LAND DEVELOPMENT REGULATIONS

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DIVISION 1600 SEVERABILITY

DIVISION 1000 TITLE AND CITATION

This Ordinance shall be known as the "Town of Jackson Land Development Regulations" and may also be referred to as "The Land Development Regulations" or "these Land Development Regulations."

(Editor’s Note: The ordinance adopting the Land Development Regulations was Ordinance 489 Section 2, adopted November 7, 1994)

DIVISION 1100 AUTHORITY

The Town Council of the Town of Jackson (hereinafter "Town") has the authority to adopt these Land Development Regulations pursuant to Article 13, Section 1 of the Wyoming Constitution, Section 15-1-601, et. seq., and Section 9-8-101, et. seq., and Section 34-12-101, et. seq., Wyoming Statutes (1977 Republished Edition as amended), 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 Town by:

A. Land Use Patterns and Community Character

1. Establishing a rational land use pattern and encouraging the most appropriate use of individual parcels of land, in accordance with the Comprehensive Plan.

2. Dividing the incorporated area of the Town 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 Town'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 Town'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 historic 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 Town 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 infrastructure.

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 Town.

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

F. Preservation of Local Economy and Land Values

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 development.

G. Administration

1. Defining the powers and duties of officers and bodies necessary to administer these Land Development Regulations.

2. Prescribing penalties for the violation of the provisions of these Land Development Regulations.

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

DIVISION 1300 APPLICABILITY

SECTION 1310 APPLICATION

The provisions of these Land Development Regulations shall apply to the development of all land within the Town boundaries, 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 Town shall occur without the prior receipt of a permit therefore, pursuant to the provisions of these Land Development Regulations, unless expressly exempted herein.

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

SECTION 1410 EXISTING USES OR STRUCTURES

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

SECTION 1420 LOTS OF RECORD

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

SECTION 1430 EXISTING BUILDING PERMITS, DEVELOPMENT PERMITS, 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, 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, or within six (6) months in the case of a building permit, 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, Lot Split Permit, Sign Permit, Home Occupation Permit or 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.

SECTION 1440 CONDITIONAL USE PERMITS, SUBDIVISIONS AND COMPLETE NEIGHBORHOOD MASTER PLANS

A. Final approval not affected. The provisions of these Land Development Regulations shall not affect the validity of any Final Plat or final Complete Neighborhood Master Plan formally approved by the Town Council in accordance with any prior regulations of the Town.

B. Conditional Use Permits; Subdivisions or Complete Neighborhood Master Plans in Process. Developments in the Conditional Use Permit, subdivision or Complete Neighborhood Master Plan process for which an application has been received by the 18th day of November, 1994, and deemed by the Planning Director to be complete, in his sole discretion, may continue to be processed and governed by the regulations in effect prior to the adoption of these Land Development Regulations, provided that the approval process is diligently pursued and not delayed for any significant period by the action or inaction of the applicant. All Conditional Use Permits, subdivisions or Complete Neighborhood Master Plan applications which are not

complete by the 18th day of November, 1994, shall, without exception, comply with these Land Development Regulations. Anything in the foregoing notwithstanding, Preliminary Plat and Conditional Use Permit approvals are valid for one (1) year and said approvals shall become void if Final Plat approval is not obtained within one (1) year of the approval date of the Preliminary Plat, or construction or use commenced for a Conditional Use Permit, within one (1) year of the date of its issuance.

C. Modifications. Proposed modifications to any Final Plat or Final Complete Neighborhood Master Plan, or Preliminary Plat 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 COMPLIANCE WITH PERMIT CONDITIONS

All development 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 1460 DEVELOPMENTS NOT IN COMPLIANCE WITH PRIOR REGULATIONS

Developments or portions of developments not in compliance with or not legally nonconforming under prior land development regulations, and which are not in compliance with these Land Development Regulations shall not be deemed legally nonconforming under these Land Development Regulations. Such developments are subject to enforcement action under the provisions of these Land Development Regulations.

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 TOWN'S PRIOR LAND USE AND DEVELOPMENT REGULATIONS AND SUBDIVISION REGULATIONS

Except in the case of Section 1430, Existing Building Permits, Development Permits, Lot Split Permits, Sign Permits, Home Occupation Permits, and Variances, and Section 1440, Conditional Use Permits, Subdivisions and Complete Neighborhood Master Plans, or to the extent necessary to enforce compliance with permits issued pursuant thereto or issued prior to adoption of these Land Development Regulations, the Town's Zoning Code (Title 18, Jackson Municipal Code) adopted on April 5, 1967, as amended from time to time, and the Town's Subdivision Ordinance (Title 17, Jackson Municipal Code) adopted on February 3, 1986, and amended from time to time, are hereby repealed on the effective date of these Land Development Regulations. The Mobile Home Park Ordinance of the Town of Jackson (Chapter 5.36, Jackson Municipal Code) is hereby repealed on the effective date of these Land Development Regulations. The repeal of these ordinances does not include the repeal of other ordinances not specified herein.

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

The repeal of the Ordinances set forth in Section 1510, Repeal of Town's Prior Land Use and Development Regulations and Subdivision Regulations, does not revive any other provisions, resolutions, ordinance, codes, or other regulations repealed by the aforementioned Ordinances.

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.

LAND DEVELOPMENT REGULATIONS

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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 Town. 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 Town;
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 Town's setting and its critical natural resources; and
E. **Mitigation of negative impacts.** Mitigate impacts of certain uses within the zoning districts.

SECTION 2010 ESTABLISHMENT OF ZONING DISTRICTS AND ZONING DISTRICT OVERLAYS

A. **Division of Town into zoning districts.** The total incorporated area of the Town of Jackson 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 Town as follows:

Urban Districts

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

Suburban District

6. Suburban (S) District

Rural District

7. Rural (R) District

Conservation Districts

8. Business Conservation (BC) District
9. Neighborhood Conservation - Single-Family (NC-SF) District
10. Neighborhood Conservation - Two Family (NC-2)
11. Neighborhood Conservation - Mobile Home Park (NC-MHP) District

12. Neighborhood Conservation - Planned Unit Development (NC-PUD) District

Special Purpose Districts

13. Office Professional (OP) District

14. Office Professional-Two (OP-2) District

15. Residential Business (RB) District

16. Planned Resort (PR) District

17. Business Park (BP) District

18. Mobile Home Park (MHP) District

19. Public/Semi-Public (P/SP) District

20. Park and Open Space (P) District

21. Planned Unit Development (PUD) District

Overlay Districts

22. Natural Resources Overlay (NRO)

23. Scenic Resources Overlay (SRO)

24. Lodging Overlay (LO)

25. Town Square Overlay (TSO)

(Ord. 659, § 1, 2000; Ord. 580 § 1, 1997)

SECTION 2020 OFFICIAL ZONING DISTRICT MAP

Zoning districts established by these Land Development Regulations are bounded and defined as shown on the Town of Jackson 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 Town'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 Town boundaries shall be construed as following such boundaries.
B. **Boundaries following streets or alleys.** Boundary lines shown as following or approximately following streets or alleys shall be construed as following the centerline of such streets or alleys.

C. **Boundaries following section lines, platted lot lines, Park or Forest Services boundaries.** Boundary lines shown as following, or approximately following, section lines, platted lot lines, park or forest service boundaries, or other property lines as shown on the Official Zoning District Map shall be construed as following such lines.

D. **Boundaries following streams, or rivers.** Boundary lines shown as following, or approximately following, the centerline of streams, or rivers, or other continuously flowing watercourses shall be construed as following the thread of the channel of such watercourses. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the thread. In any instance where the thread extends beyond a Town boundary, the boundary shall become coterminous with the Town 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. **Parallel boundaries.** Boundaries shown as separated from, and parallel or approximately parallel to, any of the features identified in Section 2030 A-F, 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 Federal agencies to a private landowner, the land shall be assigned the Rural zoning district designation by the Town Council pursuant to Section 5150, Amendments 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 which 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. The UC District is further subdivided into UC and UC-2 (Urban Commercial-2). The UC-2 maintains urban character but to slightly lesser density. It is intended to apply to in-town commercial areas where uses serve both residents and visitors.

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 non-vehicular movement between buildings in commercial areas. Uses in the AC District primarily serve residents' commercial needs, and some tourist service uses. The AC District is intended to be applied to community-serving commercial areas.

D. **Auto-Urban Residential (AR) 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 the Town, 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 pasture 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) 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 Complete Master Plans in process that receive final plat or final master plan approval pursuant to Section 1440.B, Conditional Use Permits; Subdivisions or Complete Neighborhood Master Plans in Progress.

SECTION 2150 SPECIAL PURPOSE DISTRICTS

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

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

A. **Planned Resort (PR) District.** The purpose of the Planned Resort (PR) is to provide for the 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 includes, but not limited to, ski slopes and associated facilities, lodging, convention facilities, retail, and restaurants. (Ord. 580 § 3, 1997)

B. **Office Professional (OP) District.** The purpose of the Office Professional (OP) District is to provide for the development of office uses and a limited array of service uses separate from the commercial districts where office uses often cannot compete with retail uses for space. The OP District may be mixed with residential uses that include the conversion of single-family residences to office or service uses, the development or continuation of residential uses, and the conduct of limited business uses from a home. The OP District is further subdivided into OP-2 (Office Professional-Two). The OP-2 District provides a higher land use intensity and residential density similar to the UC-2 District. A limited array of pedestrian-oriented commercial and service uses are encouraged to be integrated within mixed-use development projects. (Ord. 659, § 1, 2000)

C. **Residential Business (RB) District.** The purpose of the Residential Business (RB) District is to provide for the conduct of small scale businesses on a lot on which the principal use is residential.

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

E. **Mobile Home Park (MHP) District.** The purpose of the MHP District is to provide locations for mobile homes in a park-like setting.

F. **Public/Semi-Public (P/SP) District.** The purpose of the Public/Semi Public (P/SP) District is to provide locations for new and existing uses and facilities of a public or semi-public nature. Land in the P/SP District and/or facilities operated therein may be under the control of federal, state, or local governments, or other governmental entities such as a school district or hospital district. It is not the intent of these land development regulations that property in the P/SP district retain that designation after the property is divested by the public entity. At the time P/SP designated land is transferred, or is proposed to be transferred, into private ownership, the property shall be reclassified to an appropriate zoning district to allow private use pursuant to the Jackson-Teton County Comprehensive Plan.

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

H. **Planned Unit Development (PUD) District.** The purpose of the Planned Unit Development (PUD) District is to permit variation from the strict application of the standards of the traditional zoning districts in order to allow flexibility to landowners to plan for the development of affordable housing.

SECTION 2160 ZONING DISTRICT OVERLAYS

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

The Zoning District Overlays established in these Land Development Regulations are the Natural Resources Overlay (NRO), the Scenic Resources Overlay (SRO), the Lodging Overlay (LO), and the Town Square Overlay (TSO). (Ord. 580 § 4, 1997)

A. **Natural Resources Overlay (NRO).** The purpose of the Natural Resource Overlay (NRO) is to provide protection to the most important and sensitive natural areas throughout the Town and County that provide critical winter habitat and migration routes that are essential for survival of the elk, mule deer, 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 Resource Overlay (SRO) is to preserve and maintain the Town and 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 Town which are appropriate for lodging uses, and to insure that a balance is maintained between the amount of lodging uses and other visitor and local-oriented uses.

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

E. Deleted (Ord. 580 § 4, 1997)

SECTION 2170 PLANNED UNIT DEVELOPMENT (PUD)

A. **Description.** The Planned Unit Development (PUD) option is intended to provide a mechanism for land development through an overall, unified approach rather than the traditional lot by lot approach. This option encourages innovative approaches to land development by means of flexibility in design in order to create an improved living environment, preserve the unique features of the site, and provide services in a more efficient manner. The Planned Unit Development allows for a variety of types of residential development and encourages appropriate mixes of residential product types.

B. **Purpose.** The purpose of the Planned Unit Development (PUD) option is:

1. To encourage flexibility, innovation of design and variety of development types in order to promote the most suitable use of a site.

2. To facilitate efficient provision of streets, utilities and municipal services.

3. To provide a functional system of pathways, both on and off site.

4. To achieve a compatible land use relationship with the surrounding area.

5. To preserve the unique, natural, scenic, historical and cultural features of a site.

6. To develop and preserve usable open space.

7. To encourage a high quality of design.

8. To encourage the conservation of energy.

9. To promote and encourage affordable housing.

C. **Where established.** The Planned Unit Development option may be established in any zoning district listed in Table 2170.F, Base Development Standards for the Planned Unit Development Option. The column, **Min. Site Area**, indicates the minimum site area required in each zoning district to exercise the Planned Unit Development option.

D. **Unified control.** The development site of a Planned Unit Development shall be under unified control, and shall be planned as a whole.

E. **Phasing.** Phasing of development and associated public and private improvements is permitted subject to an approved phasing schedule. All requirements of these Land Development Regulations, as well as all standards established by Planned Unit Development approval, shall be met at each development phase.

F. **Permitted dwelling unit types.** Planned Unit Developments shall be permitted and are encouraged to provide a variety and mix of residential types and sizes. Permitted unit types may include, but shall not be limited to, single-family homes (attached and detached), townhouses, condominiums, apartments, and accessory residential units. Mobile homes, mobile home parks, and mobile home subdivisions are not permitted as Planned Unit Developments.

G. **Application and review procedures.** All Planned Unit Developments shall be submitted, processed, and reviewed according to the provisions of Section 51200, Development Plan.

H. **Base development standards.** The base standards of FAR (floor area ratio), LSR (landscape surface ratio), and lot coverage by principal and accessory structures are found in Table 2170.F, Base Development Standards for the Planned Unit Development Option (Residential Only).

(Ord. 952 § 1, 2009; Ord.726 § 1, 2003.)

Table 2170.F. Base Development Standards for the Planned Unit Development Option (Residential Only)				
Zoning District	**Max. FAR**	**Min. LSR**	**Max. Lot Cov.**	**Min. Site Area**
UC, UR	.65	.30	50%	15K
UC-2/OP-2	.50	.40	35%	15K
AC, AR	.40	.45	30%	22.5K
SR	.20	.70	25%	80K

I. **Flexible development standards.** All other development standards of density, height, setbacks, and required parking are open and flexible, and are to be established for each individual Planned Unit Development based upon the criteria provided below.

1. **Front setbacks (street yards).** Front setbacks shall reflect the general standards of the neighborhood, character area, and zoning district in which the Planned Unit Development is located. (For example, front setbacks will tend to be smaller in urban areas, deeper in auto-urban areas, and deeper yet in areas of suburban character.) Front setbacks should be somewhat varied, especially in auto-urban and suburban single-family detached situations, to avoid regimentation and monotony. The primary purposes of front setbacks are:

   (a) attractive streetscapes which provide a comfortable and pleasing pedestrian environment, including such features as decks, porches, balconies, etc., to enliven the streetscape,

   (b) functional open space, and

   (c) light, air, and separation of the structure from the activity of the street.

2. **Side and rear setbacks.** Setbacks for side and rear yards are critical factors in terms of neighborhood compatibility. Generally, side and rear setbacks in Planned Unit Developments should reflect those in the immediate neighborhood and should mirror those of adjacent properties. The primary purposes of side and rear setbacks are:

   (a) functional open space (primarily in rear yards),

   (b) to provide light, air circulation, and privacy,

   (c) to provide separation between buildings which allows for vistas, the use of borrowed space and linkages to common open space as appropriate,

   (d) to provide private outdoor space (primarily in rear yards); decks, patios, balconies, etc.

While side setbacks may be reduced to zero in appropriate urban applications, no setback shall be reduced to the extent that rain, snow, or snow melt falls on to adjacent property.

3. **Density.** In a Planned Unit Development, density is a function of the base standards, the type and mix of units proposed, and the character of the surrounding neighborhood. The density proposed should be appropriate and compatible with the neighborhood in terms of both total population and bulk, scale, and massing of structures. Project density should not result in traffic or any other external impacts which will adversely impact the surrounding neighborhood or adjacent property.

4. **Height of structures.** The structural height proposed should be in scale with the surrounding neighborhood. Structural heights should be appropriate to the terrain of the project site and to the type of unit(s) proposed. Generally, perimeter setbacks should increase with structural height, and taller structures should be located toward the interior of the site, or elsewhere if the potential for adverse impacts is lessened. Structures in a Planned Unit Development are not limited as to the number of levels above finished grade. No structure may exceed thirty-five (35) feet in height, except in response to extraordinary slope.

5. **Parking requirements.** Parking standards for Planned Unit Developments shall be set on an individual, project-by-project basis. The standards set forth in Table 4240, Parking Standards By Use, shall be a guide in determining appropriate standards. Parking demand is a function of the following factors:

   (a) project location,

   (b) unit type,

   (c) size/value of unit, and

   (d) target market.

6. **Cross aisles.** Cross aisles and drive aisles which are not abutted by parking may be reduced to no less than twenty (20) feet in width in the interior of a Planned Unit Development, provided that vehicle, pedestrian, and resident safety, and emergency access are not compromised.

7. **Tandem parking.** Tandem parking may be permitted in a Planned Unit Development regardless of the number of units, provided that the resulting tandem spaces are assigned to the same unit. No more than two (2) vehicles parked in tandem are permitted.

8. **Backing onto roads and public streets.** The backing of vehicles onto roads and public streets in groups of vehicles greater than three (3) may be permitted, provided that vehicle, pedestrian, and bicycle safety are not compromised. This provision applies to minor residential streets and cul-de-sacs only. On all other streets, the standard in Section 4260.B, Backing onto roads and public streets prohibited, applies.

9. **Public and private streets.** Standards for public and private streets may be reduced from those set forth in Division 4700, Transportation Facilities, of these Land Development Regulations, provided that vehicle, pedestrian, bicycle, and resident safety are not compromised. Street design shall be based upon the type and density of land use served,

and total projected vehicle trips. Public streets must be readily maintainable and shall not be a maintenance cost liability to the Town of Jackson.

J. **Criteria for review.** All Planned Unit Developments shall demonstrate substantial compliance with the following criteria as applicable to the specific proposal.

1. **Conformance with Comprehensive Plan.** Projects proposed pursuant to this section shall demonstrate substantial compliance with the Jackson-Teton County Comprehensive Plan in terms of furthering or helping achieve and implement the goals, objectives, policies, and recommendations contained therein.

2. **Conformance with other applicable regulations.** Planned Unit Developments shall conform with the requirements of these Land Development Regulations, all other applicable Resolutions of the Town, County, and Wyoming State Statutes, except as modified by this Section.

3. **Density.** Proposed density shall be appropriate and compatible both in terms of the surrounding neighborhood and the zoning district in which the Planned Unit Development is located.

4. **Variety of unit types.** As a general standard, Planned Unit Developments are encouraged to provide a mix of appropriate dwelling unit types and sizes, or, provide a unit(s) which broadens the variety across the community, or, offer a unit for which there is a recognized need. Large-scale projects which offer little or no diversity and variety of dwelling unit offerings may be denied on that basis.

5. **Open space.** All Planned Unit Developments shall provide functional open space and landscape areas as appropriate. Open spaces shall be adequate to provide light, air circulation, and privacy. Open spaces may be used to protect existing vegetation or other environmental features of the site, or they may be used to provide amenities. All units should have access to open space.

6. **Historical and cultural resources.** The Planned Unit Development process encourages the preservation of historic and cultural resources. When encountered in the course of development or redevelopment, such resources should be preserved and incorporated into the project design to the extent possible, and in a manner which preserves the integrity and community value of the resource.

7. **Arrangement and design.** Structures shall be separated and arranged to provide privacy and to allow opportunities for use of borrowed space. Structures should be oriented to common areas such that open space is shared among units. 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 topography and other natural features. The development shall be compatible with the surrounding neighborhood in terms of bulk, scale, structural mass, and character. Additionally, Planned Unit Developments should enhance the sense of order, cohesiveness, and/or distinctive identity of the neighborhood in which they are located.

8. **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. Points of access shall be located and designed to maximize vehicle and pedestrian safety. Access which forces relatively large volumes of traffic through lower density neighborhoods via minor streets shall be avoided. Where a proposed project abuts a collector, arterial road or highway, direct access to such road or highway from individual lots, units, or buildings in the project shall be avoided. 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.

9. **Circulation.** The circulation system shall be designed to provide access to areas of the site which need to be accessible to vehicles (parking areas, garages, etc.). "Automobile free" areas and pedestrian only access to individual units are encouraged.

10. **Emergency access.** Adequate, approved access to all structures by emergency vehicles shall be provided.

11. **Streetscapes.** All Planned Unit Developments with frontage on a public street or approved private street shall provide safe, inviting, and attractive streetscapes. Where appropriate, residential units, including outdoor spaces such as porches, decks, and balconies, shall be oriented to the street yard, and where appropriate, streetscapes shall not be dominated by parked vehicles and garage entrances. Trash enclosures and dumpsters shall not be located in street yards or adjacent to any street.

12. **Pedestrian system.** Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, project facilities and amenities, and principal off-site pedestrian destinations. Provision shall be made for pedestrian and bicycle travel in accordance with Pathways Master Plan - The Town of Jackson & Teton County, Wyoming, March 2007. Linkages to schools, parks, public lands, and pathways existing on adjacent properties shall be provided. (Ord. 953 § 1, 2009; Ord. 536 § 1, 1996.)

K. **Findings for approval.** Any Planned Unit Development proposal, whether in the form of a Sketch Plan or Final Development Plan, may be approved only if all of the following findings are made:

1. That the proposed project substantially achieves the stated purposes (as applicable) of this section, and that it is an appropriate and legitimate application of the Planned Unit Development process; and

2. That the proposed project is in substantial compliance with all applicable standards and criteria of this section; and

3. That the proposed project substantially meets the character objectives of preservation or enhancement of the zoning district and neighborhood in which it is to be located. Projects which are found to be out of scale and character with their surroundings will not be approved; and

4. That streets and intersections serving the project will not be reduced to unacceptable levels of service, nor will the safety of motorists, pedestrians, and cyclists be jeopardized; and

5. That the density and distribution of population resulting from the project will not overburden schools, parks, utilities, or other public services; and

6. That all adverse impacts associated with the proposed project are effectively mitigated to the extent possible.

L. **Certificate of Standards.** Upon approval of any Final Development Plan (or Sketch Plan as appropriate) for a Planned Unit Development, the applicant shall record at the office of the Teton County Clerk a Certificate of Standards. This document shall set forth all standards, both base and flexible, which were approved with the Planned Unit Development. All standards set forth in this document shall also be set forth in the Codes, Covenants and Restrictions, and the Codes, Covenants and Restrictions shall also reference book and page where the Certificate of Standards is recorded. Any subsequent plat, replat, resubdivision, or declaration of condominium shall also reference book and page where the Certificate of Standards is recorded.

1. **Date of approval and file number.** The Certificate of Standards shall reference the date of final approval of the Planned Unit Development by the Town Council, and shall reference the Planning Department file number.

2. **Attestation of Planning Director.** Prior to recording, the Certificate of Standards shall be submitted to the Planning Director, who shall attest to the accuracy of all standards and references contained therein. (Ord. 536 § 1, 1996)

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, or 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.

2. **Condominium subdivision**. Condominium subdivision means the conversion of single or multiple dwelling units on the same lot or parcel or in a mixed use development, to condominiums that will allow each dwelling unit to be owned separately from the other units or from the nonresidential portion(s) of the mixed use development.

3. **Townhouse subdivision**. Townhouse subdivision means the conversion of single or multiple dwelling units on the same lot or parcel or in a mixed use development, to townhouses that will allow each dwelling unit to be owned separately from the other units or from the nonresidential portion(s) of the mixed use development.

4. **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.

5. **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.

(Ord. 908 § 1, 2009.)

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

1. **Conventional single-family unit.** Conventional single-family unit means a single-family detached dwelling unit.

2. **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.

3. **Guest house/guest unit.** Guest house or guest unit means a secondary dwelling unit which is designed and used to house nonpaying visitors or guests of the main dwelling unit on the site. Guest house and guest units are not allowed in the Town of Jackson.

4. **Accessory residential unit.** An accessory residential unit is a dwelling unit which is clearly incidental and subordinate to the primary residential or non-residential use of the property. An accessory unit meets the definition of dwelling unit as it is defined in Article VIII, Definitions. Accessory residential unit does not include the terms "guest unit," "guest house," "caretakers' quarters" or "agricultural employee housing."

5. **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).

6. **Mixed Use Residential.** Residential units located on the 2nd and/or 3rd floor levels of buildings that are principally used for nonresidential purposes at grade.

(Ord 850 § 1, 2007)

7. **Live/work units.** A building or spaces within a building used jointly for residential and commercial purposes where the non-residential use of the space is secondary or accessory to the primary use as a residence. (Ord 976 § 1, 2010)

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 **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, personal wireless telecommunication services and/or facilities including commercial wireless telecommunication services, unlicensed wireless services, and common carrier wireless exchange access 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. (Ord 607 § 1, 1998)

c. Day care center. Day care center means any business operated by a private person, partnership, association or corporation that is operating a business for profit or otherwise, in a building used solely for commercial purposes, where sixteen (16) or more persons receive care for part of the day. (Ord. 944 § 1, 2009.)

2. **Commercial uses**

a. **Office.** Office uses include a wide range of professional services and other activities which customarily are provided in an office environment: legal, accounting, investment, and financial services, medical, dental and other health services; engineering, architectural, and other design services; counseling and social services; insurance and real estate; and administrative and sales offices for business, industry, and government, provided that only administrative, bookkeeping, and clerical types of activities are conducted on site.

b. **Commercial retail.** Commercial retail uses include the retail sale of antiques, souvenirs, apparel and accessories, art, books, cameras and accessories, sporting goods, hardware, liquor, home furnishings, and other general specialty merchandise; food stores, delis, health food, drug stores, bakeries; candy and ice cream/yogurt shops; video rental shops.

c. **Heavy retail/service.** Heavy retail/service means retail sales of lumber and building supplies and materials; fuels, including gasoline service stations; mobile home and recreational vehicles and equipment sales and service; feed and seed outlets; rental and servicing of light motorized and nonmotorized tools and equipment; automobile sales and service, and auto repair, including auto body, fender, and paint; mini-storage warehouses.

d. **Service.** Service uses include banks, savings and loans, and credit unions, laundry and dry cleaners, including self-service laundries; beauty and barber shops; tanning and massage; repair and maintenance of small appliances, TV and electronics, garments, shoes and other leather goods, including tack; gunsmithing; taxidermy; photographic studios; mortuary/funeral home; kennels and veterinary service, with indoor runs only.

e. **Restaurant/bar.** Restaurant or bar means an establishment oriented to the serving of food and/or beverages. Restaurant or bar use does not include establishments providing drive-in service. See Section 2220.C.3.f, Drive-in Facility.

f. **Drive-in facility.** Drive-in facility means an establishment providing food or financial service to customers in vehicles. Drive-in Facility use includes drive-in restaurants, drive-in banking facilities, and other uses with drive-up windows.

g. **Commercial lodging.** Commercial lodging means such uses as hotels, motels, convention centers with lodging facilities, and all other facilities that generally are rented on a short term basis of less than thirty (30) days. This type of commercial use does not include bed and breakfasts, dude/guest ranches, residential short-term rental units, and campgrounds, all as defined herein.

h. **Bed and breakfast.** Bed and breakfast means a private home which is used to provide short-term lodging for a charge to the public with not more than four (4) lodging units (bedrooms) and not more than a daily average of eight (8) persons per night during any thirty (30) day period and in which no more than two (2) family style meals are provided per twenty-four (24) hour period. The meals shall be for the guests of the facility only and the owner or manager shall reside in the facility.

i. **Residential short-term rental.** Residential short-term rental means the rental of all or a portion of a house, guest house, townhouse, condominium, apartment, or other residence for less than thirty (30) days.

j. **Agricultural support and services.** Agricultural support and services mean veterinary and other livestock services, landscaping services, and farm implement supplies, sales and repair.

k. **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.

3. **Amusement/recreation**

a. **Commercial amusement.** Commercial amusement use means bowling alleys, movie theaters, music halls, indoor skating rinks, video arcades, pool and billiard halls, and shooting arcades. (Ord. 511 § 2, 1995)

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 which 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 pool, football, croquet, tennis, golf, stables and riding arenas not associated with an agricultural use, rodeos, equestrian centers, shooting ranges, cross-country ski trails and facilities. (Ord. 511 § 3, 1995)

d. **Indoor recreational.** Indoor recreational use includes clubs, gymnasiums, indoor swimming pools, tennis, racquetball, handball courts, and health and exercise clubs.

e. **Ski slopes.** Ski slope includes facilities associated with a downhill ski area that may be located on the mountain; lifts, trams, operational and maintenance facilities and trails, restaurants or warming areas, and ski schools.

f. **Tour Operators/Outfitters**. Base of operations (primary or other) for rafting/boat trips and fishing guide operations, raft and boat rental, snowmobile tours, mountain bike tours, horseback trail rides and pack trips. (Ord 511 § 1, 1995)

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

   a. **Home occupation.** Home occupation means any use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

   b. **Home business.** Home business means any business conducted outside a residential dwelling, on a lot in conjunction with a residential dwelling that is owned and operated by a person residing in the dwelling.

   c. **Family day care home.** Family day care home means a licensed day care facility in which care is provided for no more than ten (10) persons in the primary residence of the provider. (Ord. 944 § 1, 2009.)

   d. **Family day care center.** Family day care center means a day care facility in which care is provided for a maximum of fifteen (15) persons for part of a day, which may be in a residential or commercial type structure. (Ord. 944 § 1, 2009.)

5. **Special use**

   a. **Heliport.** Heliport means an area used or to be used for landing or takeoff of helicopters or other aircraft capable of hovering, and including any or all of the area or buildings which are necessary to accomplish this function, including refueling; heliport also includes helicopter pads.

   b. **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.

6. **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. **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.

d. **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.

7. **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.** Repealed. (Ord. 1015 § 1, 2012)

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 Town Council. The temporary shelter shall be permitted for a period not to exceed one (1) year. An extension may be granted by the Town Council 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 gravel extraction and processing permitted for project specific purposes or needs for projects that have been reviewed and approved through a public hearing process. Project specific needs include the excavation and processing of gravel for use in road construction, or the excavation of ponds for typical water amenity or wildlife habitat enhancement.

(Ord. 954 § 1, 2009.)

SECTION 2230 USE SCHEDULE

Table 2200, Use Schedule, utilizes the following symbols to designate uses which are permitted in the various 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 Town Council, 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	UC2	UR	AR	AC	SR	R	BC_1	NC_3	NC2	OP	OP2	RB	BP	MHP	P/SP	P	PR_5	
RESIDENTIAL																			
Conventional Single-Family Unit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y				
Conventional Single Family Sub.							Y		Y	Y									
Planned Residential	Y	Y	Y	Y	Y	Y	Y					Y		C_6					Sec. 2320
Planned Unit Development	Y	Y	Y	Y	Y	Y						Y							Sec. 2170
Mobile Home															Y				Sec. 2330
Mobile Home Park															Y				Sec. 2340
Guest House/Guest Unit																			Sec. 2220.B.4
Accessory Residential Units	Y	Y		Y	Y			Y			C	Y	Y	C				Y	Sec. 2370
Mixed Use Residential	Y	Y			Y						C	C		C					
Institutional Residential	C	C	C	C	C	C	C	C		C	C	C	C			C			Sec. 2380
Condominium Subdivision	Y	Y	Y	Y	Y	Y				Y	Y	Y	Y						Sec. 2315
Townhouse Subdivision	Y	Y	Y	Y	Y	Y				Y	Y	Y	Y						Sec. 2315
Live/Work Units					Y						C			C					Sec. 231400

INSTITUTIONAL																			
Institutional	C	C	C	C	C	C	C	C			C	C	C	C		C			
Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Sec. 2390
Day Care Center	Y	Y			Y						C			**C**		Y			Sec. 23100

by Right, C = Conditional Use, S = Special Use, 1 = Any proposed change of use or expansion of more than 3450 square feet of gross floor area in the uires a Conditional Use Permit. Expansion of less than or equal to 3450 square feet of gross floor area of an existing permitted use shall be treated as a ment plan. See Section 2430, Standards in the Business Conservation (BC) District; 2 = Permitted only within the Lodging Overlay and Planned Resort ; 3 = NC includes NC-SF, NC-PUD, and NC-MHP; 4 = Commercial retail in the OP district and OP-2 districts is restricted according to Section 2360 365; 5 = See Division 2500, Planned Resort District; 6 = See Section 2368, Restricted Uses - BP District, for special restriction on uses in the BP 511 § 4, 1995; Ord. 512 § 1, 1995; Ord. 532 § 1, 1996; Ord. 536 § 2, 1996; Ord. 545 § 1&2, 1996; Ord. 574 § 1-3, 1997; Ord. 580 § 5, 1997; Ord. 618 § 19 § 2, 1999; Ord. 657 § 1 & 2, 2000; Ord. 659, § 2, 2000; Ord. 680 §1, 2001; Ord. 682 §1, 2001; Ord. 838 §1, 2007; Ord. 907 §1, 2009; Ord. 945 §1, §1, 2009; Ord. 977 §1, 2010, Ord. 1016 §1, 2013, Ord. 1028, §1, 2013).

TABLE 2200

USE SCHEDULE (Continued)

	ZONING DISTRICT																	**CONDITIONS**
	Urban					**Sub-urban**	**Rural**	**Conservation**			**Special Purpose**							
	UC	**UC2**	**UR**	**AR**	**AC**	**SR**	**R**	**BC$_1$**	**NC$_3$**	**NC2**	**OP**	**OP2**	**RB**	**BP**	**MHP**	**P/SP**	**P**	**PR$_5$**	
COMMERCIAL																			
Office	Y	Y			Y			C			Y	Y	Y	C_6		C			
Office (Office Uses Permitted only)				Y															
Planned Mixed-Use Development (PMD)	Y	Y			Y						Y	Y		Y					Sec. 2325
Commercial Retail	Y	Y			Y			C			C_4	C_4		C_6					
Heavy Retail/Service		C			C			C					C	Y		C			
Services	Y	Y			Y			C				C_4	C	C_6		C			
Restaurant/Bar	Y	Y			Y			C				C_4		C_6					
Drive-in Facility	Y	Y			Y			C						C_6					Sec. 23200
Commercial Lodging	Y_2	Y_2			Y_2			C										Y	
Bed and Breakfast	Y_2	Y_2			Y_2		C	C											
Dude/Guest Ranch							C												Sec. 23300
Residential Short-Term Rental	Y_2	Y_2			Y_2			C_2										Y	Sec. 23500
Agricultural Support/Service					Y		C	C						Y					
Nurseries					Y		C	C						C					
AMUSEMENT/RESORT																			
Commercial Amusement	C	C			Y														
Campgrounds							C	C									C		Sec. 23400
Outdoor Recreational	C	C	C	C	C	C	C	C						C			Y		Sec.

																			23500
Indoor Recreational	Y	Y			Y			C						C					
Tour Operators/Outfitters	Y	Y			Y			C						C					
Ski Slopes																	Y		
HOME USES																			
Home Occupations	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y				Sec.
																			23600
Home Businesses	Y	C	C	C	C	C	C	C	C	C	C	C	Y	Y		C	C		Sec.
																			23700

Y = Permitted by Right, C = Conditional Use, S = Special Use, 1 = Any proposed change of use or expansion of more than 3450 square feet of gross floor area in the BC District requires a Conditional Use Permit. Expansion of less than or equal to 3450 square feet of gross floor area of an existing permitted use shall be treated as a minor development plan. See Section 2430, Standards in the Business Conservation (BC) District; 2 = Permitted only within the Lodging Overlay and Planned Resort District (PRD); 3 = NC includes NC-SF, NC-PUD, and NC-MHP; 4 = Commercial retail in the OP district and OP-2 districts is restricted according to Section 2360 and Section 2365; 5 = See Division 2500, Planned Resort District; 6 = See Section 2368, Restricted Uses - BP District, for special restriction on uses in the BP District. (Ord. 511 § 4, 1995; Ord. 512 § 1, 1995; Ord. 532 § 1, 1996; Ord. 536 § 2, 1996; Ord. 545 § 1&2, 1996; Ord. 574 § 1-3, 1997; Ord. 580 § 5, 1997; Ord. 618 § 1, 1999; Ord. 619 § 2, 1999; Ord. 657 § 1 & 2, 2000; Ord. 659, § 2, 2000; Ord. 680 §1, 2001; Ord. 682 §1, 2001; Ord. 848 §1, 2007; Ord. 907 §1, 2009; Ord. 945 §1, 2009; Ord. 956 §1, 2009; Ord. 977 §1, 2010; Ord. 1016 §1, 2013, Ord. 1028, §1, 2013).

Table 2200
Use Schedule (Continued)

	ZONING DISTRICT																	**CONDITIONS**
	Urban					**Sub-urban**	**Rural**	**Conservation**			**Special Purpose**							
	UC	**UC2**	**UR**	**AR**	**AC**	**SR**	**R**	**BC$_1$**	**NC$_3$**	**NC2**	**OP**	**OP2**	**RB**	**BP**	**MHP**	**P/SP**	**P**	**PR$_5$**	
Family Day Care Home	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					Sec.
																			23100
Family Day Care Center	Y	Y	C	C	Y	C					C			C		Y			Sec.
																			23100
AERONAUTICAL																			
Heliports					C		C	C						C					
Balloon Operations							C												
INDUSTRIAL																			
Light Industry		C			C			C					C	Y		C			
Heavy Industry														C		C			
Disposal														C		C			
Junkyards																			
TEMPORARY USES																			
Christmas Tree Sales	Y	Y	Y	Y	Y		Y	Y					Y	Y		Y	Y		Sec.
																			231300
Contractor's Office	Y	Y	Y	Y	Y	Y	Y	Y			Y	Y	Y	Y	Y	Y	C		Sec.
																			231300
~~Special Event~~	~~Y~~	~~Y~~	~~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		Y	Y				Sec.
																			231300
Shelter	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	Y				Sec.
																			231300
Farm Stand	Y	Y			Y		Y						Y			Y			Sec.
																			231300
Gravel Extraction & Processing	Y	Y	Y	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 3450 square feet of gross floor area in the BC District requires a Conditional Use Permit. Expansion of less than or equal to 3450 square feet of gross floor area of an existing permitted use shall be treated as a minor development plan. See Section 2430, Standards in the Business Conservation (BC) District; 2 = Permitted only within the Lodging Overlay and Planned Resort District (PRD); 3 = NC includes NC-SF, NC-PUD, and NC-MHP; 4 = Commercial retail in the OP district and OP-2 districts is restricted according to Section 2360 and Section 2365; 5 = See Division 2500, Planned Resort District; 6 = See Section 2368, Restricted Uses - BP District, for special restriction on uses in the BP District. (Ord. 511 § 4, 1995; Ord. 512 § 1, 1995; Ord. 532 § 1, 1996; Ord. 536 § 2, 1996; Ord. 545 § 1&2, 1996; Ord. 574 § 1-3, 1997; Ord. 580 § 5, 1997; Ord. 618 § 1, 1999; Ord. 619 § 2, 1999; Ord. 657 § 1 & 2, 2000; Ord. 659, § 2, 2000; Ord. 680 §1, 2001; Ord. 682 §1, 2001; Ord. 848 §1, 2007; Ord. 907 §1, 2009; Ord. 945 §1, 2009; Ord. 956 §1, 2009; Ord. 977 §1, 2010; Ord. 1016 §1, 2013, Ord. 1028, §1, 2013).

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 Town Council pursuant to Section 5180, Appeals on Decisions of Planning Director or Town Engineer. 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 GENERAL RESIDENTIAL USE LIMITATIONS

All residential uses outside the Lodging Overlay (LO) District shall only be used for residential purposes. No residential uses outside the LO District shall be rented for less than thirty (30) days. 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, 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 PUD approval, whichever is applicable.

DIVISION 2300 REVIEW STANDARDS APPLICABLE TO PARTICULAR USES

Certain uses are important to the character of the Town, although the uses may not be appropriate in all zoning districts or in all locations within a particular zoning district. Such uses require either 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 Deleted (Ord. 955 § 1, 2009)

SECTION 2315 CONDOMINIUM AND TOWNHOUSE SUBDIVISIONS

Condominium and townhouse subdivisions are permitted in the UC, UC-2, UR, AR and AC districts, as indicated in Table 2200, Use Schedule. Condominium and townhouse subdivisions shall comply with the following standards.

A. **Final development plan required.** A Final Development Plan is required for a change of use to convert existing dwelling units to condominiums or townhouses even if the condominium or townhouse subdivision does not include expansions to structures or other types of development.

B. **Final plat required.** Condominium and townhouse subdivisions shall require approval of a Final Plat pursuant to Article VI, Platting and Land Records.

C. **Subdivision agreement generally not required.** Notwithstanding Section 6140, Subdivision Improvements Agreement Contract and Guarantee, such an agreement and guarantee is required only when improvements are proposed and approved as part of a Final Plat for a condominium or townhouse subdivision.

D. **Building and fire code applicability.** Condominium and townhouse subdivisions constitute a change of use under the currently adopted building and fire codes as well as these LDR. The conversion of dwelling units to condominiums or townhomes shall comply with the currently adopted building and fire codes.

E. **Report on building required.** To ensure compliance with the currently adopted building and fire codes, a written and graphic report shall be professionally prepared by an individual qualified by the Town Building Official and submitted to the Building Official for review. The report shall identify any conditions of the existing structure(s) that do not conform to the currently adopted building and fire codes and the alterations to the structure(s) required to bring the structure(s) into compliance with the codes. A structural analysis of the existing building(s) shall not be required unless the Building Official determines the structural integrity of the building(s) is questionable under the authority granted to the Building Official by the currently adopted building and fire codes.

F. **Necessary building upgrades.** The Town Building Official shall review the report, and structural analysis when required, and inspect the building(s) to determine any alterations to the building(s) necessary to comply with the currently adopted building and fire codes.
   1. **Fire sprinkler system.** Condominium and townhouse subdivisions shall not require installation of a fire sprinkler system in the building(s) unless the subdivision includes significant alteration to the existing building(s) that require a fire sprinkler system pursuant to the currently adopted building and fire codes.
   2. **Construction plans.** Construction plans to complete any required alterations shall be submitted to the Town Building Official for review and approval, approval with conditions or denial.

G. **Tenant notification.** The owner proposing a condominium or townhouse subdivision shall, in writing, notify the current tenants of the dwelling units, provide the tenants the opportunity to purchase their unit, and provide a grace period to relocate.
   1. **Notice to tenants.** The owner of a proposed condominium or townhouse subdivision shall notify the current tenants, in writing, via certified and U.S. mail, of the plans to convert the development to condominiums or townhouses and provide the tenants the opportunity to purchase the unit they occupy. The tenants shall be given a minimum of thirty (30) days to decide if they wish to purchase the unit they occupy. This written notice and thirty (30) day decision period may run concurrently with the Final Development Plan and Final Plat applications.
   2. **Grace period to relocate.** If any tenant decides to not purchase the unit they occupy or does not respond, in writing, within thirty (30) days to the offer to purchase their unit, the owner of the development shall provide a written notice to the tenant, via certified and U.S. Mail, to vacate the unit and provide a minimum of sixty (60) days from receipt of said written notice to relocate.

(Ord. § 909, 2009.)

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 where appropriate, and preserve open space to serve wildlife, scenic, agricultural, and recreational purposes, all within the densities established by Table 2400, Schedule of Dimensional Limitations. Furthermore, it is the purpose of the Planned Residential Development option to preserve and enhance the character and qualities of urban and suburban neighborhoods.

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, innovative site planning and design, and compatibility with existing neighborhoods, in concurrence with the Comprehensive Plan. Planned Residential Development proposals shall demonstrate substantial compliance with the following standards as applicable to the specific proposal.

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 Town, County, and Wyoming State Statutes, except as modified by this Section.

2. **Schedule of dimensional limitations.** For Planned Residential Developments, Table 2400, Schedule of Dimensional Limitations, allows increased density and flexibility over the Single-Family Detached option. However, in the interior of the project, the requirements for front, side, and rear yards may be deviated from.

3. **Perimeter setbacks.** For any Planned Residential Development, the minimum perimeter setbacks (street yard, side yard, and rear yard) are set forth in Table 2400, Schedule of Dimensional Limitations. Notwithstanding the standards of Table 2400, perimeter setbacks may be required to be increased in order to preserve the character and qualities of adjacent properties, provide adequate buffer and transition areas, provide functional open space, preserve existing vegetation, or to meet any other objectives of this section.

4. **Dwelling unit types.** All Planned Residential Developments shall be permitted and are encouraged to provide a variety and mix of dwelling unit types. Permitted unit types may include, but shall not be limited to, single-family homes (attached and detached), townhouses, condominiums, apartments, and accessory residential units. Mobile home parks are permitted provided the provisions of Section 2340, Mobile Home Parks, are met.

5. **Mix of unit types/sizes.** In order to provide a variety of dwelling unit types, all Planned Residential Developments of more than four (4) units must provide two (2) or more types or sizes of unit. Units within a single project may vary by type, square footage of living area, or number of bedrooms. For purposes of this section each unit type listed in Section 2320.B.4 above is to be considered a separate and distinct unit type from the other types listed. Units may vary in size by number of bedrooms, or by a difference in total living area of not less than twenty (20) percent. (Example: A three-bedroom townhouse varies

in size from a two-bedroom townhouse. A three-bedroom townhouse with 1,400 square feet of total living area varies from a three-bedroom townhouse of 1,100 square feet. A three-bedroom townhouse of 1,400 square feet **does not** vary from a three-bedroom townhouse of 1,300 square feet.)

Units shall vary by type or size according to the schedule set forth in Table 2320, Standards for Residential Unit Mix.

Table 2320.
Standards for Residential Unit Mix
Planned Residential Development

Total Units	Minimum Number of Sizes or Types
4 or less	1
5 - 6	2
7 - 8	3
9 - 12	4
13 - 16	5
17 +	No one size and type may exceed 20% of total units

6. **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).

7. **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 and other natural features of the site. The project shall be compatible with the surrounding neighborhood in terms of bulk, scale, structural mass, and character.

8. **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.

9. **Streetscapes.** All Planned Residential Developments with frontage on a public street or approved private street shall provide safe, inviting, and attractive streetscapes. Where appropriate, residential units, including outdoor spaces such as porches, decks, and balconies, shall be oriented to the street yard, and where appropriate, streetscapes shall not be dominated by parked vehicles and garage entrances.

10. **Limitation of access to arterial streets and highways.** Where a proposed project abuts a collector, arterial road or highway, direct access to such road or highway from individual lots, units, or buildings in the project is prohibited.

11. **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.

12. **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 and minimum 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 Master Plan - The Town of Jackson & Teton County, Wyoming, March 2007. Linkages to schools, parks, public lands, and pathways existing on adjacent properties shall be provided. (Ord. 955 § 2, 2009; Ord. 505 § 1, 1995)

13. **Parking and drive areas.** All parking, drive, and maneuvering areas shall be designed in accordance with Section 4260, Off Street Parking Facility Design Standards.

14. **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.

15. **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.

C. **Review procedure and findings for approval.** All Planned Residential Developments are reviewed as Development Plans and are subject to all applicable provisions of Section 51200, Development Plans. Any application for a Planned Residential Development may be approved only if the following findings are made:

1. That the proposed project is in substantial compliance with all applicable standards of this section;

2. That the proposed project substantially meets the character objectives of preservation or enhancement of the zoning district and neighborhood in which it is to be located. Projects which are out of scale and character with their surroundings will not be approved;

3. That streets and intersections serving the project will not be reduced to unacceptable levels of service, nor will the safety of motorists, pedestrians, and cyclists be jeopardized;

4. That the density and distribution of population resulting from the project will not overburden schools, parks, utilities, or other public services; and

5. That all adverse impacts associated with the proposed project are effectively mitigated to the extent possible. [Ord. 505 § 1, 1995]

SECTION 2325 PLANNED MIXED-USE DEVELOPMENT
Repealed (Ord. 1012 § 1, 2012)

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 non-metallic, non-glare 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., 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 mobile home shall be setback 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 setback 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 one hundred sixty (160) square feet, shall be setback 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 paved.

4. **Parking lot.** The common parking lot or guest parking lot shall be paved.

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 that sixty (60) degrees.

9. **Intersecting streets form jog.** Where the centerlines of intersecting streets are offset to form a jog, the minimum distance between the centerlines of the offset intersecting streets shall be one hundred (100) feet.

10. **Alignment and grade of streets adapted to topography.** The alignment and grades of all internal streets shall be properly adapted to the topography of the Mobile Home Park and shall provide for safety of traffic and pedestrian movement, satisfactory surface and groundwater drainage, and the proper functioning of sanitary and storm sewer systems.

11. **Access to public street.** A Mobile Home Park shall have an entrance drive from a public street or highway and access to individual homes shall be from the internal roadway.

12. **Entrance in relation to public street intersection.** Mobile Home Park entrance drives shall not be located closer than one hundred fifty (150) feet to intersections of public streets or highways. The entrance drive shall be at least thirty (30) feet in width, except that the minimum width shall be at least forty (40) feet if the drive is divided by a landscaped median.

13. **Right of way for public street.** Where a public street is planned, a sixty (60) foot right-of-way shall be maintained.

C. **Open Space Standards**

1. **Common recreational open space.** A minimum of three hundred (300) square feet of common 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 Town Engineer, 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 Town Engineer is required.

SECTION 2350 Deleted. (Ord. 955 § 1, 2009)

SECTION 2360 COMMERCIAL RETAIL USES - OP DISTRICT

In the OP district, commercial retail uses are subject to a Conditional Use Permit pursuant to Section 5140, Conditional and Special Uses, and are limited to those specific uses which are customarily incidental and related, but which are clearly ancillary, to primary office uses in the immediate area. Permitted uses and standards are as follows:

A. Flower shops and florists; retail only, and provided that no single establishment exceeds one thousand (1,000) square feet of gross floor area.

B. Drug stores and pharmacies, in conjunction with a medical office or complex only, provided that no single establishment exceeds one thousand (1,000) square feet of gross floor area.

C. The sale of professional and home medical supplies, provided that no single establishment exceeds one thousand (1,000) square feet gross floor area.

D. Card and gift shops, provided that no single establishment exceeds one thousand (1,000) square feet gross floor area.

SECTION 2365 COMMERCIAL RETAIL, SERVICES, AND RESTAURANT/BAR USES - OP-2 DISTRICT

In the OP-2 district, commercial retail, services, and restaurant/bar uses are subject to a Conditional Use Permit pursuant to Section 5140, Conditional and Special Uses, and are further limited as follows:

A. **South Cache Street.** All commercial retail, services, and restaurant/bar uses shall be required to have their primary access to the building situated on South Cache Street for the purpose of mitigating any commercial or retail impact on East Simpson Ave side of the property. Such uses shall not be permitted to extend greater than seventy-five (75) feet in depth from the property line adjacent to South Cache Street.

(Ord. 659, § 5, 2000)

SECTION 2368 RESTRICTED USES – BP DISTRICT

Office, commercial retail, services (excluding gunsmithing, taxidermy, mortuary/funeral home, kennels and veterinary services), restaurant/bar, and drive-in facilities, and Planned Residential Developments may be permitted on parcels west of U.S. Highway 26, 89, 189 and 191 as depicted on Illustration 2368-1 attached, subject to a Conditional Use Permit pursuant to Section 5140, Conditional and Special Uses. Such uses are also subject to the following standards:

A. Dimensional limitations. All dimensional limitations found in Table 2400, Schedule of Dimensional Limitations, for the Auto-Urban Commercial (AC) District shall apply, provided that the height limitation for mixed-use structures with a residential component for which a Conditional Use Permit has been approved may be raised up to forty-six (46) feet upon compliance with the following conditions:

1. **The top two (2) stories of the structure must be used for residential purposes only.**
2. The roof pitch must be at least four (4) feet in twelve (12) feet.
3. The setback from U.S. Highway 26, 89, 189, High School Road and South Park Loop County Road and 191 shall be not less than one hundred fifty (150) feet.
4. The rear setback shall be not less than fifty (50) feet.
5. Building height shall not exceed thirty-five (35) feet as measured from an elevation equal to the elevation of the adjacent Highway 26, 89, 189 and 191 at its highest point adjacent to the project.

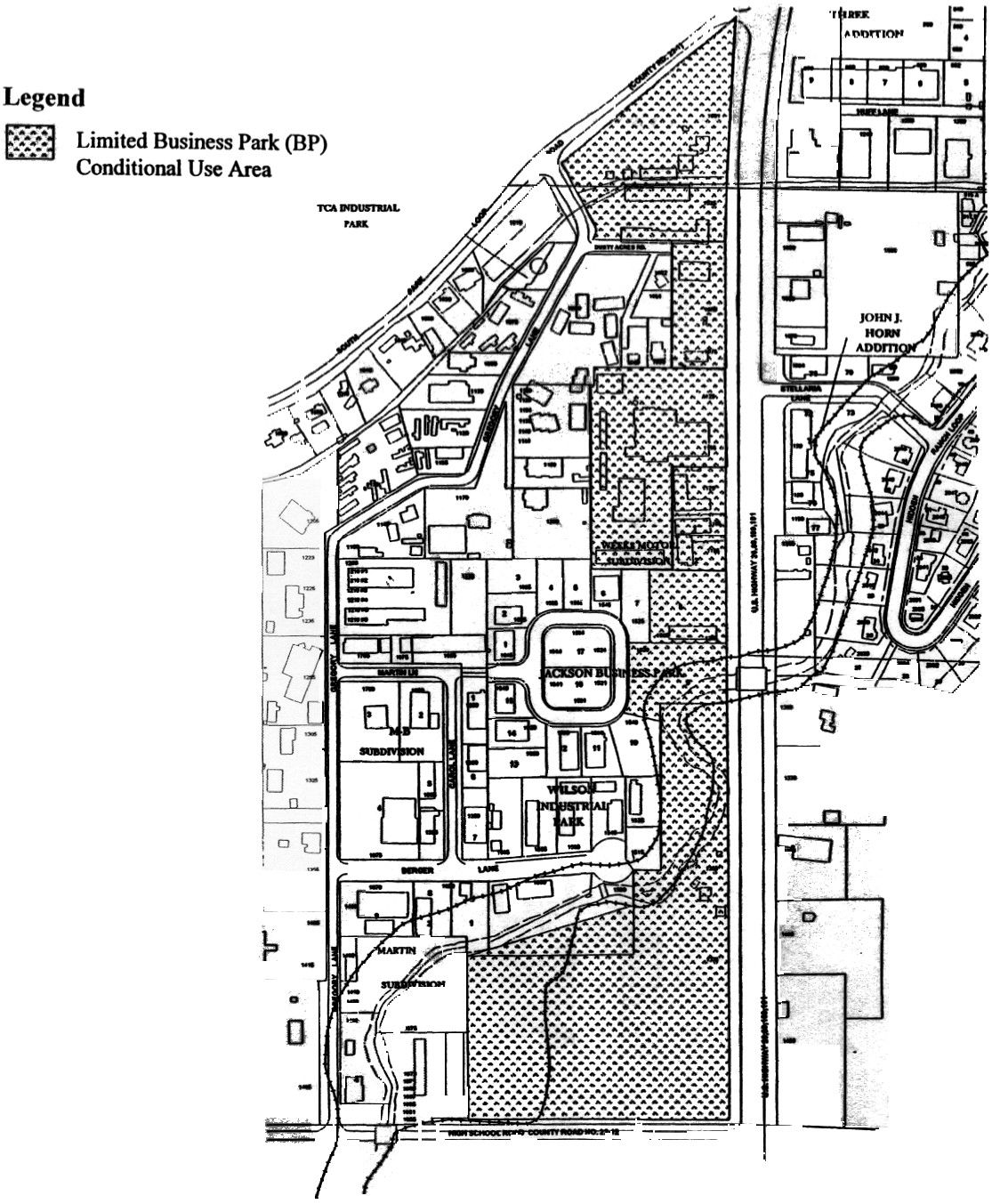
B. Architectural standards. Architectural Standards found in Section 4520, Architectural Standards in UC, UC-2, AC, OP and OP-2 Districts, shall apply.

C. Non-residential floor area limitations. Individual buildings in non-residential developments shall comply with Section 2450. Maximum Scale of Development, for the Auto-Urban Commercial (AC) District.

D. Road or highway orientation requirements. Businesses approved as a Conditional Use for the property depicted on Illustration 2368-1 are required to take their primary access and be primarily oriented towards Teton County Road No. 22-1 or U.S. Highway 26/89/189/191 or High School Road in order to minimize traffic impacts on internal roads in the adjacent lands zoned Business Park.

(Ord. 1005 § 1, 2012; Ord. 657 § 3, 2000)

Illustration 2368-1: Limited Business Park (BP) Conditional Use Area



SECTION 2370 ACCESSORY RESIDENTIAL UNITS

Accessory residential units are permitted in the AR, AC, UC, UC-2, PRD, BC, OP, OP-2, RB and BP districts, as indicated in Table 2200, Use Schedule. Accessory units are also subject to all standards, limitations, and requirements of Table 2400, Schedule of Dimensional Limitations, and the following:

A. **UC, UC-2, OP-2, RB, BC, and AC.** Accessory residential units are permitted subject to the standards of Table 2400, Schedule of Dimensional Limitations, and where provided on site, may be counted to satisfy any requirements set forth in Division 49500, Employee Housing Standards.

B. **OP and BP.** Accessory residential units are permitted as Conditional Uses, and where provided on site, may be counted to satisfy any requirements set forth in Division 49500, Employee Housing Standards.

C. **AR**. Accessory residential units are permitted in the AR district in conjunction with the Single-Family Detached development option:

1. **Two units allowed.** No more than two (2) accessory units per lot are allowed.

2. **Relationship to principal structure.** If only one (1) accessory unit per lot is constructed, it may be attached to or detached from the principal structure. If two (2) accessory units are constructed on one lot, one must be attached to the principal structure, the other detached. The minimum separation between detached units shall be ten (10) feet.

D. **Maximum habitable floor area, except.**

1. **AR and BP.** No accessory residential unit may exceed eight hundred (800) square feet of living area.

a. Within the BP District, parcels of real property west of U.S. Highway 26/89/189/191, as depicted on Illustration 2368-1 (Previous Page), shall be exempted from the maximum square footage.

2. **UC, UC-2, AC, PRD, BC, OP, OP-2 and RB.** No maximum limit.

(Ord. 957 § 1, 2009; Ord. 682 §1 & 2, 2001; Ord. 659 §8, 2000; Ord. 657 §4, 2000; Ord. 624 §1, 1999; Ord. 519 §1, 1995)

E. **Condominium conversion prohibited.** An accessory unit shall be owned in conjunction with the principal use with which the accessory unit is associated. An accessory unit shall not be subdivided into a condominium or townhome resulting in the accessory unit being owned separately from the principal use (Ord. 910 § 1, 2009.)

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
Urban Commercial-Two (UC-2)	30.0
Office Professional (OP)/Office Professional-Two (OP-2)	30.0
Auto Urban Commercial (AC)	30.0
Auto Urban Residential (AR)	25.0
Suburban (S)	15.0
Rural (R)	7.0

(Ord. 659, §9, 2000)

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

SECTION 2390 UTILITIES

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

B. **Power lines.** New power lines of one hundred (100) KV or more shall be located within a right-of-way or easement wide enough to provide a minimum separation of thirty (30) feet between the power lines and adjoining development, but in no case shall the right-of-way or easement be less than sixty (60) feet in all zoning districts.

C. **Equipment housing structures.** Utility structures for housing equipment shall be designed with as low a profile as possible in all zoning districts. If the surrounding uses are residential, the building style shall be compatible with the surrounding land uses.

D. **Communications towers.** Communications towers shall meet the following standards:

1. **Necessary to erect tower at location.** It shall be demonstrated that it is necessary to erect the communications tower at the proposed location and that the proposed tower provides no hazards to human life or wildlife.

2. **No hazard to health or operation of home appliances.** The communications tower shall pose no hazard to the operation of home appliances.

3. **Certification.** Certification shall be obtained from the Federal Aviation Administration (FAA) that the communications tower poses no hazard to the operation of aircraft at the Jackson Hole Airport, or other landing strips.

4. **No flashing lights.** The communications tower shall display no flashing lights.

5. **No damage or disturbance to wildlife.** The communication tower shall cause no damage or disturbance to human life or wildlife as a result of radiation or electromagnetic fields.

E. **Personal wireless telecommunication services/facilities.**

1. **Definitions.**

a. **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.

b. **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, and similar services that are marketed to the general public.

c. **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.

2. **Zoning district locations preferred.**

a. **Location.** Location of personal wireless telecommunication facilities may be permitted in all districts as a Conditional Use Permit but are generally more compatible within the Urban Commercial (UC), Urban Commercial-Two (UC-2), Auto-Urban Commercial (AC), and Business Park (BP) zoning districts.

b. **Documentation.** The applicant shall provide documentation by a Registered Professional Engineer, or other qualified person, that no existing tower, building, or structure can be utilized to locate the proposed facility and rationale justifying the site under consideration. To be eligible to construct a new tower within the Town of Jackson, an applicant must first demonstrate to the reasonable satisfaction of the Town that no suitable existing tower or antenna support structure site is available and no reasonable alternative technology exists that can accommodate the applicant's facility on an existing site containing a tower or antenna support structure. Use of existing public utilities or the existing Snow King communication sites and Rendezvous communication site are encouraged.

3. **Signals/lights prohibited.** No signals, lights, or illumination shall be permitted on a tower or telecommunication facility unless required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required, the lighting plan shall be submitted and approved by the Planning Director.

4. **Federal Communications Commission (FCC) requirements/non-interference/ health hazards.**

a. **Compliance with FCC emissions standards.** Telecommunication services/ facilities shall comply with the technical emissions standards of the FCC.

b. **No interference.** Wireless telecommunication facilities and equipment shall operate in such a manner so as not to cause interference with public safety/communication facilities and other electronics such as radios, televisions or computers.

c. **No health hazards.** The applicant shall demonstrate that the proposed facilities and equipment pose no health hazards to the general public.

5. **Co-Location.**

a. **No attempt to exclude other providers.** No wireless telecommunication facility or equipment owner or lessee or employee thereof shall act to exclude or attempt to exclude any other wireless telecommunication provider from using the same building, structure or location. Wireless telecommunication 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 telecommunications towers shall be constructed with excess capacity for co-location. Any owner of a telecommunications tower shall permit other telecommunications providers to install or co-locate antennae or facilities on such towers; said co-location shall be subject to mutually agreeable terms and conditions negotiated between the parties.

6. **Equipment location/visual mitigation.**

a. **Roof mounted equipment.** If wireless telecommunication equipment is proposed to be roof mounted, it shall be located as far from the edge of the roof as possible.

b. **Wall mounted equipment.** Whenever wireless telecommunication 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 and shall not project above the wall on which it is mounted.

c. **Screening.** Roof and ground mounted wireless telecommunication equipment shall be screened by parapet walls or screen walls in a manner compatible with the building's design, color, and material.

d. **Color.** All wireless telecommunication 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 built environment. Muted colors, earth tones and subdued colors shall be used.

e. **Visual analysis study.** New communication towers may be required to submit a visual analysis study to determine the visual impact of a proposed facility and the means to mitigate the visual impact associated with the facility.

f. **Landscaping.** Wireless telecommunication facilities and ground mounted wireless telecommunications equipment may require extensive landscaping/screening due to the

unique nature of such facilities. Landscaping may therefore be required to achieve a total screening effect at the base of such facilities or equipment to screen the mechanical characteristics. A heavy emphasis on coniferous plants or other approved materials for year-round screening may be required.

g. **Adverse Impacts.** All adverse impacts associated with the proposed project shall be effectively mitigated to the extent possible.

7. **Setbacks.**

a. **Setbacks for ground mounted equipment.** The setbacks for ground mounted wireless telecommunication equipment shall be governed by the applicable setback criteria in Table 2400, Schedule of Dimensional Limitations.

b. **Setbacks for towers or monopoles.** Towers or monopoles shall be set back one (1) foot from the property line for every foot of height.

8. **Franchise agreement required/use of public rights-of-way.** If the proposed facilities require the use of public rights-of-way, public property and/or buildings, the applicant shall be required to execute a franchise agreement subject to approval of the Town Attorney.

9. **Abandoned Tower or Facility.** The Town may require removal of any abandoned or unused tower or telecommunications facility by the tower owner/operator within thirty (30) days after notice from the Town. A tower or telecommunications facility shall be considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days.

a. Where a tower or telecommunications facility is abandoned but not removed within the specified time frame, the Town may remove the facility and place a lien on the property. Towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision.

b. Where a tower or facility is removed by an owner, said owner shall restore the area to the condition existing prior to the placement of the tower or facility.

10. **Other code requirements.** All proposed services and/or facilities shall meet all other applicable federal, state and local codes and/or requirements associated with the proposed services and/or facilities. (Ord. 607 § II, 1998)

SECTION 23100 FAMILY DAY CARE HOME OR CENTER AND DAY CARE CENTER

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

A. **Parking.** For a Family Day Care Home or Center, there shall be an off-street pick-up area providing at least one (1) space per five (5) persons, reserved for pick-up during the hours of operation and one (1) space per employee with a minimum of two (2) spaces excluding the garage. For employees only, off-street parking may be secured off-site if the location is within 500 feet of the proposed day care. For a Day Care Center, there shall be off-street parking providing two (2) spaces for the first ten (10) persons and one (1) space each additional ten (10) persons, thereafter, plus one (1) space per employee.

B. **Wyoming Statutes.** Each Family Day Care Home or Center and Day Care Center shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety and fire codes.

(Ord. 948 § 1, 2009.)

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 setback 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 Deleted. (Ord. 955 § 1, 2009)

SECTION 23400 CAMPGROUNDS

Campgrounds shall meet the following standards:

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

SECTION 23500 OUTDOOR RECREATIONAL

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

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

1. **Limitation of access during eagle nesting.** Access to the protective radius around a bald eagle nest shall be limited to times of the year when eagles are not nesting.

2. **River and stream bank buffers/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 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 business; 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 (inhabitable 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 Deleted (Ord. 955 §1, 2009)

SECTION 23900 Deleted (Ord. 955 §1, 2009)

SECTION 231000 HELIPORT
Heliports shall meet the following standards:

A. **Location.** The use shall be removed from residential areas to the extent practical.
B. **Flight paths.** Typical flight paths shall be identified, and must not cross residential areas or places of assembly such as schools or churches. Approaches shall be free of towers or other hazards.
C. **Overhead utilities.** Providers of overhead utilities shall be given an opportunity to review the approach corridors and plans. Any marking of utility lines in the area requested by the providers shall be done at the developer's expense.

SECTION 231100 BALLOON OPERATIONS
Balloon operations shall meet the following standards.

A. **Launching facilities.** Balloon operations shall have launching facilities on their own land, or shall have leases or signed agreements from other landowners giving them sufficient launching facilities for operations.
B. **Landing rights.** Balloon facilities 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 Town. 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 Deleted (Ord. 955 §1, 2009)

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 site distances.** The entrance and exit locations shall have adequate site 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 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.

4. **Compliance with Title V.** All temporary uses shall comply fully with Title V, Business License and Regulations, of the Jackson Municipal Code.

B. **Farm stands.** Farm stands shall not be located on sidewalks or in other areas of public rights-of-way.

C. **Special events.** Repealed. (Ord. 1015 §1, 2012)

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.**

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.

Products of the gravel extraction and processing shall be used solely for the specific private project. Sale, barter, or gift of products for other purposes is expressly prohibited. Materials may be imported or recycled as part of the gravel processing, so long as their use is the for the specified project.

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 approved and sponsored by a governmental agency. Products of the gravel extraction and processing shall be used solely for the specific public project. Sale, barter, or gift of products for other uses is expressly prohibited. 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.** Gravel extraction to excavate or construct a pond or watercourse for wildlife habitat enhancement, or to construct a fire pond, that removes fifteen thousand (15,000) cubic yards or less of material and disturbs no more than five (5) acres of land. A wildlife habitat project must be designed by a wildlife biologist, approved by the Wyoming Game and Fish Department, and significantly benefit a species of special concern in the opinion of the Game and Fish Department. Sale of products for off-site use is permitted.

3. **Traffic and road impacts.** 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 Town streets, as determined by the Town Engineer, also may be required of the applicant.

4. **DEQ small mining permit required.** A DEQ Small Mining Permit is required. A ten (10) acre exemption is unacceptable.

5. **Hours of operation.** Hours of operation shall occur between 8:00 am to 5:00 pm, Monday through Friday, unless otherwise specified by the Town Council. The hours of operation may be reduced to mitigate adverse impacts on nearby houses or extended to expedite the completion of an operation.

6. **Property-line setbacks.** A minimum three hundred (300) foot setback from all property lines shall be provided, or written permission from adjacent property owners to reduce the required setback.

7. **Duration.** Duration of the gravel extraction and processing shall be no longer than six (6) consecutive months. If a project is phased over two (2) or more years, then the total number of days the gavel extraction and processing activities are conducted shall be no more than one hundred eighty (180) days.

8. **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.

9. **Grading and erosion control.** Requirements pursuant to Division 49100, Grading and Erosion Control shall be met.

10. **Activities in or near waterbodies.** Any activity in or near a waterbody shall comply with the provisions of Section 231200.C.4, Operators in rivers and streams.

11. **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.

SECTION 231400 LIVE/WORK UNITS

A live/work unit shall comply with the following standards:

A. **Purposes.** The purposes of this Section are:
1. To provide for the appropriate development of units which incorporate both living and working space.
2. To provide locations where appropriate for new businesses to start up.
3. To provide opportunities for people to live in mixed-use industrial and commercial areas where compatible with existing uses.

B. **Where Established.** Live/work units are permitted in the AC zoning district and with a Conditional Use Permit in the BP and OP zoning districts.

C. **Uses Permitted.** Only the following non-residential uses in the AC, BP and OP as indicated on Table 2200 Use Schedule as permitted or conditional may be designated as Live/Work Units: Office, Commercial Retail, Services, and Heavy Retail Service.

D. **Business License Required.** At least one resident in each Live/Work Unit shall maintain at all times a valid Business License for a business on the premises.

E. **Portions of Unit Not to be Separately Rented or Sold.** No portion of a Live/Work Unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

F. Development Standards

1. A minimum of 25% and no more than fifty percent (50%) of the floor area of each live/work unit shall be devoted to non-residential use;
2. The floor area of each live/work unit shall be seven hundred fifty (750) square feet minimum and two thousand (2,000) square feet maximum;
3. Floor Area Ratio (FAR) – The FAR shall be .40 in the AC, BP, and OP zoning districts. Further, if the applicant chooses to voluntarily deed restrict units, a 25% increase in FAR is allowed in accordance with Footnote 11 on the key to Table 2400.
4. Prior to the Certificate of Occupancy or Final Plat, whichever occurs first, deed restriction or note on the Final Plat shall be recorded indicating these four requirements.

G. **Parking.** A total of one and one-half (1.5) off-street parking spaces for each live/work unit, or one and one-half (1.5) off-street parking spaces per one thousand (1,000) net square feet, whichever is greater, shall be provided on the property upon which the live/work unit(s) is (are) constructed.

H. Change of Use to or from Live/Work Units.

1. Live/Work Units may not be changed to residential use, nor may the portion of the Live/Work Unit devoted to residential space be increased above the percentage of residential space when the unit was established.
2. Live/Work Units may be changed to exclusively non-residential use. The increase in non-residential square footage will be subject to the provisions of Division 49500 Employee Housing Standards.

(Ord. 975 §1, 2010)

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.

Ord. 813 § 1, 2005; Ord. 782 § 2, 2004; Ord. 729 § 1, 2003; Ord. 659, § 3, 2000; Ord. 630, § 1, 1999; Ord. 619, § 1, 1999; Ord. 608, § 1, 1998; Ord. 580, § 6, 1997; Ord. 536, § 3, 1996; Ord. 507, § 1, 1995

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, 11]	Min Site Area (sf)	Min Lot Area (sf)	Min Street Yard (ft)	Min Side Yard (ft)	Min Rear Yard (ft)	Max Height (ft) [2, 5]
URBAN COMMERCIAL (UC)									
Conventional Single Family Home	.30	8.7	.45	15,000	5,000	12	5	20	28
Planned Unit Development	See Section 2170, Planned Unit Development								
All Nonresidential Uses/Mixed Uses	.10	n/a	1.30	n/a	n/a	0	0	0_{3}	35
Town Square Overlay	.00	n/a	1.83	7,000	7,000	0	0	0_{3}	35
URBAN COMMERCIAL-2 (UC-2)									
Conventional Single Family Home	.30	8.7	.45	15,000	5,000	12	5	20	28
Non-Residential/Mixed Uses	.20	n/a	.65	n/a	7,500	10_{7}	0	20_{6}	35
Planned Unit Development	See Section 2170, Planned Unit Development								
Lodging Overlay	.20	n/a	.80	n/a	7,500	10	0	20	35
AUTO URBAN COMMERCIAL (AC)									
Single Family Detached with one accessory unit with two accessory units	.50 .48 .45	4.6 n/a n/a	.30 .32 .35	n/a n/a n/a	7,500 7,500 7,500	20 20 20	10 10 10	30 $20/5_{4}$ 5	26
Planned Residential	.40	11.7	.40	22,500	n/a	25	15	25	28
Planned Unit Development	See Section 2170, Planned Unit Development								
Office	.25	n/a	$.40_{10}$	30,000	n/a	20	10_{8}	20	35
Other Non-Residential/Mixed Uses	.25	n/a	$.25_{10}$	30,000	n/a	20	10_{8}	20	35
Non-Residential/Mixed Uses$_{9}$	.20	n/a	.46	n/a	n/a	20	10	20	35
Lodging Overlay	.20	n/a	.65	n/a	7,500	10	10	20	35
URBAN RESIDENTIAL (UR)									
Conventional Single Family Home	.30	8.7	.45	15,000	5,000	12	5	20	28
Planned Residential	.20	23.5	.65	15,000	n/a	12	5	20	28
Planned Unit Development	See Section 2170, Planned Unit Development								
AUTO URBAN RESIDENTIAL (AR)									
Single Family Detached with one accessory unit with two accessory units	.50 .48 .45	4.6 n/a n/a	.30 .32 .35	n/a n/a n/a	7,500 7,500 7,500	20 20 20	10 10 10	30 $20/5_{4}$ 5	26
Planned Residential	.40	11.7	.40	22,500	n/a	25	15	25	28
Planned Unit Development	See Section 2170, Planned Unit Development								

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, 11]	Min Site Area (sf)	Min Lot Area (sf)	Min Street Yard (ft)	Min Side Yard (ft)	Min Rear Yard (ft)	Max Height (ft) [2, 5]
Office Uses Permitted	.45	n/a	.35	n/a	7,500	20	10	30	26
SUBURBAN RESIDENTIAL (SR)									
Conventional Single Family Unit	.60	2.9	.30	n/a	12,000	25	15	40	28
Planned Unit Development	See Section 2170, Planned Unit Development								
Planned Residential 25% ratio Planned Residential 35% ratio	.25 .35	3.64 4.0	.30 .30	80,000 80,000	n/a n/a	25 25	10 10	30 30	28 28
RURAL (R)									
Conventional Single Family Unit	n/a	n/a	n/a	n/a	n/a	50	30	40	30
BUSINESS CONSERVATION (BC)									
Single Family Detached with one accessory unit with two accessory units	.50 .48 .45	4.6 n/a n/a	.30 .32 .35	n/a n/a n/a	7,500 7,500 7,500	20 20 20	10 10 10	30 $20/5_4$ 5	26
All Nonresidential Uses	.30	n/a	.30	n/a	7,500	20	10	20	26
NEIGHBORHOOD CONSERVATION (NC)									
A. NC-SF	.45	n/a	.40	n/a	7,500	25	10	25	30
B. NC-2	See Section 2420				7,500	20	10	15	28
C. NC-MHP	See Section 2420		n/a	n/a	See Section 2420				18
D. NC-PUD	See Section 2420		n/a	n/a	See Section 2420				30
Conventional Single Family Subdivision	See Section 2420.B, Subdivision								
OFFICE PROFESSIONAL (OP)									
Conventional Single Family Unit	.45	n/a	.40	7,500	7,500	20	10	30	24
All Nonresidential Uses	.30	n/a	.46	n/a	7,500	20	10	25	30
OFFICE PROFESSIONAL-TWO (OP-2)									
Conventional Single Family Home	.45	8.7	.40	7,500	7,500	10_7	5	20	28
Non-Residential$_{11}$	.20	n/a	.65	n/a	7,500	10_7	0	20_6	35
RESIDENTIAL BUSINESS (RB)									
All Uses	.30	11.7	.32	n/a	7,500	25	10	25	30
BUSINESS PARK (BP)									
All Uses	.15	n/a	.41	n/a	10,000	20	10	20	35
PLANNED RESORT (PR)									

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, 11]	Min Site Area (sf)	Min Lot Area (sf)	Min Street Yard (ft)	Min Side Yard (ft)	Min Rear Yard (ft)	Max Height (ft) [2, 5]
All Uses	See Division 2500, Planned Resort (PR) District								

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 and no buildings in any zoning districts within the Lodging Overlay (LO) shall have more than three (3) levels above ground except as approved as part of a Planned Mixed-Use Development in Section 2325 and in the BP-R zoning district.
3 = Nonresidential uses in the UC District shall have a minimum rear setback of twenty-two (22) feet on the ground level with the exception of structural elements supporting the upper floor.
4 = Minimum rear yard setback is 20' if one accessory residential unit is attached to principal structure; 5' if detached.
5 = The height limitations of this regulation shall not apply to clock towers, church steeples, belfries, cupolas and domes not intended for human occupancy.
6 = For accessory structures, including structures for on-site employee housing which do not exceed 14' in height, the minimum rear yard setback is 5'.
7 = Porches and decks may encroach into a street yard up to 5'. Cantilevered balconies and decks above the first full above-grade level may also encroach provided they are no less than 2' from the front lot line.
8 = No structure shall be sited within 20' of the right-of-way boundary of Hwy. 26-89-179-191. Reference Sec. 4560.A.
9 = These standards apply only to lots of 15,000 SF or less which were platted prior to the effective date of these land development regulations.
10 = Floor Area Ratio (FAR) for Office and Other Nonresidential may be averaged. Reference Sec. 4560.C.
11 = A 25% increase in FAR is allowed in all non-residential zoning districts, provided the increased floor area is devoted to on-site permanently affordable (deed restricted) and/or employee housing. The bonus does not apply to the OP zone where an OP property shares a lot line with a residential zone. The bonus is allowed in the OP zone where the OP property is separated by an alley or street from the residential zone.
(Ord. 507, § 1, 9/1995) (Ord. 536, § 3, 4/1996) (Ord. 580, § 6, 4/1997) (Ord. 608, § 1, 6/1998) (Ord. 619, § 1, 3/1999) (Ord. 630, § 1, 5/1999; Ord. 659, § 3, 9/2000) (Ord.729 § 1, ,6/2003) (Ord. 782)(Ord. 813 § I, 7/2005) (Ord. 849 § I, 9/2007)(Ord. 925, §1 6/2009) (Ord. 958, §1 12/2009)

Key to Table 2400

Zoning District and Development Type. The Zoning District and Development Type column lists each zoning district and the residential and nonresidential development options permitted within that zoning district.
Min. OSR/Min. LSR. The Min. OSR/LSR column lists the minimum open space ratio (OSR) or minimum landscape surfaces ratio (LSR) which, when multiplied by the base site area (see Section 2460, Maximum Gross Density/Intensity Calculation), yields the required open space acreage or landscaped area for each development option.
Max. Gross Density du's/ac. The Maximum Gross Density column is expressed as dwelling units per acre (du's/ac). It lists the maximum dwelling units permitted per acre. It is calculated over the parcel's base site area by multiplying the maximum gross density by the base site area (see Section 2460, Maximum Gross Density/Intensity Calculation). This calculation yields the maximum number of dwelling units permitted under each residential development option.
Floor Area Ratio. The Floor Area Ratio (FAR) is calculated by dividing the total gross floor area on a given lot by the size of the lot. For example, a two thousand (2,000) square foot structure on a lot of ten thousand (10,000) square feet equates to an FAR of .20. In nonresidential and multiple use developments, gross floor area means the total floor area of all structures, excluding basements. In residential developments basements, along with garages, storage buildings, and other non-habitable spaces are excluded. For the purposes of this standard, floors above ground shall include partial levels such as basement levels if four (4) feet or more of the basement wall extends above the ground or if fifty (50) percent or more of the basement perimeter is above ground.
Min. Site Area (sf). The Minimum Site Area column lists the minimum amount of acreage needed for the development option. The minimum site area is given in square feet unless noted otherwise.
Min. Lot Area (sf). The Minimum Lot area column lists the minimum lot sizes required within a specific development. The minimum lot area is given in square feet unless indicated otherwise.
Min. Street Yard (ft). The Minimum Street Yard column gives the distance all buildings must be set back from a street right-of-way or roadway easement in feet (ft). Where a site abuts a road or highway having only a portion of its required right-of-way width dedicated or reserved for roadway purposes, or contains or abuts a road or street

proposed by the Master Plan for Street Improvements, 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. For corner lot setbacks, the shortest street frontage is the street yard, the side opposite is the rear yard.

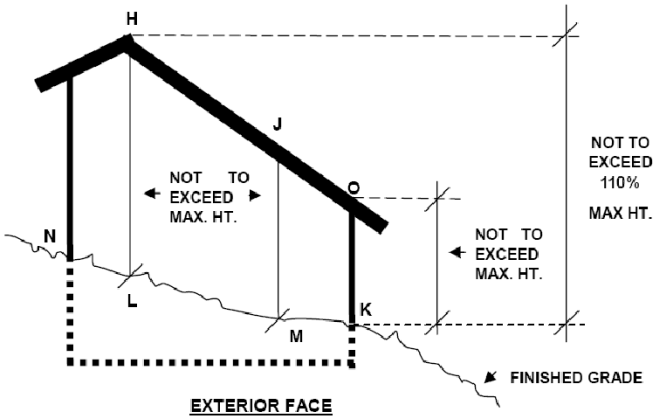
Min. Side Yard (ft). The Minimum Side Yard column gives the distance in feet (ft), that all structures must be set back from the side lot lines, in general. In some cases, accessory structures may be allowed a lesser setback (see Section 4410, Minimum Alley Setback and Design Standards). In other cases, 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 structures must be set back from the rear lot lines, in general. In some cases, accessory structures may be allowed a lesser setback (see Section 4410, Minimum Alley Setback and Design Standards). 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), that any structure may be in the specified zoning district.

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 grade directly adjacent to the structure, 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. The vertical dimension from the highest point of the structure to the lowest point of finished grade, as viewed on any structure face or elevation, shall not exceed 110 percent of the maximum height allowed as shown in the diagram below. No part of any structure may exceed the maximum structural height except for the following:

1. Chimneys, vents, and roof-top mechanical equipment such HVAC systems, provided that the maximum height is not exceeded by more than four (4) feet; and/or
2. Antenna used for the reception of television broadcast signals.



"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 110% OF MAXIMUM HEIGHT AND THE VERTICAL DIMENSION BETWEEN "O" AND THE NEAREST POINT OF FINISHED GRADE "K" CANNOT EXCEED MAXIMUM HEIGHT

(Ord. 958, §1 12/2009)

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.** Reference Section 2420.E, NC-2 development standards and options.

3. **NC-MHP.** The number of units permitted on a single lot or parcel in the NC-MHP District shall not be limited, provided 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 or Complete Neighborhood approval, as applicable.

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, parcel, or tract may be subdivided in the NC District 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, parcel, or tract in the zoning district mapped on the Zoning Map, Town of Jackson, Wyoming, adopted on April 5, 1967, as amended from time to time with a final revision date of December 31, 1993, and as follows:

(1) **LR-1.** The minimum lot area shall be twelve thousand (12,000) square feet per dwelling or building.

(2) **SR-1, MR-2 and all others.** The minimum lot area shall be seven thousand five hundred (7,500) square feet.

2. **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.

3. **NC-PUD.** The minimum lot size in the NC-PUD District shall be governed by the Complete Neighborhood Master Plan in effect as of the effective date of these Land Development Regulations.

C. **Resubdivision.** Lots, parcels, or tracts 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. **Development standards**

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

2. **Accessory structure setbacks.** Accessory buildings over fourteen (14) feet in height shall comply with the minimum yard requirements in Table 2400, Schedule of Dimensional Limitations. The minimum setback requirements for accessory buildings up to fourteen (14) feet in height shall be as follows:

a. Front yard: thirty (30) feet.

b. Side yard: five (5) feet.

c. Rear yard: five (5) feet.

3. **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.

4. **NC-PUD.** The development standards within any NC-PUD District shall be governed by the Complete Neighborhood Master Plan in effect as of the effective date of these Land Development Regulations.

E. **NC-2 development standards and options.** In the NC-2 district, development is allowed in accordance with any one of the following options:

1. Two (2) units per lot are allowed, either attached or detached, with a maximum FAR of .30. There is no minimum LSR, nor maximum lot coverage.

2. Development is allowed according to the standards for Single-Family Development and Planned Residential I in the AR/AC districts.

3. Two (2) detached single-family units per lot are allowed, provided the following standards are met:

a. Maximum FAR .42.

b. Minimum LSR .45.

c. Maximum lot coverage by principal and accessory structures is thirty-four (34) percent.

d. Twenty-five (25) feet minimum separation between principal structures.

(Section 2420 Revised Ord. 926 1, 2009)

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 (November 9, 1994) shall be allowed an expansion of twenty (20) percent of the size of the structure so long as all the standards of this section and these Land

Development Regulations are met. In instances where expansion of twenty (20) percent permits less expansion than the Floor Area Ratio listed in Table 2400, Schedule of Dimensional Limitations, expansion to the FAR shall be permitted, pursuant to the conditions of this Section and these Land Development Regulations.

1. **Determining Size.** The twenty (20) percent expansion permitted shall be determined by the size of the structure in which the use is located on the date of adoption of these Land Development Regulations (November 9, 1994). For example, the expansion of habitable building square footage shall be based upon the total square footage of all existing habitable building square footage.

2. **Minor expansion of existing uses.** Expansion of less than or equal to 3,450 square feet of gross floor area of existing uses permitted in the BC district shall require a minor development plan pursuant to Section 51200, Development Plan.

3. **Expansion of existing development exceeding 3,450 gross feet of floor area.** Expansion which exceeds the standards of a minor development permit shall require a Conditional Use Permit pursuant to Section 5140, Conditional and Special Uses.

4. **ADA necessitated expansions exempt.** Expansions to existing buildings for the primary purpose of meeting requirements of the American 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 Chapter 15.28 (Signs) of the Jackson Municipal Code, or Section 49370, Exterior Lighting and Glare.

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

1. **Uses.** All uses permitted in the AC District are eligible uses for change of use applications.

2. **Level of Intensity.** Determination of the level of intensity shall include consideration of the size of structures, traffic generation (amount and type), impacts on access, parking demand, level of outdoor activity, operational characteristics, and other potential adverse impacts on neighboring uses.

3. **Signs and lighting.** If the use is changed pursuant to this Subsection, the sign for the use shall comply with the standards of Chapter 15.28 (Signs) of the Jackson Municipal Code, and Section 49370, Exterior Lighting and Glare.

D. **Lodging.** Lodging is permitted in the BC zone pursuant to the standards of this section, regardless of the location of the subject property with respect to the Lodging Overlay (LO) District.

SECTION 2440 MAXIMUM LOT COVERAGE LIMITATION FOR RESIDENTIAL LOTS IN ALL DISTRICTS

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. Figure 2440, Maximum Coverage for Residential Lots - Rural District, identifies the limitations that shall apply on residential lots in all zoning districts subject to the additional provisions of this Section.

B. **Standard for maximum lot/impervious surface coverage.** Maximum lot/impervious surface coverage shall be measured as follows:

1. **Lots one acre or less in size.** For lots one (1) acre or less in area, lot/impervious surface coverage shall be measured by totaling the coverage of all primary and accessory structures only.

2. **Lots over one acre in size.** For lots over one (1) acre in area, lot/impervious surface coverage shall be measured by totaling the coverage of all impervious surfaces, as defined in Division 8300, Definitions.

3. **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.

4. **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.

5. **Delete residential roadway surface.** Any portion of a site contained in a roadway easement serving two (2) or more lots/units shall be deleted from any calculations of lot/impervious surface coverage.

C. **Driveway area exempted if better site design achieved.** 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 the area of the driveway from the lot/ impervious surface coverage amount, then the area of the driveway 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: (a) a State or County road; (b) the Snake, Gros Ventre, Hoback, or Buffalo Rivers; or (c) a private road. These areas are listed in order of priority.

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.

D. **Setbacks for impervious surfaces.** Impervious surfaces on lots of one (1) acre or more shall be setback 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.

F**. Maximum lot coverage - other districts.** The maximum lot coverages by principal and accessory residential structures in zoning districts other than Rural are found in Table 2440, Maximum Coverage for Residential Lots; Urban and Suburban Districts.

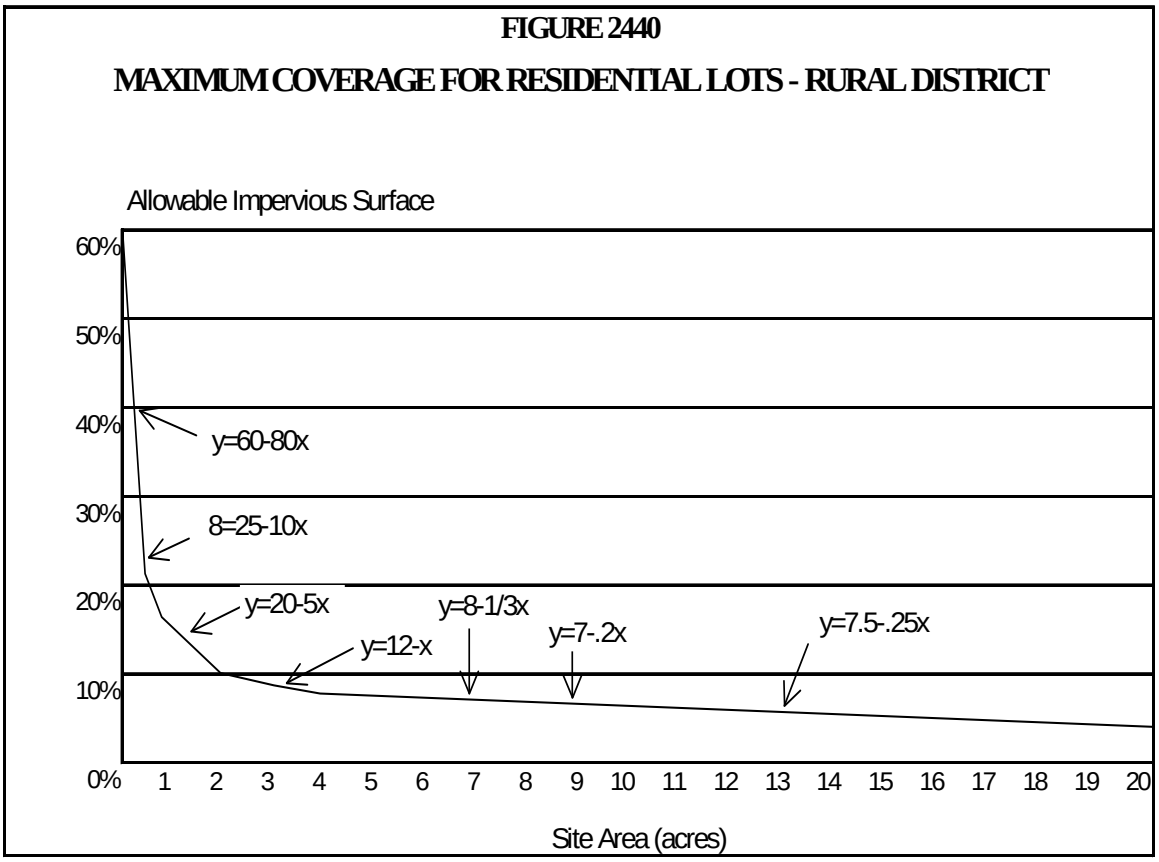
Table 2440. Maximum Coverage for Residential Lots* Urban and Suburban Districts	
UC, UR, UC-2 and OP-2	
Conventional Single Family Unit	40%
Planned Residential	65%
AR and AC	
Single Family Detached	28%
with one accessory unit	30%
with two accessory units	32%
Planned Residential I	35%
Planned Residential II	50%
SR	
Conventional Single Family Unit	26%
Planned Residential, 25% ratio	35%
Planned Residential, 35% ratio	38%
NC-SF	
Conventional Single Family Unit	32%
* Lot coverage is based upon the area of building footprints only. Eaves, overhangs, cantilevers, etc. are not included in the lot coverage calculation.	

(Ord. 659 §10, 2000, Ord. 927 §1, 2009))

FIGURE 2440

MAXIMUM COVERAGE FOR RESIDENTIAL LOTS - RURAL DISTRICT

Allowable lot/impervious surface coverage for sites over twenty (20) acres is two and one-half (2.5) percent.



(Revised Ord. 927, §1 2009).

SECTION 2450 MAXIMUM SCALE OF DEVELOPMENT

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

1. **Habitable space.** The maximum amount of habitable space for a single family dwelling, including associated accessory structures, is eight thousand (8,000) square feet.

2. **Total square footage.** The total floor area of a single family dwelling, including all associated accessory structures, shall not exceed ten thousand (10,000) square feet.

3. **Below grade excluded.** For the purposes of this section, only floor area above grade shall be counted. Floors above ground shall include partial floors and basement levels if four (4) feet or more of the basement wall extends above ground or if fifty (50) percent or more of the basement perimeter is above ground.

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 for Individual Structures. 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 floors and basement levels if four (4) feet or more of the basement wall extends above ground or if fifty (50) percent or more of the basement perimeter is above ground. Agricultural buildings are exempt from this standard.

Table 2450.B.
Nonresidential Floor Area Limitations for Individual Structures

Zoning District	Maximum Floor Area Above Ground
UC/UC-2	15,000 sq. ft.
AC	15,000 sq. ft. with buildings up to 50,000 sq. ft. permitted by CUP (Section 2450.B.6.)
BP	15,000 sq. ft.
OP	6,000 sq. ft.
BC	6,000 sq. ft.
Lodging Overlay	In AC, UC-2, and UC districts, lodging buildings over 15,000 sq. ft. permitted by CUP up to 35,000 sq. ft. (Section 2450.B.5.). In the BC districts, lodging buildings up to 15,000 sq. ft. permitted.
P/SP	Not applicable

(Ord. 659, §4, 2000)

2. **Single retail use size.** Notwithstanding the requirements of Table 2450.B, Nonresidential Floor Area Limitations for Individual Structures, all single retail uses shall be limited to twelve thousandfive hundred (12,500) square feet in size.

3. **Single lodging operation.** Notwithstanding the requirements of Table 2450.B, Nonresidential Floor Area Limitations for Individual Structures, 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.** (repealed) (Ord. 619 § 3, 1999).

5. **Lodging Overlay District.** Within the Lodging Overlay (LO), AC, UC-2, and UC districts, the maximum floor area of individual lodging structures may be increased up to 35,000 square feet with a Conditional Use Permit pursuant to Section 5140, Conditional and Special Uses.

6. **Auto-Urban Commercial (AC) District.** Within the Auto-Urban Commercial (AC) District, buildings up to 50,000 square feet may be permitted by a Conditional Use Permit pursuant to Section 5140, Conditional and Special Uses.

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. (Ord. 901 § 1, 2009.)

2. **Base site area.** Base site area is gross site area minus the following:

a. All land within existing public road rights-of-way;

b. All land between levees or banks of rivers and streams, and all lakes or ponds greater than one (1) acre;

c. All land which has been previously committed as permanent open space in accordance with the standards of these or prior Land Development Regulations;

d. Fifty (50) percent of all lands with natural and manmade slopes greater than twenty-five (25) percent, except manmade slopes that have been remediated to a slope of less than twenty-five (25) percent. (Ord. 901 § 1, 2009.)

3. **Site maximum density/intensity yield**. Take base site area, multiply acreage by Maximum Gross Density or square footage by maximum gross Floor Area Ratio, as found on Table 2400, Schedule of Dimensional Limitations, which equals site maximum density/intensity yield.

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

a. The location of development that results from the transfer of density/intensity from one (1) noncontiguous parcel to the other shall be consistent with areas designated for development in the Comprehensive Plan;

b. Infrastructure shall be available, or can be constructed, to sufficiently serve the proposed development, and;

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

(Ord. 940 § 1, 2009; Ord. 901 §1, 2009)

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 according to standards and criteria in Division 3200, Natural Resources Protection and Natural Resources Overlay District, and Division 3300, Scenic Resources Overlay (SRO) District.

SECTION 2470 SETBACKS AND YARDS

The purpose of this section is to describe standards and methods for determining setbacks and yards on lots of different types and configurations.

A. **Street yard, general.** As per the definition of street yard in Division 8300, Definitions, of these Land Development Regulations, a street yard is a yard extending the full width of a lot, i.e., between the side lot lines, in the area between a street lot line and a building setback line.

B. **Street yard, through lots.** On through lots, a street yard shall be required from each street lot line unless the prevailing yard pattern of one (1) of the adjacent streets establishes a lesser setback. In this event, the minimum street yard depth becomes the average street yard depth of all existing principal structures on the same block.

C. **Street yard, corner lots and reversed corner lots.** On corner lots and reversed corner lots, the street yard shall be adjacent to the street frontage with the most predominate pattern of street yards. The remaining frontage then becomes a side yard, and the rear yard is located at the property owner's discretion.

D. **Corner lots with more than two (2) frontages.** On corner lots with more than two (2) frontages, the street yard shall be adjacent to the street frontage with the most predominate pattern of street yards. The remaining frontages become side yards or rear yards, at the property owner's option.

E. **Lots without street frontage.** On lots with no street frontage, the street lot line shall be that line which is closest to the street from which access is taken.

DIVISION 2500 PLANNED RESORT(PR) DISTRICT

SECTION 2510 PURPOSE AND INTENT

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

A. 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
B. Provide flexibility for planning and developing recreational resort facilities in a creative, efficient and coordinated manner in order to provide quality visitor experiences; and
C. Create a process in which applicants, 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
D. Permit resort development that contributes to expanding the winter and shoulder economic seasons; and
E. 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
F. Ensure resort plans are consistent with the Comprehensive Plan, and therefore, are beneficial to the community; and
G. 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
H. 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
I. 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.

SECTION 2520 APPLICABILITY

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

   1. **Snow King Ski and Summer Resort.** For the purposes of this Division, this area shall be known as "Snow King" and shall encompass the property mapped in Section 2550.M.3.g, Area description.

SECTION 2530 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 Master Plan. Participation of all landowners within the PRD, however, is not required for the Town to a adopt a Master Plan for the Planned Resort.

A. **Master plan review and approval.** 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 Division, 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 Section 2520, 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 Town Attorney.

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

Commission and the Town Council shall receive and consider recommendations from the County Planning Commission and Board of County Commissioners regarding any Planned Resort master plan application in the Town of Jackson.

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 County Planning Commission and Board of County Commissioners to have an opportunity for review and comment on a proposed Master Plan. The role of Teton County is advisory only and does not include a voting participation in review of the Planned Resort master plan.

B. **Final Development Plan review and approval.** After approval of a Planned Resort master plan, Final 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.

1. **Final Development Plan application.** Final Development Plan applications shall be 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.

2. **Phasing.** A Final Development Plan application may encompass only an increment of the total resort development in accordance with an approved phasing plan.

C. **Other development options.** The purpose of this subsection is to provide development options for properties within the Planned Resort District prior to adoption of a Planned Resort master plan, for individual properties which comprise a minor component of a Planned Resort District, and for properties which are not included in an approved Planned Resort master plan.

1. **Prior to master plan approval.** Until such time as a Planned Resort master plan is approved, development shall only be permitted in accordance with dimensional standards and limitations listed for Auto-Urban Commercial/Lodging Overlay (AC/LO) and Auto-Urban Residential (AR) in Table 2400, Schedule of Dimensional Limitations, except that for non-residential development, the Floor Area Ratio (FAR) shall be limited to .25. Uses allowed shall be those listed for AC/LO and AR in Table 2200, Use Schedule.

2. **Prior to master plan approval - waiver for individual properties.** Upon written request of the applicant, the Town Council may for individual properties waive the limitations set forth in this subsection if the Council finds that the property constitutes a minor component of the total Planned Resort District, and development of the property prior to adoption of a master plan will not compromise the purpose or intent of the Planned Resort District or these Land Development Regulations. In the event Council waives the limitations as described herein, the applicant may submit a Sketch Plan or Final Development Plan, as appropriate, pursuant to Section 51200, Development Plan. Standards for review and approval shall be those applicable standards set forth in Section 51200, Development Plan and in Section 2550.M, Character element.

3. **Standards for properties not part of an approved master plan.** Immediately upon approval of a Planned Resort master plan any parcels not included in the master plan may be developed in accordance with the dimensional standards and limitations listed for Auto-Urban Residential (AR) in Table 2400, Schedule of Dimensional Limitations. Uses allowed shall be those listed for the AR in Table 2200, Use Schedule. Approval of any development shall be in accordance with Section 51200, Development Plan.

SECTION 2540 STANDING, AMENDMENTS, EXPIRATION, EXTENSION AND RECONSIDERATION

A. **Standing of Planned Resort master plan.** An approved Planned Resort master plan shall specify the development standards for the Planned Resort. Upon approval of a Planned Resort master plan, 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 Section 2540.C, Expiration.

B. **Amendment of master plan**. Any amendment to the Planned Resort master plan shall be reviewed and acted upon pursuant to the procedures set forth in this Division for review and action on the original master plan. The amendment shall be subject to all applicable standards of this Division 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.

C. **Expiration.**

1. **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.

2. **Effect.** Upon expiration, approval of a Planned Resort master plan shall become null and void, and all rights that are established by the master plan shall expire.

D. **Extension. A** Planned Resort master plan approval may be extended by the Town Council provided a written request for extension is received at least thirty (30) calendar days prior to expiration of the Planned Resort master plan.

1. **Procedure.** The request for extension shall be reviewed by the Town Council 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 Town Council acts upon the request for extension.

2. **Grounds for extension.** The grounds for extending a Planned Resort master plan approval shall be specified by the Town Council and shall include, but not be limited to, the following:

a. **No change in conditions.** Conditions in the community have not substantially changed since the original Planned Resort master plan approval. No extension shall be granted if the Town Council finds that changes in the community result in the resort plan being consistent with the community's land use patterns, these LDRs, or the community's ability to provide infrastructure and services to accommodate the resort.

b. **Good faith efforts.** Activities and investments on the part of landowners within the Planned Resort demonstrate good faith efforts in pursuing the development permitted by the Planned Resort master plan.

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

1. **Amendment.** Amendment of the phasing plan shall be appropriate if either an acceptable alternative phasing plan that meets the standards of this Division or a development schedule acceptable to the Town Council for regaining compliance with the original phasing plan is presented.

2. **Revocation.** Revocation of the master plan shall have the effect of forfeiting all rights within the Planned Resort to any further development according to the Planned Resort master plan and shall be appropriate if:

a. No material progress has been made in development of the resort for ten (10) consecutive years, or

b. There is substantial noncompliance with the performance objectives specified in the conditions of approval, or the monitoring program, and no agreement can be reached between representatives of the landowners within the Planned Resort or applicant of record and the Town Council for bringing the resort development into compliance with the standards of this Division.

3. **Procedure.** The Town Council 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 Town Council 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 Section 2540.B, Amendment of master plan.

SECTION 2550 STANDARDS APPLYING TO ALL PLANNED RESORTS

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 LDR's. Notwithstanding, the applicant for a Planned Resort master plan may propose, and the Town Council may approve, alternative standards for development that are consistent with the purpose and intent of this Division. It is fully consistent with this Division that Planned Resorts may have dimensional, design, and other

development standards different from those described in other sections of these LDR's due to the unique circumstances of, and community objectives for, resort development.

C. **Statement of purpose.** The Planned Resort master plan shall have a Statement of Purpose which describes the applicant's rational 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 Division, as specified in Section 2510, Purpose and Intent.

D. **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.

E. **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 set forth in Section 2530.C, Other development options.

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

1. **Affordable housing.** Affordable housing shall be provided in conjunction with residential development pursuant to Division 49400, Residential Affordable Housing Standards, of these LDRs.

2. **Employee housing.** Employee housing shall be provided in conjunction with nonresidential development pursuant to Division 49500, Employee Housing Standards, of these LDRs.

   a. **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.

   b. **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.

G. **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 Division. 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 Section 2550.M, 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.

1. **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:

   a. Concentrate activities and human interaction into identifiable spaces, such as a plaza or mall;

   b. Assemble a built environment that connects buildings, spaces and structures through common scale, design, and materials;

   c. Incorporate into the built environment the natural features and cultural heritage of the area; and

   d. 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.

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

   a. The community's architectural character and themes

   b. A human scale, pedestrian-orientation, which are created when:

      (1) The height of buildings does not overwhelm people walking beside the buildings; and

      (2) The ground level doors, windows and design features of buildings create an interesting diversity for people walking past the buildings.

   c. A built environment in keeping with the cultural and aesthetic values of the community

   d. Natural attributes of the immediate vicinity

   e. Building materials and colors compatible with the surrounding natural and built environment.

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

   a. Other structures within the Planned Resort when the resort development is completed, and

   b. Neighboring structures that are not a part of the resort, and

   c. The natural environment.

4. **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 Division, to propose standards for signs different from those specified in Chapter 15.28, Signs, of the Jackson Municipal Code, is encouraged with the purpose of having sign guidelines in keeping with the unique character and needs of the resort.

5. **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.

6. **Site planning.**

   a. **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.

   b. **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.

   c. **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.

   d. **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.

      (1) **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.

      (2) **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.

   e. **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 H.2, below.)

   f. **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.

g. **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.

h. **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.

7. **Character objectives.** Section 2550.M, Character element, contains character and size objectives specific to each resort area that shall be incorporated into the design guidelines.

H. **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.

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

a. Projections of external vehicle trips generated by the Planned Resort.

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

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

2. **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:

a. Increasing average vehicle occupancy

b. Shifting vehicular trips (resident and visitor) to public transit

c. Shifting vehicular trips (resident and visitor) to walking, bicycling and other nonmotorized means

d. Reducing vehicular trips through internal capture associated with mixed land use patterns.

3. **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.

I. **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.

1. **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.

2. **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:

a. The maximum daily peak capacity of existing facilities.

b. The current daily peak demand on existing capacity.

c. The daily peak capacity available for new development.

d. The projected daily peak demand generated by new development in the Planned Resort.

e. When development outside of a resort is reasonably anticipated to utilize the same infrastructure system as the resort, the Town of Jackson shall provide the applicant with estimated peak demand.

f. 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.

g. 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.

3. **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.

J. **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 Section 2550. M, Character element.

1. **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:

a. Residential uses shall be permitted.

b. Uses necessary for operation of the resort's primary recreational activity (ski area, hot springs) shall be permitted.

c. Nonresidential uses that provide for the basic needs of the resort's lodging guests, day visitors, employees and vicinity residents shall be permitted.

d. 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 Town Council to be resort-related amenities.

e. Commercial amusement activities that are detrimental to the outdoor, natural resource character of Teton County shall be prohibited.

f. Special events such as music and dance festivals, art and craft shows, concerts, live theater, and similar events which are compatible with the resort and its facilities shall be permitted.

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

a. The applicant's rationale for resort expansion and the character objectives for the resort area pursuant to Section 2550.M, Character element.

b. 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.

c. The amount of infrastructure capacity that can be provided while maintaining consistency with community character goals.

d. Providing a level of self-sufficiency within the resort, such that vehicle trips ending outside the resort are minimized.

K. **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.

1. **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.

2. **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 :

   a. The delayed construction of the improvement does not create a negative impact or exacerbate an existing problematic condition, and

   b. Financial assurance, in a form acceptable to the Town Council, 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.

3. **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.

4. **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.

5. **Performance objectives.** The Town shall establish performance objectives as part of the Planned Resort master plan approval that ensure that development within the Planned Resort achieves the required mitigation of projected impacts on the community. The resort developers shall be responsible for ensuring that proposed mitigation measures are effective. For example, the resort approval may require vehicle trip reduction techniques in order to avoid undesired vehicle trips; performance objectives shall be identified and incorporated into a monitoring program, pursuant to subsection K.6, Monitoring program, below.

6. **Monitoring program.** A program for monitoring compliance with performance objectives for each phase of development shall be designed in a collaborative effort between the applicant(s) and the Town, and shall be set forth in the Planned Resort master plan approval. The monitoring program shall be implemented by the applicant, or an entity that equitably represents all landowners within the Planned Resort, and will include monitoring of TDM components, employee housing developments, and other such elements as identified by the Town Council.

   a. **Program contents.** The monitoring program shall specify data collection needs, responsibility for data collection, techniques to be used in analyzing data, how the data shall be used to determine achievement of performance objectives, and the schedule for reporting to the Town the results of the monitoring effort.

   b. **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 Section 2540.E, Reconsideration.

7. **Achievement of performance objectives.** Approval of future final development plans may be delayed until the performance objectives of the previous phases are met or a strategy for achieving them has been approved by the Town Council.

L. **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:

1. Hosting activities for local disabled persons
2. Hosting Parks & Recreation Department activities
3. Providing trail head access to public forest land
4. Hosting local nonprofit events, including free recreational activities and transportation
5. Offering reduced facility rates for community events and nonprofit organizations
6. Offering local appreciation and promotional reduction in activity fees
7. Offering activity fees that are affordable to the permanent population

M. **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.

1. **General.** The standards specified in this Section 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.

2. **Definitions.**

    a. **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.
    b. **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:
        (1) **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.)
        (2) **Dwelling unit.** A dwelling unit, used for short term rental, shall be assigned an APO of four (4.)
        (3) **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.)

3. **Snow King**

    a. **Character and design.** As indicated on the Community Issues Map of the Jackson/Teton County Comprehensive Plan, Snow King Resort will continue its role as a unique, resort-oriented urban commercial node serving both visitors and residents. Improvements and expansions at Snow King will solidify its role as the main convention and conference facility in the community. Factors and resort characteristics important in Snow King's future development include:
        (1) Capitalization on the location at the terminus of Snow King Avenue.
        (2) Creation of a sense of arrival.
        (3) Creation of an active, attractive, pedestrian streetscape along the eastern end of Snow King Avenue.
        (4) An attractive, safe, and direct pedestrian streetscape connection to the Town Square.
        (5) A layout that blends the edges of the resort into neighboring developments, creating a porous edge to the resort that encourages pedestrian travel into and through the area.
        (6) Structure sizes and layout that draw people into the resort area.
        (7) A continuity of architecture and activities within the resort, creating a multi-use sense of place.

(8) Pathways throughout the resort and connections to the Jackson Hole pathways system.
(9) Continued provision of the amenities of "town hill" skiing.

b. **Capacity.**

(1) **Lodging**. Lodging capacity shall be for no more than 2,460 guests shall be provided within the Planned Resort.

(2) **Buildings.** There shall be no more than a total of 1,080,000 square feet of gross floor area for all facilities and all uses located within both the Building Envelopes and the Recreation Land Use Zones within Sub-Areas 1-6 as defined in the Snow King Master Plan, as well as, all development within Sub-Area 7 located within the Planned Resort District, but not part of the Snow King Master Plan (Pitchfork, Clark's Knoll, Grand Vista, Stevens, Remington). For purposes of allocating square footage 915,000 square feet shall be allocated to Sub Areas 1-6 and 165,000 square feet to Sub Area 7. The 1,080,000 square feet of gross floor area shall include all structures, both new, existing and all additions and/or redevelopment of structures. All floor area devoted to employee housing shall be exempt from the gross floor area calculation. With the exception of floor area devoted to employee housing, the total gross floor area shall include all floor area as defined by the Town's Land Development Regulation and as defined in the Planned Resort Master Plan for Snow King. (Ord. 668 § 1, 2000)

c. **Land use.** Convention center facilities shall be provided necessary to serve a year-round convention market, including community needs for convention space. Commercial services provided, in addition to convention facilities, shall be essential services to on-site guests and supplemental neighborhood services. The commercial space shall be sized and designed for serving the needs of on-site guests of the resort and nearby residents.

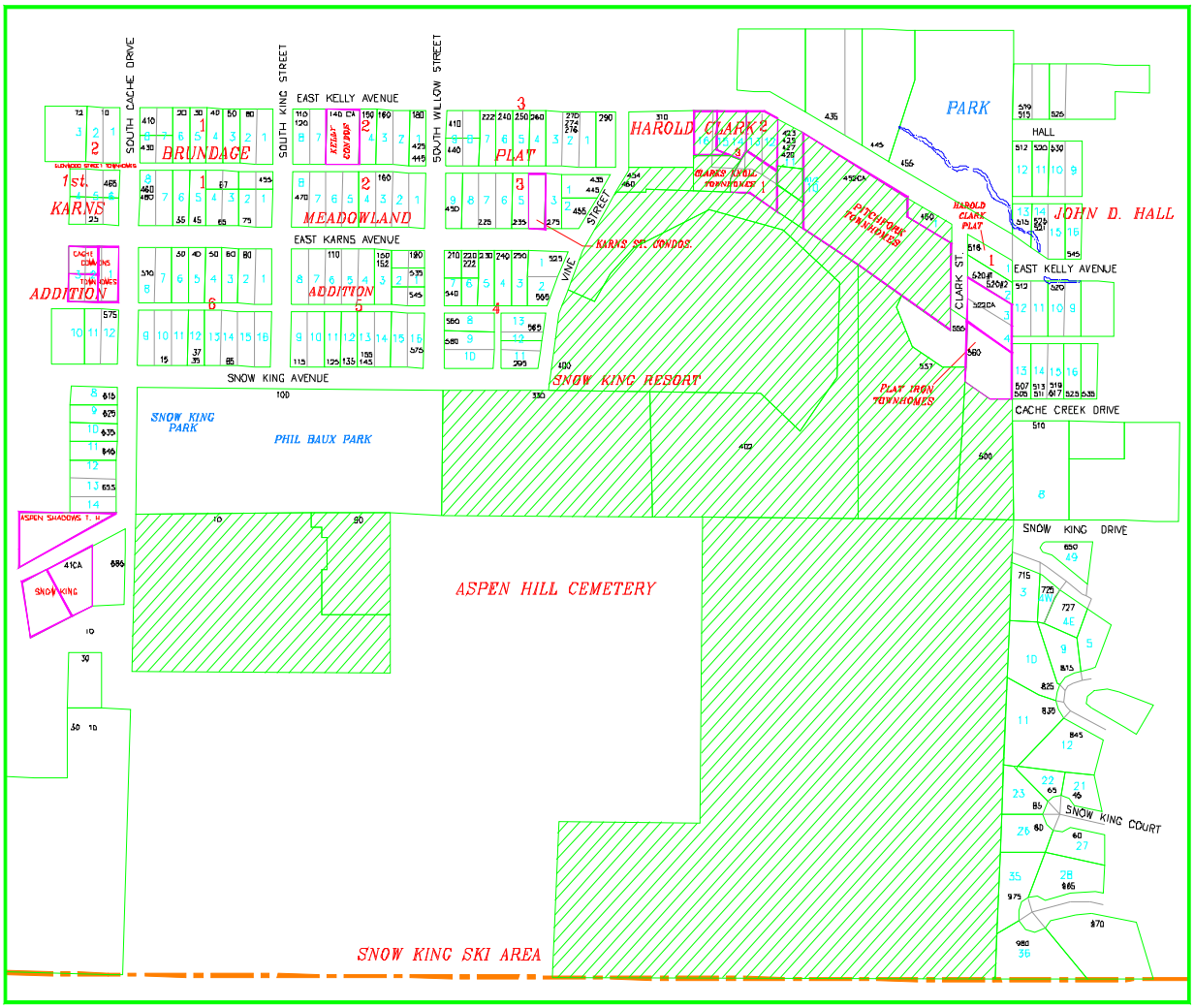
d. **Landscape surface area.** Within areas of the Planned Resort to be developed as lodging, conference, commercial and related facilities, the minimum landscape surface ratio shall be .25, exclusive of the already permitted residential development that exists upon the enactment of this Division (Clark's Knoll, Pitchfork Townhomes, Love Ridge, and Love Ridge Addition.) Notwithstanding, the Town Council 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. The primary purposes of the landscaped areas within Snow King are to:

(1) Create visually strong and attractive streetscapes.
(2) Create a porous edge to the Planned Resort such that residents and visitors in the surrounding areas are invited to enter the resort through attractive pedestrian ways.
(3) Support high quality urban design, including integral public spaces for interaction and public events.

e. **Environmental analysis**. An EA with a visual component dealing with the potential visual impacts of development shall be performed pursuant to the procedures and standards of Division 3300, Scenic Resources Overlay (SRO) District. An EA shall be performed which recommends any action necessary to mitigate impacts to wildlife, migration corridors and crucial winter range.

f. **Relationship to Town Square.** Programs and facilities shall be established that encourage nonmotorized access and public transit access to the Town Square and other Town tourist environs, in conjunction with Town of Jackson planning efforts and goals.

a. **Area description.** The following map depicts the Snow King area that is within the Planned Resort District.



SECTION 2560 FINDINGS FOR APPROVAL

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

A. **Consistency with Comprehensive Plan.** The Planned Resort master plan is consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan.

B. **Consistency with purpose and intent.** The Planned Resort master plan is substantially consistent with the purpose and intent of this Division, as set forth in Section 2510, Purpose and Intent.

C. **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.

D. **Design guidelines.** The Planned Resort master plan contains design guidelines that

1. Establish standards for buildings, spaces, signs, and lighting within the Planned Resort;

2. Promote the design concepts set forth in Section 2550.G, Design element; and

3. Establish a method for consistent implementation of the guidelines.

E. **Transportation element.** The Planned Resort master plan contains a traffic impact analysis and transportation demand management plan that:

1. Promote multimodal forms of transportation that are consistent with the transportation goals of the Jackson/Teton County Comprehensive Plan;

2. Manage the generation of resort related traffic to avoid undermining community character and endangering the public health, safety, and welfare; and

3. Identify an equitable cost sharing plan for transportation facilities and services.

F. **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.

G. **Land use element.** The Planned Resort master plan promotes land uses that support and maintain the character of the resort as specified in Section 2550.M, Character element.

H. **Phasing plan.** The Planned Resort master plan contains a phasing plan that ensures:

1. Development of the resort, its amenities, and public facilities necessary to serve the resort, occur in logical sequence and

2. An adequate monitoring program is established for determining accomplishment of proposed remedies and mitigation measures for projected impacts on the community.

I. **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.

(Ord. 580 § 1, 1997)

DIVISION 2600 PLANNED SUB-CENTER DEVELOPMENT (PSCD) DISTRICT

SECTION 2610 PURPOSE AND INTENT

The purpose and intent of the Planned Sub-Center Development (PSCD) District is to establish procedural and substantive standards that encourages development that provides a substantial benefit to the community, which can be more effectively achieved through the application of the PSCD District than by the application of other land development district regulations of the Town, through the innovative design and development of planned, mixed-use residential, commercial, office, light industrial, lodging (in the LO District only), institutional/civic or service development of land, so the following goals are achieved and findings can be made that the purpose and intent herein have been met prior to approval of the PSCD Designation and proposed PSCD Master Plan:

Flexibility. Flexibility is provided to creatively approach and design mixed-use development in ways that are consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan and these Land Development Regulations.

B. Development design. Development is designed to provide:

1. **Efficiency.** Provide for the efficient use of land through mixed-use pedestrian and transit oriented development patterns.
2. **Mix of land uses.** Provided opportunities for mix residential and nonresidential land uses in both individual buildings and neighborhoods.
3. **Pedestrian-friendly and pedestrian safe.** Encourage pedestrian-friendly and pedestrian safe development.
4. **Interconnectivity.** Encourage development with a high degree of multi-modal interconnectivity among areas and land uses.
5. **Shops and offices within neighborhoods.** Encourage the location of shops and offices within neighborhoods.
6. **Schools.** Where appropriate, encourage the location of schools within neighborhoods.
7. **Transit access and other alternative transportation modes.** Encourage accessibility and facilitate the use of transit services and other alternative modes of travel.
8. **Compatibility.** Ensure compatibility with surrounding land uses.
9. **Coordination of onsite and offsite facilities.** Coordinate onsite road systems and utilities with offsite road systems and utilities.
10. **Land values.** Conserve and enhance the value of surrounding land

C. Affordable and seasonal housing. Affordable and seasonal housing is provided in accordance with requirements set forth in these Land Development Regulations.

D. Adequate on-site public facilities and services. On-site public facilities and services will be made available to accommodate proposed development.

E. Environmental protection. Environmentally sensitive lands and critical wildlife habitat and corridors are protected and scenic resource issues addressed, consistent with the goals of the Jackson/Teton County Comprehensive Plan and these Land Development Regulations.

F. Consistent with the comprehensive plan. Produce master plans consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan and these Land Development Regulations.

SECTION 2620 APPLICABILITY

Before any real property shall be designated as a Planned Sub-Center Development (PSCD) zoning district on the Official Zoning District Map, it shall receive approval pursuant to the terms of this Section.

SECTION 2630 THRESHOLD REQUIREMENTS

A. PSCD zoning district.

1. **Land area.** A PSCD zoning district designation may only be applied to lands that comprise a minimum of ten (10) contiguous acres in area. For the purposes of this regulation, streets shall not affect contiguity.

SECTION 2640 OVERVIEW OF DEVELOPMENT REVIEW PROCEDURE FOR PSCD

The PSCD district shall constitute an amendment to the Official Zoning District Map. Four (4) different types of development approvals in three (3) stages are required before building permits may be applied for and actual construction may occur. The four different types of development approvals are: a zoning district designation; a PSCD Master Plan; a Sub-Area Plan; and a Final Development Plan. The first stage of review is general in nature and applies to the entire parcel of land subject to the PSCD zoning district designation. The procedure requires review and recommendation of a request for a PSCD zoning district designation and a PSCD Master Plan, the Rules and Regulations and PSCD Agreement and/or Annexation Agreement by the Planning and Zoning Commission and review and approval, approval with conditions or disapproval by the Town Council. The second stage of development review (Sub-Area Plan) is more specific and at the discretion of the landowner may apply to portions or sub-areas of the PSCD Master Plan. There could be a number of Sub-Area Plans reviewed and approved for a PSCD. The procedure for review of a Sub-Area Plan requires review and recommendation by the Planning and Zoning Commission and review and approval, approval with conditions or disapproval by the Town Council. The third stage requires review and recommendation by the Planning and Zoning Commission and review and approval by the Town Council of a Final Development Plan pursuant to Section 51200, Development Plan.

Overview of PSCD Process

	Stage 1	Stage 2	Stage 3
Approvals	**PSCD Zoning Designation** **Master Plan**	**Sub-Area Plan**	**Final Development Plan** **Final Plat**
Submittals	Master Plan Document PSCD &/or Annexation Agreement Master Plat	Sub-Area Plan Document	Site Plan Building Elevations Landscape Plan Floor Plans Final Plat
Optional	Rules & Regulations Master Affordable Housing Plan	Master Affordable Housing Plan	

Stage 4

Building & Grading Permits Approvals
- Site Construction
- Project Occupancy

SECTION 2650 PSCD MASTER PLAN AND PSCD ZONING DISTRICT DESIGNATION

A. Procedure

1. **General**. A PSCD zoning district designation shall be part of and constitute an amendment to the Official Zoning District Map (Section 5150). Development within the PSCD district shall be controlled by a PSCD Master Plan pursuant to Section 2651, Standards and Submittal Components, the Rules and Regulations and the PSCD Agreement and/or an Annexation Agreement (provided that an approved Annexation Agreement may be substituted for a PSCD Agreement subject to approval of the applicant and the Town), that is approved as part of the PSCD zoning district designation. The procedure requires review and recommendation of approval, approval with conditions or disapproval by the Planning and Zoning Commission within 30 days after the close of the public hearing or such other period of time as the applicant may agree. Failure to act within 30 days (or such time as mutually agreed upon with the applicant) shall be deemed a recommendation to the Town Council as disapproval. The procedure requires review and approval, approval with conditions or disapproval by the Town Council. Following approval of a PSCD zoning district designation, Sub-Area Plan(s) shall be approved pursuant to Section 2660, Sub-Area Plan, and Final Development Plans shall be approved pursuant to Section 2670, Final Development Plan and Section 51200, Development Plan.

2. **Submission and scheduling of applications.** An applicant for PSCD zoning district designation and a PSCD Master Plan shall be subject to the requirements of Section 5120 C, Pre-application conference. The submission of an application for, determination of its sufficiency, staff review of and notice and scheduling of public hearings on applications for a PSCD zoning district designation and PSCD Master Plan shall comply with the procedures in Section 5120.D, Common Procedures for Review of Applications and

Section 5120.E, Notice of Public Hearings. The review and standards for approval of a PSCD zoning district designation shall be treated the same as an amendment to the Official Zoning District Map (Section 5150).

SECTION 2651 STANDARDS AND SUBMITTAL COMPONENTS

Prior to approval of a PSCD zoning district designation and PSCD Master Plan and the Rules and Regulations, the Town Council shall find there is competent substantial evidence presented at the public hearing(s) to demonstrate the application for PSCD zoning district complies with the general standards for an amendment to the Official Zoning District Map (Section 5150 D, General Standards). The PSCD Master Plan and the Rules and Regulations shall comply with the following:

A. Development parameters.

1. **Master plan.** The PSCD Master Plan shall include a Master Plan that:
   a. Identifies the general and the potential mix of land uses.
   b. Calculates the maximum total number of residential units and non-residential densities within each development area and the maximum total number, type and potential mix of land uses for the entire PSCD Master Plan.
   c. Identifies the general location of exacted open space and public parklands.
   d. Identifies the location of environmentally sensitive lands and critical wildlife habitat and migration corridors.
   e. Identifies the on-site transportation circulation system for arterial and collector roads with associated pathways, and transit corridors based on proposed maximum densities and intensities.
   f. Identifies the general location of proposed public facility sites.

2. **Land uses allowed.** The uses, as defined in these Land Development Regulations, that may be included in a PSCD zoning district and Master Plan, subject to PSCD Sub-Area Plan review and approval to address land use compatibility and to determine whether such uses are permitted or conditionally permitted, are:
   a. Residential uses, which may include but shall not be limited to:
      (1) single family attached;
      (2) single family detached;
      (3) townhouses;
      (4) condominiums;
      (5) apartments;
      (6) accessory residential units;
      (7) mobile home parks;
      (8) institutional residential.
   b. Office uses in an office park context or as a mixed use with light industrial uses and residential uses.
   c. Light industrial uses in a light industrial park context or as a mixed use with light industrial uses and residential uses.
   d. Commercial retail uses.
   e. Service uses.
   f. Restaurant/bars.
   g. Commercial amusement uses.

h. Commercial lodging located in the LO District, subject to the standards and requirements of Section 3540, Standards for Development in the LO District.
i. Bed and Breakfasts located in the LO District, subject to the standards and requirements of Section 3540, Standards for Development in the LO District.
j. Short-term rentals located in the LO District, subject to the standards and requirements of Section 3540, Standards for Development in the LO District.
k. Heavy retail/service uses.
l. Golf courses.
m. Institutional uses.
n. Day care uses.
o. Indoor recreational uses.
p. Outdoor recreational uses.
q. Campground uses.
r. Tour operators.
s. Utilities.
t. Home occupation and home business.
u. Temporary uses.

3. **Density increase.**
   a. The total number of residential units approved as part of the PSCD Master Plan may be increased by up to thirty-five (35) percent of the total number of affordable and employee units approved without amendment of the PSCD Master Plan if all the additional residential units are affordable or employee units and the terms and conditions for this increase are established in the PSCD Agreement and/or the Affordable Housing Master Plan.
4. **Development scheduling plan.** A development scheduling plan shall be provided for the PSCD Master Plan to ensure the proposed development occurs in a sequence designed to achieve the purpose and intent of this Section, including project amenities and necessary public facility and service expansions. The development scheduling plan may be established either at the time of approval of the PSCD Master Plan or concurrent with approval of the first Sub-Area Plan approved for the PSCD Master Plan. 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.
5. **Conversion schedule (optional).** The PSCD Master Plan may include a conversion schedule that identifies the range of conversion that may occur between different types of residential uses and between different types of nonresidential uses (i.e., residential to residential, or non-residential to non-residential) within the PSCD Master Plan. These conversions may occur within the development areas and between the development areas, as long as they occur within the same scheduled phase of development in the development scheduling plan, and are consistent with established ranges of conversion set down in the conversion schedule.
6. **Development Reserve Designation (Optional).** The PSCD Master Plan may designate a portion of land area for future development. Such designation shall be exempted from the foregoing standards for a PSCD Master Plan provided the designated area includes the following:

a. General location of the on-site transportation circulation system for arterial and collector roads with associated pathways, and transit corridors based on maximum densities and intensities.
b. Calculates the maximum total number of residential units.
c. Calculates the maximum non-residential intensity.
d. Identifies the location of environmentally sensitive lands and critical wildlife habitat and migration corridors.

Prior to the submittal of a Sub-Area Plan for any portion of the development reserve designation, the PSCD Master Plan shall be amended to include the standards set forth in Section 2651, Standards and Submittal Components.

B. Open space/public parks.

1. General. The PSCD Master Plan shall identify lands, which shall be reserved for usable open space. For the purposes of this Section, open space is defined to include open lands, environmentally sensitive lands, and golf courses.

2. Public park land dedication. The PSCD Master Plan shall identify the general location of all on-site public parks demonstrating how the development proposed will comply with the dedication standards pursuant to 49630 of these Land Development Regulations. Parking areas and internal vehicular areas attendant to these uses shall be counted when determining dedication requirements.

C. Environmental/wildlife protection and scenic resources. The PSCD Master Plan shall demonstrate how the development shall comply with all applicable local, state and federal environmental and wildlife protection regulations, and address scenic resource issues.

D. Stormwater management. The PSCD Master Plan shall demonstrate how the development shall comply with all applicable local, state and federal requirements for the provision of stormwater management facilities.

E. Public facilities/services. The PSCD Master Plan shall in a general way evaluate the adequacy of transportation, potable water, wastewater, schools to serve the development proposed in the PSCD Master Plan and other public facilities and services.

1. **Transportation.** The transportation component shall include a general transportation analysis, including forecasts of future travel demand of all modes of transportation, identification of impacts the proposed development may have on the off-site transportation system, and identification and/or coordination of off-site improvements.
2. **Potable water and wastewater.** The potable water and wastewater component shall include a diagram illustrating that an adequate on-site system of major potable water and wastewater lines can be provided to accommodate the development proposed in the PSCD Master Plan, and that it can be efficiently integrated into the public improvement plans of the Town.
3. **School dedication.** The school component shall demonstrate how development proposed in the PSCD Master Plan will comply with dedication standards pursuant to Section 49650 in these Land Development Regulations for the provision of school lands. The general location of all on-site school sites shall be identified on the PSCD Master Plan.

4. Other. Other public services and facilities such as police, fire, EMT and civic/community uses shall be evaluated to determine whether or not such services and facilities are adequate to accommodate the development proposed in the PSCD Master Plan.

F. Affordable and seasonal (employee) housing.

1. General. The PSCD Master Plan shall identify how the development intends to comply with the affordable housing requirements and the seasonal (employee) housing requirements of these Land Development Regulations. The amount of affordable and seasonal employee housing actually provided shall be finalized during Sub-Area Plan approval, unless agreed to otherwise through a PSCD Agreement and/or Annexation Agreement.

2. Master affordable housing plan (optional). Subsequent to or concurrent with the review and approval of the PSCD Master Plan, the applicant may submit a Master Affordable Housing Plan for some or all of the PSCD Master Plan. The Master Affordable Housing Plan requires review and recommendation by the Planning and Zoning Commission, and review and approval, approval with conditions or disapproval by the Town Council. The Master Affordable Housing Plan shall identify how affordable and employee housing shall be provided for the entire PSCD Master Plan. It shall include a timing schedule, linkages to development of both residential and nonresidential uses, and if relevant the provision of additional affordable housing units pursuant to Section 2651 A.3, Density Increase. The terms and conditions of the Master Affordable Housing Plan shall be added to the PSCD Agreement and/or Annexation Agreement as an amendment.

G. Rules and regulations. Rules and Regulations may be adopted as part of the PSCD Master Plan that establish the general development standards governing the development of the PSCD Master Plan and the Sub-Area Plans and Final Development Plans. The Rules and Regulations shall address: dimensional standards; parking; landscaping; signage; block standards; street standards; and architectural and design principles. Guidelines for the Rules and Regulations are adopted by the Town pursuant to Resolution No. __, and are available for review in the Planning Department Office during normal business hours. If the applicant desires to deviate from the Town's Guidelines for the Rules and Regulations, then the applicant shall submit Rules and Regulations for review and approval as part of the PSCD Master Plan.

1. **Dimensional standards.** To facilitate maximum flexibility in achieving the goals and objectives set forth in this PSCD Zoning designation, specific dimensional standards are not included herein. Any PSCD Master Plan submitted under this Section shall set forth proposed specific dimensional standards, which shall include minimum and maximum building setbacks, maximum building height, maximum individual building size, floor area ratio requirements and landscape ratio/open space ratios (LSRs/OSRs) that are consistent with the general intent and goals for development of the PSCD Master Plan and the scale and character of development with the Town.
2. **Parking.** The parking standards in Section 4240, Off-Street Parking Requirements, and Section 4250, Other General Standards for Parking and Loading, shall be incorporated into the Rules and Regulations and apply to each development area or sub-area (Sub-Area Plan) of the PSCD Master Plan unless they are modified in the Rules and Regulations in ways that are consistent with the general intent and goals for development of the PSCD Master Plan and the scale and character of development within the Town. Reduction in the parking requirements may be permitted if the location and type of land

uses and parking facilities permit shared parking, or if a high non-auto mode share may be reasonably anticipated at the site.

3. **Landscaping.** The landscaping standards in Division 4100, Landscaping Standards, shall be incorporated into the Rules and Regulations and apply to each development area or sub-area (Sub-Area Plan) of the PSCD Master Plan unless they are modified in the Rules and Regulations in ways that are consistent with the general intent and goals for development of the PSCD Master Plan and the scale and character of development within the Town.
4. **Signage.** The signage standards set forth in Chapter 15.28, Signs of the Jackson Municipal Code, shall be incorporated into the Rules and Regulations and apply to each development area or sub-area (Sub-Area Plan) unless a Master Signage Plan is proposed for the entire PSCD Master Plan or a Sub-Area Plan setting forth a design theme that is found to be more consistent with the unique characteristics of the site and surrounding area. The Master Signage Plan shall address permitted sign sizes, types and locations.
5. **Block standards**. The Town's subdivision standards shall be incorporated into the Rules and Regulations and apply to the development of blocks for each development area or sub-area (Sub-Area Plan) of the PSCD Master Plan unless they are modified in the Rules and Regulations in ways that are consistent with the general intent and goals for development of the PSCD Master Plan and the scale and character of development within the Town. Any new block standards established in the Rules and Regulations shall facilitate sustainable, pedestrian and bicycle-friendly and interconnected development patterns and avoid parcels that are difficult to develop. Standards may include minimum connectivity measures as well as limitations on the size and configuration of blocks, the length of cul-de-sacs and the mix of housing styles.
6. **Street standards**. The street standards set forth in Division 4700, Transportation Facilities, shall be incorporated into the Rules and Regulations and apply to each development area or sub-area (Sub-Area Plan) of the PSCD Master Plan unless they are modified in the Rules and Regulations in ways that are consistent with the general intent and goals for development of the PSCD Master Plan. If modification of the street standards set forth in Division 4700, Transportation Facilities, are made in the Rules and Regulations they shall facilitate sustainable, multi-modal, pedestrian-friendly and interconnected development patterns that:
    a. At a minimum address street width, street tree planting and landscaping, drainage, and the provision of bicycle lanes and sidewalks and crosswalks.
    b. Ensure the design of a circulation system that provides safe, convenient access to all areas of the proposed development using the minimum practical roadway length.
    c. Ensure access is provided to development by a public right-of-way.
    d. Ensure internal pathways provide and form a logical, safe and convenient system for pedestrian access to dwelling units and common areas, with appropriate linkages off-site.
    e. Ensure roadways are designed to permit access by emergency vehicles to all lots or units from at least two (2) directions. An access easement is granted for emergency vehicles and utility vehicles, as applicable, to use roadways in the development for the purpose of providing emergency services and for installation, maintenance and repair of utilities.
    f. Ensure principal vehicular access points are designed to provide for smooth traffic flow, minimizing hazards to vehicular, pedestrian or bicycle traffic.

g. Include connectivity standards that at a minimum address the internal street system that requires logical connections to the public street system outside the development; pedestrian facilities and walkways (including pathways and access for the disabled) in appropriate locations; and requirements for the location and design of a logical, safe and convenient system for access to all on-site and adjacent off-site schools, parks, public lands, and existing pathways.

Subsequent to or concurrent with the review and approval of the PSCD Master Plan, the applicant may (not required) submit a Master Internal Street Plan for all or a portion of the site. The Master Internal Street Plan shall be reviewed by the Planning and Zoning Commission and reviewed and approved, approved with conditions or disapproved by the Town Council. Consistent with the street standards set forth in these Rules and Regulations, the Master Internal Street Plan shall identify the location, easements or ROW width of all on-site roads, streets and driveways, points of access to surrounding streets, proposed entrances and curb cuts, deceleration and acceleration lanes, traffic islands and other traffic control devices, and identify the location of crosswalks, curbs, gutters, parking lanes, sidewalks, and pathways. An approved Master Internal Street Plan shall be the Internal Street Plan (Section 2660 B.1.e., Internal Street Plan) for the sub-area(s) for which it is approved.

7. **Architectural and Design Principles**. The Rules and Regulations may establish architectural and design principles that guide the development and design of the Design Manual for the Sub-Area Plans. The architectural and design principles may establish the general design theme for the buildings and spaces in the PSCD Master Plan, the general architectural style, and establish common character and scale for the development consistent with the character of development in the Town.

SECTION 2652 FINDINGS FOR APPROVAL

The PSCD District designation, PSCD Master Plan, the Rules & Regulations, and the PSCD Agreement and/or Annexation Agreement shall be approved by the Town Council only if all of the following findings are made:

A. PSCD district designation. A PCSD District Designation shall be approved by the Town Council only if all the general standards have been made for an amendment to the Official Zoning District Map pursuant to 5150 D, General Standards.

B. PSCD Master Plan. A PCSD Master Plan, the Rules and Regulations, and the PSCD Agreement and/or Annexation Agreement shall be approved by the Town Council only if all of the following findings are made:

1. **Consistency with purpose and intent.** The PSCD Master Plan, the Rules and Regulations, PSCD Agreement and/or Annexation Agreement are consistent with the purpose and intent of this Section, as set forth in Section 2610, Purpose and Intent.
2. **Standards.** The PSCD Master Plan, the Rules and Regulations and the PSCD Agreement and/or Annexation Agreement meet the criteria set forth in Section 2651, Standards and Submittal Components and Section 2654, Planned Sub-Center Development Agreement.

SECTION 2653 CONDITIONS

The Planning and Zoning Commission shall have the authority to recommend and the Town Council shall have the authority to impose such conditions on a PSCD zoning district designation

and PSCD Master Plan that are necessary to accomplish the purposes of this Section and these Land Development Regulations.

SECTION 2654 PLANNED SUB-CENTER DEVELOPMENT (PSCD) AGREEMENT

Concurrent with the approval of the adopting ordinance for the PSCD zoning district designation and the PSCD Master Plan, a PSCD Agreement (and/or an Annexation Agreement, which may be substituted for a PSCD Agreement subject to approval by the applicant and the Town) shall be established binding the PSCD to any conditions placed in the adopting ordinance and PSCD Master Plan. The PSCD Agreement (and/or Annexation Agreement) shall be executed by an authorized representative of the Town and each applicant and owner of the land that is subject to the agreement. The PSCD Agreement and/or Annexation Agreement shall include, but is not limited to:

A. PSCD plan. The PSCD Master Plan, including the Master Plan and Rules and Regulations, if any.

B. Conditions. Conditions related to the approval of the PSCD Master Plan.

C. Increase in affordable and seasonal housing units. The terms and conditions under which the PSCD Master Plan may increase the number of affordable and seasonal housing units without amendment of the PSCD Master Plan pursuant to Section 2651.A.3 Density Increase.

D. Provisions governing on-site public facilities. Provisions addressing how transportation, potable water, wastewater facilities and services, and required park and school land dedication will be provided and/or coordinated with the Town's Capital Improvement Program (if one is adopted) to accommodate the development proposed for the PSCD.

E. Other provisions related to the future development of the PSCD. Standards, conditions or agreements pertaining to future development approvals, or responsibilities of the landowners within the PSCD Master Plan.

F. Application of amendments to these land development regulations. Recognition that upon approval of the PSCD zoning district designation, the PSCD Master Plan and PSCD Agreement and/or Annexation Agreement, that any amendments to these Land Development Regulations shall not affect the residential densities and nonresidential intensities approved in the PSCD Master Plan or any conditions of approval for a period of time established in the approval of the PSCD Master Plan and the PSCD Agreement and/or Annexation Agreement, unless otherwise specified in the approval of the PSCD Agreement and/or Annexation Agreement, or unless there is a finding that it is essential to the health or safety of the Town to apply subsequently adopted amendments to a PSCD development.

SECTION 2655 PLACEMENT OF PSCD DESIGNATION ON ZONING DISTRICT MAP AND RECORDATION

A. Placement of PSCD designation on zoning district map. After final approval of the adopting ordinance for the PSCD zoning district designation, the PSCD Master Plan and PSCD Agreement and/or Annexation Agreement, the Planning Director shall amend the Official Zoning District Map to show a PSCD zoning district designation.

B. Recordation. The adopting ordinance for the zoning district designation, the PSCD Master Plan and the PSCD Agreement and/or Annexation Agreement (where appropriate), and any amendments thereto, shall be recorded in the land records of Teton County, Wyoming and in the Town of Jackson, Wyoming Clerk's Office. The documents recorded shall comply in all respects with the requirements for recordation established by the State of Wyoming. They shall be binding upon the landowners, their successors and assigns, and shall constitute the development regulations for the land.

SECTION 2656 EFFECT

A. General. Approval of an adopting ordinance for a PSCD zoning district designation, the PSCD Master Plan and PSCD Agreement and/or Annexation Agreement (where appropriate) shall constitute an Official Zoning District Map designation and a recognition by the Town that the landowner may proceed, consistent with the PSCD Master Plan and PSCD Agreement and/or Annexation Agreement to develop the land, with appropriate Sub-Area Plan and Final Development Plan review and approvals, and all other relevant and appropriate permit approvals.

B. Master plat approval. Approval of a PSCD Master Plan pursuant to this Section shall constitute approval of a Master Plat for the PSCD Master Plan if the boundaries of the parcel and the location of proposed roads and the location of on-site public facilities are identified on the PSCD Master Plan. Otherwise, a Master Plat for the PSCD Master Plan may be submitted and reviewed and approved, approved with conditions or disapproved subsequent to approval of the PSCD Master Plan. After approval of a Master Plat for the PSCD Master Plan, no further plat approvals are required pursuant to Article VI: Platting and Land Records, until Final Development Plans are reviewed for the PSCD Master Plan.

SECTION 2657 EXPIRATION

A. Time-frame. A PSCD Master Plan and/or PSCD Agreement (and/or Annexation Agreement) shall expire or be vested under the following conditions:

1. **Sub-area plan approval.** The PSCD Master Plan and PSCD Agreement and/or Annexation Agreement shall expire five (5) years from the date of its Recordation or at a time specified in the approval of the PSCD Master Plan, unless prior to that date at least one (1) Sub-Area Plan for a portion of the site is approved pursuant to the requirements of this Regulation.
2. **Final development plan approval.** The PSCD Master Plan and PSCD Agreement and/or Annexation Agreement shall expire eight (8) years from the date of its Recordation or at a time specified in the approval of the PSCD Master Plan, unless prior to that date at least one (1) Final Development Plan is approved pursuant to the requirements of this Regulation.
3. **Building permit application filing.** The PSCD Master Plan and PSCD Agreement and/or Annexation Agreement shall expire ten (10) years from the date of its Recordation or at a time specified in the approval of the PSCD Master Plan, unless prior to that date an application for building permit has been filed with the Building Department for development of new buildings and structures approved as part of the Final Development Plan, and substantial and continuous progress toward development of the PSCD Master Plan has been made in accordance with the PSCD Master Plan and the PSCD Agreement and/or Annexation Agreement.
4. **Approval of sub-area plans for 40 percent of PSCD master plan area.** The time limits in Sections 2657 A.1–3 notwithstanding, when Sub-Area Plans for forty (40) percent of the geographic area of a PSCD Master Plan have been approved, the PSCD Master Plan may be developed to completion.
5. **Approval of a master affordable housing plan.** When a Master Affordable Housing Plan has been approved for the entire geographic area of a PSCD Master Plan and all affordable and seasonal (employee) housing has been built, the PSCD Master Plan may be developed to completion.

B. Effect. Upon expiration pursuant to this Section, the PSCD Master Plan and PSCD Agreement shall lapse, and the land shall be subject to rezoning.

SECTION 2658 EXTENSION

The expiration date of an approved PSCD Master Plan may be extended by the Town Council up to three (3) years provided a written request for extension is received by the Planning Department at least sixty (60) calendar days prior to expiration of the PSCD Master Plan.

A. General. The request for extension shall be reviewed by the Town Council 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 at least ten (10) business days in advance. The PSCD Master Plan shall be deemed extended until Town Council takes final action upon the request for extension.

B. Grounds for extension. The grounds for extending a PSCD Master Plan approval shall be specified by the Town Council and shall include, but not be limited to, the following:

1. **Changed conditions.** Whether conditions in the community have substantially changed since approval of the PSCD Master Plan.
2. **Good faith efforts to proceed with development.** Good faith efforts by the developer/landowner to proceed and develop in accordance with the PSCD Master Plan, including but not limited to:
   - **a.** Construction of required on-site infrastructure improvements consistent with the development scheduling plan and timeframes established in the PSCD Master Plan and PSCD Agreement and/or Annexation Agreement.
   - **b.** Completion of construction of development or phases of development in the PSCD Master Plan.
   - **c**. Substantial compliance with the conditions and requirements in the PSCD Master Plan and PSCD Agreement and/or Annexation Agreement.

SECTION 2659 MINOR DEVIATIONS AND AMENDMENTS

A. Minor Deviations. A minor deviation to a PSCD Master Plan may be approved by the Planning Director. In making a decision on a minor deviation the Planning Director shall identify the standards of this Section that permit the approval or disapproval of the minor deviation. A minor deviation shall be limited to technical or engineering considerations first discovered during Sub-Area Plan or Final Development Plan review or actual development which could not reasonably be anticipated during the approval process, or any other change which has no material effect on the character of the approved PSCD Master Plan or any of its approved terms or conditions. Minor deviations shall not include reductions in the amount of required open space or resource protection, or increases in the amount of building floor area, or increases in building heights, or changes in land uses. All changes not qualifying as minor deviations shall be considered amendments.

B. Amendments. An amendment to a PSCD Master Plan and/or PSCD Agreement (and/or Annexation Agreement) may be made only pursuant to the procedures and standards for its original approval. Procedures relating to unanimity of ownership need be followed only to the extent of lands for which an amendment is sought, and shall not require participation by owners of land already developed or otherwise not the subject of the amendment process.

SECTION 2660 SUB-AREA PLAN

A. Procedure.

1. **Overview.** A Sub-Area Plan shall be required to be approved for all parts of a PSCD Master Plan. A Sub-Area Plan for all or a portion of the PSCD Master Plan may be approved concurrent with the PSCD Master Plan approval. A Sub-Area Plan consists of a specific plan for the development of a sub-area of the PSCD Master Plan that establishes

the form of the neighborhood(s) in the sub-area, ensures protection of environmentally sensitive lands and critical wildlife habitat/migration corridors, ensures the provision of public facilities to accommodate proposed development and ensures compliance with the Town's affordable and seasonal (employee) housing requirements. The size of the Sub-Area Plan may be determined by the land owner based on development demand and market conditions. There may be a number of Sub-Area Plans in the PSCD Master Plan. A Sub-Area Plan is required to conform to the PSCD Master Plan and PSCD Agreement and/or Annexation Agreement (where approved). The procedure requires review and recommendation of approval, approval with conditions or disapproval by the Planning and Zoning Commission within 30 days after the close of the public hearing or such other period of time as the applicant may agree. Failure to act within 30 days (or such time as mutually agreed upon with the applicant) shall be deemed a recommendation to the Town Council as disapproval. The procedure requires review and approval, approval with conditions or disapproval by the Town Council. Subsequent to approval of a Sub-Area Plan, a Final Development Plan shall be approved pursuant to Section 2670, Final Development Plan and Section 51200, Development Plan. (The PSCD Master Plan and the Sub-Area Plan shall together constitute Sketch Plan approval for purposes of Section 51200, Development Plan.)

2. **Threshold requirements.**
   a. Land area.
      (1) The Sub-Area Plan for a PSCD Master Plan in a PSCD zoning district shall consist of at least two (2) contiguous acres. For the purposes of this regulation, streets shall not affect contiguity.
3. **Submission and scheduling of applications.** An applicant for PSCD zoning district designation and a PSCD Master Plan shall be subject to the requirements of Section 5120 C, Preapplication conference. The submission of an application for, determination of its sufficiency, staff review of and notice and scheduling of a public hearing on an application for a Sub-Area Plan shall comply with the procedures in Section 5120.D, Common Procedures for Review of Applications and Section 5120.E, Notice of Public Hearings. The review and approval of a Sub-Area Plan shall be treated the same as a Development Plan (Section 51200)

B. Standards and submittal components. Prior to approval of a Sub-Area Plan for a PSCD Master Plan, the Town Council shall find there is competent substantial evidence presented at the public hearing to demonstrate the application for the Sub-Area Plan complies with the following standards:

1. **Development parameters.** The Sub-Area Plan shall include:
   a. Land development plan for sub-area. A Land Development Plan that conforms with the PSCD Master Plan, the Rules and Regulations and the PSCD Agreement and/or Annexation Agreement (where approved) and identifies:
      (1) The boundaries of the sub-area in relation to the PSCD Master Plan.
      (2) The land uses to be located in the sub-area and the allocation of such uses.
      (3) Pursuant to the street standards set forth in the Rules and Regulations, the location, easement(s) or ROW width of all on-site arterial and major collector roads and local roads.
      (4) Pursuant to the block standards set forth in the Rules and Regulations, the specific block form of each neighborhood, including block dimensions, the length of streets and the mix of housing styles on each block.

(5) The specific location and acreage of all open space, including recreational areas, view planes, and other open spaces.
(6) The specific location of environmentally sensitive lands and critical wildlife habitat/migration corridors.
(7) The specific location of public facility sites.
(8) Density/intensity calculations for the sub-area.
(9) A Design Manual that specifies: neighborhood design and building forms; architectural design (materials, color and form); architectural style; and landscape design.
(10) A Transportation Demand Management Plan (TDM Plan) that is implemented as part of the Sub-Area Plan committing to a time specific program demonstrating how travel behavior of visitors and employees from the sub-area will be managed to reduce the number of vehicle trips on the road network. Potential mechanisms for managing travel behavior may include, but are not limited to:
    (a) Increasing average vehicle occupancy.
    (b) Shifting vehicular trips to public transit.
    (c) Shifting vehicular trips to walking, bicycling and other non-motorized means.
    (d) Reducing vehicle trips through internal capture associated with mixed land use patterns.

b. Parking plan. Consistent with the parking standards set forth in the Rules and Regulations, a parking plan that demonstrates compliance with supply standards, and identifies the location and dimensions of all parking areas, number of parking stalls, and all driving or maneuvering lanes. Modifications from the parking standards in the Rules and Regulations may be approved in the parking plan for the sub-area if it is demonstrated the location and type of land uses, parking facilities or a high non-auto mode share support either a decrease or increase in parking.

c. Landscape plan. Consistent with the landscape standards set forth in the Rules and Regulations, a landscape plan that identifies landscape surface ratios, all man-made features and the location, height or caliper, and species of all plant materials. Modifications from the landscape standards in the Rules and Regulations may be approved in the landscape plan for the sub-area if it is demonstrated a modification is found to be more consistent with the unique characteristics of the site and surrounding area.

d. Signage plan. Consistent with the signage standards set forth in the Rules and Regulations, a signage plan that identifies the location of all signage, and appropriate dimensional requirements, including sign height, area, lettering size, colors and materials. Modifications from the signage standards in the Rules and Regulations may be approved in the signage plan for the sub-area if it is demonstrated modifications are necessary to ensure a consistency of aesthetic character, dimension, height and scale throughout the sub-area.

e. Internal street plan. Consistent with the street standards set forth in the Rules and Regulations, an internal street plan that identifies the location, easements or ROW width of all on-site roads, streets and driveways, points of access to surrounding streets, proposed entrances and curb cuts, on-street parking, deceleration and acceleration lanes, traffic islands and other traffic control devices, and identifies the location of crosswalks, curbs, gutters, sidewalks, and pathways.

f. **Internal pedestrian and bicycle circulation plan.** Consistent with the standards set forth in the Rules and Regulations, an internal pedestrian and bicycle circulation plan that ensures a high level of accessibility, and identifies the location of crosswalks, curbs, gutters, sidewalks and regional and local pathways.

2. **Environmental/wildlife protection.** The Sub-Area Plan shall comply with all applicable local, state and federal environmental and wildlife protection regulations.
3. **Stormwater management.** The Sub-Area Plan shall comply with all applicable local, state and federal requirements for the provision of stormwater management facilities.
4. **Public facilities.** The Sub-Area Plan shall demonstrate the adequacy of road, potable water, and wastewater facilities and services, and public park and school land dedication to serve the development proposed in the Sub-Area Plan, and that development within the sub-area complies with the standards in these Land Development Regulations related to these facilities and services, and all other relevant Town laws and regulations.
5. **Affordable and seasonal housing.** Unless a Master Affordable Housing Plan has ~~not~~ been submitted and approved with the PSCD Master Plan, the Sub-Area Plan shall demonstrate how the development proposed in the Sub-Area Plan complies with the Town's affordable and seasonal employee housing mitigation requirements in effect at the time of review of the Sub-Area Plan, and how the appropriate mitigation will be provided for the required affordable and seasonal employee housing consistent with the requirements of those regulations.

C. **Findings for approval.** The Sub-Area Plan shall be approved by the Town Council only if all of the following findings are made:
1. **Consistency with the approved master plan.** The Sub-Area Plan shall be consistent with the approved PSCD Master Plan, the Rules and Regulations and the PSCD Agreement and/or Annexation Agreement.
2. **Standards**. The Sub-Area Plan meet the criteria set forth in Section 2660 B, Standards and Submittal Components.

D. **Conditions**. The Planning and Zoning Commission shall have the authority to recommend and the Town Council shall have the authority to impose such conditions on a Sub-Area Plan that are necessary to accomplish the purposes of this Section and these Land Development Regulations.

E. **Effect.** Approval of a Sub-Area Plan shall constitute recognition by the Town that the landowner may proceed, consistent with the Sub-Area Plan, the PSCD Master Plan, the Rules and Regulations and PSCD Agreement and/or Annexation Agreement to develop the land, with appropriate Final Development Plan review and approvals, and all other relevant and appropriate permit approvals.

F. **Expiration.**
1. **Time-frame.** The Sub-Area Plan shall expire five (5) years from the date of its approval, unless prior to that date an application for a Final Development Plan is filed with the Planning Department for at least a portion of the sub-area.
2. **Effect.** Upon expiration pursuant to this Section, the Sub-Area Plan shall lapse.

G. **Extension.** The expiration date of an approved Sub-Area Plan may be extended by the Town Council for a period not to exceed three (3) years, provided a written request for extension is received by the Planning Department at least sixty (60) calendar days prior to expiration of the Sub-Area Plan. The approval shall be deemed extended until the Town Council has acted upon the request for extension.

1. **General.** The request for extension shall be reviewed by the Town Council 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 at least ten (10) business days in advance.
2. **Grounds for extension.** The grounds for extending a Sub-Area Plan approval shall be specified by the Town Council and shall include, but not be limited to the following:
   a. **Good faith efforts to proceed with development.** Good faith efforts by the developer/landowner to proceed and develop the Sub-Area Plan, including but not limited to:
      (1) Construction of required on-site infrastructure improvements consistent with the scheduling plan and timeframes established in the PSCD Master Plan and PSCD Agreement and/or Annexation Agreement.
      (2) Completion of construction of development or phases of development in the Sub-Area Plan.
      (3) Substantial compliance with the conditions and requirements in the Sub-Area Plan.
      (4) Delays in processing Sub-Area Plan approval due to Town workload or other project priorities.

H. Minor deviations. A minor deviation to a Sub-Area Plan may be approved by the Planning Director. In making a decision on a minor deviation, the Planning Director shall identify the facts and standards of this Section that permit the approval or disapproval of the minor deviation. A minor deviation shall be limited to technical or engineering considerations first discovered during actual development which could not reasonably be anticipated during the approval process or any other change which has no material effect on the character of the approved Sub-Area Plan or any of its approved terms or conditions, as long as it complies with the standards of these Land Development Regulations. Minor deviations shall not include reductions in the amount of required open space or resource protection, or increases in the amount of building floor area, or changes in land uses, or increases in building heights. All changes not qualifying as minor deviations shall be considered amendments.

I. Amendments. An amendment to a Sub-Area Plan may be made only pursuant to the procedures and standards for its original approval. Procedures relating to unanimity of ownership need be followed only to the extent of lands for which an amendment is sought, and shall not require participation by owners of land already developed or otherwise not the subject of the amendment process.

SECTION 2670 FINAL DEVELOPMENT PLAN

A. Procedure.

1. **Overview**. A Final Development Plan is the final stage of development review required in the PSCD district before a Final Plat or building permit can be reviewed. The Final Development Plan provides a highly detailed written and graphic representation of a PSCD Sub-Area Plan. The Final Development shall include accurate locational and dimensional information pertaining to the design and layout of the Sub-Area Plan, including the provision of public facilities to accommodate the development. The PSCD Master Plan and a Sub-Area Plan shall together constitute Sketch Plan approval for the project for purposes of Section 51200, Development Plan; therefore, a Final Development Plan review is all that is required for approval. A Final Development Plan shall be reviewed and approved pursuant to Section 51200, Development Plan.

2. **Submission and scheduling of applications.** The submission of an application for, determination of its sufficiency, review and approval of a Final Development Plan shall comply with the procedures for the review of a Final Development Plan in Section 51200, Development Plan.

B. Standards and submittal components. Prior to approving a Final Development Plan, the Planning Director shall determine the application for Final Development Plan complies with standards for Final Development Plan review in Section 51200, Development Plan, and that the Final Development Plan is in substantial conformance with the PSCD Master Plan, the Rules and Regulations and the PSCD Agreement and/or Annexation Agreement and the appropriate Sub-Area Plan.

C. Findings for approval. A Final Development Plan shall be approved by the Town Council only if all of the following findings are made:

1. **Consistency with the approved sub-area plan.** A Final Development Plan shall be consistent with the approved Sub-Area Plan.
2. **Standards.** A Final Development Plan shall be approved by the Town Council pursuant to compliance with the standards set forth in Section 51200 E. Standards.

D. Other provisions. The provisions in Section 51200, Development Plan, relating to conditions and restrictions, performance bond, effect of issuance of a development plan permit, additional permits, minor deviations and amendments (Sections 51200 F-K.) shall apply to a Final Development Plan for a PSCD.

(Ord 695 § 1, 2001)

LAND DEVELOPMENT REGULATIONS

Article III
NATURAL, SCENIC, AGRICULTURAL AND TOURISM RESOURCES.

Sections:

DIVISION 3000 FINDINGS, PURPOSE AND OVERVIEW

- **SECTION 3010 FINDINGS**
- **SECTION 3020 PURPOSE**
- **SECTION 3030 OVERVIEW**

DIVISION 3100 ENVIRONMENTAL ANALYSIS

- **SECTION 3110 PURPOSE**
- **SECTION 3120 APPLICABILITY**
- **SECTION 3130 EXEMPTIONS**
- **SECTION 3140 GENERAL REQUIREMENTS**
- **SECTION 3150 PROCEDURE**

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**
- **SECTION 3220 WATERBODIES, TEN (10) YEAR FLOODPLAINS, AND WETLANDS**
- **SECTION 3230 RESERVED**
- **SECTION 3240 FINDINGS AND PURPOSE OF NATURAL RESOURCES OVERLAY (NRO) DISTRICT**
- **SECTION 3250 ESTABLISHMENT OF NATURAL RESOURCE OVERLAY (NRO) DISTRICT**
- **SECTION 3260 APPLICABILITY**
- **SECTION 3270 STANDARDS FOR DEVELOPMENT IN THE NRO DISTRICT**

DIVISION 3300 SCENIC RESOURCES OVERLAY (SRO) DISTRICT

- **SECTION 3310 FINDINGS AND PURPOSE**
- **SECTION 3320 LOCATION AND GENERAL STRUCTURE OF THE SCENIC RESOURCE OVERLAY (SRO) DISTRICT**
- **SECTION 3330 APPLICABILITY**
- **SECTION 3340 PROCEDURE**
- **SECTION 3350 SCENIC AREA FOREGROUND DEVELOPMENT STANDARDS**
- **SECTION 3360 SKYLINE DEVELOPMENT STANDARDS**

DIVISION 3400 AGRICULTURAL RESOURCES PRESERVATION
- **SECTION 3410 FINDINGS AND PURPOSE**
- **SECTION 3420 SUMMARY OF MECHANISMS TO PROMOTE AGRICULTURAL RESERVATION**

DIVISION 3500 LODGING OVERLAY (LO) DISTRICT
- **SECTION 3510 FINDINGS AND PURPOSE**
- **SECTION 3520 ESTABLISHMENT OF LODGING OVERLAY (LO) DISTRICT**
- **SECTION 3530 APPLICABILITY**
- **SECTION 3540 STANDARDS FOR DEVELOPMENT IN THE LO DISTRICT**

DIVISION 3600 TOWN SQUARE OVERLAY (TSO) DISTRICT
- **SECTION 3610 FINDINGS AND PURPOSE**
- **SECTION 3620 ESTABLISHMENT OF THE TOWN SQUARE OVERLAY (TSO) DISTRICT**
- **SECTION 3630 APPLICABILITY**
- **SECTION 3640 STANDARDS FOR DEVELOPMENT IN THE TSO DISTRICT**

DIVISION 3700 RESORT OVERLAY (RO) DISTRICT - Repealed

DIVISION 3000 FINDINGS, PURPOSE AND OVERVIEW

SECTION 3010 FINDINGS

A. **Natural, wildlife, agricultural, and scenic resources.** The natural, wildlife, agricultural, and scenic resources found in Teton County are essential components of the community's economic base and establish the character of the community. The economic base of the County is tourism and the future success of tourism is directly linked to the community's ability to provide an enjoyable experience to people who have many alternative locations where they can vacation. The County's community character, which is largely defined by its natural, wildlife, agricultural, and scenic resources, is the foundation of the economy and the basis for over half of the jobs in both the Town and County. It is essential that these natural, wildlife, agricultural, and scenic resources be preserved and protected in these Land Development Regulations.

B. **Tourism resources.** Tourists visit the Town and County because of the quality of the experience offered. The protection and promotion of the natural, wildlife, agricultural, and scenic resources are essential for long-term sustainable economic development. This policy extends to the protection of these resources and to the ability of the public to enjoy them. Toward this end, the location of tourists' lodging facilities is important to the ability of tourists to have access to the attractive features of the area and to assure that tourists and tourist facilities do not deleteriously impact the general functioning of the community. It is important to locate tourist facilities to enhance the quality of the experience of the tourists and to limit the deleterious impact. In order to meet these objectives, these Land Development Regulations require lodging facilities to be located in areas of the community where these objectives can be best achieved.

SECTION 3020 PURPOSE

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

SECTION 3030 OVERVIEW

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

A. **Division 3100, Environmental Analysis.**

1. **Purpose.** The purpose of this Division is to coordinate the application of all resource protection standards and the standards of the Natural Resources Overlay District, Division 3200, Natural 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.

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
Mesic Habitats
Nonmesic Habitats

b. **Protected resources defined.** The above listed resources, and their subcategories are specifically defined in this Division. The Division also specifies the mechanism 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 complements the County's important scenic resources.

D. **Division 3400, Agricultural Preservation**

1. **Purpose.** The purpose of this Division is to identify the mechanism 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 mechanism 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 Town 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. (Ord. 586 § 1, 1997)

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

1. **Mapping.** The boundaries of the TSO District are shown on the Official Zoning District Map which has been adopted as part of these Land Development Regulations.

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

G. **Division 2500, Planned Resort (PR) District**

1. **Mapping.** The boundaries of the Planned Resort District are shown on the Official Zoning District Map. The Planned Resort District is applied to areas where resort growth is considered beneficial to the community according to the Jackson-Teton County Comprehensive Plan.

2. **Objectives of a Planned Resort District.** The PR District is to be a mixed use district configured around a resort complex. Resorts are to be well-balanced; they are to provide tourist accommodations as well as seasonal and year-round housing. The design of resorts are to be compatible with adjoining areas and are to be connected to the community at-large by roads, transit, and pathways. A portion of the resort work force, particularly seasonal employees of hotels and restaurants are to be able to find housing within the resort district. Commercial development is to provide both tourist and local convenience shopping opportunities as appropriate. (Ord. 580 § 7, 1997)

DIVISION 3100 ENVIRONMENTAL ANALYSIS

SECTION 3110 PURPOSE

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

SECTION 3120 APPLICABILITY

All development proposals subject to the provisions in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District or Division 3300, Scenic Resources Overlay (SRO) District, and any activity, including subdivision, that disturbs an area of one (1) acre or more, shall comply with the provisions of this Division unless specifically exempted below.

SECTION 3130 EXEMPTIONS

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

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

    1. The location proposed for the single-family home is not within the NRO or the SRO; and

    2. The single-family home is the only residence on the individual lot or parcel or the density on the site is less than or equal to one (1) dwelling unit per thirty-five (35) acres of base site area; and

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

E. **Expansion.** Expansion of an existing building or the addition of an accessory structure to a residential single-family dwelling
F. **Land under conservation easement.** Property under a conservation easement, to a formal land trust that has a mandate to protect conservation values, for which a rigorous review and

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

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

SECTION 3140 GENERAL REQUIREMENTS

A. **General**

1. **General content.** An Environmental Analysis shall describe the existing conditions of the land, described the development proposal and the rationale for the location of proposed development, and a description of how the proposal meets all the applicable standards and objectives of this Article and the Teton County/Town of Jackson Comprehensive Plan.

2. **Site-specific content.** An Environmental Analysis for all proposed developments not otherwise exempted, shall contain the following components, as applicable to the land proposed for development and the proposed project.

    a. **Protected resources component.** The Environmental Analysis for land containing resources protected pursuant to Section 3220, Waterbodies, Ten (10) Year Floodplains, and Wetlands, shall contain a protected resources component that includes maps and/or plans depicting the location of waterbodies, ten (10) year floodplains, wetlands, mesic and nonmesic habitats as defined in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District. This component also shall describe the level to which all resources are either conserved or developed, depict the setbacks/buffers of all resources for which setbacks/buffers are required, and contain a mitigation plan, if applicable.

    b. **NRO component.** If lands within the proposed development are in the NRO District, the Environmental Analysis shall contain a wildlife component that includes a site specific analysis that identifies the location of lands serving as crucial winter habitat or migration routes protected by Section 3270, Standards for Development in the NRO District and plans identifying how the proposed development on the land complies with the standards of Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District.

    c. **Visual component.** If lands within the proposed development are in the SRO District, the Environmental Analysis shall contain a visual component that includes a visual analysis of the proposed development, depicts the boundaries of the Scenic Resources Overlay District and include plans identifying how the proposed development on the land complies with the standards of Division 3300, Scenic Resources Overlay (SRO) District.

d. **Agricultural component.** An environmental analysis shall contain an agricultural component that identifies the location of agricultural land and describes related agricultural operations, such as irrigation practices, that occur on the land.

3. **Recommendations.** An Environmental Analysis shall contain recommendations for mitigating any negative impacts of the proposed development on the natural and scenic resources. The analysis also shall contain recommendations for resolving conflicting objectives when the Environmental Analysis identifies areas where such conflicts exist.

4. **Priorities.** In reviewing and approving, approving within 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 (SRO) District shall receive second priority.

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

B. **Selection of consultant(s).** The Town shall maintain a list of qualified professional consultants. The developer of a project that requires an environmental analysis shall select one (1) or more individuals from the list of certified consultants to prepare the analysis. The Town also can select a consultant from the same list to review the work of the developer's consultant. In these instances, the Town's consultant shall be paid by the Town.

SECTION 3150 PROCEDURE

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

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

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

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

A. **Findings.** Waterbodies and wetlands provide critical functions in controlling flood waters, providing wildlife habitat, cleansing the water resources and contributing to the special scenic quality of the Town of Jackson. Preserving the ten (10) year floodplain protects against the loss of life and property during flood events. Mesic and nonmesic habitats, furthermore, 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, establish protection standards for waterbodies, floodplains and wetlands.

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

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

B. **Resource definitions**

1. **Waterbodies.** Waterbodies means natural features (i.e., rivers, streams, lakes) that convey or contain surface water.

   a. **River.** River means the Snake River, the Gros Ventre River, the Hoback River, or the Buffalo River.

   b. **Stream.** Stream means a body of running water that is neither one of the identified rivers nor an irrigation ditch, and has one (1) or more of the following characteristics:

      (1) **Flow level.** Has an average annual flow of three (3) cfs. or greater including return water from subirrigation practices.

      (2) **Habitat.** Provides a winter habitat for trumpeter swans or serves as a cutthroat trout spawning area.

   c. **Natural lake/pond.** A natural lake/pond means a body of standing water, usually at least six (6) feet deep, that was created by natural processes.

   d. **Riparian plant community.** Riparian plant communities associated with watercourses in the 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. Flooding is defined as the rapid accumulation or runoff of surface waters from any source.

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 Town 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. **Streams, specific.** Development shall be setback from streams in the Town of Jackson as specified below:

(1) **Cache Creek.** 20 feet.

(2) **Flat Creek.**

(a) North of the westerly extension of the southern ROW line of Hansen Avenue. 25 feet.

(b) South of the westerly extension of the southern ROW line of Hansen Avenue. 50 feet.

d. **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.

e. **Wetlands.** 30 feet.

f. **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.

g. **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.

h. **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 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) **Elevation of structures and utilities.** Any generally horizontal element that is not part of the support structure shall be at least two (2) feet above the one hundred (100) year flood elevation. All service and utility connections, such as electrical and heating equipment, water, sewer, electric, or gas, shall be similarly located.

(4) **Floodway.** Except for crossings for access, no structures shall intrude into the floodway.

(5) **Minimum obstruction of flood waters.** Structures shall be constructed and placed on the site so as to cause an increase of less than one (1) foot in flood height and offer minimum obstruction to the flow of flood waters. Any increase in flood height shall be confined to the subject property and shall cause no increase in flood height on adjacent properties.

(6) **Compliance with Floodplain Resolution.** All development within the floodplain shall comply with the Chapter 15.30, Flood Damage Prevention, Municipal Code of the Town of Jackson. In the event of a discrepancy in regulation between the Floodplain Resolution/Chapter 15.30 and these Land Development Regulations, the more stringent regulation shall control.

(7) **Minimize negative impacts on wildlife.** All development shall be designed to minimize negative impacts on wildlife.

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

(a) Fill shall be allowed only for essential crossings, water dependent uses, or flood control.

(b) No fill shall be in the floodway or within twenty (20) feet of the floodway.

(c) Fill or other materials shall be protected against erosion by riprap, vegetative cover, sheet piling, or bulkhead sufficient to prevent erosion.

(d) Fill shall be clean and compacted to minimize erosion potential.

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

(1) **High-intensity use degrades wetland/ wetland agriculture-induced.** Where the intensity of adjoining use(s) cause the retained wetlands to become degraded habitats and the wetland area is suitable for development due to planning, location, and other factors, or where the wetland is induced by agricultural irrigation.

(2) **Necessary to reshape wetland to provide building site.** Where, due to parcel shape and interaction with topography, it is necessary to reshape the wetland boundary to provide a building envelope. Filling up to five (5) percent of the wetland on the parcel, not to exceed one (1) acre, is permitted.

(3) **Essential crossings when no alternate site.** Essential utility and road crossings shall be permitted to impact wetlands where it is demonstrated that the proposed crossings cannot be practically located without impacting wetlands.

(4) **Wetland impacts require mitigation.** When wetlands are impacted in accordance with subsections (1), (2) or (3) above, the following mitigation standards shall apply.

(a) **All practical measures to reduce impact.** It shall be demonstrated that reasonable project modification measures have been taken to reduce wetland loss and degradation.

(b) **On-site mitigation wherever possible.** On-site mitigation shall be provided wherever possible. All on-site mitigation shall be at a ratio of one and one-half (1.5) acres of new wetland for every one (1) acre of wetland filled. All off-site mitigation shall be at a ratio of two and one half (2.5) acres of new wetland for every one (1) acre filled. There must also be a demonstration that these new wetlands will restore lost wetland functions and values.

(c) **Wetland replanting.** The new wetland area shall be planted with a hydric tolerant mix of seeds in suitable areas, wetland plants, and suitable seed bank soils. A wetlands biologist, or other professional with experience in wetland creation, shall certify the planting plan.

(d) **Persistence.** It shall be demonstrated that the created or restored wetland will be at least as persistent as the impacted wetland system it replaces.

(e) **Buffer.** Buffers in accordance with this Section shall be provided around wetlands that are created pursuant to this Subsection.

SECTION 3230 RESERVED

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

A. **Findings**

1. **General.** Teton County is internationally known for the abundant wildlife that results from the County's location in the Greater Yellowstone Ecosystem and its proximity to Grand Teton National Park, Yellowstone National Park, and the Bridger-Teton National Forest. Although all wildlife species are important, premier species with significant biological, ecological, economic, educational and aesthetic values to Teton County include elk, mule deer, moose, bald eagles, trumpeter swans, and cutthroat trout. These species and their respective habitats must be protected in order to assure their continued survival in Teton County.

2. **Elk**

   a. **General.** The elk, or "wapiti," is a large ungulate and a member of the deer family. Teton County supports one of the largest elk herds in North America (approximately 15,000 animals) and the presence of these animals attracts visitors from all over the world. A variety of consumptive and non-consumptive human activities center around the presence of elk in Teton County.

b. **Elk migrate between summer range and winter range**. Elk are known as grazers and rely primarily on grasses and some shrubs for forage. Because of their diet and the climate in Teton County, elk are migratory animals, moving between summer ranges and winter habitat.

c. **Summer range.** Elk summer ranges are extensive and occur primarily within the mountains around Teton County.

d. **Migration required in winter.** When heavy snow accumulation occurs in the mountains, food availability is reduced within the elk's summer range, and they are forced to migrate to low elevation winter range. Migration from summer ranges to winter ranges occur over a few days or may span several weeks, depending upon the weather.

e. **Migration routes essential to survival.** Generally, elk migration routes remain spatially constant without human disturbance and those in Teton County that have not been significantly impacted by development or hunting pressures continue to be used by elk. These migration routes are essential to the elk's survival, because without them elk cannot migrate to their winter ranges.

f. **Crucial winter ranges essential to survival.** Elk winter range is classified as either crucial or non-crucial. Crucial elk winter ranges generally consist of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types that are used by the elk eight (8) out of every ten (10) years during winter months. Crucial winter ranges are essential to the survival of these animals. During the most inclement and difficult winter weather conditions elk find food and/or cover on these sites because of their physiographic and vegetative characteristics.

g. **National Elk Refuge State-operated feedgrounds provide some crucial winter range**. A major portion of the Teton County elk herd winters on the National Elk Refuge (NER) and state-operated feedgrounds and these areas represent a portion of the crucial winter range available to elk. Because of the pressures the elk population is placing on these limited land areas, artificial feeding is necessary on all feedgrounds. Artificial feeding programs are not a perfect solution to providing crucial winter range to the elk; in fact, feedgrounds are believed to perpetuate the disease, brucellosis, which reduces the reproductive potential of this species.

h. **Native crucial winter ranges.** In addition to the NER and state-operated feedgrounds there are native crucial elk winter ranges in Teton County. These naturally occurring winter ranges are also vitally important in maintaining the elk population in Teton County.

i. **Essential to protect crucial winter range.** In order to sustain elk populations at current levels, it is essential that all crucial elk winter ranges be maintained and

protected; without their protection, elk could not survive the typically harsh winters common to Teton County.

3. **Mule Deer**

   a. **General.** The mule deer is another large ungulate species native to Teton County. Teton County supports a relatively small population of mule deer in comparison to elk, but these animals are particularly obvious during the winter and are enjoyed by many valley residents and visitors.

   b. **Mule deer migrate between summer and fall habitat to crucial winter range.** Mule deer are known as browsers, and rely on a variety of shrub and scrub trees for forage. Because of their diet, and the climate in Teton County and the Greater Yellowstone Ecosystem, mule deer are migratory animals, moving from summer and fall habitat to low elevation winter range. Mule deer winter ranges are classified as either crucial or non-crucial.

   c. **Summer range.** Mule deer summer range is widely distributed throughout Teton County in both lowland and upland areas, but primarily occurs on public lands in the mountains which surround the valley.

   d. **Migration to winter range.** Heavy snow accumulation on summer ranges reduces food availability and forces mule deer to migrate to low elevation winter range. Non-crucial winter ranges are used first by mule deer until environmental conditions cause deer to move to crucial winter range.

   e. **Migration routes essential to survival.** Although mule deer rely less on traditionally used migration routes than elk, they do use the same general route while moving to and from winter ranges and between crucial and non-crucial winter ranges. These "movement corridors," which allow 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 during winter months. Crucial winter range is essential to the survival of these animals. Mule deer find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

   g. **Location of crucial winter range.** Primary crucial winter range for mule deer in Teton County is generally confined to five areas: (1) the Gros Ventre Buttes (East and West); (2) the west slopes along WY Highway 26, 89, 189 above and to the east of South Park; (3) the Hoback Canyon; (4) the Snake River Canyon; and (5) Miller

Butte and the slopes east and west of the National Elk Refuge. In addition, some mule deer are known to irregularly winter within the Snake River riparian zone, depending on the severity of the winter and/or the availability of artificial foods intentionally or unintentionally provided by humans.

h. **Essential to protect crucial winter range.** It is essential that crucial mule deer winter ranges be maintained and protected, because without it, mule deer could not survive the harsh, energy-demanding winters of Teton County.

4. **Moose**

a. **General.** The shiras moose is an ungulate and the largest member of the deer family. Estimates suggest that the moose population in Jackson Hole may number as many as two thousand three hundred (2,300) animals.

b. **Widely distributed in Teton County during summer.** Moose are known as browsers and rely on a variety of woody plant species for forage. Since their arrival, the moose population has inhabited Teton County on a year-round basis. During summer months, moose are widely distributed in Teton County and exploit a wide range of habitat types found at both low and high elevations.

c. **Winter reduces food availability on high elevation summer habitats.** As winter approaches, heavy snow accumulation in high elevation summer range severely reduces food availability, forcing nearly all moose to move to lower elevation winter range. During winter, the Teton County moose population is confined primarily to riparian areas within the valley, low elevation subalpine fir forests, and some shrub-land habitat types.

d. **Crucial winter habitat essential to survival.** Moose winter habitat is classified as either crucial or non-crucial. The crucial winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. Moose use these crucial winter habitats eight (8) out of every ten (10) years during winter months and these habitats are essential to their survival. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.

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

5. **Trumpeter Swans**

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

b. **Species close to extinction in early 1900's.** The historic commercial swan skin trade, sport hunting, and habitat loss nearly drove the trumpeter swan to extinction in the early 1900's. Although a few remnant populations persisted, including one in the Greater Yellowstone Ecosystem (of which 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-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are generally located near watercourses and waterbodies which provide foraging opportunities. Nests are generally in one of the largest trees in a given stand and, in most instances, are located so that the bird is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nest area best suited for reproduction.

g. **Crucial nesting habitat essential to survival.** The Snake River floodplain between Moose and Palisades Reservoir and its associated riparian zone represents crucial nesting habitat for the bald eagle. Over forty (40) percent of the young birds successfully fledged in the Wyoming portion of the Snake River Unit are produced in the section between Moose and the South Park Bridge. It is crucial to the survival of bald eagles in Jackson Hole that this habitat be protected from the impacts of development. If it is not, it would profoundly impact and detrimentally modify the behavior patterns of bald eagles, including their feeding, breeding, and reproductive capabilities.

h. **Spring, summer, and fall habitat occurs in riparian areas.** During spring, summer, and fall, bald eagles forage primarily in riparian areas for fish, waterfowl, and prey items.

i. **Winter habitat is important.** During winter, heavy snow accumulation and the freezing of water surfaces reduces the availability of spring, summer, and fall habitat. At these times, bald eagles rely on wild ungulate and livestock carrion, supplemented by fish and waterfowl carcasses for forage. Ungulate carrion is readily available but sparsely distributed on ungulate winter ranges, meaning that in addition to its nesting habitat, the crucial ungulate winter ranges also become critical to the bald eagle's survival.

j. **Additional crucial winter habitat essential to survival.** It is vital that bald eagle crucial winter habitat be protected to ensure the survival of this species in Teton County.

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

SECTION 3250 ESTABLISHMENT OF NATURAL RESOURCE OVERLAY (NRO) DISTRICT

A. **General.** There is hereby established the Natural Resource (NRO) Overlay District, which, in areas where it applies, shall overlay all other base zoning districts established by these Land Development Regulations. Included within the NRO District are (1) the migration routes and crucial winter ranges of elk, (2) the migration routes and crucial winter ranges of mule deer, (3) the crucial winter habitat of moose, (4) the nesting areas and winter habitat of trumpeter swans, (5) the spawning areas of cutthroat trout, and (6) the nesting areas and crucial winter habitat of bald eagles.

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

1. **Crucial elk migration routes.** Crucial elk migration routes are the migration routes used by elk eight (8) out of every ten (10) years to migrate from summer ranges to winter ranges. Elk migration occurs over a few days or may span several weeks, depending upon the weather and other factors.

2. **Crucial elk winter range.** Crucial elk winter range generally consists of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types, that are used during winter months by elk eight (8) out of every ten (10) years. Crucial winter ranges are essential to the survival of these animals during the critical periods of winter. Elk find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

3. **Crucial mule deer migration routes.** Crucial mule deer migration routes are used by mule deer eight (8) out of every ten (10) years to migrate from summer ranges to winter ranges. Generally, mule deer migration routes remain constant over a general area, if there is no significant human disturbance. Although specific mule deer migration routes are less common than elk migration routes, a few very important routes have been identified as crucial to Teton County mule deer.

4. **Crucial mule deer winter range.** Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types which are used during the crucial winter months by the mule deer eight (8) out of every ten (10) years. This crucial winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial winter range is essential to the survival of mule deer. Mule deer

find food and/or cover on those sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

5. **Crucial moose winter habitat.** Crucial moose winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood, and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. These habitat types are used by moose during winter eight (8) out of every ten (10) years. Crucial winter habitat is essential to the survival of the moose. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.

6. **Trumpeter swan nest.** Trumpeter swan nest is a nest created by a trumpeter swan for the purpose of procreation and are generally found on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. A trumpeter swan nest is active when eggs have been laid in it or when a trumpeter swan is attempting to lay eggs in it. For the purposes of these Land Development Regulations, a known trumpeter swan nest shall be an active trumpeter swan nest. Important attributes of trumpeter swan nesting areas include: proximity to feeding areas which have early ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building materials; availability and dispersion of feeding areas for cygnets 1-40 days old; and juxtaposition and interspersion of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).

7. **Trumpeter swan winter habitat.** Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than two (2) inches in depth, winter water depths of less than four and three-tenths (4.3) feet, watercourse channels of fifty (50) feet or more, and banks with little or no shrubbery or tree cover and gradual slopes. These habitats attract trumpeter swans eight (8) out of every ten (10) years. Trumpeter swan winter habitat is essential to their survival during critical winter periods. Trumpeter swans find food and/or cover in these areas during the most inclement and difficult winter weather conditions due to their hydrologic and vegetative characteristics.

8. **Cutthroat trout spawning areas.** Cutthroat trout spawning areas generally occur in well-oxygenated waters within palustrine and upper perennial-unconsolidated shore and bottom habitat types. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. Cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs in these areas. Redds are generally constructed in gravel substrate and range in size from one-half (0.5) to two and one-half (2.5) inches in diameter.

9. **Bald eagle nesting areas.** Bald eagle nesting areas generally occur in uneven-aged, multi-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are often located near waterbodies and watercourses which provide foraging opportunities. Nests are generally in one of the largest trees in the

stand and in most instances are located so that the bald eagle is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nesting habitat best suited for reproduction.

10. **Bald eagle crucial winter habitat.** Bald eagle crucial winter habitat consists of the bald eagle nesting area plus elk crucial winter ranges, mule deer crucial winter ranges, and moose crucial winter habitat.

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

C. **NRO District Map**

1. **General.** The general location of (1) migration mutes and crucial winter ranges of elk, (2) migration routes and crucial winter ranges of mule deer, (3) crucial winter habitat of moose, (4) nesting areas and winter habitat of trumpeter swans, (5) spawning areas of cutthroat trout, and (6) nesting areas and crucial winter habitat of bald eagles are identified on the Natural Resources Overlay (NRO) District Map, which is incorporated herein by reference.

2. **General NRO District Map/site specific analysis is required.** The NRO District Map is a general map that identifies, on a general scale, the locations of those areas protected by the NRO District. Its purpose is to place a landowner on notice that land may be within the NRO District and to assist in the general administration of this Division. A site-specific analysis of whether land is included within the NRO District is required pursuant to Division 3100, 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 subsection 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, and Section 3270.G, Bald Eagle.

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, Establishment of Natural Resources Overlay (NRO) District, may be impacted pursuant to the standards of this Subsection.

1. **Minimizes wildlife impact.** The location of the proposed development minimizes impact on the area protected (e.g., crucial migration routes, crucial winter range, nesting areas), to the maximum extent possible.

2. **Habitat enhancement.** The developer provides mitigation and habitat enhancement for the land impacted, either on-site or off-site, on a basis of two (2) acres of mitigation/habitat enhancement for every one (1) acre of land impact. This shall be completed pursuant to a mitigation/enhancement plan, which includes a monitoring program.

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

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

2. **Agricultural operations.** Fencing for agricultural operations shall be exempt from this subsection.

DIVISION 3300 SCENIC RESOURCES OVERLAY (SRO) DISTRICT

SECTION 3310 FINDINGS AND PURPOSE

A. **Findings.** An essential component of the physical environment for which Teton County is internationally known is the scenic vistas of jagged mountains rising from broad, open meadows, which set an image of the County's rural and western ranching heritage. These scenic resources are important to both the County and Town because they serve as a cornerstone to the local economy by attracting tourists and other visitors. The scenic resources which are instrumental in the creation of the County's unique character are the vistas to the Teton, Gros Ventre, Wyoming and Snake River mountain ranges that are frequently seen by residents and travellers across wide pastures and meadows from the major public roads that enter the Town of Jackson, Wilson, Grand Teton National Park, Teton Village, Alta, and Teton Pass.

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

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

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

1. **Moose-Wilson Road Scenic Area.** The Moose-Wilson Road Scenic Area extends along the eastern and western side of Moose-Wilson Road from Lake Creek to the Grand Teton National Park. It is an important County-wide scenic resource because of the vistas it offers of the Teton, Gros Ventre, and Snake River mountain ranges and of the West Gros Ventre Butte which frame the area's broad and open meadows.

2. **Highway 22 Scenic Area.** The Highway 22 Scenic Area consists of four (4) distinct areas. They are described below.

    a. **Trail Creek Ranch.** The Trail Creek Ranch portion of the Highway 22 Scenic Area extends along the north and south sides of Highway 22, from the lower reaches of Teton Pass to the western edge of Wilson. It is an important County-wide scenic resource because of the panoramic views of Jackson Hole that it provides as well as setting the western entry to Wilson, defining Wilson as a unique and special place.

    b. **Wilson Approach.** The Wilson Approach portion of the Highway 22 Scenic Area extends along the north and south sides of Highway 22, from the eastern edge of Wilson to the Snake River. It is an important County-wide scenic resource because of

its broad open meadows and the unobstructed views provided to surrounding mountains, which create a dramatic sense of arrival to Wilson.

c. **Walton Ranch/Skyline Ranch.** The Walton Ranch/Skyline Ranch portion of the Highway 22 Scenic Area extends along the northern and southern portion of the Highway 22 Scenic Area from the Wilson Snake River Bridge to the West Gros Ventre Butte. The Walton Ranch portion is an important County-wide scenic resource because it provides one of the most frequently experienced vistas of meadows and pasture backed by the Teton mountain range. The Skyline Ranch portion is an important County-wide scenic resource because it provides an open space setting for views to the Snake River range.

d. **West Gros Ventre Butte/Antelope Butte.** The West Gros Ventre Butte/Antelope Butte portion of the Highway 22 Scenic Area extends along both sides of Highway 22 and includes all of the West Gros Ventre Butte on the north and all of Boyles Hill, the Indian Springs, Brown and Poodle Ranches and Antelope Butte on the south. The views encompass imposing steep sided buttes which rise abruptly from the foreground and long views across open meadows to the Snake River range on the south.

3. **Spring Gulch Road Scenic Area.** The Spring Gulch Road Scenic Area, extends along the eastern and western sides of Spring Gulch Road from Highway 22 to the Gros Ventre River and includes the East Gros Ventre Butte. It is an important County-wide scenic resource because it provides a combination of scenic quality and traditional western character in a location proximate to the Town.

4. **Highway 89 Scenic Area.** The Highway 89 Scenic Area consists of three (3) distinct areas. They are described below.

   a. **Broadway and North Highway 89 Scenic Area.** The Broadway and North Highway 89 Scenic Area includes all of the East Gros Ventre Butte. Views from the public roads, including Spring Gulch Road, are of the steep sided butte in the immediate foreground which provide a backdrop to the urban development of the Town of Jackson, the flat expanses of the Elk Refuge, the pastures of Spring Gulch as well as glimpses of the Teton Range in notches of the ridgelines.

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

meadows' exceptional breadth and the location of the meadows below the highway preserves the open feel of the area and the background views.

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

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

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

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

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

B. **Foreground.** Most of the Scenic Areas consist of a Foreground, which is the relatively flat, open area immediately adjacent to the public road that extends back to where there is either a distinct topographic change, such as the edge of a hillside or butte, or a drop in elevation

toward a river bottom, or where dense vegetation screens views to areas behind the vegetation. The Foreground provides the setting for views to distant mountain ranges and valley buttes.

C. **Skyline.** The Skyline is the visual line at which the earth or vegetation and the sky appear to meet. The Skyline is typically viewed as the top of a ridge, hillside or butte.

D. **SRO District Map**

1. **Foreground.** The location of the Foreground for the Moose-Wilson Road Scenic Area, the Highway 22 Scenic Area, the Spring Gulch Road Scenic Area, Broadway and North Highway 89, the South Highway 89 Scenic Area, the South Park Loop Scenic Area, the Teton Canyon Scenic Area, and the Buffalo Valley Scenic Area are identified on the Scenic Resources Overlay (SRO) District Map, which is incorporated herein by reference. A copy of the SRO District Map is located at the office of the Planning Director and may be reviewed during normal business hours.

2. **Skyline.** The Skyline is described in Subsection C above and is contained in the Scenic Areas identified on the SRO District Map, which is incorporated herein by reference.

3. **Buttes.** The location of the East and West Gros Ventre Buttes, Antelope Butte, Boyles Hill and Hufsmith Hill are identified on the SRO District Map, which is incorporated herein by reference.

SECTION 3330 APPLICABILITY

A. **Development in Foreground of Scenic Areas.** All development within the Foreground of the Scenic Areas described above shall comply with the standards in Section 3350, Scenic Area Foreground Development Standards.

B. **Development in Skyline of Scenic Areas.** All development within the Skyline of a Scenic Area shall comply with the standards of Section 3360, Skyline Development Standards.

C. **Exemptions**

1. **NC District.** All development, except new subdivisions, within the NC District shall be exempt from the provisions of this Division except for Section 3360, Skyline Development Standards which shall apply.

2. **Remodeling or expansion of existing structures.** Remodeling or expansion of structures that existed prior to November 9, 1994 (the adoption date of these Land Development Regulations), 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 Division 3100, 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. Topsoil shall be stock piled and placed on disturbed areas. Provision shall be made for irrigation, if it is necessary to ensure survival of the indigenous species planted.

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 Town of Jackson 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) developing 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.
   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 natural slopes in excess of thirty (30) percent. (Ord. 902 § 1, 2009.)

F. **Stated Policy to Encourage Agriculture.** Ranching is an important part of the local setting, and provides a critical background to tourism. Teton County and the Town of Jackson 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. The County and Town 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 Town 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 Town 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 Town 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.

B. Existing lodging uses outside the Lodging Overlay (LO). All lodging uses legally established prior to November 9, 1994 (date of adoption) which are located outside of 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. Notwithstanding the floor area limitations in Article VII and Section 2430 and in Table 2400, Schedule of Dimensional Limitations, lodging facilities outside the LO shall be permitted to expand a maximum of ten (10) percent in gross floor area for the purpose of adding amenities or support facilities. The additions shall not add lodging rooms. This ten (10) percent limitation applies cumulatively to all additions since November 9, 1994. (Ord. 831 §2, 2006)

C. **Repealed** (Ord. 586 § 2, 1997: Ord. 523 § 1; 1996)

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 dimensional standards for the UC-2 district shall apply to commercial lodging uses on properties designated AC/LO on the official zoning map. For properties designated UC-2/LO, the maximum FAR for commercial lodging uses shall be .80, with all other standards of the UC-2 district remaining in effect. These dimensional limitations are established in Table 2400, Schedule of Dimensional Limitations.

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. 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, UC-2, AC and OP 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 .00. (Ord. 631 § 1, 1999)

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 are permitted subject to development plan review and the standards in Table 2400, Schedule of Dimensional Limitations, and in Section 2370.D.2, Maximum living area. (Ord. 624 § 2, 1999)

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 Interest Events
3. **Conditional uses.** Only the following nonresidential may be permitted by issuance of a Conditional Use Permit.
   a. Indoor Commercial Amusement
   b. Commercial Lodging
   c. Bed and Breakfast
   d. Residential Short-Term Rental

   (Ord. 784 § 1, 2004)

DIVISION 3700 RESORT OVERLAY (RO) DISTRICT

Repealed (Ord. 580 § 8, 1997)

LAND DEVELOPMENT REGULATIONS

Article IV
DEVELOPMENT STANDARDS

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- **SECTION 4120 APPLICABILITY**
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DIVISION 4000 PURPOSE

The purpose of this Article is to establish site development standards applicable to all types of development within the Town. 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 Town, except for the following:

A. **Single family homes in the NC District.** Single family homes in the NC District.

B. **Parking lots.** Parking lots of five (5) or less spaces.

C. **Single family homes.** All single family units shall be exempted from the provisions of Section 4130, Landscape Plan, but single family units outside of the NC District shall be landscaped in accordance with the remaining standards of this Section.

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. In addition, all trees or shrubs proposed to be retained and counted towards complying with the landscaping standards of this Division shall be mapped. See Section 4140.B, Credit for Existing Vegetation. 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 Material, Section 4150, Standard Plant Unit, Section 4160, Landscaping Standards, Section 4170, Installation and Maintenance Standards, 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.

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 mere 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 shall 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 Town 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 three (3) 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, UC-2, AC, PRD, MHP, RB, OP and BP zoning districts except in accordance with an approved Development Plan and landscape plan. Removal of dead, diseased, or damaged trees and shrubs which are a potential hazard to life and property may be approved by the Planning Director. (Ord. 846 § I, 2007.)

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.

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

Table 4150
PLANT UNIT ALTERNATIVES

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

C. **Plant guidelines.** The following plant types are provided as guidelines: three (3) inch caliper canopy tree - cottonwood or aspen; six (6) to eight (8) foot large shrub or multistem tree - 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. In addition, further substitutions may be proposed when the purpose and objectives of Division 4100 have been addressed without satisfying the total number of required plant units.

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, movable planters shall not be substituted for required landscaping in parking lots.

2. **Bench.** One (1) bench seating at least two (2) people, or 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.

4. **Public Art.** Public Art integrated as a functional architectural feature or as a stand-alone installation may be substituted as an alternative to plant units. Public art shall be accessible to the public.

(Ord. 997 § 1, 2011.)

SECTION 4160. LANDSCAPING STANDARDS

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

(Ord. 629 § I, 1999.)

A. **Residential standards**

1. **General**. All new residential development shall provide one (1) plant unit per dwelling unit. In the Rural (R) District, landscaping shall be provided at a rate of one (1) plant unit per one thousand (1,000) square feet of building area.

2. **Location of residential landscaping**

a. **Single-family conventional subdivisions.** For residential development within single-family conventional subdivisions, the plant unit required per dwelling unit shall be located on each lot.

b. **All other development.** For all other residential development the location of the landscaping shall be anywhere within the development parcel pursuant to the standards of Section 4130.C, Standards. For example, the landscaping may be located along the periphery of a cluster of units and not necessarily on the lots, or it may be located around a potentially high use open space or park within the subdivision.

B. **Nonresidential standards**

1. **General.** For nonresidential development, landscaping shall be provided at a rate of one (1) plant unit per one thousand (1,000) square feet of required landscaped surface as required by Table 2400, Schedule of Dimensional Limitations, or one (1) plant unit per number of parking spaces as required in Table 4160.C, Landscaping Standards for Parking Lots, by District. The requirement yielding the greater number of plant units shall be the applicable requirement.

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 development shall comply with the following landscaping standards.

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

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

	1 Plant Unit per Number of Parking Spaces Provided
RURAL (R)	
Agriculture	none
Agricultural support	8*
Residential	8*
All others	8*
SUBURBAN (S)	
Residential	12
Institutional	8
All others	8
OFFICE PROFESSIONAL (OP) (OP-2)	
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 COMMERCIAL-2 (UC-2)/URBAN RESIDENTIAL (UR)	
Residential	12[1]
All others	12[1]
BUSINESS CONSERVATION (BC)	
All uses	12
NEIGHBORHOOD CONSERVATION (NC)	
NC-SF	NA[2]
NC-PUD	8[3]
NC-2	8
NC-MHP	8
RESIDENTIAL BUSINESS (RB)	
All uses	8
PUBLIC/SEMI PUBLIC (P/SP)	
All uses	8

*Must be all native species, not attractive to wildlife.
[1]Not applicable to Town Square Overlay (TSO) District.
[2]Landscape requirements for parking do not apply to single-family development.
[3]Any standard established by PUD or Complete Neighborhood supersedes the standard herein.
(Ord. 659 §11, 2000; Ord. 629 § I, 1999)

2. **Landscape objectives.** The primary objectives of parking lot landscaping shall be:

a. To avoid large, unbroken expanses of asphalt;

b. To screen or soften parked vehicles as viewed from off site;

c. To provide attractive, pleasing streetscapes;

d. To better define and organize vehicular and pedestrian spaces.

3. **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 district.** A loading area that abuts a residential district 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 district, 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. or 2.

E. **Open space standards.** All areas of required open space or landscaped area that are presently covered with natural vegetation and are to remain undisturbed shall not be required to be landscaped. Areas of open space that have been disturbed, except those to be used as sports fields and other areas that are to be paved, must be revegetated with a minimum of four (4) plant units per acre. In addition, adequate ground cover shall be provided so that no landscaped ground areas are exposed to erosion.

F. **Highway setback landscaping - AC and BP districts.** In the AC and BP districts where a twenty (20) foot structure setback is required from the right-of-way of U.S. Highway 26-89-189-191, the first twenty (20) feet adjacent to the right-of-way (as a minimum) must be landscaped. In addition to the standards for parking and loading area screening contained in this Article, objectives for highway setback landscaping shall be to provide for an attractive, high-quality streetscape, and where applicable, entryways to the Town of Jackson. Plant units shall maximize year-round screening. Public sidewalks and pathways may traverse landscaped areas, and monument signage is encouraged. (Ord. 608 § 3, 1998)

G. **Landscaping in public rights-of-way.** In addition to required landscaping on private property, the property owner shall be responsible for the provision and maintenance of landscaping in accordance with the requirements of this section for that area between the property line and the back of curb or the edge of the traveled way of any public street, alley or other public way, in a manner which provides consistency of landscaping and maintenance between the public properties to be landscaped and maintained and the adjacent private property. When such property lies within the right-of-way of a street or highway maintained by the Wyoming Department of Transportation (WDOT), a landscape permit from WDOT must be obtained.

SECTION 4170 INSTALLATION AND MAINTENANCE STANDARDS

A. **Performance bond.** Prior to issuance of any development permit, a bond or other acceptable surety equal to one hundred twenty-five (125) percent of the cost of supplying and installing the plant materials for an approved landscaping plan shall be submitted to the Planning Director. Upon completion of the installation of the landscaping plan the surety amount shall be returned.

B. **Irrigation.** Landscaping areas that cannot naturally be provided with adequate moisture for the types of plants to be installed shall be equipped with an irrigation system.

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

SECTION 4180 SUPPLEMENTARY STANDARDS

A. **Use of landscaped areas.** No portion of a site required to be landscaped, or required to meet OSR/LSR standards pursuant to Table 2400, Schedule of Dimensional Limitations, shall be used for the parking of vehicles or for open storage of any kind.

B. **Phasing.** Landscape plans and the installation of required materials may be phased consistent with the development phasing approved for a project.

C. **Required time for completion.** All landscaping for single family detached residences shall be in place within one (1) year of occupancy, and all other required landscaping must be in place and completed within three (3) months of the date of occupancy if the date of initial occupancy occurs in the months of April through August, and nine (9) months of the initial date of occupancy if the initial date of occupancy occurs in the months of September through March.

D. **LSR Surfaces in the UC Zoning District.** The Town Council may substitute on-site hardscape improvements to satisfy the LSR requirement in the UC zoning district if the

application for development can incorporate one or more of the following design elements including, but not limited to, pervious or decorative pavers, sidewalks, and boardwalks. (Ord. 951§ 1, 2009.)

DIVISION 4200. PARKING AND LOADING STANDARDS

SECTION 4210. PURPOSE

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

A. **General.** All uses shall be required to meet the standards for off-street parking set forth in Table 4240, Parking Standards, By Use. When determination of the number of required off-street parking spaces results in a fractional space, the requirement shall be rounded up to the next whole number. When square feet of floor area is specified, the calculation shall be based on the entire gross floor area of the structure. Basement areas designed and used exclusively for storage shall not be included in parking space calculation. 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 Detached			2 per du
Single-Family Attached or Cluster			2 per du plus .5 du guest
Mobile Home			2 per du
Mobile Home Park			2 per du, plus 0.5 per unit guest

Studio/Accessory Residential Units			1.25 per du
One (1) Bedroom Apartment			1.75 per du
Two (2) Bedroom Apartment			2 per du
Three (3) Bedroom Apartment			2.5 per du
Four (4) Bedroom Apartment or more			3 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			1.5 per bed
Nursing Homes			1 per employee, plus 1 per 4 beds
Schools; Elementary & Junior High			5 spaces plus 1 per classroom
Schools: Senior High			1 per 5 students
College			0.5 space per student
Trade School			1 per student
Rooming & Boarding Houses			1 per room or unit, plus 2 per residence
Protective Care			1 per 2 rooms
Utilities			1 per employee plus 1 per stored vehicle
Day Care Center, Group			1 per employee, plus 1 per 10 children
Commercial Uses: Office			
General, including government offices	3.3		
Medical	4		
Commercial Uses: **Retail**			
Convenience Market	6		
Department Stores	4.5		
Drugstores	4.5		
Food Stores (grocery)	5		
Furniture & Carpet Stores	1.5		

Hardware, Paint & Home Improvement	3.5		
Liquor Store	4.5		
Other Misc. Freestanding Retail	4.5[a]		
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		2 per wash bay	plus 1 space per bay
General	1.5		or 3 per bay, whichever is greater
Commercial Uses: Services			
Beauty and Barber Shops			1.5 per station
Commercial Laundry & Dry Cleaner			1 per employee, 1 per company vehicle, plus 1 per 170 sf of customer service area
Financial w/Drive-in	3	5 minimum or 3 per service lane	
Financial w/o Drive-in	3		
Funeral Homes			1 per 150 sf of floor area of assembly rooms, plus 1 per employee, plus 1 for each vehicle owned by the establishment
Gunsmith	2		
Laundromat			1 space per washer/dryer, plus 1 per employee
Repair Shops	2		plus 1 per employee and 1 for each company vehicle
Taxidermist	2		
Bars/Taverns			1 per 30 sf of bar floor area
General Restaurant			1 per 55 sf of dining floor area
Drive-in Facility Restaurant with substantial carry-out		5 per service lane	1 per 30 sf of dining floor area
Commercial Uses: Commercial Lodging			
Convention Center w/Lodging			.75 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 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
Indoor Arenas			1 per 3 seats, or 1 per 30 sf of floor area used for seating, or 1 per 6 ft of bench length, whichever is appropriate
Library	3.5		
Museum	3.5		
Recreation Center	5		
Swimming Pool			1 per 100 sf pool
Tennis/Racquetball/Handball			4 per court
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
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
Riding Arenas & Equestrian Centers			1 per 4 stalls, plus 1 per 2,000 sf of riding area (in arena)
Riding Stables			1 per 4 stalls

Skating Rink			6 per 1,000 sf of rink area, plus additional parking as may be required by buildings or areas used for other purposes
Ski Areas			1 for every 7 comfortable carrying capacity (see Division 8300, Definitions), plus 1 per 2 employees, plus 1 per each 2 hotel rooms In PRD, may be based upon mix of uses in approved master plan.
Swimming Pool			1 per 100 sf pool
Tennis Courts			2 per court
Home Uses:			
Home Occupations			2 per du
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
Special Land Uses:			
Balloon Facilities			To be determined by Plan Commission on individual basis based upon operational plans
Landing Strips, Heliports, & Airports			7 per daily airplane movements
Industrial Uses:			
Bakeries (non-retail)	0.25		plus 1 per employee, plus 1 per company vehicle
Industrial Uses: Light Industry			
Light Industry	2		
Contractor Shop	1		plus 1 per company vehicle
Warehouse	0.5		or 1 space per employee, whichever is greater, plus 1 space for each company vehicle stored on the premises
Mini-warehouses			1 per employee, plus 1 per 10 storage units
Industrial Uses: Heavy Industry			

Heavy Industry	2.5		or 1 per employee, plus 1 per company vehicle, plus per 5,000 sf of visitor parking, whichever is greater
Trucking (no loading or warehousing)	1.5		or 1 per employee, plus 1 per company vehicle, plus 1 per 5,000 sf of visitor parking, whichever is greater
Industrial Uses: Extraction and Disposal			
Concrete/Asphalt Batch Plant			1 per employee
Extraction and Disposal			1 per employee
Junkyards			1 per employee
Temporary Uses:			
Christmas Tree Sales			1 per 1,000 sf outdoor display, plus 1 per employee
Contractor's Construction Site Office	10		
Public Interest Events			1 per 3 attenders
Special Event			1 per 3 attenders
Real Estate Sales Office	3.3		
Shelter			2 per du
Farm Stand			5 per 1,000 sf of covered or uncovered display area
Uses Not Listed: For uses not listed parking requirements shall be determined by the Planning Director, based upon the parking requirements of a land use in this table that is similar to the use not identified in this table, or other professional sources. [a] In the Urban Commercial (UC) District, this standard is 4.			

B. **Downtown parking and loading requirements.**

1. **Applicability.** This section regulates development located within the AC, AC-LO, UC-2, UC, and UC-TSO Zoning Districts, as depicted on Illustration 4240.B. Downtown Special Parking Area. There shall be a mandatory review of the Downtown Special Parking Area and the associated fee-in-lieu program performed by the Planning Director no later than June 30, 2009.

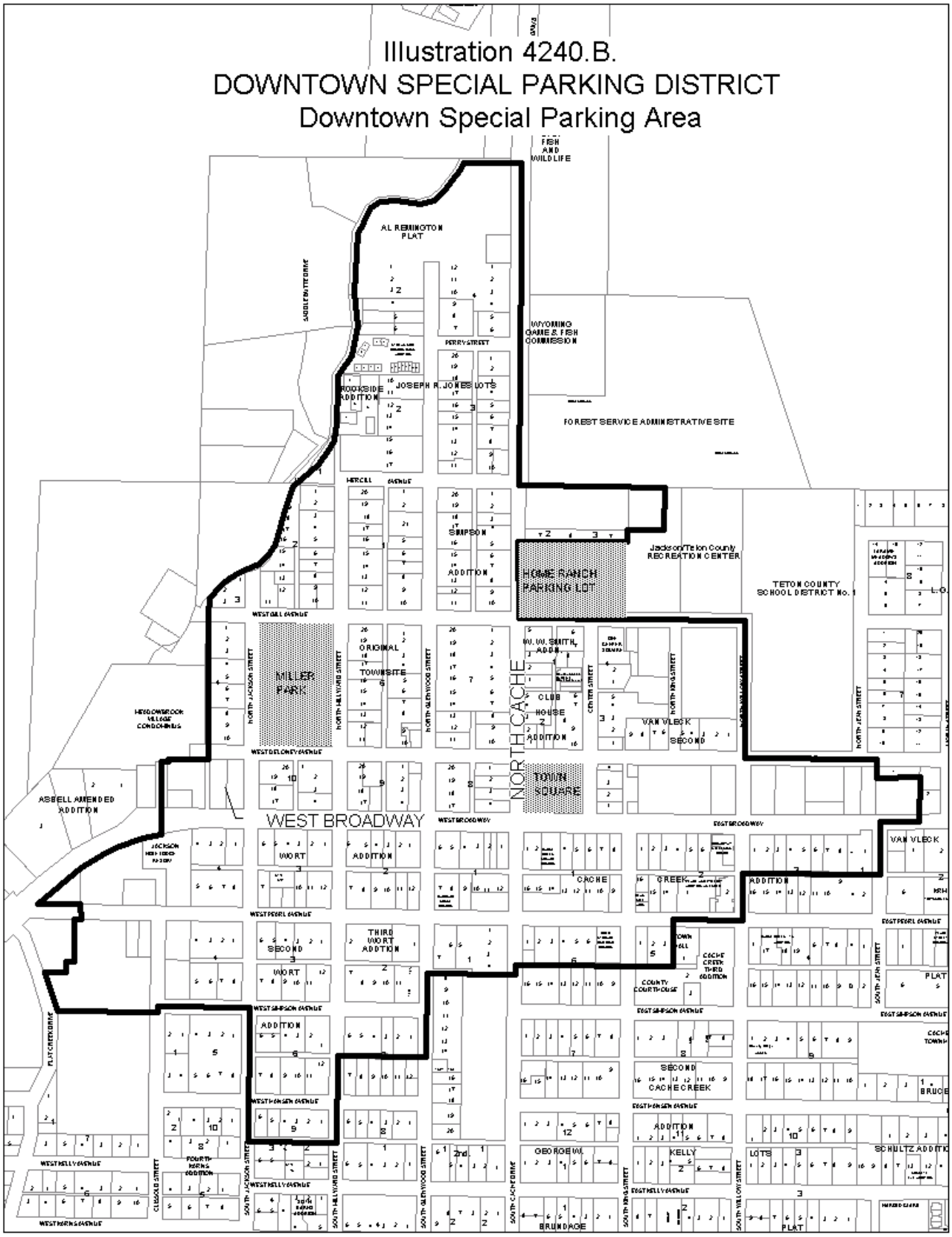


Illustration 4240.B.
DOWNTOWN SPECIAL PARKING DISTRICT
Downtown Special Parking Area
FISH AND WILDLIFE
AL REMINGTON PLAT
WYOMING GAME & FISH COMMISSION
FOREST SERVICE ADMINISTRATIVE SITE
JOSEPH R. JONES LOTS
ROOKSIDE ADDITION
SIMPSON ADDITION
HOME RANCH PARKING LOT
Jackson/Teton County RECREATION CENTER
TETON COUNTY SCHOOL DISTRICT No. 1
MILLER PARK
ORIGINAL TOWNSITE
W.W. SMITH ADDN.
CLUB HOUSE ADDITION
VAN VLECK SECOND ADDITION
NORTH CACHE
TOWN SQUARE
ASBELL AMENDED ADDITION
WEST BROADWAY
WORT ADDITION
CACHE CREEK ADDITION
THIRD WORT ADDITION
SECOND WORT
COUNTY COURTHOUSE
CACHE CREEK THIRD ADDITION
SECOND CACHE CREEK ADDITION
GEORGE W. KELLY ADDITION
BRUNDAGE
SCHULTZ ADDITION
FOURTH WORK ADDITION
PERRY STREET
WEST GILL AVENUE
WEST DELONEY AVENUE
WEST BROADWAY
EAST BROADWAY
WEST PEARL AVENUE
EAST PEARL AVENUE
WEST SIMPSON AVENUE
EAST SIMPSON AVENUE
WEST KELLY AVENUE
EAST KELLY AVENUE
NORTH JACKSON STREET
NORTH HILLYARD STREET
NORTH GLENWOOD STREET
NORTH CENTER STREET
NORTH KING STREET
NORTH JEAN STREET
SOUTH JACKSON STREET
SOUTH HILLYARD STREET
SOUTH GLENWOOD STREET
SOUTH CACHE DRIVE
SOUTH KING STREET
SOUTH WILLOW STREET
SADDLEHORN DRIVE
FLAT CREEK DRIVE
CLEGHORN STREET
WEST HORN AVENUE
HEADQUARTERS VILLAGE CONDOMINIUMS

2. **Peak demand.** Peak parking demand of all nonresidential uses on site shall be initially determined per Table 4240 Parking Standards by Use of the Land Development Regulations.

3. **Shared parking credit.** A 50% shared parking credit shall be allowed for peak nonresidential parking demand for nonresidential land uses (not including residential and lodging).

4. **On-street parking.** Credit for on-street parking spaces shall be permitted. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street space in front of the development (i.e., on one side of the street). On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by Town and WYDOT standards. The following constitutes an on-street parking space:

   a. **Parallel parking.** One (1) space for every 22 feet of uninterrupted curb.

   b. **[45/60] degree diagonal.** One (1) space for every 18 feet of curb.

   c. **90-degree (perpendicular) parking.** One (1) space for every 9 feet of curb.

   d. Curb space shall be contiguous to the lot, which contains the use.

   e. Parking spaces may not be counted that obstructs a required clear vision area, and/or any other parking that violates any law or street standard.

   f. On-street parking spaces credited for a specific use shall not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use or time of on-street spaces shall be permitted.

   There shall be no credit given for on-street parking for those properties adjacent to a red curb or other no parking areas put in place by the Town and/or Wyoming Department of Transportation.

5. **On-site percentage required.** Nonresidential developments with a total square footage above grade less than 25,000 square feet shall not be required to have any on-site parking spaces. Nonresidential projects of more than 25,000 square feet shall have at least 25% of their parking requirements met on-site.

6. **Off-site parking permitted.** Applicants may fulfill the relevant proportion of their parking requirement off-site through the Town's fee in lieu program pursuant to Section 4270. Payment of Fee-In-Lieu of Providing Off-Street Parking; Fee-In-Lieu Eligibility Area. and/or through the ownership of other parking within 1,000 feet measured along a straight line from the center of the

primary street frontage of the project. The applicant shall provide a deed restriction for the proposed off site parking location for review and approval by the Town to ensure that the proposed parking will be provided for the life of the development.

7. **Lodging Requirements.** The parking requirements for lodging uses shall be provided as established in Table 4240 Parking Standards, By Use.

    a. The parking requirements for residential short term rental uses shall be 1.5 spaces per thousand square feet, with a minimum requirement of one (1) space per unit and a maximum of two (2) spaces per unit.

    b. All lodging and short-term rental uses shall provide at least one (1) space on-site, and off-street.

    c. Parking for on-site employee housing for employees working on-site will not be required.

8. **Residential Long Term Requirements**

    a. Residential long term parking requirements shall be 1.5 spaces per thousand (1,000) square feet, with a minimum requirement of one (1) space per unit and a maximum of two (2) spaces per unit.

    b. All residential units shall provide at least one (1) space per unit on-site, and off-street with the following exceptions:

        (1) Residential long term units equal to or less then 850 square feet in size shall not be required to provide any onsite parking. Said units shall be responsible for meeting the applicable parking requirements off site per Section 4240.B.6. Off site parking permitted.

        (2) All affordable and/or employee housing units meeting the requirements of Division 49400 Residential Affordable Housing Standards and/or Division 49500 Employee Housing Standards shall not be required to provide any onsite parking. Said units shall be responsible for meeting the applicable parking requirements off site per Section 4240.B.6. Off site parking permitted.

9. **Use Credit.** Applicants shall only be credited for the actual amount of parking provided on-site, off-site as described above, or as purchased through the parking fee in lieu program pursuant to Section 4270. Payment of Fee In-Lieu of Providing Off-Street Parking; Fee-In-Lieu Eligibility Area. There shall be a credit given for 100 percent of the parking requirement for any previously approved use on-site prior to the date of the adoption of these regulations.

10. **Loading Requirements.** It is the intent of this Section that sufficient off-street loading facilities be constructed within the Downtown Special Parking Area to meet the needs of users located there. The requirements of Section 4280. Off-Street Loading Standards shall not be applicable to this Area. The applicant shall address how their specific loading needs are being addressed in the proposed application.

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 in the Business Park (BP) district, off-street parking facilities shall be located within five-hundred (500) feet of the structure the parking is to serve. Off-site parking must be permanent. Leaseholds are not acceptable.

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, are met.

D. **Shared parking.** When a development contains mixed or multiple uses, and/or nonresidential uses which may be compatible for sharing common parking facilities, a reduction in the total number of required off-street parking spaces may be allowed. All reductions pursuant to this section are subject to approval by the Town of Jackson Planning Director. The Planning Director or applicant may refer requests for shared parking reductions to the Town Council.

1. **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***	
	Apartments (including Accessory Residential Units)	**All Other Residential**
Accessory Apartments/Commercial	100	25
Apartments/Office	100	75
Apartments/Restaurants	100	20
Apartments/Services	100	25
Apartments/Industrial	100	75
Apartments/Other Nonresidential	100	20

*Calculated as a percentage of the total spaces required for the apartment use under the requirements of Table 4240, Parking Standards, by Use. (Ord. 520 § I, 1995)
** The shared Parking credit does not apply to the Downtown Special Parking District.

2. **Compatible nonresidential uses.** Reductions in total parking requirements between and among nonresidential uses may be granted in one or more of the following circumstances:

   a. When it is intended that patrons frequent more than one use in a single trip (example: lodging and restaurant);

   b. When operating hours are substantially different (example: movie theater and offices);

c. When peak trip generation characteristics are substantially different (example: lodging and retail).

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.** 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 shall not encroach**. All parking spaces, aisles, and turning areas shall not encroach on any road or other public right-of-way. No parked vehicle shall encroach into any road or public right-of-way.

B. **Backing onto roads and public streets prohibited.** Except for parking facilities serving single-family residential lots, all off-street parking areas shall be designed so that vehicles will not back out into any road or public streets. This regulation may not apply to certain properties in the BP district. Reference Section 4540.B.2, Minor industrial streets.

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

D. **Parking in required yards and parking lot buffers.** No parking, maneuvering, or drive areas are permitted to occupy a required front yard or the street side of a required side yard, except for the following:

1. **Driveway access.** Driveway access to parking or loading located elsewhere on the site.

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

3. **Setback in AC and BP districts.** In the AC and BP districts where the highway frontage setback is twenty (20) feet, the minimum parking area setback shall be twenty (20) feet. This setback shall be landscaped generally in accordance with Division 4100, Landscaping Standards, and specifically in accordance with Section 4160.F, Highway Setback landscaping - AC and BP districts. (Ord 608 § IV, 1998)

4. **Buffers for parking areas, access driveways, and drive aisles.** All parking areas, access driveways, and drive aisles shall be set back from the rear and side lot lines a minimum of five (5) feet in all zoning districts except BP, UC, and UC-2. Within the BP, UC, and UC-2 districts, a minimum five (5) foot rear and side lot line setback is required if adjacent to a residential district, unless the districts are separated by an alley. (Ord. 621 § 1, 1999).

5. **BP district.** For certain properties in the BP district, parking may be located in the front setback. Reference Section 4540.B.2, Minor industrial streets.

E. **Unobstructed access.** Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley except for approved residential tandem parking.

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

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

H. **Parking surface and drainage**

Paving required. Outdoor off-street parking areas, aisles and access drives shall be paved, except parking areas, aisles and accessways for single-family and two-family dwelling units which may be gravel.

Gravel area dimensions. The minimum size of a gravel parking area shall be ten (10) percent larger than required of a paved area.

Paved area standards. Paved parking areas, aisles and access drives shall be paved with concrete, grasscrete, paving blocks, or asphalt.

Compaction and drainage. Parking areas, aisles, and access drives shall be compacted and paved or surfaced in conformity with applicable specifications to provide a durable surface, shall be graded and drained so as to dispose of surface water runoff without damage to private or public land, roads, or alleys, and shall conform with any additional standards for drainage prescribed by these Land Development Regulations, or other applicable regulations and standards.

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

1. **Length of parking spaces.** The length of parking spaces may be reduced to eighteen (18) feet, including wheel stop, if an additional space of two (2) feet in length is provided for the front overhang of the car, provided that an overhang shall not reduce the width of the adjacent walkway to less than four (4) feet in width. Any parking space accessed directly from any alley shall have a minimum length of twenty-two (22) feet. All parallel parking spaces shall have a minimum stall length of twenty-two (22) feet.

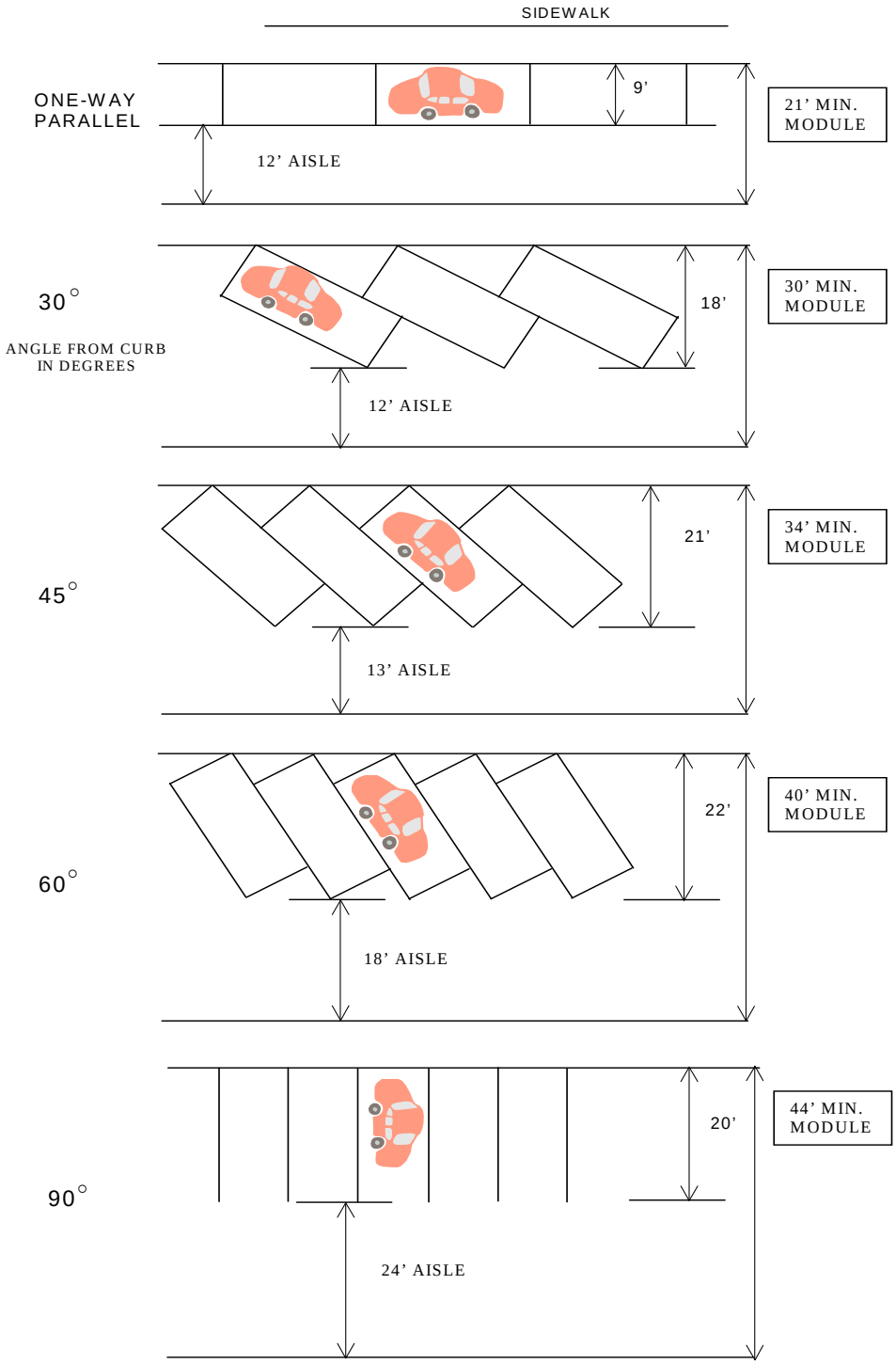
2. **Vertical clearance.** Parking spaces shall have a vertical clearance of at least seven (7) feet.

J. **Queuing space standards.** Queuing space shall be a minimum of twenty (20) feet in length and ten (10) feet in width. All required queuing shall be contained on site, shall not encroach into any public right-of-way, and shall not be designed so as to block entry or exit from other on-site parking.

Table 4260.I. 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’
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’

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

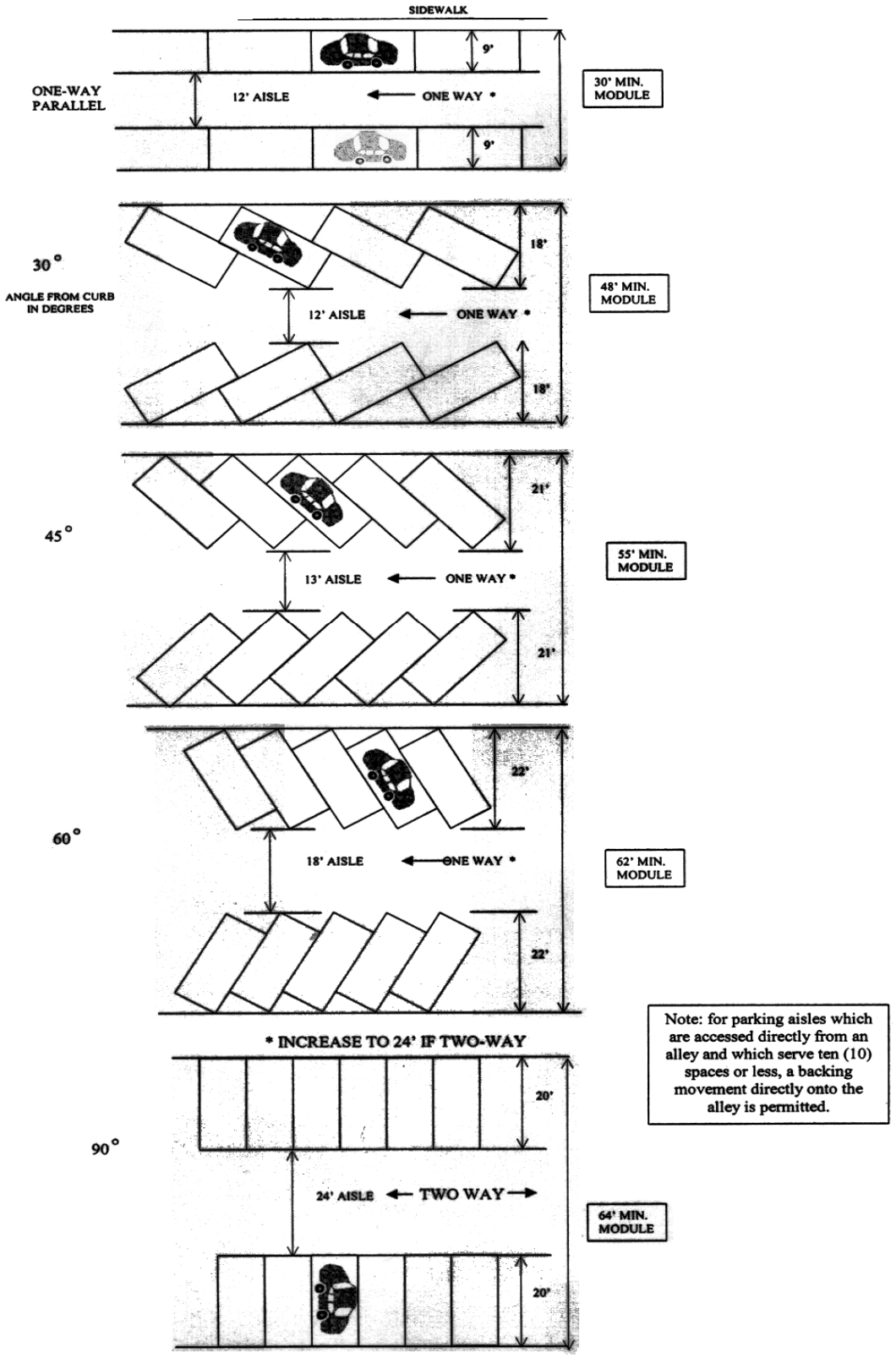
SINGLE ROW OF PARKING



Note: for parking aisle which are accessed directly from an alley and which serve ten (10) spaces or less, a backing movement directly onto the alley is permitted.

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

TWO ROWS OF PARKING



Note: for parking aisles which are accessed directly from an alley and which serve ten (10) spaces or less, a backing movement directly onto the alley is permitted.

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.K, Required Number of Disability Off-Street Parking Spaces, and this Subsection.

Table 4260.K.
REQUIRED NUMBER OF DISABILITY OFF-STREET PARKING SPACES

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

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

1. **Dimensions.** The dimensions for all parking spaces provided for use by disabled persons shall be a minimum of eight (8) feet wide by twenty (20) feet long with an adjacent parallel access aisle five (5) feet wide. The adjacent parallel access aisle may be shared by two (2) accessible parking spaces. One (1) in every eight (8) accessible spaces shall have an access aisle which is a minimum of eight (8) feet wide (rather than five (5) feet) and shall be signed "Van Accessible."

2. **Location.** Parking spaces provided for use by disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area and building without assistance.

3. **Posted and marked.** All parking spaces provided for the use of disabled persons shall be posted and marked with both a ground-mounted sign and pavement marking which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by disabled persons.

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

M. **Bicycle parking.** All nonresidential uses shall provide on-site parking spaces for use by non-motorized vehicles.

1. **Standard.** One (1) bicycle parking space shall be provided for every ten (10)-vehicle spaces required.

2. **Required Facilities.** Bicycle parking requirements shall be fulfilled through the installation of lockers, racks, or equivalent structures in or upon which a bicycle may be locked by the user. All racks shall be securely anchored to the ground or building surface. Racks shall be designed to accommodate U-shaped locks.

3. **Location.** Bicycle parking shall be located in a clearly designated, safe and convenient location. A safe parking location is defined as a location whereby activity around bicycle parking is easily observable, conveniently located to the bicyclist's destination, and adequately separated from motor vehicles and pedestrians. Surfaces around bicycle parking facilities shall be maintained, mud, and dust free.

N. **Underground parking facility design guidelines.** Town-wide underground parking facility design guidelines have been established and adopted by the Town pursuant to Resolution No. 09-25 and are available in the Planning Department Office or on the Town's website: www.townofjackson.com. (Ord. 946 § 1, 2009.)

SECTION 4270. PAYMENT OF FEE-IN-LIEU OF PROVIDING OFF-STREET PARKING; FEE-IN-LIEU ELIGIBILITY AREA

A. **General.** Within certain specified boundaries in the Town of Jackson, a one-time fee may be paid in lieu of providing a portion of the on-site parking required by these Land Development Regulations. The Town Council has established Section 4240.B. Downtown Parking and Loading Requirements in which all properties located within the Downtown Special Parking Area shall be eligible for purchasing fee in lieu of providing off-street parking as established in this section. For developments, within the boundaries of the Fee-In-Lieu Eligibility Area, the Jackson Town Clerk shall accept fees in accordance with parking and fee schedules set forth by Resolution, and in accordance with the standards of this section.

B. **Fee commensurate with cost to provide off-street parking.** The fee to be charged for each off-street parking space required, which is not provided by the developer in accordance with Section 4240.B. Downtown Parking and Loading Requirements shall be a one-time fee set forth by an annually adopted ordinance. The fee shall be commensurate with the cost of providing off-street parking and shall be used exclusively for such purpose. In addition, the actual number of spaces eligible for fee in-lieu shall be set annually by ordinance.

C. **Credits for prior use.** In instances of redevelopment, parking fee credit shall be given for any legal use existing on the subject land as of October 29, 1988. Credits are calculated on the basis of the off-street parking requirements, which became effective throughout the Town on October 29, 1988.

D **Assignment of credits.** All parking credits run with the land and are not transferable. All credits are calculated and applied in the aggregate, and are not applied on a use-by-use basis.

E. **Prior Purchase of Fee in Lieu Spaces**. Sites, for which fee in lieu were once paid, will be entitled to a credit for that number of spaces in calculation of new parking requirements.

F. **Banking of Fee in Lieu Spaces.** Applicants will be allowed to pay for fee in lieu spaces in advance and "bank" the use of, said spaces for future redevelopment within the district.

SECTION 4280. OFF-STREET LOADING STANDARDS

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
25,000-50,000	3
RECREATIONAL AND INSTITUTIONAL	
<10,000	1
10,000	2
ALL OTHERS	*

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

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 track 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. **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. Required yards and open space may be used to accommodate the required snow storage area, including landscaped areas properly designated for snow storage. However, stored snow shall not restrict access and circulation, nor create a visual obstruction for motorists and pedestrians.

DIVISION 4300 RESERVED

DIVISION 4400 RESIDENTIAL STANDARDS

SECTION 4410 MINIMUM ALLEY SETBACK AND DESIGN STANDARDS

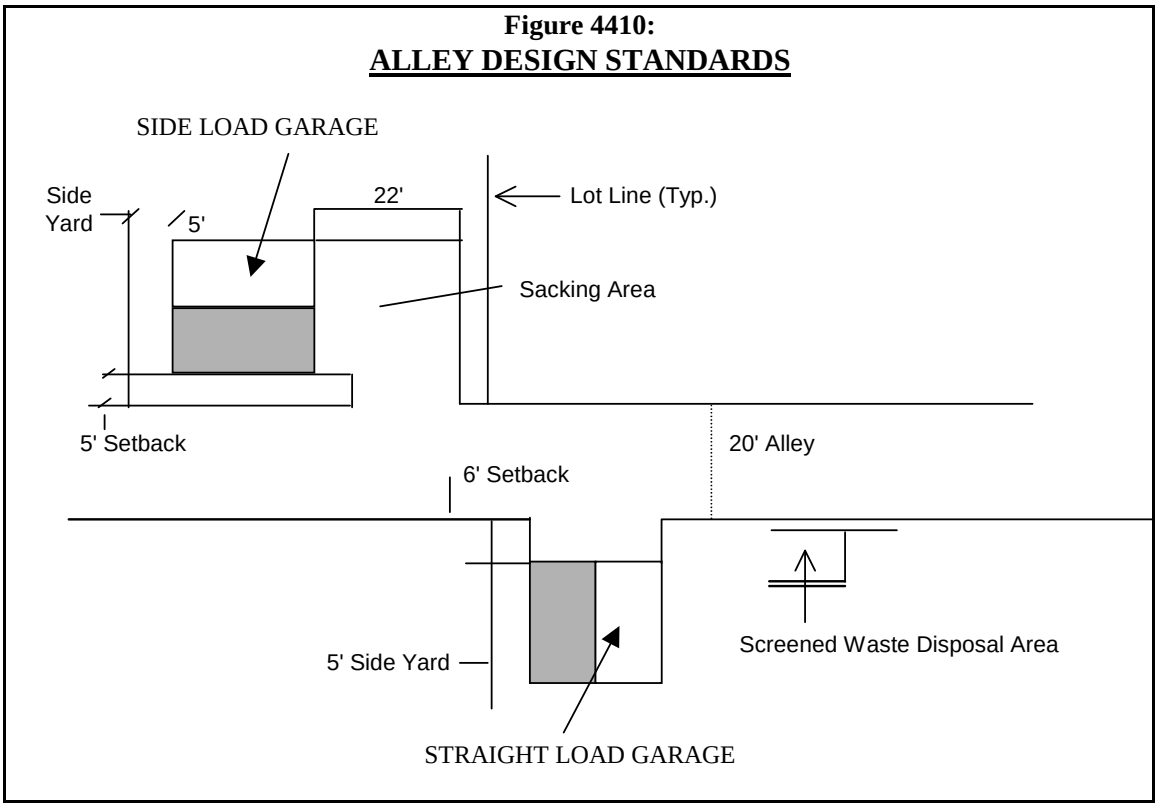
All lots abutting alleys shall meet the standards in **Table 4410, Minimum Alley Setback and Design Standards, and Figure 4410, Alley Design Standards.**

Table 4410 MINIMUM ALLEY SETBACK AND DESIGN STANDARDS	
Alley width	20 feet
Side load garage rear setback	5 feet
Side load garage backing area	22 feet
Straight load garage rear setback	5 feet
Garage side yard	5 feet
Mandatory screened area for waste disposal and recycling (side and rear)*	2 feet

*Screened area shall provide adequate space for trash and recycling as determined by the Planning Director. Trash and recycling enclosures shall be of similar material and color to the building. Enclosures shall be entirely enclosed with the side facing the street or alley to be a gate whenever feasible. Enclosures shall be allowed to encroach into snow storage easements. Enclosures shall be consolidated wherever possible.

(Ord. 691 §1, 2001)

Figure 4410:
ALLEY DESIGN STANDARDS



SECTION 4420. RESERVED

SECTION 4430 RESERVED

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, NC-SF, NC-2, and SR districts, covered and uncovered decks, porches, and balconies may encroach into a front yard by not more than six (6) feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys, 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. Patios. Patios which are at grade may extend to any portion of a side or rear yard.

D. 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 Sec. 4730.M.2.

SECTION 4450 SUPPLEMENTARY REGULATIONS

A. Mobile homes, RVs, camping prohibited. No trailer, trailer house, mobile home, or recreational vehicle may be parked on private property and used as a residence, either permanent or temporary, except in a bona fide mobile home or RV park. Camping for the purpose of residing on private property is similarly prohibited, except in bona fide campgrounds.

B. Use of front yards. The use of front yards (street yards) for the storage of boats, snowmobiles, trailers, RVs, and similar motor vehicles and equipment is prohibited.

C. **Fences and Walls.** The purpose of this section is to regulate the installation of fences and walls to provide safety and security as well as visual barriers, while minimizing the impacts that result from fence location and height. A fence or wall, which includes retaining or landscape walls, decorative posts, or similar structures, or any combination of such structures, is permitted if it meets the standards of this section.

5. **Height and Material.** Fences, walls and decorative posts may be constructed of wood, stone, brick, wrought iron, and chain link or other similar materials as approved by the Planning Director. Residential fences shall not exceed four (4) feet in height when located within a required street (front) yard or side street yard, and shall not exceed six (6) feet in height when located in any other yard. Retaining walls may exceed the required height on properties with excessive slope and other unique land features as approved as part of a grading plan or Conditional Use Permit for Hillside Development.

6. **Prohibited Elements and Materials**. The following shall be prohibited from use as a component of a fence or wall: barbed wire, security wire, sharpened top spikes, electrified wires, and other similar elements or materials.

7. **Fence Location:** No fence, wall, decorative post, or similar structure shall be located closer than one (1) foot to a street yard lot line, street right-of-way, or public sidewalk. For all side and rear property lines fences, walls, and decorative posts may be located on the property line. No fence shall obstruct a vision clearance triangle as set forth in Section 4730.M.2 Safe Sight Distances.

8. **Orientation:** Fences are required to be erected with the finished side out (neighbor), meaning the side of the fence with the posts and supports must face the owner's property.

9. **Building Permit.** A building permit application for a fence, wall, decorative post, or similar structure in accordance with the standards set forth in this section shall not be required except for retaining walls over four (4) feet in height as defined by the International Building Code.

(Ord. 971 § 1, 2010)

D. Fuel storage tanks. All fuel storage tanks for private residential use, except for LP (liquid petroleum) gas and kerosene, shall be underground. All fuel tanks shall meet setbacks for accessory structures in the applicable zoning district, and no fuel may be buried within fifty (50) feet from any stream, excluding irrigation ditches.

E. Storage of structures. The storing of structures of any kind is not permitted in any residential district.

F. Minimum structure size - SR district. In the SR (Suburban Residential) district no primary residential structure may have a gross living area of less than one thousand (1,000) square feet

without a Conditional Use Permit pursuant to Division 5100 of these Land Development Regulations.

G. Accessory structure setbacks. Accessory buildings over fourteen (14) feet in height shall comply with the minimum yard requirements in **Table 2400, Schedule of Dimensional Limitations.** The minimum setback requirements for accessory buildings up to fourteen (14) feet in height shall be as follows:

1. Front yard: thirty (30) feet.
2. Side yard: five (5) feet.
3. Rear yard: five (5) feet.

H. Accessory structure separation. The minimum separation between accessory structures and other buildings shall be ten (10) feet. (Ord. 622 § 1, 1999).

I. Vehicle and equipment storage - vacant property. The storage of any vehicle on vacant property in a residential district for more than three (3) consecutive days is prohibited. This includes boats, rafts, trailers, snowmobiles, campers, RVs and similar vehicles, and equipment. This also includes heavy equipment, construction equipment, and construction materials. Nothing herein shall be construed to prohibit the storage of vehicles and equipment for temporary construction, provided the storage area is fenced, well marked, and post-ed." For purposes of this provision, lots which are normally kept and maintained as yard area for an adjacent residence shall not be considered vacant property, provided the vehicles, equipment, and materials stored thereon are owned, supervised, and controlled by an occupant of the adjacent residence. (Ord 514 § 1, 1995.)

J. **Trash and recycling.** Trash and recycling enclosures shall be provided for multi-family developments of four or more units. Enclosures shall be of similar material and color to the buildings Enclosures shall be entirely enclosed with the side facing the street or alley to be a gate whenever feasible. Enclosures shall provide adequate space for recycling as determined by the Planning Direction. Enclosures shall be consolidate wherever possible.(Ord. 691 §2, 2001)

DIVISION 4500 NONRESIDENTIAL STANDARDS

SECTION 4510 GENERAL

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

SECTION 4520 DESIGN REVIEW

The following procedures and requirements apply to all non-residential development and redevelopment located within all zoning districts established by the Town.

A. **Design review applicability and procedures.** All applications shall be required to complete design review prior to the issuance of a building permit and/or prior to final development plan approval pursuant to Section 51200.C. Procedure. The applicability of the Guidelines and design review procedures shall be as follows:

1. In the BP district, excluding the area defined in Section 2368 Restricted Uses – BP District, Design Review shall only apply to selection of exterior materials pursuant to the Town Design Guidelines as set forth in Subsection B. Design Guidelines.
2. In all other zoning districts, including the area defined in Section 2368 Restricted Uses – BP District, Design Review shall be based upon criteria established in the Town's Design Guidelines as set forth in Subsection B. Design Guidelines.
3. The Planning Director may exempt certain building additions and exterior modifications to existing buildings that require Minor Development Plan approval, provided that the modifications to not expand the floor area of the building by more than twenty (20) percent and such additions and modifications are consistent with the materials and architecture of the existing structure.

B. Design guidelines. Town-wide Design Guidelines have been established and adopted by the Town pursuant to Resolution No. 04-20 and are available in the Planning Department Office or on the Town's website: www.townofjackson.com.

C. Design committee review. Procedures and requirements for establishment and conduct of the Town's Design Review Committee have been set forth in Section 5070. Design Review Committee.

(Ord. 933 § 1, 2009; Ord. 659 § 12, 2000; Ord. 781 §2, 2004; Ord. 800 § 2, 2005.)

SECTION 4530 PUBLIC RESTROOMS

A. Restrooms required. All single buildings and all groups of contiguous buildings under single ownership or in a condominium, townhouse or cooperative form of ownership in excess of four thousand (4,000) square feet of total floor area on the ground level floor and utilized for retail commercial, commercial lodging, restaurant, or tavern or any building situated within the UC district in excess of two thousand (2,000) square feet on the ground floor level which is divided into individual shops or areas for lease or occupancy for one or more of the above noted uses, constructed after the effective date of these Land Development Regulations or any such structures or buildings existing as of the date of this section which after the date hereof are remodeled, repaired or renovated, shall be required to provide within such building or buildings public, handicap accessible restroom facilities with separate facilities for men and women, and in certain instances a unisex restroom facility as specified in Section 4530.B., said facilities to be maintained in a clean and sanitary condition and to be open to the public during the same hours for

which the majority of the businesses within the building or structure are open to the public and shall be appropriately signed on the entrances thereto, and signs shall be placed on the building in a position which shall be visible to pedestrians on public walkways adjacent to any building in which such restrooms are required.

B. Exemptions.

a. Remodels, Repairs or Renovations where the cost of providing the separate restroom facilities for men and women would exceed 20 percent of the costs of the alterations affecting the area of primary function. (If the cost to provide separate restroom facilities exceeds 20 percent of the costs of alteration affecting the area of primary function a public unisex restroom may be provided.)

b. Remodels, repairs or renovations where the cost of providing the unisex restroom would exceed 20 percent of the costs of the alterations affecting the area of primary function.

c. Alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

(Ord. 814 § 2, 2005)

SECTION 4540 INDUSTRIAL STANDARDS

The following standards apply to nonresidential development in the Business Park district.

A. Access.

1. Highways. Wherever possible, developments shall not take direct access from a State or United States highway.

2. Minor industrial streets. For properties in the BP district served by the minor industrial streets of Berger Lane, Martin Lane, Carol Lane, or any private street, parking and service areas may be located in the front setback. In addition, backing movements into such streets are not limited as to numbers of vehicles.

B. Open storage. Open storage of materials, vehicles, and equipment is allowed, provided that the standards of **Section 4160.D. Loading area screening standards**, are met.

(Ord. 781 § 3, 2004)

SECTION 4550 STANDARDS FOR RESIDENTIAL BUSINESS (RB) DISTRICT

The following standards shall apply to all development in the RB district.

A. Principal use residential. The principal use of any property or development within the RB district shall be residential.

B. Residential types and standards. In addition to conventional single-family units and accessory residential units as provided in **Table 2200, Use Schedule,** two-family structures are allowed in the RB district. All residential uses and unit types are subject to the standards in **Table 2400, Schedule of Dimensional Limitations.**

C. Nonresidential use ancillary. Any nonresidential use of a property or development in the RB district shall be ancillary and secondary to the residential use. No nonresidential use may occupy more than fifty (50) percent of the total allowable floor area on any property. All nonresidential activity and structures shall be located to the rear of the primary residence(s).

D. Open storage. Open storage of materials, vehicles, and equipment is allowed provided it is adequately screened from residential areas of adjacent properties.

SECTION 4560 SUPPLEMENTARY REGULATIONS

A. Setbacks - Highway frontage. For any property within the AC or BP districts having frontage on U.S. Highway 26-89-189-191, no building or structure may be located within twenty (20) feet of the highway right-of-way. The design, development, and operation of the proposed building or structure shall minimize or mitigate adverse effect, including visual impact of the proposed building or structure on adjacent properties. (Ord. 608 § II, 1998)

B. Open storage. In the UC, UC-2, OP-2 and AC districts, the open storage of vehicles and equipment is prohibited. The organized outdoor display of goods for sale is allowed, provided it is contained on private property. No use within the UC, UC-2 and OP-2 zoning district shall be permitted to include any freestanding storage units of any kind, including but not limited to trailers, sheds, "Bully Barns," tarpaulin structures, or any other contrivance not made a permanent part of the principal structure as that term is defined in these Land Development Regulations. (Ord. 659 §13, 2000; Ord. 650 § 1, 2000)

C. FARs averaged - AC district. In the AC district, any development which combines office and other nonresidential uses may average the maximum allowable FAR based upon the actual gross floor area of each use. For example, a development proposing retail commercial on a ground level and office uses on a second level may develop to a maximum FAR of .325.

D. Trash and recycling enclosures. Trash and recycling enclosures shall be provided for all non-residential uses and structures within the Town. Enclosures shall be of similar material and color to the building. Enclosures shall be entirely enclosed with the side facing the street or alley to be a gate whenever feasible. Enclosures shall provide adequate space for recycling as determined by the Planning Director. Enclosures shall be consolidated wherever possible. (Ord. 691 §3, 2001)

E. Fences and Walls. The purpose of this section is to regulate the installation of fences and walls to provide safety and security as well as visual barriers, while minimizing the impacts that result from fence location and height. A fence or wall, which includes retaining or landscape walls, decorative posts, or similar structures, or any combination of such structures, is permitted if it meets the standards of this section.

1. **Height and Material.** Fences, walls and decorative posts may be constructed of wood, stone, brick, wrought iron, and chain link or other similar materials as approved by the Planning Director. In the AC, UC, UC-2, OP, OP-2, RB, and BC zoning districts, non-residential fences shall not exceed four (4) feet in height when located within a required street (front) yard or side street yard, and shall not exceed six (6) feet in height when located in any other yard. In the BP zoning district, non-residential fences shall not exceed six (6) feet in height when located in any street (front) yard, rear yard, or side street yard. Retaining walls may exceed the required height on properties with excessive slope and other unique land features as approved as part of a grading plan or Conditional Use Permit for Hillside Development.

2. **Prohibited Elements and Materials**. The following shall be prohibited from use as a component of a fence or wall: barbed wire, security wire, sharpened top spikes, electrified wires, and other similar elements or materials.

3. **Fence Location:** No fence, wall, decorative post, or similar structure shall be located closer than one (1) foot to a street yard lot line, street right-of-way, or public sidewalk.

For all side and rear property lines fences, walls, and decorative posts may be located on the property line. No fence shall obstruct a vision clearance triangle as set forth in Section 4730.M.2 Safe Sight Distances.

4. **Orientation:** Fences are required to be erected with the finished side out (neighbor), meaning the side of the fence with the posts and supports must face the owner's property.

5. **Building Permit.** A building permit application for a fence, wall, decorative post, or similar structure in accordance with the standards set forth in this section shall not be required except for retaining walls over four (4) feet in height as defined by the International Building Code.

(Ord. 972 § 1, 2010.)

DIVISION 4600 SIGNS

SECTION 4610. PURPOSE AND AUTHORITY

The purpose of this Division is to afford the business and residential community equal and fair opportunity to advertise and promote its products and services without discrimination; to protect and enhance the community character and visual environment; to preserve the right of the citizens to enjoy our Town's scenic beauty; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

SECTION 4620. APPLICABILITY

A. **Permit required**. The provisions of this Section shall apply to all signs located within the Town boundaries, except as specified in these Land Development Regulations. No sign shall be erected, altered, or relocated without prior authorization pursuant to this Section.

B. **Procedure.**

1. All signs shall meet the standards set forth in this Division and sign permit applications shall be accompanied by plans, design specifications or drawings with specific dimensions, proposed exterior lighting, colors (paint samples, if necessary for background color), and plan of installation depicting clearances and setbacks for the subject property.
2. The Planning Director shall review and approve or deny submitted sign permit applications.
3. Upon approval of the sign application, an identification tag shall be issued and shall be affixed permanently to the sign or within the premises of the business at all times.
4. Sign fees or a waiver of fees shall be established by Town Ordinance. The applicable sign permit fees shall be paid in full prior to the installation of the approved sign.
5. An appeal from the interpretation of this Division shall be completed pursuant to Section 5180. Appeals on Decisions of Planning Director or Town Engineer.
6. A variance from the provisions set forth in this Division shall be completed pursuant to Section 5160. Variance.
7. Sign Permits shall expire one (1) year from the date of issuance, if the sign has not been erected or altered pursuant to the issued permit.

C. Administrative relief. The administrative relief procedure is intended to allow for flexibility in the regulations when a standard is inapplicable or inappropriate to a specific use or design. The Planning Director shall have the authority to approve or deny administrative relief requests for the standards within this Division, provided that an application is submitted for review and approval. An appeal from the interpretation of this Division shall be completed pursuant to Section 5180. Appeals on Decisions of Planning Director or Town Engineer.

D. **Maintenance and repainting exempt.** The repainting, changing of parts, and maintenance of legally conforming signs shall not require a permit, provided that the changes do not enlarge or change the sign significantly.

SECTION 4630. EXEMPTIONS

The following signs shall be exempt from the provisions of this sign Division, provided that they satisfy the requirements set forth in this section. Sign permits are not required for the following signs:

A. **Traffic signs.** All signs erected in a public right-of-way by a public agency or on a private road right-of-way for controlling or directing traffic.
B. **Political signs**. Political signs pertaining to a specific election, which are displayed not earlier than 30 days prior to the primary election and are then removed by the candidate or property owner who placed the sign within five (5) days after the general election; if there is no primary election, the sign shall be erected not earlier than 30 days prior to the general election, and the sign shall be removed five (5) days after the general election. All signs shall be located on private property and shall not impede the public right-of-way.
C. **Flags**. Official, State, and Nation flags shall be permitted. Corporate flags are permitted and shall be limited to one (1) flag 15 square feet in size, which shall not be deducted from the total signage permitted. Flagpoles are permitted provided that a building permit is obtained and that the height of the pole does not exceed the maximum height for structures within the zoning district that the property is located.
D. **Property notification signs.** Private warning signs and for sale or for rent signs are permitted, provided that they do not exceed four (4) square feet per side, for a total of eight (8) square feet.
E. **Street numbers.** Numbers placed on a structure for purposes of identifying the address or the location.
F. **Vehicular Signs**. All signs placed in or upon a vehicle or trailer, including mass transit vehicles.
G. **Construction signs**. Construction signs for buildings or projects, naming owners, contractors, subcontractors and architects shall be permitted, provided that they do not exceed one sign of thirty-five (35) square feet for each street frontage of the building or project.
H. **Town, State, or National historical signs.** Those buildings designated by the Town Council, the State of Wyoming, or the United States as having historical significance to the community are permitted one historical plaque per street frontage.
I. **Informational signs.** An on-premise sign designed to provide courtesy information or direction to the public by using such words as “entrance”, “exit”, “parking”, “drive-up”, “restrooms”, “parking”, or similar directional instruction, but not including any advertising of the business. The directional signs shall not exceed six square feet in area. The maximum height should be four feet unless attached to an existing freestanding sign.

SECTION 4640. NONCONFORMING SIGNS

A. **Nonconforming sign**. Any sign that was legally erected or existed prior to the adoption of this Section that does not comply with the provisions of this Division.
B. **Repair and Maintenance of Nonconforming Signs**. Any lawfully existing nonconforming sign may be repaired and maintained. However, existing nonconforming signs shall not be enlarged, reworded (other than readerboard signs), redesigned or altered in any way, except to conform to the requirements set forth by this Division. Businesses that change names shall be required to conform to the provisions of this Division.

C. **Multiple Tenant Structures.** Structures with previously approved Master Sign Plans shall be permitted to change signs on structures and freestanding signs, provided that they maintain the sign sizes previously approved for each business. With the exception of sign sizes, all new signs shall conform to the standards set forth in this Division.

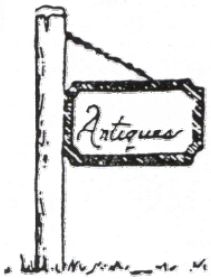
D. **Historically Significant Signs.** These are nonconforming signs designated by the Town Planning Department or the Historical Society as those that have significant historical value to the Town. Routine maintenance, including painting and replacement of lights shall be permitted. A list of such historical signs is available within the Town Planning Department.

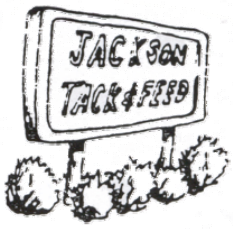
SECTION 4650. SIGN TYPES

A. **Banner Sign.** An advertising sign intended to be hung either with or without a frame possessing characters, letters or ornamentations applied to paper, plastic or fabric.

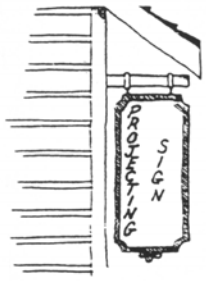
B. **Canopy or Marquee Sign.** A sign attached to or constructed in or on a canopy or marquee (see example below).

C. **Freestanding Sign.** A sign erected on a freestanding frame, mast or pole, not attached to a building (see examples below).

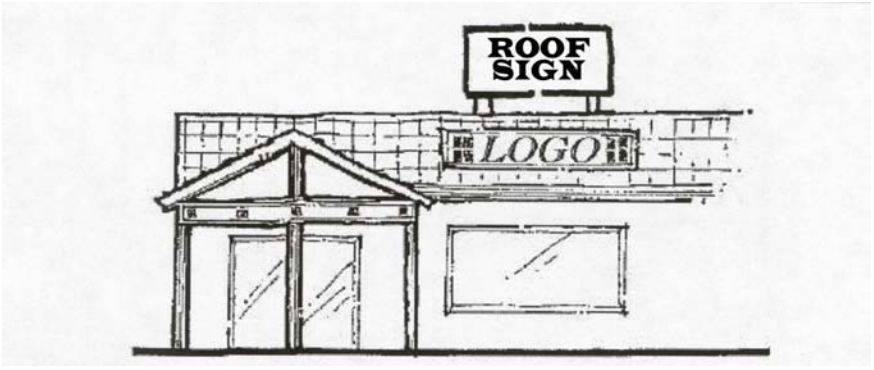




D. **Projecting Signs.** A sign, other than a wall sign, which is attached to and projects from a structure or building face (see example below).



E. **Roof Sign.** Any sign placed or painted above the roof or parapet wall of a structure (see example below).



F. **Sign.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, by which anything is made known and which are used to advertise or promote an individual firm, association, corporation, professional business, commodity, or product, that is attached to the outside of a building or on the exterior of windows that can be viewed from the public right-of-way. For the purposes of this section, the definition of a sign shall not include the organized outdoor display of merchandise, as defined in Section 4560.B. Open storage.

G. **Temporary or Portable Sign.** Any sign that is not permanently attached to the ground or a building. This shall include, but not be limited to, all devices such as banners, pennants, flags (not intended to include flags of any nation), searchlights, twirling or sandwich board signs, sidewalk or curb signs, balloons, air or gas filled figures, and signs on wheels.

H. **Wall Sign.** Any sign attached to, painted on, or installed upon a wall of a building, with the exposed face parallel to the building wall and/or parapet (see examples below).

SECTION 4660. SIGN DISTRICTS

For the purpose of determining allowable sizes, numbers, materials, placement and other requirements for restrictions on signs as set forth in this Division, the Town sign districts are as follows:

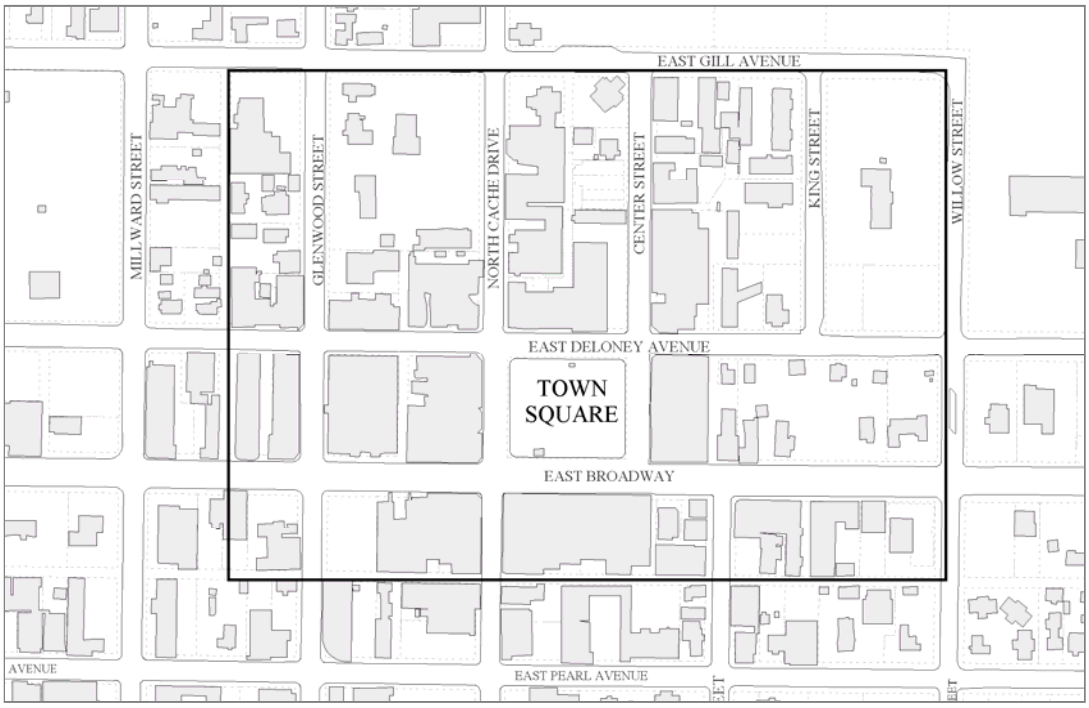
A. **Town Square Overlay Sign District.** The Town Square Overlay Sign District encompasses the boundaries depicted in Illustration 4660.1. Town Square Overlay Sign District Boundaries.

1. Two and one-half square feet of sign area for each lineal foot of building frontage up to a maximum of one hundred twenty-five square feet of total sign area is permitted, unless adjusted as hereinafter provided.
2. Two signs are permitted for each business per each street frontage.
3. **Permitted Signs.** Canopy, projecting, and wall signs, as defined in Section 4650. Sign Types.

    a. Projecting signs are permitted no higher than 24 feet above grade on any structure.
    b. Freestanding signs that are used as directories for more than three (3) businesses within a structure that do not have a street frontage are permitted, provided that they satisfy the requirements set forth by Section 4670.E. Freestanding Signs.
    c. The square footage of each side of projecting, canopy, and directory freestanding signs shall be counted toward the total square footage of signage permitted for the business.

4. **Prohibited Signs.** Roof, single-tenant freestanding, as well as all other signs specifically described within Section 4672. Prohibited Signs All Districts.

Illustration 4660.1 – Town Square Overlay Sign District Boundaries



B. **General Sign District.** All areas within the corporate limits of the Town of Jackson, where signs are a permitted use, pursuant to the Land Development Regulations in place at the time, with the exception of the Town Square Overlay District.
   1. Three square feet of sign area for each lineal foot of building frontage up to a maximum of one hundred fifty square feet of total sign area is permitted, unless adjusted as hereinafter provided.
   2. Three signs are permitted for each business per each street frontage.
   3. For each projecting or freestanding sign approved for a development, a 10% penalty per sign shall accrue.
   4. **Permitted Signs.** Canopy, wall, freestanding, and projecting signs, as defined in Section 4650. Sign Types.
      a. Projecting signs are permitted no higher than 24 feet above grade on any structure.
      b. The square footage of each side of projecting, canopy, and freestanding signs shall be counted toward the total square footage of signage permitted for the business.
   5. **Prohibited Signs.** Roof,-as well as all other signs specifically described within Section 4672. Prohibited Signs All Districts.

C. **Multiple Tenant Sign Area Adjustments.** To allow and encourage certain types of signs, as well as to provide adequate advertising for multiple tenant and mixed use structures.

1. For buildings containing three or more tenants, the maximum total square footage allowable for all signs may be increased by 25% for each additional tenant or business up to an increase of 150% of total sign area.
2. Preliminary Master Sign Plans depicting the size and proposed location(s) of all signs for any structure with three or more tenants are encouraged to be submitted with Final Development Plan applications.

SECTION 4670 SIGN MATERIALS AND DESIGN

A. **Materials.** Signs may be constructed of, but not limited to painted, stained or carved wood; brick or stone; glass; high density urethane foam; gold leaf and silver leaf; metal, which is painted, rusted, or anodized, rust resistant, or otherwise treated to prevent reflective glare. Prohibited materials include: plexiglass, polymers, plastics, acrylic, lexan, and flex face, with the exception of those used for letters, as defined in Section 4670.H. Sign Lighting.

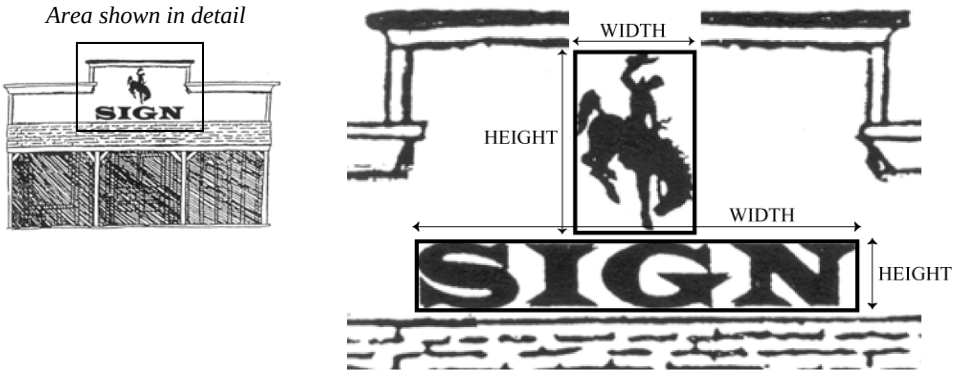
1. Background colors may include any color, with the exception of white or yellow, fluorescents, and certain tints of said colors. A complete color palette is available in the Town Planning Department, and paint samples are required with the application submittal for all tints of white and yellow for proposed backgrounds of signs. For the purposes of this section, a background shall include any part of a building altered or painted for the purposes of displaying a sign.
2. White and yellow letters and/or graphics are permitted on a sign, provided that they do not exceed 50% of the entire face of the sign.
3. Readerboard signs shall be permitted to have a white background for the copy portion of the sign only. Provisions for permitted readerboard signs are set forth in Section 4672. Prohibited Signs All Districts.

B. **Measurement Standards for Signs.**

1. All signs shall be measured by the outer portion of the sign and shall include any designs, logos, and pictures.

2. For signs that consist of letters or pictures placed directly upon a building, a box shall be drawn around all letters, designs, logos, and pictures for measurement purposes. No

more than four (4) boxes may define a sign area. All letters contained within each word on a sign shall be measured by one (1) box drawn around the entire word.



C. **Support structures.** Exposed metal support structures for signs shall be faced or covered with wood or stone or shall consist of wrought iron or other decorative or artistic metal, which shall be reviewed and approved by the Planning Director. Metal connecting devices, such as straps, chains, bolts, eyebolts, sleeves or collars used for connecting the sign to the sign structure or building are permitted and shall not be considered a support structure.

D. **Display Standards.** The display of all signs regulated by this Division shall conform to the standards set forth in this section.

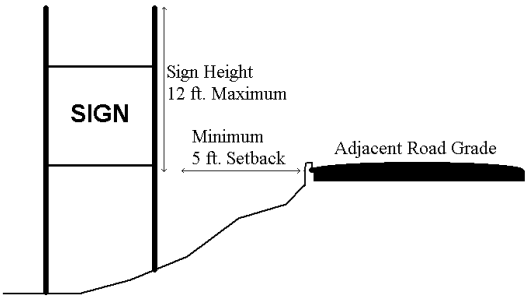
1. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of traffic signs, signals, or other devices for traffic control. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals or devices, nor shall they be lighted in a way, as to cause glare or impair driver visibility upon roads.
2. 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.
3. Signs shall not be mounted on permanent natural feature on the site, with the exception of imported rocks and stone. No natural feature shall be defaced for the purpose of displaying a sign. Rocks and stones imported to the site may be engraved with signage.
4. Signs shall not be located in such a way as to impede clear sight distance or located in such a way as to obstruct devices and signs that control traffic. Signs that impede the clear sight distance or obstruct traffic control devices will be removed by the Town of Jackson and/or the Wyoming Department of Transportation.
5. Signs shall not be permitted within the public right-of-way, and will be removed by the Town of Jackson and/or the Wyoming Department of Transportation.

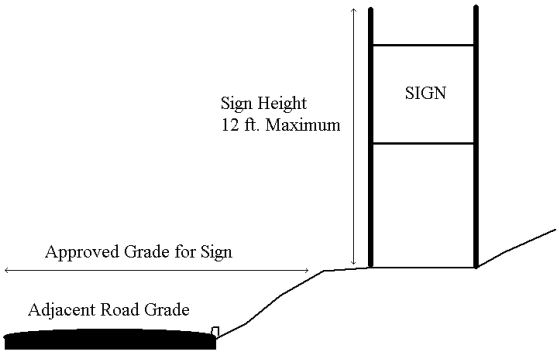
E. **Freestanding Signs.**

1. Permitted freestanding signs and support structures within the UC, UC-2, AC/LO, OP, OP-2, BC, RB, UR, AR, SR, NC zoning districts and the Town Square Overlay Sign

District shall not exceed six (6) feet in height. Zoning districts are described in Division 2100. Purpose of Zoning Districts.

2. Permitted freestanding signs and support structures within the AC and BP zoning districts shall not exceed 12 feet in height. Zoning districts are described in Division 2100. Purpose of Zoning Districts.
3. Sign heights for freestanding signs including support structures shall be measured from the adjacent road grade to the top of the sign including support structures.
4. If the adjacent road grade is lower than the proposed freestanding sign, the sign shall be measured from the approved grade at the base of the proposed sign to the top of the sign including support structures.





5. Permitted freestanding signs within the Town Square Overlay shall satisfy the minimum setbacks as required by Table 2400. Dimensional Limitations or the setbacks for an approved Final Development Plan.
6. Freestanding signs within the AC, UC, UC-2, AC/LO, OP, OP-2, BC, RB, UR, AR, SR, NC, and BP zoning districts shall be setback a minimum of 5-feet from the property line, provided that no utilities exist under the proposed sign location.

7. Where applicable, signs shall be incorporated into proposed landscape plans for approved developments and shall be reviewed in conjunction with a Final Development Plan pursuant to Section 51200. Development Plan.
8. Signs shall be architecturally integrated with the structure by including materials, shapes, and/or colors utilized in the building design.
9. Freestanding signs shall be measured from the bottom of the sign at the approved grade to the uppermost extensions of the sign. For measurement purposes, the height shall include any wood supports or decorative wood and metal extending above the sign. See definition of Height of Structure in Section 4690. Definitions.

F. **Height and Clearance.**
1. The clearance of a projecting, canopy, or roof sign shall be 7 feet 6 inches from the average grade. Canopy and projecting signs shall be measured from the top of the sidewalk to the bottom of the sign.
2. No projecting sign or canopy sign shall extend from a building to a point beyond 18 inches from the back of the adjacent curb.

G. **Window signs.** Signs displayed on the inside or outside of windows in buildings are permitted, provided that they comply with the following standards. For the purposes of this section, window displays, such as clothing, merchandise and real estate photographs, shall be exempt, provided that they are displayed inside the window.
1. Window signs shall not count toward the total allowable signage for a structure, provided that the signage does not advertise the business name or logo. Window signs that advertise the business name shall be counted toward the total signage for the business.
2. Window signage may occupy no more than 25% of the area of the entire window surface in which it is displayed. In no event shall window signage exceed 16 square feet in any window surface. Refer to Section 4690. Definitions for Window Surface Area.
3. Prohibited features of window signs shall include profanity, flashing lights, rotating beacons, scrolling pictures, and electronic or mechanical features. Sexually explicit nudity, as defined by Section 4690. Definitions is expressly prohibited within windows.

H. **Sign Lighting.** The following section describes the types of lighting and the criteria for lighting signs within the Town:
1. **Exterior lighting.** Exterior lighting may be permitted, provided that the following criteria is satisfied:
   a. Lights shall be designed, located, shielded and directed in such a manner that the light source is fixed and is not directly visible from, and does not cast glare or direct light upon any adjacent public right-of-way, surrounding property, residential property or motorist's vision.
   b. At the Planning Director’s discretion, any proposed external lighting application may be required to submit professional Engineering and/or Architect plans and photometric maps depicting the types of lighting to be used.
   c. All signs containing electrical wiring shall be subject to the provisions of the Electrical Code in place at that time and the electrical components shall bear the label of an approved testing agency. Said wiring components shall be submitted to the Electrical Inspector for review and approval.

2. **Internally lighted.** Internal lighting may be permitted, provided that the following criteria is satisfied:
    a. The total surface area of the sign that emits lighting shall not exceed 15% of the overall surface of the sign. A two-sided freestanding sign shall be permitted 30% of total surface area of both sides of the sign.
    b. Plastics, polymers, acrylics, and like materials may be used for letters, with the exception of white plastics, provided that the plastic exceeds no more than 15% of the total surface area of the sign or 30% of a two (2) sided sign.
    c. The proposed light source shall not be visible from the exterior of the sign, which shall include the back, edges, and sides.
    d. Florescent and/or neon lighting is ~~not~~ permitted as a source of internal lighting.
    e. Any proposed internally lighted sign application shall submit professional Engineering and/or Architect plans and photometric maps depicting the types of lighting to be used. The percentage of lighting, not to exceed 15%, shall be depicted on the plans.
    f. All signs containing electrical wiring shall be subject to the provisions of the Electrical Code in place at that time and the electrical components shall bear the label of an approved testing agency. Said wiring components shall be submitted to the Electrical Inspector for review and approval.
3. **Backlit Signs.** Backlit signs may be permitted, provided that the following criteria is satisfied:
    a. Signs shall be lighted from a source mounted on the wall behind the proposed sign and shall not be visible through the sign. Lighting shall be visible only along the edges of the sign and light shall not extend more than three (3) inches beyond the sign edges.
    b. Florescent and/or neon lighting is ~~not~~ permitted as a source for backlighting.
    c. Plastics, polymers, acrylics, and like materials may be used for letters, with the exception of white plastics, provided that the plastic exceeds no more than 15% of the total surface area of the sign or 30% of a two (2) sided sign.
    d. Any proposed backlit sign application shall submit professional Engineering and/or Architect plans and photometric maps depicting the types of lighting to be used.
    e. All signs containing electrical wiring shall be subject to the provisions of the Electrical Code in place at that time and the electrical components shall bear the label of an approved testing agency. Said wiring components shall be submitted to the Electrical Inspector for review and approval.

I. **Temporary Signs - Permitted Uses.**
1. Temporary banners advertising grand openings on a one-time basis, provided that a sign permit is obtained. The banner may be placed on the structure for no more than two (2) weeks and shall be wholly contained on private property.
2. Temporary banners, sandwich boards, and a-frame signs for privately sponsored outdoor expositions, provided that an outdoor exposition license and a sign permit are obtained. A maximum of two (2) banners shall be permitted, and the banner(s) shall be displayed on the starting day of the event and shall be removed on the last day of the event. All approved banners shall be contained on private property and shall not impede the public right-of-way. Party type balloons shall be permitted in order to attract attention to the

outdoor exposition, provided that they are maintained on the subject property and are removed immediately following the close of the event.

3. Temporary banners, sandwich boards, and a-frame signs sponsored by profit and nonprofit groups, organizations and associations, provided that a special event license and a sign permit are obtained. A maximum of four (4) temporary signs are permitted, and the signage shall be displayed on the starting day of the event and shall be removed on the last day of the event. For events that are sponsored by non-profit groups, proof of Tax Exempt status must be provided or a copy of the Business License submitted with the sign permit application. Off-site banners are permitted with written consent from the property owner(s). Banners shall not impede the public right-of-way. Party type balloons shall be permitted in order to attract attention to the special event, provided that they are maintained on the subject property and are removed immediately following the close of the event.
4. Town Council approval shall be required for temporary signs used for events not requiring a Special Event License or Exposition License.
5. Temporary uses, as defined within Section 2220. Definitions of Use Schedule shall be permitted one 16 square foot sign, provided that it is maintained on private property and is removed immediately following the close of the temporary use.
6. For special events for non-profit groups, organizations, and associations, a sign permit may be obtained to utilize the light pole banners located along West Broadway Avenue and North Cache Drive. These banners shall not contain any commercial advertisements or sponsors. The Jackson Hole Chamber of Commerce shall review and approve all light pole banners prior to installation.
7. Community signboards for the display of special events signage shall be approved by the Town Council. Display standards and locations for said signs shall be provided for review and approval by the Town Council.

SECTION 4671. SIGN CONSTRUCTION STANDARDS

Signs and sign structures shall be designed and constructed to resist wind and seismic force, as specified in the Building Division in place at that time. All freestanding signs shall be reviewed by the Planning and Building Department and the Public Works Department and may require a Building Permit. If there is any indication that the proposed sign or sign structure does not comply with the wind, seismic loads, or stresses, a Wyoming registered engineer's certification on the sign's structural plans shall be required.

SECTION 4672. PROHIBITED SIGNS ALL DISTRICTS

The following shall be prohibited in all districts:

A. **Rotating beacon lights.** Rotating lights attached to any sign structure, sign, or building.
B. **Moving signs.** Flashing, blinking, fluttering, undulating, swinging (non canopy signs), rotating, or otherwise moving signs, pennants, balloons, holograms, light beams, or other free flowing decorations.
C. **Temporary signs.** Banners, banner signs, portable signs or any device which can be classified as a portable sign, including, but not limited to: Signs with wheels that can be

rolled onto the sidewalk or street right-of-way, signs supported by an A-frame apparatus, signs supported by a heavy weight at the base, that can be rolled into place, or any other device in the form of a sign that is of a temporary nature and not permanently affixed to a building or sign structure. Refer to section 4670.I. Temporary Signs-Permitted Uses for exceptions.

D. **Off-premises signs.** Signs for advertising or identification of a business not located on the same premises as the sign. For the purposes of this definition, this shall include the outdoor display of items, which are not for sale within the business.
E. **Neon signs or valances.** Any neon sign located on the outside of a building or attached to a sign structure. Refer to Section 4673. Exceptions for permitted neon signs and valances.
F. **Readerboard or changeable-copy signs.** Refer to Section 4673. Exceptions for permitted readerboard and changeable copy signs.
G. **Roof signs.** Any sign placed or painted upon or above the roof or parapet wall of a structure.
H. **Profane language on signs.** As defined by Section 4690. Definitions.
I. **Sexually Explicit Nudity on Signs.** As defined by Section 4690. Definitions.

SECTION 4673. EXCEPTIONS

A. **Electrical and changing signs.** Signs denoting the correct time and temperature for the convenience of the public shall be permitted and shall not include more information than that stated above and the name of the business in ownership of the sign. Said sign shall not exceed 12 square feet for a single-sided sign and 24 square feet for a double-sided sign. The size of the sign shall be deducted from the allotted signage permitted for the business.
B. **Neon signs.** Vacancy and No Vacancy signs and Open and Closed signs shall be permitted, provided that the proposed sign does not exceed 10 square feet in size. For neon signs located within a window, see Section 4670.G. Window signs.
C. **Readerboard signs.**
    1. Readerboards for movie theatres, playhouses, theatres, and restaurants and bars with changing entertainment shall be permitted, provided that they are manually changed only. These signs shall conform to the design, material and freestanding sign standards set forth in this Division and shall not be internally lighted. A signage area increase of 50% shall be permitted for entertainment businesses requiring a readerboard.
    2. Readerboards for churches indicating the times of services, the clergy, quotes of scripture and special events are permitted, provided that they are manually changed only. These signs shall conform to the design, material and freestanding sign standards set forth in this Division and shall not be internally lighted.
    3. Gasoline service stations are permitted a maximum of two (2) readerboard signs for the purposes of displaying fuel prices, provided that they are manually changed only. These signs shall conform to the design and material standards set forth in this Division and shall not be internally lighted. Fuel prices shall not be changed more than one (1) time per day.
D. **Barbershop poles.** Barbershop poles with rotating stripes and internal lighting shall be permitted for traditional barbershops only (those businesses offering haircutting services without salons or spas), provided that the pole does not exceed four (4) feet in height and one (1) foot in width. The pole shall only be lighted and rotating during business hours and shall be attached to the structure in which the business is located.

E. **Directional signs.** An off-premise sign identifying and containing directional information to public places owned or operated by federal, state, or local governments or one of their agencies; or an off-premises sign identifying and containing directional information to sites, which the Town Council has determined to have a historic, cultural, educational, scientific, and religious significance to the community and visitors, and which are difficult to locate without such a sign. Information on directional signs shall be limited to the name of the site, directional arrow, and mileage to the site. Signs shall not exceed six square feet in area. The maximum height of the sign shall be the same as freestanding signs in the zoning district in which the sign is located.

SECTION 4680. MAINTENANCE AND REPAIR

Every sign, including, but not limited to, those signs for which permits are required or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural condition at all times. This shall include the repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign.

The Planning Department shall require compliance with all standards of this Division. If the sign is not made to comply with adequate safety and maintenance standards, the Planning Director shall require its removal in accordance with this Division.

SECTION 4681. REMOVAL AND DISPOSITION OF SIGNS

A. **Abandoned Signs.** Any sign that is located on property that becomes vacant and unoccupied for a period of three months or more, or any sign that pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. The owner of the premises on which the sign is located shall remove abandoned signs.
B. **Dangerous or Defective Signs.** No persons shall maintain or be permitted to maintain a sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owners to remove or repair a dangerous or defective sign, the Planning Department, in conjunction with the Police Department, shall issue a citation and/or applicable fines for the removal of said sign.
C. **Removal of signs.** The Planning Director shall have the authority to remove any sign that endangers the public safety and welfare of the community, in ill repair, or that has not been issued a sign permit.
D. **Cost of removal.** Any sign removed by the Planning Director pursuant to the provisions of this section shall become the property of the Town and may be disposed of in any manner deemed appropriate. The owner shall pay any and all costs associated with the removal. 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.
E. **Directional signs.** An off-premise sign identifying and containing directional information to public places owned or operated by federal, state, or local governments or one of their agencies; or an off-premises sign identifying and containing directional information to sites, which the Town Council has determined to have a historic, cultural, educational, scientific, and religious significance to the community and

visitors, and which are difficult to locate without such a sign. Information on directional signs shall be limited to the name of the site, directional arrow, and mileage to the site. Signs shall not exceed six square feet in area. The maximum height of the sign shall be the same as freestanding signs in the zoning district in which the sign is located.

SECTION 4690. DEFINITIONS

Abandoned sign on premises. Any sign, sign message, or sign frame and its supporting equipment that is in disrepair, no longer in use by the occupying business, nonfunctioning, or a threat to the health, safety, and welfare of the general public.
Background Area. The entire area of a sign on which lettering and/or graphics can be placed.
Building Division. The Building Division in effect for the Town of Jackson.
Building Face or Wall. All wall areas of a building in one plane or elevation.
Building Frontage. Building frontage means the linear width of the building façade or building elevation facing the right-of-way.
Changeable Copy Sign (Manual). A sign on which copy or sign panels that can be manually changed, such as boards with changeable letters or changeable pictorial panels.
Construction Sign. A temporary sign identifying a building or construction site and the architects, engineers, financial institutions, contractors and suppliers involved.
Display Surface Area. The area enclosed by the outer extremities of all letters, graphics, characters, or delineations used for the purpose to attract attention. A display surface shall not include supports or devices used to attach the sign to a structure.
Flashing Sign. Any sign containing an intermittent or flashing light source, or includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source.
Height, Building or Structure. A freestanding sign is considered a structure and shall follow this definition. 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 grade directly adjacent to the structure 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. The vertical dimension from the highest point of the structure to the lowest point of finished grade, as viewed on any structure face or elevation, shall not exceed 110 percent of the maximum height allowed. No part of any structure may exceed the maximum structural height except for the following:

1. Chimneys, vents, and roof-top mechanical equipment such HVAC systems, provided that the maximum height is not exceeded by more than four (4) feet; and/or
2. Antenna used for the reception of television broadcast signals. (Ord. 607 § III, 1998)

Neon Sign. Any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.
Nonconforming Sign. Any advertising structure or sign that was lawfully erected and maintained prior to the creation and any amendments of this Division that fails to conform to all applicable regulations and restrictions of this Division.

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

Permanent Sign. A sign that is permanently attached to a building, post, frame, pole, or mast with bolts, concrete footings or foundations, or such similar devices.

Premises. Premises means an area of land with its appurtenances, buildings, and/or structures, which, because of its unity of use, is one (1) unit of real estate.

Profane Language on Signs. Any signs that can be viewed by the public that involves the use of profane or vulgar language, words, epithets, or expressions.

Sexually Explicit Nudity on Signs. Means the depiction of uncovered human genitals, pubic area, buttocks, or the human female breast on a sign that can be viewed by the public.

Unadjusted Sign Area. The amount of signage allotted to a particular building based on the linear footage of the building and the sign district in which it is located.

Window Surface Area. All glass and glass surfaces within same vertical plane or wall of a structure.

DIVISION 4700 TRANSPORTATION FACILITIES

SECTION 4710 PURPOSE

The purpose of this Division is to control access to public roadways in a manner that maintains the safety, capacity, and function of the roadway and to provide standards for transportation facilities, including streets, alleys, access easements, and pathways.

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 and cluster development, shall take direct access to collector or arterial streets where available.

C. Nonresidential uses. All nonresidential uses shall take primary access from a parking circulation aisle or drives designed to provide internal circulation within the development or for several 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 thirty five (35) miles per hour (mph) or more.

SECTION 4730 STREETS, ALLEYS AND EASEMENTS

A. Standards. The standards for right-of-way and street design are to be used in the design and construction of all new streets, and as guides in the improvement of the existing street system. It is recognized that standards cannot be developed which will apply to all situations. In those instances where these standards are not applicable, the proposed design must be reviewed by the Town Engineer, and approved and accepted by the Town Council.

B. Objectives. The purpose for presenting street development standards is to establish factors which shall be considered in the design process. The objectives presented are a mixture of proven criteria, specification standards, and performance experience bearing upon practical street design concerns. It should be clearly understood that a minimum standard defined to assure functional utility may not be adequate for some specific developments.

C. General standards

1. Adequate access. Adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels**.**

2. Minimize through traffic. Local street system shall be designed to minimize through-traffic movements.

3. Minimize out-of-the-way travel. Street patterns shall minimize out-of-the-way vehicular travel.

4. Logical and comprehensible. Street systems shall be logical and comprehensible, and systems of street names and house numbers shall be simple, consistent and understandable. All enumeration shall be in accordance with **Chapter 8.28, House Numbering, of the Jackson Municipal Code.**

5. Not detract from efficiency. Local circulation systems and land development patterns shall not detract from the efficiency of bordering major streets.

6. Not rely on extensive traffic regulations. Elements in the local circulation system shall not have to rely on extensive traffic regulations in order to function efficiently and safely.

7. Consider traffic generators. Traffic generators within residential areas shall be considered in the circulation pattern.

8. Indicate local function. Planning and construction of residential streets should clearly indicate their local function.

9. Design for relatively low volume. The local street system shall be designed for a relatively uniform low volume of traffic.

10. Design to discourage excessive speed. Local streets shall be designed to discourage excessive speeds.

11. Minimize conflicts. Pedestrian-vehicular conflict points shall be minimized.

12. Minimize space devoted to streets. A minimum amount of space shall be devoted to street uses.

13. Minimum number of intersections. There shall be a minimum number of intersections.

14. Practical development patterns. The arrangement of streets will permit economical and practical patterns, shapes and sizes of development parcels.

15. Relation to topography. Streets shall be related to topography from the standpoint of both economics and amenities.

16. Provision for transit service. Appropriate provisions for transit service within residential areas shall be established.

17. Street layouts. Street layouts shall conform to adopted plans and policies. The developer shall not be permitted to reserve a strip of land for the purpose of controlling access to a street.

18. Alleys. Paved alleys in residential subdivisions may be permitted. Alleys or service areas shall be provided in commercial and industrial areas to provide access.

19. Easements. Easements shall be provided along lot lines as required for utilities and snow storage. Alleys that are available may be used as a substitute for some utility easements. Utility easements may be fenced, but shall be easily accessible by means of removable fence sections or gates. No permanent structures shall be erected on easements.

20. Dedicate rights-of-way. A developer shall be required to dedicate rights-of-way for public streets and easements that are needed to serve the area being developed. Existing roads in or adjoining the site being developed shall be dedicated to the minimum width required by the classification. Right-of-way and temporary dead-end streets shall be provided to provide access to adjacent lands and facilitate a smooth efficient circulation pattern.

D. Provision for extension of roads. In all cases provisions shall be made for the extension of arterials and collectors as designated on the Comprehensive Plan. The street standards (typical sections) shown shall govern the development of designated streets in the Town.

E. Engineering evaluations. Decisions regarding street layout shall result from engineering evaluations of a variety of factors including topography, soil characteristics, geologic conditions, drainage patterns, potential storm runoff, length and character of streets, types and locations of abutting land uses and purpose of individual streets. Neighborhood street layouts shall be designed to prevent, or discourage, the use of local streets as shortcuts for through traffic. To the extent feasible, the number of street intersections shall be minimized, and the overall length of streets should also be minimized. Major elements of the street system may be used to help define and buffer different land use areas enhancing their identity and cohesiveness.

F. Access

1. Connection to dedicated streets and pathways. Except for courts and cul-de-sacs, streets and pathways shall connect with those already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts.

2. Cul-de-sacs. Local streets shall be so planned as to discourage their use by non-local traffic, but provisions must be made for adequate traffic circulation. Courts or cul-de-sacs will be permitted where topography, enhancing privacy or other conditions fit their use, so long as adequate traffic circulation is provided. Cul-de-sacs shall not be longer than seven hundred (700) feet, and five hundred (500) in hillside and commercial subdivisions. A paved turnaround shall be provided at the closed end, with a radius of at least fifty (50) feet to the inside edge of curb and gutter and a right-of-way radius of at least sixty-five (65) feet, unless special provisions for snow storage are provided.

3. Access points. Access points from subdivisions to major highways and arterial streets shall be limited in number, given special geometric design consideration, generally spaced one thousand two hundred (1,200) feet apart, and whenever possible located where other

features are not competing for driver attention. Access points may require the construction of acceleration, deceleration and turning lanes to existing highways, or arterial streets, when warranted by expected future traffic volumes to the subject or related subdivision. Driveway entrances shall not be allowed on arterial or collector streets unless no other access option exists. Driveways shall not be located in less than fifty (50) feet from the curb-line on a intersecting street. Driveway entrance dimensions and construction details shall be in accordance with the driveway standards.

G. Right of Way

1. Accommodate all uses and facilities. Street right-of-way must be sufficient to accommodate vehicular traffic; bicycles; pedestrians; all public and other required utilities; snow storage; on-street parking where provided and in some cases, pathways, special storm-drainage facilities, or other special treatments such as medians or traffic channelization.

2. Minimum widths. In accordance with the street standards for all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets, alleys or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification listed in **Table 4730.G, Right-of-Way Widths,** and shall be in accordance with the Comprehensive Plan.

Table 4730.G.
RIGHT-OF-WAY WIDTHS

	Design Speed (mph)	Capacity Average Daily Traffic (ADT)	R.O.W.
Major Arterial (limited access)	**55**	**8000 and up**	**100 feet**
Minor arterial	**45**	**3500 - 8000**	**80 feet**
Collector	**35**	**1500 - 3500**	**66 feet**
Collector - Hillside	**30**	**1500 - 3500**	**60 feet**
Local	**25**	**up to 1500**	**60 feet**
Local - Hillside	**20**	**up to 1500**	**50 feet**
Cul-de-sac	**25**	**up to 1500**	**65 foot radius**
Alley	**15**		**25 feet**
Pathway			**20 feet**
Pedestrian way			**6 feet**

3. Drainage easement. A drainage easement, in addition to the provided street right-of-way width, may be required where streets parallel streams or drainage areas.

4. Drainage easement width. The widths of such drainage easements shall be determined by the Town Engineer subject to an approved drainage plan.

H. Pavement widths and thickness

1. Widths. Street widths shall be in accordance with **Table 4730.H, Street Widths.**

a. Alleys. Alleys shall have a minimum pavement width of twenty (20) feet.

b. Off-street pedestrian ways. Off-street pedestrian ways shall have minimum pavement width of five (5) feet.

c. Turning, acceleration, and deceleration lanes. Street turn-lanes provided at intersections and acceleration/deceleration lanes shall be ten (10) feet wide.

d. Pathways. Bicycle ways shall have a minimum pavement width of eight (8) feet. Where bicycles and pedestrian paths are combined, the minimum width is ten (10) feet.

e. Variations. Variations in paving widths are given to provide flexibility, reduce costs and reduce pavement areas. However, consistency within a continuous right-of-way is required.

Table 4730.H.
STREET WIDTHS (feet)

	Paved Travel Way	Paved Parking Lane	Paved Shoulder (no pkg)	Graded Shoulder (no curb)
Major arterial (limited access)	**24**	**n/a**	**8**	**2**
Minor arterial	**24**	**n/a**	**6**	**2**
Collector	**24**	**10**	**6**	**2**
Collector - Hillside	**22**	**9**	**4**	**2**
Local	**20**	**9**	**2**	**2**
Local - Hillside	**20**	**9**	**2**	**2**
Cul-de-sac	**50 radius**	**n/a**	**n/a**	**n/a**

2. Parking lane required. A parking lane is required on each side of the travel way on collector and local streets. When a variance to remove a parking lane is granted by the Town Council, the paved shoulder width shall apply.

3. Design by registered engineer. The street structural section shall be designed by a registered engineer based on the physical characteristics of the soils upon which the street is to be constructed and the projected future traffic volumes for the street.

I. Urban and Rural Classifications. The primary visual differences between urban and rural are vertical curb-and-gutter and pedestrian ways. Vertical curb-and-gutter in conformance with these standards shall be provided where the density level exceeds four (4) units per acre (high). In density levels between two (2) and four (4) units per acre (medium), both urban and rural sections are allowed. Curb-and-gutter shall be used as described below and where intersections of roads generally in the development are closer than five hundred (500) feet apart. In densities less than two (2) units per acre (low), it shall be provided where it is determined necessary to:

protect pedestrians; protect children at play; define the roadway in unusual higher traffic areas than surrounding development suggests; define and control traffic at intersections; controlled access is desired; provide for better storm drainage solutions in level terrain or poor soil/erosion conditions.

J. Horizontal Alignment

1. Relate to natural contours. Both horizontal and vertical street alignment should relate to the natural contours of the site insofar as is practical while being consistent with safe geometric design.

2. AASHTO policy. Arterial streets shall be designed in accordance with AASHTO "A Policy on Geometric Design of Highways and Streets," AASHTO, 1990, as it may be amended and updated from time to time.

3. Radius curve. Collector and local street curves shall be designed with as large a radius curve as feasible, with the radius controls shown in **Table 4730.J, Minimum Curve Radius and Tangent Lengths.**

4. Switchbacks. Where topography is such that it is necessary to include "switchbacks" in the local street layout, the minimum radius may be reduced to fifty (50) feet, provided that the street grade is not greater than four (4) percent through the switchback and for a distance of one hundred (100) feet each way from the point of tangency.

5. Commercial and industrial areas. Street alignment in commercial and industrial areas shall be commensurate with the topography but shall be as direct as possible. Alignment in residential areas shall fit closely the existing topography to the extent possible without reducing the safety of the facility.

Table 4730.J
MINIMUM CURVE RADIUS AND TANGENT LENGTHS

Design speed (mph)	**15**	**20**	**25**	**30**	**35**	**40**	**45**	**50**	**55**
Minimum centerline radius	**60**	**100**	**175**	**250**	**275**	**550**	**700**	**850**	**1200**
Minimum tangent length between points of tangency	**50**	**75**	**100**	**150**	**200**	**250**	**250**	**250**	**250**
***15 and 20 mph curves restricted to hillside conditions.**									

K. Vertical Alignment

1. Natural topography. Vertical street alignments shall relate to the natural topography insofar as is practical so as to minimize the need for cuts or fills while being consistent with safe geometric design.

2. AASHTO Policy. Arterial streets shall be designed in accordance with AASHTO "A Policy on Geometric Design of Highways and Streets," AASHTO, 1990, as updated from time to time.

3. Minimum sight distance. All changes in street grade shall be connected by vertical curves of such length to provide for the minimum stopping sight distances noted in **Table 4730.K, Minimum Sight Distances.**

Table 4730.K MINIMUM SIGHT DISTANCES		
Street Classification	**Terrain Class**	
	Level	**Hillside**
Arterials	**350 ft.**	**300 ft.**
Collectors	**250 ft.**	**150 ft.**
Locals	**200 ft.**	**110 ft.**
Marginal access	**250 ft.**	**150 ft.**

L. Grades

1. Maximum street grades. Table 4730.L, Maximum Street Grades, outlines the maximum street grades for arterial, collector, and minor streets.

Table 4730.L. MAXIMUM STREET GRADES		
	Normal	**Hillside**
Arterial	**6%**	**N/A**
Collector/Marginal Access	**7%**	**7%**
Local	**8% (6% in commercial and industrial areas)**	**8% (sustained) 10% (point grade)**

2. Minimum grade. In order to provide for proper drainage, the minimum grade to be used for streets with paved gutters shall be a minimum of one-half (0.5) of a percent. Where grades of four (4) percent or steeper are necessary, the drainage design may become critical. On such grades, if curb and gutter is not used, an analysis of soil erosion in ditches or swales shall be performed and the mitigation of erosion provided.

3. Crown. All pavements on local or collector streets shall have a normal crown with a typical cross-slope of fifteen-thousandths (0.015) foot per foot. Pavement cross-slope on local or collector streets at intersections or in special cases shall not exceed three-hundredths (0.03) foot per foot.

4. Cut or fill slope. Finished cut or fill slope shall be no steeper than two (2) foot horizontal to one (1) foot vertical (2:1) unless stabilized with structural support. Cut or fill slopes for roads shall not exceed fifteen (15) feet in height unless approved by the Town Engineer and said slopes have been designed considering soils properties. Fill slopes shall not be located on natural slopes two (2) foot horizontal to one (1) foot vertical (2:1) or steeper.

5. Tops and toes of cut-and-fill slopes. Tops and toes of cut-and-fill slopes shall be set back from site boundaries a distance of five (5) feet plus one-half of the vertical height of the cut or fill slope, but not more than a horizontal distance of fifteen (15) feet shall be required. Tops and toes of cut-and-fill slopes shall be set back from structures a distance of six (6) feet plus one-fifth the height of the cut or fill.

6. Relation to base of slope. 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 existing or planned cut slope, except at road switchbacks.

M. Intersections

1. Intersect at right angles. Streets shall be laid out so as to intersect at right angles. Where topography or other site conditions justify variations, a minimum angle of intersection of two local streets shall be seventy (70) degrees, and a minimum angle of intersection involving an arterial or collector street shall be eighty (80) degrees.

2. Safe sight distances. Safe sight distances at all intersections shall be assured. Intersections including median openings shall be designed with adequate corner sight distance and the area kept free of obstacles. "Corner sight distance" is defined as measured from a point on the minor road at least fifteen (15) feet from the edge of the major road pavement and measured from a height of eye of three and three-quarters (3.75) feet on the minor road to a height of object of four and one-half (4.5) feet on the major road. The intersection sight distance shall be as shown in **Table 4730.K, Minimum Sight Distances.**

3. Sight obstruction. In addition to the corner sight distance requirement, no fence, wall, entrance, hedge, shrub planting, tree or other sight obstruction above two and one-half (2.5) feet above the pavement elevation shall be located within the triangular area formed by curb-lines and a line connecting them at points thirty (30) feet from their point of intersection in residential zoning districts and fifteen (15) feet in commercial zoning districts.

4. Streets entering at opposite sides. Streets entering the opposite sides of a street shall either be directly across from each other or offset by at least one hundred twenty-five (125) feet from centerline to centerline.

5. Gradient. The gradient within one hundred (100) feet of an intersection shall not exceed five (five) percent and shall be as flat as reasonably possible.

6. Curb corner radii. Curb corner radii at all intersections shall be a minimum of fifteen (15) feet, and ramps complying with the American Disabilities Act shall be provided at each corner.

7. Allow for traffic signal installation. Intersections which include collector or arterial streets shall be designed to allow for future traffic-signal installation. Geometry and all other details of these intersections shall be as approved by the Town Engineer.

8. Pedestrian crossings. Intersections shall provide for safe, visible, and functional pedestrian crossings.

SECTION 4740 PEDESTRIAN INFRASTRUCTURE AND AMENITIES

A. **Lodging Overlay and Town Square Overlay**. All new development, redevelopment and infill development in the Lodging Overlay and Town Square Overlay zones shall provide a minimum setback of ten (10) feet from the back of curb to the closest point on the building. Such space shall be clear space unencumbered by doors, windows, bay windows or any other building projections except for required canopies. New development shall provide amenities in this space. Those amenities may include sidewalks, boardwalks, canopies, benches, bike racks, snow storage, landscaping, bus stops or any other reasonable and appropriate amenity as determined by the Town Council upon recommendation from the Design Review Committee. Minor deviations from this standard may be approved by the Planning Director in the event of mapping errors, irregular surveys, atypical layout of rights of way, or other good cause shown by the applicant.

(Ord. 796 § 1, 2005)

SECTION 4750 RESERVED

SECTION 4760 RESERVED

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 Town Departments.

SECTION 4810 POTABLE WATER SYSTEM

A. State regulations. All potable water distribution systems shall comply with the Water Quality Rules and Regulations, Chapter XII, "Design and Construction Standards for Public Water Supplies," of the Wyoming Department of Environmental Quality, as adopted and filed with the Secretary of State, May 24, 1985, as may be updated from time to time.

B. Public distribution system required. A public distribution system as an extension of the system maintained by the Town, and individual water meters per building ownership, shall be required in all developments. Separate water districts will not be allowed.

C. Construction to meet State standards. Water system construction shall be in conformance with the Wyoming Public Works Standard Specifications-1993, as amended. Construction materials shall be approved by the Town Engineer.

D. Connection to mains. Water lines, where required, shall be designed to connect each parcel with mains in accordance with applicable engineering standards.

E. Provision for system expansion. Appropriate extensions and appurtenances shall be provided for system expansion into adjacent areas. The Town may elect to participate in certain over-sizing to achieve overall system improvements. The Town may require over-sizing and system improvements to insure adequate service within the development and impacted areas.

F. Extension approval. Water main extensions shall be approved by the State of Wyoming Department of Environmental Quality and the Town.

G. Fire Protection. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located in residential areas so that one (1) fire hydrant is available within three hundred (300) feet of every structure and two (2) are available within five hundred (500) feet of every structure. For commercial, high-density residential and industrial uses, the number and location will be required by the ISO analysis and shall be approved by the Jackson/Teton County Fire Department. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat. Fire hydrants shall be placed on a six (6) inch looped pipe minimum with the ultimate pipe size sized to accommodate anticipated fire flows.

SECTION 4820 SANITARY SEWER SYSTEM

A. Public system required. A public sanitary sewer collection system connected to the Town sewerage system shall be required.

B. State regulations. All sewerage facilities shall comply with the Water Quality Rules and Regulations, Chapter XI, "Design and Construction Standards for Sewerage Systems, Treatment Works, Disposal Systems, or Other Facilities Capable of Causing or Contributing to Pollution and Mobile Home Park and Campground Sewerage and Public Water Supply Distribution Systems," of the Wyoming Department of Environmental Quality, as adopted and filed with the Secretary of State on May 11, 1984, as updated from time to time.

C. Construction to meet State standards. Sewer system construction shall be in conformance with Wyoming Public Works Standard Specifications-1993, as amended. Materials of construction shall be approved by the Town Engineer.
D. Maximum allowable infiltration. Maximum allowable infiltration in sewer mains and services, including manholes, connected to the Town sewerage system is fifty (50) gallons per day per inch diameter per mile of pipe.
E. Provision for system expansion. Appropriate extensions and appurtenances shall be provided for system expansion into adjacent areas. The Town may elect to participate in certain over-sizing to achieve overall system improvements. The Town may require over-sizing and system improvements to insure adequate service within the development and impacted areas.

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.
C. Restriction of methods. The Town 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.

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. Professional to prepare stormwater management study. The applicant shall procure and submit to the Planning Director, a detailed study of the stormwater management required by the development, prepared by an engineer or landscape architect licensed in the State of Wyoming.

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 pre-development 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 **Tables 4920 A and B, Jackson IDF Curve Data** shall be used. Calculations for sites known to have greater precipitation shall increase these figures by an appropriate amount. Data twenty (20) percent greater shall be used for the Teton Village area.

2. Outlet control structures. Outlet control structures shall be designed as simply as possible and shall operate automatically. They shall be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed the runoff of the site in its pervious condition.

3. Spillway. Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity.

4. Dry bottom basin. For basins designed without permanent pools:

a. Interior drainage. Provisions must be made to facilitate interior drainage to include providing natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains.

b. Multi-purpose features. Dry bottom basins may be designed to serve secondary purposes for recreation, open space, or other types of use which will not be adversely affected by occasional or intermittent flooding.

5. Wet basins. Wet basins shall not be considered for river, stream, or lake bank buffer protection. Wet basins require a Reservoir Permit from the State Engineer's Office. For basins designed with permanent pools:

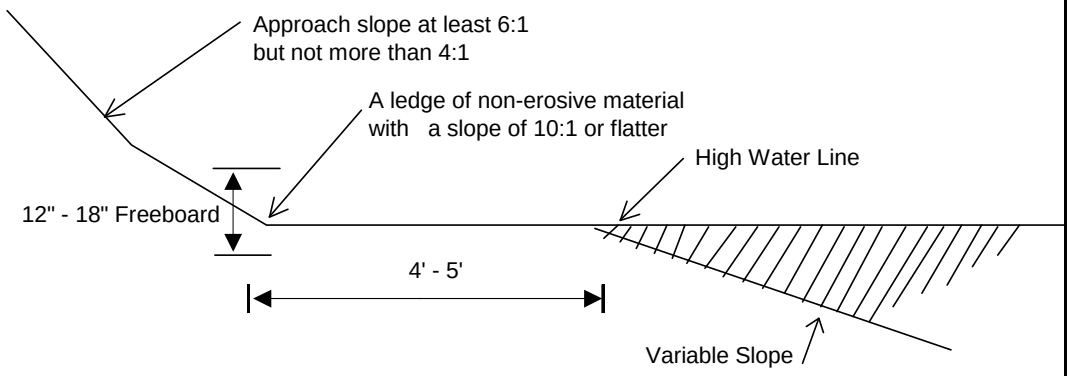
a. Depth for fish. If fish are anticipated at least one-quarter (0.25) of the area of the permanent pool must have a minimum depth of ten (10) feet.

b. Facilities for emptying. For emergency purposes, cleaning, or shoreline maintenance facilities shall be provided, or plans prepared, for the use of auxiliary equipment to permit emptying and drainage.

c. Safety considerations. Public access to wet basins shall be restricted by appropriately designed and constructed perimeter fences or other approved safety provisions. If access is not restricted, the wet basin shall be constructed within approach slopes of at least six to one (6:1) horizontal to vertical, but not more than four to one (4:1) sloping toward the basin. A ledge shall be of non-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. **Illustration 4920, Slope Requirement for Wet Stormwater Basins,** presents this concept.

Illustration 4920

SLOPE REQUIREMENTS FOR WET STORMWATER BASINS



6. Cleaning of basins. Basins shall be designed to allow periodic cleaning and removal of sediments. Sediment traps shall be designed to permit periodic cleaning and maintenance.

7. Parking lot storage. Paved parking lots may be designed to provide temporary detention storage of stormwater on a portion of their surfaces. Depths of storage shall not exceed six (6) inches.

8. Pollution abatement. Where a development will cause the introduction of new pollutants into the runoff water, adequate provision shall be made for the storage, treatment, and removal of such pollutants.

C. Inspection of facilities. The developer's engineer or landscape architect shall be required to inspect all drainage facilities under construction and certify their compliance with approved plans. In addition, the Town Engineer, or the Town Engineer's designated representative, may inspect all drainage facilities while under construction and after completion of construction to ensure that stormwater control facilities are being properly maintained and provided that such inspections shall be conducted during normal weekday working hours. In addition, the Town may install hydrological measuring devices in drainage facilities within any development. When facilities are not constructed according to approved plans, the Town has the explicit authority to compel compliance and require correction of any situation which is not according to the approved plans.

TABLE 4920.A JACKSON IDF* CURVE DATA - 10 YEAR STORM EVENT	
Recurrence Frequency = 10 percent	
Duration minutes	**Intensity inches/hour**
5	**1.80**
10	**1.42**
15	**1.19**
20	**1.05**
30	**0.83**
40	**0.67**
50	**0.57**
60	**0.51**
70	**0.47**
80	**0.43**
90	**0.40**
100	**0.37**
110	**0.35**
120	**0.33**
***IDF stands for Intensity-Duration-Frequency**	

TABLE 4920.B JACKSON IDF* CURVE DATA -100 YEAR STORM EVENT	
Recurrence Frequency = 1 percent	
Duration minutes	**Intensity inches/hour**
5	**3.00**
10	**2.33**
15	**1.90**
20	**1.65**
30	**1.30**
40	**1.08**
50	**0.95**
60	**0.82**
70	**0.74**
80	**0.65**
90	**0.61**
100	**0.56**
110	**0.52**
120	**0.48**
***IDF stands for Intensity-Duration-Frequency**	

DIVISION 49100 GRADING AND EROSION CONTROL

SECTION 49110 PURPOSE AND APPLICABILITY

A. Purpose. It has been determined that runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State of Wyoming and the Town of Jackson. 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 Town of Jackson; 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 Town 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 stream bed 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 Town 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 not a permit is required.

1. Agricultural Activities. Earthmoving operations occurring on natural 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. (Ord. 903 § 1, 2009.)

2. Small Areas. Grading involving areas of less than eight thousand (8,000) 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. An application for a grading and erosion control plan or grading and erosion control statement, whichever is applicable, as indicated in this Division, shall be submitted to the planning director along with an application fee. Table 49120 presents a summary of the submittal requirements for land disturbances of various sizes on different slopes for sites with less than 41% impervious surface proposed on the lot. Any activity which proposes 41% or greater coverage by impervious surface requires a grading and erosion control plan.

Table 49120
Submittal Requirements for obtaining Grading and Erosion Control Permits for land disturbances of varying slopes and sites where less than 41% impervious surface is proposed on the lot.

	Required Submittal		
Slope of area	**Exempt**	**Statement**	**Plan**
5% or less	**less than 800 sq. ft.**	**800 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.**

SECTION 49130 CONTENT OF THE GRADING AND EROSION CONTROL STATEMENT

A grading and erosion control statement is required for land disturbing activities covering an area of less than one (1) acre on slopes of fifteen (15) percent or less; areas of 3000 sq. ft. or less on slopes greater than fifteen (15) percent and areas where less than forty one (41) percent impervious surface is proposed; but for which a permit is required. A grading and erosion control statement shall be submitted to describe the site grading and erosion controls that will be used to meet the requirements of this Division. Included shall be the site development schedule, the proposed grading plan, details of revegetation and a map of the erosion control plan. Plans and maps shall be prepared at a scale that clearly illustrates the details of the proposed development. The purpose of the Grading and Erosion Control Statement is to allow the Town 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 three thousand (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 Town Engineer in consideration of soil type and stability and the proposed structure; the report may be waived by the Town 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 Town 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, the Town 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 Town 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 Town Engineer shall again determine if the plan meets the standards of this Section. If the grading and erosion control plan is disapproved, the Town 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 statement is approved and a permit is issued by the Town Engineer.

1. Avoid risk of landslides. The grading shall avoid the risk of landslides or other forms of slope failure, rockfalls, and avalanches.

2. Not significantly increase rate of stormwater or snowmelt runoff. The grading shall not significantly change the rate of stormwater or snowmelt runoff, and shall avoid or minimize the erosion of natural or constructed slopes and sediment accumulation in natural drainage channels or water courses.

3. Not significantly alter drainage patterns. The grading shall not significantly alter natural drainage patterns.

4. Conforms with general natural forms. The grading preserves and conforms with the general natural form and contours of the land surface.

5. Preserves natural or established vegetation. The grading is designed to preserve natural or established vegetation as much as is practically possible.

6. Provides for revegetation. The affected site area shall be revegetated as is necessary for the stabilization of disturbed surfaces with the exception of areas covered by impervious surfaces and/or structures.

7. Allows most rapid possible recovery of disturbed lands. The grading shall allow for the most rapid possible recovery of disturbed lands to natural or introduced vegetation**.**

8. Stabilizes slope. The revegetation planned shall stabilize the slope and shall be compatible with native vegetation.

9. Minimizes cut and fill. The plan shall minimize cut and fill on a site. An application for a grading and erosion control permit shall be denied if it is determined that its issuance would result in excessive cutting and filling and that the intended structure or use would be feasible with less alteration of the natural terrain.

10. Slopes in excess of twenty-five (25) percent. No development shall be permitted on **natural** slopes in excess of twenty-five (25) percent, except to provide essential access for vehicles and/or utilities when no other alternative access exists, and except in the NC District where subsection A.11, NC District, shall apply. Remediation of existing manmade slopes greater than twenty-five (25) percent is permitted. (Ord. 904 § 1, 2009.)

11. NC District. In the NC District, no development shall be permitted on natural slopes in excess of thirty (30) percent, except to provide essential access for vehicles and/or utilities when no other alternative access exists. Remediation of existing manmade slopes greater then twenty-five (25) percent is permitted. (Ord. 904 § 1, 2009.)

12. Discovery of historic or prehistoric ruins and monuments. Whenever during excavation there are uncovered, or become apparent, any historic or prehistoric ruins or monuments not previously accounted for in the issuance of a permit, all work in the immediate area shall cease until the Wyoming State Archaeologist determines what precautions should be taken to preserve the historic or prehistoric artifacts.

13. Maintenance and repair measures. All graded surfaces, sedimentation basins, and other control measures necessary to meet the requirements of this Section shall be maintained by the applicant, landowner, or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate protection from erosion and to prevent nuisance conditions. Nuisance conditions include, but are not limited to, the tracking of dirt and mud onto public streets, and fugitive dust. Should any dredging or soil removal occur for the construction of temporary sedimentation basins or other control measures, such areas shall be restored when the temporary sedimentation basin or other control measures are removed.

14. Drainageways. The following standards shall apply to all drainageways.

a. Preserve and use natural surface drainage system, when possible. Retention of surface drainage in drainageways is encouraged. Natural drainageways shall be preserved and used, wherever feasible, for a natural surface drainage system.

b. Design to slow time of surface water concentration. The drainage shall be designed to slow the time of surface water concentration on the site and retain maximum infiltration into the ground.

c. If possible, design as grassed swales, wetlands, or mesic grasslands. Where flows permit, the channels shall be designed as grassed swales, wetlands, or mesic grasslands encouraging sheet flow.

d. Natural edges using plant materials. All wet basin retention ponds shall be designed to have natural edges using approved plant materials from the lists provided in the office of the Planning Director.

e. Restore disturbed area to natural state. Any disturbed areas shall be restored to a natural state including revegetation. The proposed restoration plan, which shall include a schedule, shall be designed by a landscape architect registered in the State of Wyoming and shall be reviewed and approved by the Town.

f. Contact Town Engineer. Prior to construction, improvement or alteration of drainageways, the Town Engineer must be contacted and apprised in writing of the intended activity.

15. Unstable soils. No development shall be permitted on unstable soil except under the following conditions:

a. Potential for movement only in shallow surface area that can be controlled. When the potential for soil movement is only in a shallow surface area and risk to the development can be prevented with appropriate anchoring to a solid substrate; or

b. Instability limited. The instability is limited to localized slumpage 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 Town engineer taking into account vegetation, soil type, total drainage area, topography and potential rain and snow fall. Intercepter ditches may also be required when the drainage area is less than 13,000 at the discretion of the Town 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 Town Engineer.

8. Fill slopes near roads. On roads, fill slopes shall not be located where the base of the slope is within fifteen (15) feet horizontally of the top of an exterior or planned cut slope, except at road switchbacks.

9. Cut and fill slope setbacks from site boundaries. The tops and toes of cut and fill slopes shall be set back from site boundaries a distance of five (5) feet plus one-half (0.5) of the vertical height of the cut or fill slope, but not more than a distance of twenty-five (25) feet.

10. Borrowing for fill prohibited. Except for existing quarries, borrowing for fill shall be prohibited unless the fill material is obtained from a cut authorized by the issuance of a grading and erosion control permit obtained for some purpose other than to produce fill material.

11. Cut and fill slopes. Cut and fill slopes shall be graded to a slope no steeper than two to one (2:1), or fifty (50) percent, to allow for permanent revegetation or landscaping unless a retaining wall is used or a steeper slope is approved by the Town Engineer. The Town 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 Town 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 Town 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 Town 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 Town 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 Town Engineer prior to commencing land disturbing activity. Notify the Town Engineer forty-eight (48) hours prior to the commencing any land disturbing activity;

2. Notify Town Engineer/completion of erosion control measure. Notify the Town 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 Town 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 Town Engineer to enter site to inspect. Allow the Town 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 Planning Director shall have the right to inspect construction sites at least once a month during the land development or land disturbing period to ensure compliance with the approved grading and erosion control plans.

SECTION 49190 DEVELOPMENT IN HILLSIDE AREAS

The purpose of this section is to provide requirements, standards, criteria, and review procedures which are supplementary to those found elsewhere in this Division, and which apply only to hillside areas of the Town of Jackson.

A. Definition. For purposes of this section, hillside areas within the Town of Jackson shall be defined as any lot, tract or parcel which has an average cross-slope (in any direction) of ten (10) percent or greater. This definition shall include any lot, tract or parcel upon which proposed development may affect any portion of said lot, tract or parcel having a slope of ten (10) percent or greater, even though the average cross-slope of the subject property may be less than ten (10) percent.

B. Applicability and exceptions. The requirements and procedures of this section shall apply when any hillside area is proposed for subdivision, lot split or development or terrain disturbance of any kind, including a building permit. The only exception shall be in the case of a single-family detached dwelling unit on a lot which has been legally platted prior to the effective date of this section.

C. Conditional Use Permit required. Prior to any terrain disturbance, removal of vegetation or development of any kind, a Conditional Use Permit pursuant to the procedures set forth in **Section 5140, Conditional and Special uses,** shall be required.

D. Criteria and standards. In addition to the criteria and standards to be considered by the Planning and Zoning Commission/Board of Adjustment in **Section 5140, Conditional and Special uses**, the Planning and Zoning Commission/Board of Adjustment shall consider the following:

1. The amount of terrain disturbance related to the otherwise allowable or conditioned uses for the property and the proposed mitigation efforts.

2. Retention or replacement of native, existing vegetation consistent with any proposed lawful use of the property.

3. Mitigation measures for mitigating impacts on wildlife or crucial winter range.

4. Mitigation measures for avoiding or minimizing visual impacts, subsurface, and any other natural hazards associated with hillside development.

E. Findings. The Planning and Zoning Commission/Board of Adjustment shall make the following finding before granting a Conditional Use Permit for any development in hillside areas:

1. That the mitigation measures identified will be effective in mitigating any adverse impacts identified in **Section 49190.D, Criteria and standards,** and associated with the proposed development.

F. Submittal requirements. In addition to the required information set forth in this section, additional submittals and information may be required by the Planning Director. The purpose of such submittals and additional information shall be to assure compliance with the special criteria and standards set forth in this section. Such submittals and additional information may include, but shall not be limited to the following:

1. Report summarizing wildlife use of the subject property and any potential impacts from the proposed development.

2. Reconnaissance level soil and subsurface investigation.

3. Visual impact analysis.

4. A complete grading and drainage plan to include existing and proposed contours at two (2) foot intervals containing grading, stabilization, revegetation, and structural elements pertaining to retention stabilization and protection systems for all disturbed terrain. The provided materials shall also include proposed access drives, the areas of encroachment into the public right-of-way for said access drives, as well as the grading and drainage work to be completed in the public right-of-way. (Ord. 905 § 1, 2009.)

5. Plan for any proposed supplementary landscaping or plat materials.

G. Bond for required improvements. Prior to the issuance of any building permit pursuant to this section, the applicant shall post a bond, letter of credit, or similar assurance with the Town of Jackson in the amount of one hundred twenty-five (125) percent of the estimated cost of all restorative and mitigative measures identified as part of the submittal or of conditions of development approval. Such assurance shall only be released by the Town of Jackson at such time as all restorative and mitigative treatments are in place and found to be effective for their intended purposes. All inspections, approvals of improvements, and subsequent release of bonds shall be according to the procedures set forth in **Section 6140, Subdivision Improvements Agreement Contract and Guarantee**, and **Section 6150, Completion of Improvements.**

DIVISION 49200 IRRIGATION DITCHES

A. Setbacks

1. General. Development shall be setback 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;

d. written permission is obtained from the entity organized to maintain the ditch or from 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 all Development Plans and/or Final Plats.

B. 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 at least fifty (50) percent of the water rights owners on the ditch.

2. Restriction of methods. The Town 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.

DIVISION 49300 OTHER ENVIRONMENTAL PERFORMANCE STANDARDS

In order to preserve and protect the high quality environment that exists in the Town, 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 the Town of Jackson shall comply with the Uniform Building Code for Seismic Zone 3. The Town 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 Town 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/or Final Plats stating that a Seismic Zone 3 fault line potentially subject to movement exists on the lot.

C. Review by Town Engineer. All proposed development shall be reviewed by the Town Engineer for appropriateness of the proposed structure for the site.

SECTION 49320 RESERVED

SECTION 49330 RESERVED

SECTION 49340 RESERVED

SECTION 49350 RESERVED

SECTION 49360 RESERVED

SECTION 49370 EXTERIOR LIGHTING AND GLARE

The purpose of this Section is to allow necessary and reasonable lighting of public and private property for the safety, security, and convenience of occupants and the general public, while eliminating or reducing the nuisance and hazards of excessive light and glare.

A. Standards. Exterior lighting shall meet the following standards:

1. **Total cut-off luminaires and fixtures.** Luminaries 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.** The standards of this section are not meant to prohibit the use of decorative antique, or "period" light fixtures, ground lighting, or bollord lighting, provided that the light source is diffused by a frosted lens or globe, or is otherwise filtered, shielded, or screened.

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 BP District	**2.00**	**18 ft.**
All nonresidential in all other districts	**1.50**	**18 ft.**

B. Exempt uses. Because ball diamonds, playing fields, outdoor rinks, ski areas, tennis courts, and some commercial developments such as gas stations have unique requirements for nighttime visibility and may have limited hours of operation, they shall be exempted from the exterior lighting standards of Section 49370.A.1, Total Cut-Off Luminaires and Fixtures, if the following standards are met:

1. Complies with requirements. The proposed development meets all other requirements of these Land Development Regulations and the applicable standards as contained in the current edition of Illuminating Engineering Society of North America Lighting Handbook, as determined by the Planning Director. The Planning Director or applicant may refer detailed lighting plans for compliance with these provisions to the Town Council. (Ord. 623 § 1, 1999).

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 Light. 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 1 and April 15, and except that, where "alpine" lights were

legally in use on October 12, 1994, such use is allowed to continue, including expansions approved by the Town of Jackson.

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 Standard,** 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,** may be exceeded by ten (10) DBA.

SECTION 49390 VIBRATION

For the purposes of this Section, vibration refers to ground transmitted oscillations. Earthborne vibrations are measured with a seismograph or accelerometer. With the portable seismograph, the earth vibrations are measured in three (3) mutually perpendicular directions (one) vertical

and two (2) horizontal). The three (3) motions are added vectorially, and the resultant maximum vibration given as a single number. Steady state vibrations are earthborne oscillations that are continuous, with discrete pulses that occur at or more frequently than one hundred (100) times per minute. The frequency is the number of oscillations per second of vibration. Impact vibrations are earthborne oscillations occurring in discrete pulses at less than one hundred (100) pulses per minute. All uses shall conform with the following standards:

A. General. Vibration shall be measured at the site boundary line. Except for temporary construction operations, agricultural activities, and blasting for avalanche control, no activity shall cause or create a displacement for the frequencies prescribed in **Table 49390, Maximum Permitted Steady State Vibration Displacement.**

Table 49390
MAXIMUM PERMITTED STEADY STATE VIBRATION DISPLACEMENT

Frequency (cycles per second)	Vibration Displacement (inches)
10 and below	**.0008**
10-20	**.0005**
20-30	**.0003**
30-40	**.0002**
40 and over	**.0001**

B. Impact vibrations. For impact vibrations, the maximum permitted vibration displacement shall be twice that permitted for steady state vibrations.

C. Temporary construction operations. For temporary construction operations occurring between the hours of 7:00 a.m. and 7:00 p.m., steady state vibrations and impact vibrations shall not exceed two (2) times that permitted for permanent operations.

D. Maximum vibration frequency. In no instance, except for temporary construction operations, shall an activity be permitted which creates a vibration beyond the boundaries of the site of the activity sufficient to cause a displacement of three-hundredths (.003) of one (1) inch.

SECTION 493100 ELECTRICAL DISTURBANCES

No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that affect the operation of any equipment, such as radio and television interference, beyond the boundaries of the site.

SECTION 493200 FIRE AND EXPLOSIVE HAZARDS

A. Compliance with fire codes. All manufacture, possession, storage, transportation and use of hazardous materials which include explosives and blasting agents, flammable and combustible liquids, liquified petroleum gas, and hazardous chemicals shall be required to comply with the fire codes adopted by the State of Wyoming and the Town.

B. Structural storage facilities. Structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids and gases, or other toxic materials which could be hazardous to public health or safety, shall be located at elevations above maximum possible flood levels in one hundred (100) year flood areas and in the Flat Creek winter flood area.

SECTION 493300 RESERVED

DIVISION 49400 RESIDENTIAL AFFORDABLE HOUSING STANDARDS

SECTION 49410 FINDINGS AND PURPOSE

A. Findings. The findings contained in this section are abstracted from **Chapter 5, Affordable Housing,** and **Appendix A (to Chapter 5), Affordable Housing Needs Assessment,** of the Jackson-Teton County Comprehensive Plan which is adopted by resolution of the Jackson Town Council and the Technical Analysis: Condominium Conversions (dated September, 2008). These documents are available at the office the Jackson Town Clerk.

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

B. Purpose. The purpose of this division is to ensure that new residential development including condominium and townhouse subdivisions in Jackson and Teton County include a reasonable supply of affordable housing to meet the needs of the community's citizens. This division sets forth standards for affordable housing to be provided in conjunction with market rate residential development and condominium and townhouse subdivisions. Where the provision of such housing is determined to be impractical, this Division will set forth standards for the conveyance of land or an in-lieu fee. (Ord. 517 § 1, 1995.)
(Ord. 911 § 1, 2009.)

SECTION 49420 APPLICABILITY

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

B. Measurable progress. It is the objective of the Town of Jackson to make measurable progress toward reducing the deficit of affordable housing that existed on the date of adoption of this Division. (Ord. 517 § 1, 1995).
(Ord. 911 § 1, 2009.)

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. For the purposes of this subsection, conversion of an existing dwelling unit to a condominium or townhouse is a change in use, creates a new use that did not exist prior to the effective date of this Division and is not exempt from this Division.

B. Mobile home park. Development of a mobile home park is exempt from the standards of this Division, provided that during its review, the Jackson Town Council makes a finding that the units to be located within the development meet the purposes of this Division and, therefore, provision of added affordable housing as a consequence of the development is not required.

C. Working ranch subdivision. Development of a working ranch subdivision, as listed in **Section 2220.A.4, 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 legal lot of record created prior to the effective date of this Division is exempt from the requirements of this Division.

E. Development on lot or parcel for which affordable housing standard has already been met. Development on any lot or parcel for which the affordable housing standard, pursuant to this Division, has already been met via provision of affordable housing, conveyance of land, or payment of fees-in-lieu, is exempt from the standards of this Division.

F. Employee housing. Development of employee housing pursuant to Division 49500 of these Land Development Regulations 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 Jackson Town Council. This may include projects developed or sponsored by non-profit organizations that are charged to promote affordable housing and projects for which agreements have been executed that provided affordable housing or land for said purpose.

M. Subdivision. The subdivision of a previously platted residential lot into no greater than two lots shall be exempt from the standards of this Division. Further, this exemption shall only be applied on a one-time basis.

N. Live/Work Units. Development of a live/work unit is exempt from the standards of this Division.

(Ord. 978 § 1, 2010; Ord. 928 § 1, 2009; Ord. 911 § 1, 2009; Ord. 517 § 1, 1995)

SECTION 49440 CALCULATION OF AFFORDABLE HOUSING STANDARDS FOR RESIDENTIAL DEVELOPMENT

The affordable housing standards for all residential development including condominium and townhouse subdivisions, not exempted pursuant to **Section 49430, Exemptions,** shall be as follows.

A. Required affordable housing percentage. Twenty-five percent (25%) of all residential development, or twenty-five percent (25%) of all existing dwelling units in condominium or townhouse subdivisions, shall consist of affordable housing as determined by the following formula:

The total number of proposed free market residential units (including units on noncontiguous parcels), or the total number of rental units converted to condominiums or townhouses in a condominium or townhouse subdivision, whichever is applicable, multiplied by the applicable occupancy contained in **Table 49440.A., Number of Persons Housed Per Unit,** shall equal the total number of occupants of the development. The number of occupants of the required affordable housing units, shall be at least twenty-five (25%) percent of the total number of occupants of the development. In instances where residential subdivisions are proposed without dwelling units, the applicant shall project the type of dwelling units. The Jackson Town Council shall approve the projected mix of dwelling units based on comparable developments in Teton County and the Town of Jackson as part of its review of a Housing Mitigation Plan pursuant to the procedures and standards of **Section 49460, Housing Mitigation Plan.**

Table 49440.A
NUMBER OF PERSONS HOUSED PER UNIT

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

(Ord. 924 § 1, 2009; Ord. 918 § 1, 2009; Ord. 911 § 1, 2009).

B. Reduction in percentage requirement. An applicant has the option of obtaining a reduction in the affordable housing standards set forth in **Section 49440.A, Required Affordable Housing**

Percentage, by voluntarily restricting proposed units or lots so that they remain available over time to year-round residents who are employed in Teton County. Such units shall be known as "voluntary affordable housing units." The following formula shall be used to determine a reduced percentage requirement, if applicable. The units with sales prices that result in a reduction of the twenty-five (25%) percent affordable housing requirement, pursuant to **Section 49440.A, Required affordable housing percentage,** must be restricted to occupancy by year-round residents who are employed full-time in Teton County, as set forth in the Teton County Housing Office Affordable Housing Guidelines. The restriction shall be in a form acceptable to the Teton County Housing Authority (TCHA). The reduced percentage requirement shall be calculated as follows:

$$\frac{P - AP}{MH - AP} * .25 = \text{Percent affordable housing standard}^{1, 2}$$

Where P = the price of an individual unit[3]
AP = 3 * (1.2 * median income for Teton County)
MH = Median housing cost for Teton County

[1] The "Percent affordable housing standard" shall not exceed 25 percent.

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

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

(Ord. 938 § 1, 2009, Ord. 517 § 1 (part), 1995.)

SECTION 49450 METHOD FOR PROVIDING AFFORDABLE HOUSING

Applicants shall demonstrate how the affordable housing standards established in **Section 49440, Calculation of Affordable Housing Standards,** are to be met by submitting a housing mitigation plan, pursuant to the procedures and standards of **Section 49460, Housing Mitigation Plan.** Affordable housing standards may be met by one (1), or a combination of the following methods.

A. Production of new units

1. **General.** An applicant shall develop or ensure the development of affordable housing units as part of the proposed development, unless it is demonstrated that the provision of affordable housing on the site is impractical or inequitable pursuant to **Section 49450.A.2.**
2. **Not required if impractical or inequitable.** An applicant shall not be required to develop or ensure the development of affordable housing on site as part of a market rate development if it is demonstrated impractical or inequitable to do so.
    a. **Impractical.** The development of affordable housing shall be considered impractical if it can be demonstrated that the number of units required is too small to create a viable project, or if the site location is deemed to be undesirable for affordable housing, or if it is considered more practical for the required units to be pooled with affordable housing units from other projects to create a more viable project off-site.

b. Inequitable. The development of affordable housing shall be considered inequitable if it will result in the applicant bearing a disproportionate share of the cost of the affordable housing in relation to the need for affordable housing. In making this determination, the value of land at the proposed site shall be considered.

3. Alternative compliance to on-site production of new units. Should the applicant demonstrate that on-site development of affordable housing is impractical or inequitable, the applicant shall first be required to provide such housing off-site, as described in Section 49450.A.3.d.(2). Only if such off-site development is also proven to be impractical or inequitable shall purchase of existing housing stock, conveyance of land pursuant to Section 49450.B. or payment of in-lieu fee pursuant to Section 49450.C. be considered as alternative means of compliance.

4. Requirements for affordable units. Affordable housing units required by this Division shall meet the following requirements.

a. Sales and occupancy restrictions. Required affordable housing units shall be restricted to sales terms and occupancy limitations, and voluntary affordable housing units shall be restricted to occupancy requirements, both of which comply with the Teton County Housing Office Affordable Housing Guidelines. The required and voluntary affordable housing units may be restricted to rental units, if it is determined they will address an affordable housing need. The restrictions shall be in a form acceptable to the TCHA and may include deed restrictions, rights of first refusal, and shared ownership of land and/or housing unit with an affordable housing agency.

b. Affordable housing categories. The required affordable portion of each residential development shall provide housing units for persons in each of the three (3) income categories described below, and in the percentage amounts stated herein. The housing units to be provided for persons in each income category shall be determined by the Teton County Housing Authority, in accordance with the housing unit types, minimum sizes and maximum prices described in the Teton County Housing Office Affordable Housing Guidelines adopted herein by reference. Fractions in each category shall be combined to create a whole person when possible. Payment of an in-lieu fee, in accordance with **Section 49450.C, Payment of in-lieu fee,** shall be made for any remaining fraction of a person.

(1) Category 1. No less than thirty-three (33) percent of the persons required to be housed shall be provided with housing units affordable to low income households, unless a different proportion is recommended by the Teton County Housing Authority (TCHA) and approved by the Jackson Town Council.

(2) Category 2. No less than thirty-three (33) percent of the persons to be housed shall be provided with housing units affordable to moderate income households, unless a different proportion is recommended by the TCHA and approved by the Jackson Town Council.

(3) Category 3. No more than thirty-three (33) percent of the persons required to be housed shall be provided with housing units affordable to middle income households, unless a different proportion is recommended by the TCHA and approved by the Jackson Town Council**.**

c. Voluntary affordable housing units. The voluntary affordable housing unit portion of a residential development shall be restricted in terms of initial sales or rental prices and occupancy, as set forth in the Teton County Housing Office Affordable Housing Guidelines.

d. Location

(1) General. The affordable housing units shall be located on the same site as the free market portion of the development, unless all or a portion of the affordable units are approved, or required, to be located on another site within Teton County or the Town of Jackson pursuant to Section 49450.A.3.d.(2).

(2) Off-site location. Approval for an off-site location shall be made by the Jackson Town Council 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, commercial services, and infrastructure;

(b) Compliance of the proposed off-site location with the Jackson/Teton County Comprehensive Plan and these Land Development Regulations.

(c) Impact of the affordable housing units on the ability of the site proposed for the residential development to properly function and the compatibility of affordable housing units with the character of surrounding lands.

(d) The ability of the proposed off-site location to accommodate the dwelling units within the permitted maximum gross density.

(e) The need to locate the units off-site to maintain general consistency in the value of the affordable housing subsidy with the typical value of subsidies provided by other developers.

e. Size and materials standards for affordable housing units.

(1) Size limitations. Affordable housing units shall comply with the minimum size requirements established within the Teton County Housing Office Affordable Housing Guidelines, adopted herein by reference.

(2) Materials. Affordable housing units shall be constructed with building materials having a compatible exterior style to other units in the development. Each affordable housing unit shall include, at a minimum, a fully equipped kitchen and bathroom, areas for living and sleeping and designated areas for storage. Units shall comply with all applicable standards of the Uniform Building Code and all other development codes adopted by the Town of Jackson.

f. Timing of occupancy. The affordable housing units shall be ready for occupancy no later than the date of the initial occupancy of the free market portion of the project, provided that the TCHA and developer have identified qualified buyers or renters, whichever is applicable. If the free market portion is to be developed in

phases, the affordable housing units may be phased accordingly, provided that the TCHA and developer have identified qualified buyer or renters. If qualified buyers or renters have not been identified at a rate which keeps pace with the free market portion of the development, the provision of the affordable housing units may be delayed until such buyers or renters have been identified. The developer, with the support of the TCHA, shall make a good faith effort to market the required affordable housing units.

g. Restricting existing housing stock. When restricting existing housing stock is used to meet the affordable housing requirement such housing will be subject to the following additional standards:

(1) Age. Existing housing stock more than 15 years old from the date of certificate of occupancy to the date of approval of the Housing Mitigation Plan, may be accepted by Town Council on a case-by-case basis subject to review and recommendation by the Town's Chief Building Official and Planning Director;

(2) Inspection. Each unit shall be subject to inspection and approval by the Town's Chief Building Official for compliance with current building code standards for life and safety; and,

(3) TCHA Guidelines. All units are subject to Teton County Housing Authority Affordable Housing Guidelines regarding quality standards for existing housing units. (Ord. 911 § 1, 2009.)

B. Conveyance of land

1. General. If the provision of affordable units on site is found to be impractical or inequitable pursuant to Section 49450.A.2, the Town may accept the conveyance of land in fee. Land accepted pursuant to this provision may only be used for the production of affordable housing. Such land may be on the same site as the market rate portion of the project, or may be in an alternate location suitable for affordable housing. The fair market value of the land conveyed shall be at least equal to the equivalent in-lieu fee, as calculated pursuant to **Section 49450.C, Payment of in-lieu fee,** for all required affordable housing units not provided.

2. Establishment of fair market value. Fair market value shall be established at the developer's expense by a licensed professional real estate appraiser acceptable to the Town of Jackson.

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 conveyance. Land conveyance shall occur prior to the issuance of any building permit for the free market portion of the development.

4. Conditions of approval. The Jackson Town Council may require, as a condition of approval, that land conveyed pursuant to this section be fully developed and ready for construction, with roads, water supply, sewage disposal and other basic services in place. A soils report or other necessary environmental report may also be required, stipulating whether the land is suitable for the type of construction contemplated and identifying any special construction techniques which may prove necessary for its development.

5. Subsequent conveyance permitted. Land conveyed pursuant to this section may be subsequently conveyed by the Town of Jackson subject to the following conditions:

a. Interest bearing account. All proceeds from the sale of the land shall be placed in an interest bearing trust fund.

b. Authorized uses of proceeds. The proceeds from the sale, and any interest accrued, shall be used only for the purposes of planning for, subsidizing or developing affordable housing.

C. Payment of in-lieu fee

1. General. If the applicant has demonstrated that it is impractical or inequitable to provide affordable housing pursuant to Section 49450.A.2, and it is determined that land within the proposed residential development is not appropriate for affordable housing pursuant to Section 49450.B, Conveyance of Land, or if the applicant is required to provide less than one (1) affordable housing unit, the applicant shall pay an in-lieu fee for the affordable housing units required by this Division. A fee schedule shall be set forth by resolution, and shall be reviewed and updated within two (2) years of its original adoption, and at least every two (2) years thereafter.

2. Time of payment and use of funds. Payment of the in-lieu fee shall be made to the Town of Jackson prior to, and on a proportionate basis to the issuance of any building permits for the free market portion of the development.

a. Interest bearing account. The Town of Jackson shall transfer the funds to an interest bearing trust fund.

b. Authorized uses of fees. The funds, and any interest accrued, shall be used only for the purposes of planning for, subsidizing or developing affordable housing units.

3. Refund of fees

a. Seven year limit. Fees collected pursuant to this Section may be returned to the then present owner of property for which a fee was paid, including any interest earned, if the fees have not been encumbered within seven (7) years from the date of payment, unless the Jackson Town Council shall have earmarked the funds for expenditure on a specific project, in which case the Council may extend the time period by up to three (3) 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 Town 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 noncommencement of construction may be refunded provided a request for refund is submitted to the Town 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 the Town of Jackson and a credit shall be established. Such credit runs with the land, is not transferable to other property, and may only be used against future affordable housing obligations on the subject property. A record of such credit shall be maintained by the Town of Jackson.

(Ord 811 § 1, 2005; Ord. 517 § 1, 1995)

SECTION 49460 HOUSING MITIGATION PLAN

A. Housing mitigation plan required. For all developments not exempted pursuant to Section 49430, Exemptions, a housing mitigation plan shall be submitted.

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, pursuant to Section 49440, Calculation of Affordable Housing Units.

b. Method. The method by which housing is to be provided, in compliance with Section 49450, Method for Providing Affordable Housing.

c. Unit descriptions. A conceptual site plan and building floor plan (if applicable), illustrating the number of units proposed, their location, the number of bedrooms and size (s.f.) of each unit, the rental/sale mix of the development, and the categories to which each required affordable housing unit belongs. A tabulation of this information shall also be submitted.

d. Units developed. If affordable housing units are proposed to be developed, the proposed restrictions that will be placed on the units to ensure long-term affordability.

e. Land specifications. If land is to be conveyed, the following information is required:

(1) Location and acreage. The location and acreage of the land to be conveyed;

(2) Appraisal. An appraisal of the fair market value of the land, prepared by a licensed professional real estate appraiser; and

(3) Additional information. If appropriate, any additional information necessary to determine the suitability of the land for development.

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

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

B. Review standards. The Jackson Town Council may approve the housing mitigation plan if it complies with the standards of this Division, addresses the need for affordable housing, and is consistent with the Comprehensive Plan. (Ord 517 § 1, 1995.)

SECTION 49470 INDEPENDENT CALCULATION

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

1. Occupants. The number of occupants to be housed by a proposed development to be used in place of the occupant generation requirements of Table 49440.A, Number of Persons Housed Per Unit;

2. Housing Mix. The mix of affordable housing to be provided by the development pursuant to Section 49450.A.3.b.; 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. Calculation contents. The independent calculation shall be supported by local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence supporting the proposed modification(s).

C. Procedure and standards. The independent calculation shall be reviewed by the Jackson Town Council. If the materials and information supporting the calculation demonstrate by competent substantial evidence that there is a reasonable basis to modify the number of occupants to be housed, the housing mix, or the percent set aside for in-lieu fee, whichever is relevant, because of unique circumstances related to the proposed development, the Town Council may approve the independent calculation and make the appropriate modifications. (Ord 517 § 1, 1995.)

DIVISION 49500 EMPLOYEE HOUSING STANDARDS

SECTION 49510 PURPOSE AND APPLICABILITY

A. Purpose. The purpose of this Division is to provide for a reasonable supply of affordable, attainable housing suitable for the needs of the seasonal work force in Teton County. It is the intent of this Division to set forth standards, guidelines, and requirements for such housing to be equitably provided in conjunction with non-residential development. (Ord 518 § 1, 1995.)

B. Applicability. The standards of this Division apply to development of nonresidential uses, as listed in Section 2220.C, Nonresidential Uses, unless exempted herein (Ord 518 § 1, 1995.)

SECTION 49520 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 Division is exempt from the standards of this Division, provided no additional floor area is created by the redevelopment or remodeling activity. In the event new floor area is created, only the area that existed prior to the redevelopment or remodeling shall be exempt from the provisions of this Division.

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 Division is exempt from the provisions of this Division. In the event that a change of use results in an employee housing requirement which is greater than that of the prior legally existing use, only the difference in the employee housing requirement is subject to being provided pursuant to this Division.

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 Division, has already been met through provision of employee housing, conveyance of land, or payment of fees-in-lieu, is exempt from the standards of this Division.

D. Agriculture. Agriculture, as listed in Section 2220.C.1.a, Agriculture, is exempt from the standards of this Division.

E. Agricultural employee housing. Development of agricultural employee housing is exempt from the standards of this Division.

F. Institutional residential. Development of an institutional residential unit is exempt from the standards of this Division.

G. Institutional uses. Development of an institutional use, as listed in Section 2220.C.2, Institutional uses, is exempt from the standards of this Division.

H. Home uses. Development of a home use, as listed in Section 2220.C.5, Home Uses, is exempt from the standards of this Division**.**

I. Temporary uses. Development of a temporary use, as listed in Section 2220.C.8, Temporary uses, is exempt from the standards of this Division. (Ord 518 § 1, 1995.)

SECTION 49530 CALCULATION OF EMPLOYEE HOUSING STANDARDS FOR NONRESIDENTIAL DEVELOPMENT

The standards given in the Table 49530 are the result of calculating the number of summer (peak) season employees who are in need of housing, accounting for those who may already live in the community and accounting for average wages paid by various land uses (see Seasonal Employee Housing Needs Assessment, Appendix B, Chapter 5, Affordable Housing, Jackson/Teton County Comprehensive Plan.) (Ord. 518 § 1, 1995.) The conversion from number of employees to square footage is based upon minimum dwelling unit size as established in Teton County Housing Authority Guidelines. The employee housing standards for all nonresidential development not exempted shall be as follows.

Table 49530 NONRESIDENTIAL EMPLOYEE HOUSING STANDARDS	
Land Use Category	**Floor Area to be Designated for Employee Housing (per 1000 SF)**
Restaurant/Bar/Pub	**378**
Flexible Space including Commercial Retail, Restaurant/Bar, Office (ground floor).	**232**
Commercial Retail	**156**
Service	**56**
Hotels, Motels, Short Term Rental	**47**
Heavy Retail/Service	**16**
Office (second floor)	**14**
Industry	**8**
Commercial amusement and indoor/outdoor recreation	**Determined by Independent Calculation (See Section 49570)**
Resorts	**Determined by Resort Master Plan**
Other Uses Not Listed	**Determined by Independent Calculation (See Section 49570)**

(Rev. Ord. 921 § 1, 2009.)

SECTION 49540 METHOD FOR PROVIDING EMPLOYEE HOUSING
One or a combination of the following methods may meet employee housing standards.

A. On-site housing. Where permitted by these Land Development Regulations, the applicant may provide employee housing on site through mixed-use development subject to all applicable dimensional standards. This is the primary and preferred method for providing employee housing, and should be used whenever possible and wherever practicable. Accessory Residential Units pursuant to Section 2370, Accessory Residential Units, may comprise the residential component of a mixed-use development, in whole or in part. When on-site housing is provided, any square footage requirement that would create a unit smaller than the minimum unit size is waived.

B. Alternative Compliance Methods. The applicant shall be required to provide employee housing using an alternative compliance method should the applicant demonstrate that on-site development of employee housing is not practical. Alternative compliance to these employee-housing requirements may be achieved through any of the following methods listed by order of preference:

1. Off-site Housing. The applicant may provide or cause to be provided, off-site conventional residential housing, either single family or multiple family, or dormitories. Applicants with obligations to provide employee housing may pool their required units with employee or affordable units from other developments to create a viable off-site housing project. The purchase or otherwise designation, assignment, or commitment of existing housing stock is not permitted for purposes of meeting the requirements of this Division.

2. Payment of in-lieu fees. The applicant may pay an in-lieu fee for each square foot of floor area required by this Division. The fees shall be set by resolution of the Town Council updated from time to time as necessary. (Res. 06-10, 2006)

a. Time of payment and use of funds. Payment of the in-lieu fee shall be made to the Town of Jackson prior to, and on a proportionate basis to the issuance of any building permits for the free market portion of the development. The Town shall transfer the funds to an interest bearing trust fund. The funds, and any interest accrued, shall be used only for the purposes of planning for, subsidizing or developing employee housing units.

b. Refund of fees. Fees collected pursuant to this Section may be returned to the then present owner of property for which a fee was paid, including any interest earned, if the fees have not been encumbered within seven (7) years from the date of payment, unless the Town Council shall have earmarked the funds for expenditure on a specific project, in which case the Town Council may extend the time period by up to three (3) 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.

c. Sequence of expenditures. Fees paid pursuant to this section are deemed to be spent or encumbered in the sequence in which they were 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 that 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 the Town of Jackson and a credit shall be established. Such credit runs with the land, is not transferable to other property, and may only be used against future employee housing obligations on the subject property. The Town shall maintain a record of such credit. (Ord 518 § 1, 1995.)

SECTION 49550 EMPLOYEE HOUSING DEVELOPMENT STANDARDS

A. Rent. Rents charged for any on-site residential unit produced to satisfy the standards of this Division may not exceed thirty (30) percent of the seasonal employee's gross wages, in accordance with Housing Authority Guidelines.

B. Maintenance. All employee units shall be regularly maintained, and kept in a safe, sanitary, livable, and rentable condition.

C. Location. Employee Housing units may be located within the town limits.

D. Minimum Size. No employee-housing unit shall be less than 400 square feet. Developments that generate an employee-housing requirement of less than 400 square feet may pay the fee in lieu.

E. Deed Restrictions. All employee-housing units shall be subject to deed restrictions to ensure long-term use and affordability to employees. All deed restrictions are subject to review and recommendation by the Teton County Housing Authority and final approval by Town Council. Such deed restriction shall be recorded prior to issuance of a certificate of occupancy for the subject property.

SECTION 49560 HOUSING MITIGATION PLAN

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

A. Content. The housing mitigation plan shall include the following:

1. Requirement calculations. Calculations determining the employee housing standard that indicate each step of the calculation, from total floor area that generates an employee housing requirement to the actual amount of floor area required to be provided.

2. Method. The method by which housing is to be provided, in compliance with the primary method or alternative compliance methods contained in this Division.

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. A tabulation of this information shall also be submitted.

4. Proposed deed restrictions. If employee-housing units are proposed to be developed, the proposed deed restrictions that will be placed on the units to ensure the units will remain available as employee housing units.

5. Fee calculations. If fees-in-lieu are proposed, the calculations for determining the required fee amounts.

B. Review process. Review of the housing mitigation plan shall occur at the time of the initial review of the free market portion of the development plan.

C. Review standards. The Town Council shall approve the housing mitigation plan if it complies with the standards of this Division, addresses the need for employee housing, and is consistent with the Jackson-Teton County Comprehensive Plan. (Ord 518 § 1, 1995.)

SECTION 49570 INDEPENDENT CALCULATION

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

B. Calculation contents. Local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence that supports the proposed modification shall support the independent calculation.

C. Procedure and standards. The Town Council shall review the independent calculation. If the materials and information supporting the calculation demonstrate by competent substantial evidence that there is a reasonable basis to modify the standards of this Division because of unique circumstances related to the proposed development, the Town Council may approve the independent calculation and make the appropriate modifications. (Ord 518 § 1, 1995.)

(Ord. 829 §2, 2006)

DIVISION 49600 PARK EXACTIONS

SECTION 49610 APPLICABILITY

All residential subdivisions and re-subdivisions, including new condominiums and townhouse projects to be developed or constructed, and the conversion of existing dwelling units to a condominium or townhouse subdivision, which is the subject of an approved, recorded plat shall be required to dedicate lands for school and park development unless specifically exempted by other provisions of this Division.

Any subdivision, re-subdivision, or condominium or townhouse subdivision or development on land subject to a recorded plat for which exactions have been fully and properly paid pursuant to this Section shall not be subject to exactions, except for the incremental increase in the number of dwelling units, if any, over and above those permitted by the previous plat for which exactions were paid. (Ord. 912 § 1, 2009.)

SECTION 49620 INTENT

The Town of Jackson has established a parks and recreation program to insure an ample supply of parks and recreation to satisfy the needs of residents and visitors. The program is intended to ensure:

A. An adequate supply of parks and recreation facilities to satisfy the demand for such facilities resulting from new residential development;
B. An adequate supply of open space to preserve and enhance the rural character of the County as a critical asset contributing to a high quality of life for residents and visitors;
C. Preservation of open space in certain areas to protect wildlife habitat, ranching, public lands and scenic road corridors;
D. Parks and recreation facilities and open space are dedicated on a schedule to coincide with the demand for such facilities and land generated by new residential development;
E. Land dedicated for parks/recreation/open space will remain committed to such uses and not be used for other purposes.

SECTION 49630 EXEMPTIONS

The following developments are exempt from the requirements of this Division:

A. Minor boundary adjustments pursuant to Division 6300.

B. Re-subdivisions of existing legally platted lots provided all of the following standards are met:
    1. The replatted lots are restricted to single-family detached residential use only.
    2. The replat consists only of reconfiguring or eliminating interior lot lines, with no additional land or building area added to the subdivision.
    3. The replat results in no additional dwelling units or lots, and therefore, has no greater impact on park and school facilities than would the original plat.

SECTION 49640 PARKS/RECREATION/OPEN SPACE DEVELOPMENT EXACTION STANDARDS

A. General. Teton County/Jackson Parks and Recreation development exaction standards are based upon consideration of the Jackson/Teton County Comprehensive Plan and Pathways Master Plan – The Town of Jackson & Teton County, Wyoming, March 2007.

B. Standards. Prior to the recordation of final plat, a developer subdividing residential land shall dedicate to the Town of Jackson, platted land in a location selected by the Town Council in the ratio of nine (9) acres for every one thousand (1,000) residents of a proposed subdivision (that is, the number of residents multiplied by nine thousandths [0.009] of an acre per resident). The number of residents attributable to a subdivision is calculated according to the schedule in Table 49640.

Table 49640
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

SECTION 49650 OPTION FOR INDEPENDENT CALCULATION OF DEDICATION STANDARDS

An applicant seeking approval for a residential development application may submit an independent calculation. If approved, the independent calculation will be utilized to calculate the required dedication.

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

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 49640 Number of Persons Housed Per Unit; or
2. Percent of set aside/in-lieu fee. The amount of land required to be dedicated, and/or the in-lieu fee amount.

B. Calculation contents. The independent calculation shall be supported by local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence supporting the proposed modification(s).

C. Procedure and standards. The independent calculation shall be reviewed by the Jackson Town Council. If the materials and information supporting the calculation demonstrate by competent substantial evidence that there is a reasonable basis to modify the number of occupants to be housed, the housing mix, or the percent set aside for in-lieu fee, whichever is

relevant, because of unique circumstances related to the proposed development, the Town Council may approve the independent calculation and make the appropriate modifications.

SECTION 49660 CASH-IN-LIEU OF LAND DEDICATION

At the election of the Town Council, an applicant may satisfy his or her land dedication requirement by making a cash payment to the Town for an amount equal to the current market value of the land required for dedication by Section 49640.

A. Calculating Cash-in-Lieu Payment. The amount of the cash-in-lieu land dedication payment is calculated by multiplying the square footage of the area of land to be dedicated by the current market value per square foot of the land to be subdivided.

B. Calculating Land Value. Land value shall be market value at the time of the cash-in-lieu payment including site improvements such as streets, and utilities, but excluding residential dwelling units. Market value may be substantiated by a documented purchase price (if an arm's length transaction no more than two years old) or other mutually agreed upon recognized means, provided, however, assessed valuation shall not be relied upon as the basis of current market value. In the event, a developer and the Town fail to agree on market value, such value shall be established by a qualified real estate appraiser acceptable to both parties. The developer shall pay for the appraisal.

C. Timing of Cash-In-Lieu Payment. Payment shall be made to the Town of Jackson prior to recordation of the Final Plat.

D. Criteria to Select Method to Satisfy the Dedication Standards. The Town Council shall approve or deny a request from an applicant to pay cash-in-lieu of land dedication. The Town Council shall consider the following criteria in evaluating a request for a cash in lieu payment:

1. Whether the development itself requires on-site parks/recreation/open space land on site; and
2. Whether the Town has identified the applicant's proposed development site as being appropriate for parks/recreation/open space land.

SECTION 49670 FISHING EASEMENT REQUIRED

All subdivisions bordering on Flat Creek shall provide for a ten (10) foot fishing easement along the creek. Public access to the easement shall be required.

(Ord. 973 § 1, 2010; Ord. 549 § 1, 1996)

DIVISION 49700 SCHOOL EXACTIONS

SECTION 49710 APPLICABILITY

All residential subdivisions and re-subdivisions, including new condominiums and townhouse projects to be developed or constructed, and the conversion of existing dwelling units to a condominium or townhouse subdivision, which is the subject of an approved, recorded plat, shall be required to dedicate lands for school and park development unless specifically exempted by other provisions of this Division.

Any subdivision, re-subdivision, or condominium or townhouse subdivision or development on land subject to a recorded plat for which exactions have been fully and properly paid pursuant to this Section shall not be subject to exactions, except for the incremental increase in the number of dwelling units, if any, over and above those permitted by the previous plat for which exactions were paid. (Ord. 912 § 1, 2009.)

All residential subdivisions and re-subdivisions, including new condominiums and townhouse projects to be developed or constructed, and the conversion of existing dwelling units to a condominium or townhouse subdivision, which is the subject of an approved, recorded plat shall be required to dedicate lands for school and park development unless specifically exempted by other provisions of this Division.

SECTION 49720 INTENT

The Teton County School District requires land for necessary school functions, which may include, but are not limited to, school buildings, support facilities, open space, and recreation areas and housing for employees and their families. The purpose of this Section is to ensure that as development occurs within the School District and school enrollment grows, the current level of service provided to students can be maintained. This is accomplished by the adoption of standards for new subdivisions to provide land, or cash-in-lieu thereof to the Town, for use by the School District. The standards are based on the number of students the development generates and the School District's current level of service standard for land area provided per student.

SECTION 49730 EXEMPTIONS

The following developments are exempt from the requirements of this Division:

A. Minor boundary adjustments pursuant to Division 6300.

B. Re-subdivisions of existing legally platted lots provided all of the following standards are met:
   1. The replatted lots are restricted to single-family detached residential use only.
   2. The replat consists only of reconfiguring or eliminating interior lot lines, with no additional land or building area added to the subdivision.
   3. The replat results in no additional dwelling units or lots, and therefore, has no greater impact on park and school facilities than would the original plat.

SECTION 49740 TETON COUNTY SCHOOL DISTRICT DEDICATIONS AND PAYMENTS

A. General Formula. Within the Teton County School District, required land dedications or fees-in-lieu of land dedications for school purposes shall be based on the following formula:

Land area required per student **x** students generated per dwelling unit **=** land dedication standard

B. Land Area Required Per Student. In applying the general formula in subsection A above, the following requirements for land area per student shall be used.

Table 49740.A Teton County School District Land Requirements Per Student		
	Reasonable Capacity	Recommended Acreage
Elementary School	650	15.5
Middle School	600	26.0
High School	800	38.0
Totals	1950	79.5
Total Acres/Student		.04077
Total SF/Student		1,776

C. Student Generation Rates. In applying the general formula in subsection (a) above, the following requirements for land area per student shall be used.

Table 49740.B Teton County School District Student Generation Rates	
Single and Two-Family	.49 Student/Dwelling Unit
Multi-Family	.38 Student/Dwelling Unit

D. Land Dedication Requirements. Applying the factors listed in subsections A through C above results in the Teton County School District school land dedication requirements shown below.

Table 49740.C Teton County School District Land Dedication Requirements	
Single and Two-Family	870 SF per unit or .020 acre
Multi-Family	675 SF per unit or .015 acre

E. Cash-in-Lieu of Land Dedication. At the discretion of the Town Council, a developer of residential housing may make a cash payment in lieu of dedicating land, or may make a cash payment in combination with a land dedication. The formula to determine the cash-in-lieu payment is as follows:

Market value of land per acre **x** land dedication standard from subsection D above **x** # of dwelling units **=** cash-in-lieu payment required.

SECTION 49750 OPTION FOR INDEPENDENT CALCULATION OF DEDICATION STANDARDS

An applicant seeking approval for a residential development application may submit an independent calculation. If approved, the independent calculation will be utilized to calculate the required dedication.

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

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 49740.B, Student Generation Rates per Dwelling Unit;
2. Housing Type and Mix. The type and mix of housing to be provided by the development; or
3. Percent of set aside/in-lieu fee. The amount of land required to be dedicated, and/or the in-lieu fee amount.

B. Calculation contents. The independent calculation shall be supported by local data and analysis, surveys, and/or other supporting materials that provide competent substantial evidence supporting the proposed modification(s).

C. Procedure and standards. The independent calculation shall be reviewed by the Jackson Town Council. If the materials and information supporting the calculation demonstrate by competent substantial evidence that there is a reasonable basis to modify the number of occupants to be housed, the housing mix, or the percent set aside for in-lieu fee, whichever is relevant, because of unique circumstances related to the proposed development, the Town Council may approve the independent calculation and make the appropriate modifications.

SECTION 49760 PROCEDURES FOR LAND DEDICATION

A. Land Dedication. Lands to be dedicated to the Town to fulfill the standards of this section shall be identified on the Final Development Plan and shall be dedicated to the Town at the time of Final Plat approval.

1. **Acceptance.** Acceptance of the lands to be dedicated shall be at the discretion of the Town Council.
2. **Criteria.** Prior to acceptance, the Town Council shall consider the comments of the School District to determine whether the lands proposed to be dedicated are of adequate size and can be suitably developed for school purposes or whether the lands have the capability of being sold, with the proceeds being used for school purposes. The Town Council shall also consider the probable impacts on neighboring properties of the development of the land for school purposes. When the lands proposed to be dedicated are not adequate or suitable for school purposes and cannot feasibly be sold, the Town Council shall require a cash payment in-lieu of the land dedication.

SECTION 49770 CASH-IN-LIEU OF LAND DEDICATION

At the election of the Town Council, an applicant may satisfy his or her land dedication requirement by making a cash payment to the Town for an amount equal to the current market value of the land required for dedication by Section 49640.

A. Calculating Cash-in-Lieu Payment. The amount of the cash-in-lieu land dedication payment is calculated by multiplying the square footage of the area of land to be dedicated by the current market value per square foot of the land to be subdivided.

B. Calculating Land Value. Land value shall be market value at the time of the cash-in-lieu payment including site improvements such as streets, and utilities, but excluding residential dwelling units. Market value may be substantiated by a documented purchase price (if an arm's length transaction no more than two years old) or other mutually agreed upon recognized means, provided, however, assessed valuation shall not be relied upon as the basis of current market value. In the event, a developer and the Town fail to agree on market value, such value shall be established by a qualified real estate appraiser acceptable to both parties. The developer shall pay for the appraisal.

C. Timing of Cash-In-Lieu Payment. Payment shall be made to the Town of Jackson prior to recordation of the Final Plat.

SECTION 49780 USE OF LAND AND USE OF FUNDS

A. Land. All lands dedicated to the Town pursuant to this section shall be held by the Town for the Teton County School District until such time as they shall be requested by the School District for school purposes.

1. Maintenance. The School District shall be responsible for the maintenance of said lands in a reasonable manner while they are being held by the Town.

2. Sale of Land. The Town may, at the request of the School District, sell lands that have been dedicated to the Town pursuant to this section. The proceeds from the sale shall be transferred to the designated interest bearing account into which funds collected from payments in-lieu of school land dedications are transferred.

B. Funds. All funds collected pursuant to this section shall be deposited in a designated interest bearing account.

1. Town Shall Hold Funds. The Town shall hold the funds until such time as they shall be requested by the School District for the acquisition of land for school purposes, or for other capital outlays or growth-related planning functions for education purposes, at which time they shall be released to the School District.

C. Use of Land or Funds for Housing. If the School District decides that land or funds dedicated pursuant to this Section should be used for housing, then the School District shall place a deed restriction on those housing units, restricting their occupancy solely to employees of the applicable School District and their families. In the event the inventory of housing exceeds the applicable School District's needs, the School Board may allow occupancy of the units through the Teton County Housing Authority.

D. Periodic Review. In order to ensure that these land dedication standards are fair and represent the current level of service provided by the applicable School District, the formula and dedication schedule shall be reviewed by the Town, together with the School District, and amended as necessary within three (3) years of its effective date and every three (3) years thereafter.

(Ord. 974 § 1, 2010; Ord. 549 § 1, 1996)

LAND DEVELOPMENT REGULATIONS

Article V
ADMINISTRATION

Sections:

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

- **SECTION 5010 TOWN COUNCIL**
- **SECTION 5020 PLANNING AND ZONING COMMISSION/BOARD OF ADJUSTMENT**
- **SECTION 5030 HEARING OFFICER**
- **SECTION 5040 TOWN PLANNING DIRECTOR**
- **SECTION 5050 TOWN ENGINEER**
- **SECTION 5060 TOWN ATTORNEY**
- **SECTION 5070 DESIGN REVIEW COMMITTEE**

DIVISION 5100 COMMON PROCEDURES

- **SECTION 5110 GENERAL**
- **SECTION 5120 PROVISIONS OF GENERAL APPLICABILITY**
- **SECTION 5130 INTERPRETATIONS**
- **SECTION 5140 CONDITIONAL AND SPECIAL USES**
- **SECTION 5150 AMENDMENTS TO THE TEXT OF THESE LAND DEVELOPMENT REGULATIONS OR THE OFFICIAL ZONING DISTRICT MAP**
- **SECTION 5160 VARIANCES**
- **SECTION 5170 ZONING COMPLIANCE VERIFICATION**
- **SECTION 5180 APPEALS ON DECISIONS OF PLANNING DIRECTOR OR TOWN ENGINEER**
- **SECTION 5190 BENEFICIAL USE DETERMINATION**
- **SECTION 51100 RESERVED**
- **SECTION 51200 DEVELOPMENT PLAN**

DIVISION 5200 RESERVED

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 Town.

SECTION 5010 TOWN COUNCIL

A. Powers and duties. In addition to any authority granted the Town Council by general or special law, the Town Council 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 the 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 Official Zoning District Map. To initiate, hear, consider and approve or disapprove applications to amend the Official Zoning District Map of these Land Development Regulations;

5. Joint review by the Town of Jackson and Teton County. To coordinate review and comment of a Planned Resort.

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 and to hear, consider and comment on sketch plans, and Preliminary Master Plans for PUD's.

7. Beneficial Use Determinations. To hear, consider and approve, approve with conditions or disapprove Appeals for Beneficial Use Determinations;

8. Appoint Hearing Officers. To designate and appoint Hearing Officers to make decisions as the Town Council may deem appropriate;

9. Other action. To take such other action not delegated to the Town's Planning and Zoning Commission/Board of Adjustment, Hearing Officer or heads of Town departments, as the Town Council may deem desirable and necessary to implement the provisions of the Comprehensive Plan and these Land Development Regulations

SECTION 5020 PLANNING AND ZONING COMMISSION/BOARD OF ADJUSTMENT

A. Establishment and purpose. There is hereby established a Town of Jackson Planning and Zoning Commission/Board of Adjustment, pursuant to Section 15-1-502, Wyoming Statutes (1977).

B. Powers and duties. The Planning and Zoning Commission/Board of Adjustment shall have the powers and duties established under the provisions of these Land Development Regulations. The Planning and Zoning Commission/ Board of Adjustment is hereby appointed to serve as the Planning and Zoning Commission pursuant to 15-1-502, Wyoming Statutes, the Zoning Commission pursuant to 15-1-604, Wyoming Statutes, and the Town of Jackson Board of Adjustment pursuant to 15-1-605, Wyoming Statutes.

1. **Planning and Zoning Commission.** The Planning and Zoning Commission/Board of Adjustment sitting as the Planning and Zoning Commission shall have the following powers and duties:

a. Prepare Comprehensive Plan. To prepare or cause to be prepared the Comprehensive Plan, or any element or portion thereof, and adopt the Comprehensive Plan by a majority vote and certify the Comprehensive Plan to the Town Council;

b. Recommend amendments to Comprehensive Plan. To initiate, review, hear, consider and make recommendations to the Town Council to approve or disapprove amendments to the Comprehensive Plan;

c. Make expertise available. To make its special knowledge and expertise available upon written request and authorization of the Town Council to any official, department, board, commission or agency of the Town, State or Federal governments;

d. Make additional studies. To make studies of the resources, possibilities and needs of the Town and to report its findings and recommendations, with reference thereto, from time to time, to the Town Council.

e. 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 Town Council.

2. **Planning and Zoning Commission/Board of Adjustment sitting as Zoning Commission.** The Planning and Zoning Commission/Board of Adjustment sitting as the Zoning Commission shall have the following powers and duties under the provisions of these Land Development Regulations.

a. Recommend amendments to text of these Land Development Regulations. To initiate, review, hear, consider, and make recommendations to the Town Council to approve or disapprove applications to amend the text of these Land Development Regulations;

b. Recommend amendments to Official Zoning District Map. To initiate, review, hear, consider, and make recommendations to the Town Council to approve or disapprove applications to amend the Official Zoning District Map of these Land Development Regulations;

c. **Joint review by the Town of Jackson and Teton County.** To coordinate review and comment of a Planned Resort.
d. **Recommend on Development Plans.** To hear, review, consider, and make recommendations to the Town Council to approve, approve with conditions, or disapprove applications for Development Plans.
e. **Conditional and Special Use.** To hear, review, consider, and recommend to the Town Council to approve, approve with conditions, or disapprove applications for Conditional and Special uses.

3. **Planning and Zoning Commission/Board of Adjustment sitting as Board of Adjustment.** The Planning and Zoning Commission/Board of Adjustment sitting as the Board of Adjustment shall have the following powers and duties under the provisions of these Land Development Regulations.

a. **Variances.** To hear, review, consider and approve, approve with conditions, or disapprove applications for development permits for Variances;
b. **Decision of Town Administrator.** To hear, consider, and affirm, modify or reverse any unclear requirement, decision or determination of the Town Administrator arising under these Land Development Regulations.
c. **Adopt rules of procedure.** To adopt rules of procedure not inconsistent with this section and in accordance with the Wyoming Administrative Procedures Act to govern the Board of Adjustment's proceedings; and
d. **Other Matters.** To hear and decide on such other matters as may be required pursuant to any other ordinance of the Town.

C. Membership

1. **Qualifications.** Members of the Planning and Zoning Commission/Board of Adjustment shall be residents of and qualified electors of the Town for a minimum of two (2) years prior to appointment. No member of the Town Council or Town employee shall serve on the Planning and Zoning Commission/Board of Adjustment. Although no specific experience requirements shall be necessary as a prerequisite to appointment, special consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.
2. **Appointment.** The Planning and Zoning Commission/Board of Adjustment shall be composed of five (5) members, to be appointed by the Mayor with the consent of the Town Council. (Ord. 1049 § 1, 2014.)

D. Terms of Office. All members serving on the Planning and Zoning Commission/Board of Adjustment on the effective date of these Land Development Regulations shall complete their terms according to their prior appointments. The term of office of each member appointed under these Land Development Regulations shall be for three (3) years. There shall be no limit on the number of terms a person may serve on the Planning and Zoning Commission/Board of Adjustment. When a person is appointed to fill out the term of a departing member, that person's term shall end at the time the departing member's term would have ended.

E. Removal from office

1. **General.** In the event that any member is no longer a qualified elector of the Town or is convicted of a felony, or an offense involving moral turpitude while in office, the Town Council may terminate the appointment of such person as a member of the Planning and Zoning Commission/Board of Adjustment after a public hearing, and the Mayor shall appoint a new member with the consent of the Town Council.

2. **Attendance.** If any member of the Planning and Zoning Commission/Board of Adjustment fails to attend four (4) regular Planning and Zoning Commission/Board of Adjustment meetings without cause over a six (6) month period, the Chairman of the Planning and Zoning Commission/Board of Adjustment shall notify the Town Council, who may after a public hearing, declare the member's seat vacant. If the seat is declared vacant, the Mayor shall appoint a new member with the consent of the Town Council.

F. Vacancy. Whenever a vacancy occurs on the Planning and Zoning Commission/Board of Adjustment, the Mayor shall within thirty (30) calendar days of the vacancy, appoint a new member with the consent of the Town Council.

G. Officers; quorum; rules of procedure

1. **Chairperson and vice-person.** At an annual organizational meeting, the members of the Planning and Zoning Commission/Board of Adjustment 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 and compel the attendance of witnesses and shall be in charge of all proceedings before the Planning and Zoning Commission/Board of Adjustment and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Planning and Zoning Commission/Board of Adjustment. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson.

2. **Secretary.** The Planning Director shall serve as Secretary of the Planning and Zoning Commission/Board of Adjustment. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceeding before the Planning and Zoning Commission/Board of Adjustment, 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/Board of Adjustment members voting. In addition, the Secretary shall maintain all records of Planning and Zoning Commission/Board of Adjustment meetings, hearing, proceedings, and the correspondence of the Planning and Zoning Commission/Board of Adjustment.

3. **Staff.** The Planning Department shall be available to provide professional assistance to the Planning and Zoning Commission/Board of Adjustment, at the direction of the Town Administrator.

4. **Quorum and voting.** The presence of three (3) or more members of the Planning and Zoning Commission/Board of Adjustment shall constitute a quorum of the Planning and Zoning Commission/ Board of Adjustment necessary to take action and transact business. All actions shall require a simple majority of the quorum present, except that three (3) affirmative votes shall be necessary in order for any Variance to be adopted or for an order, requirement, decision, or determination of the Town Administrator or Town Planning Director to be overturned or modified in any way. (Ord. 1050 § 1, 2014.)

H. Meetings

1. **General.** Meetings of the Planning and Zoning Commission/Board of Adjustment shall be held on the first and third Wednesday of each month to deal with matters properly before the Planning and Zoning Commission/Board of Adjustment.

2. **Special meetings.** A special meeting may be called by the Chairperson by giving notice to each member and to each newspaper, radio, or television station requesting a notice. The notice shall specify the time, place and business to be transacted, and no other business shall be conducted.

3. **Location.** The location of all Planning and Zoning Commission/Board of Adjustment meetings shall be held in the Town Hall, or such other place within the Town of Jackson accessible to the public, as designated by the Chairperson pursuant to the notice requirements for a special meeting.

4. **Meetings open to public.** All meetings and public hearings of the Planning and Zoning Commission/Board of Adjustment shall be open to the public in a place accessible to the public.

5. **Notice.** Public hearings shall be set for a time certain after due public notice pursuant to Section 5120.E**., Notice of Public Hearings.**

I. Compensation. The members of the Planning and Zoning Commission/Board of Adjustment shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the Town Council.

SECTION 5030 HEARING OFFICER

A. Creation and appointment. The Town Council 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 Town Council from time to time. Such Hearing Officers shall serve at the pleasure of the Town Council for such period as is determined by the Town Council. Such Hearing Officers shall be compensated at a rate to be determined by the Town Council, which amount shall be reimbursed to the Town 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 Town 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 Town 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 Town Council;

2. **Hearings on Abatement.** To conduct hearings on Abatement actions, and recommend Abatement to the Town Council;

3. **Conduct other hearings requested by Town Council.** To conduct fact-finding hearings on such matters as may be requested by the Town Council;

4. **Written reports.** To render to the Town Council a written report containing a summary of the statements and information given and findings and recommendations regarding the specific standards applicable to the particular matter; and

5. **Other tasks assigned by Town Council.** To perform such other tasks as the Town Council may assign.

SECTION 5040 TOWN PLANNING DIRECTOR

A. Creation and appointment. The Planning Director shall be the agency head of the Planning Department and shall be appointed by and serve at the pleasure of the Town Administrator.

B. Jurisdiction, authority, and duties. In addition to the jurisdiction, authority, and duties which may be conferred upon the Planning Director by other provisions of the Jackson Municipal Code, and the Town Council, the Planning Director shall have the following jurisdiction, 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;

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. **Secretary to Planning and Zoning Commission/Board of Adjustment.** To serve as the Secretary to the Planning and Zoning Commission/Board of Adjustment pursuant to the terms of these Land Development Regulations;

6. **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;

7. **Revocations of Permits.** To initiate actions to revoke permits where development is not in compliance with the terms and conditions of the permit.

8. **Request Town Attorney to proceed against violators of these Land Development Regulations.** To initiate requests to the Town Attorney to institute proceedings against the violators of these Land Development Regulations;

9. **Undertake Comprehensive Planning.** To provide assistance, advice, and consultation to the Town in undertaking the current and long range comprehensive planning responsibilities of the Town;

10. **Review Comprehensive Plan.** To review as necessary but at least every two (2) years the Comprehensive Plan and these Land Development Regulations and recommend amendments to the Planning and Zoning Commission/Board of Adjustment and Town Council;

11. **Coordinate planning processes.** To coordinate with other local, regional, state, and federal agencies in the planning and permitting processes affecting development in the Town and to serve as liaison to such local, regional, state, and federal planning agencies having jurisdiction over development in the Town.

12. **Other action provided in Land Development Regulations.** To take such other action and perform such other duties as may be provided for in these Land Development Regulations.

SECTION 5050 TOWN ENGINEER

In addition to the jurisdiction, authority, and duties, which may be conferred upon the Town Engineer by other provisions of the Jackson Municipal Code, the Town Engineer shall have the following authority and duties under these Land Development Regulations:

A. Advise Town officials and boards. To advise and provide technical assistance to the Town Administrator, Planning Director, Planning and Zoning Commission/Board of Adjustment, and Town Council in regard to the engineering issues which may arise during implementation of the Comprehensive Plan and these Land Development Regulations;

B. Enforcement of grading and erosion control regulations. To review all grading and erosion control statements and plans, to approve, or deny as appropriate, the issuance of all Grading and Erosion Control Permits, and to enforce the conditions of approval of such permits and to otherwise enforce all provisions of these Land Development Regulations relating to grading and erosion control;

C. Preparation of public improvements standards. To prepare, promulgate, and, as necessary, periodically revise standard drawings and details for public improvements within the Town of Jackson.

SECTION 5060 TOWN ATTORNEY

In addition to the jurisdiction, authority and duties which may be conferred upon the Town Attorney by law, the Town Attorney shall have the following authority and duties under these Land Development Regulations:

A. Preparing findings of fact and **conclusions of law.** To prepare all written findings of fact and conclusions of law in connection with any requirement of these Land Development Regulations;

B. Review all legal instruments. To review and approve as to form all proposed new regulations or amendments to these Land Development Regulations, all 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 Town officials and boards. To advise the Town Administrator, Planning Director, Planning and Zoning Commission/Board of Adjustment, and Town Council 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.

SECTION 5070. DESIGN REVIEW COMMITTEE

A. Establishment and Purpose. There is hereby established a Design Review Committee, hereinafter known as the Committee, for the Town of Jackson, consisting of members who are qualified by experience and training to advise and provide technical assistance to the Planning Director, Planning and Zoning Commission/Board of Adjustment, and Town Council in regards to design review pursuant to Division 4500. Nonresidential Standards of these Land Development Regulations.

B. **Powers and duties.**

1. **Design Review Committee.** The Design Review Committee shall have the powers and duties established under the provisions of these Land Development Regulations.
2. **Prepare Design Review Guidelines.** The Design Review Committee shall prepare or cause to be prepared the Design Review Guidelines which is recommended for adoption by the Town Council;
3. **Recommend on Development Plans.** To hear, review, consider, and make recommendations to the Planning Director, the Planning and Zoning Commission/Board of Adjustment, and the Town Council to approve, approve with conditions, or disapprove applications for Development Plans;
4. **Make expertise available.** To make special knowledge and expertise available upon written request and authorization of the Town Council to any official, department, board, commission or agency of the Town, State or Federal governments; and
5. **Make additional studies.** To make studies of the resources, possibilities and needs for the Town and to report its findings and recommendations, with reference thereto, from time to time, to the Town Council.

C. Membership

1. **Qualifications.** Members of the Committee shall be residents of the Town of Jackson or Teton County. No member of the Town Council, Planning and Zoning Commission/Board of Adjustment, or Town Employees shall serve as a member of the Committee. Although no certification is required for appointment, applicants shall be experienced or educated in the architecture, landscape architecture, planning, and other design related fields. A diversity of members is encouraged from all professions and from a variety of design firms.
2. **Appointment.** The Committee shall be composed of seven (7) members, to be appointed by the Mayor with the consent of the Town Council.

D. **Terms of office.** All members serving on the Committee shall be appointed for a term of two (2) years, after the initial Committee has been appointed. Initial appointments shall be three (3) for one (1) year and four (4) for two (2) years. There shall be no limit on the number of terms a person may serve on the Committee. When a person is appointed to fill out the term of a departing member, that person's term shall end at the time the departing member's term would have ended.

E. **Removal from office.** The Town Council may terminate the appointment of each person as member of the Committee after a public hearing.

1. **General.** In the event that any member is no longer a qualified appointee of the Town, or is convicted of a felony, or an offense involving moral turpitude while in office, the Town Council may terminate the appointment of such person as a member of the Committee after a public hearing, and the Mayor shall appoint a new member with the consent of the Town Council.
2. **Attendance.** If any member of the Committee fails to attend four (4) regular meetings without cause over a six (6) month period, the Chairperson of the Committee shall notify the Town Council who may, after a public hearing, declare the seat vacant. If the seat is declared vacant, the Mayor shall appoint a new member with the consent of the Town Council.

F. **Vacancy.** Whenever a vacancy occurs on the Design Review Committee, the Mayor shall within thirty (30) calendar days of the vacancy, appoint a new member with the consent of the Town Council.

G. **Officers; quorum; rules of procedures.**

1. **Chairperson and Vice-Person**. At an annual organizational meeting, the members of the Committee 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 and compel the attendance of witnesses and shall be in charge of all proceedings before the Committee and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Committee. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson.
2. **Secretary**. The Planning Director or designee shall serve as secretary of the Committee. The Secretary shall keep a stenographic or electronic record of all proceedings before the Committee, which shall include the vote of all members upon every question, and be attested to by the Secretary. In addition, the Secretary shall maintain all records of the Committee meetings, hearings, proceedings and the correspondence of the Committee.
3. **Staff**. The Planning Department shall be available to provide professional assistance to the Committee, at the direction of the Town Administrator.
4. **Quorum and Voting**. The presence of four (4) or more members of the Committee shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of affirmative votes of the quorum present.

H. **Meetings**

1. **General.** Meetings of the Committee shall be held at least once monthly, set at a consistent time and date, to deal with matters properly before the Committee. More meetings shall be called as needed.

2. **Special Meetings.** A special meeting may be called by the Chairperson by giving notice to each member and to the official advertising newspaper of the Town of Jackson. The notice shall specify the time, place and business to be transacted, and no other business shall be conducted.

3. **Location.** The location of all Design Review Committee meetings shall be held in the Town Hall, or such other place within the Town of Jackson accessible to the public, as designated by the Chairperson pursuant to the notice requirements for a special meeting.

4. **Meetings Open to the Public.** All meetings of the Committee shall be open to the public in a place accessible to the public.

I. **Compensation.** The members of the Committee shall serve without compensation, but may be reimbursed for such travel, mileage, and/or per diem expenses as may be authorized by the Town Council.

Ord. 788 § 2, 2004; Ord. 779 § 2, 2004; Ord. 736 § 1, 2003

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 the Town.

B. Common Review Procedures. Table 5110 B.1, Common Review Procedures, indicates all steps that any application for development permit is required follow in the Town.

Ord 788, § 3, 2004; Ord. 779 § 3, 2004; Ord. 736 §, 2003

Table 5110 B.1 COMMON REVIEW PROCEDURES															
	Interpretation	Conditional Use and Special Use	Map & Text Amendment	Planned Resort District	Subdivision Final Plat	Development Plan			Planned Unit Development	Zoning Compliance Verification	Variance	Appeal	Beneficial Use	Sign Permit	Grading Permit
						Minor	Interme-diate	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
Planning Director	A	o	o	o		A	o	o	o	A	o		o	A	o
Town Engineer		o	o	o	o	o	o	o	o						A
Hearing Officer		x											o		
Advertisement		x	x	x	x		x	x	x		x	x			
Public Hearing		x	x	x	x		x	x	x		x	x			
Design Review Committee						o	o	o							
Planning Commission/Board of Adjustment		o	o	o[1]			o	o	o		A	A			
Town Council		A	A	A[2]	A		A	A	A				A		

Key:
x = Required
o = Review and Recommendation
A = Final Action
[1] = Review and recommendation by Teton County Planning Commission
[2] = Review and recommendation by Teton County Board of County Commissioners
(Ord 981 §1, 2010; Ord 788 §3, 2004; Ord 779 §3, 2004; Ord. 736 § 1, 2003; Ord. 580 §11, 1997)

SECTION 5120 PROVISIONS OF GENERAL APPLICABILITY

A. Application forms. All applications for development permits shall be on the specific Town forms and are to be made available to the public by the Planning Director. The Planning Director shall develop a checklist which shall be distributed to the public indicating all information that must be presented in order for the Planning Director to evaluate the application. No application shall be accepted for consideration unless the information required in the form and checklist is found by the Planning Director to be in sufficient detail to evaluate the application to determine whether it complies with the appropriate substantive requirements of these Land Development Regulations.

B. Fees. All applications shall be accompanied by the applicable fee required by the Town fee schedule. The Town fee schedule shall be established by ordinance, and may be revised in a like manner, from time to time, by the Town Council. Its purpose shall be to defray the costs of processing applications. The Town fee schedule shall be available for review in the Town Planning Department during normal business hours. (Ord. 939 § 1, 2010, Ord. 716, 2002; Ord. 628 § 1, 1999)

C. Preapplication conference

1. **General Overview.** A Pre-application Conference shall be held prior to submission of an application for Development Plan except for Minor Development Plan applications, which shall be exempt from this provision. A Pre-application Conference may be requested prior to any application. The purpose of the Pre-application Conference is for the applicant to obtain information regarding the applicable provisions of these Land Development Regulations required to permit the development proposed. (Ord. 982 § 1, 2010.)

2. **Initiation of Preapplication Conference.** An applicant shall initiate the request for a preapplication conference with the Planning Director. Along with the request for the preapplication conference, the applicant shall submit to the Planning Director on a form provided to the public by the Planning Director a description of the character, location, and magnitude of the proposed development and the type of permit sought.

3. **Scheduling of Preapplication Conference.** Upon receipt of a request for a preapplication conference, the Planning Director shall schedule the preapplication conference. The preapplication conference shall be held within thirty (30) 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/Board of Adjustment and/or Town Council in which case the preapplication conference shall occur within sixty (60) days of receipt of the request. The Planning Director shall notify the applicant of the time, date, and place of the preapplication conference.

4. **Preapplication Conference issues.** At the preapplication conference, the applicant and the Planning Director, and/or the Planning and Zoning Commission/Board of Adjustment and/or Town Council, shall discuss the proposed development, and based upon the information provided by the applicant and the provisions of these Land Development

Regulations, ascertain what provisions of these Land Development Regulations apply to the proposed development.

5. **Written Summary.** The Planning Director shall mail to the applicant a written summary of the preapplication conference, within fourteen (14) working days of the completion of the preapplication conference.

D. Common procedure for review of applications. Unless otherwise stated in this Article, the submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of public hearings on all applications for development permits, including development permits for a change of use to convert existing dwelling units to condominiums or townhomes, shall comply with the procedures of this subsection.

1. **Initiation.** Applications for development permits shall be submitted to the Planning Director by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.
2. **Submission of application.** An application for a development permit shall be submitted to the Planning Director along with a fee established pursuant to **Section 5120.B, Fees.**
3. **Required contents of application.** Minimum requirements for the contents of each type of application shall be established by the Planning Director.
4. **Determination of sufficiency.** Within fourteen (14) days of the submittal of an application, the Planning Director shall determine if the application contains the required items from the checklist and any items agreed upon in the pre-application conference, in sufficient detail to allow a review and evaluation of the application.
   a. **Determined insufficient.** If the Planning Director determines that the application is not sufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the application shall be considered withdrawn. If the Planning Director fails to mail written notice of any deficiencies to the applicant within twenty-one (21) calendar days of submission of the application, the application shall be deemed sufficient.
   b. **Determined sufficient.** When the application is determined sufficient, the Planning Director shall notify the applicant, in writing, of the application's sufficiency, and, if known at that time and if applicable, the date set for the first public hearing for the application, which shall in any event be scheduled no more than sixty (60) calendar days following the submission of a sufficient application.

   (Ord. 791 § 2, 2005)
5. **Action by Planning Director**
   a. **Planning Director as final action.** Within thirty (30) calendar days 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. For all applications except single-family homes, prior to rendering a decision, the Planning Director shall notify neighboring property-owners regarding the application in accordance with **Section 5120.E.2, Required 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 thirty (30) calendar days, the application shall be deemed approved and the proper permit shall be issued.

b. Planning Director recommendation for public hearing. Within thirty (30) calendar days after mailing of notice that an application, for which a public hearing is required, is determined to be sufficient, the Planning Director shall review the application and prepare a Staff Report. The Staff Report shall be mailed to the applicant and made available to the public no later than five (5) 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 body reviewing the application, within 120 calendar days of the submission of a sufficient application, and by which time a Staff Report can be prepared, the application can be fully considered at the meeting of the appropriate 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 120 day time limit upon written notice to the appropriate 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.**

(Ord. 913 § 1, 2009.)

E. Notice of public hearings

1. General. All applications for development permits requiring a public hearing shall follow the provisions of this Subsection with regard to public notice and the conduct of such

public hearing. The Planning Director shall be responsible for ensuring compliance with the Notice in Newspaper and Mailed Notice.

2. **Required Notice.** An application for development permit requiring a public hearing shall be advertised in a newspaper of general circulation in the Town. Such notice shall appear no less than fifteen (15) calendar days prior to the date of the public hearing, and shall be sent by mail to all landowners within two hundred (200) feet of the land subject to the application no less than ten (10) calendar days before the public hearing. The notice shall contain the following information.

   a. **Type of application.** The type of application sought: i.e. Conditional use, Variance, amendment to the Official Zoning District Map, amendment to the text of these Land Development Regulations, Subdivision.
   b. **Description of action.** A short description of the proposed action requested.
   c. **Description of property.** 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.

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 Town 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 by 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 five (5) calendar days prior to the public hearing. It shall address each factor required to be considered by these Land Development Regulations prior to approval of the application.

4. **Conduct of public hearing before Town Council and Planning and Zoning Commission/ Board of Adjustment.** The conduct of public hearings shall comply with the following procedures.

   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 statements or information that the Chairperson 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 statements or information presented by the public.

(6) Town Staff response. The Planning Director, or Planning Department staff, the Town Attorney, and any other Town 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 is 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. 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 public hearing 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 accord with the time limits established in these Land Development Regulations, which shall be tolled during any continuance. Action shall be taken as promptly as possible in consideration of the interests of the citizens of the Town.

(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 Town Planning Department, during normal business hours, within fourteen (14) calendar days after the decision.

i. Conduct of public hearing before Board of Adjustment. The conduct of required public hearings before the Board of Adjustment shall be in accordance with Rules Governing Contests adopted pursuant to the Wyoming Administrative Procedures Act, a copy of which rules are on file in the office of the County Clerk, and is also available for inspection or purchase in the office of the Planning Director.

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 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 Town Council 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 Town Council.

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 Town 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 Town Council.

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 Town 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, 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 Town Attorney and the Teton County Planning Director, 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 Adjustment within thirty (30) calendar days of the date of mailing of the interpretation by submitting a written appeal to the Planning Director pursuant to **Section 5180, Appeals on Decisions of Planning Director or Town Engineer.**

E. Official record. The Planning Director shall maintain a record of all interpretations rendered. This record shall be available for public inspection in the Town 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 effect 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 Town, 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 these Land Development Regulations. A Conditional use not involving a new or remodeled structure 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 Town Council 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 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 scale and character of the immediate vicinity of the land proposed for development;

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;

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 these 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 these Land Development Regulations. The Town Council 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 goals, objectives, policies, and maps of the Comprehensive Plan, including standards for building and structural intensities and intensities of use;

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. **Operation Impacts on Neighbors.** Longer hours of operation than specified in **Section 231200, Gravel Extraction and/or Processing,** shall be permitted only if:
    a. the surrounding neighborhood is not predominantly residential, and
    b. there is no Institutional use within one thousand (1,000) feet that is typically used on weekends, such as a church.
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. **Other 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 other applicable provisions of these Land Development Regulations for use, layout, and general development characteristics. Exceptions shall be made for environmental performance standards as enumerated in **Division 49300, Other Environmental Performance Standards,** only if the Best Available Technology is unable to meet the standard; and
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.

D. Conditions and restrictions

1. **Authority.** The Town Council may, in approving a 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 Town.
2. **Conditions set forth in permit.** All conditions imposed in any 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 permit.

E. Performance bond. As a condition for granting a Conditional or Special use 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 Town Clerk a surety or cash bond, letter of credit, or other collateral suitable to the Town Council, in an amount specified by the Town Council to insure the actual construction of such required improvements within such period of time as may be determined by the Town Council. 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 Town Clerk shall release the security within seven (7) calendar days.

F. Effect of issuance of a development order for a conditional or special use permit. All permits for a Conditional or Special Use shall expire unless one of the following events occurs prior to the expiration date:

1. Single Phase Development
- **a.** A building permit for the entire development plan has been issued to establish the use authorized within thirty-six (36) months from the date of Town Council approval of the Final Development Plan.
- **b.** Upon issuance of the building permit, the application shall have three (3) years to complete the project and be issued a certificate of occupancy.

2. Multiple Phase Development
- **a.** A building permit for the first phase when a phasing plan is part of the development plan has been issued to establish the use authorized within thirty-six (36) months from the date of Town Council approval of the Final Development Plan.
- **b.** Upon issuance of the building permit, the application shall have three (3) years to complete the applicable phase of the project and be issued a certificate of occupancy.
- **c.** All subsequent phases of development must be in compliance with the approved phasing plan and/or demonstrate that substantial and continuous progress has been maintained for three (3) consecutive years. Upon issuance of subsequent building permits, each application shall have three (3) years to complete the applicable phase of the project and be issued a certificate of occupancy.

3. Conventional Subdivision, Planned Unit Developments, and Planned Residential Developments
- **a.** Final Plat and associated Subdivision Improvement Agreement(s) or Development Agreement(s) have been recorded in the Office of the Teton County Clerk.

Upon expiration, approval of a conditional or special use permit and all unvested and all unexercised rights that are established by the conditional or special use permit shall lapse and the lands shall thereafter be subject to the then applicable Land Development Regulations. Such time period will not be extended by transfer of ownership.
(Ord. 962 § 1, 2010; Ord. 819 § 2, 2005; Ord. 815 § 2, 2005)

G. Additional 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 shall not ensure that the development approved as a Conditional or Special use 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 Conditional or Special use 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, 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 Conditional or Special use permit 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 Town Council 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. **Amendment to Official Zoning District Map.** An amendment to the Official Zoning District Map may be proposed by the Town Council, the Planning and Zoning Commission/Board of Adjustment, the Planning Director, or the owner or another person having a recognized interest in land affected by a proposed amendment, or their authorized agent.

2. **Amendment to text of these Land Development Regulations.** An application for an amendment to the text of these Land Development Regulations may be proposed by the Town Council, the Planning Director, or the Planning and Zoning Commission/Board of Adjustment. Any citizen of the Town may propose in writing an amendment to the text of these Land Development Regulations.

C. Procedure

1. **Review of Applications.** The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of public a 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 established in **Section 5120.D. Common Procedure for Review of Applications.**

2. **Review and recommendation of Planning and Zoning Commission/Board of Adjustment**. The Planning and Zoning Commission/Board of Adjustment 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/Board of Adjustment 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/Board of Adjustment shall recommend to the Town Council either to approve or disapprove the application based on the standards in Section 5150.D-F.

3. **Action by Town Council.** After the recommendation of the Planning and Zoning Commission/Board of Adjustment, the Town Council shall conduct a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the Staff Report, the Planning and Zoning Commission/Board of Adjustment 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 Town Council shall either approve or disapprove the application based on the standards set forth in this Section by a simple majority vote, except that if there is a protest against an application for an amendment to the Official Zoning District Map signed by the owners of twenty (20) percent or more of the area of land considered in the application, or twenty (20) percent of the landowners within a distance of one hundred forty (140) feet, the application must be approved by an affirmative vote of four (4) members of the Town Council. In determining the one hundred forty (140) feet, the width of any intervening street or alley shall not be included.

D. General standards. Amendments to the text of these Land Development Regulations or a general 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 Town Codes.** Amendments shall be consistent with other adopted codes, ordinances, and/or resolutions of the Town.

E. Standards for review of amendments to the Official Zoning District Map. Amendments to the Official Zoning District Map shall 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 land 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.

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.

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. (Ord. 522§ 1, 1995.)

A. 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 development permit for Variance shall comply with the procedures established in **Section 5120.D, Common Procedure for Review of Applications.**

2. **Decision of Planning and Zoning Commission/Board of Adjustment.** The Planning and Zoning Commission/Board of Adjustment shall conduct a public hearing on an application for a Variance. At the public hearing, the Planning and Zoning Commission/Board of Adjustment 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/Board of Adjustment shall render a decision either to approve, approve with conditions, or disapprove a Variance based on the standards in **Section 5160.B, Standards.**

B. Standards. In order to authorize a Variance, the Planning and Zoning Commission/Board of Adjustment 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 subsequent to the adoption of these Land Development Regulations; and

3. **Strict application deprives reasonable use.** The special circumstances and conditions are such that the strict application of the provisions of these Land Development Regulations would deprive the applicant of reasonable use of the land or building; and

4. **Variance is necessary to provide reasonable use.** The granting of the Variance is necessary to provide the applicant a reasonable use of the land or building; 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 LDRs.** 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/Board of Adjustment 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 lands in the neighborhood and on the general health, safety, and welfare of the Town.

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 permits for a Variance shall expire unless one of the following events occurs prior to the expiration date:

1. Single Phase Development
   - **a.** A building permit for the entire development plan has been issued to establish the use authorized within thirty-six (36) months from the date of Town Council approval of the Final Development Plan.
   - **b.** Upon issuance of the building permit, the application shall have three (3) years to complete the project and be issued a certificate of occupancy.
2. Multiple Phase Development
   - **a.** A building permit for the first phase when a phasing plan is part of the development plan has been issued to establish the use authorized within thirty-six (36) months from the date of Town Council approval of the Final Development Plan.
   - **b.** Upon issuance of the building permit, the application shall have three (3) years to complete the applicable phase of the project and be issued a certificate of occupancy.
   - **c.** All subsequent phases of development must be in compliance with the approved phasing plan and/or demonstrate that substantial and continuous progress has been maintained for three (3) consecutive years. Upon issuance of subsequent building permits, each application shall have three (3) years to complete the applicable phase of the project and be issued a certificate of occupancy.
3. Conventional Subdivision, Planned Unit Developments, and Planned Residential Developments
   - **a.** Final Plat and associated Subdivision Improvement Agreement(s) or Development Agreement(s) have been recorded in the Office of the Teton County Clerk.

If the Variance does not require a building permit, development plan or plat, the Variance shall continue if the use of the property is established, ongoing, and in operation. Upon expiration, approval of a Variance and all unvested and all unexercised rights that are established by the Variance shall lapse and the lands shall thereafter be subject to the then applicable Land Development Regulations. Such time period will not be extended by transfer of ownership.
(Ord. 963 § 1, 2010; Ord. 815 § 2, 2005.)

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 permit for 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. (Ord 522 § 1, 1995.)

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. A Zoning Compliance Verification shall be required prior to making a change in 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, an application for 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 act within the time limits established by this section shall render null and void the Zoning Compliance Verification.

SECTION 5180 APPEALS ON DECISIONS OF PLANNING DIRECTOR OR TOWN ENGINEER

An appeal may be taken by any person aggrieved by a decision of the Planning Director or Town Engineer to the Planning and Zoning Commission/ Board of Adjustment. For the purposes of this Section, a person aggrieved shall be the person who has submitted the application or requested an interpretation which has been acted upon by the Planning Director or Town Engineer.

A. Procedure

1. **Initiation.** The appeal shall be in writing and filed with the Planning Director, acting as Secretary of the Planning and Zoning Commission/Board of Adjustment, within thirty (30) calendar days of the date of mailing of written notice of the decision.

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 Planning and Zoning Commission/Board of Adjustment 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 Planning and Zoning Commission/Board of Adjustment.** At such 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, Town Engineer and any other Town employee shall be provided the opportunity to respond, as well as any other persons the Planning and Zoning Commission/Board of Adjustment deems necessary.

The Planning and Zoning Commission/Board of Adjustment shall either affirm, affirm with modifications, or reverse the decision of the Planning Director or Town Engineer, 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 Town relating 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 applications for development permits for a plan for development of land, a landowner in the Town 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 non-judicial forum.

A. Purpose. The purpose and intent of the Town Council is that every landowner in the Town 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 Town 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 at any time 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, and 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 the Town 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 Town Attorney shall represent the Town. 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) days of the close of the hearing, the Hearing Officer shall prepare recommended findings of fact and a proposed order for consideration by the Town Council. 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 the 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

5190.D, Granting of Relief. The Hearing Officer's recommended findings of facts and proposed order shall be in writing and shall state in detail the basis of the conclusions from the record of the hearing.

7. **Action by Town Council.** The Town Council shall schedule a hearing on the application within thirty (30) 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 Town Council 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 **Sections 5190.C, Beneficial Use Standards,** and **5190.D, Granting of Relief,** whichever is appropriate. If the Town Council 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 **Sections 5190.C, Beneficial Use Standards** or **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 the Town Council shall take into account the following factors:

1. **Economically viable use.** Whether the land is provided an economically viable use. In making this determination the Hearing Officer/Town Council 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 the Town of Jackson, 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 Town 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 the 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 Town, 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 Town but which uses still provide for occupation and living within the Town. 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 RESERVED

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 Town;

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 Town's unique environmental qualities and scenic beauty;

4. **Maintain human environment**. Maintain and enrich the human environment for Town residents and visitors;

5. **Ensure conformance with public improvement plan.** Ensure conformance and coordination of land development with the public improvement plans of the Town;

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.

(Ord.941 § 1, 2009; Ord. 914 § 1, 2009.)

B. Applicability

1. **Permitted uses.** Any development allowed as a permitted use according to **Table 2200, Use Schedule**, shall require a Sketch Plan, as applicable, and a Final Development Plan pursuant to subsection **Section 51200.C.4, Thresholds for Development Plans** as defined below, unless exempted by these LDR.

2. **Conditional and Special uses**. Any development requiring a conditional or special use review according to **Table 2200, Use Schedule,** shall require a Sketch Plan, as applicable, and a Final Development Plan as either an intermediate or a major development as defined below in **Section 51200.C.4, Thresholds for Development Plans**, unless exempted by these LDR**.**

3. **Subdivision.** No person shall subdivide any land or structure which is located in the incorporated Town, or within one mile thereof, except in conformance with this Section, these Land Development Regulations and **Article VI, Platting and Land Records.** Notwithstanding, any land division expressly exempted by Section 18-5-303, Wyoming Statutes, as amended, minor boundary adjustments, and certain vacations or modifications to filed plats that are identified in Article VI, **Section 6030, Exemptions,** are exempt from this Section.

(Ord.941 § 1, 2009; Ord. 914 § 1, 2009.)

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.** The Sketch Plan is a written and graphic representation of a development concept. The purpose of the Sketch Plan is to represent a proposed development at a preliminary, conceptual level of detail in order to determine general compliance with the Jackson-Teton County Comprehensive Plan and these Land development Regulations. Furthermore, it is the purpose of the Sketch Plan, through its preparation by the applicant and subsequent review by the Town, to identify planning and growth and development-related issues which must be addressed in

greater detail prior to or concurrently with the Final Development Plan. (Ord. 506 § 1, 1995.)

(1) 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 Town Council, 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

(2) Sketch Plan action by Town Council. The Town Council 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 Town Council 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 Town Council shall either approve, approve with conditions or disapprove the application for Sketch Plan based on a finding that the application complies or falls to comply with the standards of these Land Development Regulations.

(3) Effect of Sketch Plan Approval. A Sketch Plan shall expire two (2) years from the date of Town Council approval unless an application for a Final Development Plan is submitted prior to the expiration date. (Ord. 983 § 1, 2010)

c. Final Development Plan. The Final Development Plan is a highly detailed written and graphic representation of a proposed development. The purpose of the Final Development Plan is to depict a proposed development with sufficient detail to clearly determine compliance with the Jackson-Teton County Comprehensive Plan, and compliance with specific standards and criteria of these Land Development Regulations. It is the intent of this section that the Final Development Plan be of such detail and contain sufficient information that upon its approval by the Town Council, the applicant may apply for building permit(s) or file for Final Plat approval as applicable. (Ord. 506 § 2, 1995.)

(1) 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.

(2) Final Development Plan action by Town Council. The Town Council 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 Town Council 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 the public hearing, the Town Council 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 Town Council, 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.

d. Final plat action by the Town Council. The Town Council 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 Town Council. Single-family homes classified as minor developments shall also be exempt from the pre-application conference requirement. Within sixty (60) 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 5,000 square feet or less of total gross floor area or, if no structure is proposed, containing an activity that will occupy land area of 6,000 square feet or less. (Ord. 792 § 2, 2005)

(3) Change of use. Any change of use, including the conversion of existing dwelling units to condominiums or townhomes, when no other development is proposed.

(4) Agricultural employee housing. Agricultural employee housing meeting the standards in Section 2310, Agricultural Employee Housing.

(5) Temporary gravel extraction and processing. Temporary gravel extraction and processing meeting the standards in Section 231300.D, Gravel Extraction and Processing.

(6) Design Review Procedures. All non-residential development shall be subject to Design Review set forth in Division 4500. Non-Residential Standards
(Ord. 780 § 2, 2004; Ord. 736 §1, 2003)

(7) 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 Town Council, if the development will have a major local or community impact that warrants public review.
(Ord. 736 § 1, 2003)

b. Intermediate Development Plan. Intermediate developments shall be exempt from the Sketch Plan review by the Planning and Zoning Commission and the Town Council, and may proceed directly to a Final Development Plan after a pre-application 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 pre-application conference. The following are intermediate developments:
(Ord. 736 § 1, 2003)

(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 but excluding platting of residential developments only to convert existing dwelling units to condominiums or townhomes when no other development is proposed.

(2) Nonresidential. Any nonresidential development containing over 5,000 square feet of gross floor area but less than or equal to 15,000 square feet of gross floor area or, if no structure is proposed, containing an activity that will occupy land area over 6,000 square feet; platting of nonresidential developments that are ten (10) or less lots/units. (Ord. 792 § 2, 2005)

(3) Conditional or Special uses. Any Conditional or Special Use proposal containing 15,000 square feet or less of gross floor area or, any Conditional or Special use proposal in which no structures are proposed. (Ord. 792 § 2, 2005)

(4) Design Review Procedures. All non-residential development shall be subject to Design Review set forth in Division 4500. Non-Residential Standards.
(Ord. 780 § 3, 2004; Ord. 736 § 1, 2003)

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 pre-application 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 but excluding platting of residential developments only to convert existing dwelling units to condominiums or townhomes when no other development is proposed.

(2) Nonresidential. Any nonresidential development containing over 15,000 square feet of gross floor area, or platting of nonresidential developments of more than ten (10) lots/units.
(Ord. 792 § 2, 2005)

(3) Design Review Procedures. All non-residential development shall be subject to Design Review set forth in Division 4500. Non-Residential Standards.
(Ord. 780 § 4, 2004; Ord. 736 § 1, 2003)

(4) Conditional or Special uses. Any Conditional or Special use proposal containing more than 15,000 square feet of gross floor area. (If no structures are proposed, see intermediate development plan.)
(Ord.792 § 2, 2005)

(Ord.941 § 1, 2009; Ord. 914 § 1, 2009.)

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 fifty (50) 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 two hundred (200) feet 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 or adjacent to the development, along with all applicable setback lines associated with those water bodies.

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.

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. 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. 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.

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. Water distribution system. The location of the water distribution system within the proposed development and its connection to the Town of Jackson system.

t. Sanitary sewer collection. The location of the sanitary sewer collection system within the proposed development and its connection to the Town of Jackson system.

u. Coordinates. For the Final Development Plan, Wyoming State Plane Coordinates, NAD 1983, on at least two (2) boundary points of the development, and a note indicating the monument(s) used to derive this information. A base bearing shall be derived from this system;

v. Monuments. For the Final Development Plan, the accurate location of all monuments, found or set, within or adjacent to the development, including bench marks or triangulation stations. Each lot corner and road easement corner shall be monumented or witnessed as required by Wyoming Statutes and the regulations of the State Board of Registration for professional Engineers and Land Surveyors. Descriptions of all monuments, found or set, shall be shown by legend or separate description.

w. Developments within two (2) miles of Airport. Developments within, or partially within, a two (2) mile area measured from any point on the centerline of the Jackson Hole Airport runway shall be annotated: "THIS DEVELOPMENT LIES IN THE IMMEDIATE PROXIMITY TO THE JACKSON HOLE AIRPORT."

2. Drawings, Statements, and Other Data to Accompany the Plan

a. Land development program. Complete land development program to include gross acreage, net acreage (as applicable), gross floor area by use, FAR and residential densities as appropriate, lot coverage, LSR, and required and proposed parking. Other pertinent data may be required by the Planning Director.

b. Natural resources. A composite map, if applicable, indicating the location and extent of natural resources identified in **Article III, Natural, Scenic, Agricultural and Tourism Resources Protection.**

c. Approval of street location. When streets are proposed to be constructed on land controlled by a public agency or utility company, approval of the location, improvement, and maintenance of such streets shall be obtained and recorded as deemed appropriate by the Town 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. Design of water distribution and sanitary sewer collection systems. Preliminary design for the water distribution and sanitary sewer collection systems and their connections to the Town systems.

f. Copies of agreements. Copies of any agreements with adjacent or other land owners relevant to the proposed development.

g. 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.

h. 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 Town requirements. These drawings should provide sufficient detail to evaluate the practicality of design, cut and fill extent, "visual impact" and conformance with Town of Jackson and Fire Department standards of all proposed roads.

i. 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.

j. 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.

k. 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.

1. **Landscaping plan required.** With the Final Development Plan, a landscape plan pursuant to **Division 4100, Landscaping Standards.**

m. Building plans and elevations. With the Final Development Plan, building plans and elevations shall be submitted for all proposed buildings in the project.

n. Lighting. With the Final Development Plan, location, type, and height of outdoor lighting fixtures.

o. 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.)

p. Signs. With the Final Development Plan, location of signs, with appropriate dimensional information, including the height, length and area.

q. 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.

r. Phasing plan/construction schedule. Proposed development phasing plan and construction schedule, identifying specific portions of the development and target dates for completion.

s. Existing permits and variances. A statement identifying any active development permits for the property and any variances obtained for development of the property.

t. 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. Town Engineer. A review letter shall be obtained from the Town Engineer addressing the sanitary sewer collection system, the water distribution system, drainage, stormwater management, erosion control, street lighting, signage, pathways, 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.

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. Police Department, Park and Recreation, School District, Public Works Department, Wyoming Department of Transportation, Design Review Committee, and any other agencies as requested by the Planning Director. **(**Ord. 780 § 5, 2004; Ord. 736 § 1, 2003)

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, 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.

(Ord.941 § 1, 2009;)

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 Town Council 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.** Any proposed Development Plan involving lands within the NRO or SRO shall achieve the standards and objectives of both the NRO, pursuant to **Division 3200, Natural Resources Protection and 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.**

(Ord.941 § 1, 2009)

F. Conditions and restrictions

1. **Authority.** The Town Council 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 Town. (Ord.941 § 1, 2009)

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 Town Clerk a surety or cash bond, letter of credit, or other collateral suitable to the Town Council, in an amount specified by the Town Council to insure the actual construction of such required improvements within such period of time as may be determined by the Town Council. 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 Town Engineer shall release the security within seven (7) calendar days. (Ord.941 § 1, 2009)

H. Effect of issuance of a Development Plan permit. All permits for a Development Plan shall expire unless one of the following events occurs prior to the expiration date:

1. Single Phase Development

a. A building permit for the entire development plan has been issued to establish the use authorized within thirty-six (36) months from the date of Town Council approval of the Final Development Plan.

b. Upon issuance of the building permit, the application shall have three (3) years to complete the project and be issued a certificate of occupancy.

2. Multiple Phase Development

a. A building permit for the first phase when a phasing plan is part of the Development Plan has been issued to establish the use authorized within thirty-six (36) months from the date of Town Council approval.

b. Upon issuance of the building permit, the application shall have three (3) years to complete the applicable phase of the project and be issued a certificate of occupancy.

c. All subsequent phases of development must be in compliance with the approved phasing plan and/or demonstrate that substantial and continuous progress has been maintained for three (3) consecutive years. Upon issuance of subsequent building permits, each application shall have three (3) years to complete the applicable phase of the project and be issued a certificate of occupancy.

3. Conventional Subdivision, Planned Unit Developments, and Planned Residential Developments

a. Final Plat and associated Subdivision Improvement Agreement(s) or Development Agreement(s) have been recorded in the Office of the Teton County Clerk.

Upon expiration, approval of a Development Plan and all unvested and all unexercised rights that are established by the plan shall lapse and the lands shall thereafter be subject to the then applicable Land Development Regulations. Such time period will not be extended by transfer of ownership.
(Ord. 964 § 1, 2010; Ord. 941 § 1, 2009; Ord. 815 § 2, 2005.)

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. (Ord. 941 § 1, 2009.)

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.** (Ord. 941 § 1, 2009.)

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** (Ord. 941 § 1, 2009.)

DIVISION 5200 RESERVED

LAND DEVELOPMENT REGULATIONS

Article VI
PLATTING AND LAND RECORDS

Sections:

DIVISION 6000 PURPOSE, APPLICABILITY AND EXEMPTIONS

- **SECTION 6010 PURPOSE**
- **SECTION 6020 APPLICABILITY**
- **SECTION 6030 EXEMPTIONS**
- **SECTION 6040 SALE OF LAND IN UNAPPROVED SUBDIVISION**

DIVISION 6100 FINAL PLAT

- **SECTION 6110 PROCEDURE**
- **SECTION 6120 DIMENSIONAL LIMITATIONS**
- **SECTION 6130 GENERAL DESIGN AND LAYOUT STANDARDS**
- **SECTION 6140 SUBDIVISION IMPROVEMENTS AGREEMENT CONTRACT AND GUARANTEE**
- **SECTION 6150 COMPLETION OF IMPROVEMENTS**

DIVISION 6200 VACATIONS/MODIFICATIONS TO FILED PLATS

DIVISION 6300 MINOR BOUNDARY ADJUSTMENTS

DIVISION 6400 CONDOMINIUM AND TOWNHOME SUBDIVISION

DIVISION 6000 PURPOSE, APPLICABILITY AND EXEMPTIONS

SECTION 6010 PURPOSE

The subdivision of land is achieved by obtaining a Development Plan permit, pursuant to Section 51200, Development Plan, and recording of a Final Plat, pursuant to this Article. The Town 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 Town;
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.

(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

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.

(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

SECTION 6030 EXEMPTIONS

Section 51200, Development Plan and this Article shall not apply to the following:

A. Exempted by Wyoming Statutes. Any land division expressly exempted by Section 18-5-303, Wyoming Statutes, as amended. This includes but is not limited to:
    1. Cemetery lots. The subdivision of land for cemetery lots;
    2. Sale of land to State or political subdivision. The sale of land to the State of Wyoming or any political subdivision of Wyoming;
    3. Sale for agricultural purposes. The sale of land for agricultural purposes;
    4. Sale of thirty-five (35) acres or greater. The sale of land where the parcel involved in the sale is thirty-five (35) acres or larger;
    5. Statutory rights-of-way. Statutory and authorized rights-of-way.
    6. Alignment for agricultural purposes. Alignment of property lines for agricultural purposes;
    7. Sale of platted lot. The sale of any parcel(s) of land which may be shown as lot(s) of a subdivision for which a plat has been recorded in the office of the Clerk of Teton County.
B. Conservation easements. The division of a parcel of land such that any portion is smaller in size than the minimum lot size in the zoning district in which it is located, for conveyance of

such nonconforming parcel in fee simple to a qualified non-profit organization in connection with the conveyance of a perpetual conservation easement to which it is appurtenant, provided that the parcel of land so conveyed in fee simple is subject to the same or similar conservation easement restrictions.

C. Minor boundary adjustment. Any boundary adjustment described in Division 6300, Minor Boundary Adjustments.

(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

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. (Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

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. 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.

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. The scale shall be not less than one (1) inch equals fifty (50) feet unless the Town Engineer 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, 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 Town Engineer 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 State plane coordinates, NAD 1983.

(2) DXF format file. An Autocad(R) compatible dxf format file or an Autocad(R) drawing file with layer separation for each plan view sheet which defines ownership boundaries. The development boundary, the individual lot or unit boundary lines, easement lines, and line annotation shall be provided on separate working layers from other sheet information.

(3) Survey ties. A survey tie, or ties, to a corner of the Public Land Survey System (1/4, 1/16, or section corners).

b. 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.

(3) Certificate of owners. Certificate of Owner(s) in accordance with Section 34-12-103, Wyoming Statutes.

(4) Certificate of acceptance of mortgagees. Certificate of Acceptance of Mortgagees, if any, of the lands included in the subdivision;

(5) Acknowledgments. Acknowledgments of the above in accordance with Section 34-12, Wyoming Statutes.

(6) Certificate of approval. Certificate of Approval by the Mayor of the Town or designee, Planning Director or designee, Town Clerk or designee, and Town Engineer or designee;

(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 (xi), Wyoming Statutes; 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) (iv), (v), (vi), (vii), and (viii), Wyoming Statutes, regarding provisions for water, wastewater, and road maintenance.

C. Applicant correction of technical errors. Within thirty (30) calendar days from the date of approval, the applicant shall satisfactorily address all comments made by the Town of Jackson and other reviewing entities and submit the corrections to the Planning Department. 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. At the discretion of the Planning Director, an extension may be granted if the applicant requests in writing that additional time is needed to make corrections. The Planning Director may require additional documentation, including but not limited to a title report. (Ord. 979 § 1, 2010; Ord. 865 § 1, 2005; Ord. 489 § 2, 2005)

D. Decision by Town Council. At the public hearing on the Final Plat, pursuant to Section 51200, Development Plan, the Town Council 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 Town Council 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 Town Council, 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.

(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

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 Relations, including lot area and minimum yard setbacks. (Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

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.

(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

SECTION 6140 SUBDIVISION IMPROVEMENTS AGREEMENT CONTRACT AND GUARANTEE

A. Developer's 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 and street lights. Street signs and street lights;

3. Sanitary collection. Sanitary collection system;

4. Water distribution. A water distribution system, including water for fire fighting purposes;

5. Storm drainage. A storm drainage system and/or irrigation system, as required;

6. 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;

7. Monuments. Permanent reference monuments and monument boxes;

8. Park improvements. Park improvements to include parking, lawns, sprinkler/watering systems, and landscaping; and

B. Contents of contract. Prior to the approval of any Final Plat by the Town Council, 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 Town Council 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 Town Engineer. The subdivider may be required to execute a Subdivision Improvement Agreement contract form provided by the Town. 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 Town Engineer and, where applicable, the requirements of the Wyoming Department of Environmental Quality, and be warranted by the subdivider for a period of one (1) year from the date of acceptance by the Town. The contract shall be reviewed and approved by the Town Attorney prior to consideration by the Town Council. 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 Town Council. The Planning Director may require the contract be recorded.

C. Oversize and off-site improvements. The Town Council 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 Town Council. Such requirements shall be subject to the following conditions:

1. 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.

2. 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 Town Engineer. The Town 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.

3. Oversize reimbursement. Reimbursement for the installation of oversize improvements shall be effected only after such time as the Town accepts the subdivision improvements, a written request for reimbursement is submitted to the Town by the subdivider, and the Town Council, acting on the advice and recommendation of the Town Engineer, authorizes the reimbursement.

D. Professional engineer. All public improvements must be designed by a professional engineer licensed to do such work in the State of Wyoming.

(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

SECTION 6150 COMPLETION OF IMPROVEMENTS

A. Commencement of Construction. No construction of required public improvements shall commence until after approval of a Final Development Plan and approval of all design and construction drawings by appropriate agencies.

B. 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 Town Engineer. The developer shall provide a one (1) year warranty on the construction from the time of the acceptance by the Town.

C. Release of improvements guarantee

1. Release. As improvements are completed, the developer may submit a written request to the Town Engineer for a release of part or all of the guarantee. Upon inspection and approval, the Town Engineer shall release the requested amount of the guarantee. If the Town Engineer determines that any of the improvements are not constructed in substantial compliance with approved plans and specifications and/or requirements, the Town Engineer shall furnish the developer a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure compliance. If the Town Engineer determines that the developer will not construct any or all of the improvements in accordance with all of the specifications and/or requirements, the Town Engineer 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.

2. No implied certification of compliance. Release of the improvements guarantee 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.

D. Acceptance by the Town

1. Prior to acceptance. The Town shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement has been formally accepted by the Town.

2. Request for acceptance. Upon completion of the improvements, the subdivider may request, in writing, their acceptance by the Town. This request shall be accompanied by proof that there are no outstanding judgements or liens against the land upon which the public improvements are located.

3. Final inspection. Upon receipt of a written request for acceptance from the subdivider, the Town Engineer will conduct a final inspection of the public improvements and will furnish a written list of any deficiencies noted. The Town Engineer will base the inspection on compliance with the approved construction plans, profiles and specifications, as required by the Land Development Regulations. Upon satisfactory completion of all construction in accordance with the approved plans, profiles, and specifications, as certified by a registered engineer in the State of Wyoming, and receipt of reproducible record drawings and satisfactory test results, the Town Engineer will notify the developer in writing of the Town's approval of the public improvements and schedule the request for acceptance for review by the Town Council.

4. Record drawings. Prior to the acceptance of any completed improvements, record drawings and specifications for streets, water, sewer, drainage and other facilities must be submitted to the Town 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 and computerized electronic media format deemed suitable by the Town Engineer. The plans shall show the detailed location of all utilities including service lines to lots. A permanent benchmark shall be described on each sheet.

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

   Records Plans Certificate

   These record plans were prepared under my direct supervision and control and are an accurate representation of the public improvements shown hereon as they were constructed. The improvements as installed conform to the requirements of the Wyoming Department of Environmental Quality, the Wyoming Department of Transportation, the Town of Jackson, and other applicable agencies. Where the improvements were

constructed in a different manner, form, type, alignment, location, or material than as originally approved, they have been so noted.

(Engineer's Signature)
(Engineer's Name, Printed) Date
Wyoming P.E. No.

6. Notification of acceptance. Upon action of the Town Council to accept the improvements, the Town Engineer shall notify the subdivider in writing of the Town's acceptance.

7. Responsibility to maintain. Upon acceptance by the Town, all responsibility for the improvements shall be assumed by the Town, except that the developer shall be subject to a one (1) year warranty on the construction of the improvements from the time of acceptance by the Town.

(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

DIVISION 6200 VACATIONS/MODIFICATIONS TO FILED PLATS

A. Vacations. Vacations and partial vacations of Final Plats as authorized by Section 34-12-106 through 34-12-111, Wyoming Statutes 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 owners of interest, including easements, 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 original 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.

3. Partial vacation. The partial vacation of a recorded plat is permitted for the purpose of changing the lot configuration and/or roadway location in a limited part of the subdivision, adjusting the boundary lines between platted lots, adjusting boundary lines between platted lots and unplatted lots, or revising building envelopes or notes shown on the plat. The partial vacation shall be accomplished in accordance with Section 34-12-108, Wyoming Statutes, 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 interest, including pathways, of the lots involved.

    c. More than one (1) owner. If there is more than one (1) owner of the vacated portion of the plat instruments shall be recorded conveying ownership of 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 unplatted parcel. The boundary between a platted lot and an unplatted parcel may be adjusted, provided no additional lot or parcel is created. The adjusted unplatted parcel is not required to become a part of the subdivision, however the new configuration of the unplatted parcel shall be shown on the plat, to the satisfaction of the Town Engineer, and an instrument acceptable to the Town Attorney and the Town Engineer shall be recorded to establish the newly adjusted parcel. (Ord. 865 § 1, 2008.)

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 Town Council 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. (Ord. 865 § 1, 2008.)

g. No significant impacts, minimal change. The application for a partial vacation and a new Final Plat shall not create impacts on utilities that are significantly different from the original plat and only minimally change the layout and configuration of lots. (Ord. 865 § 1, 2008.)

h. Review of applications. The submission of an application for a partial vacation and new Final Plat, the determination of its sufficiency, staff review of, and notice and scheduling and procedure of a public hearing on an application shall comply with the procedures of general applicability established in Section 5120, Provisions of General Applicability. (Ord. 865 § 1, 2008.)

i. Significant impacts, more than minimal change. If the Planning Director determines there are significant new impacts on infrastructure, neighboring lots, or nearby

properties, or if the number of resulting lots is greater than the number of lots currently recorded in the area vacated, then the applicant shall submit an application for a Final Development Plan pursuant to Section 51200, Development Plan. (Ord. 865 § 1, 2008.)

j. Decision by the Town Council. At the public hearing on the application for partial vacation and new Final Plat, the Town Council 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 Town Council shall approve, approve with conditions, or disapprove the application based on the standards in this Division. If the application for partial vacation and Final Plat is disapproved by the Town Council such disapproval shall state in writing the reasons for the disapproval. An applicant may resubmit a new application 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. (Ord. 865 § 1, 2008.)

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 review by the Planning Director and review and approval with or without conditions or denial by the Town Council.
   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 review by the Planning Director and review and approval with or without conditions or denial by the Town Council.
   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 by the Planning Director and review and approval with or without conditions or denial by the Town Council.

(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

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 Recorded 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 ~~lots~~ parcels are created, and the resulting parcel shall be established as a single parcel for all purposes, by means of an acceptable recorded instrument;

   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.

3. Adjustments between public and private land. The conveyance of a parcel from a public agency to a private party who owns land which is contiguous to the conveyed public land, shall be treated as a boundary adjustment to the contiguous private land and not as the creation of a separate legal building lot. (Ord. 865 § 1, 2008.)

B. **Procedure.** An application for minor boundary adjustment shall include a Title Report and a Map of Survey 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. These documents shall be appropriately acknowledged and complying with the applicable sections of Wyoming Statutes, including but not limited to 33-29-134, 34-2-114, et seq., 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. No minor boundary adjustment shall be recorded by the County Clerk prior to issuance of a Zoning Compliance Verification.

C. **Applicant correction of technical errors.** Within thirty (30) calendar days from the date of approval, the applicant shall satisfactorily address all comments made by the Town of Jackson and other reviewing entities and submit the corrections to the Planning Department. 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. At the discretion of the Planning Director, an extension may be granted if the applicant requests in writing that additional time is needed to make corrections. The Planning Director may require additional documentation, including but not limited to a title report. (Ord. 980 § 1, 2010; Ord. 865 § 1, 2005; Ord. 489 § 2, 2005)

(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

DIVISION 6400 CONDOMINIUM AND TOWNHOME SUBDIVISION

SECTION 6410 GENERAL

Condominium and townhouse subdivisions require approval of a Final Plat pursuant to this Division, an approved Final Development Plan for a change of use, and compliance with all other applicable provisions of these Land Development Regulations.

SECTION 6420 PROCEDURE

A. **Final development plan required.** Final Plats for condominium and townhouse subdivisions shall comply with Section 6110, Procedure.

B. **Subdivision agreement generally not required.** Notwithstanding Section 6140, Subdivision Improvements Agreement Contract and Guarantee, such an agreement and guarantee is required only when improvements are proposed and approved as part of a Final Plat for a condominium or townhouse subdivision.

SECTION 6430 SUPPLEMENTARY REGULATIONS

A. **Building and fire code applicability.** Condominium and townhouse subdivisions constitute a change of use under the currently adopted building and fire codes as well as these LDR. The conversion of dwelling units to condominiums or townhomes shall comply with the currently adopted building and fire codes.

B. **Report on building required.** To ensure compliance with the currently adopted building and fire codes, a written and graphic report shall be professionally prepared by an individual qualified by the Town Building Official and submitted to the Building Official for review. The report shall identify any conditions of the existing structure(s) that do not conform to the currently adopted building and fire codes and the alterations required to bring the structure(s) into compliance with the codes. A structural analysis of the existing building(s) shall not be required unless the Building Official determines the structural integrity of the building(s) is questionable under the authority granted to the Building Official by the currently adopted building and fire codes.

C. **Necessary building upgrades.** The Town Building Official shall review the report, and structural analysis when required, and inspect the building(s) to determine any alterations to the building(s) necessary to comply with the currently adopted building and fire codes.
    1. **Fire sprinkler system.** Condominium and townhouse subdivisions shall not require installation of a fire sprinkler system in the building(s) unless the subdivision includes significant alteration to the existing building(s) that require a fire sprinkler system pursuant to the currently adopted building and fire codes.
    2. **Construction plans.** Construction plans to complete any required alterations shall be submitted to the Town Building Official for review and approval, approval with conditions or denial.

D. **Tenant notification.** The owner proposing a condominium or townhouse subdivision shall notify the current tenants of the dwelling units, provide the tenants the opportunity to purchase their unit, and provide a grace period to relocate.

1. **Notice to tenants.** The owner of a proposed condominium or townhouse subdivision shall notify the current tenants, in writing, via certified and U.S. mail, of the plans to convert the development to condominiums or townhouses and provide the tenants the opportunity to purchase the unit they occupy. The tenants shall be given a minimum of thirty (30) days to decide if they wish to purchase the unit they occupy. This written notice and thirty (30) day decision period may run concurrently with the Final Development Plan and Final Plat applications.
2. **Grace period to relocate.** If any tenant decides to not purchase their unit or does not respond, in writing, within thirty (30) days to the offer to purchase their unit, the owner of the development shall provide a written notice to the tenant, via certified and U.S. mail, to vacate the unit and provide a minimum of sixty (60) days from receipt of said written notice to relocate.

(Ord. 915 § 1, 2009.)

LAND DEVELOPMENT REGULATIONS

Article VII
NONCONFORMITIES

Sections:

DIVISION 7000 PURPOSE AND INTENT

DIVISION 7100 NONCONFORMING USES

- **SECTION 7110 NORMAL MAINTENANCE OR REPAIR**
- **SECTION 7100 NONCONFORMING USES**
- **SECTION 7120 ENLARGEMENT OR EXPANSION**
- **SECTION 7130 CHANGE IN CHARACTERISTICS OF NONCONFORMING USES**
- **SECTION 7140 RELOCATION**
- **SECTION 7150 CHANGE IN USE**
- **SECTION 7160 DISCONTINUANCE OR ABANDONMENT**
- **SECTION 7170 UNSAFE DUE TO LACK OF MAINTENANCE**

DIVISION 7200 NONCONFORMING STRUCTURES

- **SECTION 7210 NORMAL MAINTENANCE**
- **SECTION 7220 ENLARGEMENT OR EXPANSION**
- **SECTION 7230 CHANGE IN CHARACTERISTICS OF NONCONFORMING STRUCTURES**
- **SECTION 7240 RELOCATION**
- **SECTION 7250 DAMAGE AND RESTORATION OF NONCONFORMING STRUCTURES**
- **SECTION 7260 UNSAFE DUE TO LACK OF MAINTENANCE**

DIVISION 7300 PROCEDURE

- **SECTION 7310 APPLICATION FOR EXPANSION OR CHANGE OF USE**
- **SECTION 7320 LIMITS ON ENLARGEMENTS OR EXPANSIONS OF NONCONFORMING USES**

DIVISION 7000 PURPOSE AND INTENT

Within the Town 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.

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. A residential development that is a nonconforming use may be converted to condominiums or townhouses pursuant to the applicable standards and procedures of these Land Development Regulations provided the conversion does not create or increase a nonconformity.

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 the traffic generated (amounts and type), impacts on access, parking demand, perceived level of activity, operational characteristics and other potentially adverse impacts on neighboring lands. A residential development that is a nonconforming use may be converted to

condominiums or townhouses pursuant to the applicable standards and procedures of these Land Development Regulations provided the conversion does not create or increase a nonconformity.

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. Regardless of the reason for discontinuance or abandonment, the period for reestablishing the nonconforming use may be extended by the Town Council for just cause.

SECTION 7170 UNSAFE DUE TO LACK 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 Town 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.

(Ord. 916 § 1, 2009.)

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

A nonconforming structure shall not be enlarged or expanded in area occupied if it increases the nonconformity, except 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. A residential development that contains nonconforming structure(s) may be converted to condominiums or townhomes provided the conversion does not increase the nonconformity and further provided the conversion complies with the applicable standards and procedures of these Land Development Regulations.

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. A residential development that contains nonconforming structure(s) may be converted to condominiums or townhomes provided the conversion does not increase the nonconformity and further provided the conversion complies with the applicable standards and procedures of these Land Development Regulations.

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 commenced within twelve (12) months after the date of such damage and pursued diligently to completion.

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 commenced within twelve (12) months after the date of demolition or destruction.

SECTION 7260 UNSAFE DUE TO LACK 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 Town 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

Repealed (Ord. 531 § 1, 1996)

(Ord. 916 § 2, 2009.)

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 November 9, 1994 (date of adoption of these Land Development Regulations) of a nonconforming use that continues to be nonconforming under these Land Development Regulations shall be counted as part of the expansion allowance 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 nonconforming.

LAND DEVELOPMENT REGULATIONS

Article VIII
DEFINITIONS

Sections:

DIVISION 8000 PURPOSE

DIVISION 8100 WORD USAGE

DIVISION 8200 ABBREVIATIONS

DIVISION 8300 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 Town, 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 "Town'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 Town's Comprehensive Plan on , and any amendments thereto.
M. The word "Attorney" or "Town Attorney" shall mean the Town of Jackson Attorney.
N. The words "Building Code" shall mean the Town of Jackson Building Codes.
O. The word "Council" or "Town Council" shall mean the Town of Jackson Town Council.
P. The words "Planning and Zoning Commission/Board of Adjustment" shall mean the Town of Jackson Planning and Zoning Commission/Board of Adjustment.
Q. The words "Planning Department" or "Town Planning Department" shall mean the Town of Jackson Planning Department.
R. The words "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 "Town Planning Director" shall mean the Town of Jackson Planning Director.
V. The words "Town Engineer" shall mean the Town of Jackson Engineer.
W. The words "Town Administrator" or word "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 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 twenty (120) 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. (Ord. 521 § 1, 1995.)

Affordable Housing Unit. A dwelling unit with a restricted rent or sale price in order to be affordable to people or housekeeping units with incomes equal to or less than one hundred and twenty (120) percent of the Teton County family median income. See also "Required affordable housing unit" & "Voluntary affordable housing unit." (Ord. 521 § 1, 1995.)

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 twenty (120) 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.

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. Antenna means any structure or device used for the purpose of collecting or transmitting radio or electromagnetic waves between terrestrially and/or orbitally based structures, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas. Residential satellite dishes and antennas used for the reception of television broadcast signals are excluded from this definition. (Ord 607 § III, 1998)

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."

Attached Single-family. See "Dwelling, Attached."

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.**

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 or any other enclosed structure, including tarpaulin structures, designed or used for the housing or enclosure of persons, animals, chattels, or property of any kind, but excluding advertising sign boards, fences, and tepees, tents, or similar type of temporary structure. (Ord. 622 § 2, 1999).
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 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 Town 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)."
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."
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."**
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. See **Section 2390.D, Personal wireless telecommunication services/facilities.** (Ord 607 § III, 1998)
Common Open Space. See **"Open Space, Common."**
Communication Tower. See **Section 2220.C.2.b, Utility and Section 2390.D, Communications towers.** See also definition of "Tower" in this article. (Ord 607 § III, 1998)
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."
Contractor's Office. See Section 2220.C.7.a, Light industry and 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 Town Planning Department. **Cottage Industry.** See Section 2220.C.5.e, Cottage industry.
Cross-Country Ski Trails. Cross-country ski facility means a groomed or marked trail intended for the use of cross-country skiers.
Curb Cut. See "Access."

Cut Slope. Cut slope means any slope surface in soft 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 home, 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."
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 Town 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."
Dude/Guest Ranch. See Section 2220.C.3.j, Dude/guest ranch.
Dwelling. See "Dwelling Unit."
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 room, 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.

Employee housing/employee housing unit. A swelling unit that is restricted to occupation by a person, and that person's family, employed within Teton county, Wyoming, through deed, lease, covenant, or other means. (Ord. 580 § XII, 1997)

Equestrian Trail. Equestrian trail means a marked trail, pathway or route intended for horseback riding.

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, through deed, lease, covenant, or other means.

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

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

Excavation. Excavation means any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, 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 system 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 three (3) 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. (Ord. 521 § 1, 1995.)
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 by man 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 Fringe. Flood fringe means those lands, outside the floodway, subject to inundation by the one hundred (100) year recurrence interval flood and generally associated with standing or slowly moving water rather than rapidly flowing water.
Floodplain. See Section 3220.B.2, Floodplains**.**
Floodproofing. Floodproofing means measures designed to prevent and reduce flood damage for those uses or structures located in the floodplain by preventing floodwaters from entering the structures. These measures include reinforced walls without openings less than two (2) feet above maximum flood elevation or installation of sealed doors or windows to prevent entry of water in structures designed to withstand the water velocities at that point.
Flood Protection Elevation. Flood protection elevation means a point two (2) feet above the water surface elevation of the one hundred (100) year flood.

Floodway. Floodway means a designated portion of the one hundred (100) year flood area in which waters are rapidly moving, including the stream channel and other areas designated on the FEMA floodplain maps for the Town.
Floor Area. Floor area means the sum of the gross habitable floor area for each of a building's stories as measured from the exterior limits of the faces of the structure. The floor area of a building excludes attics, basements, cellars, unenclosed porches, or any floor space in an accessory building or in the principal building which is designed for the parking of motor vehicles in order to meet the parking requirements of these Land Development Regulations.
Floor Area, Habitable. Habitable floor area means the sum of gross floor area that can be lived in, usually having access to heat, plumbing, and electricity. It includes foyers, hallways, restrooms, storage, and other common areas within a building.
Floor Area Ratio (FAR). Floor area ratio means the intensity of building, measured as a ratio derived by dividing the total floor area of a building or structure by the lot area.
Floor Area Ratio, Gross (GFAR). Gross floor area ratio means an intensity of a building measured as a ratio derived by dividing the total floor area of a building or structure by the base site area. See Table 2400, **Schedule of Dimensional Limitations.**
Footcandle. Footcandle 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. (Ord. 521 § 1, 1995.)
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.
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 Ranch. See "Dude/Guest Ranch."
Habitable Space. Habitable space means heated space used for living purposes. Heated storage areas, studios, exercise rooms, offices, and similar spaces are included as habitable space. Barns, garages, unfinished attic space and underfloor spaces are not included in habitable space. (Ord. 521 § 1, 1995.)
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 grade directly adjacent to the structure 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. The vertical dimension from the highest point of the structure to the lowest point of finished grade, as viewed on any structure face or elevation, shall not exceed 110 percent of the maximum height allowed. No part of any structure may exceed the maximum structural height except for the following:
1. Chimneys, vents, and roof-top mechanical equipment such HVAC systems, provided that the maximum height is not exceeded by more than four (4) feet; and/or
2. Antenna used for the reception of television broadcast signals. (Ord. 607 § III, 1998)
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, 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."

Kitchen Facility. Kitchen Facility means a room or portion of a room devoted to the preparation or cooking of food for a person or a family living independently of any other family which contains a sink and a stove or oven powered by either natural gas, propane or 220-V electric hook-up. A recreation room, wet bar or similar facility that is a homeowner convenience and is not intended to function as the cooking facility for a separate dwelling unit shall not be considered a kitchen facility (see also 'wet bar facility'). (Ord. 889 § 1, 2008.)

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, structures, or impervious surface, 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 (LSR) means the proportion of a development that is provided and maintained 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 located at the interception of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall not be considered a corner lot.

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, 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.
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, Reversed Corner. Reversed corner lot means a corner lot, the side line of which is substantially a continuation of the front lot lines of the lots to its rear, whether across an alley or not.
Lot, Through. A through lot is a lot having frontage on two (2) streets at opposite sides of the lot.
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 footcandles 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 the Town of Jackson and 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 Town of Jackson Planning Department.
Natural Grade. See "Grade, Natural."
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 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.
Office. See Section 2220.C.3.a, Office.
Office, Nonprincipal. Nonprincipal office means a secondary office to a professional business that has an established office in a zoning district where such use is permitted. The non-principal office permitted as a home occupation is intended to allow the professional to work at home, but shall not be used to accept deliveries or receive customers except on an incidental basis.
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, 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 provided as dedicated open space. (See Landscape Surface Ratio for nonresidential development.)

Open Space, Required. Required open space means the amount of space that is required in accordance with Table 2400, Schedule of Dimensional Limitations. (a) Lands protected pursuant to Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District and Division 3300, Scenic Resources Overlay (SRO) District, or other lands protected by these Land Development Regulations shall constitute required open space. (b) Additionally, land which is part of an individually owned parcel shall be counted as required open space, if it is located outside of an identified building envelope and can be designed as part of the contiguous open space on the development. (c) Required open space, to the greatest extent practicable, shall be configured into large contiguous areas, and not fragmented into small unconnected areas. Additionally, and to the greatest extent practicable, required open space shall connect to or expand on open spaces and rural lands on adjacent properties. (d) Open space may be on a non-contiguous site if the proposed locations of development and the open space are consistent with the Comprehensive Plan. (e) Open space may include pathways that connect with the Teton County/Town of Jackson Pathways system and wildlife habitat improvements. Roads, structures, corrals and fencing associated with a bona fide agricultural operation shall be permitted in required open space. In the Rural Zoning District, open space may include non-structural recreational facilities that disturb no more than five (5) percent of the open space area. In more urban districts, open space may be used to meet the active recreation needs of the residents of the development.

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 unplatted 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 non-motorized facility intended for the use of bicycles, 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. See Section 2390.E, Personal wireless telecommunication **services/facilities.** (Ord 607 § III, 1998)
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."
Principal Use. See "Use, Principal."
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."
Public Water Supply. See "Water Supply, Public."
Ranch. See "Agriculture."
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 Teton County Clerk. Recorded does not include documents that are merely filed.
Recorded Lot. See "Lot of Record."
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 people or housekeeping units with incomes equal to or less than one hundred and twenty (120) 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 the Teton County Housing Office Affordable Housing Guidelines as said guidelines are amended from time to time. (Ord. 521§ I, 1995)
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. (Ord. 521§ I, 1995)
Resubdivision. Resubdivision is the subdividing of two or more lots which have been previously created by a legally approved and duly recorded subdivision. Resubdivision includes the term "replat", and may or may not include streets, alleys, or other public rights-of-way or easements within its boundaries. (Ord. 549§ 2, 1996)
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 Town 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 distance at grade between the street or road right-of-way line and the front line of the foundation line of a building. In measuring a setback, the horizontal distance between the street right-of-way line and the closest projection of the foundation line of the building shall be used.
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 right-of-way line.
Shelter. See Section 2220.C.8.e, Shelter.
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 appears 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.
Slope, Natural. See Grade, Natural (Ord. 906 § 1, 2009.)
Slope, Manmade. Manmade slopes refer to finished grades that resulted from permitted and/or allowed development activity commenced prior to November 9, 1994. (Ord. 906 § 1, 2009.)
Slope Remediation. Slope remediation means maintaining and/or reducing the slope resulting from manmade activity so as to improve its stability and aesthetic condition. (Ord. 906 § 1, 2009.)
Small Wastewater Treatment System. See "Wastewater Treatment System, Small."
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.1.b, Stream.
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, deck, liquid storage tank, gazebo, 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. (Ord. 607 § III, 1998)
Structure, Principal. Principal structure means the building or structure containing the predominant use of the land.
Subdivision. Subdivision means any division of a building, 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 includes a division of a building, tract, parcel or lot of land for purposes of creating condominium or townhomes. (Ord. 917 § 1, 2009.)

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.

Substantial and continuous progress. Substantial and continuous progress means the commencement and continuation of development activity including but not limited to demolition, grading and erosion control activities, installation of utilities and infrastructure, building construction, landscaping, and site restoration. Further, development activity shall occur in a logical sequence within a reasonable timeframe or in accordance with an approved phasing plan. The application for development and building permits shall not be considered development activity; however, substantial and continuous progress shall begin with the issuance of the building permit and measured by the frequency of building inspections thereafter. (Ord. 965 § 1, 2010)

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. A set of operational guidelines adopted by the Teton County Board of Commissioners and the Jackson Town Council, 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 Standards. These guidelines are adopted herein by reference.

Teton County Housing Office Affordable Housing Guide-lines. A set of operational guidelines adopted by the
Teton County Board of Commissioners and the Jackson Town Council, 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 Standards. These guidelines are adopted herein by reference. (Ord. 521 § I, 1995)

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."

Tower. Tower means any ground or roof mounted pole, spire, structure, or combination thereof taller than fourteen (14) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above ground. (Ord. 607 § III, 1998)

Townhouse. Townhouse means a single-family attached unit, including the ground beneath the unit, with a single unit going from ground to roof.

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. See Section 2390.E, Personal wireless telecommunication services/facilities. (Ord. 607 § III, 1998)
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."
Use, Change of. A change of use consists of changing the use or type of development from a use or development type named in a particular row of Table 2200, Use Schedule, to a use or development type named in a different row of the Table 2200. A change of use also includes subdividing an existing development into condominiums or townhomes when the conversion of ownership creates a demonstrated impact. (Ord. 917 § 1, 2009.)
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 and Special 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 is a graphic, photographic, or computer-generated representation of the scenic qualities of a particular property, area, or vista, upon which proposed development is superimposed for the purpose of determining visual impacts and identifying measures to avoid or mitigate any such impacts.

Voluntary Affordable Housing Unit. A dwelling unit with a restricted sale price in order to be affordable to people or housekeeping units with incomes between one hundred and twenty (120) percent of the Teton County family median income and the income needed to afford the Teton County median priced dwelling unit at the time of initial sale. Such units have been voluntarily restricted by a developer or owner in order to obtain a reduction in the number of required affordable housing units. (Ord. 521§ I, 1995)

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.

Wet Bar Facility. Wet Bar Facility means a facility that contains a sink, refrigerator, dishwasher and/or microwave oven, but expressly not a stove or oven, within a dwelling unit or accessory structure that is intended for the storage, preparation and serving of food or drink to residents or guests of the dwelling unit. Stub outs for natural gas, propane or 220-V electric

hook-ups are not considered customarily incidental to a wet bar. (See also definition of 'Kitchen Facility'). (Ord. 889 § 1, 2008.)

Wetland. See Section 3220.B.3, Wetlands.

Wildland/Urban Interface. Wildland/Urban Interface means any area where man-made structures are built close to, or within, terrain and fuel or other conditions where the potential for wildfires exist. (Ord. 889 § 1, 2008.)

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."

Yard, Rear. Rear yard means a yard extending the full width of the lot in the area between the rear lot line and the 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.

LAND DEVELOPMENT REGULATIONS

Article IX
ENFORCEMENT

Sections:

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DIVISION 9000 GENERAL

The provisions of these Land Development Regulations shall be enforced by the Town Council through its authority to request the imposition of fines, abate, enjoin, and restrain any person violating these Land Development Regulations pursuant to Wyoming law.

SECTION 9010 CODE ENFORCEMENT OFFICERS

Code Enforcement Officers of the Planning Department, appointed as Special Municipal Officers by the Town of Jackson, have specific authority to issue citations for violations of these Land Development Regulations as set forth by W.S. § 7-2-103(e) and W.S. § 15-1-103(a)(xlx). (Ord. 844 § 1, 2007).

DIVISION 9100 INSPECTION

Under the powers of this Article, the Planning Director or any other member of the Planning Department acting under the direction of the Planning Director, and Special Municipal Officers shall have the authority to enter onto land within the Town to inspect for violations of these Land Development Regulations. (Ord. 845 § 1, 2007; Ord. 489 § 1, 1994.)

DIVISION 9200 REVOCATION OR SUSPENSION OF PERMIT

Revocation or suspension of any permit issued pursuant to these Land Development Regulations shall be undertaken pursuant to 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 Revocation Hearing before the Town Council which shall be a public hearing.
B. Notification. The Planning Director shall give the permittee notification, by certified mail, return receipt requested, of the time, place and location of the public hearing, a minimum of twenty (20) working days prior to the public hearing. The notification shall also state the grounds for the revocation or suspension of the permit. Notification of the public hearing shall be given pursuant to Section 5120. E, Notice of Public Hearings, in the same manner required for the public hearing at which the permit was approved.
C. Revocation or Suspension Hearing. The Town Council shall conduct a public hearing on the proposed revocation or suspension pursuant to the procedures in Section 5120.F, Public Hearing Procedure. At the public hearing, the Planning Director shall present evidence into the record and explain the grounds for the revocation or suspension. The permittee or the permittee's representative shall then be provided an opportunity to respond and to enter testimony and evidence into the record in support of the permittee. The testimony of any other interested person shall also be heard.
D. Decision of Town Council. Within thirty (30) calendar days after the close of the public hearing, the Town Council shall decide to either revoke, suspend or maintain the permit, based on the standards in 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 Town Council.

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 Town Council's decision shall be provided by the Planning Director to the permittee by mail.

SECTION 9240 CUMULATIVE REMEDY

The Town's right to revoke or suspend a permit, 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 Town 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 the Town is in violation of the provisions of these Land Development Regulations, the Planning Director may invoke the provisions of this Division and 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 below:

NOTICE OF HEARING ON ABATEMENT OF VIOLATION
OF LAND DEVELOPMENT REGULATIONS

This is a notice of hearing before a Hearing Officer of the Town of Jackson, Wyoming, to ascertain whether certain land or structures situated in the Town of Jackson, Wyoming, known and designated as (street address), in said Town, and more particularly described as (legal description) constitutes a violation of the Town's Land Development Regulations and is subject to abatement pursuant to Division 9300 thereof, and Section 15-1-512, Wyoming Statutes. If the zoning violation is not promptly abated by the landowner, such violation may be abated by Town 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. Recommendation by Hearing Officer

    a. General. At the time stated in the Notice of the Hearing to Abate, the Hearing Officer 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 Town Council for final action at a public 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 Town Council for a final decision.

3. Decision by Town Council

    a. Scheduling Hearing. The Town Council shall schedule a public hearing on the recommended Order to Abate within thirty (30) calendar days from the date the recommended Order is forwarded to the Town Council 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. Notice shall also be published in a newspaper of general circulation in the Town substantially in the format set forth in Section 9320.B.1, Notice of Hearing.

    c. Continuances. Continuances of the hearing may be granted by the Town Council on request of the landowner for good cause shown.

    d. Decision by Town Council. At the hearing, the Town Council 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 Town Council shall then review the record and recommended Order to Abate. The recommended Order to Abate shall be approved only 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 Town Council 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 Town'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 Town Council shall have the right to enforce the provisions of these Land Development Regulations under any remedy provided by Wyoming law, including injunctions.

SECTION 9420 GENERAL PENALTY

Any person violating any provisions of these Land Development Regulations is guilty of a separate offense for each and every day during any portion of which any violation of any provision of these Land Development Regulations is committed, continued or permitted by any such person and shall be punished by a fine of not more than seven hundred and fifty (750) dollars for each offense