

AGENDA
Planning and Zoning Commission
October 19, 2022 – REGULAR MEETING
5:30 PM

The New Business items have been placed on the agenda in the order they were received. Please note that at 9:00 p.m., the Commission will evaluate the remainder of the agenda to determine if time constraints will permit the full agenda to be heard at this meeting. All items not heard at this meeting will be postponed to the next regularly scheduled PC/BOA meeting of November 2, 2022 or to a special meeting scheduled by the Commission.

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS

PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING

1. LOG INTO PC/BOA MEETING
 - I. Link to ZOOM:
<https://us02web.zoom.us/j/82722570337?pwd=SnhHVC9QZWFlb1NvamhHYXF0eVhUdz09>
2. CALL TO ORDER
3. ROLL CALL
4. MATTERS FROM THE PUBLIC
5. APPROVAL OF MINUTES
 - I. October 5, 2022 - Minutes
6. OLD BUSINESS
7. NEW BUSINESS
8. BOARD OF ADJUSTMENT
9. PLANNING COMMISSION
 - I. **ITEM P22-211:** Request for a Land Development Regulation (LDR) Text Amendment to Section 2.2.6. - NL-5 Zoning District to allow 4 units provided all units are permanently deed restricted.
10. MATTERS FROM THE COMMISSION
11. AGENDA FOLLOWUP
12. MATTERS FROM STAFF
13. ADJOURNMENT

**MINUTES
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
October 5, 2022**

The meeting of the Planning and Zoning Commission was called to order at 5:30 p.m. on 10/05/2022, via ZOOM and in Town Hall Chambers.

ROLL CALL:

☒ Anne Schuler ☒ Wendy Martinez, ☐ Katie Wilson, ☒ Abby Petri, ☒ Christie Schutt,
☒ Thomas Smits

STAFF: Tyler Valentine, Katelyn Page

MATTERS FROM THE PUBLIC: None

APPROVAL OF 9/21/22 MINUTES: A motion was made by: Thomas & seconded by: Christie

Motion approved by a 5 to 0 vote

OLD BUSINESS: None

PLANNING COMMISSION

ITEM P22-176: Land Development Regulations Text Amendment- Div. 6.2.2 (Required Parking and Loading) to require electric vehicle charging infrastructure in parking facilities

STAFF PRESENTATION: Katelyn Page

QUESTIONS FOR STAFF: Discussion took place.

APPLICANT PRESENTATION: Katelyn Page

QUESTIONS FOR THE APPLICANT: Discussion took place.

PUBLIC COMMENT: None

COMMISSION DISCUSSION: Discussion took place.

Motion: I move to recommend approval to the Town Council of LDR Text Amendment P22-176 as modified by staff and shown in this staff report dated October 5, 2022.

A motion was made by: Christie & seconded by: Abbi

Motion approved by a 5 to 0 vote

MATTERS FROM COMMISSION: None.

MATTERS FROM STAFF: None.

Adjourn: A motion was made by: Christie & seconded by: Wendy

Motion approved by a 5 to 0 vote at 6:21 pm.

STAFF REPORT



Meeting Date:	October 19, 2022	Meeting Title:	Regular Planning Commission
Submitting Department:	Planning	Presenter:	Katelyn Page
Agenda Item:	Item P22-211: Request for a Land Development Regulation (LDR) Text Amendment to Section 2.2.6	Public Comment:	Yes

Purpose & Policy Considerations.

All Text Amendments to the Town of Jackson Land Development Regulations (LDRs) require review and recommendation by the Planning Commission according to LDR Section 8.7.2. The Town Council makes the final decision on all LDR Text Amendments.

Requested Action.

The applicant, The Jackson Hole Community Housing Trust (JHCHT), is requesting approval of an LDR Text Amendment to allow 4 units where 3 are currently permitted in the Neighborhood Low Density – 5 (NL-5) zoning district provided that all units are permanently deed restricted to the standards of the Jackson/Teton County Housing Department Rules and Regulations.

The proposed text amendment would modify the following sections of the LDRs: Section 2.2.6.A.1 – General Intent, Section 2.2.6.A.4 – Land Use, Section 2.2.6.B.1 Lot Standards (Landscaping), Section 2.2.6.B.2 Vehicle Access Standards (Parking Setbacks), Section 2.2.6.B.3 Bulk & Mass Standards (Scale of Development), and Section 2.2.6.E.1 Additional Zone-specific Standards (Detached Dwelling Unit, Attached Dwelling Unit, Apartment, or ARU).

Recommendation.

The Planning Director recommends approval of LDR Text Amendment (P22-211) to allow 4 units in the NL-5 zoning district provided that all units are deed restricted to the satisfaction of the Jackson/Teton County Housing Department, subject to this staff report and the department reviews attached hereto.

Background.

In 2018, the Neighborhood Low Density – 5 (NL-5) zone replaced the Auto-Urban Residential (AR) zone which had been in place since 1994. From a use standpoint, the AR zone allowed one detached single-family home with up to two (2) Accessory Residential Units (ARUs) which were intended to be rentals. In addition, all three allowed units were required to be under single ownership (i.e., the units could not be sold separately as condominiums or townhomes). As a result of the 2018 rezone, the NL-5 zone provided Residential Uses of Detached Single-Family Units (now “Detached Dwelling Unit”), Apartment, Dormitory, and Group Home. Of those Residential Uses typically found in the NL-5 zone, the most prevalent were Detached Dwelling Units and Apartments. Like the previous AR zone, Apartments served to provide a more affordable housing option but required a single owner for all units.

Prior to 2018, the LDRs provided a Planned Unit Development (PUD) option which was used to provide specific development flexibility. PUDs were removed as a development option from the LDRs during 2018.

In 2021, Town Council reviewed and approved a text amendment to the NL-5 zone (P21-093) to allow the inclusion of another Residential Use – Attached Single-Family unit (now “Attached Dwelling Unit”). The

amendment provided for the opportunity of separate ownership of units on a single parcel while keeping the density maximum of 3 units per lot. This essentially provided increased opportunity for unit ownership in the NL-5 zone because there could be up to 3 separate owners of units on a parcel where, prior to the 2021 text amendment, 1 owner of maximum 3 units was permitted.

As additional historic reference, the Multifamily Residential Fourplex (MR-4) zone was replaced by the AR zone in 1994. Reflecting some development aspects of the (historic) AR zone and (current) NL-5 zone, the MR-4 zone allowed triplex and fourplex residential units by right along with some other non-residential uses. To some degree, the applicant's request is bringing back a development density from the Town's past that proved successful in building workforce housing that is still being used today.

Proposed Amendment.

The applicant, The Jackson Hole Community Housing Trust (JHCHT), is requesting approval of an LDR Text Amendment to allow 4 units where 3 are currently permitted in the NL-5 zone provided that all units are permanently deed restricted to the standards of the Jackson/Teton County Housing Department Rules and Regulations.

Per the applicant, the proposed text amendment will provide for permanently deed restricted homes which will provide stability to the neighborhood, work to achieve the community's sated goal of housing 65% of its workforce locally, and offer flexibility expressly intended to create opportunities for workforce housing.

The applicant also states the proposed amendment maintains all current dimensional standards of the NL-5 such as setbacks, LSR, FAR, building height, and parking setbacks. The proposal also maintains the current maximum of 3 detached structures to ensure no negative impact to the character of the zone. Instead, they propose increasing the density max within those development standards. The following sections in the LDRs would need to be amended:

- Section 2.2.6.A.1 – General Intent
- Section 2.2.6.A.4 – Land Use
- Section 2.2.6.B.1 – Lot Standards (Landscaping)
- Section 2.2.6.B.2 – Vehicle Access Standards (Parking Setbacks)
- Section 2.2.6.B.3 – Bulk & Mass Standards (Scale of Development)
- Section 2.2.6.E.1 – Additional Zone-specific Standards (Detached Dwelling Unit, Attached Dwelling Unit, Apartment, or ARU)

A summary of the applicant's proposed redline text changes are shown on the following pages:

Section 2.2.6.A.1 – General Intent

2.2.6. NL-5: Neighborhood Low Density-5

(3/6/19, Ord. 1214)

A. Intent

1. General Intent: The intent of the Neighborhood Low Density-5 (NL-5) zone is to enhance the character and cohesiveness of residential neighborhoods while allowing for a flexible range of residential types, including single-family detached units, duplex units, and triplex units. A maximum of three detached or attached units per lot is permitted, **except as allowed in Sec. 2.2.6.E**. This flexibility is intended to create opportunities for workforce housing because all apartment **and deed restricted** units are required to be **rented to** ~~utilized by~~ members of the local workforce. This zone is intended for Stable neighborhoods where increased residential density is not intended, **except up to four deed restricted units are permitted within a maximum of three structures.**

Section 2.2.6.A.4 – Land Use

4. Land Use: Single-family detached homes, duplex, and triplex units, with additional apartments as allowed to not exceed three units per lot maximum density **except as allowed in Sec. 2.2.6.E**.

Section 2.2.6.B.1 – Lot Standards (Landscaping)

Landscaping		(Div. 5.5.)	
Landscape surface ratio (min)			
1 unit		.45	
2 units		.35	
3 units		.30	
4 units		.30	E.1
All other allowed uses		.45	
Plant units (min)			
Residential		1 per lot	
Nonresidential		1 per 1,000 sf of landscape area	
Parking Lot (all uses)		1 per 12 parking spaces	

Section 2.2.6.B.2 – Vehicle Access Standards (Parking Setbacks)

Parking Setbacks			
	1 or 2 units	3 or 4 units/ nonresidential	
Primary street (min)	20'	20'*	A
Secondary street (min)	10'	10'*	B
Side interior (min)	5'	1'	C
Rear (min)	5'	5'	
Rear alley (min)	2'	2'	D
* Excludes 20' max driveway allowed in primary/secondary street setback			

Section 2.2.6.B.3 – Bulk & Mass Standards (Scale of Development)

Scale of Development	(Sec. 9.4.13.)		
Floor area ratio (FAR max)			
1 unit	.30		
2 units	.35		
3 units or 4 units	.40	E.1 & E.3	
All other allowed uses	.40		
Individual Building (max gross floor area)	10,000 sf		

Section 2.2.6.E.1 – Additional Zone-specific Standards (Detached Dwelling Unit, Attached Dwelling Unit, Apartment, or ARU)

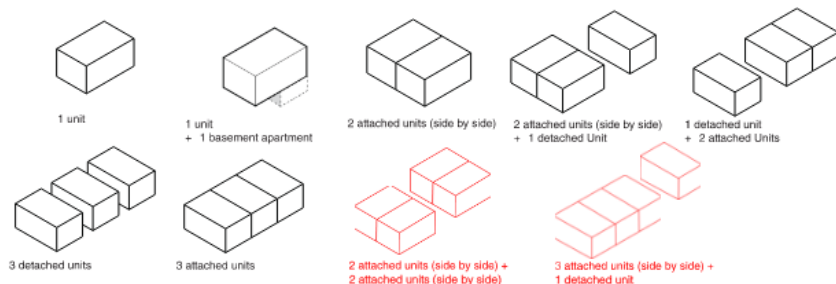
E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the NL-5 zone.

- Single-Family Detached, Single-Family Attached, Apartment, or ARU.** No more than 3 units of any combination are permitted on the lot, **except that 4 units are permitted on the lot if 100% of the units are permanently deed restricted with a deed restriction approved by Jackson/Teton County Housing Department or administered by the Jackson Hole Community Housing Trust or Habitat for Humanity of the Greater Teton Area.**
- Apartment and ARU Occupancy.** Occupancy of an apartment or ARU shall be restricted to persons employed within Teton County. In accordance with the Jackson/Teton County Housing Rules and Regulations or the occupants shall be members of the same family occupying the principal dwelling unit, such as parents or adult children, or intermittent, nonpaying guests
- Condominium or Townhouse.** Condominium or Townhouse subdivision is only allowed if all units on the property are permanently deed restricted to the satisfaction of the Jackson/Teton County Housing Department. The Restriction must permanently restrict use and occupancy of each dwelling unit to households that work locally and occupy the unit as their primary residence. If three **or four** units are built on a site or lot, an additional 600 sf of above-ground floor area shall be granted.

F. Configuration Options

Configuration options in the NL-5 zone include, but are not limited to, the following:



Staff Analysis.

Staff analysis for the proposed text amendment included a review of the Jackson/Teton County Comprehensive Plan (the Plan) to determine if the proposal adheres to the stated goals and vision of the community, and, if the proposed text amendment does not align with particular aspects of the Plan, whether its benefits outweigh any non-aligning goals or visions with the Plan when analyzed in whole. As the below analysis outlines, it is Staff's finding that the proposed text amendment finds this balance and adheres to the Plans overall vision.

The Plan maps specific subareas within the Town designated as Stable or Transitional. The NL-5 zone consists of Stable Subareas further defined by specific Character Districts. Stable Subareas, per the Plan, are areas where "no change to existing character is necessary" and any redevelopment in such areas will be compatible in scale, use, and character. Further, Policy 5.2.b of the Plan states allowances for workforce housing should not directly or indirectly conflict with the Character Districts. However, the Plan also grants a broad definition to the terms "character" and "stability" as encompassing aspects of community identity, vitality and social character in addition to design. It is Staff's finding that the character and stability established in Stable Subareas is supported by the provision of deed-restricted workforce housing. Specifically, the Plan states Stable Subareas should include a predominance of owner-occupied units and that the social character of said areas is likely to change without efforts to preserve historic workforce occupancy. There has been recent concern expressed about the erosion of community character in our Stable neighborhoods due to the demolition of existing workforce housing that is replaced with large homes (and ARUs) that are often not occupied by the workforce or by second home owners. This amendment would help to combat this negative trend.

Policies of the Plan include housing at least 65% of the workforce locally and ensuring no net increase in development potential. Staff finds that increased density of 1 unit limited to deed-restricted housing in the proposed text amendment aligns with the Plan in creating opportunity for housing its workforce locally in a manner that will not increase net development potential (buildout) because any additional units built using this incentive would be deducted from the 1,800 unit pool of residential units allocated to the Town.

Specifically for Character District 3.1 East Jackson, the Stable Subarea includes a density maximum of triplex or three units. While the proposed text amendment would allow for a maximum of 4 units per lot if all units are deed restricted, Staff finds that because dimensional standards of the NL-5 such as setbacks, LSR, FAR, building height, and parking setbacks are not changing, this character will not be negatively impacted. Additionally, Staff suggests an added limitation that no fourplexes will be allowed under this amendment in order to further protect the current design character of current the NL-5 zone

Finally, the Plan sets a policy to avoid regulatory barriers to the provision of workforce housing. Staff finds the proposed text amendment removes a regulatory barrier in the form of a small density incentive that allows for provision of workforce housing.

Below is a summary analysis of the proposed text amendment which shows proposed changes, the applicant's justification, and staff's recommendation. Please refer to the applicant's submittal for the specific language as the summary below is mostly intended to simplify the proposed changes. In total, there are 7 proposed changes to the LDRs including one staff driven change.

Proposed Changes to the NL-5 Zone (Section 2.2.6)

#	Current	Proposed Change	Applicant's Justification
1	Sec 2.2.6.A.1 – Intent and 2.2.6.A.2 – Land Use	Allow for the provision of 4 units if all are deed restricted, maintain a maximum of three detached structures, and includes note to cross-reference Addition Zone specific Standards.	Allow for increased density for deed restricted workforce units.
Staff Recommendation: Staff <u>supports</u> change as presented by applicant. Staff Reasoning: Allows flexibility within the LDRs under specific conditions.			
#	Current	Proposed Change	Applicant's Justification
2	Sec 2.2.6.B.1 - Landscaping	Includes 4 units as an allowed option will maintaining LSR associated with 3 units.	Allow for increased density for deed restricted workforce units while maintaining current physical development standards.
Staff Recommendation: Staff <u>supports</u> change as modified: "3 or 4 units" (shared line) Staff Reasoning: Matches current LDR organization and presentation.			
#	Current	Proposed Change	Applicant's Justification
3	Sec 2.2.6.B.2 – Parking Setbacks	Includes 4 units as an allowed option will maintaining setbacks associated with 3 units.	Allow for increased density for deed restricted workforce units while maintaining current physical development standards.
Staff Recommendation: Staff <u>supports</u> change as presented by applicant. Staff Reasoning: Matches current LDR organization and presentation.			
#	Current	Proposed Change	Applicant's Justification
4	Sec 2.2.6.B.3 – Scale of Development	Includes 4 units as an allowed option will maintaining FAR associated with 3 units. Includes note to cross-reference Addition Zone specific Standards.	Allow for increased density for deed restricted workforce units while maintaining current physical development standards.
Staff Recommendation: Staff <u>supports</u> change as presented by applicant. Staff Reasoning: Allows flexibility within the LDRs under specific conditions and maintains current physical development FAR maximum.			
#	Current	Proposed Change	Applicant's Justification

5	Sec 2.2.6.F.1 – Additional Use Standards	Provides exception for 4 units if deed restricted.	Allow for increased density for deed restricted workforce units
	Staff Recommendation: Staff <u>supports</u> change as modified: “...permanently deed restricted to the standards of the Jackson/Teton County Housing Department Rules and Regulations.” Staff Reasoning: Refines for simplicity and redundancy.		
#	Current	Proposed Change	Applicant’s Justification
6	Sec 2.2.6.F.3 – Additional Use Standards	Edits to allow 4 units	Consistency in noting 4 unit maximum throughout the section’s applicable standards.
	Staff Recommendation: Staff <u>supports</u> change as presented by applicant. Staff Reasoning: Notes the increase in unit number at all areas where the current maximum is noted.		
#	Current	Proposed Change	Applicant’s Justification
7	Sec 2.2.6.F – Additional Use Standards	Prohibits fourplex as a configuration	n/a (staff driven)
	Staff Recommendation: Staff <u>supports</u> change. Staff Reasoning: Maintains current design character of the NL-5 by requiring multiple structures rather than one large structure of 4 units.		

Fee Waiver Request (P22-213).

In addition to the above text changes, the applicant is requesting a fee waiver for the \$1,803.00 Text Amendment fee. Per Resolution 21-08 (Fee Schedule), the Town Council may reduce, defer, or waive application fees upon request if the proposed project advances significant community goals, which include projects that provide an extraordinary charitable, civic, educational, or similar benefit. Staff is supportive of the fee waiver being that the proposed text amendment furthers the community-wide goal providing opportunities for affordable workforce housing. The Council will make the final decision on the fee waiver and no action is necessary from the Planning Commission.

Staff Findings.

Pursuant to Section 8.7.2 of the Town of Jackson Land Development Regulations, the advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. *Is consistent with the purposes and organization of the LDRs;*

Complies. One of the primary purposes of the LDRs is to implement the community’s housing goals. The proposed text amendment will accomplish this goal by helping to remove barriers to developing deed restricted ownership housing which is consistent with meeting the goal to house 65% of the workforce locally.

2. *Improves the consistency of the LDRs with other provisions of the LDRs;*

Complies. The LDRs exempt deed restricted units or floor area from some Required Physical Development Permit thresholds, scale of development measurements, and use requirements such as Affordable Workforce Housing mitigation. The proposed text amendment applies a similar exemption for deed restricted units as applied to unit maximum, a measure of density or scale of development.

3. *Provides flexibility for landowners within standards that clearly define desired character;*

Complies. Staff finds that the proposed text amendment provides flexibility for owners to develop increased density within the current dimensional standards of the NL-5 zone under the specific condition of a deed restriction for all units. Character of the specific zone is maintained partly because the dimensional standards such as FAR, LSR and setbacks, remain unchanged. This amendment does not exempt the development from compliance with all other applicable LDRs.

4. *Is necessary to address changing conditions, public necessity, and/or state or federal legislation;*

Complies. Staff finds that the proposed text amendment encourages development of permanently deed restricted housing units in neighborhoods currently undergoing significant change. The proposed amendment will help meet the public need for options in providing affordable workforce housing. In addition, recent changes in character to many Stable neighborhoods where large second homes are replacing workforce housing means that additional efforts to preserve and create workforce housing are necessary.

5. *Improves implementation of the Comprehensive Plan; and*

Complies. Staff finds that the proposed text amendment forwards goals of the Jackson/Teton County Comprehensive Plan by removing a regulatory barrier to the provision of workforce housing, providing development potential for workforce housing that is centrally located, providing infill development potential that maintains existing identity or vitality, reinforcing the provision of a variety of housing types, and reinforcing the social character integral to the community.

6. *Is consistent with other adopted Town Ordinances.*

Complies. The proposed amendment does not conflict with any other Town Ordinances.

Fiscal Impact.

None.

Staff Impact.

Staff has spent approximately 25 hours to complete research on this topic and prepare this staff report.

Attachments or Links.

Application packet

Departmental reviews

Suggested Motion.

I move to recommend **approval** to the Town Council of the proposed text amendment P22-211, based upon factors 1-6 in Section 8.7.2.C of the Land Development Regulations as presented and conditioned by staff in the staff report dated October 19, 2022.



PLANNING PERMIT APPLICATION
Planning & Building Department

150 E Pearl Ave. | ph: (307) 733-0440
P.O. Box 1687 | www.townofjackson.com
Jackson, WY 83001

For Office Use Only

Fees Paid _____ Date & Time Received _____
Application #s _____

Please note: Applications received after 3 PM will be processed the next business day.

PROJECT.

Name/Description: LDR Text Amendment Section 2.2.6
Physical Address: _____
Lot, Subdivision: _____ PIDN: _____

PROPERTY OWNER.

Name: _____ Phone: _____
Mailing Address: _____ ZIP: _____
E-mail: _____

APPLICANT/AGENT.

Name: Anne Cresswell Phone: 307-739-0665
Mailing Address: PO Box 4498 ZIP: 83001
E-mail: anne@housingtrustjh.org

DESIGNATED PRIMARY CONTACT.

_____ Property Owner ☒ Applicant/Agent

TYPE OF APPLICATION. Please check all that apply; review the type of application at www.townofjackson/200/Planning

Use Permit	Physical Development	Interpretations
_____ Basic Use	_____ Sketch Plan	_____ Formal Interpretation
_____ Conditional Use	_____ Development Plan	_____ Zoning Compliance Verification
_____ Special Use	_____ Design Review	Amendments to the LDRs
Relief from the LDRs	Subdivision/Development Option	☒ LDR Text Amendment
_____ Administrative Adjustment	_____ Subdivision Plat	_____ Map Amendment
_____ Variance	_____ Boundary Adjustment (replat)	Miscellaneous
_____ Beneficial Use Determination	_____ Boundary Adjustment (no plat)	☒ other: <u>Fee Waiver</u>
_____ Appeal of an Admin. Decision	_____ Development Option Plan	_____ Environmental Analysis

PRE-SUBMITTAL STEPS. To see if pre-submittal steps apply to you, go to www.townofjackson.com/200/Planning and select the relevant application type for requirements. Please submit all required pre-submittal steps with application.

Pre-application Conference #: _____ Environmental Analysis #: _____
Original Permit #: _____ Date of Neighborhood Meeting: _____

SUBMITTAL REQUIREMENTS. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant. Go to www.townofjackson.com/200/Planning and select the relevant application type for submittal requirements.

Have you attached the following?

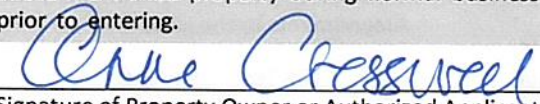
_____ **Application Fee.** Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees.

N/A **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization template at <http://www.townofjackson.com/DocumentCenter/View/845/LetterOfAuthorization-PDF>.

YES **Response to Submittal Requirements.** The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is required, the submittal requirements will be provided to applicant at the conference. The submittal requirements are at www.townofjackson.com/200/Planning under the relevant application type.

Note: Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal or a Pre-Application Conference, if held. Staff may request additional materials during review as needed to determine compliance with the LDRs.

Under penalty of perjury, I hereby certify that I have read this application and associated checklists and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application, and hereby authorize representatives of Teton County to enter upon the above-mentioned property during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering.



Signature of Property Owner or Authorized Applicant/Agent
Anne Cresswell

Name Printed

8/19/22

Date
Executive Director

Title

Text Amendment Narrative

Proposed Text Amendment and Objective

The Jackson Hole Community Housing Trust (JHCHT) is submitting this application for a text amendment to facilitate the development of desperately needed Affordable housing.

The requested amendment applies to the NL-5 zone only. Specifically, the amendment would enable the development of four units per lot, if all proposed units are permanently deed restricted with a Jackson/Teton County Housing Department, Jackson/Teton County Housing Authority, Jackson Hole Community Housing Trust, or Habitat for Humanity of the Greater Teton Area Special Restriction, Deed Restriction, and/or Ground Lease. These permanently deed restricted homes will provide stability to the neighborhood and work to achieve the community's stated goal of housing 65% of the workforce locally.

Narrative

The intent of the NL-5 zone is to allow for the development of a flexible range of residential types (including single family, duplex, and triplex units) to enhance the character and cohesiveness of the residential neighborhood. The flexibility is expressly intended to create opportunities for workforce housing.

This text amendment maintains all other dimensional standards of the NL-5 zone (setbacks, LSR, FAR, building height, and parking requirements), as well as allowing a maximum of three detached structures, all of which ensures that there will not be a negative impact to the character of the neighborhood. Exhibit B illustrates the potential to develop four livable/high quality homes in three or fewer structures without compromising neighborhood character.

Existing Text to be Amended

See Exhibit A.

Findings for Approval

Pursuant to Section 8.7.1, LDR Text Amendment of the LDRs, the purpose of an LDR text amendment is to publicly review a change to the LDRs to ensure that the change improves implementation of the Comprehensive Plan. The Town Council has legislative discretion when amending the LDRs and shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. Is consistent with the purposes and organization of the LDRs.

COMPLIES. The purpose of the LDRs is to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety, and general welfare of present and future inhabitants of the community. The proposed amendment improves the implementation of the Comprehensive Plan (see Finding #5 below). The proposed amendment also promotes the general welfare of present and future inhabitants of the community by facilitating the development of permanently deed restricted housing, which has steadily declined from 1986 when 91% of the workforce lived

locally, to 58% in 2015. A local workforce is the key to safeguarding the health, safety, and welfare of our community. The amendment also supports the clear organization of the LDRs by helping to clarify what can be built or physically developed, what land uses are allowed, and how the land can be subdivided.

2. Improves the consistency of the LDRs with other provisions of the LDRs.

COMPLIES. Pursuant to Section 2.2.6, this amendment provides flexibility for owners to create opportunities for Affordable and Workforce housing to support members of the local workforce. This amendment incorporates zone-specific standards into the NL-5 zone, which is consistent with other zoning districts. This amendment does not exempt the development from compliance with all other applicable LDRs.

3. Provides flexibility for landowners within standards that clearly define desired character.

COMPLIES. The amendment provides flexibility for owners to develop 100% permanently deed restricted ownership housing without amending any of the physical development standards established to safeguard / deliver the desired character.

4. Is necessary to address changing conditions, public necessity, and/or state or federal legislation.

COMPLIES. The NL-5 zone envisioned and incentivized the development of apartment units that would be rented to the local workforce. Soon after the 2018 adoption of the LDRs, rapidly rising cost of land and construction made the development of rental housing for our workforce financially impractical. This amendment would help facilitate the development of permanently deed restricted housing in neighborhoods that were identified for workforce housing but are currently undergoing significant change with the development of large single-family homes that are not providing local workforce housing.

5. Improves implementation of the Comprehensive Plan.

COMPLIES. The Comprehensive Plan sets a goal of housing 65% of the workforce locally (Policy 5.1.a). By increasing the density on a lot by 25% for 100% deed restricted housing and by providing an incentive to build permanently deed restricted units, this amendment improves the implementation of the Comprehensive Plan (Policy 5.4.b).

6. Is consistent with other adopted Town Ordinances.

COMPLIES. This amendment is consistent with other Town Ordinances including the Workforce Housing Action Plan Initiative 5A: Allow for supply of workforce housing by removing barriers and Workforce Housing Action Plan Initiative 2A: Prioritize lower-income, year-round housing. Specifically, 5A states that "Future zoning must allow for maximum density consistent with desired community character. Limiting growth is a part of our community vision, but so is providing opportunities for 65% of the workforce to live locally. To meet this housing goal,

changes in density allowances must be considered, which may mean introducing greater flexibility in how we track and measure buildout to allow for the use of workforce housing incentives.” This was a consideration in the approval of Ordinance 1139 in 2016, which allowed ARUs in various zoning districts throughout the Town where they used to be prohibited. Furthermore, 2A says that “To meet the greatest need, public subsidy will focus on the 70% of workforce households making less than 120% of area median income, of which the year-round workforce will be the priority...To coordinate efforts, non-profits are encouraged to mirror this focus by concentrating their efforts on the lower-income, year-round workforce.”

2.2.6. NL-5: Neighborhood Low Density-5 (3/6/19, Ord. 1214)

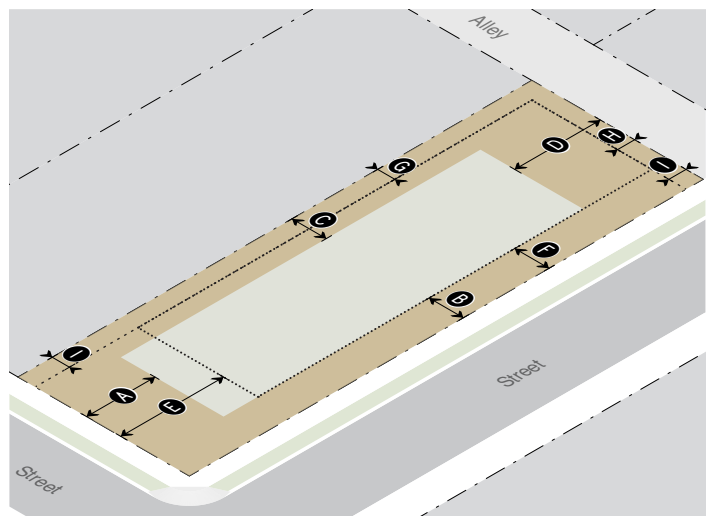
A. Intent

1. General Intent: The intent of the Neighborhood Low Density-5 (NL-5) zone is to enhance the character and cohesiveness of residential neighborhoods while allowing for a flexible range of residential types, including single-family detached units, duplex units, and triplex units. A maximum of three detached or attached units per lot is permitted, **except as allowed in Sec. 2.2.6.E**. This flexibility is intended to create opportunities for workforce housing because all apartment **and deed restricted** units are required to be **rented to** ~~utilized by~~ members of the local workforce. This zone is intended for Stable neighborhoods where increased residential density is not intended, **except up to four deed restricted units are permitted within a maximum of three structures**.
2. Buildings: Buildings can be up to 2 stories in height. Multiple detached buildings or multiple attached units on a site is common. Incentives are provided to encourage variety in roof pitch and design.
3. Parking: Parking is provided primarily on-site in garages or with surface spaces. Parking is typically accessed from an alley where present or a primary street where no alley exists.
4. Land Use: Single-family detached homes, duplex, and triplex units, with additional apartments as allowed to not exceed three units per lot maximum density **except as allowed in Sec. 2.2.6.E**.
5. Comprehensive Plan: Based primarily on Subarea 3.1 in the Comprehensive Plan.

B. Physical Development

Standards applicable to physical development are provided in this Section. Where a cross-reference is listed, see the referenced division or section for additional standards. Standards in Article 5 apply unless stated otherwise.

1. Lot Standards



Primary Building Setbacks

(Sec. 9.4.8.)

Primary street (min)	20'	A
Secondary street (min)	10'	B
Side interior (min)	10'	B
Rear (min)	10'	D

Accessory Structure Setbacks

(Sec. 9.4.8.)

Primary street (min)	30'	E
Secondary street (min)	10'	F
Side interior (min)	5'	G
Rear (min)	5'	H

Site Development Setbacks

All site development, excluding driveways, sidewalks, or parking.

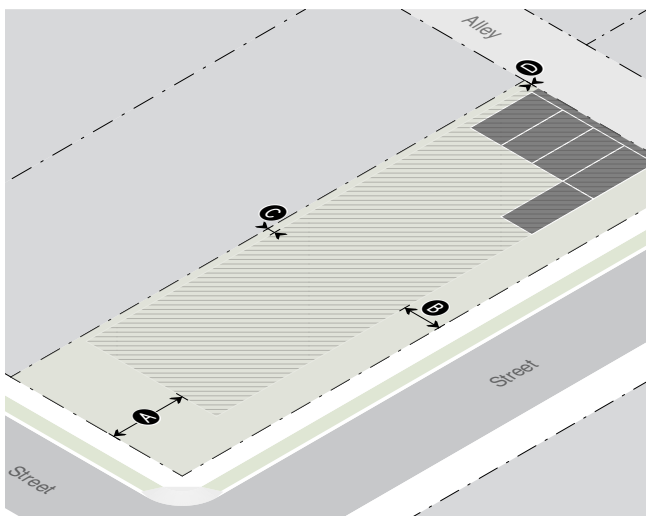
Primary/secondary street (min)	Same as primary building	
Side interior/rear (min)	5'	I

Landscaping

(Div. 5.5.)

Landscape surface ratio (min)		
1 unit	.45	
2 units	.35	
3 units	.30	
4 units	.30	E.1
All other allowed uses	.45	
Plant units (min)		
Residential	1 per lot	
Nonresidential	1 per 1,000 sf of landscape area	
Parking Lot (all uses)	1 per 12 parking spaces	

2. Vehicle Access Standards



Access

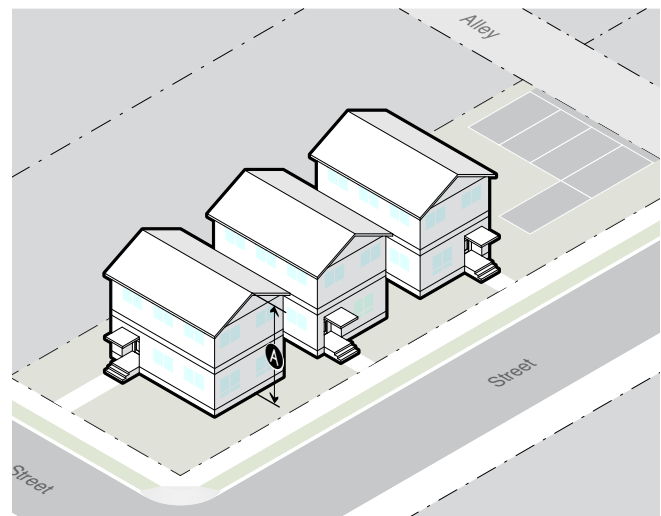
Primary street	Allowed
Secondary street	Allowed
Alley	Allowed
Curb-cut width (max)	20' or 40% of lot frontage, whichever is less
Driveway width in primary/secondary street setback (max)	20'

Parking Setbacks

	1 or 2 units	3 or 4 units/ nonresidential	
Primary street (min)	20'	20'*	A
Secondary street (min)	10'	10'*	B
Side interior (min)	5'	1'	C
Rear (min)	5'	5'	
Rear alley (min)	2'	2'	D

* Excludes 20' max driveway allowed in primary/secondary street setback

3. Bulk & Mass Standards



Design Guidelines

(Div. 5.8.)

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

Primary Building Height

(Sec. 9.4.9.)

Height (max): roof pitch $\leq 3/12$	2 stories, not to exceed 26'	A
Height (max): roof pitch 4/12, 5/12	2 stories, not to exceed 28'	A
Height (max): roof pitch $\geq 6/12$	2 stories, not to exceed 30'	A

Accessory Structure Height

(Sec. 9.4.9.)

All other accessory structures (max)	14'
--------------------------------------	-----

Scale of Development

(Sec. 9.4.13.)

Floor area ratio (FAR max)	
1 unit	.30
2 units	.35
3 units or 4 units	.40 E.1 & E.3
All other allowed uses	.40
Individual Building (max gross floor area)	10,000 sf

4. Fencing	
Height (max)	
In street yard	4'
In side or rear yard	6'
Setback (min)	
Primary or secondary street/sidewalk (min)	1'
Side or rear lot line	0'
Orientation	
The finished side of the fence shall face out to the neighbor, posts and supports shall face in to the owner	
5. Environmental Standards	
Natural Resource Setback (min) (Sec. 5.1.1.)	
Cache Creek South of Cache Creek Dr.	20'
Flat Creek North of Hansen Ave.	25'
Flat Creek South of Hansen Ave.	50'
Wetland	30'
Irrigation Ditch Setback (min) (7.7.4.D.)	
Irrigation Ditch	15'
Natural Resource Overlay (NRO) (Sec. 5.2.1.)	
6. Scenic Standards	
Exterior Lighting (Sec. 5.3.1.)	
Light trespass prohibited	
All lights over 600 initial lumens shall be fully shielded	
Lumens per sf of site development (max)	3
Lumens per site (max)	
All fixtures	100,000
Unshielded fixtures	5,500
Light Color	≤3000 Kelvin
Scenic Resource Overlay (SRO) (Sec. 5.3.2.)	
7. Natural Hazards to Avoid	
Steep Slopes (Sec. 5.4.1.)	
Development prohibited	Slopes > 25%
Hillside CUP required	Lot with average cross-slope ≥ 10%
Areas of Unstable Soils (Sec. 5.4.2.)	
Fault Area (Sec. 5.4.3.)	
Floodplains (Sec. 5.4.4.)	
Wildland Urban Interface (Sec. 5.4.5.)	

8. Signs (Div. 5.6.)	
Number of Signs (max)	3 per business per frontage
Home occupation/business	1 unlit wall sign
Background color	No white or yellow
Sign Area	
Total sign area (max)	3 sf per ft of street facade width up to 150 sf
Home occupation/business	2 sf
Penalty	10% per projecting and freestanding sign
Sign Type Standards	
Canopy sign	
Clearance (min)	7'6" from average grade
Setback (min)	18" from back of curb
Freestanding sign	
Height (max)	6'
Setback (min)	5'
Projecting sign	
Height (max)	24' above grade
Clearance (min)	7'6" from average grade
Setback (min)	18" from back of curb
Wall sign	
Window sign	
Window surface coverage (max)	25% up to 16 sf
Temporary Signs	Sec. 5.6.1.
9. Grading, Erosion Control, Stormwater	
Grading (Sec. 5.7.2.)	
Erosion Control (Sec. 5.7.3.)	
Erosion shall be controlled at all times	
Stormwater Management (Sec. 5.7.4.)	
No increase in peak flow rate or velocity across property lines	

10. Required Physical Development Permits						
Physical Development	Sketch Plan (Sec. 8.3.2.)	Development Plan (Sec. 8.3.3.)	Building Permit (Sec. 8.3.4.)	DRC Review (Sec. 8.2.6.)	Sign Permit (Sec. 8.3.6.)	Grading Permit (Sec. 8.3.5.)
Dwelling Unit						
< 5 units			X			(Sec. 5.7.1.)
5 - 10 units		X	X			(Sec. 5.7.1.)
> 10 units	X	X	X			(Sec. 5.7.1.)
Nonresidential Floor Area						
≤ 5,000 sf			X	X		(Sec. 5.7.1.)
5,001 - 15,000 sf		X	X	X		(Sec. 5.7.1.)
> 15,000 sf	X	X	X	X		(Sec. 5.7.1.)
Sign					X	(Sec. 5.7.1.)

C. Allowed Uses and Use Standards

Standards applicable to uses in the NL-5 zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NL-5 zone. This Subsection is intended to indicate all of the use standards applicable in the NL-5 zone, however, all standards in Article 6. are applicable in the NL-5 zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	Density (max)	Individual Use (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	B	n/a	n/a	n/a	exempt
Residential					
Detached Single-Family Unit (6.1.4.B.) (E.1)	Y	(E.1)	8,000 sf habitable-excluding basement	2/DU	$0.000017(sf) + (Exp(-15.49 + 1.59 \cdot \ln(sf))) / 2.176$
Attached Single-Family (6.1.4.C)	B	(E.1)		<u>1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU</u>	exempt (E.3)
Apartment (6.1.4.D.) (E.2)	B	(E.1)		1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	exempt
Dormitory (6.1.4.F.)	C	n/a	n/a	1/bed	exempt
Group Home (6.1.4.G.)	C	n/a	n/a	0.5/bed	exempt
Institutional					
Assembly (6.1.8.B.)	C	n/a	n/a	independent calculation	independent calculation
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	n/a	n/a	1/employee + 1/stored vehicle	$0.000123 \cdot sf$

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.2.), C=Conditional Use Permit (Sec. 8.4.3.),

1. Allowed Uses				2. Use Requirements	
Use	Permit	Density (max)	Individual Use (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Wireless Communications Facilities (6.1.10.D.)				1/employee + 1 per stored vehicle	0.000123 * sf
Minor	B	n/a	n/a		
Accessory Uses					
Accessory Residential Unit (6.1.11.B.) (E.1) (E.2)	B	2 units per lot	(E.1)	1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	exempt
Home Occupation (6.1.11.D.)	B	n/a	n/a	n/a	exempt
Home Business (6.1.11.E.)	C	n/a	n/a	1/employee	exempt
Family Home Daycare (6.1.11.F.)	B	n/a	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	n/a	n/a	1/employee + 2 off-street pick-up/drop-off	exempt
Temporary Uses					
Temporary Shelter (6.1.11.D.)	B	1 unit per lot	n/a	2/DU	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	n/a	n/a	1/employee	exempt

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.2.), C=Conditional Use Permit (Sec. 8.4.3.),

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

D. Development Options and Subdivision

Standards applicable to development options and subdivision in the NL-5 zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NL-5 zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the NL-5 zone, however, all standards in Article 7. are applicable in the NL-5 zone, unless stated otherwise.

1. Allowed Subdivision and Development Options		
Option	Lot Size (min)	Standards

Allowed Subdivision Options				
Land Division		7,500 sf		(Sec. 7.2.3.)
Condominium/Townhouse		n/a		(Sec. 7.2.4.)
2. Residential Subdivision Requirements				
Schools and Parks Exaction				
(Div. 7.5.)				
Schools exaction		.020 acres per 1- or 2-family unit .015 acres per multi-family unit		
Parks exaction		9 acres per 1,000 resident		
3. Infrastructure				
Transportation Facilities				
(Div. 7.6.)				
Access				required
Right-of-way for Minor Local Road (min)				60'
Paved travel way for Minor Local Road (min)				20'
Required Utilities				
(Div. 7.7.)				
Water				public
Sewer				public
4. Required Subdivision and Development Option Permits				
Option	Sketch Plan (Sec. 8.3.2.)	Development Plan (Sec. 8.3.3.)	Development Option Plan (Sec. 8.5.3.)	Subdivision Plat (Sec. 8.5.4.)
Land Division				
≤ 10 Lots		X		X
> 10 Lots	X	X		X

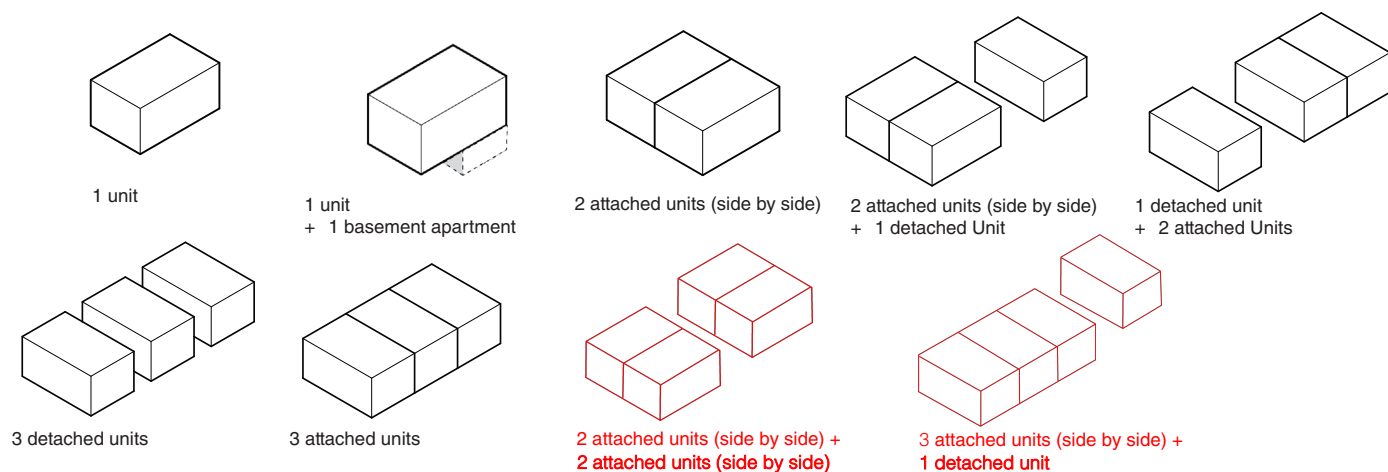
E. Additional Zone-specific Standards

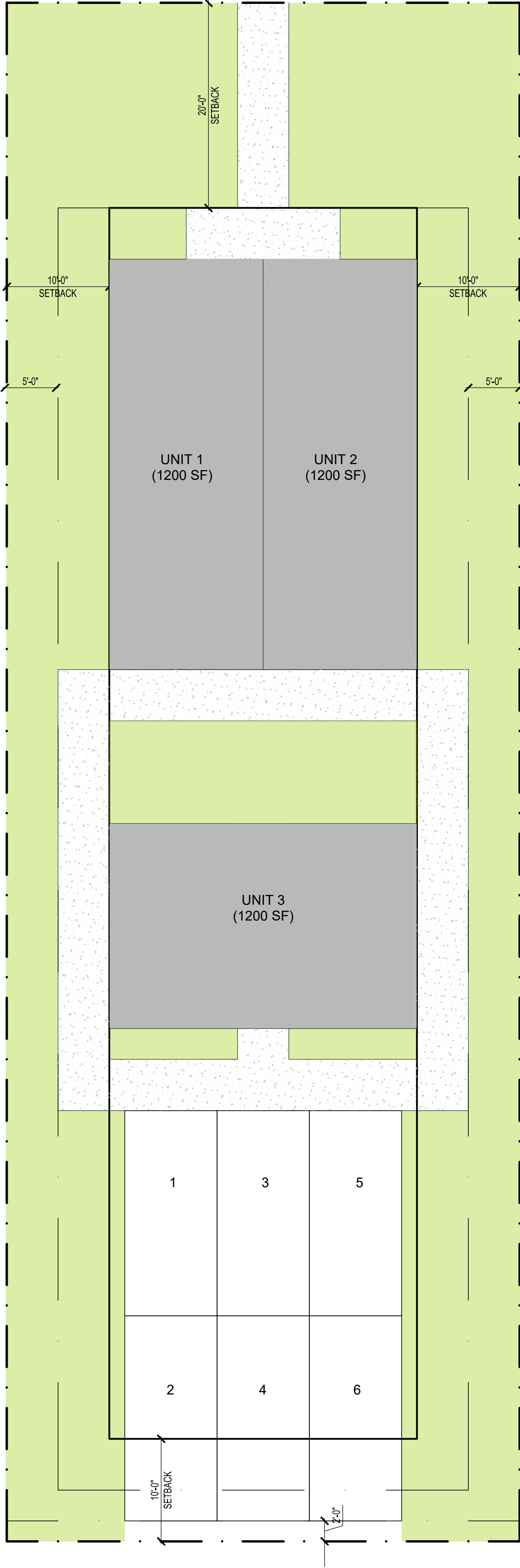
The following standards apply in addition to all other standards applicable in the NL-5 zone.

- Single-Family Detached, Single-Family Attached, Apartment, or ARU.** No more than 3 units of any combination are permitted on the lot, **except that 4 units are permitted on the lot if 100% of the units are permanently deed restricted with a deed restriction approved by Jackson/Teton County Housing Department or administered by the Jackson Hole Community Housing Trust or Habitat for Humanity of the Greater Teton Area.**
- Apartment and ARU Occupancy.** Occupancy of an apartment or ARU shall be restricted to persons employed within Teton County, in accordance with the Jackson/Teton County Housing Rules and Regulations or the occupants shall be members of the same family occupying the principal dwelling unit, such as parents or adult children, or intermittent, nonpaying guests
- Condominium or Townhouse.** Condominium or Townhouse subdivision is only allowed if all units on the property are permanently deed restricted to the satisfaction of the Jackson/Teton County Housing Department. The Restriction must permanently restrict use and occupancy of each dwelling unit to households that work locally and occupy the unit as their primary residence. If three **or four** units are built on a site or lot, an additional 600 sf of above-ground floor area shall be granted.

F. Configuration Options

Configuration options in the NL-5 zone include, but are not limited to, the following:

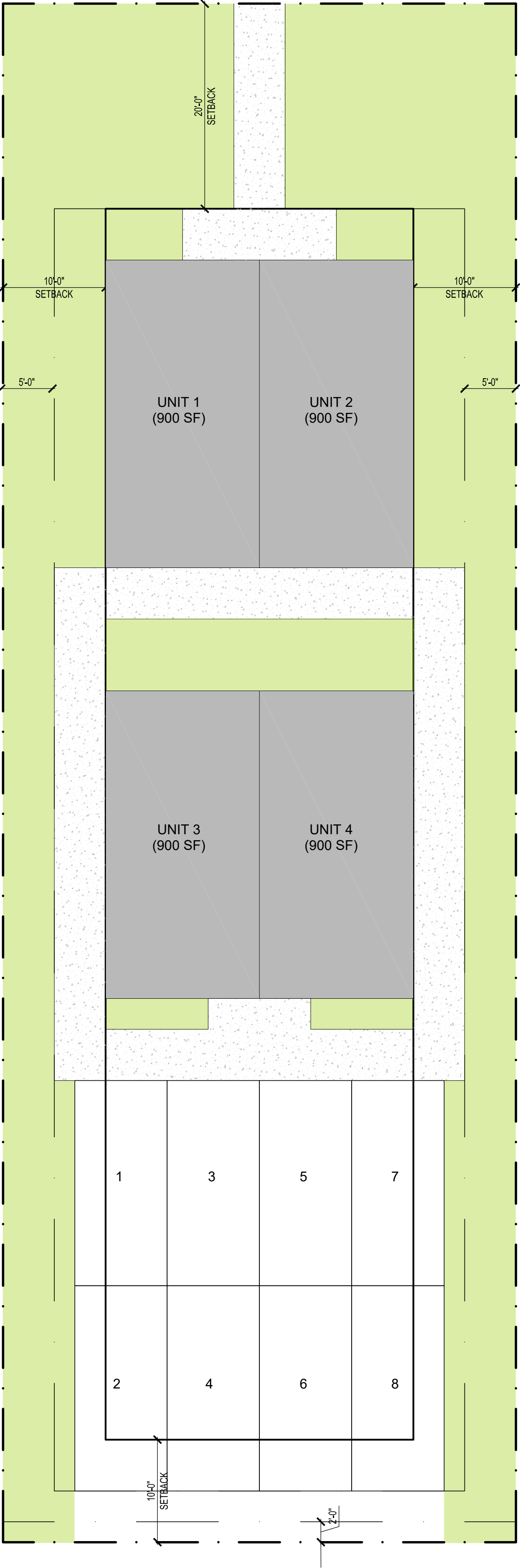




NL-5 LDR REQUIREMENTS
SITE AREA: 7,500 SF
FAR: .4 (3,000 SF) + 600 SF BONUS AFFORDABLE HOUSING = 3,600 SF
LSR: .3 (2,250 SF) MIN
PARKING: 1.5 PER DU

NL-5 PROPOSED SITE DEVELOPMENT (3 UNITS)
SITE AREA: 7,500 SF
FAR: 3,600 SF (1,200 SF UNITS)
LSR: .49 (3,700 SF)
PARKING: 6 SPACES

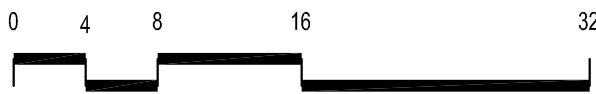
3 UNITS (BY RIGHT)



NL-5 LDR REQUIREMENTS
SITE AREA: 7,500 SF
FAR: .4 (3,000 SF) + 600 SF BONUS AFFORDABLE HOUSING = 3,600 SF
LSR: .3 (2,250 SF) MIN
PARKING: 1.5 PER DU

NL-5 PROPOSED SITE DEVELOPMENT (4 UNITS)
SITE AREA: 7,500 SF
FAR: 3,600 SF (900 SF UNITS)
LSR: .43 (3,255 SF)
PARKING: 8 SPACES

4 UNITS (PROPOSED)



Fee Waiver Narrative
LDR Text Amendment Section 2.2.6

The Jackson Hole Community Housing Trust (JHCHT) is submitting this application for a fee waiver associated with a text amendment that will facilitate the development of desperately needed Affordable housing.

Per the Town of Jackson Schedule of Fees documentation, The Town Council may reduce, defer, or waive application fees upon request if the proposed project advances significant community goals, which include but are not limited to, the following:

1. A project that is sponsored by a governmental entity, or a project that received public funding.
2. A project that provides extraordinary charitable, civic, educational, or similar benefits to the community.

This text amendment will aid in the development of 100% deed restricted housing for the Jackson/Teton County workforce. The housing that will be developed under this text amendment will be restricted either through a governmental entity (a deed restriction approved by the Jackson/Teton County Housing Department) or through a charitable organization (a deed restriction administered by the Jackson Hole Community Housing Trust or Habitat for Humanity for the Greater Teton Area). In all cases, the development of much need Affordable housing for the workforce will provide significant benefit to the community.

Please note, the JHCHT is a 501c3 nonprofit Affordable housing developer.

Town of Jackson
Project Plan Review History
PLANNING

Project Number P22-211
Project Name LDR Text Amend - Sect. 2.2.6 NL-5
Type LAND DEV REGS
Subtype TEXT AMENDMENT
Status STAFF REVIEW

Applied 8/22/2022 AL
Approved
Closed
Expired
Status

Applicant**Owner****Site Address****City****State****Zip****Subdivision****Parcel No****General Plan**

Type of Review	Status	Dates			Remarks
		Sent	Due	Received	
Contact Notes					
Legal		8/22/2022	9/12/2022		
Lea Colasuonno					

Planning	APPROVED W/CONDITI	8/22/2022	9/12/2022	9/19/2022	See PC and TC Staff Reports
Katelyn Page					
