefore, it is the purpose of this Section to preserve natural resources; to protect the quality of the waters of the State of Wyoming and the County; and to protect and promote the health, safety, and welfare of the people to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, and wetlands. In addition, this Division is also intended to protect the health, safety and welfare of the citizens of the County from geologic hazards which may result through improper grading practices.

B. **Applicability.** This Division shall apply to all land disturbing activity and all excavations unless explicitly excluded by this Section, including, but not limited to, grading, topsoil removal, filling, road or drive cutting, altering or enlargement of a stream or channel, removal of streambed materials, channel clearing, ditching, drain tile laying, dredging, lagoon construction, soil and water conservation structures, and the extraction of rock, sand or gravel. Grading and erosion control plans and statements shall be reviewed and approved or denied by the County Engineer.

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

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

SECTION 49120. SUBMITTAL REQUIREMENTS FOR GRADING AND EROSION CONTROL PERMITS

A permit is required for all land disturbing activities unless explicitly exempted in Section 49110, Purpose and Applicability. An application for a grading and erosion control plan or grading and erosion control statement, whichever is applicable, as indicated in this Division, shall be submitted to the County Engineer along with an application fee. Table 49120 presents a summary of the submittal requirements for land disturbances of various sizes on different slopes for sites with less than 41% impervious surface proposed on the lot. Any activity which proposes 41% or greater coverage by impervious surface requires a grading and erosion control plan.

Table 49120

Submittal Requirements for obtaining Grading and Erosion Control Permits for land disturbances of varying slopes and for sites where less than 41% impervious surface is proposed on the lot.

Required Submittal ¹			
Slope of area	Exempt	Statement	Plan
5% or less	less than 12,000 sq. ft.	12,000 sq. ft. or greater and less than 1 acre	one (1) acre or greater
from greater than 5% to 15%	less than 1000 sq. ft.	1000 sq. ft. or greater and less than 1 acre	One (1) acre or greater
greater than 15%		3000 sq. ft. or less	greater than 3000 sq. ft.

¹Notwithstanding, if the amount of area of land disturbance of all three slope categories totals 12,000 square feet or more a statement is required. If the area totals at least one (1) acre, a plan is required.

SECTION 49130. CONTENT OF THE GRADING AND EROSION CONTROL STATEMENTS

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

SECTION 49140. CONTENT OF THE GRADING AND EROSION CONTROL PLAN

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

- A. **Existing Site Map.** A map, or maps, of existing site conditions drawn at a scale of at least one (1) inch equals one hundred (100) feet (1"=100') that includes:
 - 1. **Site boundaries and contiguous lands.** Site boundaries and immediately contiguous lands which accurately identify site location;
 - 2. **Watercourses.** Lakes, streams, wetlands, channels, ditches, and other water courses on and immediately adjacent to the site;

3. **Floodplains.** One hundred (100)-year floodplains, flood fringes, and floodways, on and immediately adjacent to the site;
4. **Landslide or bedrock slump.** Location of any landslide or bedrock slump, active talus formation or rockfall slope, or avalanche path located within five hundred (500) feet of the proposed land disturbing activity;
5. **Predominant soil types.** Location and identification of the predominant soil types of the site;
6. **Vegetation cover.** Location and identification of the vegetative cover of the site;
7. **Stormwater drainage/natural drainage patterns.** Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
8. **Utilities and other structures.** Locations and dimensions of utilities, structures, roads, highways, and paving immediately adjacent to the site; and
9. **Site topographic map.** A site topographic map of the existing site conditions at a contour interval not to exceed two (2) feet for slopes up to twenty (20) percent, and at a contour interval of five (5) foot contours for slopes twenty (20) percent or greater.

B. **Plan of final site conditions.** A plan of the final site conditions showing the site changes at the same scale as the existing site map.

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

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

developing activity, or phase, including the installation of site erosion control measures, grading, and revegetation needed to meet the requirements of this Division. In addition, grading shall be done in increments of workable size which can be completed during a single construction season.

8. **Maintenance of site erosion control measures.** Provisions for the maintenance of the site erosion control measures during construction.
- D. **Plans to be prepared by registered professional.** All grading and erosion control plans shall be prepared by a professional engineer or landscape architect registered in the State of Wyoming.
- E. **Geotechnical report.** A geotechnical report shall be submitted for construction sites with existing slopes greater than twenty-five (25) percent or when considered necessary by the county engineer in consideration of soil type and stability and the proposed structure; the report may be waived by the County Engineer, when applicable. The report shall be prepared by a professional geotechnical engineer registered in the State of Wyoming.

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

- A. **General.** The County Engineer shall review the application and grading and erosion control plan or statement to determine if the application and the plan or statement complies with the standards of this Division.
 1. **Review process/approval.** If all standards are met, including the written sign-off by the the Planning Director per section 49160.A.1, the County Engineer shall approve the grading and erosion control plan or statement, inform the applicant, and issue a permit.
 2. **Review process/inadequate information or disapproval.** If the standards are not met, the County Engineer shall inform the applicant in writing that either additional information is required or that the grading and erosion control plan or statement has been disapproved. Upon receipt of the required information, the County Engineer shall again determine if the plan meets the standards of this Section. If the grading and erosion control plan is disapproved, the County Engineer shall inform the applicant in writing of the reasons for disapproval.
 3. **Consolidation of review.** The grading and erosion control plan or statement shall be consolidated and reviewed concurrently with any other applications for development of subject property.
 4. **Independent submittal.** If the grading and erosion control plan is submitted independent of any other development plan, the application shall be reviewed within thirty (30) working days of receipt of the application.

SECTION 49160. STANDARDS FOR GRADING AND EROSION CONTROL

- A. **General Standards.** The following general standards shall be met before a site grading and erosion control plan or statement is approved and a permit is issued by the County Engineer.
 1. **Verify coordination with other permits.** The review and approval of grading permits shall be coordinated with other active or future development permits. This coordination shall be verified by written sign-off by the Planning Director.
 2. **Avoid risk of landslides.** The grading shall avoid the risk of landslides or other forms of slope failure, rockfalls, and avalanches.

3. **Not significantly increase rate of stormwater or snowmelt runoff.** The grading shall not significantly change the rate of stormwater or snowmelt runoff, and shall avoid or minimize the erosion of natural or constructed slopes and sediment accumulation in natural drainage channels or water courses.
4. **Not significantly alter drainage patterns.** The grading shall not significantly alter natural drainage patterns.
5. **Conforms with general natural forms.** The grading preserves and conforms with the general natural form and contours of the land surface.
6. **Preserves natural or established vegetation.** The grading is designed to preserve natural or established vegetation as much as is practically possible.
7. **Provides for revegetation.** The affected site area shall be revegetated as is necessary for the stabilization of disturbed surfaces with the exception of areas covered by impervious surfaces and/or structures.
8. **Allows most rapid possible recovery of disturbed lands.** The grading shall allow for the most rapid possible recovery of disturbed lands to natural or introduced vegetation.
9. **Stabilizes slope.** The revegetation planned shall stabilize the slope and shall be compatible with native vegetation.
10. **Minimizes cut and fill.** The plan shall minimize cut and fill on a site. An application for a grading and erosion control permit shall be denied if it is determined that its issuance would result in excessive cutting and filling and that the intended structure or use would be feasible with less alteration of the natural terrain.
11. **Slopes in excess of twenty-five (25) percent.** No development shall be permitted on slopes in excess of twenty-five (25) percent, except to provide essential access for vehicles and/or utilities when no other alternative access exists, and except in the NC District where subsection A.12, NC District, shall apply. Alterations of man-made slopes, where the slopes do not exceed fifty (50) percent, are permitted provided that the underlying natural slopes did not exceed 25%. Disturbances or alterations to approved projects must be consistent with that prior approval. (AMD 05-0010)
12. **NC District.** In the NC District, no development shall be permitted on slopes in excess of thirty (30) percent, except to provide essential access for vehicles and/or utilities when no other alternative access exists. Alterations of man-made slopes, where the slopes do not exceed fifty (50) percent, are permitted provided that the underlying natural slopes did not exceed 30%. Disturbances or alterations to approved projects must be consistent with that prior approval. (AMD 05-0010)
13. **Discovery of historic or prehistoric ruins and monuments.** Whenever during excavation there are uncovered, or become apparent, any historic or prehistoric ruins or monuments not previously accounted for in the issuance of a permit, all work in the immediate area shall cease until the Wyoming State Archaeologist determines what precautions should be taken to preserve the historic or prehistoric artifacts.
14. **Maintenance and repair measures.** All graded surfaces, sedimentation basins, and other control measures necessary to meet the requirements of this Section shall be maintained by the applicant, landowner, or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate protection from erosion and to prevent nuisance conditions. Should any dredging or soil removal occur for the construction of temporary sedimentation basins or other control measures, such areas

shall be restored when the temporary sedimentation basin or other control measures are removed.

15. **Drainageways.** The following standards shall apply to all drainageways.
 - a. **Preserve and use natural surface drainage system, when possible.** Retention of surface drainage in drainageways is encouraged. Natural drainageways shall be preserved and used, wherever feasible, for a natural surface drainage system.
 - b. **Design to slow time of surface water concentration.** The drainage shall be designed to slow the time of surface water concentration on the site and retain maximum infiltration into the ground.
 - c. **If possible, design as grassed swales, wetlands, or mesic grasslands.** Where flows permit, the channels shall be designed as grassed swales, wetlands, or mesic grasslands encouraging sheet flow.
 - d. **Natural edges using plant materials.** All wet basin retention ponds shall be designed to have natural edges using approved plant materials from the lists provided in the office of the Planning Director.
 - e. **Restore disturbed area to natural state.** Any disturbed areas shall be restored to a natural state including revegetation. The proposed restoration plan, which shall include a schedule, shall be designed by a landscape architect registered in the State of Wyoming and shall be reviewed and approved by the County.
 - f. **Contact County Road and Levee Agent and County Engineer.** Prior to construction, improvement or alteration of drainageways, the County Road and Levee agent and County Engineer must be contacted and appraised in writing of the intended activity.
16. **Unstable soils.** No development shall be permitted on unstable soil except under the following conditions:
 - a. **Potential for movement only in shallow surface area that can be controlled.** When the potential for soil movement is only in a shallow surface area and risk to the development can be prevented with appropriate anchoring to a solid substrate; or
 - b. **Instability limited.** The instability is limited to localized slippage at cuts or foundations and appropriate revegetation, drainage, and structural devices can prevent increased instability; and
 - c. **Not in an avalanche chute.** The proposed developed area is not in an avalanche chute.

B. **Grading standards.** All grading activities required to comply with this Division shall meet the following technical standards.

1. **Removal of organic materials.** Fill areas shall be properly prepared by removing organic materials, such as vegetation and rubbish, and any other material which is detrimental to the proper compaction of the site or not otherwise conducive to the stability of the site.
2. **Site vegetation removal and revegetation.** The removal of existing vegetation shall not occur more than thirty (30) calendar days prior to the commencement of grading, and permanent revegetation shall be commenced as soon as practical after the completion of grading. Site specific indigenous seed mixtures shall be used to revegetate all disturbed areas with the exception of lawn and landscaped areas. Mulching shall be used in order to assure vegetation growth.

3. **Topsoil, stripping, stockpiling, and redistribution.** The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.
4. **Retaining walls and facings.** All retaining walls or facings with a total vertical projection in excess of four (4) feet shall be designed as structural members keyed into stable foundations capable of sustaining the design loads, and shall be designed by a professional engineer registered in the State of Wyoming.
5. **Compaction on structural load bearing areas of the site.** Fills on structural load bearing areas or roadways shall be compacted to at least ninety-five (95) percent of maximum density, as determined by the American Association of State Highway and Transportation Officials (AASHTO T99, most recent edition) and/or the American Society of Testing Materials (ASTM D698, most recent edition), or to the compaction level deemed necessary by a Wyoming registered professional engineer, considering the types of soil, groundwater infiltration and percolation, degree of slope, exposure, and other factors pertaining to slope stability.
6. **Interceptor ditches.** Interceptor ditches shall be provided above all cut slopes greater than five (5) feet, with a drainage area of 13,000 square feet, unless deemed unnecessary by the county engineer taking into account vegetation, soil type, total drainage area, topography and potential rain and snow fall. Interceptor ditches may also be required when the drainage area is less than 13,000 square feet at the discretion of the county engineer in consideration of the factors listed above. The intercepted water shall be conveyed to a stable channel or natural drainageway with adequate capacity to carry the flow.
7. **Maximum grade of cut and fill slopes.** Cut and fill slopes shall be no steeper than fifty (50) percent unless approved by the County Engineer.
8. **Fill slopes near roads.** On roads, fill slopes shall not be located where the base of the slope is within fifteen (15) feet horizontally of the top of an exterior or planned cut slope, except at road switchbacks.
9. **Cut and fill slope setbacks from property lines.** In the absence of a mutual grading easement between adjacent land owners the tops and toes of cut and fill slopes shall be set back from property lines a distance of five (5) feet plus one-half (0.5) of the vertical height of the cut or fill slope, but not more than a distance of twenty-five (25) feet. Where adjacent landowners agree to waive the grading setback requirement for all or a portion of their common boundary, an easement for the grading activity, maintenance activity and the final grading configuration shall be required for each parcel affected. A copy of the easement(s) shall be submitted for staff review as a part of the grading approval process. The easement(s) shall be recorded by the Teton County Clerk and recorded against the subject parcels. (AMD 04-0007)
10. **Borrowing for fill prohibited.** Except for existing quarries, borrowing for fill shall be prohibited unless the fill material is obtained from a cut authorized by the issuance of a grading and erosion control permit obtained for some purpose other than to produce fill material.
11. **Cut and fill slopes.** Cut and fill slopes shall be graded to a slope no steeper than two to one (2:1), or fifty (50) percent to allow permanent revegetation or landscaping unless a retaining wall is used or a steeper slope is approved by the County Engineer. The County Engineer may require the submission of a detailed engineering report and analysis prepared by a registered State of Wyoming professional engineer relative to the safety of such cuts and fills, if necessary considering soil type, soil stability, and any proposed structures.

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

1. **Site dewatering.** Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up-slope chambers, hydro-cyclones, swirl concentrators, filter fences, or other appropriate controls as determined by the County Engineer. Water may not be discharged in a manner that causes erosion of the site or receiving channels. All required State discharge permits for discharging to surface waters or groundwaters shall be obtained and applicable State requirements met prior to discharge.
2. **Waste and material disposal.** All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel, basin, or storm sewer system. No on-site burial of construction wastes or unused materials is allowed.
3. **Drain inlet protection.** All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier.
4. **Site erosion control.** The following criteria apply only to land development or land disturbing activities that result in runoff leaving the site:
 - a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described in this Section. Sheet flow runoff from adjacent areas greater than thirteen thousand (13,000) square feet in area shall also be diverted around disturbed areas unless shown to have non-scouring velocities. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
 - b. All activities on the site shall be conducted in logical sequence to minimize the area of bare soil exposed at any one (1) time.
 - c. Runoff from the entire disturbed area on the site shall be controlled by filter fences, straw bales, or equivalent control measures placed along all side slope and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

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

SECTION 49170. GRADING AND EROSION CONTROL PERMITS

- A. **Duration.** Permits shall be valid for a period of three hundred sixty (360) calendar days from the date of issuance, or for the length of the building permit or other construction authorizations, whichever is longer. The County Engineer may extend the period one (1) or more times for up to an additional one hundred eighty (180) days, for good cause shown. The County Engineer may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Division.
- B. **Performance bond.** As a condition of approval and issuance of the grading and erosion control permit, the County Engineer shall require the applicant to deposit a performance bond or irrevocable letter of credit to guarantee a good faith execution of the approved grading and erosion control plan and any permit conditions.
- C. **Permit conditions.** All permits shall require the permittee to:

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

SECTION 49180. INSPECTION

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

DIVISION 49200. RESERVED

DIVISION 49300. OTHER ENVIRONMENTAL PERFORMANCE STANDARDS

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

SECTION 49310. FAULT AREAS

- A. **Comply with Uniform Building Code for Seismic Zone 3.** All structures in Teton County shall comply with the Uniform Building Code for Seismic Zone 3. The County Engineer may require a

report from a geotechnical engineer registered in the State of Wyoming if the proposed development is within 200 feet of a fault line and the County Engineer considers that the proposed development creates a dangerous situation.

B. **Notification on Development Plan/Final Plat.** On lots where a fault line exists according to fault line maps for the area, a note shall be placed on all Development Plans and Final Plats stating that a Seismic Zone 3 fault line potentially subject to movement exists on the lot.

SECTION 49320. AIR CONTAMINANTS

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

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

1. **Emission rate of particulate matter and dust/general.** The total emission rate of particulate matter and dust from all sources within the boundaries of a site shall meet the requirements of the Wyoming Department of Environmental Quality, the provisions of Article 2 of the Wyoming Environmental Quality Act of 1973, Wyoming Statutes, Chapter 9.1, the requirements of the U.S. Environmental Protection Agency, applicable local government woodstove regulations, and the requirements of any other state or federal agency having jurisdiction. In case of conflict, the most restrictive requirements shall govern.
2. **Emission of particulate matter/include all sources on single site.** Emission of particulate matter from all sources shall be included in the maximum amount permitted for a single site, as prescribed by the requirements of the agencies cited in Section 49320.A.1, Emission rate of particulate matter and dust/general.
3. **Ameliorate possibility of particulate matter becoming windborne.** Emission of particulate matter from materials or products subject to becoming windborne shall be kept to a minimum by landscaping, paving, wetting, or other means as to render the surface wind resistant.
4. **Applicable to temporary construction operation.** Temporary construction operations shall be subject to the requirements of this Section.

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

1. **Ambient air quality standards.** The ambient air quality standards of the Wyoming Department of Environmental Quality, the U.S. Environmental Protection Agency, or any other state or federal agency having jurisdiction, shall limit the release of airborne toxic and noxious materials. In case of conflict, the most restrictive requirements shall govern.
2. **Toxic materials not included in ambient air quality standards.** When toxic materials are not included in the ambient air quality standards of any of the agencies listed in Section 49320.B.1, Ambient air quality standards, the release of such materials shall not exceed one-fortieth (1/40) of the threshold limit value across site boundary lines of those

toxic materials currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of all toxic and noxious matter shall be at ground level or habitable elevation, and shall be the average of a twenty-four (24) hour sampling period. The Planning Director may request that an applicant submit a statement from the Wyoming Department of Public Health that the proposed levels of toxic matter to be released will not result in any hazard to human life or health or to wildlife.

3. **Standards not applicable in case of equipment breakdown, or to home fireplaces, barbecues, other instances.** The provisions of Section 49320.B.1, Ambient air quality standards and Section 49320.B.2, Toxic materials not included in ambient air quality standards, shall not apply in the case of an equipment breakdown which makes compliance not reasonably possible, and shall not apply to home fireplaces, barbecues, and burning incidental to agricultural operations and legally licensed sanitary landfill operations.
- C. **Smoke emissions.** Smoke emission shall be measured by use of the Ringelmann Chart which is described in the U.S. Bureau of Mines Information Circular 7718 on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke. All uses shall conform with the following standards:
 1. **Maximum smoke emission.** Smoke emission shall not exceed Ringelmann No. 0 (clear) from any chimney, stack, vent, opening, or combustion process, provided that smoke or a shade not to exceed Ringelmann No. 1 shall be permitted for up to three minutes total in any one eight-hour period. In order to meet this requirement, all new potential point sources and any alterations or additions to uses or structures with existing point sources, shall be required to install appropriate control equipment meeting U.S. Environmental Protection Agency source regulations designed to eliminate smoke problems.
 2. **Point of measurement.** The density of smoke shall be measured at the point of emission, except that when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.
 3. **Exemptions.** The provisions of paragraphs 1 and 2 above shall not apply in the case of an equipment breakdown which makes compliance not reasonably possible, and shall not apply to home fireplaces, barbecues, and burning incidental to agricultural operations and sanitary landfill operations.
- D. **Odorous matter.** No activity or operation at any time shall cause the discharge of odorous matter in such concentrations as to be detectable at any point beyond the site boundary lines when diluted in the ratio of one (1) volume of odorous air to two (2) volumes of clean air. The odor threshold shall be measured either at the ground level or habitable elevation in accord with the American Society for Testing and Materials (ASTM d1391-57) "Standard Method for Measurement of Odor in Atmosphere (Dilution Method.)"

SECTION 49330. WATER QUALITY (Reserved)

SECTION 49340. HEAT AND HUMIDITY

- A. **Intense heat conducted within enclosed building.** Any activity producing intense heat shall be conducted within an enclosed building in such a manner as not to raise the temperature of the air beyond any site boundary line.

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

SECTION 49350. RESERVED

SECTION 49360. RESERVED

SECTION 49370. EXTERIOR LIGHTING AND GLARE

The purpose of this Section is to allow necessary and reasonable lighting of public and private property for the safety, security, and convenience of occupants and the general public, while eliminating or reducing the nuisance and hazards of excessive light and glare.

TABLE 49370.A.2 MAXIMUM LUMINAIRE ILLUMINATION AND HEIGHT (CUT-OFF LESS THAN 90°)		
Use and District	Max. Permitted Illumination (in footcandles)	Maximum Permitted Height
All residential uses in the S, AR, AC, UC and UR Districts	1.00	15 ft.
All residential in all other districts, and in NRO	0.50	15 ft.
All nonresidential in R, S, OP, and RB Districts, and NRO	1.00	18 ft.
All nonresidential in BP District	2.00	18 ft.
All nonresidential in all other districts	1.50	18 ft.

A. **Standards.** Exterior lighting shall meet the following standards:

1. **Total cut-off luminaires and fixtures.** Luminaires and other light fixtures shall have a total cut-off of light at an angle less than ninety (90) degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from direct view from a vantage point five (5) feet above the ground at the perimeter of the lighted area. The light, furthermore, shall be contained entirely on-site. The maximum permitted mounting height of the luminaire or fixture shall be as set forth in Table 49370.A.2., Maximum Luminaire Illumination and Height.
2. **Flag Poles.** Flagpole lighting is permitted for United States and State of Wyoming flags only, provided the flagpole is ground mounted and does not exceed the maximum height for a structure in the zoning district in which the flagpole is located, and the following standards are met: Lighted flagpole(s) shall only be permitted at essential government facilities, to be

defined as post offices, fire and police stations and local, state and federal government administrative offices. (AMD 04-0001)

- a. Ground mounted upward lighting shall be permitted with a limit of one fully shielded fixture, directly below the flag, casting a narrow cone of light which shall not exceed the circumference of the outstretched flag. The maximum lumens for a ground mounted fixture shall be 2,200 lumens. The fixture shall be shielded by landscaping so that the point source of light is not visible outside of a 15-foot radius, or;
- b. Flagpole mounted upward lighting shall be permitted with a limit of one fully shielded narrow beam fixture with a maximum of 1,100 lumens. A flagpole mounted fixture shall cast a narrow cone of light which does not exceed the circumference of the outstretched flag. A flagpole mounted fixture shall be mounted a minimum of ten feet from the base of the flagpole and shall be mounted so as the fixture is within three feet of the flagpole.

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

1. **Complies with requirements.** The proposed development meets all other requirements of these Land Development Regulations.
2. **Do not exceed maximum height.** Exterior light sources do not exceed a maximum post height of forty (40) feet, unless an alternative height is approved via issuance of a Conditional use permit pursuant to Section 5140, Conditional and Special Use.
3. **Luminaire shielded.** If the luminaire is shielded in either its orientation or by landscaping to prevent light and glare spill-over to adjacent residential property, then the luminaire may exceed a total cut-off angle of ninety (90) degrees. The maximum permitted illumination at the nearest interior setback line for a principal residential structure shall not exceed one and one half (1.50) footcandles.

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

1. **Flickering or flashing lights.** No flickering or flashing lights shall be permitted.
2. **Searchlights.** No searchlights, laser lights, or holograms are permitted.
3. **Strings of lights.** Strings or strands of lights used to highlight a sign, perimeter of a sign, or any portion of a building are not permitted, except for Christmas-type decorative lighting displayed between November 15 and January 10.

SECTION 49380. NOISE

Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accord with ANSI S1.2-1962 "American Standard Method for the Physical Measurement of Sound" (or most current standards). Measurements may be made at any point along a zoning district boundary or site boundary line. All uses shall conform with the following standards.

- A. **Exceptions.** Noises of vehicles, home appliances, and chain saws in private use, occasionally used safety signals, warning signals, emergency pressure relief valves, and temporary construction operations shall be exempt from the requirements of this Section.
- B. **Maximum noise standard.** Noises shall not exceed the maximum sound levels prescribed in Table 49380, Noise Level Restrictions, beyond the site boundary lines, except that when a nonresidential zoning district or activity abuts a residential zoning district, the residential zoning district standard shall govern.

TABLE 49380 NOISE LEVEL RESTRICTIONS	
Zoning District	Maximum Permitted Sound Level
R, S, AU, NC, MHP, OP, PL	55 DBA
All other Districts	65 DBA

- C. **Limited exception/limited interval of time/one day.** The levels prescribed in Section 49380.B, Maximum noise standards, may be exceeded by 10 DBA for a single period, not to exceed fifteen (15) minutes, in any one day.
- D. **Impact noises.** For the purposes of this Section, impact noises are those noises whose peak values are more than six (6) DBA higher than the values indicated on the sound level meter, and are of short duration, such as the noise of a forging hammer or punch press. For impact noises, the values prescribed in Section 49380.B, Maximum noise standard, increased by ten (10) DBA.

SECTION 49390. VIBRATION

For the purposes of this Section, vibration refers to ground transmitted oscillations. Earthborne vibrations are measured with a seismograph or accelerometer. With the portable seismograph, the earth vibrations are measured in three (3) mutually perpendicular directions (one) vertical and two (2) horizontal. The three (3) motions are added vertically, and the resultant maximum vibration given as a single number. Steady state vibrations are earthborne oscillations that are continuous, with discrete pulses that occur at or

more frequently than one hundred (100) times per minute. The frequency is the number of oscillations per second of vibration. Impact vibrations are earthborne oscillations occurring in discrete pulses at less than one hundred (100) pulses per minute. All uses shall conform with the following standards:

- A. **General.** Vibration shall be measured at the site boundary line. Except for temporary construction operations, agricultural activities, and blasting for avalanche control, no activity shall cause or create a displacement for the frequencies prescribed in Table 49390, Maximum Permitted Steady State Vibration Displacement.

TABLE 49390
MAXIMUM PERMITTED STEADY STATE VIBRATION DISPLACEMENT

Frequency (cycles per second)	Vibration Displacement (inches)
10 and below	.0008
10-20	.0005
20-30	.0003
30-40	.0002
40 and over	.0001

- B. **Impact vibrations.** For impact vibrations, the maximum permitted vibration displacement shall be twice that permitted for steady state vibrations.
- C. **Temporary construction operations.** For temporary construction operations occurring between the hours of 7:00 a.m. and 7:00 p.m., steady state vibrations and impact vibrations shall not exceed two (2) times that permitted for permanent operations.
- D. **Maximum vibration frequency.** In no instance, except for temporary construction operations, shall an activity be permitted which creates a vibration beyond the boundaries of the site of the activity sufficient to cause a displacement of three-hundredths (.003) of one (1) inch.

SECTION 493100. ELECTRICAL DISTURBANCES

No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that affect the operation of any equipment, such as radio and television interference, beyond the boundaries of the site.

SECTION 493200. FIRE AND EXPLOSIVE HAZARDS

- A. **Compliance with fire codes.** All manufacture, possession, storage, transportation and use of hazardous materials which include explosives and blasting agents, flammable and combustible liquids, liquified petroleum gas, and hazardous chemicals shall be required to comply with the fire codes adopted by the State of Wyoming and the County.

Structural storage facilities. Structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids and gases, or other toxic materials which could be hazardous to public health or safety, shall be located at elevations above maximum possible flood levels in one hundred (100) year flood areas and in the Flat Creek winter flood area.

SECTION 493300. RADIOACTIVITY

- A. **Maximum concentration of radioactivity.** Maximum permissible concentrations for radioactivity that can be released shall be subject to the regulations of the State of Wyoming, the U.S. Atomic Energy Commission, and any other federal agency having jurisdiction. In the case of conflict, the most restrictive requirements shall govern.
- B. **Storage of radioactive material.** Radioactive materials shall be stored in fireproof containers made of steel or concrete, but shall not be stored in containers made of lead or other low melting metals or alloys unless completely encased in steel.

C. **Medical sources of radiation residues.** Medical sources of radiation residues, such as X-ray machines, gamma and neutron sources, and pharmaceutical isotopes which are used for diagnostic and therapeutic purposes, shall be permitted when located within a hospital, clinic, medical or dental office, or medical research facility. Other uses of radioactive materials shall be limited to measuring, gauging, and calibration devices, such as tracer elements in X-ray and similar apparatus, and in connection with the processing and preservation of food.

DIVISION 49400. RESIDENTIAL AFFORDABLE HOUSING STANDARDS (AMD 05-0005)

SECTION 49410. FINDINGS AND PURPOSE

A. **Findings.** An essential component of the community character and social, economic, and political fabric of Teton County and the Town of Jackson over the years is those persons and families that work in the community, live in the community, attend schools in the community, worship in the community, and vote in the community. The primary factor that has allowed the confluence of this special mix of social, economic, and political community is the fact that the cost of housing has been affordable to those persons living and working in the community.

In the mid-1980's, these circumstances began to change. Review of census and other wage and labor information, indicates that in 1986, the cost of a median priced home in Teton County amounted to 354 percent of the annual income of a family which had a median annual income. By 1993, a family with a median annual income had to spend 635 percent of its annual income for a median priced home, and by 2000 that same family spent 959% for that same home. Obviously, given the fact that most indicators provide affordable housing as that which amounts to 250 percent to 350 percent of annual income, housing in Teton County is no longer affordable to many of the working people in the community. This phenomenon has resulted in a number of individuals and families being forced to move out of Teton County and find housing in Idaho or Lincoln and Sublette Counties, Wyoming; their children no longer attend schools in the community; they no longer worship in the community; and their ideas are no longer expressed at the ballot box. The end result is that the social, economic, and political fabric of the community has been impaired, as well as the community character.

The primary reason for this housing affordability problem has been the growth, beginning in the mid-1980's, of a significant second home market for vacationers and other persons who only spend a portion of the year in Teton County. The demand for this type of housing from these persons with substantially higher incomes than local residents has resulted in a dramatic increase in land costs, and a concomitant rise in the cost of all housing in the community. It is this rise in housing cost that has made housing unaffordable to the working residents of the County, and forced them to move elsewhere. It is this out-migration that has resulted in a deterioration of community character.

Analysis in the *Affordable Housing Needs Assessment* (Appendix A, Chapter 5, Jackson/Teton County Comprehensive Plan) indicates that if this problem is going to be addressed, and housing is to remain affordable in Teton County, approximately fifteen (15) percent of the new housing stock must be made available at affordable prices.

B. **Purpose.** The purpose of this Division is to ensure that there is a reasonable supply of affordable housing to meet the needs of the citizens of Teton County in order to restore the social, economic, and political fabric of the County and its community character. This is done through the establishment of affordable housing standards for new residential development that requires the provision of affordable housing, or, in the alternative, the donation of land or contribution of in-lieu

fees in an amount proportionate to the need that new residential development creates for affordable housing units in the community.

SECTION 49420. APPLICABILITY

- A. **General.** The standards of this Division apply to residential types and uses, as listed in Section 2220.A, Residential Development Types, and Section 2220.B, Residential Uses, unless exempted in Section 49430, Exemptions.
- B. **General obligation.** Teton County shall make measurable progress toward reducing the existing deficit of affordable housing that existed on the date of adoption (2/21/95) of this Division.

SECTION 49430. EXEMPTIONS

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

- A. **Redevelopment of preexisting uses.** Redevelopment or remodeling of a use existing prior to the effective date of this Division is exempt from the requirements of this Division, provided no additional residential units are created by the redevelopment or remodeling activity. In the event new residential units are created, only the number of units that existed prior to the redevelopment or remodeling shall be exempt from the standards of this Division.
- B. **Mobile home park.** Development of a mobile home park is exempt from the standards of this Division, provided that during its review, the Board of County Commissioners makes a finding that the units to be located within the development meet the purposes of this Division and, therefore, provision of added affordable housing as a consequence of the development is not required.
- C. **Working ranch subdivision.** Development of a working ranch subdivision, as listed in Section 2220.A.5, Working Ranch Subdivision, is exempt from the requirements of this Division.
- D. **Development of conventional single-family unit on previously created lot.** The development of one (1) conventional single -family unit on a parcel or lot created prior to the effective date of this Division in 1995 is exempt from the requirements of this Division, if the household's gross income is less than one hundred and twenty percent (120%) of the Teton County median household income and net assets comply with those applicable under the Teton County Housing Authority (TCHA) Guidelines, and an owner-occupied dwelling is being developed. The tcha shall perform the income and asset assessment for this exemption. In addition, the owner shall be required to record a deed restriction on the property requiring that upon resale of the property, either (a) the buyer of the property shall meet the same category income and asset restrictions, or (b) at closing, the seller of the property shall pay the then-applicable in-lieu fee described in section 49450.c, Payment of In-lieu Fee.
- E. **Development on lot or parcel for which affordable housing standard has already been met.** Development on any lot or parcel for which the affordable housing standard, pursuant to this Division, has already been met via provision of affordable housing, conveyance of land, or payment of in-lieu fee, is exempt from the standards of this Division.
- F. **Agricultural employee housing.** Development of agricultural employee housing is exempt from the standards of this Division.

- G. **Accessory residential unit.** Development of an accessory residential unit is exempt from the standards of this Division.
- H. **Institutional residential.** Development of an institutional residential unit is exempt from the standards of this Division.
- I. **Agriculture.** Agriculture, as listed in Section 2220.C.1.a, Agriculture, is exempt from the standards of this Division.
- J. **Home uses.** Development of a home use, as listed in Section 2220.C.5, Home Uses, is exempt from the standards of this Division.
- K. **Temporary uses.** Development of a temporary use, as listed in Section 2220.C.8, Temporary Uses, is exempt from the standards of this Division.
- L. **Affordable Housing Development.** Residential developments that are designed and administered to meet the objectives of this Division, as determined by the Board of County Commissioners, are exempt from the standards of this Division. This may include projects developed or sponsored by non-profit organizations that are charged to promote affordable housing and projects for which agreements have been executed that provided affordable housing or land for said purpose at an earlier date, provided that (a) the gross income of each household occupying an affordable housing unit in such development is less than one hundred and twenty percent (120%) of the Teton County median household income and net assets comply with those applicable under the Teton County Housing Authority (TCHA) Guidelines, and (b) the owner shall be required to record a deed restriction on the property requiring that upon resale of the property, either (a) the buyer of the property shall meet the same category income and asset restrictions, or (b) at closing, the seller of the property shall pay the then-applicable in-lieu fee described in section 49450.C, Payment of in-lieu fee.

SECTION 49440. CALCULATION OF AFFORDABLE HOUSING STANDARDS FOR RESIDENTIAL DEVELOPMENT

- A. **Required affordable housing percentage fifteen percent requirement.** Unless exempted pursuant to Section 49430, Exemptions, a minimum of fifteen percent (15%) of all residential development shall consist of affordable housing as determined by the formula in subsection B, below.
- B. **Formula for calculation.** The total number of proposed residential units (both affordable housing and free market units, and including units on noncontiguous parcels) multiplied by the applicable occupancy contained in Table 49440.B, Number of persons housed per unit, shall equal the total number of occupants of the development. The number of occupants of the required affordable housing units shall be at least fifteen (15%) percent of the total number of occupants of the development. In instances where residential subdivisions are proposed without specific dwelling units, the applicant shall project the characteristics of the dwelling units based on the average sizes and numbers of bedrooms of residential units in existing subdivisions of comparably sized and valued lots within Teton County. The Board of County Commissioners shall approve the projected mix of dwelling units based on comparable developments in Teton County as part of its review of a Housing Mitigation Plan pursuant to the procedures and standards of Section 49460, Housing Mitigation Plan.

TABLE 49440.B. NUMBER OF PERSONS HOUSED PER UNIT	
Number of Bedrooms in Unit	Minimum Number of Occupants
Studio	1
One	1
Two	2
Three	3
Four	4

SECTION 49450. METHOD FOR PROVIDING AFFORDABLE HOUSING

Applicants/Developers shall propose how they will satisfy the affordable housing standards established in Section 49440, Calculation of affordable housing standards for residential development, by submitting a Housing Mitigation Plan pursuant to the procedures and standards of Section 49460, **HOUSING MITIGATION PLAN**. Such a plan shall specify how the affordable housing standards of Section 49440, Calculation of affordable housing standards for residential development, will be met by one (1), or a combination of the following ways established by this Section. Unless the County requests an alternative approach that it believes will better promote the efficient provision of affordable housing, an applicant/developer will be required to (a) provide affordable housing units on-site; and if that is not practical, then (b) provide affordable housing units off-site, and if no acceptable off-site location can be identified and provided, then (c) convey developable land suitable for construction of affordable housing to the county, and if that is not practical, then (d) pay an in-lieu fee, all as described below. Conveyance of land and payment of fees are not preferred methods of performing the obligations created by this division, and will not be approved unless on-site and off-site construction of affordable housing units is impractical.

A. Production of new units

1. **General.** An applicant/developer shall develop or ensure the development of affordable housing units on site as part of the proposed development, unless it is demonstrated that the provision of affordable housing on the site is impractical pursuant to Section 49450.A.2, below, or unless the Board of County Commissioners determines that a vital community housing goal or housing need can be better addressed with an alternative method of performance pursuant to Section 49450.A.3, below.
2. **Not required if impractical.** An applicant/developer shall not be required to develop or ensure the development of on-site affordable housing units as part of the development if it is demonstrated that such development is impractical. The development of affordable housing on-site shall be considered impractical if it can be demonstrated that:
 - a. The number of units required is less than one (1) unit; or
 - b. The development of affordable housing is tied to a federal or state funding source which requires proximity to certain facilities or services which cannot be met on site; or

- c. Development of affordable housing on site would be inconsistent with one (1) or more of the goals of the Jackson/Teton County Comprehensive Plan.
3. **Not required if county requests alternative.** Where the Board of County Commissioners determines that there is a vital community goal or need which can be better addressed by providing units off-site, then alternative methods of performance may be considered. Alternatives include, in the following order of priority: (a) construction of affordable housing units off-site in a location meeting the standards of Section 49450.A.4.D.2, below; (b) conveyance of land pursuant to section 49450.B, below; or (c) payment of an in-lieu fee pursuant to section 49450.C, below. The Board of County Commissioners may also waive the requirement for on-site performance where there is an opportunity to combine the required affordable housing from more than one (1) proposed development in a location that is consistent with the goals of the Jackson/Teton County Comprehensive Plan, and the combination of affordable housing would better address the affordable housing needs of the County.
4. **Requirements for units developed.** The affordable housing units developed as part of the development shall meet the following requirements.
 - a. **Restriction.** Required affordable housing units shall be restricted to sales or rental terms and occupancy limitations, designed to keep the units affordable in perpetuity.
 - 1) **Initial sale price.** The TCHA shall determine the initial sale price of *individual affordable housing units* so that based on a thirty (30) year mortgage and prevailing interest rates, the unit will not exceed thirty percent (30%) of the yearly gross income of the minimum number of people that could be housed in the unit based upon the minimum occupancy standards under the TCHA Guidelines, as amended from time to time. Mortgage costs shall include principal, interest, taxes, insurance, private mortgage insurance, homeowners' association or property owners' association dues, and ground lease or condominium association fees. Sales prices may be adjusted by TCHA at the time of initial sale or rental according to current HUD income limits for the relevant income category established in Section 49450.A.5.B, below.
 - 2) **Initial unit rents.** The TCHA shall determine initial unit rents so that the rent and utilities for the unit will not exceed thirty percent (30%) per month of the annual gross income of the minimum number of people that could be housed in the unit based upon the occupancy standards under the TCHA Guidelines, as amended from time to time. Rental rates may be adjusted by TCHA at the time of initial sale or rental according to current HUD income limits for the relevant income category established in section 49450.A.5.B, below.
 - 3) **Deed restriction.** In order to keep the units affordable in perpetuity, the required affordable housing units shall be subject to permanent deed restrictions. All restrictions are subject to the approval of the TCHA. The deed restrictions must be recorded against the land prior to the issuance of a certificate of occupancy by the county for both the affordable component and the market rate component of the development. The form of deed

restriction shall be submitted as part of the Housing Mitigation Plan required by section 49460, Housing Mitigation Plan.

- 4) **Selection of purchaser(s).** The TCHA shall be responsible for the qualification of the initial and all subsequent purchasers of *individual affordable housing units to owner/occupants (but not for sales of deed restricted rental units where the buyer will not be the occupant of the unit)*. The method of selection shall be in accordance with TCHA Guidelines and adopted policies and procedures.
- 5) **Selection of renter(s).** The developer shall be responsible for the qualification of initial renters for affordable units, or shall make such agreements with the owner as necessary to ensure that the developer complies with the qualification requirements as set forth by the TCHA. Tenants shall be re-qualified on an annual basis and/or lease renewal periods, by the developer or subsequent landlord, and such entity shall provide re-certification documentation on an annual basis and shall accommodate on-site monitoring of both records and units as required by the TCHA.
- 6) **Marketing.** The marketing method for the initial and all subsequent sales of *individual affordable housing units* shall be in accordance with tcha guidelines and adopted policies and procedures. The TCHA shall receive a 2% facilitation fee upon all resales of *individual required owner occupied affordable housing units to owner/occupants (but not for sales of deed restricted rental units where the buyer will not be the occupant of the unit)* as an administrative charge to cover costs of administering such sales.

b. **Required affordable income categories.** The annual gross income and the number of persons that will be living in the unit (household) shall be used to classify applicants into “income categories.”

- 1) **Income categories.** The income categories will correspond to the “income limits” for Teton County, WY published annually by the U.S. Department of Housing and Urban Development (HUD) in the *Federal Register*. The HUD income limits in effect at the time the applicant/developer submits its Housing Mitigation Plan will be used for the proposed development’s unit sales price and/or rent calculations. Income categories are summarized in Table 49450.A.4.b.(1), Maximum household income categories.

TABLE 49450.A.4.b.(1)	
MAXIMUM HOUSEHOLD INCOME CATEGORIES	
Income Category	Teton County Area Hud Annual Income Limits
CATEGORY 1 (Formerly Affordable 1)	Up to 80% of median family income
CATEGORY 2 (Formerly Affordable 2)	Up to 100% of median income
CATEGORY 3 (Formerly Affordable 3 Attainable 2)	Up to 120% of median income
CATEGORY 4 (Formerly Attainable 3)	Up to 140% of median income
CATEGORY 5 (Formerly Attainable 4)	Up to 175% of median income

- 2) **Use of income categories.** All affordable housing units required to be provided pursuant to this Division 49400, Residential Affordable Housing Standards, shall be in income categories 1, 2, or 3, as set forth below. Income categories 4 and 5 are used for categorization of affordable housing units provided through the use of planned unit developments pursuant to Section 2170, Planned Unit Development (PUD) District for Affordable Housing, or other procedures that are not required to comply with the requirements of this Division.
- 3) **Required portion per income category.** The required affordable portion of each residential development shall provide housing units for persons in each of category 1, category 2, and category 3 as described below, and in the percentage amounts stated below. The housing units to be provided for persons in each income category shall be determined by the TCHA, in accordance with the housing unit types, minimum sizes and maximum prices described in the TCHA Guidelines. Fractions in each category shall be combined to create a whole person. Payment of an in-lieu fee, in accordance with Section 49450.C, Payment of in-lieu fee, shall be made when the number of units required is less than one or by decision of the Board of County Commissioners of this alternative.
 - a) **Category 1.** No less than thirty-three percent (33%) of the required affordable housing units shall be priced for families in category 1. Families in category 1 are those earning eighty percent (80%) or less of the median income for a Teton County family of the same size.

- b) **Category 2.** No less than thirty-three percent (33%) of the required affordable housing units shall be priced for families in category 2. Families in category 2 are those earning at or below one hundred percent (100%) of the median income for a Teton County family of the same size.
- c) **Category 3.** No more than thirty-three percent (33%) of the required affordable housing units shall be priced for families in category 3. Category 3 requirements may also be applied to a planned unit development that includes affordable housing units (*See Section 2170*). Families in category 3 are those earning at or below one hundred and twenty percent (120%) of the median income for a Teton County family of the same size.
- d) **Category 4.** No affordable housing units required by this Division shall be in category 4. Category 4 requirements may be applied to a planned unit development that includes affordable housing units (*See Section 2170*). Families in category 4 are those earning at or below one hundred and forty percent (140%) of the median income for a Teton County family of the same size.
- e) **Category 5.** No affordable housing units required by this Division shall be in category 5. Category 5 requirements may be applied to a planned unit development that includes affordable housing units (*See Section 2170*). Families in category 5 are those earning at or below one hundred and seventy-five percent (175%) of the median income for a Teton County family of the same size.

4) **Units by bedroom size.** TCHA shall approve the number of affordable units by bedroom size to be provided for each income category.

c. **Location**

- 1) **General.** The affordable housing units shall be located on the same site as the free market portion of the development, unless (a) the construction of all or a portion of the affordable units on-site is shown by the applicant to be impractical pursuant to those standards in Section 49450.A.2, above, or (b) the board of county commissioners request an alternative site pursuant to section 49450.A.3, above.
- 2) **Off-site location.** Approval for an off-site location within Teton County shall be made by the Board of County Commissioners as part of the review of the Housing Mitigation Plan. Approval of an off-site location for the affordable housing units shall be based on the following criteria:
 - a) Proximity of the proposed off-site location to employment centers and infrastructure;
 - b) Desirability of the off-site location for residential uses;

- c) Compliance of the proposed off-site location with the Jackson/Teton County Comprehensive Plan and these Land Development Regulations;
- d) The ability of the proposed off-site location to accommodate the dwelling units within the permitted maximum gross density;
- e) Compliance with requirements of federal or state funding source; and,
- f) Other pertinent concerns to the Board of County Commissioners.

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

- 1) **Size limitations.** Affordable housing units shall comply with the minimum size requirements established within the TCHA Guidelines, policies, and procedures.
- 2) **Oversize units.** Applicants may choose to construct larger units, but the allowable sale prices for such larger units shall not exceed the sale/rental price set by the TCHA for a unit meeting the minimum size requirements.
- 3) **Materials.** Affordable housing units shall be constructed with building materials having a compatible exterior style to other units in the development. Each affordable housing unit shall include, at a minimum, a fully equipped kitchen and bathroom, areas for living and sleeping and designated areas for storage. Units shall comply with all applicable minimum standards, all building codes and other development codes adopted by Teton County, as well as such standards as defined in policies and procedures adopted by the TCHA.
- 4) **Design features.** Affordable units shall have design features that are comparable to other market units in the development including, but not limited to: decks, patios, parking, fencing and landscaping.

e. **Qualified applicants.** The TCHA is hereby authorized to establish standards, policies, and procedures for the qualification of applicants for affordable housing, and for the periodic re-qualification of occupants of rental affordable housing, required to be provided by this Division 49400, Residential Affordable Housing Standards, and for other affordable housing provided through a planned unit development or other process. Such standards, procedures, and policies shall be set forth in the TCHA Guidelines, shall be consistent with this Division, shall be designed to promote the efficient and equitable operation of affordable housing within Teton County, and may be amended from time to time by the TCHA Board of Commissioners without further approval by the Board of County Commissioners.

f. **Occupancy standards.** Maximum occupancy for affordable housing units shall be in accordance with the building codes adopted by Teton County.

- g. **Timing of occupancy.** The affordable housing units shall be ready for occupancy no later than the date of the initial occupancy of the free market portion of the project, provided that the TCHA and the applicant/developer have identified qualified buyers or renters, whichever is applicable. If the free market portion is to be developed in phases, then the affordable housing units shall be developed in proportion to the phases of the free market portion, in that case, the Board of County Commissioners may also require the applicant/developer to sign a timing agreement covering the affordable housing units. The developer, with the support of the TCHA, shall make a good faith effort to market the required affordable housing units.
- h. **Compliance.** The TCHA shall be responsible for monitoring compliance with the above Subsections 4a through 4h and shall ensure that the above requirements are met. The TCHA Board of Commissioners is hereby authorized to adopt standards, policies, and procedures for monitoring compliance. Such standards, policies, and procedures shall be set forth in the TCHA Guidelines, shall be consistent with this division, shall be designed to promote the efficient and equitable operation of affordable housing within Teton County, and may be amended from time to time by the TCHA Board of Commissioners without further approval by the Board of County Commissioners. The TCHA shall bring notice of any and all violations to the attention of the board of county commissioners and the planning director, and shall follow such procedures as established in these land development regulations.
 - 1) **Non-compliance by applicants/developers.** The TCHA shall bring issues of non-compliance to the attention of the county commissioners with recommended actions to be brought against the applicant/developer.
 - 2) **Non-compliance by applicants/buyers desiring to purchase a unit.** Issues of non-compliance by applicants/buyers desiring to purchase an affordable unit shall be the responsibility of the TCHA. Actions by the TCHA may include, but are not limited to: disqualification and prosecution for fraud.
 - 3) **Non-compliance by sellers.** Issues of non-compliance by sellers of affordable units (for initial or subsequent sales) shall be the responsibility of the TCHA. Actions by the TCHA may include, but are not limited to issuance of an affidavit affecting title and prosecution for fraud.
 - 4) **Reimbursement for compliance enforcement.** The TCHA shall be reimbursed by the property owner for any attorney's fees and/or other costs associated with the compliance enforcement.

B. Conveyance of land.

1. **General.** If the applicant/developer has demonstrated that provision of affordable housing units is impractical pursuant to Section 49450.A.2, Not required if impractical, and the County has determined that land within the proposed residential development or other location is appropriate for the development of affordable housing units, the applicant shall convey land in fee simple estate to the Board of County Commissioners. The fair market

value of the land conveyed shall be at least equal to the equivalent in-lieu fee, as calculated pursuant to Section 49450.C, Payment of in-lieu fee, for all required affordable housing units for which units are not provided pursuant to Section 49450.A, Production of new units.

2. **Establishment of fair market value.** Fair market value shall be established by a licensed professional real estate appraiser approved by the Board of County Commissioners and paid for by the applicant/developer.
 - a. **Preliminary value.** Fair market value shall be established on a preliminary basis at the time the Housing Mitigation Plan is reviewed, pursuant to Section 49460, Housing Mitigation Plan.
 - b. **Final value.** Fair market value shall be confirmed at the time of final plat approval for the free market portion of the development. For projects that do not require a plat, value shall be confirmed at the time of final development plan approval.
 - c. **Value net of commission.** Fair market value shall be net of any customary real estate commission for the sale of land.
3. **Time of dedication.** Land conveyance shall occur concurrently with approval of the final development plan for the project, unless other arrangements are made, with financial assurances, both of which shall be acceptable to the Board of County Commissioners.
4. **Conditions of approval.** Acceptance of the conveyance of any land in satisfaction of all or a part of the obligations imposed by this Division 49400, **RESIDENTIAL AFFORDABLE HOUSING STANDARDS**, shall be at the sole discretion of the board of county commissioners. The Board of County Commissioners shall request a recommendation from TCHA prior to making a decision as to whether to accept any such conveyance. The Board of County Commissioners may require any or all of the following, as a condition of approval and at the cost of the applicant/developer.
 - a. **Proof of ownership.** The applicant shall provide proof of ownership, free of any liens, or proof of legal standing in the title to the property, including a complete title report.
 - b. **Location.** The land must be located within Teton County and in an area determined suitable by the Board of County Commissioners. The TCHA shall provide the Board of County Commissioners with a recommendation regarding the suitability of the location.
 - c. **Density.** The land must be available to support housing at a density acceptable to the Board of County Commissioners and have a base site area that will support the construction of the number of affordable units that the applicant is required to produce for the community.
 - d. **Infrastructure.** The land shall be fully ready for development and ready for construction, with roads, water supply, sewage disposal, telephone, electricity and gas (if available) and other basic services in place to the property line of each lot or

to the parcel, as applicable. In-lieu of requiring that the all such improvements be completed prior to conveyance of land, the Board of County Commissioners may accept a bond in an amount sufficient to cover 125% of the estimated cost to complete the improvements. In the event the Board of County Commissioners agrees to accept a bond, said bond shall be submitted and administered pursuant to Section 5120, Performance bond. In no event shall the bonded improvements be completed more than one (1) year after the date of conveyance of property to Teton County.

- e. **Suitability.** A soils report and/or other reports may also be required by the Board of County Commissioners. These reports stipulating whether the parcel is suitable for the type of construction contemplated and any special construction techniques necessary for its development, shall be prepared by a qualified engineer or other consultant deemed qualified by the Board of County Commissioners.
- f. **Assurance of permits.** All necessary permits or preliminary approval from federal, state and local agencies to authorize development on the applicant, or (2) a bond provided to the County by an institution acceptable to the County, and on terms acceptable to the County, or (3) an irrevocable letter of credit provided to the County by an institution acceptable to conveyed land may be required by the Board of County Commissioners.
- g. **Improvements agreement and covenants.** An improvement agreement and protective covenants shall be recorded against the property to be conveyed, prior to the conveyance, incorporating the conditions stated in Subsections 4d and 4f above.

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

- a. **Interest bearing account.** All proceeds from the sale of the land shall be placed in an interest bearing trust fund or escrow account.
- b. **Authorized uses of proceeds.** The proceeds from the sale, and any interest accrued, shall be used only for the purposes of planning, subsidizing or developing affordable housing.
- c. **Conveyance to TCHA.** In the event Teton County conveys such land to TCHA, the use of such land shall be subject to the same restrictions set forth in Subsections 5a **and** 5b above, and TCHA is hereby authorized to use or further convey such lands subject to such restrictions.

C. Payment of in-lieu fee.

1. **General.** If (a) the applicant/developer is required to provide less than one (1) affordable housing unit, or (b) the Board of County Commissioners determines that it is impractical for the applicant/developer to construct affordable housing units pursuant to Section 49450.A, Production of new units, and impractical for the applicant/developer to convey land in satisfaction of its obligations pursuant to Section 49450.B, Conveyance of land, then the applicant shall pay an in-lieu fee as required by this Division. The fees set forth below shall be adjusted each year based on increases in construction prices as documented

in the Denver-Boulder Urban Consumer Price Index. In addition, the fees set forth below shall be reviewed and updated within two (2) years of their original adoption, and at least every two (2) years thereafter by the Board of County Commissioners.

2. **Residential development payment.** Payment of the in-lieu fee for residential developments shall be made for the number of persons in each category required to be provided with an affordable housing unit, but for whom an affordable housing unit is not provided by the proposed development, pursuant to Section 49450.A, Production of new units, or for which land is not conveyed pursuant to Section 49450.B, Conveyance of land. The in-lieu fee shall be calculated based on the following dollar amounts:

- Category 1.** For each Category 1 person required to be housed, but for whom a housing unit or land is not provided, a fee payment shall be made in the amount of \$23,700.
- Category 2.** For each Category 2 person required to be housed, but for whom a housing unit or land is not provided, a fee payment shall be made in the amount of \$18,700.
- Category 3.** For each Category 3 person required to be housed, but for whom a housing unit or land is not provided, a fee payment shall be made in the amount of \$2,400.

Where an in-lieu fee is due, it shall be calculated based on a rotation (not an average) of the fees for the three (3) income categories, beginning with the fee for a category 1 person, as set forth in Table 49450.C.2, Calculation of in-lieu fees.

TABLE 49450.C.2 CALCULATION OF IN-LIEU FEES	
Person (or fraction of a person) For Whom An Affordable Housing Is Not Provided	Amount
1 st Person	Fee For Category 1 Person
2 nd Person	Fee For Category 2 Person
3 rd Person	Fee For Category 3 Person
4 th Person	Fee For Category 1 Person
5 th Person	Fee For Category 2 Person
6 th Person	Fee For Category 3 Person
Etc.	

3. **Single-family house on a parcel or on a previously created lot.** The applicant for a permit to construct a single-family house on a lot that existed prior to the effective date of this Division, or on a parcel that is not exempted pursuant to Section 49430, Exemptions, shall pay an in-lieu fee equal to fifteen (15%) percent of the average of the three (3) fees assigned to category 1, category 2, and category 3 in Section 49450. C.2, above.

An applicant for a permit to construct a single-family house on a lot that existed prior to the effective date of this Division may apply for relief from the in-lieu fee. The application shall be through a process established by the Board of County Commissioners and shall

include a report from the TCHA, and shall be approved or denied based on considerations of the impact of the proposed development on demand for affordable housing in the County, and fairness to the applicant in light of fees charged to other owners similarly situated.

4. **Time of payment and use of funds.** Payment of the in-lieu fee shall be made to the County Treasurer concurrently with the approval of the final development plan for the project, unless other arrangements are made, with financial assurances, both of which shall be acceptable to the Board of County Commissioners.

- a. **Interest bearing account.** The County Treasurer shall transfer the funds to an interest bearing trust fund.
- b. **Authorized uses of fees.** The funds, and any interest accrued, shall be used only for the purposes of planning, subsidizing, or developing affordable housing units.
- c. **Conveyance to TCHA.** In the event Teton County conveys any such funds to TCHA, or conveys any funds from the affordable housing trust fund to TCHA, the use of such funds shall be subject to the restrictions set forth in Subsections 4(a) and 4(b) above, and TCHA is hereby authorized to use such funds subject to such restrictions.

5. **Refund of fees**

- a. **Seven year limit.** Fees collected pursuant to this Section 49450.C, Payment of in-lieu fees, may be returned to the then present owner of property for which a fee was paid, including any interest earned, if the fees have not been spent within seven (7) years from the date fees were paid, unless the Board of County Commissioners shall have earmarked the funds for expenditure on a specific project, in which case the Board of County Commissioners may extend the time period by up to three (3) more years.
- b. **Written request.** To obtain the refund, the present owner must submit a written request to the County Planning Director within one (1) year following the end of the seventh (7th) year from the date payment was received.
- c. **Payments determined.** For the purpose of this Section, payments collected shall be deemed spent on the basis that the first payment in shall be the first payment out.
- d. **Refunds for expired permits.** Any payment for a project for which a building permit has expired, due to non-commencement of construction, shall be refunded with interest if a request for refund is submitted to the County Planning Director within three (3) months of the date of the expiration of the building permit. All requests shall be accompanied by proof that the applicant is the current owner of the property and a copy of the dated receipt issued for payment of the fee.

SECTION 49460 HOUSING MITIGATION PLAN

- A. **Housing Mitigation Plan required.** An applicant shall propose how they will satisfy the affordable housing standards of this Division by submitting a Housing Mitigation Plan specifying how the affordable housing standards of Section 49440, Calculation of Affordable Housing

Standards for Residential Development, will be met by compliance with the standards of Section 49450, Methods for Providing Affordable Housing.

1. **Content.** The housing mitigation plan shall include the following:
 - a. **Requirement calculations.** Calculations determining the affordable housing standard that indicate each step of the calculation, from projected market value of each unit or lot to the resulting number and type of affordable units required and voluntarily provided.
 - b. **Method.** A description of the method by which housing is to be provided, in compliance with Section 49450, **METHOD FOR PROVIDING AFFORDABLE HOUSING**.
 - c. **Unit descriptions.** A site plan and building floor plan (if applicable) for the required affordable housing units, illustrating the number of units proposed, their location, the number of bedrooms and size (in square feet) of each unit, the rental/sale mix of the development, the income categories for each unit to be developed, and the proposed sales price for each. A tabulation of this information shall also be submitted.
 - d. **Phasing plan.** If the affordable housing units are to be developed in phases, a phasing plan identifying when each unit will be constructed.
 - e. **Agreement and deed restriction.** If affordable housing units are proposed to be developed, a written agreement to execute and record deed restrictions provided by TCHA and as required by the TCHA Guidelines as well as a signed original of the deed restrictions to be recorded.
 - f. **Fee calculations.** If in-lieu fees are proposed, the calculations for determining the required fee amounts, pursuant to Section 49450.C, Payment of in-lieu fee, shall be submitted.
2. **Procedure.** A Housing Mitigation Plan shall be submitted by the applicant/developer to the planning director as part of the submittal requirements for a development plan application. Review of the Housing Mitigation Plan shall occur concurrently with the initial review of the free market portion of the development plan. The Housing Mitigation Plan shall be reviewed by the TCHA and the Planning Director, and the TCHA shall make a recommendation to the planning director regarding the compliance of the housing mitigation plan with this division and TCHA Guidelines. No development plan shall be approved by the Board of County Commissioners, or by the planning director in the case of a minor development, without complete review and approval of the Housing Mitigation Plan. The Board of County Commissioners, or the planning director in the case of a minor development, may require that some or all of the provisions of the Housing Mitigation Plan be incorporated into a housing mitigation agreement to be signed by the chair of the Board of County Commissioners, or the planning director in the case of a minor development, and the applicant. If a housing mitigation agreement is required, any development plan or plat related to the development shall not be finally approved until an agreement has been signed by both parties.

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

SECTION 49470. INDEPENDENT CALCULATION

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

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

B. **Application contents.** The application for independent calculation shall be supported by local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence that supports the proposed modification.

C. **Procedure and standards.** The application for independent calculation shall be submitted and reviewed as part of the Housing Mitigation Plan pursuant to section 49460.A.2, Procedure. If the materials and information supporting the application demonstrate by competent substantial evidence that there is a reasonable basis to modify the number of occupants to be housed, the housing mix, or the percent set aside for in-lieu fee, whichever is relevant, because of unique circumstances related to the proposed development, the Board of County Commissioners, or planning director in the case of a minor development, shall approve the independent calculation and make the relevant modification.

DIVISION 49500. DEVELOPMENT EXACTIONS

A development exaction is a requirement that a developer dedicate land for public use or improvements, or pay a fee in lieu of dedication, with such fee being used to purchase land for public facilities or to construct public improvements needed to serve the particular residentially developed area.

A. **Mandatory Dedication of Land.** The Board of County Commissioners shall require a mandatory dedication of land for parks, playgrounds, schools and other public purposes for all divisions of land. This dedication is in addition to any open space provided for the purpose of receiving a density bonus within a Planned Unit Development.

1. The location of dedicated land shall be shown on the Development Plan or, in the case of a Planned Unit Development, on the Preliminary Master Plan, and other documents deemed appropriate by the Board of County Commissioners.
2. The land to be dedicated shall be of suitable size and shape, topography and geology, and offer proper locations and adequate road access, as determined by the Board of County Commissioners.
3. The amount of land to be dedicated shall be .03 acres per housing unit or lot.

B. **Fee in lieu of land dedication.** If the Board of County Commissioners determines that suitable sites for public facilities cannot be dedicated, payment of a fee in lieu of land dedication shall be required.

The purpose of the fee in lieu of land dedication is to provide sufficient funds to purchase land for parks, schools and other public facilities, such facilities being needed to serve residentially developed areas. Accordingly, the fee in-lieu must be sufficient to cover the actual costs of purchasing a site at the time of the creation of new sites for dwelling units. Thus the amount of the fee in-lieu shall be based on the average market value of unimproved land in the vicinity at or immediately prior to recording of the plat or other instrument creating a residential lot or parcel. In the absence of agreement between the Planning Director and the applicant, this amount shall be determined by a county appointed appraiser with the cost of the appraisal to be paid for by the developer.

- C. **Time of payment for subdivisions.** The land or fees in lieu of land required under this Division shall be dedicated or paid to the County prior to final plat and signature by the Board of County Commissioners or, in the case of a PUD, at the time or times established in the Final Master Plan approval, provided that the developer may deliver to the County a letter of credit in the amount of the fee to be paid so long as the letter of credit is callable one year from issuance and is otherwise acceptable to the County Commissioners. The letter of credit may be extended on an annual basis at the discretion of the Board of County Commissioners in such amounts as it may require.
- D. **Time of payment for other divisions.** For all other divisions of land created after July 6, 1993 without review by the County, i.e., 35 acres or larger tracts that are not reviewed and approved by the County as a subdivision, PUD, or parcel division, the fee shall be due upon issuance of any building permit for a habitable structure.
- E. **Use of land.** The land and fees received under the above provisions shall be used for the purpose of acquiring developable land for parks and schools and the development and construction of park, playground, school and other public purpose facilities to serve the area in which the development is located. Fees paid in lieu of land dedication shall be deposited in a special fund to be used for acquisition and development of parks, playgrounds, schools and other public purpose facilities.
- F. **Credit.** Where private open space for park and recreational purposes is provided in a proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision, the acreage of such areas may be credited against the requirement for dedication of land or payment of fees in lieu thereof, if the Board of County Commissioners determines that it is in the public interest to do so.
- G. **Alternative dedication requirement.** If the subdivider can establish to the satisfaction of the Board of County Commissioners that, due to circumstances unique to the proposed subdivision, a park, playground, school and other similar public purpose land dedication requirement other than that which would be determined under the above formula is justified, an alternative dedication requirement may be imposed by the Board of County Commissioners.
- H. **Abandonment.** Any lands dedicated hereunder shall be used only for the purposes stated herein, as amended from time to time. In the event of formal abandonment, the land shall be reconveyed to the subdivider upon payment of a sum equivalent to the fee in lieu of dedication that would have otherwise been required to be paid or, in the event such reconveyance is declined, shall be conveyed to the association of owners of lots in the subdivision of similar agency for a management and development in a manner in keeping with the surrounding neighborhood.
- I. **Waiver for affordable housing.** At its discretion and based on a finding of public purpose and public need, the Board of County Commissioners shall waive the exaction requirements of this Division where the Board determines that housing is being provided that meets affordable housing criteria established by the Board.

DIVISION 49600**EMPLOYEE HOUSING STANDARDS FOR PLANNED UNIT
DEVELOPMENT (PUD) DISTRICT FOR PLANNED RESORT****SECTION 49620****APPLICABILITY**

The standards of this subsection apply to developers of nonresidential uses within a PUD District for Planned Resort unless exempted in Section 49630, Exemptions, below. Affordable housing shall be provided in conjunction with residential development pursuant to Division 49400, Residential Affordable Housing Standards, of these Land Development Regulations.

SECTION 49630**EXEMPTIONS**

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

- A. **Redevelopment of preexisting uses.** Redevelopment or remodeling of a nonresidential use existing prior to the effective date of this Section is exempt from the standards of this subsection, 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 subsection.
- B. **Change of use.** Any change of use which would result in an employee housing requirement less than or equal to a prior use legally existing on the effective date of this Section is exempt from the provisions of this subsection. In the event that a change of use results in an employee housing requirement, which is greater than that of the prior legally existing use, only the difference in the employee housing requirement is subject to being provided pursuant to this subsection.
- C. **Development on lot or parcel for which employee housing standard has already been met.** Development on any lot or parcel for which the employee housing standard, pursuant to this subsection, has already been met is exempt from the standards of this subsection.
- D. **Institutional residential.** Development of an institutional residential unit is exempt from the standards of this subsection.
- E. **Institutional uses.** Development of an institutional use, as listed in Section 2220.C.2, Institutional uses, is exempt from the standards of this subsection.
- F. **Home uses.** Development of a home use, as listed in Section 2220.C.5, Home Uses, is exempt from the standards of this subsection.
- G. **Temporary uses.** Development of a temporary use, as listed in Section 2220.C.8, Temporary uses, is exempt from the standards of this subsection.

SECTION 49640**CALCULATION OF EMPLOYEE HOUSING STANDARDS FOR
NONRESIDENTIAL DEVELOPMENT**

The employee housing standards for all nonresidential development within a PUD District for Planned Resort not exempted pursuant to Section 49630, Exemptions, shall be as follows:

- A. **Required employee housing.** Developers of nonresidential uses shall provide housing for seasonal employees pursuant to the standards of Table 49640.A., Planned Resort Nonresidential Employee Housing Standards. The employee housing shall be provided consistent with the standards of Section 49650, Methods for providing employee housing.

TABLE 49640.A PLANNED RESORT NONRESIDENTIAL EMPLOYEE HOUSING STANDARDS	
Land Use Category	Employees Required to be Housed
Office	0.03 per 1000 sf
Commercial Retail	0.42 per 1000 sf
Heavy retail/service	0.05 per 1000 sf
Service	0.15 per 1000 sf
Restaurant/bar	1.01 per 1000 sf
Commercial lodging	
Dude Ranch	0.62 per guest
Campgrounds	0.43 per 1000 sf of commercial floor area + 0.75 per 34 camp sites
Hotels, motels & other short term rental	0.13 per bedroom
Commercial amusement and indoor/outdoor recreation (includes ski areas and other resort recreational activities)	To be determined by independent calculation
Nursery	0.28 per 1000 sf + 1.13 per acre
Aeronautical	To be determined by independent calculation
Industry	0.02 per 1000 sf

B. **Nonresidential development.** The employee housing standard for any nonresidential use in a PUD District for Planned Resort not listed in Table 49640.A, Planned Resort Nonresidential Employee Housing Standards, and not exempted pursuant to Section 49630, Exemptions, shall be determined by an independent calculation, pursuant to Section 49670, Independent Calculation. The standard given in the Table 49640.A is the result of calculating the number of peak season employees who are in need of housing, accounting for those who may already live in the community and accounting for average wages paid by various land uses (see Seasonal Employee Housing Needs Assessment, Appendix B, Chapter 5, Affordable Housing, Jackson/Teton County Comprehensive Plan.)

SECTION 49650. METHOD FOR PROVIDING EMPLOYEE HOUSING

Applicants shall demonstrate how the employee housing standards established in Section 49640, Calculation of Employee Housing Standards for Nonresidential Development, are to be met by submitting a housing mitigation plan pursuant to the procedures and standards of Section 49660, Housing Mitigation Plan. Employee housing standards may be met by one (1), or a combination of the following methods; the method shall provide housing appropriate for occupation during the applicant's peak season.

A. **On-site housing.** Provision of employee housing within the PUD District for Planned Resort is the preferred method for providing employee housing and shall be used whenever possible and wherever practicable.

B. **Alternate location.** Employee housing may be provided outside the PUD District for Planned Resort provided the density proposed at the alternate location does not exceed the residential density permitted by the zoning district in which the parcel is located. Proposals to amend the zoning district for an alternate location for employee housing shall be consummated prior to or concurrently with approval of the Planned Resort master plan (*such proposals will be most favorably reviewed in areas identified on the Community Issues Map as an area appropriate for higher residential densities or as an affordable housing node.*) In proposing an alternate employee housing location, the manner by which employees will travel to work shall be described in the Transportation Demand Management Plan, pursuant to Section 2180.D.7, Transportation element.

C. **Employee unit types.** Accessory residential units, hotel/motel rooms, cabins, apartments, townhouses, detached dwelling units, boarding houses, campground space are all acceptable methods for providing employee housing. Notwithstanding, the type of housing unit provided for employees shall be appropriate for occupation during the applicant's peak season.

D. **Number of employees per unit credited.** The following Table 49650.D, Number of Persons Housed Per Unit, gives the number of employees each type of unit will be credited toward an applicant's employee housing obligation.

TABLE 49650.D 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
Campground	1.25 per tent or RV site

E. **Payment of in-lieu fees.** An applicant may pay on in-lieu fee for each employee required to be housed by this Division, only if no other arrangement acceptable to the County can be made for provision of employee housing. The fee per employee shall be according to a fee schedule set by resolution of the Board of County Commissioners, which shall be reviewed and updated within two (2) years of its original adoption, and at least every two (2) years thereafter.

1. **Time of payment and use of funds.** Payment of the in-lieu fee shall be made to the County Treasurer prior to, and on a proportionate basis to the issuance of any building permits for the free market portion of the development.
 - a. **Interest bearing account.** The County Treasurer shall transfer the funds to an interest bearing trust fund.
 - b. **Authorized uses of fees.** The funds, and any interest accrued, shall be used only for the purposes of planning for, subsidizing or developing employee housing units.
2. **Refund of fees.**
 - a. **Seven year limit.** Fees collected pursuant to this subsection may be returned to the then present owner of property for which a fee was paid, including any interest earned, if the fees have not been encumbered within seven (7) years from the date of payment, unless the Board of County Commissioners shall have earmarked the funds for expenditure on a specific project, in which case the Board of County Commissioners may extend the time period by up to three (3) more years.
 - b. **Sequence of expenditures.** Fees paid pursuant to this section are deemed to be spent or encumbered in the sequence in which they were received.
 - c. **Written request.** To obtain the refund, the present owner must submit a written request to the Planning Director within one (1) year following the end of the seventh (7th) year from the date payment was received.
 - d. **Refunds for expired permits.** Any payment for a project for which a building permit has expired, due to non-commencement of construction, may be refunded provided a request for refund is submitted to the Planning Director within three (3) months of the date of the expiration of the building permit. All requests shall be accompanied by proof that the applicant is the current owner of the property and a copy of the dated receipt issued for payment of the fee.
 - e. **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 in accordance with subparagraph c. above, shall be retained by Teton County and a credit shall be established. Such credit runs with the land, is not transferable to other property, and may only be used against future employee housing obligations on the subject property. A record of such credit shall be maintained by the County.

SECTION 49660. HOUSING MITIGATION PLAN

- A. **Housing mitigation plan required.** A housing mitigation plan is required for all nonresidential development within a PUD District for Planned Resort not exempted pursuant to Section 49630, Exemptions. Any applicant required to provide less than one employee housing unit, pursuant to Section 49640, Calculation of Employee Housing Standards for Nonresidential Development, may be permitted to pay an in-lieu fee, pursuant to Section 49650.E, Payment of in-lieu fees. The housing mitigation plan shall include the following:
 1. **Requirement calculations.** Calculations determining the number of employees required to be housed and the number of employee units to be provided.
 2. **Method.** The method by which housing is to be provided, in compliance with Section 49650, Method for Providing Employee Housing.

3. **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.
4. **Units developed.** If employee housing units are proposed to be developed, the proposed restrictions that will be placed on the units to ensure the units will remain available as employee housing units. All restrictions are subject to approval of the Teton County Housing Authority (TCHA).
5. **Fee calculations.** If fees-in-lieu are proposed, the calculations for determining the required fee amounts, pursuant to Section 49650.E, Payment of in-lieu fees, shall be submitted.

SECTION 49670. INDEPENDENT CALCULATION

Independent calculations shall be performed when required pursuant to Table 49640.A, Planned Resort Nonresidential Employee Housing Standards. Independent calculations also may be performed by an applicant in order to request modification to the amount of employee housing required to be provided pursuant to Table 49640.A, Planned Resort Nonresidential Employee Housing Standards.

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

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

A = Number of employees during applicant's peak season

B = Average number of FTE's during remaining year

C = Average monthly salary

- B. **Modification based upon shared employee housing.** The amount of employee housing required to be provided may be modified by the Planning Director when an applicant demonstrates that an employee housing unit can be used for seasonal peaks which do not overlap. For example, a land use within a PUD District for Planned Resort may have an employee housing requirement associated with a winter peak season and different land uses within the District may have a summer peak season. If it can be demonstrated that the peak seasons do not overlap, then an employee housing unit can be used to satisfy the employee housing requirement for both land uses.

ARTICLE V

ADMINISTRATION - TETON COUNTY

ARTICLE V
ADMINISTRATION
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ARTICLE V

ADMINISTRATION

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

The following decision-making and administrative bodies shall have the following duties and responsibilities in the administration of these Land Development Regulations in the unincorporated portions of Teton County.

SECTION 5010. BOARD OF COUNTY COMMISSIONERS

A. **Powers and duties.** In addition to any authority granted the Board of County Commissioners by general or special law, the Board of County Commissioners shall have the following powers and duties under the provisions of these Land Development Regulations:

1. **Adopt Comprehensive Plan.** To adopt a Comprehensive Plan.
2. **Amendments to Comprehensive Plan.** To initiate, hear, consider, and approve or disapprove amendments to the Comprehensive Plan.
3. **Amendment to text of these Land Development Regulations.** To initiate, hear, consider and approve or disapprove applications to amend the text of these Land Development Regulations;
4. **Amendment to the Official Zoning District Map.** To initiate, hear, consider and approve or disapprove applications for development permits to amend the Official Zoning District Map of these Land Development Regulations;
5. **Planned Unit Development (PUD) Districts.** To initiate, hear, consider, and approve or disapprove applications to create Planned Unit Development (PUD) districts for Affordable Housing, and Planned Resorts.
6. **Other Applications for Development.** To hear, consider, and approve, approve with conditions, or disapprove applications for Conditional Uses, Special Uses, Final Plats and Development Plans;
7. **Beneficial Use Determination.** To hear, consider and approve, approve with conditions or disapprove Appeals for Beneficial Use Determinations;
8. **Decision of Planning Director.** To hear, consider, and affirm, modify, or reverse, decisions of the Planning Director;
9. **Appoint Hearing Officers.** To designate and appoint Hearing Officers to make decisions as the Board of County Commissioners may deem appropriate;
10. **Variances.** To hear, consider and approve, approve with conditions, or disapprove applications for development permits for Variances to these Land Development Regulations;
11. **Other Action.** To take such other action not delegated to the Planning and Zoning Commission, Hearing Officer or heads of County departments, as the Board of County Commissioners may deem desirable and necessary to implement the provisions of the Comprehensive Plan and these Land Development Regulations.

SECTION 5020. PLANNING AND ZONING COMMISSION

- A. **Establishment and purpose.** There is hereby established a Teton County Planning and Zoning Commission, pursuant to Section 18-5-202, Wyoming Statutes.
- B. **Powers and duties.** The Planning and Zoning Commission shall have the following powers and duties under the provisions of these Land Development Regulations.
 - 1. **Prepare Comprehensive Plan.** To prepare or cause to be prepared the Comprehensive Plan, or any element or portion thereof and certify it for adoption by the Board of County Commissioners pursuant to Section 18-5-202 (b), Wyoming Statutes;
 - 2. **Prepare these Land Development Regulations.** To prepare or cause to be prepared implementing regulations for the Comprehensive Plan which is recommended for adoption by the Board of County Commissioners pursuant to Section 18-5-202 (c), Wyoming Statutes;
 - 3. **Recommend amendments to Comprehensive Plan.** To initiate, review, hear, consider and make recommendations to the Board of County Commissioners to approve or disapprove amendments to the Comprehensive Plan pursuant to Section 18-5-202 (b), Wyoming Statutes;
 - 4. **Recommend amendments to text of these Land Development Regulations.** To initiate, review, hear, consider, and make recommendations to the Board of County Commissioners to approve or disapprove applications to amend the text of these Land Development Regulations pursuant to Section 18-5-202 (c), Wyoming Statutes;
 - 5. **Recommend amendments to Official Zoning District Map.** To initiate, review, hear, consider, and make recommendations to the Board of County Commissioners to approve or disapprove applications for development permits to amend the Official Zoning District Map of these Land Development Regulations pursuant to Section 18-5-202 (c), Wyoming Statutes;
 - 6. **Recommend Planned Unit Development (PUD) Districts.** To prepare or cause to be prepared Planned Unit Development Districts for Affordable Housing, and Planned Resorts, which are recommended for adoption by the Board of County Commissioners pursuant to Section 18-5-202(c), Wyoming Statutes;
 - 7. **Other Applications for Development.** To hear, consider and recommend to the Board of County Commissioners to approve, approve with conditions, or disapprove applications for Conditional uses, Special uses, Variances and Development Plans;
 - 8. **Make additional studies.** To make studies of the resources, possibilities and needs of the County and to report its findings and recommendations, with reference thereto, from time to time, to the Board of County Commissioners.
- C. **Commission membership.** The qualifications, appointment, terms of office and procedures for filling vacancies on the Planning and Zoning Commission are set forth in Section 18-5-202 (a), Wyoming Statutes.
- D. **Officers; quorum; rules of procedure.**
 - 1. **Chairperson and vice-chairperson.** At an annual organizational meeting, the members of the Planning and Zoning Commission shall elect a Chairperson and Vice-Chairperson from among its members. The Chairperson and Vice-Chairperson's term shall be for one (1) year. No member shall serve as Chairperson for more than two (2) consecutive terms. The Chairperson shall administer oaths, shall be in charge of all proceedings before the Planning and Zoning Commission and shall take such action as shall be necessary to preserve order and

the integrity of all proceedings before the Planning and Zoning Commission. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson.

2. **Secretary.** The County Clerk or a deputy shall serve as Secretary of the Planning and Zoning Commission. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the Planning and Zoning Commission, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the Planning and Zoning Commission members voting. In addition, the Secretary shall maintain all records of Planning and Zoning Commission meetings, hearings, proceedings, and the correspondence of the Planning and Zoning Commission.
3. **Staff.** The County Planning Department shall be the professional staff of the Planning and Zoning Commission.
4. **Quorum and voting; rules of procedure.**
 - a. **Quorum and voting.** The presence of three (3) or more members of the Planning and Zoning Commission shall constitute a quorum of the Planning and Zoning Commission necessary to take action and transact business. All actions shall require a simple majority vote of the members of the Planning and Zoning Commission when a quorum is present, except that three (3) affirmative votes shall be necessary in order for any development permit for a Variance to be adopted by the Planning and Zoning Commission.
 - b. **Rules of procedure.** The Planning and Zoning Commission shall, by a majority vote of the entire membership, adopt rules of procedure for the transaction of business, and shall keep a record of meetings, resolutions, findings, and determinations. The Planning and Zoning Commission may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

E. Meetings

1. **General.** Meetings of the Planning and Zoning Commission shall be held on the second and fourth Monday of each month to deal with of matters properly before the Planning and Zoning Commission (*AMD 05-0011*). Additionally, meetings may be called by the Chairman or at the request of three (3) members of the Planning and Zoning Commission. The location of all Planning and Zoning Commission meetings shall be in the County in a place accessible to the public. Notwithstanding, Planning and Zoning Commission meetings may be held outside of the County in a place accessible to the public for development applications impacting lands within the County that are west of the Teton Range (*AMD 06-0001*).
2. **Meetings open to public.** All meetings and public hearings of the Planning and Zoning Commission shall be open to the public in a place accessible to the public.
3. **Notice.** Public hearings shall be set for a time certain after due public notice pursuant to Section 5120.E, Notice of Public Hearings.

F. **Compensation.** The members of the Planning and Zoning Commission shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the Board of County Commissioners.

SECTION 5030. HEARING OFFICER

A. **Creation and appointment.** The Board of County Commissioners may appoint one (1) or more Hearing Officers to hear Appeals for Beneficial Use Determinations, may appoint one (1) or more Hearing Officers to conduct hearings on Abatement, and may appoint one (1) or more Hearing Officers to hear and consider such matters as may be required under any provision of these Land Development Regulations or as may be determined to be appropriate by the Board of County Commissioners from time to time. Such Hearing Officers shall serve at the pleasure of the Board of County Commissioners for such period as is determined by the Board of County Commissioners. Such Hearing Officers shall be compensated at a rate to be determined by the Board of County Commissioners, which amount shall be reimbursed to the County by the applicant. Whoever shall accept an appointment as a Hearing Officer shall, for a period of one (1) year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application or other matter before any decision-making body of the County in any matter involving land that was the subject of a proceeding which was pending during the time served as a Hearing Officer.

B. **Minimum qualifications.** A Hearing Officer shall have the following minimum qualifications:

1. **Administration, environmental and land use law.** Hearing Officers hearing appeals for Beneficial Use Determinations shall demonstrate knowledge of administrative, environmental and land use planning and law and procedures;
2. **Familiarity with Land Development Regulations.** Familiarity with these Land Development Regulations; and
3. **Hold no appointive or elective office.** Hold no other appointive or elective public office or position in the County government during the period of appointment.

C. **Duties.** A Hearing Officer shall have the following duties:

1. **Hearings on Beneficial Use Determinations.** To conduct hearings on Appeals for Beneficial Use Determinations and recommend approval, approval with conditions, or disapproval to the Board of County Commissioners;
2. **Hearings on Abatement.** To conduct hearings on alleged Abatement actions, and recommend Abatement to the Board of County Commissioners;
3. **Conduct other hearings requested by Board of County Commissioners.** To conduct fact-finding hearings on such matters as may be requested by the Board of County Commissioners;
4. **Written reports.** To render to the Board of County Commissioners a written report containing a summary of the testimony and evidence given and findings and recommendations regarding the specific standards applicable to the particular matter; and
5. **Other tasks assigned by Board of County Commissioners.** To perform such other tasks as the Board of County Commissioners may assign.

SECTION 5040. TETON COUNTY PLANNING DIRECTOR

A. **Creation and appointment.** The Teton County Planning Director shall be the agency head of the Planning Department and shall be appointed by and serve at the pleasure of the Board of County Commissioners.

B. **Jurisdiction, authority and duties.** In addition to the jurisdiction, authority and duties which may be conferred upon the Planning Director by other provisions of County regulations and the Board of

County Commissioners, the Planning Director shall have the following authorities and duties under these Land Development Regulations:

1. **Interpretation.** To review, consider and render interpretations of the text of these Land Development Regulations or the Official Zoning District Map;
2. **Decide upon certain applications.** To hear, consider and approve or disapprove applications for Zoning Compliance Verification, Minor Development, and Sign Permit; *(AMD 03-0004)*
3. **Day to day administration.** To undertake the day to day administration of these Land Development Regulations;
4. **Process applications.** To receive applications for development permits for processing pursuant to the terms of these Land Development Regulations;
5. **Ensure adequate public notice.** To ensure that adequate public notice is provided for public hearings on applications for development permits pursuant to the terms of these Land Development Regulations;
6. **Revocations of Permits.** To initiate actions to revoke permits where development is not in compliance with the terms and conditions of the permit.
7. **Undertake Comprehensive Planning.** To provide assistance, advice and consultation to the County in undertaking the current and long range comprehensive planning responsibilities of the County;
8. **Review Comprehensive Plan.** To review every two (2) years, the Comprehensive Plan and these Land Development Regulations and recommend amendments to the Planning and Zoning Commission and Board of County Commissioners.
9. **Coordinate planning processes.** To coordinate with other local, regional, state, and federal agencies in planning and permitting processes affecting development in the unincorporated County and to serve as liaison to such local, regional, state, and federal planning agencies having jurisdiction over development in the unincorporated County.
10. **Other action provided for in Land Development Regulations.** To take such other action and perform such other duties as may be provided for in these Land Development Regulations.
11. **Request County Attorney to proceed against violators.** To initiate requests to the County Attorney to institute proceedings against the violators of these Land Development Regulations.

SECTION 5050. RESERVED

SECTION 5060. COUNTY ATTORNEY

In addition to the jurisdiction, authority and duties which may be conferred upon the County Attorney by law, the County Attorney shall have the following authority and duties under these Land Development Regulations:

- A. **Review as to form written findings of fact and resolutions.** To review as to form all written findings of fact and resolutions drafted by the Planning Director, Planning and Zoning Commission, or Board of County Commissioners, in connection with any requirement of these Land Development Regulations;

- B. **Review as to form all legal instruments.** To review and approve as to form all proposed new regulations or amendments to these Land Development Regulations and Development Agreements, easements, declarations of covenants, letters of credit, performance guarantees or other such documentation in connection with any requirement of these Land Development Regulations; and
- C. **Advise County officials and boards.** To advise the Planning Director, Planning and Zoning Commission, and Board of County Commissioners in regard to the legal issues which may arise during implementation of the Comprehensive Plan and these Land Development Regulations.
- D. **Enforcement of these Land Development Regulations.** To enforce the provisions of these Land Development Regulations.

DIVISION 5100. COMMON PROCEDURES

SECTION 5110. GENERAL

- A. **Purpose.** The purpose of Division 5100, Common Procedures, is to establish uniform procedures for all administrative functions of these Land Development Regulations for Teton County.
- B. **Common Review Procedures.** Table 5110 B.1, Common Review Procedures, indicates all steps that any application for development permit is required to follow in the County.

Table 5110 B.1.

COMMON REVIEW PROCEDURES

	Interpre-tation	Conditional Use and Special Use	Map & Text Amend-ment	Planned Resort District	Subdivision Final Plat	Development Plan			Planned Unit Development	Zoning Compliance Verification	Varia-nce	Appeal	Benefi-cial Use	Sign Permit	Grad-ing Permit (AMD 03-0004)
						Minor	Intermediate	Major							
Application Completion Review	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Fee Payment		x	x	x	x	x	x	x	x	x	x	x	x	x	x
Staff Review and Recommendation		o	o	o	o	o	o	o	o	o	o	o		o	o
Planning Director	A					A				A				A	
County Engineer															A
Hearing Officer														o	
Advertisement		x	x	x	x		x	x	x		x	x			
Public Hearing		x	x	x	x		x	x	x		x	x			
Public Hearing	Planning Commission		o	o	o		o	o	o		o				
	Board of County Commissioners		A	A	A	A	A	A	A		A	A	A		

SECTION 5120. PROVISIONS OF GENERAL APPLICABILITY

- A. **Application forms.** All applications for development permits shall be on the specified County forms, which shall be available from the Planning Director and/or the County Engineer for Grading and Erosion Control permits. The Planning Director shall develop a checklist which shall be distributed to the public indicating all information that must be presented in order for the Planning Director to evaluate the application. No application shall be accepted for consideration unless the information required in the form and checklist is found by the Planning Director, or the County Engineer in the case of Grading and Erosion Control permits, to be in sufficient detail to evaluate the application to determine whether it complies with the substantive requirements of these Land Development Regulations. *(AMD 03-0004)*
- B. **Fees.** All applications shall be accompanied by the applicable fee required by the County fee schedule. The fee schedule shall be established and may be revised from time to time by the Board of County Commissioners. Its purpose shall be to defray the costs of processing applications. The fee schedule shall be available for review in the County Planning Department during normal business hours.
- C. **Preapplication conference.** *(AMD 03-0004)*
 - 1. **General Overview.** A preapplication conference shall be held prior to submission of an application for either a Development Plan, or for a grading permit that requires a grading and erosion control plan as prescribed by Table 49120, Submittal Requirements for Obtaining Grading and Erosion Control Permits. A development plan for a single-family home application that does not require a grading and erosion permit at the "grading plan" level of review per Section 49120, shall be exempt from a Preapplication conference. A preapplication conference is optional prior to the submission of any other application for development permit. The purpose of the preapplication conference is for the applicant to obtain information regarding the applicable provisions of these Land Development Regulations required to permit the development proposed.
 - 2. **Initiation of Preapplication Conference.** An applicant shall initiate the request for a preapplication conference with the Planning Director or with the County Engineer for a Grading Erosion Control permit. Along with the request for the preapplication conference, the applicant shall submit, in a form provided to the public by the Planning Director or County Engineer, a description of the character, location, and magnitude of the proposed development and the type of development permit sought.
 - 3. **Scheduling of Preapplication Conference.** Upon receipt of a request for a preapplication conference, the Planning Director, or County Engineer for a Grading and Erosion Control permit, shall schedule the preapplication conference. The preapplication conference shall be held within sixty (60) days of receipt of the request for such a conference. An applicant may request that the preapplication conference be held with the Planning and Zoning Commission and/or the Board of County Commissioners, in which case the preapplication conference shall occur within one hundred and twenty (120) days of receipt of the request. The Planning Director or County Engineer shall notify the applicant of the time, date, and place of the preapplication conference.
 - 4. **Preapplication Conference issues.** At the preapplication conference, the applicant and the Planning Director, and/or County Engineer, and/or the Planning and Zoning Commission, and/or the Board of County Commissioners, shall discuss the proposed development, and based upon the information provided by the applicant and the provisions of these Land

Development Regulations, ascertain what provisions of these Land Development Regulations apply to the proposed development.

5. **Written Summary.** The Planning Director shall mail to the applicant a written summary of the preapplication conference, within fourteen (14) working days of the completion of the preapplication conference.
6. **Validity of Preapplication Conference.** A development plan or grading plan application shall be based on the written summary produced at a Preapplication conference held no more than twelve (12) months previous to the application submittal.

D. **Common procedure for review of applications.** Unless otherwise stated in this Article, the submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of public hearings on all applications for development permits shall comply with the procedures of this subsection. *(AMD 03-0004)*

1. **Initiation.** Applications for development permits shall be submitted to the Planning Director, or County Engineer for Grading and Erosion Control permits, by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.
2. **Submission of application.** An application for a development permit shall be submitted to the Planning Director, or County Engineer for Grading and Erosion Control permits, along with a fee established pursuant to Section 5120.B, Fees.
3. **Required contents of application.** Minimum requirements for the contents of each type of application shall be established by the Planning Director or by the County Engineer for Grading and Erosion Control permits.
4. **Determination of sufficiency.** Within fourteen (14) days of the submittal of an application, the Planning Director, or the County Engineer for Grading and Erosion Control permits, shall determine if the application contains the required items from the checklist and any items agreed upon in the preapplication conference, in sufficient detail to allow a review and evaluation of the application.
 - a. **Determined insufficient.** If the Planning Director, or the County Engineer for Grading and Erosion Control permits, determines that the application is not sufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the application shall be considered withdrawn. If the Planning Director, or the County Engineer for Grading and Erosion Control permits, fails to mail written notice of any deficiencies to the applicant within fourteen (14) calendar days of submission of the application, the application shall be deemed sufficient.
 - b. **Determined sufficient.** When the application is determined sufficient, the Planning Director, or the County Engineer for Grading and Erosion Control permits, shall notify the applicant, in writing, of the application's sufficiency, and, if known at that time and if applicable, the date set for the first public hearing for the application, which shall in any event be scheduled no more than one hundred and twenty (120) calendar days following the date that an application is determined sufficient.

5. Action by Planning Director

- a. **Planning Director as final action.** After determining an application upon which the Planning Director has final action, as indicated on Table 5110.B.1, Common Review Procedures, is sufficient, the Planning Director shall review the application and render a decision within sixty (60) calendar days for minor development plans and Final Development Plans within the Teton Village PUD for Planned Resort and thirty (30) calendar days for all other applications. Prior to rendering a decision for all applications except single-family homes with no associated accessory residential unit, grading permits for the development of single family residences, and sign permits, the Planning Director shall notify neighboring property-owners regarding the application in accordance with Section 5120.E.2, Mailed notice and prepare a Staff Report on whether the application complies with all appropriate standards of these Land Development Regulations (LDRs). A copy of the Staff Report shall be provided to the applicant.

If the Planning Director finds that the application complies with the applicable standards of these LDRs, the proper permit shall be issued. If the Planning Director finds the application does not comply with the applicable standards of these LDRs, the applicant shall be notified and have thirty (30) calendar days to submit a corrected application. If a corrected application is received, the Planning Director shall approve or disapprove the application, based on the standards of the applicable sections in these LDRs. If the application is not resubmitted within thirty (30) calendar days, the application shall be considered withdrawn. If the Planning Director fails to render a decision within the required time period, the application shall be deemed approved and the proper permit shall be issued.

- b. **Planning Director recommendation for public hearing.** After an application, for which a public hearing is required, is determined to be sufficient, the Planning Director shall review the application and prepare a Staff Report. The Staff Report shall be mailed to the applicant and made available to the public no later than seven (7) calendar days before the scheduled public hearing on the application. The Staff Report shall report whether the application complies with all appropriate standards of these Land Development Regulations; it shall also recommend any changes in the development, as submitted, and the conditions for approval, if any, necessary to bring the development into compliance with the appropriate review standards, or denial. Conditions for approval may also be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the proposed development.

6. **Scheduling of Public Hearing(s).** The initial public hearing, if required, on the application shall be scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the decision making body reviewing the application, within one hundred and twenty (120) calendar days of the date that the application is determined sufficient, and by which time a Staff Report can be prepared, the application can be fully considered at the meeting of the decision making body, and by which time the public notice requirements can be satisfied pursuant to Section 5120.E, Notice of Public Hearings. The applicant may waive the one hundred and twenty (120) day time limit upon written notice to the decision-making body reviewing the application. The applicant may agree to hold the public hearing at such time as is mutually agreed upon between the applicant and the Planning Director, as long as it complies with Section 5120.E, Notice of Public Hearings.

E. **Notice of public hearings.** All applications for development permits requiring public hearings shall follow the provisions of this Subsection with regard to public notice. The Planning Director shall be responsible for ensuring compliance with the Notice in Newspaper and Mailed Notice.

1. **Notice in newspaper.** An application for development permit requiring a public hearing shall be advertised in the legal notice section of a newspaper of general circulation in the County. Such notice shall appear no less than fifteen (15) nor more than thirty (30) calendar days prior to the date of the public hearing, except that the public hearing on an application for an amendment to the text of these Land Development Regulations or the Official Zoning District Map shall require publication in a newspaper of general circulation in the County at least thirty (30) calendar days before the date of a Planning and Zoning Commission public hearing, and publication at least forty-five (45) calendar days before a Board of County Commissioners public hearing. Such notices shall contain the following information.
 - a. **Type of application.** The type of application sought: i.e. Conditional use, Special use, Variance, amendment to the Official Zoning District Map, amendment to the text of these Land Development Regulations, Planned Resort District, or Development Plan, or Final Plat.
 - b. **Description of action.** A short description of the proposed action requested, and for an amendment to the text of these Land Development Regulations a description of the subjects and issues involved, a citation of the regulations involved, and the law authorizing the regulations.
 - c. **Description of land.** The address of the land subject to the application, a general legal description of the land, and a description of the area of the land.
 - d. **Location, date, time.** The location, address, date, and time of the public hearing.
 - e. **Where information may be obtained.** Information on where the full details of the application may be obtained including the location, hours, and phone number.

2. **Mailed notice.** A notice containing all information required under Section 5120.E.1.a-e, Notice in Newspaper, shall be sent by mail to all landowners within eight hundred (800) feet of the land subject to the application, except for any property zoned Rural, which shall require mailed notification to landowners within one thousand three hundred (1300) feet of the land subject to the application. The applicant shall pay a fee to the Planning Department for any mailing in excess of twenty-five (25) notices. All notices shall be sent no less than fifteen (15) calendar days prior to the public hearing or prior to a decision by Planning Director. (AMD 03-0016)

F. **Public hearing procedure.** A public hearing held pursuant to these Land Development Regulations shall comply with the following procedures.

1. **Examination and copying of application and other documents.** At any time upon reasonable request, and during normal business hours, any person may examine any application and materials submitted in support of or in opposition to an application at the office of the County Planning Department, and the Staff Report, if available. Copies of such materials shall be made available at cost and upon reasonable notice.
2. **Request for mailing of notification of public hearing.** Notification of all public hearings shall be provided by the Planning Director to any person who requests notification in writing from the Planning Director, and pays the costs of the processing and mailing of the notification.

3. **Staff report.** A Staff Report shall be provided to the applicant and the public at least seven (7) calendar days prior to the public hearing. This recommendation shall address each factor required to be considered by these Land Development Regulations prior to approval of the application.
4. **Conduct of public hearing.** The conduct of a public hearing governed thereby shall comply with the requirements of Section 16-3-101, *et. seq.*, Wyoming Statutes, the Wyoming Administrative Procedures Act, as well as the following procedures. In instances of conflict, the Wyoming Administrative Procedures Act shall control.
 - a. **Rights of all persons.** Any interested person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Upon request of the Chairman, anyone representing an organization shall present written evidence of their authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of an organization, state the name and mailing address of the organization.
 - b. **Order of proceedings.** The Chairperson conducting the public hearing may exclude information that it finds to be irrelevant, immaterial or unduly repetitious. The order of the proceedings shall be as follows:
 - (1) **Narrative and graphic description.** The Planning Director shall present a narrative and/or graphic description of the matter to be heard.
 - (2) **Staff Report presented.** The Planning Director shall present a Staff Report.
 - (3) **Applicant presentation.** The applicant shall present any information the applicant deems appropriate.
 - (4) **Public statements.** Public statements shall be heard, first in favor of the proposal, then in opposition to it.
 - (5) **Applicant response.** The applicant may respond to any information presented by the public.
 - (6) **County Staff response.** The Planning Director, or Planning Department staff, the County Attorney, and any other County staff may respond to any statement made by the applicant or any public comment.
 - c. **Offer of Proof.** In the event any statements or information are excluded as irrelevant, immaterial or unduly repetitious, the person offering such statements or information shall have an opportunity to make an offer of proof in regard to such statements or information for the record. Such offer shall be made at the public hearing.
 - d. **Continuance of public hearing.** The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place, provided that notice of the continued public hearing is promptly thereafter posted at the entrance of the meeting room. In the event the applicant demands in writing that action be taken on an application continued or tabled, the decision making body that continued or tabled the matter shall complete the public hearing and take action on the application within thirty (30) calendar days after receipt of such written demand by the applicant. An applicant shall have the right to request and be granted one (1) continuance. All subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown. If

the body conducting the application continues the application so that the applicant can provide additional information, and the applicant fails to respond to the request within sixty (60) calendar days, the application for development permit shall be considered withdrawn. The running of all established time periods between stages of the review process shall be tolled during any continuance.

e. **Withdrawal of application.** An applicant shall have the right to withdraw an application at any time prior to the action on the application by the decision-making body.

f. **Record**

- (1) **Recording of public hearing.** The body conducting the public hearing shall record the public hearing by any appropriate means, including transcription or audio-recording. A copy of the public hearing record may be acquired by any person upon application to the Planning Director and payment of a fee to cover the cost of duplication of the record.
- (2) **The record.** The written or taped record of oral proceedings, including testimony and statements of personal opinions, the minutes of the Secretary, all applications, exhibits and papers submitted in any proceeding before the decision-making body, the Staff Report and the decision of the decision-making body shall constitute the record.

g. **Actions by decision-making and administrative bodies.**

- (1) **General.** All decision-making bodies and persons shall act in accordance with the time limits established in these Land Development Regulations, which may, however, be tolled during any continuance. Action shall be taken as promptly as possible in consideration of the interests of the citizens of the County.
- (2) **Findings and Decisions.** All decisions shall be in writing and shall include a clear statement of required findings of fact and conclusions of law referring to the relevant standards relied upon as set forth in these Land Development Regulations, and a clear statement of approval, approval with conditions, or disapproval.

h. **Notification.** Notification of a decision-making body's decision shall be provided by the Planning Director to the applicant within fourteen (14) calendar days by mail. A copy of the decision shall also be made available to the applicant at the offices of the County Planning Department, during normal business hours, within fourteen (14) calendar days after the decision.

G. **Successive applications.** Unless otherwise stated in this Section, whenever any application is denied for failure to meet the substantive requirements of these Land Development Regulations (except for a Zoning Compliance Verification), no application for the same or a similar development proposal shall be accepted or considered for all or a part of the same or substantially the same land for a period of one (1) year after the date of denial, unless the applicant can demonstrate a change of circumstances or conditions, or unless a majority of the membership of the decision-making body that made the final decision on the application determines that the prior disapproval was based on a material mistake of fact. The decision-making body charged with conducting the public hearing under a successive application shall resolve any question concerning a change of circumstances or conditions, or a mistake of material fact.

H. **Consolidation.** The land development review process is intended to encourage efficient processing of applications for development permits. Applicants are encouraged to request, and the Planning Director shall consolidate the review of more than one (1) application for development permit for the same parcel of land. The Planning Director is authorized to waive any overlapping application requirements in the consolidated submission.

SECTION 5130. INTERPRETATIONS

- A. **General.** The Planning Director shall be responsible for interpreting these Land Development Regulations, based upon the legislative intent of the Board of County Commissioners in its adoption.
- B. **Findings to be considered in rendering interpretations.** In making interpretations to these Land Development Regulations, the Planning Director shall consider the following:
 1. **Public purpose.** Before any interpretation is made, there must be an identification of the purposes for which the regulation was initially imposed by the Board of County Commissioners.
 2. **Flexibility if objectives are met.** Flexibility in the application of these Land Development Regulations is encouraged if it does not lower the protection afforded. An interpretation which permits increased flexibility is to be encouraged, while one which lowers the level of protection, as provided by the standards in these Land Development Regulations, shall be prohibited. An interpretation which provides a greater degree of flexibility to establish a permitted development is allowed by these Land Development Regulations. An interpretation which provides for any of the following is prohibited: (a) a new or not previously permitted development, except under the similar use determination; (b) enlargement of a nonconforming development or (c) an intensity increase in the development beyond the degree specified in these Land Development Regulations.
 3. **Prevent the sacrifice of legitimate goals or adverse impact on property rights.** These Land Development Regulations have been carefully designed by the County to avoid regulations that either sacrifice legitimate public goals, including the protection of adjoining landowners, or require undue limitations on the ability of landowners to use their land in a manner consistent with the goals of the Comprehensive Plan. Great care has been taken to both balance the rights of competing groups and achieve maximum protection with flexibility and a range of use options. In interpreting these Land Development Regulations, the Planning Director's judgment should not be substituted for the legislative intent of the Board of County Commissioners.
- C. **Procedure**
 1. **Initiation.** An interpretation may be requested by any landowner with respect to the application of these Land Development Regulations to their land or by any person that has submitted or intends to submit an application for development permit to the County pursuant to the procedures and standards of these Land Development Regulations.
 2. **Submission of request for interpretation.** Before an interpretation shall be provided by the Planning Director, a Request for Interpretation shall be submitted to the Planning Director.
 3. **Rendering of interpretation.** Within thirty (30) calendar days of receipt of a request for interpretation, the Planning Director shall evaluate the request in light of the Comprehensive Plan, these Land Development Regulations, and the Official Zoning District Map, whichever

is appropriate, consult with the County Attorney, and then render an interpretation. The interpretation shall be in writing and shall be sent to the applicant by mail.

- D. **Appeal.** The interpretation of the Planning Director may be appealed to the Board of County Commissioners within thirty (30) calendar days after the date of mailing by submitting a written appeal. The Board of County Commissioners shall render a decision affirming, modifying, or revising the interpretation within thirty (30) calendar days after receipt of such written appeal.
- E. **Official record.** The Planning Director shall maintain a record of all interpretations rendered. This record shall be available for public inspection in the County Planning Department during normal business hours.

SECTION 5140. CONDITIONAL AND SPECIAL USES

Conditional uses are those uses that are generally compatible with the other uses permitted in a zoning district but require individual review of their location, design, configuration, density and nature and intensity of use, structures, and may require the imposition of appropriate conditions in order to ensure the compatibility of the use at a particular location, and mitigate any potentially adverse effects on surrounding lands. All Conditional uses shall meet the standards set forth in this Section.

Special uses are those uses that are inherently incompatible with other common land uses throughout the County, but are essential to the community. Therefore some provision must be made for their existence and operation. Special uses require specified locations due to common neighborhood opposition. These locations shall be determined by a comprehensive county-wide selection process designed to identify locations that best serve the Special use while minimizing the negative impacts and obtrusiveness to the county residents and visitors, and the wildlife and scenic resources. Special uses also require individual review of their design configuration, density of structures, intensity of use and operational procedures, and may require the imposition of appropriate conditions in order to mitigate potential adverse impacts on surrounding lands. All Special uses shall meet the standards set forth in this Section.

- A. **Procedure.** All Conditional and Special uses shall be processed according to the procedure set forth in Section 51200, Development Plan.
- B. **Conditional use standards.** The issuance of a Conditional use permit shall be dependent upon findings that the proposed use, as conditioned, fully complies with all the standards of this Section, this Division, these Land Development Regulations and, where applicable, with Article VI. Platting and Land Records. At the request of the applicant, a Conditional use may be issued on a temporary or term basis, in order to determine and demonstrate the nature and extent of any adverse effects of the Conditional use. The Board of County Commissioners may also attach any other conditions deemed appropriate, including conformity to a specific site plan, to ensure compliance with the following standards.
 - 1. **Consistent with Comprehensive Plan.** The proposed Conditional use shall be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
 - 2. **Compatibility.** The proposed Conditional use shall be compatible with the character of the immediate vicinity of the land proposed for development including scale, bulk, and general appearance;
 - 3. **Minimizes adverse impact.** The design, development, and operation of the proposed Conditional use shall minimize or mitigate adverse effects, including visual impact of the proposed use on adjacent lands; furthermore, the proposed Conditional use shall avoid

significant adverse impacts on surrounding lands regarding trash, odors, noise, glare, and vibration, and not create a nuisance.

4. **Minimizes adverse environmental impact.** The development and operation of the proposed Conditional use shall minimize adverse environmental impacts.
5. **Impact on public facilities.** The proposed Conditional use shall not have a significant adverse impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMT facilities.
6. **Other relevant standards of Land Development Regulations.** The development and operation of the proposed Conditional use shall comply with all standards imposed on it by all other applicable provisions of these Land Development Regulations for use, layout, and general development characteristics.

C. **Special Use Standards.** The issuance of a Special use permit shall be dependent upon findings that the proposed use, as conditioned, fully complies with all the standards of this Subsection, this Section, this Division, these Land Development Regulations and, where applicable, with Article VI, Platting and Land Records. The Board of County Commissioners also may attach any other conditions deemed appropriate, including conformity to a specific site plan, to ensure compliance with the following standards.

1. **Consistent with Comprehensive Plan.** The proposed Special use shall be consistent with the purposes, goals, objectives, policies, and maps of the Comprehensive Plan;
2. **No substantial hazard.** The design, development, and operation of the proposed Special use shall not constitute a substantial physical hazard to a neighboring dwelling unit, school, church, hospital, commercial or industrial building, public road, or other public property;
3. **Compliance with specific standards.** The proposed Special Use shall comply with the LDRs specific to the proposed use as follows:
 - a. **Gravel Processing.** The proposed gravel processing operation shall comply with all standards specified in Section 231200, Gravel Processing and Extraction;
4. **Impacts on public lands.** The proposed Special use does not have a significant adverse effect on the purposes of a publicly-owned park, publicly-owned forest, or publicly-owned recreation area;
5. **Minimizes adverse environmental and visual impacts.** The development and operation of the proposed Special use shall minimize adverse environmental and visual impacts to the extent possible considering the nature and essential existence of the proposed Special use;
6. **No Damage to Water Supply Sources.** The proposed Special use does not potentially damage or contaminate any public, private, residential, or agricultural water supply source;
7. **Relevant standards of these Land Development Regulations.** The development and operation of the proposed Special use shall comply with all standards imposed on it by all applicable provisions of these Land Development Regulations for use, layout, and general development characteristics;
8. **Other agency permits.** The development and operation of the proposed Special use shall comply with all standards imposed on it by all other applicable regulatory agencies including, but not limited to, the Wyoming Department of Environmental Quality, the Wyoming Game and Fish Department, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.

9. **Other County resolutions.** The development and operation of the proposed Special Use shall comply with all relevant standards imposed on it by other applicable County resolutions; and
10. **Annual Review of Special Use Permits.** Special Use Permits for gravel extraction and processing shall be reviewed annually by the Board of County Commissioners. The scope of this annual review shall be limited to reviewing continued compliance with land use regulations, as well as the conditions of the initial approval. All gravel extraction and processing Special Use Permit operations, that have been in operation for at least nine (9) months, shall be reviewed in a public meeting during the month of January each year thereafter. The permit for any gravel operation which is found to be in noncompliance with the land use regulations or the conditions of its Special Use Permit approval may be suspended or revoked, or other appropriate remedies may be pursued by the County. The annual review does not preempt or prevent normal inspections and enforcement remedies. (Amendment 12/19/95)

D. Conditions and restrictions.

1. **Authority.** The Board of County Commissioners may, in approving the permit for any Conditional or Special use, impose such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required to comply with the foregoing standards, to meet the general purposes, goals, and objectives of the Comprehensive Plan and these Land Development Regulations, and to minimize the adverse effects from the proposed use and development on other lands in the neighborhood and on the general health, safety, and welfare of the County.
2. **Conditions set forth in permit.** All conditions imposed in any development permit for a Conditional or Special use, with the exception of conditions made applicable to such approval by the express terms of these Land Development Regulations, shall be expressly set forth in the development permit.

E. Performance bond. As a condition for granting a development permit for a Conditional or Special use, the applicant may be required to post a performance bond in an amount sufficient to insure completion of required improvements, including landscaping or any required off-site improvements. In such case, the applicant shall file with the Planning Director a surety or cash bond, letter of credit, or other collateral suitable to the Board of County Commissioners, in an amount specified by the Board of County Commissioners to insure the actual construction of such required improvements within such period of time as may be determined by the Board of County Commissioners. Upon completion of the required improvements, the applicant shall obtain certification from a professional Engineer licensed by the State of Wyoming that the improvements have been constructed in accordance with the approved plan. Upon receipt of an acceptable certification, the Planning Director shall release the security within seven (7) calendar days.

F. Effect of issuance of a development permit for a Conditional or Special use. All permits for a Conditional or Special use shall expire twelve (12) months from the date of issuance if no building permit has been issued to establish the use authorized in the development permit, or, if the use does not require a building permit, the use has not been established, and placed in operation. Upon written request, one (1) extension of time may be granted by the Board of County Commissioners for a period not to exceed six (6) months, for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no less than twenty (20) calendar days prior to the date the permit for the Conditional or Special use is to expire. The permit shall be deemed extended until the Board of County Commissioners has acted upon the request for extension. Failure to submit an application for an extension within the

time limits established by this Section shall render the permit for the Conditional or Special use null and void.

G. **Additional development permits.** Development of the Conditional or Special use shall not be carried out until the applicant has secured all other permits required by these Land Development Regulations. A permit for a Conditional or Special use does not ensure that the development approved shall receive subsequent approval for other applications for development unless the relevant and applicable portions of these Land Development Regulations are met.

H. **Minor deviations.** Minor deviations from a development permit for a Conditional or Special use may be approved by the Planning Director. Minor deviations that are authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development and that are not reasonably anticipated during the initial approval process, as long as they comply with the standards of these Land Development Regulations. Minor deviations shall not include reductions in the amount of required open space, or required resource protection, or increases in the amount of proposed building square footage. All changes not qualifying as minor deviations shall be considered amendments, and shall be subject to Section 5140.I, Amendment to Development Permit for Conditional or Special Use.

I. **Amendment to development permit for Conditional or Special use.** A development permit for a Conditional or Special use may be amended, extended, varied or altered only pursuant to the standards and procedures for the approval of the original Conditional or Special use pursuant to this Section.

SECTION 5150. AMENDMENTS TO THE TEXT OF THESE LAND DEVELOPMENT REGULATIONS OR THE OFFICIAL ZONING DISTRICT MAP

All amendments to the text of these Land Development Regulations or amendments to the Official Zoning District Map shall meet the standards set forth in this Section.

A. **Purpose.** The purpose of this Section is to provide a means for changing the boundaries of the Official Zoning District Map or the text of these Land Development Regulations. In determining whether to grant a requested amendment, the Board of County Commissioners shall consider, in addition to the factors set forth in this Section, the consistency of the proposed amendment with the purposes, goals and policies of the Comprehensive Plan.

B. **Initiation**

1. **General amendment to Official Zoning District Map.** An amendment to the Official Zoning District Map may be proposed by the Board of County Commissioners, the Planning and Zoning Commission, the Planning Director, or the owner or another person having a recognized interest in land affected by a proposed amendment, or their agent.
2. **Amendment to text of Land Development Regulations.** An application for an amendment to the text of these Land Development Regulations may be proposed by the Board of County Commissioners, the Planning Director, or the Planning and Zoning Commission. Any citizen of the unincorporated County may propose in writing an amendment to the text of these Land Development Regulations. Any such proposal shall be considered and responded to in accordance with the provisions of Wyoming Statute 16-3-101 et. seq.

C. **Procedure**

1. **Review of Applications.** The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing for an application

for amendment to the Official Zoning District Map or the text of these Land Development Regulations shall comply with the procedures and standards established in Section 5120.D, Common Procedure for Review of Applications.

2. **Review and recommendation of Planning and Zoning Commission.** The Planning and Zoning Commission shall conduct a public hearing on an application for amendment to the Official Zoning District Map or the text of these Land Development Regulations. At the public hearing, the Planning and Zoning Commission shall consider the application, the relevant support materials, the Staff Report, and the public statements given at the public hearing. No later than thirty (30) calendar days after the close of the public hearing, the Planning and Zoning Commission shall recommend to the Board of County Commissioners either to approve or disapprove the application based on the standards in Section 5150, Amendments to the Text of these Land Development Regulations or the Official Zoning District Map, D-F.
3. **Action by Board of County Commissioners.** The Board of County Commissioners shall conduct a public hearing on an application for amendment to the Official Zoning District Map or the text of these Land Development Regulations. At the public hearing, the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, the Planning and Zoning Commission recommendation, and the public statements given at the public hearing. No later than thirty (30) calendar days after the close of the public hearing, or such other period of time as the applicant may agree, the Board of County Commissioners shall either approve or disapprove the application based on the standards set forth in this Section.

D. **General standards.** Amendments to the text of these Land Development Regulations or an amendment to the Official Zoning District Map shall be consistent with the following:

1. **Consistent with purposes.** Amendments shall be consistent with the purposes of these Land Development Regulations.
2. **Consistent with Comprehensive Plan.** Amendments shall be consistent with the Comprehensive Plan.
3. **Consistent with Land Development Regulations.** Amendments shall be consistent with other provisions of these Land Development Regulations.
4. **Consistent with other County Resolutions.** Amendments shall be consistent with other adopted resolutions of the County.

E. **Standards for review of amendments to the Official Zoning District Map.** Amendments to the Official Zoning District Map may be approved only if the amendments are consistent with the Comprehensive Plan and are compatible with surrounding land uses in the immediate neighborhood unless there is compelling evidence that there would be a threat to the public health and safety or one of the following conditions exist:

1. **Mistake.** There is a mistake in the Comprehensive Plan. That is, the assumptions about the property or other factors were in error and, thus, the amendment is justified.
2. **Changes.** There have been changes in road locations, other infrastructure, population trends, land committed to development, or other changes that justify the amendment to the Official Zoning District Map.

F. Standards for review of Amendments to the text of these Land Development Regulations.

Amendments to the text of these Land Development Regulations may be approved for reasons including but not limited to the following:

1. **Implements Comprehensive Plan.** The amendment to the text would implement a portion of the Comprehensive Plan that is new.
2. **Better achieve Comprehensive Plan goals and objectives.** The amendment to the text would implement and better achieve the goals and objectives of the Comprehensive Plan that have proved difficult to achieve under the existing provisions of these Land Development Regulations.
3. **Existing Land Development Regulations unreasonable.** The provisions of these Land Development Regulations were inconsistent or unreasonable in light of standards for similar uses.
4. **Responds to State or Federal legislation rendering Land Development Regulations obsolete.** The amendment to the text is necessary in order to respond to State and/or Federal legislation.
5. **Additional flexibility.** The amendment to the text provides additional flexibility in meeting the objectives of these Land Development Regulations without lowering the general standards of these Land Development Regulations.

SECTION 5160. VARIANCES

This Section sets forth the procedures and conditions for a Variance from the standards of these Land Development Regulations. Variances are deviations from the terms of these Land Development Regulations that would not be contrary to the public interest when, owing to special circumstances or conditions, the literal enforcement of the provisions of these Land Development Regulations would result in undue and unnecessary hardship. No use variance shall be approved pursuant to the terms of this Section.

A. Procedure

1. **Review of Applications.** The submission of an application for, determination of its sufficiency, staff review of, and scheduling of a public hearing for an application for development permit for Variance shall comply with the procedures established in Section 5120.D, Common Procedure for Review of Applications.
2. **Review and Recommendation of Planning and Zoning Commission.** The Planning and Zoning Commission shall conduct a public hearing on an application for a Variance. At the public hearing, the Planning and Zoning Commission shall consider the application, the relevant support materials, the Staff Report, and the public statements given at the public hearing. No later than thirty (30) calendar days after the public hearing or such other period of time as the applicant may agree, the Planning and Zoning Commission shall recommend to the Board of County Commissioners either to approve or disapprove the application based on the standards in Section 5160.B, Standards.
3. **Action by Board of County Commissioners.** The Board of County Commissioners shall conduct a public hearing on an application for a Variance. At the public hearing, the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, and the public statements given at the public hearing. No later than thirty (30) calendar days after the public hearing or such other period of time as the applicant may agree,

the Board of County Commissioners shall either approve or disapprove the application based on the standards in Section 5160 B., Standards.

B. **Standards.** In order to authorize a Variance, the Board of County Commissioners must find that:

1. **Special conditions and circumstances exist.** There are special circumstances or conditions which are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the neighborhood; and
2. **Not result of applicant.** The special circumstances and conditions have not resulted from any act of the applicant that was intended to circumvent these Land Development Regulations; and
3. **Strict application is unreasonable.** The special circumstances and conditions are such that the strict application of the provisions of these Land Development Regulations would either deprive the applicant of reasonable use of the land or building or create a hardship on the landowner far greater than the protection afforded to the community by the regulation sought to be varied; and
4. **Variance is necessary to provide reasonable use.** The granting of the Variance is necessary to either provide the applicant a reasonable use of the land or building or provide a reasonable balance between the intent of the regulation sought to be varied and its impact on the applicant; and
5. **Minimum Variance.** The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building; and
6. **Not injurious to neighborhood.** The granting of the Variance will not be injurious to the neighborhood surrounding the land where the Variance is proposed, and is otherwise not detrimental to the public welfare; and
7. **Harmony with Land Development Regulations.** The granting of the Variance is consistent with the general purposes and intent of these Land Development Regulations.

C. **Conditions and restrictions**

1. **Conditions and restrictions.** The Planning and Zoning Commission may, in approving the Variance, impose such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required by the general purposes, goals and objectives of the Comprehensive Plan, and these Land Development Regulations to prevent or minimize adverse effects from the proposed Variance on other land in the neighborhood and on the general health, safety, and welfare of the County.
2. **Conditions in permit.** All conditions imposed upon any Variance, with the exception of conditions made applicable to such approval by the express terms of these Land Development Regulations, shall be expressly set forth in the granting of such permit for the Variance.

D. **Effect of issuance of a permit for a variance.** All Variances shall expire twelve (12) months from the date of issuance if no building permit has been issued to establish the variation authorized, or if the variation does not require a building permit, the variation is established, ongoing, and in operation. Such time period will not be extended by transfer of ownership. Upon written request, one (1) extension of time may be granted by the Board of County Commissioners for a period not to exceed six (6) months for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no later than thirty (30) calendar days prior to the date the Variance is to expire. The permit shall be deemed extended until the Board of County Commissioners has acted upon the request for extension. Failure

to submit an application for an extension within the time limits established by this Section shall render the Variance null and void.

- E. **Subsequent permits.** The development for which the Variance was granted shall not be carried out until the applicant has secured all other permits required by these Land Development Regulations. A permit for a Variance shall not ensure that the development approved as a Variance shall receive subsequent approval for other applications for development unless the relevant and applicable portions of these Land Development Regulations are met.
- F. **Amendment to permit for variance.** A Variance may be amended, varied or altered only pursuant to the standards and procedures for the original approval of a Variance pursuant to this Section.

SECTION 5170. ZONING COMPLIANCE VERIFICATION

- A. **Purpose.** The purpose of a Zoning Compliance Verification is to ensure that proposed development complies with the standards in these Land Development Regulations.
- B. **Applicability.** Zoning Compliance Verification shall be required prior to making a change of use, prior to issuance of a development permit or prior to any other land disturbance.
- C. **General.** An application for a Zoning Compliance Verification shall be reviewed and approved, or disapproved by the Planning Director pursuant to the procedures and standards of this Section.
- D. **Procedure.** The submission of an application for, determination of sufficiency for, and action by the Planning Director on, a Zoning Compliance Verification shall comply with the procedures established in Section 5120.D, Common Procedure for Review of Applications.
- E. **Standards.** Prior to approval of a Zoning Compliance Verification, the Planning Director shall find that the application complies with all standards of these Land Development Regulations.
- F. **Effect of zoning compliance verification.** Issuance of a Zoning Compliance Verification shall mean that the proposed development is in compliance with the procedures and standards of these Land Development Regulations.
- G. **Time limitations.** A Zoning Compliance Verification shall expire at the end of one (1) year after the date of its initial approval if an application for a building permit has not been approved, or if the development does not require a building permit, the development is not established, ongoing, and in operation. Such time period will not be extended by transfer of ownership. In developments that consist of multiple phases that will require building permits to be issued over several years, only the initial building permit needs to be approved within one (1) year to preserve the Zoning Compliance Verification. Only one (1) extension, up to one (1) year in length, shall be granted for a Zoning Compliance Verification by the Planning Director, upon written application to the Planning Director, and a showing of good cause. No request for an extension shall be considered unless a written application requesting the extension is received by the Planning Director no later than thirty (30) calendar days prior to the date the Zoning Compliance Verification is to expire. The Zoning Compliance Verification shall be deemed extended until the Planning Director has acted upon the request for extension. Failure to submit an application for a building permit within the time limits established by this Section shall render null and void the Zoning Compliance Verification.
- H. **Appeal.** An appeal may be taken by any person aggrieved by a decision of the Planning Director to the Board of County Commissioners pursuant to Section 5180, Appeals on Decisions of Planning Director.

SECTION 5180. APPEALS ON DECISIONS OF PLANNING DIRECTOR

An appeal may be taken by any person aggrieved by a decision of the Planning Director to the Board of County Commissioners. For the purposes of this Section, a person aggrieved shall be either a person who has submitted the application or requested an interpretation, or a person who is adversely affected by an action on an application or by an interpretation which has been acted upon by the Planning Director.

A. Procedure

1. **Initiation.** The appeal shall be in writing and filed with the Planning Director within thirty (30) calendar days of the date of mailing of written notice of the decision of the Planning Director.
2. **Contents of appeal.** The appeal shall include a statement of the decision appealed from, the date of that decision, and all supporting materials related to the appeal, as well as the basis of the appeal.
3. **Scheduling of hearing.** The Board of County Commissioners shall consider the appeal at the next available regularly scheduled meeting but in no case shall the appeal be scheduled more than ninety (90) calendar days following the receipt of written notice of appeal by the Planning Director.
4. **Action by Board of County Commissioners.** At the meeting, the appellant or the appellant's agent may state the grounds for the appeal, and provide any information to support the appeal. The Planning Director and any other County employee shall be provided the opportunity to respond, as well as any other person the Board of County Commissioners deem necessary. The Board of County Commissioners shall either affirm, affirm with modifications, or reverse the decision of the Planning Director, within thirty (30) calendar days of the appeal meeting.

B. **Stay.** An appeal shall stay all further action of the appellant or proceedings by the County related to the subject appeal, unless a stay would cause imminent peril to life or property.

SECTION 5190. BENEFICIAL USE DETERMINATION

If after the submission and decision on the appropriate application for development permits for a plan for development of land, a landowner in the unincorporated County is of the opinion that an economically beneficial use of that landowner's land has been denied by the application of these Land Development Regulations, then the procedures of this Section shall be used prior to seeking relief from the courts in order that any denial of economically beneficial use of land may be remedied through a nonjudicial forum.

A. **Purpose.** The purpose and intent of the Board of County Commissioners is that every landowner in the unincorporated County enjoy an economically beneficial use of land. It is also the purpose and intent of this Section to provide for relief to the landowner, where appropriate, from application of these Land Development Regulations. The procedures set forth in this Section are intended to permit landowners who believe they have been deprived of economically beneficial use of their land to apply to the Board of County Commissioners for relief sufficient to provide an economically beneficial use of the land.

B. Procedure

1. **Application for an Appeal for Beneficial Use Determination.** An Appeal for a Beneficial Use Determination may be made by a landowner to the Planning Director by filing an appropriate application along with an application fee established pursuant to Section 5120.B, Fees. The Planning Director shall date stamp the application.

2. **Contents of application.** The application shall be submitted in a form established by the Planning Director and made available to the public, and shall include the following:
 - a. **Name and address.** The landowner's name and address.
 - b. **Legal description.** A legal description and the street address (when a street address is available) of the land.
 - c. **Date of purchase and offers to purchase.** Documentation of the date of purchase and the purchase price of the land, and any offers to purchase the land made by any person, corporation, or association, within the last three (3) years.
 - d. **Description of land.** A description of the physical features present on the land, the land's total acreage, the present use of the land, and the use of the land at the time of the adoption of these Land Development Regulations.
 - e. **Improvements to land.** Evidence of any investments made by the landowner to improve the land, the date the improvements were made, and the costs of the improvements.
 - f. **Description of regulations and uses.** A description of what uses of land were available when the land was purchased by the landowner. In addition, a description of the regulations and uses permitted which are alleged to result in an elimination of economically beneficial use of the land together with all appraisals, studies, any other supporting evidence, and any actions taken by Teton County related to the land.
 - g. **Description of minimum beneficial use.** A description of the use which the landowner believes represents the minimum legally required reasonable beneficial use of the land and all documentation, studies, and other supporting evidence thereof.
3. **Determination of sufficiency.** The Planning Director shall determine if the application is sufficient and includes data in sufficient detail to evaluate the application to determine whether it complies with the appropriate substantive requirements of this section.
 - a. **Determined insufficient.** If the Planning Director determines the application is not sufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within thirty (30) calendar days, the application shall be considered withdrawn, and the application fee shall be refunded.
 - b. **Determined sufficient.** When the application is determined sufficient, the Planning Director shall notify the applicant, in writing, of the application's sufficiency, and forward the application to the Hearing Officer for the scheduling of a hearing.
4. **Establishment of date for Hearing by Hearing Officer and notice.** Within thirty (30) calendar days of the date that the application has been determined sufficient by the Planning Director, the Hearing Officer shall schedule a hearing on the Appeal for Beneficial Use Determination.
5. **Hearing by Hearing Officer.** At the hearing, the applicant shall present the applicant's case and the County Attorney shall represent the local government. All evidence presented shall be under oath, and the parties involved shall be permitted to cross-examine witnesses. The sworn testimony and evidence shall pertain to the standards set forth in Section 5190.C, Beneficial Use Standards, as to whether the applicant has been deprived of an economically beneficial use of the land and the standards in Section 5190 .D, Granting of Relief, pertaining to the

degree of relief needed to provide the landowner with an economically beneficial use of the land.

6. **Findings of the Hearing Officer.** Within thirty (30) calendar days of the close of the hearing, the Hearing Officer shall prepare recommended finding of facts and a proposed order for consideration by the Board of County Commissioners. The findings and recommendations of the Hearing Officer as to whether the land is provided economically beneficial use shall be based upon the evidence submitted and standards in Section 5190.C, Beneficial Use Standards. If the Hearing Officer finds that the applicant has been denied economically beneficial use of the subject land, then the Hearing Officer shall recommend a use that permits an economically beneficial use and results in a minimum change from the regulations of these Land Development Regulations as they apply to the subject land, pursuant to the standards set forth in Section 5190.C, Beneficial Use Standards, and Section 5190.D, Granting of Relief. The Hearing Officer's recommended findings of facts and proposed order shall be in writing and shall detail the basis of the conclusions from the record of the hearing.
7. **Action by Board of County Commissioners.** The Board of County Commissioners shall schedule a hearing on the application within thirty (30) calendar days of the date the Hearing Officer issues the recommended findings of fact and proposed order. The Planning Director shall provide the applicant and all landowners within five hundred (500) feet of the land subject to the Appeal for Beneficial Use Determination at least twenty (20) calendar days notice of the hearing by mail. At the hearing, the Board of County Commissioners shall approve the findings of fact and proposed order of the Hearing Officer, or may attach conditions, modify, or reverse the findings of fact or proposed order of the Hearing Officer, based on the standards of Section 5190.C, Beneficial Use Standards, and Section 5190.D, Granting of Relief. If the Board of County Commissioners attaches conditions, modifies or reverses the findings of fact or proposed order, it shall do so only where the record of the hearing indicates that the Hearing Officer is unsupported by the record, or that the proposed order is not in conformance with the standards of Section 5190.C, Beneficial Use Standards, and Section 5190.D, Granting of Relief.

C. **Beneficial use standards.** In determining if a landowner has been deprived of an economically beneficial use of land, the Hearing Officer and Board of County Commissioners shall take into account the following factors:

1. **Economically viable use.** In making the determination of whether the land is provided an economically viable use, the Hearing Officer/Board of County Commissioners shall first evaluate the uses of the land as provided by these Land Development Regulations, and the uses of land in relation to the uses provided similarly situated lands. For the purposes of this Section, economically viable use means the opportunity to make a return equivalent to that which would have been received from a conservative financial investment. Transitory economic issues shall not be relevant to this determination.
2. **Diminution in value.** The market value of the land, as established by the comparable sales approach, prior to adoption of these Land Development Regulations which caused the landowner to apply for relief shall be compared to the market value of the land, as established by the comparable sales approach, with the regulations as applied. Market value of the land prior to the adoption of the Land Development Regulations shall constitute its highest and best use on March 11, 1991 or the date of purchase of the land, whichever is later, and any other land value/appraisal information that the applicant would like to be considered. All appraisals shall be proposed by qualified licensed appraisers, and shall follow the best professional practices as established by the profession. A mere diminution in market value is not sufficient

to support a determination of denial of economically beneficial use; the diminution must be so substantial that it effectively deprives the landowner of any material use or enjoyment of the land, commensurate with any reasonable investment backed expectations, if any.

3. **External costs**

- a. **Subsidy.** The amount or nature of any subsidy that may be required by Teton County, neighbors, purchasers, tenants, or the public at large if the uses allowed under these Land Development Regulations are modified.
- b. **Other adverse effects.** Any other adverse effects on the County and its residents.

4. **Current state of the law.** The state of the law established by the United States Supreme Court, the 10th Circuit Federal Court of Appeals, and the Wyoming Supreme Court relevant to these standards.

D. **Granting of relief**

1. **General.** If the finding is that a landowner has been deprived economically beneficial use of land or is otherwise entitled to relief pursuant to the standards of this Section, relief shall be granted.
2. **Minimum increase.** In granting relief, the landowner shall be given the minimum increase in use intensity or other possible concessions from these Land Development Regulations in order to permit an economically viable use of the land, or a use that is determined to be required by law. The highest use, or even an average or generally reasonable expectation, is not required or intended as the appropriate remedy. The following guidelines shall be used for determining the minimum economically viable use of land and, therefore, the amount of relief to be granted a landowner in order to reach that minimum.
 - a. **No governmental subsidy.** A minimum economically viable use of the land should be one that does not have any governmental subsidy attached to the long-term safe occupation of the land. If such a subsidy is needed, then that should be reflected by lowering the use intensity that is considered a minimum economically viable use on a market valuation basis.
 - b. **Common use.** A use common to the unincorporated County, although it may not involve further development of the land, is considered an economically viable use. Attention shall also be given to land uses that are considered to be the lowest intensity in the unincorporated County but which uses still provide for occupation and living within the County. These land uses, as well, shall be considered economically viable uses.
 - c. **Actual condition of land considered.** The actual condition of the land shall be considered. The reality of limited development potential, given the natural condition of the land, shall not be attributed to the regulations applied to the land. If the land is such that it cannot safely accommodate development with normal grading and clearing practices, this fact shall lower the intensity of use that is considered a minimum economically viable use.
 - d. **Potential for damages.** The potential for damages to either residents or land shall be assessed in determining economically viable use. The need for a governmental subsidy to future landowners shall be considered, and the cost of such subsidies shall be deducted from the otherwise established minimum economically viable use.

- e. **Only investment backed expectations considered.** Expectations shall, in general, not be considered. Only reasonable expectations backed by investments as recognized by the current state of the law shall be considered.
- f. **Current state of law.** The current state of law established by the United States Supreme Court, the 10th Circuit Federal Court of Appeals, and the Wyoming Supreme Court, relevant to the granting of relief.

SECTION 51100. SIGN PERMIT

- A. **Purpose.** The purpose of this Section and Division 4600, Signs, is to regulate signs.
- B. **Applicability**
 - 1. **Obtain sign permit.** No person shall erect, alter, or relocate any sign within the unincorporated County without first obtaining a Sign Permit pursuant to the procedures and standards of this Section.
 - 2. **Repainting, changing of parts, and maintenance of signs.** The repainting, changing of parts, and maintenance of signs located on the site shall not be deemed alterations requiring a Sign Permit, except as specified in Section 4615, Nonconforming Signs.
- C. **Exemptions.** All exemptions to the requirements of this Section are established in Section 4660, Exempted Signs.
- D. **Procedure**
 - 1. **Review of Applications.** The submission of an application for, determination of sufficiency for, and action by the Planning Director on, a Sign Permit shall comply with the procedures established in Section 5120.D., Common Procedure for Review of Applications.

SECTION 51200. DEVELOPMENT PLAN

- A. **Purpose and objectives.** The purpose of this section is to institute a uniform public review and decision making process to ensure that all aspects of a proposed development comply with these Land Development Regulations. The general objectives to be achieved through this process are:
 - 1. **Protect public health, safety and welfare.** Protect the public health, safety, and welfare of the residents of the County;
 - 2. **Organize land records.** Assure well organized and uniform land records to facilitate the transfer, development and devolution of land;
 - 3. **Protect environment.** Protect the County's unique environmental qualities and scenic beauty;
 - 4. **Maintain human environment.** Maintain and enrich the human environment for County residents and visitors;
 - 5. **Ensure conformance with public improvement plan.** Ensure conformance and coordination of land development with the public improvement plans of the County;
 - 6. **Minimize damage to wildlife habitat.** Provide for well-planned developments by establishing standards ensuring lot and building locations that minimize damage to wildlife habitat, scenic views and vistas, and other natural features; and

7. **Safeguard interests.** Safeguard the interests of the public, landowner, and developer.

B. Applicability

1. **Permitted uses.** This Section establishes the requirements and procedures to review the design and development of uses indicated as permitted uses according to Table 2200, Use Schedule.

2. **Conditional and Special uses.** Any development requiring a conditional or special use review according to Table 2200, Use Schedule, shall be reviewed as either an intermediate or a major development as defined below in Section 51200.C.4, Thresholds for Development Plans.

3. **Subdivision.** The regulations for the subdivision of land, as set forth in this Section, are adopted pursuant to the authority set forth in Wyoming Statutes §§18-5-201 et. seq. and §§18-5-301 et. seq., to the extent that §§18-5-301 et. seq. are not inconsistent with the expressed provisions hereof.

No person shall subdivide any land which is located in the unincorporated County except in conformance with this Section, these Land Development Regulations and Article VI, Platting and Land Records. In addition, no person shall subdivide any land which is located within one (1) mile of the corporate limits of the Town, except in accordance with the Town of Jackson Land Development Regulations.

This Section shall not apply to the following:

- a. **Cemetery lots.** The subdivision of land for, and the sale of cemetery lots;
- b. **Sale of land to State or political subdivision.** The sale of land to the State of Wyoming or any political subdivision of Wyoming;
- c. **Sale for agricultural purposes.** The sale of land for agricultural purposes;
- d. **Sale of thirty-five (35) acres or greater.** The sale of land where the parcels involved in the sale are thirty-five (35) acres or larger;
- e. **Statutory rights of way.** Statutory and authorized rights-of-way;
- f. **Alignment for agricultural purposes.** Alignment of property lines for agricultural purposes;
- g. **Sale of platted lot.** The sale of any parcel(s) of land which may be shown as a lot(s) of a subdivision for which a plat has been recorded in the office of the Clerk of Teton County;
- h. **Minor Boundary Adjustment.** Any minor boundary adjustment described in Division 6300, Minor Boundary Adjustments;
- i. **Vacations or modifications to filed plats.** Vacations or modifications to filed plats that are identified in Article VI, Section 6030, Exemptions.

C. Procedure

1. **Submission and scheduling of applications.** The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of public hearings on applications for Sketch Plan and Final Development Plan shall comply with the procedures in Section 5120.D. Common procedure for review of applications and Section 5120.E, Notice of public hearings. The Planning Director shall develop and distribute a checklist indicating the procedures and information necessary for each level of development plan.

2. **Multiple applications.** Conditional use applications, platting applications, and any other applications reasonably combined with a Development Plan application shall be consolidated for a combined review.
3. **Development Plan Review.** The Development Plan process shall consist of five (5) review steps; six (6) steps are required if the development is to be platted. Each public hearing, as described below, shall be noticed pursuant to Section 5120.E, Notice of public hearings and each public hearing shall be conducted pursuant to Section 5120.F, Public hearing procedure.
 - a. **Preapplication conference.** A preapplication conference is mandatory for all applicants, except those proposing a single-family home, prior to submission of an application for Development Plan. The preapplication conference shall be conducted in conformance with the provisions of Section 5120 C., Preapplication Conference.
 - b. **Sketch Plan review and recommendation by Planning and Zoning Commission.** The Planning and Zoning Commission shall conduct a public hearing on the Sketch Plan, at which the Planning and Zoning Commission may confer with the developer on changes deemed advisable and the kind and extent of such improvements. Within thirty (30) calendar days of the public hearing, the Planning and Zoning Commission shall recommend to the Board of County Commissioners, approval, approval with conditions, or disapproval of the Sketch Plan based upon a finding that the application complies or fails to comply with the standards of these Land Development Regulations.
 - c. **Sketch Plan action by Board of County Commissioners.** The Board of County Commissioners shall hold a public hearing on the Sketch Plan after the conclusion of the review of the application by the Planning and Zoning Commission. At the public hearing on the Sketch Plan, the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, the Planning and Zoning Commission recommendation, and the public testimony given at the public hearing. Within thirty (30) calendar days of the public hearing, the Board of County Commissioners shall either approve, approve with conditions or disapprove the application for Sketch Plan based on a finding that the application complies or fails to comply with the standards of these Land Development Regulations.
 - d. **Final Development Plan review and recommendation by Planning and Zoning Commission.** The Planning and Zoning Commission shall conduct a public hearing on the application for Final Development Plan, at which the Planning and Zoning Commission may confer with the developer on changes deemed advisable and the kind and extent of such improvements. Within thirty (30) calendar days of the public hearing, the Planning and Zoning Commission shall recommend approval, approval with conditions, or disapproval of the Final Development Plan based upon a finding that the application complies or fails to comply with the standards of this Section.
 - e. **Final Development Plan action by Board of County Commissioners.** The Board of County Commissioners shall hold a public hearing on the application for Final Development Plan, after the conclusion of the review of the application by the Planning and Zoning Commission. At the public hearing on the proposed Final Development Plan, the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, the Planning and Zoning Commission recommendation, and the public testimony given at the public hearing. Within thirty (30) calendar days of the public hearing, the Board of County Commissioners shall either approve, approve with conditions or disapprove the application for Final Development Plan based on a finding that the application complies or fails to comply

with the standards of these Land Development Regulations. If the Final Development Plan is disapproved by the Board of County Commissioners, such disapproval shall state in writing the reasons for the disapproval. An applicant may resubmit an application for Final Development Plan within six (6) months, provided that all deficiencies causing the original application to be disapproved have been substantially corrected.

- f. **Final plat action by the Board of County Commissioners.** The Board of County Commissioners shall hold a public hearing on the application for Final Plat, after the Final Development Plan application is approved, pursuant to Division 6100, Final Plat.
4. **Thresholds for Development Plans.** The review procedure for Development Plans is designed to be commensurate with the magnitude of the project, as follows:
 - a. **Minor Development Plans.** Minor developments shall be exempt from the Sketch Plan review and the Final Development Plan review by the Planning and Zoning Commission and the Board of County Commissioners. Single-family homes classified as minor developments shall also be exempt from the preapplication conference requirement. Within sixty (60) calendar days of the Finding of Sufficiency, the Planning Director shall approve, approve with conditions, or deny the Final Development Plan based upon a finding that the application complies or fails to comply with the standards of these Land Development Regulations. The application for minor development plan shall contain the items listed below in subsection D, Application requirements for Development Plans, unless waived by the Planning Director. No Conditional or Special use shall be considered a minor development. The following are minor developments:
 - (1) **Residential.** Any residential development of four (4) or less dwelling units.
 - (2) **Nonresidential.** Any nonresidential development containing 3,450 square feet or less of total gross floor area, exclusive of floor area for accessory residential units, or, if no structure is proposed, containing an activity that will occupy land area of 6,000 square feet or less.
 - (3) **Agricultural employee housing.** Agricultural employee housing meeting the standards in Section 2310, Agricultural Employee Housing.
 - (4) **Temporary gravel extraction and processing.** Temporary gravel extraction and processing meeting the standards in Section 231300.E, Gravel extraction and processing.
 - (5) **Reclassification.** The Planning Director may reclassify a minor development application to be an intermediate development application, thereby subjecting it to a Final Development Plan review by the Planning and Zoning Commission and Board of County Commissioners, if the development will have a major local or community impact that warrants public review.
 - b. **Intermediate Development Plan.** Intermediate developments shall be exempt from the Sketch Plan review by the Planning and Zoning Commission and the Board of County Commissioners, and may proceed directly to a Final Development Plan after a preapplication conference. The application for Intermediate Development Plan shall contain the items listed below in subsection D, Application requirements for Development Plan, unless waived by the Planning Director at the preapplication conference. The following are intermediate developments:

- (1) **Residential.** Any residential development of over four (4) but less than or equal to ten (10) units; platting of residential developments that are ten (10) or less lots/units.
- (2) **Nonresidential.** Any nonresidential development containing more than 3,450 gross square feet of gross floor area but less than or equal to 12,000 square feet of gross floor area, exclusive of floor area for accessory residential units, or, if no structure is proposed, containing an activity that will occupy land area over 6,000 square feet; platting of nonresidential developments that are ten (10) or less lots/units.
- (3) **Conditional uses outside BC District.** Any conditional use proposal containing 12,000 square feet or less of gross floor area, exclusive of floor area for accessory residential units, or, any Conditional use proposal in which no structures are proposed.
- (4) **Conditional use in BC District.** Any Conditional use in the BC District which is either a change of use, or an expansion of an existing use containing more than 3,450 square feet of gross floor area, exclusive of floor area for accessory residential units, or containing over 6,000 square feet in area in which no structures are proposed.
- (5) **Special uses.** Any Special use proposal containing 12,000 square feet or less of gross floor area, exclusive of floor area for accessory residential units, or, any Special use proposal in which no structures are proposed.

c. **Major Development Plan.** Major developments shall be subject to the entire Development Plan review procedure as described above in subsection C.3, Development Plan review. The application for major development plan shall contain the items listed below in subsection D, Application requirements for Development Plans, unless waived by the Planning Director at the preapplication conference. The following are major developments:

- (1) **Residential.** Any residential development of more than ten (10) units, or platting of residential developments of more than ten (10) lots/units.
- (2) **Nonresidential.** Any nonresidential development containing over 12,000 square feet of gross floor area, exclusive of floor area for accessory residential units, or platting of nonresidential developments of more than ten (10) lots/units.
- (3) **Conditional or Special uses.** Any conditional or special use proposal containing more than 12,000 square feet of gross floor area exclusive of floor area for accessory residential units. (If no structures are proposed, see intermediate development plan.)

D. **Application requirements for Development Plans.** An application for a Development Plan shall contain the information described below, unless a waiver of said requirements, or portions thereof, is granted by the Planning Director for good cause shown. The Planning Director shall ensure that only pertinent information is required from the applicant, commensurate with the magnitude of the project.

1. **Substantive requirements on the plan.** The actual sketch plan and final development plan shall clearly represent the site upon which the proposed development is located and provide the information described below.

- a. **Scale, date, north arrow.** The plan shall be drawn to a scale of no less than one (1) inch equals two hundred (200) feet. The date of preparation, all dates of revisions, north arrow, and scale shall be shown as well as the source(s) of survey and contour information and the date of the survey or mapping from which the information shown was derived.
- b. **Title block.** A title block, in the lower right hand corner of the sheet(s), showing the name of the proposed development plan and its location by aliquot part and Section, Township, and Range, and if applicable, the lot, block and subdivision name.
- c. **Vicinity map.** A vicinity map, showing the location of the proposed development, and the Section, Township, and Range; existing and platted or public roads and highways within $\frac{1}{4}$ mile of the development, along with their names; the name(s) of adjoining subdivision(s) and adjoining land owner(s), and other pertinent information. The vicinity map may be on a separate sheet.
- d. **Owner/developer addresses and phone numbers.** The names, addresses, and phone numbers of the owner, and developer if other than the owner, the developer's representative, if any, and the person or firm preparing the plan.
- e. **Legend.** Symbols and differing line types used for boundaries, easements, rights-of-way, and other features shall be described in a legend.
- f. **Project boundary.** The boundary of the proposed development, accurately related to at least two (2) corners of the Public Land Survey System (section, quarter, or 1/16 corner). The boundary of the development and these ties shall be to a standard of accuracy of at least one (1) part in ten thousand (10,000).
- g. **Total acreage.** The total acreage of the project and all adjoining land owned by, or under the control of, the developer or owner. Where the proposed development covers only a portion of the land owned by the developer or property-owner, a sketch of the prospective road and infrastructure system for the entire holding shall be shown and its relation to existing or proposed infrastructure or transportation elements of the Town, County, or adjoining subdivision or political entities.
- h. **Adjacent properties.** The boundary lines of adjacent parcels of land showing ownership information, land uses, locations of buildings, parking areas, landscaping, access drives, easements and zoning. Section lines and incorporation limits within or adjacent to the proposed development shall also be shown.
- i. **Zoning district boundaries.** The boundaries and identification of the zoning district, or zoning districts, within which the proposed development is located.
- j. **Existing uses or parcels.** The location of any existing uses, structures, or parcels and the identification of any nonconforming uses or parcels within the proposed development.
- k. **Streams and rivers.** The names and locations of all streams, rivers or other water bodies within the development, along with all applicable setback lines associated with those waterbodies.
- l. **Contours.** Contours, existing and proposed (finished), at appropriate vertical intervals. In areas where the average vertical land gradient is less than twenty-five (25) percent, the interval shall be not more than two (2) feet. In areas where the natural slope is greater than twenty-five (25) percent, five (5) foot intervals shall be provided. High

water levels, and areas subject to flooding as shown on FIRM maps, and base flood elevation data, shall be indicated in the same datum as for the contour elevations.

- m. **Existing agricultural water rights.** Where applicable, a listing of existing agricultural water rights and any ditches conveying water through the land for agricultural purposes and associated setback lines.
- n. **Easements.** Existing and proposed easements and rights-of-way for utilities, pathways, drainage, public or private access, or other purposes.
- o. **Roads and traffic control.** The location, easement or right-of-way width, road surface width, and functional class for all roads, existing and proposed within 200 feet of the development; roads shall be identified by existing or proposed name and numbers. All existing and/or proposed entrance and exit curb cuts, deceleration and acceleration lanes, traffic islands and other traffic control devices. Location of crosswalks, curbs, gutters, pathways and sidewalks existing or proposed to be built within the development. Private roads shall be annotated in bold letters with the statement, “**NO PUBLIC MAINTENANCE OF STREETS OR ROADS.**”
- p. **Areas dedicated to the public.** Accurate boundaries and legal descriptions of any areas or roads dedicated to the public or for public use, and a notation with the purpose of the dedication indicated therein. Any areas reserved by deed or covenant for the common use of the landowners, or restricted by covenant or dedication, shall be appropriately identified and noted.
- q. **Lot lines or buildings, areas, dimensions, and numbering.** Lot lines or buildings, building envelopes, maximum height, setback lines, or other lines delineating areas in which restrictions of development are to be imposed, and area in acres or square feet, for each lot or building. On the Final Development Plan, accurate angular and lineal dimensions for all lines, angles, and curves used to describe boundaries, streets or alleys, easements or other areas or important features. Also, radii, internal angles, arc lengths, chords, and chord bearings, shall be given for all arcs. Identification of all lots, blocks, buildings, streets, and other areas; lots or buildings shall be numbered progressively in accordance with Section 34-12-102, Wyoming Statutes, 1977, as amended.
- r. **Underground utilities.** The location of all existing sewers, water mains, manholes, storm drains, culverts, and other underground facilities within the proposed development and for a distance of at least one hundred (100) feet beyond the boundaries of the development, indicating pipe sizes and grades.
- s. **Wells and reservoirs.** The location of all wells and reservoirs proposed, active, or abandoned, within the proposed development. The location of any private well within one-quarter (1/4) mile of the proposed development or public wells within five (5) miles of the proposed development shall also be shown. If no domestic water source is proposed for the development, the plan shall be annotated in bold letters with the statement: “**NO PROPOSED DOMESTIC WATER SOURCE.**”
- t. **Location of wastewater treatment facilities.** Where the proposed wastewater treatment system consists of septic tanks and leach fields, the location of two (2) leach field sites, one (1) for immediate use and one (1) to be held in reserve for future use, shall be shown. When a community wastewater treatment system is proposed, the site of the treatment facility shall be shown. When connection to an existing community wastewater treatment system is proposed, the location of existing sewer mains to which

the development is proposed to connect shall be shown. If no public sewage disposal system is proposed for the development, the plan shall be annotated in bold letters with the statement: **“NO PROPOSED PUBLIC SEWAGE DISPOSAL SYSTEM.”**

- u. **Coordinates.** For the Final Development Plan, Wyoming State Plane Coordinates, NAD 1983, on at least two (2) boundary points of the development, and a note indicating the monument(s) used to derive this information. A base bearing shall be derived from this system.
- v. **Monuments.** For the Final Development Plan, the accurate location of all monuments, found or set, within or adjacent to the development, including bench marks or triangulation stations. Each lot corner and road easement corner shall be monumented or witnessed as required by Wyoming Statutes and the regulations of the State Board of Registration for professional Engineers and Land Surveyors. Descriptions of all monuments, found or set, shall be shown by legend or separate description.
- w. **Developments within two (2) miles of Airport.** Developments within, or partially within, a two (2) mile area measured from any point on the centerline of the Jackson Hole Airport runway shall be annotated: **“THIS DEVELOPMENT LIES IN THE IMMEDIATE PROXIMITY TO THE JACKSON HOLE AIRPORT.”**
- x. **Housing Mitigation Plan.** With the Final Development Plan, a housing mitigation plan pursuant to Section 49460, Housing Mitigation Plan. (AMD 05-0005)

2. **Drawings, Statements, and Other Data to Accompany the Plan**

- a. **Land development program.** Complete land development program to include gross acreage, net acreage (as applicable), gross floor area by use, FAR and residential densities as appropriate, lot coverage, LSR, and required and proposed parking. Other pertinent data may be required by the Planning Director.
- b. **Natural resources.** A composite map, if applicable, indicating the location and extent of natural resources identified in Article III, Natural, Scenic, Agricultural and Tourism Resources Protection.
- c. **Approval of street location.** When streets are proposed to be constructed on land controlled by a public agency or utility company, approval of the location, improvement, and maintenance of such streets shall be obtained and recorded as deemed appropriate by the County Attorney.
- d. **Analysis of street intersections.** An analysis of street intersection locations relative to other intersections, sight distance, road speed, and pedestrian movements as well as the number of trips generated by the proposed development and the capacity of the existing road system serving the proposed development. The Planning Director may require a traffic impact study in order to determine the need for acceleration, deceleration, or turning lanes, signalization, or improvements on roads affected by the proposed development.
- e. **Certification that roads remain private.** If the streets or roadways within the development are to be private, then the applicant shall submit a written certification that the roadways within the development shall remain private.
- f. **Statement regarding water supply and wastewater treatment.** A statement demonstrating how the applicant proposes to provide water supply and wastewater treatment services, illustrated by appropriate plans and drawings, if applicable, and any

engineering analysis required by these Land Development Regulations, including but not limited to:

- (1) Any proposed community wastewater systems, with sufficient detail as to type and location so that the feasibility of the proposed system can be properly evaluated by the County Sanitarian and/or the Department of Environmental Quality.
- (2) In the case of any development proposing to connect to an existing public or private wastewater treatment plant or water supply system, a letter from the appropriate authority, indicating that there exists, or can be constructed, sufficient capacity to handle anticipated demands of the proposed development.

- g. **Copies of agreements.** Copies of any agreements with adjacent or other land owners relevant to the proposed development.
- h. **Covenants or restrictions.** With the Final Development Plan, copies of any covenants or restrictions proposed to be filed with the development, which may govern the use of the buildings or lots, or may be used to administer the development and facilities.
- i. **Cross-sections, profiles and gradients of streets.** Typical cross-sections, profiles, and proposed gradients of all proposed streets within or accessing the proposed development shall be provided which are designed to comply with County requirements. These drawings should provide sufficient detail to evaluate the practicality of design, cut and fill extent, "visual impact" and conformance with AASHTO and Fire Department standards of all proposed roads.
- j. **Subsurface soils and geologic investigation.** Once the street and lot or building layout is established, a subsurface soils and geologic investigation report shall be prepared by an engineer registered in the State of Wyoming. The report shall address the soil suitability of all areas where improvements are planned.
- k. **Stormwater runoff management.** A statement of the method by which the applicant proposes to handle stormwater and snowmelt drainage, including provisions for erosion control, illustrated by appropriate plans and drawings.
- l. **Agricultural water rights.** A statement of the applicant's intent with respect to water rights on the subject land, and evidence that the proposed development will not interfere with existing water rights on other lands, shall be provided. The applicant shall provide assurance adequate to the appropriate governing and reviewing body that any proposed water uses on the land will not adversely impact other lands, either by denying other lands access to water or by artificially raising the groundwater or surface water levels on other lands.
- m. **Landscaping plan required.** With the Final Development Plan, a landscape plan pursuant to Division 4100, Landscaping Standards.
- n. **Building plans and elevations.** With the Final Development Plan, building plans and elevations shall be submitted for all proposed buildings in the project.
- o. **Lighting.** With the Final Development Plan, location, type, and height of lighting fixtures.
- p. **Parking areas.** Location and dimensions of all parking areas, number of parking stalls, and all driving or maneuvering lanes. (Typical parking stalls may be indicated to eliminate repetition of all stalls.)

- q. **Signs.** With the Final Development Plan, location of signs, with appropriate dimensional information, including the height, length and area.
- r. **Pathways.** Location of off-site pathways within two hundred (200) feet of the project, along with a depiction of the internal pathway system and proposed method of connection and/or access to the nearest off-site system.
- s. **Phasing plan/construction schedule.** Proposed development phasing plan and construction schedule, identifying specific portions of the development and target dates for completion.
- t. **Existing permits and variances.** A statement identifying any active development permits for the property and any variances obtained for development of the property.
- u. **Additional materials.** Such additional material as the Planning Director may determine to be necessary during the preapplication conference and/or the applicant may choose to submit pertinent to the application.

3. **Required review.** The following reviews shall be conducted and review letters obtained by the Planning Director during the course of the Planning Department review of a Sketch Plan or Final Development Plan.

- a. **County Engineer.** A review letter shall be obtained from the County Engineer addressing the drainage, stormwater management, erosion control, pathways and street system designs, and any other infrastructure improvements or construction practices.
- b. **Wyoming Department of Environmental Quality.** A review letter shall be obtained from the Wyoming Department of Environmental Quality (DEQ) addressing sanitary sewer collection systems and/or water distribution systems for which a DEQ permit is required. The review letter and/or permit shall be submitted prior to approval of a Final Development Plan.
- c. **Fire Department.** A review letter from the Fire Department concerning compliance with the Fire Code, and a statement from the applicant describing how the requirements of the Fire Department will be met.
- d. **Other reviews and referrals.** Sheriff's Department, Park and Recreation, School District, Road Department, Wyoming Department of Transportation, and any other agencies as requested by the Planning Director.
- e. **County Sanitarian.** A review letter shall be obtained from the County Sanitarian addressing the proposed water and wastewater treatment systems. In furtherance thereof:
 - (1) Any information required by the County Sanitarian for determining the adequacy for water and wastewater treatment shall be provided. Depending on the individual site locations, high groundwater information may be required to be collected during the high groundwater season (usually during the height of the irrigation season, late June through July.)
 - (2) If applicable, developers shall furnish the County Sanitarian a report of percolation tests completed on the land by a registered professional engineer or land surveyor indicating that a sufficient number of percolation tests have been made in separate test holes spaced uniformly over proposed absorption field sites, and that the results of such tests indicate that percolation rates are

adequate to permit the installation of the proposed type of soil absorption system without creating sanitation or pollution problems.

- (3) The design and construction of all individual sewage disposal systems shall be subject to inspection and approval of the County Sanitarian.
- (4) A site plan with all existing and proposed waterbodies, including human-made ponds and irrigation ditches, proposed by the developer shall be submitted for review and approval by the County Sanitarian. The site plan shall include information concerning the size, location, depth, flows and proposed uses of the waterbodies; the County Sanitarian shall review the site plan with respect to the waterbodies potential effects on sewage disposal systems.

4. Design standards

- a. **Lot or building numbering.** All lots or buildings shall be numbered in a logical order and all lots intended to be platted shall be numbered progressively in accordance with Section 34-12-102, Wyoming Statutes, 1977, as amended.
- b. **Road names.** New road names shall neither duplicate nor closely resemble existing road names.
- c. **Suitable development locations.** Buildings or building sites shall not be located on a landslide or bedrock slump, on talus slopes or rockfall slopes, on colluvium, on old lake deposits either at the surface or overlain by other deposits, or in an avalanche path.
- d. **Lot/building configuration.** The configuration of lots or buildings within a development shall provide each lot or building a suitable construction site when taking into consideration the topography of the site, any other natural resource features located in the area, and existing and probable future public improvements to the area.
- e. **Limitation of access to arterial streets and highways.** Where a proposed development abuts a major local collector, arterial road or highway, direct access to such road or highway from individual lots or buildings is prohibited. On lots, or buildings, which abut such a road or highway, the development plan shall indicate a “**NO VEHICULAR ACCESS**” restriction.

E. **Standards.** Approval of a Sketch Plan or Final Development Plan shall be dependent upon findings that the proposed use, as conditioned, fully complies with all the standards of these Land Development Regulations. The Board of County Commissioners may also attach any other conditions deemed appropriate, including conformity to a specific site plan, to ensure compliance with the following standards.

1. **Consistent with Comprehensive Plan.** The proposed Development Plan shall be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
2. **Impact on Public Facilities.** The proposed Development Plan shall not have a significant adverse impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMT facilities.
3. **NRO/SRO.** The proposed Development Plan shall achieve the standards and objectives of both the NRO, pursuant to Division 3200, Natural Resources Overlay (NRO) District, and the SRO, pursuant to Division 3300. Scenic Resources Overlay (SRO) District.

4. **Other relevant standards of these Land Development Regulations.** The proposed Development Plan shall comply with all standards imposed on it by all other applicable provisions of these Land Development Regulations for use, layout, and general development characteristics.
5. **Conditional and Special uses.** The proposed Development Plan shall comply with the conditional or special use standards, as applicable, pursuant to Section 5140.B, Conditional use standards, or Section 5140.C, Special use standards, if the proposed use is specified as a Conditional or Special use in Table 2200, Use Schedule.

F. Conditions and restrictions

1. **Authority.** The Board of County Commissioners may, in approving a Development Plan, impose restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required to comply with the foregoing standards to meet the general purposes, goals, and objectives of the Comprehensive Plan and these Land Development Regulations, and to minimize the adverse effects from the proposed use and development on other lands in the neighborhood and on the general health, safety, and welfare of the County.
2. **Conditions set forth in permit.** All conditions imposed in any permit for a Development Plan, with the exception of conditions made applicable to such approval by the express terms of these Land Development Regulations, shall be expressly set forth in the permit.

G. Performance bond. As a condition for granting a Development Plan permit, the applicant may be required to post a performance bond in an amount sufficient to insure completion of the required improvements, including landscaping or any required off-site improvements. In such case, the applicant shall file with the Planning Office a surety or cash bond, letter of credit, or other collateral suitable to the Board of County Commissioners, in an amount specified by the Board of County Commissioners to insure the actual construction of such required improvements within such period of time as may be determined by the Board of County Commissioners. Upon completion of the required improvements, the applicant shall obtain certification from a professional Engineer licensed by the State of Wyoming that the improvements have been constructed in accordance with the approved plans. Upon receipt of an acceptable certification, the Planning Office shall release the security within seven (7) calendar days.

H. Effect of issuance of a development plan permit. All permits for a Development Plan shall expire twelve (12) months from the date of issuance if no building permit has been issued to establish the use authorized in the permit, or if no applications for required subsequent permits have been submitted. Upon written request, one (1) extension of time may be granted by the Board of County Commissioners for a period not to exceed six (6) months, for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no less than twenty (20) calendar days prior to the date the permit for the Development Plan is to expire. The permit shall be extended until the Board of County Commissioners has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this Section shall render the permit for the Development Plan null and void.

I. Additional permits. The applicant shall secure all other permits required by these Land Development Regulations prior to commencing construction of the development permitted by the approval of a Development Plan. A permit for a Development Plan shall not ensure that the development approved as a Development Plan shall receive subsequent approvals for other

applications for development unless the relevant and applicable portions of these Land Development Regulations are met.

- J. **Minor deviations.** Minor deviations from a Development Plan permit shall be approved by the Planning Director. Minor deviations that are authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development and that are not reasonably anticipated during the initial approval process, provided they comply with the standards of these Land Development Regulations. Minor deviations shall not include reductions in the amount of required open space or required resource protection, or increases in the amount of proposed building floor area. All changes not qualifying as minor deviations shall be considered amendments, and shall be subject to Section 51200.K, Amendment to a Development Plan permit.
- K. **Amendment to a Development Plan permit.** A Development Plan permit may be amended, varied or altered only pursuant to the standards and procedures for the approval of the original Development Plan pursuant to this Section, except for minor deviations pursuant to Section 51200.J, Minor deviations, above.

DIVISION 5200. EXTRAORDINARY CIRCUMSTANCES

SECTION 5210. EXTENSION OF TIME LIMITS

- A. **Purpose.** The purpose of this Section is to provide a means for extending, due to extraordinary circumstances, the time limitations on the actions of applicants, that are established in the land development regulations. This purpose and means includes retroactively extending time limitations that may have already expired.
- B. **Procedure.**
 - 1. **Submission and scheduling of request.** The submission of a request for extension, the staff review of, in Section 5120.D. Common procedure for review of applications and Section 5120. E. Notice of Public hearings.
 - 2. **Action by Board of County Commissioners.** Within thirty (30) days of receipt of the request for extension, the Board of County Commissioners shall conduct a public hearing on the request. At the public hearing, the Board shall consider the written request, the relevant supporting materials, the staff report, and the public statements given at the public hearing. No later than thirty (30) calendar days after the close of the public hearing, or such longer period of time as the applicant may agree, the Board of County Commissioners shall grant, grant with conditions, or deny the request based on the standards set forth in this section.
 - 3. **Time limitations in Sections 1430.A; 1440.B.1, and B.2; 5140.F; 5160.D; 5170.G; and 51200.H** may be extended by the Board of County Commissioners, pursuant to Section 5210. Extension of Time Limits.
- C. **Standards.** Decisions to grant or deny requests for extensions shall be consistent with the following:
 - 1. **Consistent with Comprehensive Plan and Land Development Regulations.** The development for which the extension is requested shall comply with the Teton County Comprehensive Plan and Land Development Regulations in effect prior to May 9, 1994, if the application was approved prior to that date, or shall comply with the Teton County Comprehensive Plan and Land Development Regulations in effect after May 9, 1994, if the application was approved after that date.

2. **Circumstances Beyond Applicant's Control.** The circumstances causing the need for the request for extension shall be beyond the control of the applicant.

ARTICLE VI

PLATTING AND LAND RECORDS - TETON COUNTY

ARTICLE VI
PLATTING AND LAND RECORDS
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ARTICLE VI

PLATTING AND LAND RECORDS

DIVISION 6000. PURPOSE, APPLICABILITY AND EXEMPTIONS

SECTION 6010. PURPOSE

The regulations for the platting of land, as set forth in this Article, are adopted pursuant to the authority set forth in Wyoming Statutes §§ 18-5-201 et. seq. and §§ 18-5-301 et. seq., to the extent that §§ 18-5-301 et. seq. are not inconsistent with the express provision hereof. (Amended 6/29/01)

The subdivision of land is achieved by obtaining a Development Plan permit, pursuant to Section 51200, Development Plan, and recording of a Final Plat, pursuant to this Article. The County has adopted these platting and land development standards set forth within this Article to:

- A. **Protect public health, safety and welfare.** Protect the public health, safety, and welfare of the residents of the County;
- B. **Organize land records.** Assure well organized and uniform land records to facilitate the transfer, development and devolution of land;
- C. **Safeguard interests.** Safeguard the interests of the public, landowner, and subdivider; and
- D. **Ensure equitable processing.** Ensure equitable processing of all subdivision applications through the establishment of uniform procedures and standards.

SECTION 6020. APPLICABILITY

- A. **Platting.** All subdivision of land, including condominium and townhouse subdivisions, shall comply with Section 51200, Development Plan, and this Article.
- B. **Land records.** Boundary adjustments to all property shall comply with this Article.

SECTION 6030. EXEMPTIONS (Amended 6/29/01)

Section 51200, Development Plan and this Article shall not apply to the following:

- A. **Cemetery lots.** The subdivision of land for cemetery lots;
- B. **Sale of land to State or political subdivision.** The sale of land to the State of Wyoming or any political subdivision of Wyoming;
- C. **Sale for agricultural purposes.** The sale of land for agricultural purposes;
- D. **Sale of thirty-five (35) acres or greater.** The sale of land where the parcel involved in the sale is thirty-five (35) acres or larger;
- E. **Statutory rights of way.** Statutory and authorized rights-of-way;
- F. **Alignment for agricultural purposes.** Alignment of property lines for agricultural purposes;
- G. **Sale of platted lot.** The sale of any parcel(s) of land which may be shown as lot(s) of a subdivision for which a plat has been recorded in the office of the Clerk of Teton County.

- H. **Conservation easements.** The division of a parcel of land such that any portion is smaller in size than the minimum lot size in the zoning district in which it is located, for conveyance of such nonconforming parcel in fee simple to a qualified non-profit organization in connection with the conveyance of a perpetual conservation easement to which it is appurtenant, provided that the parcel of land so conveyed in fee simple is subject to the same or similar conservation easement restrictions.
- I. **Minor boundary adjustment.** Any boundary adjustment described in Division 6300, Minor Boundary Adjustments.
- J. **Family Subdivisions.** Division of land made outside of platted subdivisions for the purpose of a single gift or sale to a member of the landowner's immediate family, as provided in Wyo. Stat. § 18-5-303(a), provided that the provisions of Section 6031 apply. (AMD 05-0002)

SECTION 6031. CRITERIA FOR REVIEW OF CLAIMED FAMILY EXEMPTION FROM PROVISIONS OF REAL ESTATE SUBDIVISION ACT (AMD 05-0002)

- A. **Application.** Any person seeking to subdivide land using the exemption described in Wyo. Stat. § 18-5-303(a) shall submit a written application therefore to the Planning Director using a form provided by the Planning Director. The written application shall 1) identify the owner(s) of the land, 2) describe the land that the owner(s) intends to subdivide, 3) identify the proposed grantee(s) of the subdivision, 4) state whether the purpose of the division is to provide for the housing, business or agricultural needs of the grantee(s) and 5) include a map of survey prepared by a surveyor licensed by the State of Wyoming showing the proposed exempted subdivision. The proposed grantee(s) shall be a member of the landowner's immediate family, as defined in Wyo. Stat. § 18-5-303(a).
- B. **Action by Planning Director.** The Planning Director shall review the application as to form and shall either approve or deny the application within thirty (30) calendar days.
- C. **Filing of Map of Survey.**
 - 1. If the Planning Director or, on appeal, the Board of County Commissioners, determines that the applicant is eligible for the claimed exemption, then the applicant shall file the map of survey with the County Clerk.
 - 2. Any map of survey filed pursuant to Section 6031 must include both a certificate that it was prepared by a surveyor licensed by the State of Wyoming, and a certificate acknowledged by all owners of record stating that the division is exempted from review as a subdivision under Wyo. Stat. § 18-5-303(a).
 - 3. A division of land using the exemption described in Wyo. Stat. § 18-5-303(a) is only effective upon the filing of the map of survey pursuant to this Section 6031.

SECTION 6040. SALE OF LAND IN UNAPPROVED SUBDIVISION

No owner or agent of an owner of any land shall transfer, sell, agree to sell, or negotiate a binding agreement to sell any land by reference to, exhibition of, or by the use of a plan or plat of subdivision before such plan or plat has been approved and recorded in the manner prescribed in this Article. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this Article. Notwithstanding the foregoing, in the case of condominium or townhouse type developments, an owner may

enter into binding agreements to sell lots or units subsequent to approval of a Final Development Plan. Conveyance of individual lots or units, however, shall not occur until approval and recordation of Final Plat. (Amended 6/20/00)

DIVISION 6100. FINAL PLAT

The processing, design and layout of all final plats shall conform with the standards of this Division.

SECTION 6110. PROCEDURE

- A. **Review of applications.** The submission of, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing on an application for Final Plat shall comply with the procedures in Section 5120.D, Common Procedures for Review of Applications.
- B. **Application requirements for Final Plat.** The Final Plat for a subdivision shall be prepared by a Wyoming registered land surveyor. The Final Plat shall be clearly and legibly drawn on a sheet size and format conforming with Section 33-29-139, Wyoming Statutes, 1977, as amended. A Final Plat shall meet the requirements of all applicable Sections of these Land Development Regulations, and the following:
 1. **Conformance with approved Final Development Plan.** The Final Plat of subdivision shall conform with the approved Final Development Plan and all of the requirements and conditions of the approval, except for minor deviations authorized by the Planning Director pursuant to Section 51200.J, Minor Deviations.
 2. **Notice of Intent to Subdivide.** Evidence that the applicant has published a “Notice of Intent to Subdivide” once each week for two (2) weeks within thirty (30) calendar days prior to filing an application for subdivision, pursuant to Section 18-5-306(a)(ix), Wyoming Statutes, 1977, as amended.
 3. **Form of Final Plat.** The Final Plat shall be prepared and submitted in black, indelible ink, on a mylar or tracing linen sheet, or sheets, twenty-four (24) inches in height and thirty-six (36) inches in width. The mylar shall be no less than four (4) mils thick; the tracing linen shall be durable and approved by the County Clerk. The Final Plat shall conform with the margin requirements of Section 33-29-139(a), Wyoming statutes, 1977, as amended. The scale shall be not less than 1:1200 (1” = 100’) unless the County Surveyor has approved a lesser scale, and sufficient detail can be legibly shown at the lesser scale to fully satisfy the information requirements below.
 4. **Contents of Final Plat.** The Final Plat shall contain the information required in Section 51200.D.1, Substantive requirements on the Plan, unless waived by the Planning Director, and Section 18-5-306, Wyoming Statutes, 1977, as amended, as well as the following:
 - a. **Survey in digital format.** At the time the Final Development Plan is submitted for final approval, unless the applicant or agent can demonstrate to the County Surveyor that considerable practical difficulty or financial hardship would result from the application of this requirement, the following information shall be submitted on a floppy disc or other approved media in digital format.
 - (1) **ASCII coordinates.** ASCII coordinates of all lot corners, boundary corners, and controlling corners in the following or similar format:

Point No. (space) Northing coordinate (space) Easting coordinate (space) Elevation (if applicable) (space) Description.

Each point will occupy one line in the file.

Coordinates shall be in a plane coordinate system specified by the County Surveyor and shall be based upon State plane coordinates, NAD 83 Wyoming West Zone.

- (2) **DXF format file.** An Autocad® compatible dxf format file or an Autocad® drawing file with layer separation for each plan view sheet which defines ownership boundaries. The development boundary, the individual lot or unit boundary lines, easement lines, and line annotation shall be provided on separate working layers from other sheet information.
- (3) **Survey ties.** A survey tie, or ties, to a corner of the Public Land Survey System (1/4, 1/16, or section corners).

If this requirement has been waived by the County Surveyor, the information requirements of Section 6110.B.3.a. and c., shall be supplied on a typed (hard copy) sheet(s) of paper, with each point occupying a separate line and in the format described above.

- b. **Statement regarding further subdivision.** The statement, "This subdivision shall not be subject to further divisions", shall be placed on the Final Plat if, according to these Land Development Regulations, no further density can be ascribed to the development parcel.
- c. **Standard certifications.** The following certifications shall be on a Final Plat:
 - (1) **Legal description included.** Legal description of the land included in the subdivision and included in the Certificate of Surveyor or Certificate of Owner;
 - (2) **Certificate of surveyor.** Certificate of Surveyor, signed by a Professional Land Surveyor registered in the State of Wyoming and certified in accordance with Section 33-29-124, Wyoming Statutes, 1977, as amended;
 - (3) **Certificate of owners.** Certificate of Owner(s) in accordance with Section 34-12-103, Wyoming Statutes, 1977, as amended;
 - (4) **Certificate of acceptance of mortgagees.** Certificate of Acceptance of Mortgagees, if any, of the lands included in the subdivision;
 - (5) **Acknowledgements.** Acknowledgments of the above in accordance with Section 34-12-115, Wyoming Statutes, 1977, as amended;
 - (6) **Certificate of approval.** Certificate of Approval by the Chairperson of the Board of County Commissioners and County Clerk;
 - (7) **Certification of water rights distribution system.** Certification of the adequacy and workability of a water rights distribution and conveyance system in accordance with Section 18-5-306 (a) (12), Wyoming Statutes, 1977, as amended; and
 - (8) **Certification of sewage disposal and water supply.** Certification of adequacy and safety of sewage disposal and water supply systems by a licensed Wyoming Engineer, or statements per Sections 18-5-306 (a) (4), (5), (7), (8), Wyoming

Statutes, 1977, as amended, in bold letters, regarding provisions for water, wastewater, and road maintenance.

- C. **Applicant correction of technical errors.** Within twenty (20) working days of the date the Staff Report is provided to the applicant by the Planning Director, the applicant shall correct all technical errors identified in the Staff Report, and submit the corrections to the Planning Director. The Planning Director shall then determine if the corrections have been made. If corrections have not been made or no corrections are submitted, the application shall be considered withdrawn.
- D. **Decision by Board of County Commissioners.** At the public hearing on the Final Plat, pursuant to Section 51200, Development Plan, the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, and the public testimony given at the public hearing. Within thirty (30) calendar days of the public hearing, the Board of County Commissioners shall approve, approve with conditions, or disapprove the Final Plat based on the standards in this Article. If the Final Plat is disapproved by the Board of County Commissioners, such disapproval shall state in writing the reasons for the disapproval. An applicant may resubmit an application for Final Plat provided that all deficiencies causing the original application to be disapproved have been substantially corrected and the Final Development Plan approval upon which the Final Plat is based has not expired.
- E. **Standards.** The issuance of a subdivision permit shall be dependent upon findings that the proposed subdivision fully complies with all the standards of these Land Development Regulations and the approved Development Plan.

SECTION 6120. DIMENSIONAL LIMITATIONS

All lots of a subdivision, except those expressly exempted by this Article, shall conform to the dimensional limitations set forth in Article II, Zoning District Regulations, including lot area, and minimum yard setbacks.

SECTION 6130. GENERAL DESIGN AND LAYOUT STANDARDS

- A. **Lot access.** All lots shall abut a public street, private street, or be served by an access easement.
- B. **Minimum required lot size.** Remnant areas of land, with an area less than that required for the minimum lot size of the zoning district in which the subdivision is located, shall not be permitted.
- C. **Double or reverse frontage lots.** Double frontage or reverse frontage lots shall be prohibited, except where necessary to limit vehicular access to arterial roads and highways, to provide separation of development from through traffic, or to overcome specific disadvantages of topography or other natural features of the site.
- D. **Access easement not counted in lot area.** An off-site access easement to a lot shall not be included in determination of compliance with the minimum lot area requirements set forth in Article II, Zoning District Regulations.

SECTION 6140. SUBDIVISION IMPROVEMENTS AGREEMENT CONTRACT AND GUARANTEE

- A. **Developers' responsibility for improvements.** The construction of the following improvements shall be the responsibility of the developer and shall be provided for in a Subdivision Improvements

Agreement, which shall be approved with each Final Plat. The Subdivision Improvements Agreement shall be provided in a manner which is consistent with adopted standards. No improvements shall be made until required plans, profiles and specifications have been submitted and approved for the following:

1. **Roads.** Roads, streets, and alleys, and sidewalks or pathways in accordance with the adopted standards;
2. **Street signs.** Street signs;
3. **Wastewater treatment facilities.** Community wastewater treatment system or connection to an existing community wastewater treatment system, if proposed;
4. **Water supply.** Community water supply, storage and distribution system or connection to an existing community water supply system, if proposed;
5. **Water for fire fighting purposes.** Water supply for fire fighting purposes;
6. **Storm drainage.** A storm drainage system and/or irrigation system, as required;
7. **Utilities.** Utilities, such as telephone, cable TV, electric and gas services. All utilities shall be installed underground. Where applicable, utilities shall be in place prior to street or alley surfacing. Aboveground facilities necessary to serve underground facilities, other installation of peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk or feeder lines may be allowed;
8. **Monuments.** Permanent reference monuments and monument boxes;
9. **Park improvements.** Park improvements to include parking, lawns, sprinkler/watering systems, and landscaping; and
10. **Landscaping.** Landscaping, screening, and parks improvements.

B. **Contents of contract.** Prior to the approval of any Final Plat by the Board of County Commissioners, the subdivider shall guarantee the installation of the required improvements by providing a performance and payment bond, an irrevocable letter of credit, funds in escrow, or other appropriate commitment approved by the Board of County Commissioners to guarantee the complete and timely development of any facilities or improvements which are the subdivider's responsibility. The commitment shall be for one hundred twenty-five (125) percent of the cost of improvements, as estimated by the subdivider's licensed professional engineer and shall be approved by the County Engineer. The subdivider shall also execute a Subdivision Improvements Agreement contract form provided by the Planning Director. The standard contract shall, among other things, specify that the required improvements be installed within the time stated, in accordance with the approved plans and the requirements of the County Engineer, and, where applicable, the requirements of the Wyoming Department of Environmental Quality. The contract shall be reviewed and approved by the County Attorney. The time specified for the completion of the required improvements shall not exceed twelve (12) months from the date the Final Plat was approved by the Board of County Commissioners or as specified in a phasing plan reviewed and approved by the Board of County Commissioners as part of the Final Plat.

C. **Release of guarantee.** As improvements are completed, the developer may apply to the Planning Director for a release of part or all of the guarantee pursuant to Section 6150, Completion of Improvements. Upon receipt of certification by the project engineer that the improvements for which the release is requested are completed according to plan, specification, and in accordance with County requirements, the Planning Director shall release a portion of the guarantee, always retaining

an amount one-hundred and twenty-five (125) percent of the estimated cost of improvements yet to be completed.

If the Planning Director determines that the developer will not construct any or all of the improvements in accordance with all of the specifications and/or requirements, the Planning Director shall draw and expend from the bond, letter of credit, deposit of collateral or other form of financial assurance, such funds as may be necessary to construct the improvements.

D. **Oversize and off-site improvements.** The Board of County Commissioners may require installation and construction of utilities, pavement and other land improvements in excess of subdivision design needs, to assure adequate service to future development areas. Such oversize improvement requirements shall be determined by the Board of County Commissioners. Such requirements shall be subject to the following conditions:

1. **Cost of oversize improvements.** The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers or water lines which are necessitated by and are serving the proposed subdivision, as determined by the County Engineer. The County Engineer and subdivider shall mutually establish a proportionally distributed cost sharing arrangement that considers other persons who will benefit from such oversize improvements constructed to ultimately service the surrounding area.
2. **Off-site extensions.** If streets or utilities are not available or adequate for services at the boundary of a proposed subdivision, the subdivider may be required to obtain necessary easements or rights-of-way and construct and pay for any extensions necessary to connect the proposed subdivision to adequate utility lines.

E. **Tap and capacity fees.** The improvements guarantee shall include all applicable tap fees and capacity fees.

F. **Professional engineer.** All improvements must be designed by a professional engineer licensed to do such work in the State of Wyoming.

G. **Record drawings.** Prior to the approval of any completed improvements, record drawings and specifications for streets, water, sewer, drainage and other facilities must be submitted to the County Engineer. The plans shall be submitted on twenty-four (24) inches by thirty-six (36) inches mylar and shall be accompanied by two (2) sets of prints. The plans shall show the detailed location of all utilities including service lines to lots. A permanent benchmark shall be described on each sheet.

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

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

Engineer_____

Wyoming P.E. No._____

I. **Installation.** As provided in the contract, the subdivider shall install the required improvements in a timely manner and in accordance with plans, specifications and data as approved by the County Engineer. The developer shall provide a one (1) year warranty on the construction from the time of the acceptance by the County.

SECTION 6150. COMPLETION OF IMPROVEMENTS

A. **Commencement of Construction.** No construction of required improvements shall commence until after approval of a Final Development Plan and approval of all design and construction drawings by appropriate agencies.

B. **Release of improvements agreement and guarantee**

1. **Written request.** The subdivider shall submit a written request for a release from the improvement agreement for the portion of the improvements which has been accepted by the appropriate agency.
2. **Review by Board of County Commissioners or Planning Director.** The Board of County Commissioners or Planning Director shall review the request. If the requirements of the improvement agreement, concerning that portion requested for release, have been complied with, the appropriate document of release shall be filed with the County Clerk.
3. **Release.** Release of the improvement agreement does not constitute certification of compliance with the standards of these Land Development Regulations or any applicable code or other requirement or a release of the responsibility of the subdivider.

C. **Certificate of Completion and Release of Responsibility**

1. **Certificate of release.** Upon completion of the requirements hereof, the subdivider may request a certificate of completion and release of responsibility from the Planning Director.
2. **Responsibility to maintain.** Upon issuance of the certificate and release, all responsibility for the improvements shall be assumed by the maintaining party.
3. **Acceptance.** The County shall not have any responsibility with respect to any road, or other improvement, notwithstanding the use of the same by the public, unless the road or other improvement has been formally accepted by the County in the manner required by law.

DIVISION 6200. VACATIONS/MODIFICATIONS TO FILED PLATS

A. **Vacations.** Vacations and partial vacations of Final Plats as authorized by Section 34-12-106, et seq., Wyoming Statutes, 1977, as amended, are permitted as follows:

1. **Complete vacation of an existing plat.** Complete vacation of an existing Final Plat shall be accomplished by the filing of an affidavit with the County Clerk signed by all of the owners of land contained within the Final Plat.
2. **Complete vacation of an existing plat to amend configuration.** Complete vacation of an existing Final Plat for the purpose of amending the configuration of any part of a Final Plat materially and adversely affecting all, or substantially all, of the lot owners shall be accomplished by the filing of an amended plat or replat of the subdivision.
 - a. **Name.** The Final Plat shall carry the name of the original subdivision, followed by "Amended", or "Second Amended", etc;

- b. **Vacation.** The Certificate of Owners on the amended Final Plat shall have a clause vacating the existing Final Plat, signed by all owners of an interest in the existing Final Plat;
- c. **Process.** If the Planning Director determines that the proposed amended Final Plat has significant impacts on road, water, sewer, or utility or infrastructure design, or significantly changes the location of building sites, or changes the scenic or environmental aspects of the subdivision, or the number of lots in the subdivision, or changes the allowable uses in the subdivision, then the amended Final Plat shall be reviewed and approved as a new subdivision and a Development Plan permit shall be required.

If the Planning Director determines that the proposed configuration and design changes leave the subdivision substantially the same in terms of infrastructure, lot numbers and configuration, and impacts on neighboring lands, then the amended plat shall be recorded as a Final Plat, after review and approval by the County Staff and the Board of County Commissioners.

- 3. **Partial vacation.** Partial vacation of an existing plat is permitted for the purpose of changing the lot configuration and/or roadway location in a limited part of the subdivision or to adjust the boundary between platted lots and adjacent unplatte parcels. The partial vacation shall be accomplished in accordance with Section 34-12-108, Wyoming Statutes, 1977, as amended, and with the following:

- a. **New plat recorded.** The area to be altered shall be vacated and a new plat made of record.
- b. **Vacation.** The Certificate of Owners on the new plat shall have a clause vacating the area to be redesigned, signed by all owners of record of the lots involved.
- c. **More than one (1) owner.** If there is more than one (1) owner of the vacated land, instruments shall be recorded conveying ownership to individual parcels resulting from the replat.
- d. **Name.** If only one (1) subdivision is involved, the name shall be the name of the original subdivision, followed by a numerical designation. The resulting (new) lots shall be numbered consecutively with numbers different from the original subdivision. If two (2) or more neighboring subdivisions are involved, then the new plat shall have a name materially different than any of the original plats.
- e. **Adjusting boundary with an unplatte parcel.** The boundary between a platted lot and an unplatte parcel may be adjusted, provided no additional lot or parcel is created. The adjusted unplatte parcel is not required to become a part of the subdivision, however the new configuration of the unplatte parcel shall be shown on the plat, to the satisfaction of the County Surveyor, and an instrument acceptable to the County Attorney and the County Surveyor shall be recorded to establish the newly adjusted parcel.
- f. **Conformance with zoning district.** Each of the resulting lots or parcels shall conform with the zoning district in which it is located, or the degree of nonconformity of any lot or parcel shall not be increased, except for cases involving lots or parcels that do not conform to the minimum lot size standard in Table 2400, Schedule of Dimensional Limitations. In such cases, a lot or parcel may be made more noncompliant in order to

make another lot or parcel more compliant, provided the Board of County Commissioners makes the following findings:

(1) **Improves situation.** The benefit of the increased compliance of one lot or parcel outweighs the detriment of the increased noncompliance of another lot or parcel, resulting in a greater overall compliance with the intent and/or the standards of these Land Development Regulations.

(2) **Buildability.** The overall capability of the lots or parcels to safely accommodate development is improved or not diminished, particularly by providing needed land area for water supply and wastewater systems.

(3) **No net increase in density.** The acreage transferred from one lot or parcel to another does not allow for increased density on the subject lots or parcels.

g. **Process.** If the Planning Director determines that the proposed amended plat has no significant impacts on road, water, sewer, or utility design, and changes only minimally the layout and configuration of lots, and building locations, then the amended plat shall be reviewed and approved as a Final Plat, subject to review and approval by the County Staff and the Board of County Commissioners.

If the Planning Director determines there are significant new impacts on infrastructure elements, neighboring lots, or nearby properties are created, or if the number of resulting lots is greater than the number of lots existing or permitted in the area vacated, then the proposed amended plat shall be reviewed and approved as a new subdivision and a Development Plan shall be required.

B. **Corrections.** Corrections of Final Plats shall be effected as follows:

1. **Minor typographical errors or omissions.** In cases of minor typographical errors or omissions such as a distance(s) or bearing(s) or a necessary signature, the Professional Land Surveyor shall file an affidavit stating the corrections to be made, or referencing an additional affidavit to be filed by the person(s) where a signature was omitted. The County Clerk shall mark the changes or corrections, or reference the filed affidavit(s) on the original plat in reproducible pencil. If the corrections or changes required are greater than five (5) in number, an amended Final Plat shall be filed, subject to the review and approval of the County Staff and the Board of County Commissioners.

2. **Incorrect or erroneous survey.** Where the exterior boundaries of the subdivision are changed due to an incorrect or erroneous survey, or an omission of a strip of land between the subdivision boundary and an aliquot part line or right-of-way line, an amended plat shall be filed subject to the review and approval of the County Staff and Board of County Commissioners.

3. **Omission of easements.** Where the filed plat omitted easements for sewer, water, or utility lines, or access easements to the subdivision or to lots of the subdivision, or through the subdivision to adjoining lands, an amended plat shall be filed. If the required modifications are sufficient in scope or number to materially alter the configuration or design of the subdivision, as determined by the Planning Director, the subdivision shall be procedurally treated as a new subdivision and a Development Plan shall be required. If the Planning Director determines the modifications do not materially alter the configuration or design of the subdivision, the Final Plat shall be reviewed and approved by the County Staff and the Board of County Commissioners.

DIVISION 6300. MINOR BOUNDARY ADJUSTMENTS

A. **Applicability.** Only those boundary adjustments specified below shall be permitted as a minor boundary adjustment according to this subsection. All other boundary adjustments shall comply with Division 6200, Vacations/Modifications to Filed Plats.

1. **Adjustment for encroachment, setback violation and boundary dispute.** A minor boundary adjustment necessitated by encroachments, setback violations, bona fide boundary disputes, or similar circumstances.
2. **Adjustment to combine with an adjacent parcel.** The adjustment of the boundary of a parcel not within a platted subdivision for the purpose of combining portions thereof with an adjacent parcel subject to the following:
 - a. **Merge divided portion.** The divided portion shall be totally merged with and combined into the adjoining parcel so that no additional parcels are created, and the resulting parcel shall be established as a single parcel for all purposes, by means of an acceptable recorded instrument; and
 - b. **Conformance with zoning district.** Each of the resulting parcels shall conform with the zoning district in which it is located, or the degree of nonconformity of either parcel shall not be increased, except for cases involving parcels that do not conform to the minimum lot size standard in Table 2400, Schedule of Dimensional Limitations. In such cases, a parcel may be made more noncompliant in order to make another parcel more compliant, provided the Planning Director makes the following findings:
 - (1) **Improves situation.** The benefit of the increased compliance of one parcel outweighs the detriment of the increased noncompliance of the other parcel, resulting in a greater overall compliance with the intent and/or the standards of these Land Development Regulations.
 - (2) **Buildability.** The overall capability of the lots or parcels to safely accommodate development is improved or not diminished, particularly by providing needed land area for water supply and wastewater systems.
 - (3) **No net increase in density.** The acreage transferred from one parcel to another does not allow for increased density on the subject parcels.

B. **Procedure.** An application for minor boundary adjustment shall include a Survey Map containing a Certificate of Surveyor, Certificate of Owners, and a Certificate of Acceptance of Mortgagees signed by any holders of Mortgages of the properties being adjusted. The Survey Map shall also contain a Certificate of Acceptance by the Planning Director, that the minor boundary adjustment complies with all applicable standards of these LDRs. These documents shall be appropriately acknowledged and complying with the applicable sections of Wyoming Statutes, 1977, as amended including 33-29-134, 34-2-115, 34-12-101, submitted in conjunction with an application for a Zoning Compliance Verification pursuant to Section 5170, Zoning Compliance Verification. Upon issuance of a Zoning Compliance Verification, the applicant shall be authorized to record the minor boundary adjustment with the County Clerk.

ARTICLE VII

NONCONFORMITIES - TETON COUNTY

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NONCONFORMITIES
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ARTICLE VII

NONCONFORMITIES

DIVISION 7000. PURPOSE AND INTENT

Within the unincorporated portions of Teton County there exist uses of land, structures and lots that were lawfully established before these Land Development Regulations were adopted or amended, that now do not conform to the terms and requirements of these Land Development Regulations. The purpose and intent of this Article is to regulate the continued existence of those uses and structures that do not conform to the provisions of these Land Development Regulations.

It is the intent of these Land Development Regulations to permit these nonconformities to continue until they are removed, but not to encourage their survival except under the circumstances established in this Article.

DIVISION 7100. NONCONFORMING USES

Nonconforming uses of land are declared generally incompatible with these Land Development Regulations. Nonconforming uses of land may continue in accordance with the provisions of this Division.

SECTION 7110. NORMAL MAINTENANCE OR REPAIR

Normal maintenance or repair of structures where nonconforming uses are located may be performed, provided that the total area of the structure existing after the date it became nonconforming shall not be increased, except pursuant to the standards of this Division.

SECTION 7120. ENLARGEMENT OR EXPANSION

A nonconforming use shall not be enlarged or expanded in area of structure or land occupied, except a nonconforming use may be enlarged in area of a structure if the approval was granted prior to the date the use became a nonconformity, and a nonconforming use may be enlarged or expanded a cumulative total amount of twenty (20) percent in floor area or ten (10) percent in land area (if a structure is not involved) from the date it became a nonconforming use, provided it complies with the dimensional standards of these Land Development Regulations. Expansions to buildings such as covered wheelchair ramps, lifts, handicap accessible rest rooms, etc., which are necessitated primarily to meet requirements and provisions of the Americans with Disabilities Act (ADA), shall be exempt from the twenty (20) percent cumulative limit to floor area expansion. Similarly, additional floor area for accessory residential units associated with nonresidential uses shall be exempt from the twenty (20) percent cumulative limit to floor area expansion.

SECTION 7130. CHANGE IN CHARACTERISTICS OF NONCONFORMING USES

If characteristics of use such as off-street parking and loading, or other matters related to the use of land are made nonconforming, no change shall be made in such characteristics of use which increase nonconformities, provided changes may be made which do not increase such nonconforming use characteristics.

SECTION 7140. RELOCATION

A structure housing a nonconforming use shall not be moved in whole, or in part, to another location on or off the parcel of land on which it is located, unless the relocation of the nonconforming use makes it conforming.

SECTION 7150. CHANGE IN USE

A nonconforming use shall not be changed to another nonconforming use unless any new or additional use is a materially less intense nonconforming use. A nonconforming use shall not be materially increased in intensity. The determination of the level of intensity shall include consideration of traffic generated (amounts and type), impacts on access, parking demand, perceived level of activity, operational characteristics and other potentially adverse impacts on neighboring lands.

SECTION 7160. DISCONTINUANCE OR ABANDONMENT

If a nonconforming use is operationally discontinued or abandoned for a period of more than twelve (12) consecutive months, whether or not the equipment or furniture are removed, or there is an intention to resume such activity in the future, such use may not be reestablished or resumed, and any subsequent use shall conform to the provisions specified by these Land Development Regulations. When government action, a natural disaster, or any other action not considered a willful act of the owner or occupant can be documented as the reason for discontinuance or abandonment, such time of discontinuance or abandonment shall not be calculated for the purpose of this Section.

SECTION 7170. UNSAFE BECAUSE OF MAINTENANCE

If a nonconforming structure or portion thereof containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs or maintenance, and is declared by a duly authorized official of the County to be an unsafe structure, it shall thereafter be removed or rebuilt or repaired in conformance with the standards of these Land Development Regulations and the Building Code.

DIVISION 7200. NONCONFORMING STRUCTURES

Nonconforming structures are declared generally incompatible with these Land Development Regulations. A nonconforming structure devoted to a use permitted in the zoning district in which it is located at the time of its construction, may be continued in accordance with the provisions in this Division.

SECTION 7210. NORMAL MAINTENANCE

Normal maintenance to permit continuation of a nonconforming structure may be performed provided that the total area of the structure existing after the date it became nonconforming shall not be increased, except pursuant to the standards of this Division.

SECTION 7220. ENLARGEMENT OR EXPANSION

Any alteration, addition, expansion or enlargement to a legally nonconforming structure must meet all applicable land development regulations in effect at the time a development permit is issued for the

alteration, addition, expansion or enlargement. A mobile home may be enlarged on a parcel where it is located prior to the date the use becomes a nonconformity, if the enlargement consists of replacement of the nonconforming mobile home unit with another mobile home unit that has improved structural and safety design. (AMD 04-0005)

SECTION 7230. CHANGE IN CHARACTERISTICS OF NONCONFORMING STRUCTURES

If characteristics of use such as off-street parking and loading or other matters related to the use of a structure are made nonconforming, no change shall be made in such characteristics of the structure which increases nonconformities. Provided however, changes may be made which do not increase the degree of nonconformity of the structure.

SECTION 7240. RELOCATION

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless it conforms to the standards and requirements of the zoning district in which it is located.

SECTION 7250. DAMAGE AND RESTORATION OF NONCONFORMING STRUCTURES

- A. **General.** Any nonconforming structure which has been willfully modified or dismantled by any means to the extent of more than fifty (50) percent of the fair market value of the structure during any two (2) year period, shall only be restored in conformity with the standards of these Land Development Regulations, and all rights to continue as a nonconformity shall terminate. If a structure is damaged by less than fifty (50) percent of the fair market value during any two (2) year period, it may be repaired and reconstructed to its prior nonconforming condition as before the time of damage, provided that such repair or reconstruction is substantially completed within twelve (12) months after the date of such damage.
- B. **Natural disaster/not willfully accomplished by owner.** Any nonconforming structure that is demolished or destroyed by a natural disaster or through any manner not willfully accomplished by the owner, regardless of the extent of the demolition or destruction, may be rebuilt consistent with its prior nonconforming status, provided such repair or reconstruction is substantially completed within twelve (12) months after the date of demolition or destruction.

SECTION 7260. UNSAFE BECAUSE OF MAINTENANCE

If a nonconforming structure, or portion thereof, becomes physically unsafe or unlawful due to the lack of repairs or maintenance, and is declared by a duly authorized official of the County to be an unsafe structure, it shall thereafter be removed or rebuilt or repaired in conformance with the standards of these Land Development Regulations and the Building Code.

SECTION 7270. MULTIPLE RESIDENTIAL STRUCTURES ON ONE SITE (AMD 05-0009)

- A. **Permitted subdivision.** If a site, parcel or lot has been developed prior to January 1, 1978, with two (2) or more single-family dwellings and/or multiple-family dwellings, the site, parcel or lot may be

subdivided for the purposes of arranging the residential structures on individual lots. This subdivision shall be permitted even if the resultant lots fail to comply with the dimensional standards in Table 2400, Schedule of Dimensional Limitations. This exception shall not apply to mobile homes on individual sites, mobile homes in mobile home parks, accessory residential units, dude/guest ranches or any structures used for lodging or short-term occupancy. Furthermore, said site, parcel or lot shall not be subdivided into more lots than residential structures and there shall be at least one (1), but not more than two (2) existing residential structure(s) on each resultant lot. If a resultant lot contains two (2) residential structures, one shall be the primary residential dwelling unit and the other shall conform to Section 2370, Accessory Residential Units.

B. Procedure

1. **Review of Applications.** An application for subdivision created under this Section shall comply with the procedures established in Section 5120.D, Common Procedure for Review of Applications.
- C. **Standards.** A subdivision created under this Section, pursuant to an application filed after August 1, 2006, shall comply with the following standards:
 1. **Wildlife impacts.** A subdivision created under this Section shall not be permitted if any part of the site, parcel, or lot is located within the Natural Resource Overlay (NRO).
 2. **Expansion or enlargement.** Any primary residential dwelling unit that is greater than 1,200 square feet in total floor area may not be expanded or enlarged. Any other primary residential dwelling unit may be expanded or enlarged by no more than 20% of its size as of May 9, 1994, or up to a total floor area of 1,200 square feet, whichever is less. All expansions or enlargements shall conform to all applicable Land Development Regulations, including, but not limited to Table 2400, Schedule of Dimensional Limitations.
 3. **Accessory residential structures.** The provisions of Section 2370, Accessory Residential Units, shall apply to existing residential structures that are being designated as accessory residential units through the Section 7270 subdivision process. An accessory residential unit may be expanded or enlarged pursuant to the maximum floor area permitted under Section 2370.
 4. **New construction.** No new habitable structures may be constructed, except in conformance with Section 7250.B, Natural disaster/not willfully accomplished by the owner, even if the proposed new habitable structures otherwise conform to these Land Development Regulations. All new nonhabitable structures shall conform with all applicable standards of these Land Development Regulations.
 5. **Conformance with the Land Development Regulations.** All resultant lots shall be required to conform with all other applicable standards of these Land Development Regulations.

DIVISION 7300. PROCEDURE

SECTION 7310. APPLICATION FOR EXPANSION OR CHANGE OF USE

- A. **Enlargement or expansion of a nonconforming use.** Any enlargement or expansion of a nonconforming use permitted by this Article shall require application for and receipt of a Development Plan permit, pursuant to Section 51200, Development Plan. Expansions of nonconforming uses shall be processed as minor, intermediate, or major developments pursuant to the review thresholds specified in the Development Plan section.
- B. **Change of use.** A change of use permitted by this Article shall require application for and receipt of a Zoning Compliance Verification pursuant to Section 5170, Zoning Compliance Verification and, if applicable, a building permit.

SECTION 7320. LIMITS ON ENLARGEMENTS OR EXPANSIONS OF NONCONFORMING USES

Enlargements or expansions of nonconforming uses shall comply with this Section, this Article, and these Land Development Regulations.

Notwithstanding the provisions in Section 7120, Enlargement or Expansion, any expansion prior to May 9, 1994 of a nonconforming use that continues to be nonconforming under these Land Development Regulations, shall be counted as part of the expansion amounts provided in Section 7120, Enlargement or Expansion.

For example, a nonconforming use under the previous land use regulations that was expanded by ten (10) percent would be allowed only an additional ten (10) percent (to the twenty percent total) expansion under these Land Development Regulations if the use continues to be a nonconforming use.

ARTICLE VIII

DEFINITIONS - TETON COUNTY

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ARTICLE VIII

DEFINITIONS

DIVISION 8000. PURPOSE

The purpose of this Article is to define words, terms, and phrases contained within these Land Development Regulations.

DIVISION 8100. WORD USAGE

The provisions and rules of this Division shall be observed and applied when interpreting these Land Development Regulations, except when the context clearly requires otherwise.

- A. The word "shall" is mandatory.
- B. The word "may" is permissive.
- C. Words used or defined in one tense or form shall include other tenses and derivative forms.
- D. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- E. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- F. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday observed by the County, that day shall be excluded. Unless otherwise stated in these Land Development Regulations, day means a working week day.
- G. The end of a day shall be 5:00 P.M., local time.
- H. The word "week" shall mean seven (7) days. The word "month" shall mean a calendar month. The word "year" shall mean a calendar year.
- I. The word "person" includes individuals, firms, corporations, associations, trusts, and any other similar entities.
- J. The word "County" shall mean Teton County.
- K. The word "Town" shall mean the Town of Jackson.
- L. The phrase "Comprehensive Plan" or "County's Comprehensive Plan" shall mean the Jackson Teton County Comprehensive Plan. It includes all text and all accompanying maps, charts, and explanatory materials adopted as part of the County's Comprehensive Plan on May 9, 1994, and any amendments thereto.
- M. The word "Attorney" or "County Attorney" shall mean the Teton County Attorney.
- N. The words "Building Code" shall mean the Teton County Building Codes.
- O. The word "Council" or "Town Council" shall mean the Town of Jackson Town Council.
- P. The words "Planning and Zoning Commission" shall mean the Teton County Planning and Zoning Commission.

- Q. The words "Planning Department" or "County Planning Department" shall mean the Teton County Planning Department.
- R. The word "County Clerk" shall mean the Teton County Clerk.
- S. The word "State" shall mean the State of Wyoming.
- T. The words "County Board" or the phrase "Board of County Commissioners" shall mean the Teton County Board of County Commissioners.
- U. The words "Planning Director" or "County Planning Director" shall mean the Teton County Planning Director.
- V. The words "County Engineer" shall mean the Teton County Engineer.
- W. The words "Town Administrator" shall mean the Town of Jackson Administrator.
- X. Whenever a provision appears requiring the head of a department or some other Town or County officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize professional-level subordinates to perform the required act or duty, unless the terms of the provision or section specify otherwise.

DIVISION 8200. ABBREVIATIONS

The following abbreviations are used in these Land Development Regulations and are intended to have the following meanings:

ac	acre
BC	building coverage
den	density
DBH	diameter at breast height for a tree
du	dwelling unit
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
ft	feet
ISR	impervious surface ratio
GD	gross density
LSR	landscape surface ratio
max.	maximum
min.	minimum
ND	net density
OSR	open space ratio
sq. ft. or sf.	square feet
SF or S.F.	single-family

DIVISION 8300. DEFINITIONS

When used in these Land Development Regulations, the following terms shall have the following meanings:

Abutting. Abutting means having a common border with, or being separated from, such common border only by an alley, easement, or right-of-way.

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

Access, Dryland. Dryland access means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation that is wide enough to accommodate wheeled rescue and relief vehicles.

Accessory Residential Unit. See Section 2220.B.5. Accessory Residential Unit.

Accessory Use or Building. Accessory use or building means a separate use or structure which: (a) is incidental, subordinate or secondary to, and devoted primarily to the principal use or structure served and does not change the character of the premises; and (b) is located on the same lot or site as the principal use or structure served. In no event shall an accessory use be construed to authorize a use not otherwise permitted in the zoning district in which the principal use is located.

Affordable. A term used in conjunction with or with reference to a sale or rental price for a dwelling unit. Affordable, in this context, means a dwelling unit which a household earning one hundred and seventy-five (175) percent or less of the Teton County median family income can either purchase, with a mortgage payment that does not exceed thirty (30) percent of the gross household income, or rent, for which the gross rent and utility payments do not exceed thirty (30) percent of the gross household income. (AMD 05-0006)

Affordable Housing Guidelines, Teton County Housing Office. A set of operational guidelines adopted by the Teton County Housing Authority Board of Commissioners, and amended from time to time, that set out definitions and procedures that are to be applied in conjunction with Division 49400. Residential Affordable Housing Requirements and other applicable sections of these Land Development Regulations. These guidelines are adopted herein by reference. (AMD 05-0006)

Affordable Housing Unit. A dwelling unit with a restricted rent or sale price in order to be affordable to households earning no more than one hundred and seventy-five (175) percent of the Teton County family median income. (AMD 05-0006)

Agriculture. See Section 2220.C.1.a, Agriculture.

Agricultural Support and Services. See Section 2220.C.3.k, Agricultural support and services.

Airport. See Section 2220.C.6.a, Airport.

Adjoining. Adjoining means a lot or parcel of land which shares all or part of a common boundary line with another lot or parcel of land. See "Abutting" and "contiguous."

Affordable housing. Housing units for lower- and middle-income residents earning no more than one hundred seventy-five (175) percent of the median Teton County income at the time the unit is rented or purchased. Such housing shall cost no more than thirty (30) percent of the occupants' total monthly income. Affordable housing can include owner-occupied dwelling units or rental dwelling units. (AMD 05-0006)

Alley. Alley means a service way, no more than thirty (30) feet wide, which provides a secondary means of public access to abutting 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, Commercial. See Section 2220.C.4.a, Commercial amusement.

Antenna. Means any exterior device for transmitting and receiving wireless communication that is mounted on a tower, building or structure and that is used to send and receive signals for cellular telephone, personal communication service (PCS), mobile radio, wireless Internet access, and similar communication services. Antennas may include panels, microwave dishes, satellite dishes, whip antennas or other devices that may be affixed to a tower, pole or other structure.

Apartment. Apartment means one (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two (2) dwelling units. Apartment does not include a townhouse or condominium.

Apartment Building or House. See "Building, Apartment", Division 8300, Definitions.

Attached Single-family. See "Dwelling, Attached", Division 8300, Definitions.

Attic. Attic means the part of a building which is less than five (5) feet in height located immediately below the roof which is either wholly or partly within the roof framing.

Avalanche. Avalanche means a large mass of snow, ice, rock, earth, or other material in swift motion down a mountainside or other precipice.

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

Balcony. Balcony means a platform that projects from the wall of a building and is enclosed by a parapet or railing.

Bald Eagle Nest. See Section 3250.B.11, Bald eagle nest

Balloon Operations. See Section 2220.C.6.d, Balloon operations.

Bank. 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. The elevation of the bank shall be determined by the observed high water mark, or one (1) foot above the maximum discharge elevation of an outlet control structure that controls the water elevation of a body of water.

Bank Buffer. Bank buffer means the area lying between the bank or edge of the waterbody or wetland and a line located a given distance inland and parallel to the bank or high water mark.

Base Site Area. Base site area means an area where the gross acreage of a parcel or tract of land is calculated, less any acreage that is unavailable for development, pursuant to Section 2460, Maximum Gross Density/Intensity Calculation.

Basement. Basement means a portion of a building, where the walls extend four (4) feet or less above grade for at least fifty (50) percent of the total perimeter of the building and at no point is more than ten (10) feet above grade.

Bed and Breakfast. See Section 2220.C.3.h, Bed and Breakfast.

Bedroom. Bedroom means a room, including a den or unfinished room, in a dwelling unit that is marketed, and designed for sleeping, or otherwise has potential to function primarily for sleeping.

Berm. Berm means a man-made landform, typically built as an earth mound, located so as to screen a structure or yard from view and/or to provide sound relief from a nearby road.

Bicycle Facility. Bicycle facility means bikeways, protected lanes, marked roadway shoulders, bicycle racks, lockers, or similar facilities intended to provide for safe use and parking of bicycles.

Boat Launch. Boat launch means an area of land or a structure used to set boats afloat in a body of water.

Building. Building means any structure having a roof supported by columns or walls; any enclosed structure designed or used for the housing or enclosure of persons, animals, chattels, or property of any kind; or any attached appurtenance thereto, but not including a tepee, tent, or similar type of temporary structure.

Building, Apartment. Apartment building means a structure containing three (3) or more apartment units.

Building, Commercial. Commercial building means a permanent structure which is occupied by a business or other nonresidential use.

Building Coverage. Building coverage means the portion of a lot covered by any and all buildings including accessory buildings.

Building Envelope. Building envelope means the area of a lot within which all development shall occur. Within the Rural (R) District, the building envelope for lots can be up to two (2) acres in size, and the balance of the lot can count toward the open space requirement established in Table 2400, Schedule of Dimensional Limitations. For lots having no identified building envelope, the building envelope shall be that area on the lot enclosed by the street, side, and rear yard setbacks.

Building Front. Building front means the exterior wall of a building which faces the front (street) lot line.

Building Frontage. Building frontage means the linear width of the building facade, or building elevation, facing the right-of-way.

Building, Habitable. Habitable building means any building, or portion thereof, used or potentially used for human habitation.

Building, Historic. 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; or (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 County list of historic property.

Building Line. Building line means the line formed by the rear, side, and street setback requirements.

Bulk. Bulk is a spatial dimension of magnitude and refers to the size, height, floor area and lot coverage of a building.

Caliper. See "Diameter at Breast Height (DBH)", Division 8300, Definitions.

Campground. See Section 2220.C.4.b, Campgrounds.

Canopy. Canopy means the uppermost spreading branchy layer of trees. Canopy also means an ornamental roof-like structure, cantilevered or supported by posts or pillars and having open sides.

Canopy Tree. See "Tree, Canopy", Division 8300, Definitions.

Christmas Tree Sale. See Section 2220.C.8.a, Christmas tree sale.

Cluster Single-family. See Section 2220.A.2., Planned Residential Development.

Commercial Amusement. See Section 2220.C.4.a, Commercial amusement.

Commercial Building. See "Building, Commercial", Division 8300, Definitions.

Commercial Lodging. See Section 2220.C.3.g, Commercial lodging.

Commercial Stable. Commercial stable means a business or buildings which provide shelter and feeding of horses for hire.

Commercial Wireless Telecommunication Services. Commercial wireless telecommunication services means licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, wireless Internet access and similar communication services that are marketed to the general public.

Common Open Space. See "Open Space, Common", Division 8300, Definitions.

Communication Tower. See Section 2220.C.2.b, Utility and Section 2390.D, Communication towers.

Community Wastewater Treatment System. 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.

Comprehensive Plan. See Section 8100, Word Usage, subsection L.

Condominium. Condominium means an estate in real property consisting of an undivided interest in common in a portion of a lot, parcel, or tract of real property together with a separate interest in space in a building on such real property.

Condominium, Time-share. Time share condominium means a condominium ownership of a residential unit in which purchase is for interval ownership with ownership conveyed by deed/license. A time-share condominium is considered a residential use as long as the ownership intervals are thirty (30) days or longer. Any ownership intervals of less duration shall be considered a commercial use.

Conservation Easement. Conservation easement means land upon which an easement or restriction running with the land has been granted in perpetuity, whereby the owner of the underlying fee relinquishes to the owner of the easement the right to alter the natural state of the land, the right to construct improvements, and the right to make any use of the land, except certain uses, as prescribed in the instrument evidencing the easement. The terms of the easement may prescribe exceptions for very limited residential use, agricultural uses, and other open space uses.

Construction Site Erosion Control Measure. Construction site erosion control measure means an erosion control measure used to meet the requirements of these Land Development Regulations.

Construction, Start of. Start of construction means the excavation of land or installation of foundations, footings, or grading.

Contiguous. See "Abutting", Division 8300, Definitions.

Contractor's Office. See Section 2220.C.7.a, Light industry or Section 2220.C.8.(b), Contractor's office, for temporary offices.

Control Measure, Erosion. Erosion control measure means a practice or combination of practices to reduce erosion and attendant pollution.

Control Plan, Erosion. Erosion control plan means a written description of the number, location, size, and other pertinent information or erosion control measures designed to meet the minimum requirements of these Land Development Regulations submitted by the applicant for review and approval by the County.

Cottage Industry. See Section 2220.C.5.e, Cottage industry.

Cross-Country Ski Trails. Cross-country ski trail means a groomed or marked trail intended for the use of cross-country skiers.

Curb Cut. See "Access", Division 8300, Definitions.

Cut Slope. Cut slope means any slope surface in soil or bedrock material created by man by the removal of soil or bedrock materials below the natural land surface.

Cutoff. Cutoff means the point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut off) at a specific angle above the ground. See Section 49370, Exterior Lighting and Glare.

Cutoff Angle. Cutoff angle means the angle, formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted. See Section 49370, Exterior Lighting and Glare.

Cutoff-type Luminaire. Cutoff-type luminaire means a luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than ninety (90) degrees. See Section 49370, Exterior Lighting and Glare.

Day Care Center, Group. See Section 2220.C.2.c, Day Care Center, Group.

Day Care Home, Family. See Section 2220.C.5.c, Day Care Center, Family.

Day Care Home, Group. See Section 2220.C.5.d, Day Care Home, Group.

Dedication. Dedication means the transfer of property interests by the owner to another person. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement. Dedication is not complete unless the party to which the interest is dedicated accepts the dedication.

Dedicated Common Open Space. See "Open Space, Common", Division 8300, Definitions.

Density, Gross. Gross density means the quotient of the total number of dwelling units on a site divided by the base site area. See Section 2460, Maximum Gross Density/Intensity Calculation.

Detention Basin. Detention basin means a covered or uncovered reservoir designed to hold an excessive accumulation of stormwater or snowmelt so as to reduce peak flow in a stormwater or snowmelt drainage system.

Developer. Developer means a recognized legal or beneficial owner of a lot or parcel of any land proposed for inclusion in a development, including a lessee, optionee, or contract purchaser.

Development. Development means any of the following activities for which permission may be required pursuant to these Land Development Regulations: (a) the division of a parcel of land into two (2) or more parcels; (b) the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings, structures, or accessory structures; (c) any use or change in use of any buildings, land, or water; (d) any extension of any use of land; (e) any clearing, grading or other movement of land; (f) any mining, dredging, filling, grading, paving, excavation, or drilling operations; or (g) the storage, deposition, or excavation of materials, public or private sewage disposal systems, or water supply facilities.

Development permit. Development permit includes Conditional use, a Development Plan, a Final Plat, a Zoning Compliance Verification, a sign permit, a grading permit, a small wastewater treatment permit, a building permit, or any other official action of the County having the effect of permitting the development of land.

Development Type. Development type means options provided by these Land Development Regulations for residential land development. In some instances, development types provide for a variety of residential uses. Generally, development types require approval of a Development Plan, pursuant to the procedures and standards of Section 51200, Development Plan.

Diameter at Breast Height (DBH). Diameter at breast height (DBH) means a measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4.5) feet above the adjacent natural grade.

Disposal. See Section 2220.C.7.e, Disposal.

Ditch, Irrigation. Irrigation ditch means a man-made ditch constructed for the purpose of land irrigation. Irrigation ditches shall not include naturally formed drainageways.

Dog Kennel/Dog Breeder. Dog kennel/dog breeder means any lot or premises at which four (4) or more dogs are kept commercially for board, propagation, training, or sale.

Drainage. Drainage means the removal of surface water or groundwater from land by drains, grading, or other means. Drainage, sometimes referred to in terms of stormwater management, also includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainageways. Drainageways mean a watercourse identified by the presence of an intermittent flow, or a swale whose drainage area is a minimum of five (5) acres.

Drive-in Facility. See Section 2220.C.3.f, Drive-in facility.

Driveway. Driveway means a private access way serving a total of not more than two (2) single-family dwellings or two (2) deeded lots.

Dryland Access. See "Access, Dryland", Division 8300, Definitions.

Dude/Guest Ranch. See Section 2220.C.3.i, Dude/guest ranch.

Dwelling. See "Dwelling Unit", Division 8300, Definitions.

Dwelling, Attached. Attached dwelling means two (2) or more adjoining dwelling units, each of which is connected to at least one (1) other dwelling by one (1) or more common walls from ground to roof.

Dwelling, Multiple-family. Multiple-family dwelling means a structure designed for occupancy by three (3) or more families, with each family occupying a separate dwelling unit which may be separated vertically or horizontally. Shared halls, entrances, or stairs are common features of this type of housing.

Dwelling, Single-family Detached. Single-family detached dwelling means a dwelling unit designed for and occupied by not more than one (1) family having no roof, wall, or floor in common with any other dwelling unit or commercial building.

Dwelling, Two Family. Two family dwelling means a detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

Dwelling Unit. Dwelling unit means a building or a portion of a building containing one (1) or more rooms, a separate bathroom, and a single kitchen, designed for occupancy by one family for residential purposes.

Earth Moving. Earth moving means the mechanical disruption of land to alter the existing topography or create a man-made landform, including movement to create a berm, an earth sheltered design or similar land form.

Earth Sheltered Design. Earth sheltered design means a building whose mass is built fully or partly below the land surface or which sits above natural grade but has been covered with earth so that at least fifty (50) percent of the perimeter of the building is concealed from view.

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

Easement, Access. An easement that provides ingress and egress to property other than the property over which the easement crosses.

Employee housing/employee housing unit. A dwelling unit that is restricted to occupation by a person, and that person's family, employed within Teton County, Wyoming.

Equestrian Trail. Equestrian trail means a marked trail, pathway or route intended for horseback riding.

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, and the conditions resulting therefrom.

Excess Stormwater Runoff. Excess stormwater runoff means an increase in stormwater resulting from any of the following: (a) an increase in the impervious surface of the site, including all additions of buildings, roads, and parking lots, or, a change in the type of surface which results in an increase in the amount of stormwater runoff; (b) changes in the quality of the surface or in soil absorption caused by compaction during development; (c) modifications in existing storage capacity caused by changes to contours, including the filling or draining of small depressional areas, alterations of drainageways, or regrading of slopes; (d) change in the time of concentration which may result from the destruction of natural vegetation; (e) alteration of drainageways or installation of collection systems to intercept street flows or to replace swales or other drainageways; and (f) alteration of subsurface flows, including any groundwater de-watering or diversion practices such as curtain drains. Excess stormwater runoff shall be judged in comparison to the site in its natural state.

Existing Use or Structure. Existing use or structure means any use of a site, including any building or other structure thereon, which is located on the site at any given point in time, whether or not the use or structure conforms with the provisions of these Land Development Regulations.

Exterior Storage. Exterior storage means outdoor storage of fuel, raw materials, products, equipment, and solid waste storage equipment. In the case of lumberyards, exterior storage includes all building materials or waste or scrap materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Extraction. See Section 2220.C.7.d, Extraction, and Section 2220.C.8.g, Gravel extraction and processing.

Facade. Facade means the elevational surface of a building.

Face, Building. Building face means all windows and wall areas of a building in one (1) place, facade, or elevation.

Family. Family means one (1) or more individuals related by blood, marriage, adoption, or guardianship, or not more than six (6) individuals not so related, occupying a dwelling unit and living as a single housekeeping unit.

Family Income. The income of a housekeeping unit in which all members are related by either blood or marriage.

Farm. Farm means the land, buildings, structures, and machinery which are primarily adapted and used for agricultural purposes.

Farm Stand. See Section 2220.C.8.f, Farm stand.

Fascia. Fascia means a band located at the top edge of a building, but below the actual roofline and above the building wall. Fascia material is typically of a different type than either the actual roof or the building wall.

Fault Line. Fault line means all geologic faults indicated on the Geological Quadrangle Maps covering Teton County, published by the U.S. Geological Survey.

Fence. Fence means a barrier of posts, wire, rails, boards, metal sheets, or other material which is a barrier and used as a boundary or means of protection or confinement.

Fill. Fill means any act by which earth, sand, gravel, rock or other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location, and the conditions resulting therefrom.

Fill, Clean. Clean fill means rock, soil, sand, gravel, or other earth material which is uncontaminated by any organic substance, garbage, trash, discarded building materials, etc., which is used for leveling, back-filling, or otherwise preparing a site for development or construction.

Fill Slope. Fill slope means the surface of the outward margins or sides of a fill.

Filling. Filling means the depositing on land, whether submerged or not, of sand, gravel, earth, or other materials qualifying as clean fill.

Flag Lot. Flag lot means a lot not fronting or abutting a road, where access to the lot is provided by a private right-of-way or easement.

Flag. Flag means a device generally made of flexible materials, such as cloth, paper, or plastic, displayed individually on poles or as groups on poles, strings, or wires.

Flood or flooding. See Floodplain Management Resolution, Division 1100. Definitions. (AMD 01-0011)

Flood Elevation. Flood elevation means a point one (1) foot above the water surface elevation of the one hundred (100) year flood.

Floodplain. See Section 3220.B.2, Floodplains.

Floodway. See Floodplain Management Resolution, Division 1100. Definitions. (AMD 01-0011)

Floor Area. Floor area of a building includes all interior building levels, basements and partial levels such as lofts and interior balconies as measured from the exterior limits of the faces of the building. The floor area of a building excludes attics, and unenclosed porches. (AMD 03-0011)

Floor Area, Habitable. See "Habitable Floor Area", Division 8300, Definitions. (AMD 03-0011)

Floor Area, Nonhabitable. See "Nonhabitable Floor Area", Division 8300, Definitions. (AMD 03-0011)

Floor Area Ratio (FAR). See Section 2410, General: Schedule of Dimensional Limitations and Standards, Key to Table 2400, Floor Area Ratio. (AMD 03-0011)

Foot-candle. Foot-candle means a unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

Forest. Forest means an area of one quarter (0.25) or more acres, whose uppermost layer of vegetation (canopy) consists of trees covering the area specified for specific types of forest based on the dominant species and soil type. Forest types include highly mesic and upland.

Free Market Housing Unit. A dwelling unit that is not restricted as to rent, sale price or occupancy requirements as described in the Teton County Housing Office Affordable Housing Guidelines.

Garage. Garage means a covered deck or building, or part thereof, used or intended to be used for the parking or storage of motor vehicles.

Glare. Glare means the effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course. Golf course means a parcel of land used for the playing of golf, including pitch-and-putt courses. Golf course shall not include driving ranges or miniature golf courses.

Grade, Finished. Finished grade means the final elevation of the ground surface after development.

Grade, Natural. Natural grade means the elevation of the ground surface in its natural state before manmade alterations.

Gradient. Gradient means the steepness, in terms of angle from the horizontal or in terms of percent, of a slope measured in a prescribed direction up or down the slope. For a road, the gradient is measured as the steepness along the centerline thereof.

Gravel Processing. See Section 2220.C.7.c, Gravel processing, and Section 2220.C.8.g, Gravel extraction and processing.

Gravity Sports Center. An indoor recreational facility for self-powered athletic activities (e.g. skateboarding, BMX bicycles, in-line skating) that uses artificial obstacles, such as ramps, walls or other features, to provide physical challenge to participants. (AMD 03-0001)

Groundwater. Groundwater means any water, including hot water and geothermal steam, under the surface of the land.

Groundwater Supply. Groundwater supply means any artificial method of seeking groundwater including surface water sources that have a strong hydrologic connection to groundwater supplies to the extent of altering groundwater levels.

Guest House. See Section 2220.B.5., Accessory Residential Unit.

Guest Ranch. See "Dude/Guest Ranch", Division 8300, Definitions.

Habitable Floor Area. Habitable floor area is floor area used for living purposes, usually having access to heat, plumbing, and electricity. It includes foyers, hallways, restrooms, closets, storage, and other common areas within a building. Habitable floor area does not include mechanical rooms, elevators and fireplaces. Habitable floor area is measured either from the exterior of the faces of the building or the exterior limits of any interior wall that separates habitable floor area from nonhabitable floor area, whichever is applicable. (AMD 03-0011)

Habitable Space. Habitable space means habitable floor area. See "Habitable Floor Area", Division 8300, Definitions. (AMD 03-0011)

Heavy Retail/Service. See Section 2220.C.3.c, Heavy Retail/Service.

Heavy Industry. See Section 2220.C.7.b, Heavy Industry.

Height, Building or Structure. The height of a building or structure is the vertical dimension measured from any point on the exterior of the building or structure to the nearest point of finished grade.

For purposes of measuring height, finished grade shall mean the highest grade within five (5) feet of the structure or wall of the building, which has been set through an approved grading and/or drainage plan. The term "finished grade" may also mean natural grade when no terrain alteration is proposed, or where

otherwise applicable. Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to raise the finished floor elevations(s) for any other purpose, shall not be considered finished grade.

No part of any building or structure may exceed the Maximum Height allowed in a specific zoning district except for the following:

1. Chimneys, vents, and roof-top mechanical equipment such HVAC systems, provided that the maximum height is not exceeded by more than four (4) feet; and/or
2. Radio or TV antennae or aerials, not to include micro-wave receivers, transmitters, repeaters, or satellite receivers.

On sloping building sites, no part of any building or structure shall exceed the Maximum Height as measured from any point on the exterior of the building or structure to the nearest point of finished grade except for the above exemptions, nor shall the height of the building or structure facing the downhill side, as measured from the highest point of the building or structure to the lowest point of finished grade on the downhill side, exceed 125% of Maximum Height. (See following Figure 8300.A. Height, Building or Structure Overview; Figure 8300.B. Height, Building or Structure Interior Section; and Figure 8300.C. Height, Building or Structure Exterior Face.) (AMD 03-0010)

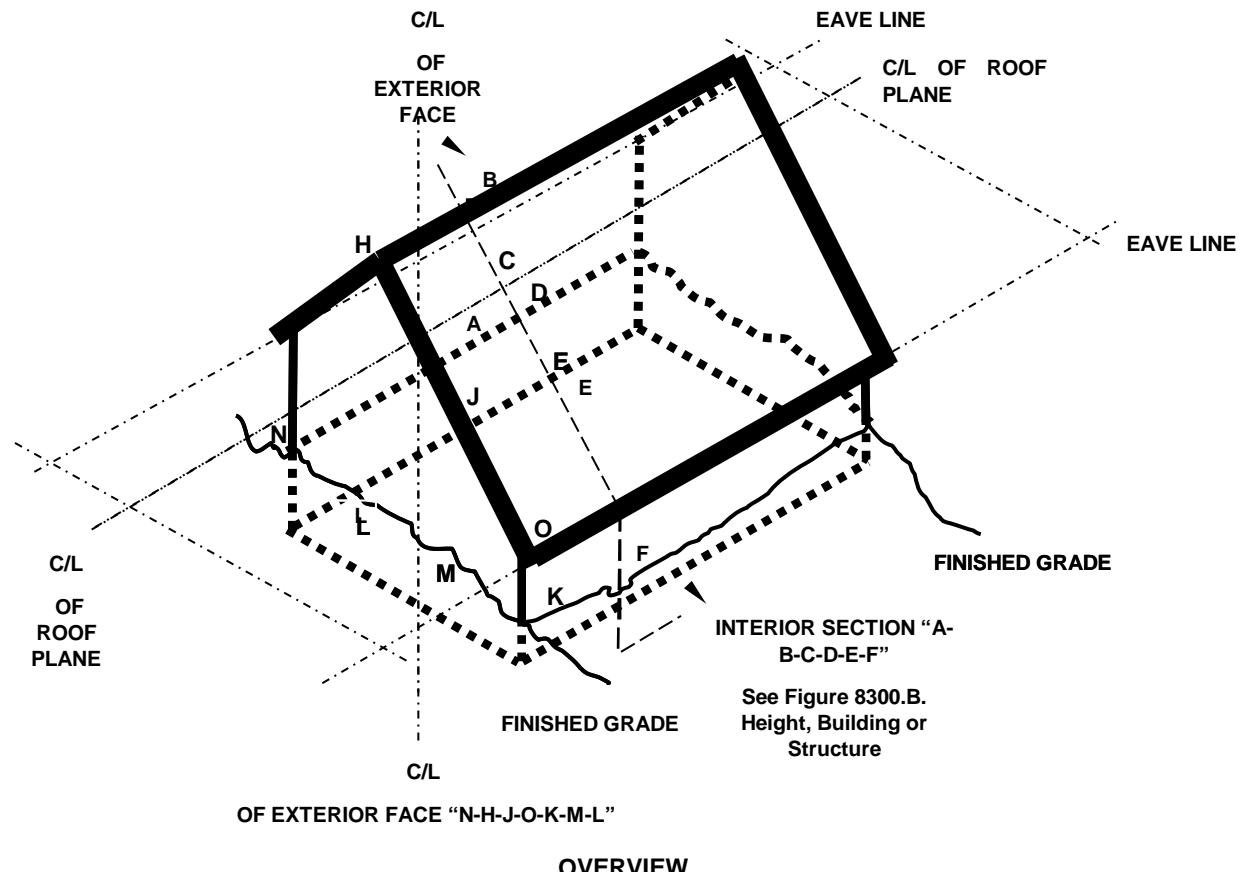
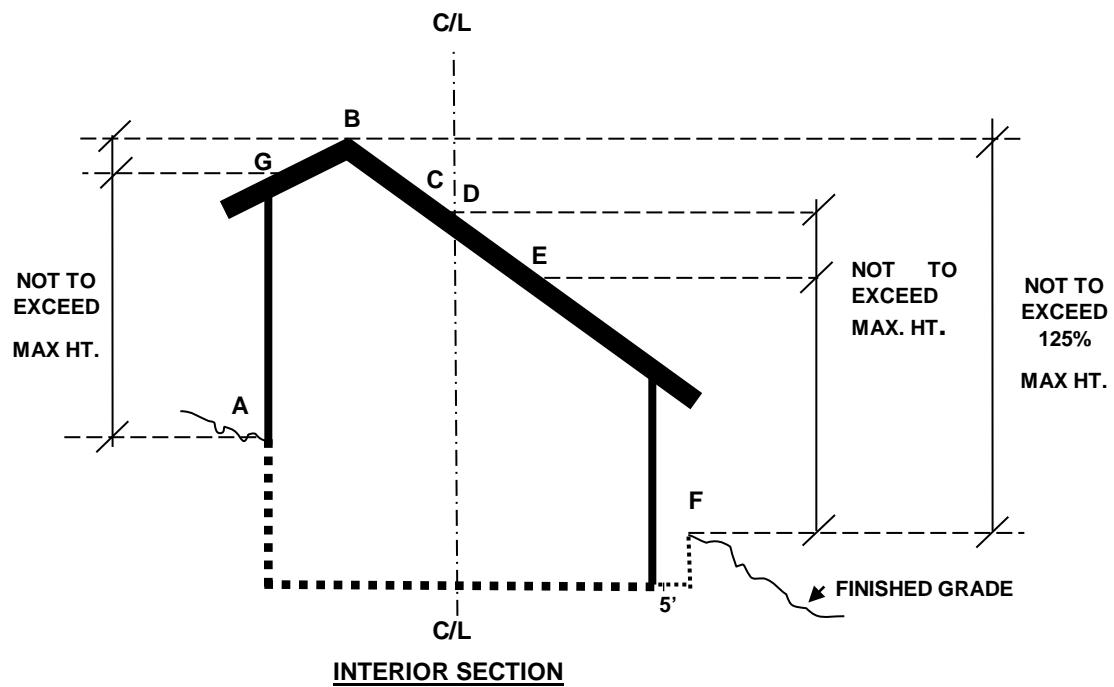
FIGURE 8300.A. HEIGHT, BUILDING OR STRUCTURE**OVERVIEW****OVERVIEW**

FIGURE 8300.B. HEIGHT, BUILDING OR STRUCTURE

“C” IS A POINT TO THE LEFT OR UPHILL SIDE OF THE CENTERLINE OF THE STRUCTURE

“D” IS A POINT TO THE RIGHT OR DOWNHILL SIDE OF THE CENTERLINE OF THE STRUCTURE

“B” IS THE HIGHEST POINT OF STRUCTURE

“E” AND “G” ARE ONE OF MANY POINTS ON THE STRUCTURE

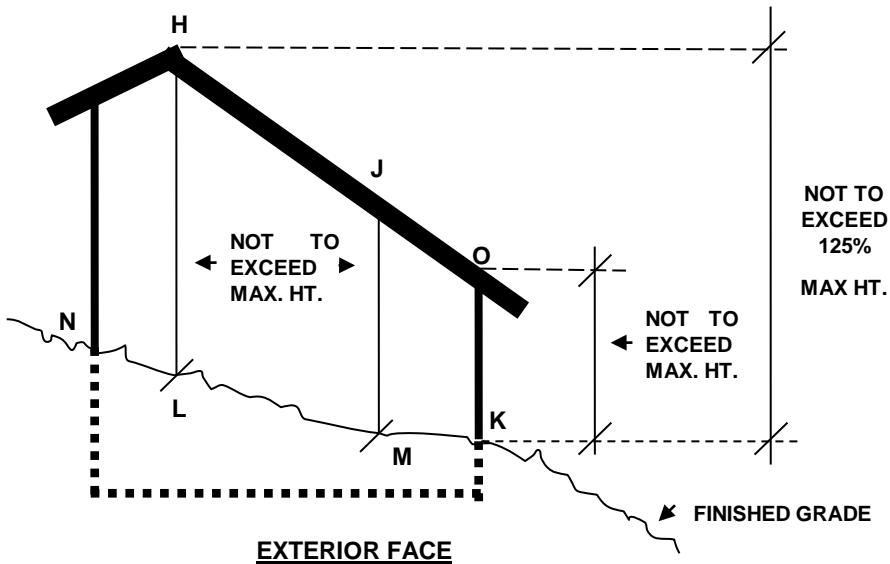
“A” IS THE NEAREST POINT OF FINISHED GRADE FOR POINTS “G”, “B” AND “C”

“F” IS THE NEAREST POINT OF FINISHED GRADE FOR POINTS “D” AND “E”

THE VERTICAL DIMENSION BETWEEN “B” AND “F” CANNOT EXCEED 125% OF MAXIMUM HEIGHT AND THE VERTICAL DIMENSION BETWEEN “B” AND “A” CANNOT EXCEED MAXIMUM HEIGHT

THE VERTICAL DIMENSION BETWEEN “C” AND “A” OR BETWEEN “D” AND “F” CANNOT EXCEED MAXIMUM HEIGHT

FIGURE 8300.C. HEIGHT, BUILDING OR STRUCTURE



"L" IS THE NEAREST POINT OF FINISHED GRADE DIRECTLY BELOW POINT "H"

"J" IS ANY POINT ON THE STRUCTURE; "M" IS THE NEAREST POINT OF FINISHED GRADE DIRECTLY BELOW POINT "J"

"H" IS THE HIGHEST POINT OF STRUCTURE

THE VERTICAL DIMENSION BETWEEN "H" AND "K" CANNOT EXCEED 125% OF MAXIMUM HEIGHT AND THE VERTICAL DIMENSION BETWEEN "O" AND THE NEAREST POINT OF FINISHED GRADE "K" CANNOT EXCEED MAXIMUM HEIGHT

Heliport. See Section 2220.C.6.c, Heliport.

Home Business. See Section 2220.C.5.b, Home Business.

Home Occupation. See Section 2220.C.5.a, Home Occupation.

Hotel. See Section 2220.C.3.g, Commercial Lodging.

Impervious Surface. Impervious surfaces mean a surface which does not absorb water. Impervious surfaces consist of all buildings and roofed areas (excluding eaves that over-hang a pervious surface), structures, parking areas, loading areas, driveways, roads, sidewalks, and any areas of concrete, asphalt, or significantly compacted material which prevents water absorption.

Indoor Recreational. See Section 2220.C.4.d, Indoor Recreational.

Industry, Heavy. See Section 2220.C.7.b, Heavy Industry.

Industry, Light. See Section 2220.C.7.a, Light Industry.

Infrastructure. Infrastructure means public facilities necessary to serve development, including, but not limited to roads, potable water supply facilities, sewage disposal facilities, drainage facilities, electric facilities, natural gas facilities, telephone facilities and cable television facilities.

Institutional. See Section 2220.C.2.a, Institutional.

Institutional Residential. See Section 2220.B.6, Institutional residential.

Irrigation Buffer. Irrigation buffer means a continuous area adjacent to an irrigation ditch, with a minimum width of fifteen (15) feet as measured from the top of the ditch, which is clear of all structures and is intended to provide access for maintenance. Where an easement calls for a greater setback, the larger structure-free area will be required.

Junkyard. See Section 2220.C.7.f, Junkyard.

Kennel. See "Dog Kennel/Dog Breeder", Division 8300, Definitions.

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

Land Developing Activity. Land developing activity means the construction of buildings, structures, roads, parking lots, loading areas, paved storage areas, and similar facilities.

Land Disturbing Construction Activity. Land disturbing construction activity means any manmade change to the land surface, including removing vegetative cover, excavating, filling, and grading. Land disturbing construction activity shall not include the growing and tending of gardens or agricultural activities.

Landing Strip. See Section 2220.C.6.b, Landing strip.

Landscape Surface Area. Landscape surface area means a land surface not covered by buildings or structures, or impervious surfaces, except facilities and/or impervious surfaces specifically permitted in Section 4150, Standard Plant Unit. Once landscaped according to Division 4100, Landscaping Standards, the landscape surface area shall be left undisturbed and maintained to support plant life. Landscape surface area excludes regularly disturbed areas such as camping sites.

Landscape Surface Ratio. Landscape surface ratio means the proportion of a nonresidential development, or a mixed-use development, that is required to be provided upon development as landscape surface area.

Light Industry. See Section 2220.C.7.a, Light industry.

Loading Area or Space. Loading area or space means 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.

Lodging Service. Lodging service means the provision of sleeping accommodations to transient guests.

Lot. Lot means an area of land that is shown on a duly approved and recorded subdivision map or other legal map.

Lot Area. Lot area means the area contained within the boundary lines of a lot, excluding easements for publicly dedicated or accepted rights-of-way.

Lot, Corner. Corner lot means a lot abutting two (2) or more streets at their intersection.

Lot Frontage. Lot frontage means lot width measured at the street frontage.

Lot Line. Lot line means a line bounding a lot which divides one (1) lot from another lot or from a street.

Lot Line, Front. Front lot line means the lot line where access is taken.

Lot Line, Rear. In the case of rectangular or most trapezoidal-shaped lots, rear lot line means the lot line which is generally parallel to and most distant from the street lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, the rear lot line means a line twenty (20) feet in length, located entirely within the lot, parallel to and at the maximum possible distance from the street lot line. In the case of lots which have frontage on more than one (1) road or street, the rear lot line shall be opposite the lot line along which the lot takes direct access to an abutting street. In the case where the lot does not abut a street, the rear lot line shall be the lot line farthest from the lot line where access is taken.

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

Lot Line, Street. Street lot line means any lot line co-terminus with a street right-of-way.

Lot of Record. Lot of record means any validly recorded platted lot, parcel, or tract of land for which the deed is on record with the Teton County Clerk and which complies with all applicable laws, ordinances, and regulations.

Lot Width. Lot width means the distance between the side lot lines, measured at the point midway between the street and rear lot lines.

Luminaire. Luminaire means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Maintenance Guarantee. Maintenance guarantee means a guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to these Land Development Regulations, to maintain same.

Maintenance, Sign. Sign maintenance means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not change or alter the basic copy design, or structure of the sign.

Maximum Permitted Illumination. Maximum permitted illumination means the maximum illumination measured in foot-candles at the interior setback line at ground level. See Section 49370, Exterior Lighting and Glare.

Mean High Water. Mean high water means the annual average elevation achieved by the water level of a water course during snow melt. Mean high water should not to be construed as a flood elevation.

Minimum Floor Elevation. Minimum floor elevation means the lowest elevation permissible for the construction, erection, or other placement of any floor, including the basement floor.

Mini-warehouse. Mini-warehouse means a building or group of buildings in a compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of a customer's goods or wares, provided that: (a) no sales, service, repair, or other activities shall be conducted from a storage area; (b) storage of junk, explosives, flammable materials, or other noxious or dangerous materials is specifically prohibited; (c) maximum leasable space per stall shall be one thousand (1,000) square feet; (d) pick-up or delivery by semi-tractor trailers shall be prohibited; and (e) outdoor storage shall be screened.

Mobile Home. See Section 2220.B.3, Mobile home.

Mobile Home Park. See Section 2220.A.3, Mobile home park.

Modified Rational Method. A method for calculating necessary stormwater storage capacity which is based on the rational method for computing peak flow. Detention storage is estimated by overlaying an approximated outflow hydrograph with a Modified Rational hydrograph and computing the area (volume) formed between the two curves. This method is used when the drainage area is ten (10) acres or less.

Motel. See Section 2220.C.3.g, Commercial lodging.

National Geodetic Vertical Datum (NGVD). National geodetic vertical datum (NGVD) means elevations referenced to mean sea level data, 1929 adjustment.

Native Species. Native species means vegetation which is indigenous to, and is commonly found in landscapes in Teton County which have never been disturbed. A list of native species may be found in "Teton County Landscape Plant Material," a copy of which is available at the County Planning Department.

Natural Grade. See "Grade, Natural", Division 8300, Definitions.

Natural Topography Transition or Break. Natural topography transition or 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.

Nonconforming Sign. See "Sign, Nonconforming", Division 8300, Definitions.

Nonconforming Structure. Nonconforming structure means any building or structure, other than a sign, legally established pursuant to the zoning and building regulations in effect at the time of its development, which does not fully comply with the dimensional requirements of these Land Development Regulations for the zoning district in which it is located.

Nonconforming Use. Nonconforming use means any use of land, building or structure which was established pursuant to the zoning and building laws in effect at the time of its development, but which use is not listed as a permitted, limited review or conditional use in these Land Development Regulations for the zoning district in which it is located.

Nonhabitable Floor Area. Nonhabitable floor area is floor area other than habitable floor area. (AMD 03-0011)

Office. See Section 2220.C.3.a, Office.

Office, Nonprinciple. Nonprinciple office means a secondary office to a professional business that has an established office in a zoning district where such use is permitted.

Official Zoning District Map. Official Zoning District Map means the map and/or detailed maps showing the location and boundaries of the zoning districts established by these Land Development Regulations. The Official Zoning District Map is established and adopted as part of these Land Development Regulations, and incorporated by reference into these Land Development Regulations in Section 2020, Official Zoning District Map.

On-Lot. On-lot means located within the boundaries of the lot or site in question.

Off-Site. Off-site means located neither on the land that is the subject of the application for development permit nor on a contiguous portion of a street or other right-of-way.

Off-Site Improvement. Off-site improvement means an improvement which is not located on the land that is the subject of an application for development permit nor on a contiguous portion of a street or other right-of-way.

Off-Site Parking. Off-site parking means parking proposed for the use of development not on the land where the parking is located.

On-Site. On-site means located on the land that is the subject of an application for development permit.

Open Space, Common. Common open space means land within or related to a development which is designed or intended for the common active or passive use and enjoyment of the residents of the development. Common open space shall include: (a) land which is not individually owned and is not dedicated for public use for streets and other similar common facilities, or (b) land which is individually owned, provided it is located outside of an identified building envelope and has been located adjacent to and made a part of other common open space areas, to the maximum extent possible, to form a continuous area of open space. Common open space may include such complimentary structures and improvements as are necessary and appropriate for its intended use, provided that fences shall not be installed so as to divide individual and common open space areas from one another.

Open Space, Contiguous. Contiguous open space means required open space which directly abuts its associated development.

Open Space, Required. Required open space means land that meets the provision set forth in Division 4300, Open Space Standards for Residential Development.

Open Space, Noncontiguous. Noncontiguous open space means required open space which does not abut its associated development.

Open Space Ratio. Open space ratio means the proportion of a residential development that is required to be open space. (See "Landscape Surface Ratio", Division 8300, Definitions for nonresidential developments.)

Outfitter. Outfitter means an establishment providing services, materials, supplies, and equipment for horseback trips, hunting, fishing, rafting, snowmobiling and other types of outdoor recreation, not including a commercial structure.

Outdoor Recreational. See Section 2220.C.4.c, Outdoor recreational.

Owner. Owner means an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

Parcel. Parcel means unplatte property under single ownership that is described by metes and bounds, or any public land surveys, or aliquot parts, or lot or tract designations not recognized as lawfully platted.

Pathway. Pathway means a nonmotorized facility intended for the use of bicyclists, pedestrians, equestrians, and cross-country skiers.

Pedestrian Facility. Pedestrian facility means a sidewalk or other walkway intended primarily for the use of pedestrians.

Performance Bond. Performance bond means a financial guarantee to ensure that all improvements, facilities, or work required by these Land Development Regulations will be completed in compliance with these Land Development Regulations, and the approved plans and specifications of a development.

Person. Person means an individual or group of individuals, corporation, partnership, association, municipality, or state agency.

Personal wireless service facilities. Personal wireless service facilities means facilities for the provision of personal wireless services. Personal wireless services means commercial wireless telecommunication services, unlicensed wireless services, and common carrier wireless exchange access services.

Picnic Area. Picnic area means an area specifically designed for providing facilities for the outdoor eating of a meal. Facilities may include tables, grills, and roofed outdoor areas.

Plat. Plat means the legally recorded drawing depicting the subdivision of land into two (2) or more lots required by Article VI, Platting and Land Records.

Premises. Premises mean an area of land with its appurtenances, building(s) and/or structures which, because of its unity of use, is one (1) unit of real estate.

Primary Use. See "Use, Principal", Division 8300, Definitions.

Principal Use. See "Use, Principal", Division 8300, Definitions.

Public/Semi-Public Use. Public/semi-public use means facilities operated under the auspices of federal, state, or local governments, or other governmental or quasi-governmental entities such as a school district or hospital board. All Public/semi-public uses include but are not limited to the following: governmental administrative or judicial buildings, offices, and complexes; schools; libraries; maintenance facilities; hospitals; correctional facilities; cemeteries; recreational facilities; museums; fine arts or performing arts facilities; and public or private services clearly accessory to a permitted use.

Public Sanitary Sewer. See "Wastewater Treatment System, Public", Division 8300, Definitions.

Public Water Supply. See "Water Supply, Public", Division 8300, Definitions.

Ranch. See "Agriculture", Division 8300, Definitions.

Ranch Compound. Ranch compound means a cluster of structures built in traditional ranch forms commonly found on ranches in Teton County.

Rational Method. A method for computing peak flow for stormwater runoff which sets flow equal to the product of a weighted runoff coefficient for the drainage area, intensity in/hr. for the given design frequency (taken from the I-D-F curves for the design area) and the drainage area in acres (Q=C;A)

Real Estate Sales Office, Temporary. See Section 2220.C.8.d, Real estate sales office.

Recorded. Recorded means formally indexed and abstracted in the official records of the Clerk of Teton County. Recorded does not include documents that are merely filed.

Recorded Lot. See "Lot of Record", Division 8300, Definitions.

Recreational, Indoor. See Section 2220.C.4.d, Indoor Recreational.

Recreational, Outdoor. See Section 2220.C.4.c, Outdoor Recreational.

Recreational Vehicle. Recreational vehicle means a vehicle that is intended to be transported over the streets, roads, and highways (either as a motor vehicle or attached to, or hauled by, a motor vehicle) that is designed for temporary use as sleeping quarters, but does not satisfy one (1) or more of the defining criteria of mobile home.

Required Affordable Housing Unit. A dwelling unit with a restricted rent or sale price in order to be affordable to households with incomes equal to or less than one hundred and seventy-five (175) percent of

the Teton County family median income at the time of the initial sale or rental. Said dwelling unit may be further restricted as to occupancy requirements as described in these Land Development Regulations and/or Teton County Housing Office Affordable Housing Guidelines. (AMD 05-0006)

Reservoir. An artificial pond used for storage of water. An in-line reservoir is a physical enlargement of an irrigation ditch.

Residential Planned Development. See Section 2220.A.2, Planned Residential Development.

Restaurant, Drive-in. See Section 2220.C.3.f, Drive-in facility.

Restaurant. See Section 2220.C.3.e, Restaurant/bar.

Restricted Unit. See "Affordable Housing Unit", Division 8300, Definitions.

River. See Section 3220.B.1.a, River.

Road, Arterial. Arterial road means a road which is intended to provide for high-speed travel between or within communities or to and from collector roads. Access is controlled so that only significant land uses may take direct access to these streets. For the purposes of these Land Development Regulations, arterial roads are identified as arterials on the Official County Highway Map.

Road, Collector. Collector road means a road which is intended to connect residential streets to arterial roads or provide access to nonresidential uses and arterial streets.

Road, Local. Local road means a road which is intended to provide access to abutting lands.

Road, Residential. Residential road means a road which is intended to provide access to abutting residential lands.

Roofline. Roofline means the highest horizontal line of a building or structure as defined by ridges, gables, dormers, or parapets, except chimneys, antennas, cupolas, and steeples.

Rooming House. Rooming house means a residential lodging use which is occupied by up to ten (10) persons. Those persons' stay shall be for a minimum of thirty (30) days, for a fee. They shall not be members of a family occupying the dwelling unit, and shall not occupy the dwelling unit as a single housekeeping unit.

Runoff. Runoff means the rainfall, snowmelt, or irrigation water flowing over the ground surface.

Sedimentation. Sedimentation means the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Service. See Section 2220.C.3.d, Service.

Setback. Setback means the horizontal distance between a street, easement, right-of-way line or property line and a structure, building, or other improvement.

Setback, Front. Front setback means a line parallel to and at a specified minimum (or greater) distance from the property line or right-of-way line where access is taken. See Setback, Street.

Setback, Rear. Rear setback means a line parallel to and at the specified minimum (or greater) distance from the rear lot line.

Setback, Side. Side setback means a line parallel to and at the specified minimum (or greater) distance from the side lot line.

Setback, Street. Street setback means a line parallel to and at the specified minimum (or greater) distance from the street, road or access easement right-of-way line.

Shelter. See Section 2220.C.8.e, Shelter.

Short-term rental. Rental of any structure, or portion of a structure, for over-night lodging accommodations for a period of less than thirty (30) days.

Sign. Sign means any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, religious group, product service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or score boards located on athletic fields. See Division 4600, Signs.

Single-family. See Section 2220.B.2, Conventional Single-Family Unit.

Site. Site means the entire area included in the legal description of the land on which a land disturbing or land development activity is proposed in an application for a development permit.

Skyline. Skyline means the visual line at which the earth or vegetation and the sky appear to meet. It is typically viewed as the top, crest, or peak of a ridge, hillside, or butte.

Ski Slope. See Section 2220.C.4.e, Ski Slopes.

Slope. Slope means the relationship of the change in the vertical measurement to the change in the horizontal measurement, usually written as a ratio or a percentage.

Slope, Steep. See Section 49160.A.10, Slopes in excess of twenty-five (25) percent and Section 49160.A.11, NC District.

Small Wastewater Treatment System. See "Wastewater Treatment System, Small", Division 8300, Definitions.

Soil Conservation Service Method. A method for calculating the necessary stormwater storage capacity which is described in Soil Conservation Service Technical Release 55. This method is generally used when the drainage area is greater than ten (10) acres.

Special Event. See Section 2220.C.8.c, Special event.

Stream. See Section 3220.B.a.b, Stream.

Street. See "Road", Division 8300, Definitions.

Structural Alteration. Structural alteration means any change in the supporting members of a building or structure, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Structure. Structure means any building, bridge, fence, pole, tower, liquid storage tank, pier, dam, culvert, satellite dish, personal wireless telecommunication facilities or other construction or erection except for paved surfaces such as streets, walks, trails, or driveways.

Structure, Principal. Principal structure means the building or structure containing the predominant use of the land.

Subdivision. Subdivision means any division of a plat, tract, parcel, or lot of land into two (2) or more parts by means of platting in accordance with the procedures and standards of Article VI, Platting and Land Records.

Subdivision Improvement or Improvement. Subdivision improvement or improvement means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for the needs of the development such as: streets, alleys, pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, utility and energy services.

Swale. Swale means a linear depression in the land's surface in which sheet runoff would collect and form a temporary watercourse. A swale five (5) acres or more in size is considered a drainageway.

Teton County Housing Office Affordable Housing Guidelines. See "Affordable Housing Guidelines, Teton County Housing Office", Division 8300, Definitions.

Thread Channel. Thread channel means a line running through the low point of a river or stream with running water.

Time-share Condominium. See "Condominium, Time-share", Division 8300, Definitions.

Townhouse. Townhouse means a single-family attached unit, including the ground beneath the unit, with a single unit going from ground to roof.

Tower. Tower means any ground or roof mounted pole, spire, structure, or combination thereof taller than fourteen (14) feet, including support lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above ground.

Traffic Shed. Traffic shed means a geographic area in which the traffic flow generated within or by that area flows, either directly or indirectly, to the same supporting arterial street or highway.

Transient Guest. Transient guest means a guest who remains for less than thirty (30) continuous days.

Tree, Canopy. Canopy tree means a deciduous shade or specimen tree, such as aspen, cottonwood, golden willow, or ash.

Tree, Evergreen. Evergreen tree means coniferous trees.

Tree, Understory. Understory tree means a tree whose leaves would occupy the lower level of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees.

Trumpeter Swan Nest. See Section 3250.B.6, Trumpeter swan nest.

Unlicensed wireless services. Unlicensed wireless service means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

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

Use. Use means the purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged, or for which either a site or structure is or may be occupied or maintained. For nonresidential structures or sites having more than one (1) purpose, except shopping centers and similar development, a use shall be defined as any purpose to which more than ten (10) percent of the gross floor or site area is dedicated.

Use, Accessory. See "Accessory Use", Division 8300, Definitions.

Use, Conditional. Conditional use means a use that is generally compatible with the other uses permitted in a zoning district but requires individual review of its location, design, configuration, density and nature and intensity of use, structures, and may require the imposition of appropriate conditions in order to ensure compatibility of the use at a particular location, and mitigate any potentially adverse effects on surrounding lands. All Conditional uses must comply with the procedures and standards of Section 5140, Conditional Uses.

Use, Permitted. Permitted use means a use allowed in a zoning district, subject to the restrictions applicable to that zoning district.

Use, Principal. Principal use means the predominant use of land.

Use, Temporary. Temporary use means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses shall be established for less than one (1) year and shall not involve the construction or alteration of any permanent structure.

Utilities. See Section 2220.C.2.b, Utility.

Variance. Variance means deviations from the terms of these Land Development Regulations that would not be contrary to the public interest when owing to special circumstances or conditions, the literal enforcement of the provisions of these Land Development Regulations would result in undue and unnecessary hardship. A variance must be approved pursuant to the procedures and standards of Section 5160, Variances.

Visual Analysis. A visual analysis shall demonstrate and document for review the visual impact of the proposed development on surrounding designated scenic corridors and viewpoints, and verify compliance with Division 3300, Scenic Resource Overlay (SRO) District.

The analysis shall show in accurate perspective format, what portions of the proposed development are visible from various points along the scenic corridor or from critical viewpoints. Multiple perspectives may be required along scenic corridors to accurately reflect the appearance of the development as the viewpoint is moved along the corridor.

For development which is shown to be visible from the designated corridors or viewpoints the analysis shall demonstrate in accurate perspective format the measures proposed to blend the development into the context of the setting. The setting shall include the view frame of the picture when viewing the development from a particular viewpoint and will typically include the backdrop of natural topography, existing vegetation as well as surrounding vegetation and structures. Development features which shall be shown to be compatible with the setting include: bulk and scale of buildings, building and roof forms, texture of materials used on the buildings, colors and proposed plantings for screening.

Wall. Wall means an upright surface of a building or structure (not including fences) that encloses, divides, supports, or protects the building or structure. The upright surface of a wall shall be the furthest extension of the building's or structure's edges and shall include overhangs covering a boardwalk, false roofs, and unenclosed porches.

Wastewater Disposal System. Wastewater disposal system means a system used for the disposal of wastes either by surface or underground methods, including sewage systems, treatment works, conduits, storm sewers, pumping stations, force mains, all other constructions, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

Wastewater Treatment System, Small. Small wastewater disposal system means a sewage system, disposal system, or treatment works having simple hydrologic and engineering needs which is intended for

wastes originating from a single residential unit serving no more than four (4) families, or which distributes two thousand (2,000) gallons or less of domestic sewage per day.

Wastewater Treatment System, Public. Public wastewater disposal system means a sanitary sewer system, other than small wastewater treatment system, approved by the State, County, or Town, and maintained by a public or private agency authorized to operate such system.

Water Supply, Public. Public water supply means a water supply being distributed by twenty (20) or more service connections used to furnish water for human consumption either in preparing foods or beverages for inhabitants of residences or for the use of business establishments. A public water supply includes the source, treatment system, distribution system, service connections, finished water storage, and pumping stations.

Waterbodies. See Section 3220.B.1, Waterbodies.

Watercourse. Watercourse means perennial and ephemeral streams and drainageways.

Watercourse, Surface Profile. Surface profile of a watercourse means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow level.

Well. Well means a facility for retrieving groundwater, usually potable water for domestic purposes. Well may include appurtenances, such as pumps, purifiers, and piping.

Wetland. See Section 3220.B.3, Wetlands.

Wildlife Analysis. A wildlife analysis is a site specific analysis that locates and describes areas of the site regularly used by wildlife as habitat or migration routes, and projects the impacts of a proposed development/activity on the wildlife. The analysis shall describe the techniques used for identifying and mapping the areas and for projecting the impacts, and verify compliance with Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District.

The analysis shall include information on the physical and biological attributes, including but not limited to: geology and soils, physiography, surface hydrology, wetlands, human use, vegetative communities, and, formal groups that are present or expected to be present.

The analysis also shall describe the impacts of the proposed development/activity on wildlife, particularly on species of special concern. Proposed mitigation and/or enhancement activities that are proposed as part of the development/activity shall be fully described as part of the analysis. Specific recommendations shall be made on how to minimize the impacts of the development/activity.

Yard. Yard means the space between a lot line and the building line.

Yard, Front. See "Yard, Street", Division 8300, Definitions.

Yard, Rear. Rear yard means a yard extending the full width of the lot in the area between a rear lot line and a rear building line.

Yard, Side. Side yard means a yard extending the full length of the lot in the area between a side lot line and a side building line.

Yard, Street. Street yard means a yard extending the full width of the lot in the area between a lot line abutting a street right-of-way and a building line.

ARTICLE IX

ENFORCEMENT - TETON COUNTY

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ARTICLE IX

ENFORCEMENT

DIVISION 9000. GENERAL

The provisions of these Land Development Regulations shall be enforced by the Board of County Commissioners through its authority to abate any violations and enjoin and restrain any person violating these Land Development Regulations pursuant to Wyoming law.

DIVISION 9100. INSPECTION

Under the powers of this Article, the Planning Director shall have the authority to enter onto land within unincorporated Teton County to inspect for violations of these Land Development Regulations.

DIVISION 9200. REVOCATION OR SUSPENSION OF PERMIT

Revocation or suspension of any permit issued pursuant to these Land Development Regulations shall be made under the procedures and standards of this Division.

SECTION 9210. PROCEDURE

- A. **Initiation by Planning Director.** If the Planning Director determines there are reasonable grounds for the revocation or suspension of a permit under the standards of Section 9220, Standards, the Planning Director shall set a hearing before the Board of County Commissioners which shall be a contested case hearing under the Wyoming Administrative Procedures Act.
- B. **Notification.** The Planning Director shall give the permittee notification pursuant to the requirements of the Wyoming Administrative Procedures Act a minimum of twenty (20) calendar days prior to the public hearing. The notification shall also state the grounds for the revocation or suspension of the permit.
- C. **Revocation or Suspension Hearing.** The Board of County Commissioners shall conduct a hearing on the proposed revocation or suspension pursuant to the procedures set forth in the Wyoming Administrative Procedures Act and Teton County's Rules for Contested Case Hearings as provided for in the Wyoming Administrative Procedures Act, which is incorporated herein by reference.
- D. **Decision of Board of County Commissioners.** Within thirty (30) calendar days after the close of the hearing, the Board of County Commissioners shall render a decision on the revocation or suspension of the permit based on Section 9220, Standards.

SECTION 9220. STANDARDS

A permit shall be revoked or suspended if any one (1) of the following findings is made by the Board of County Commissioners.

- A. **Based on misleading information or misrepresentation.** The permit was issued on the basis of erroneous or misleading information or misrepresentation; or

B. **Violation of conditions of permit.** The development violates the terms or conditions of the permit, or these Land Development Regulations.

SECTION 9230. NOTIFICATION

Notification of the Board of County Commissioners' decision shall be provided by the Planning Director to the permittee by mail within thirty (30) calendar days.

SECTION 9240. CUMULATIVE REMEDY

The Board of County Commissioners' right to revoke or suspend, as provided in this Division, shall be cumulative to any other remedy provided by law.

DIVISION 9300. ABATEMENT OF VIOLATIONS

SECTION 9310. GENERAL

Violations of these Land Development Regulations may be abated under the procedures and standards of this Division, at the election of the Planning Director; however, this procedure shall not be the sole remedy available, and the County may enforce these Land Development Regulations in any manner provided by law.

SECTION 9320. PROCEDURE

- A. **Notification of Violation.** If the Planning Director determines that any development within unincorporated Teton County is in violation of the provisions of these Land Development Regulations, the Planning Director may mail a Notice to Abate to the landowner, stating the provisions of these Land Development Regulations being violated, and setting forth a reasonable period of time for the landowner to abate and correct the violation.
- B. **Hearing to Correct Violation.** In the event the landowner fails to comply with the Notice to Abate, a Hearing Officer shall conduct a Hearing to Abate to ascertain whether abatement should be required under the procedures and standards of this Division.
 1. **Notice of Hearing.** The Planning Director shall provide notice of the Hearing to Abate to the landowner by certified mail, return receipt requested, a minimum of fourteen (14) calendar days prior to the date established for the hearing. Notice shall be substantially in the format set forth on the following page:

**NOTICE OF HEARING ON ABATEMENT OF VIOLATION OF
LAND DEVELOPMENT REGULATIONS**

This is a notice of hearing before a Hearing Officer of Teton County, Wyoming, to ascertain whether certain land or structures situated in unincorporated Teton County, Wyoming, known and designated as (street address) _____, in said County, and more particularly described as (legal description) _____ constitutes a violation of the County's Land Development Regulations and is subject to abatement pursuant to Division 9300 thereof, and Section 18-5-205, Wyoming Statutes. If the violation is not promptly abated by the landowner, such violation may be abated by County authorities, in which case the cost of any eviction or relocation of an illegal use, rehabilitation, repair, or demolition of an illegal structure will be assessed upon such land, and such costs, together with interest thereon, will constitute a lien upon such property until paid. In addition, the landowner may be cited for violation of the provisions of these Land Development Regulations and subject to a fine.

Said alleged violation is of Section _____ of these Land Development Regulations, and consists of the following:

The method(s) of abatement are:

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this _____ day of _____, 19 _____

Time and Date of Hearing:

Location of Hearing:

2. Recommended by Hearing Officer

- a. **General.** At the time stated in the Notice of the Hearing to Abate, the Hearing Officer shall conduct a hearing pursuant to the requirements of the Wyoming Administrative Procedures Act, and shall hear and consider all relevant evidence, objections or protests, and shall hear testimony under oath of the alleged violator and all other persons having an interest in the hearing.
- b. **Continuance.** The Hearing Officer may continue the hearing from time to time for good cause.
- c. **Recommended Order.** If, after the conclusion of the hearing, the Hearing Officer finds that a violation of these Land Development Regulations does exist and there is sufficient cause to evict or relocate an illegal use or rehabilitate, demolish, remove or repair an illegal structure, the Hearing Officer shall prepare a recommended Order to Abate outlining findings and specifying the nature of the violation, the method of abatement and the time within which the work shall be commenced and completed. The recommended Order to Abate shall then be forwarded to the Board of County commissioners for final action at a hearing.

- d. **Notification of Recommended Order.** The Hearing Officer shall provide the landowner a copy of the recommended Order to Abate by mail, on the day the recommended Order is forwarded to the Board of County Commissioners for a final decision.
3. **Decision by Board of County Commissioners**
 - a. **Scheduling Hearing.** The Board of County Commissioners shall schedule a hearing on the recommended Order to Abate within thirty (30) calendar days from the date the recommended Order is forwarded to the Board of County Commissioners by the Hearing Officer.
 - b. **Notice of Hearing.** The Planning Director shall provide the landowner notice of the hearing by certified mail, return receipt requested, a minimum of fourteen (14) calendar days prior to the date of the hearing.
 - c. **Continuances.** Continuances of the hearing may be granted by the Board of County Commissioners on request of the landowner for good cause shown.
 - d. **Decision by Board of County Commissioners.** At the hearing, the Board of County Commissioners shall provide the landowner or the landowner's representative and the Planning Director an opportunity to make statements about the record established in the hearing held by the Hearing Officer and the recommended Order to Abate. The Board of County Commissioners shall then review the record and recommended Order to Abate. The recommended Order to Abate shall be approved if there is competent substantial evidence in the record that a violation of these Land Development Regulations does exist and there is sufficient cause to evict or relocate an illegal use or rehabilitate, demolish, remove or repair an illegal structure.
 - e. **Notice of Decision.** The Planning Director shall provide a copy of the decision of the Board of County Commissioners to the landowner by mail, return receipt requested.

SECTION 9330. EFFECT OF ORDER TO ABATE

If an Order to Abate is issued it shall mean that the land or structure is in violation of these Land Development Regulations, and the illegal activity shall be discontinued and rehabilitated, repaired, removed, or demolished in the manner and means specifically set forth in the Order to Abate.

SECTION 9340. CUMULATIVE REMEDY

The County's right to abate a violation of these Land Development Regulations, as provided in this Division, shall be cumulative to any other remedy provided by law.

DIVISION 9400. OTHER REMEDIES

SECTION 9410. CIVIL REMEDIES

The Board of County Commissioners shall have the right to enforce the provisions of these Land Development Regulations under any remedy provided under Wyoming law, including by injunction.

SECTION 9420. CRIMINAL REMEDIES

Any person violating any provisions of these Land Development Regulations shall be subject to all criminal penalties authorized by the State of Wyoming for such violation, including upon conviction, a fine and imprisonment, or both, and payment of all costs and expenses involved in prosecuting the offense.