

AGENDA

Planning and Zoning Commission

March 22, 2023 – SPECIAL 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 April 5, 2023 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/84306068805?pwd=SUVuUUpCWHRNTIMRG15RHk1dTR3dz09>
2. CALL TO ORDER
3. ROLL CALL
4. MATTERS FROM THE PUBLIC
5. APPROVAL OF MINUTES
6. OLD BUSINESS
7. NEW BUSINESS
8. BOARD OF ADJUSTMENT
9. PLANNING COMMISSION
 - I. P23-026: LDR Cleanup
10. MATTERS FROM THE COMMISSION
11. AGENDA FOLLOWUP
12. MATTERS FROM STAFF
13. ADJOURNMENT

STAFF REPORT



Meeting Date:	March 15, 2022	Meeting Title:	Planning Commission
Submitting Department:	Planning Department	Presenter:	Paul Anthony
Agenda Item:	P23-026 LDR Cleanup	Public Comment:	Yes

Purpose & Policy Considerations.

Periodically the Town completes an LDR cleanup, which is suite of minor LDR text amendments to address errors, contradictions, sections that lack clarity, and issues that have arisen consistently in implementation. The proposed text amendments are an LDR cleanup, the last LDR cleanup was in 2019.

Requested Action.

The applicant, the Planning Director, is requesting approval of a text amendment to make a suite of changes to the LDRs.

Recommendations.

The Planning Director recommends approval of the LDR cleanup.

Background/Project Description/Analysis.

It is the Planning Department's goal to complete an LDR "clean-up" every year or two to update the LDRs to fix errors and inconsistencies and to codify common interpretations. It can also be used to modify or add relatively simple standards that are necessary for the fair and consistent implementation of the LDRs and address recurring problems. Unfortunately, due to COVID and the subsequent increased pace of development in the aftermath, staff has not been able to draft a clean-up for over four years, thus our list is longer than usual.

Planning Staff met with the Planning Commission on February 15, 2023, in a workshop to discuss a number of key issues and get feedback from the members. This feedback is incorporated into the proposed amendments.

Staff Analysis

The proposed amendments are detailed in the attached table. For each amendment a brief description of the purpose of the cleanup is provided. Please note this table also includes about 10 LDR amendments proposed by the Town Engineer to address issues focused mostly on standards for subdivision, stormwater, and grading. Please refer to the attachment table for the rationale and analysis of each change.

To aid the Commission's review, a list of the primary changes is provided below:

- Clarified definition of what can count as landscape area, especially in urban settings;
- Clarified definition of what constitutes a residential unit (i.e., new factors to consider to determine when an individual unit is present);
- Increased requirements for snow storage;
- Clarified definition for height on sloped sites;
- New rules for rooftop decks as exception to maximum height requirement;
- New requirement for ADA parking and guest parking for multi-family buildings;
- New requirements for paving parking off alleys and in front yards;
- New process to allow construction staging sites in residential areas;

- Clarify parking and housing mitigation rules for outdoor seating;
- New limitation on Town accepting amendments from citizens;
- Changes to residency requirements for PC and DRC members

Staff's recommendation is that the Planning Commission discuss only those items from the table that people want to discuss, modify, or remove from the list. Items that everyone agrees with would not need to be discussed and would be approved by consent. In preparation, please identify any proposed changes you would like to discuss using the number in the left column. This will help staff efficiently facilitate the meeting and focus on the items that require discussion. If an item in the table proves to be too complex for simple resolution and agreement, staff will likely remove that item from this clean-up effort and address that item in the future as part of a separate update process.

Public Comment.

None.

Factors for Consideration.

Pursuant to Section 8.7.2.C (LDR Text Amendment Findings) of the 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. The proposed cleanups seek to improve the organization of the LDRs in a number of cases where standards are more easily found in the proposed location.

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

Complies. The proposed cleanups improve the consistency of the LDRs in a number of cases where implementation of the LDRs has identified that additional sections of the LDRs need to be updated to implement an intended policy change.

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

Complies. The proposed cleanups more clearly define the character desired by various regulations.

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

Not applicable. The cleanups address inconsistencies, errors, and lack of clarity, they are not intended to address larger policy questions related to changes in the community.

5. Improves implementation of the Comprehensive Plan; and

Complies. All proposed changes are consistent with the Comprehensive Plan and the intent of this cleanup is to improve implementation of the existing approach toward executing the Comprehensive Plan.

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

Complies. All proposed changes are consistent with or improve coordination with other Town ordinances.

Fiscal Impact.

The Town has contracted with OPS Strategies to assist in drafting the cleanup for an amount not to exceed \$14,875.

Staff Impact.

The amount of staff time to review, meet with the applicant, research, and write this report including future work to send final letters is roughly 50 hours.

Attachments or Links.

2023 LDR Cleanup Table

Suggested Motion.

I move to recommend **approval** to the Town Council of LDR Text Amendment P23-026 for the 2023 LDR Cleanup based upon factors 1-6 in Section 8.7.2.C of the Land Development Regulations as presented by staff in the staff report dated March 15, 2023, and as modified by the Commission at this meeting.

2023 Town LDR Cleanup (P23-026)

Planning Commission Draft: March 10, 2023

Introduction

Town staff consistently strive to improve the LDRs by making note of errors, clarifying points of confusion, and addressing unintended consequences. The LDR Revisions project is a regular initiative to amend the LDRs to institute those corrections, keep the LDRs up-to-date, and ensure compliance with the changes in other guiding documents. Major policy changes have largely been avoided in this year's LDR Cleanup process and are reserved for separate, individual review.

Proposed Changes

The table below list, whenever possible and useful, the sections and divisions in which the stated changes occur, a description of the change or issue, and the proposed text to be amended if it is brief enough to be included. In cases where changes are more significant or difficult to snapshot in a single cell, there is direction to turn to attached pages. Text that has been removed is denoted with a ~~red & strikethrough~~; text that had been added is denoted with red & underline.

#	Section	Description of Change	Proposed Text
1	1.3.2	Comp Plan reference: Update the Common Values of Community Character to align with the updated 2020 Jackson Teton County Comprehensive Plan.	Section 1.3.2.A.2. Consume less nonrenewable energy as a community in the future than we do today <u>Emit less greenhouse gases than we did in 2012.</u> Section 1.3.2.B.1. Direct <u>at least 60% of</u> future growth into a series of connected, Complete Neighborhoods in order to preserve critical habitat, scenery and open space in our Rural Areas <u>and provide workforce housing opportunities.</u> Section 1.3.2.C.3. Residents and visitors will safety, efficiently, and economically move within our community and throughout the region using alternative modes of transportation. <u>Travel by walk, bike, carpool, or transit will be more convenient than travel by single-occupancy vehicle.</u>
2	1.6.3	Examples: Clarify that where there is a conflict between the language of a regulation and the example, the language of the regulation shall govern.	Where provisions of these LDRs are in direct conflict, the zone-specific provision shall govern. If neither provision is zone-specific, the provision that is more specific to the characteristics of the application being reviewed shall govern. <u>Where the text of these LDRs and examples or images may conflict, the text shall govern.</u>

#	Section	Description of Change	Proposed Text
3	1.9.2.B.1 & 3	Nonconforming detached dwellings and habitable floor area: Currently, detached single-family homes are exempt from the expansion limits on nonconforming physical development. This exemption has caused considerable problems by allowing inappropriate and large expansions of nonconforming homes close to property lines and impacting neighbors. This change would delete this exemption. In addition, for all structures the expansion of the nonconformity should be based on habitable floor area because habitable floor is the standard for most floor area measurements in Town.	1. No Increase in Nonconformity. Maintenance, alteration, replacement, or expansion shall not increase the nonconformity and shall otherwise comply with all applicable standards of these LDRs, except that maintenance, alteration, or expansion of a nonconforming Detached Single-Family Unit or property listed on the Jackson Historic Register shall not be subject to this limitation (e.g., an addition to a house or structure on the Jackson Historic Register that is nonconforming as to height may be the same height as the existing nonconforming house or historic structure). EXAMPLE: An addition must meet all setbacks, floor area limits, and other standards even if a portion of the structure being added to does not meet a setback, except that a <u>Historic Registered Resource Single-Family Unit</u> may be expanded to the same nonconforming setback. 3. Expansion. A nonconforming physical development shall be brought into compliance with all applicable standards of these LDRs upon cumulative expansion of greater than 20% of its <u>habitable</u> floor area or site area. Cumulative expansion is the sum of all expansions from the date the physical development became nonconforming, including all expansions under prior LDRs if the physical development became nonconforming under prior LDRs and remains nonconforming. The following exceptions shall apply to this limit on expansion. a. Detached Single-Family Unit. This standard shall not limit the expansion of a Detached Single-Family Unit, <u>except that all expansions must comply with all applicable LDR standards.</u>

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4	1.9.2.B.4	Replacement of nonconforming structures: Proposed change is intended to clarify that adding structural support to the nonconforming part of a structure to, in essence, replace the existing structural support is considered “replacement” under this standard.	4. Replacement. A nonconforming physical development shall be brought into compliance with all applicable standards of these LDRs upon willful demolition, <u>reinforcement, or addition</u> of any structural support for the portion of the physical development that is nonconforming. Except that this subsection shall not prohibit any of the following. EXAMPLE: A site has an existing 2,000 sf home that is partially located in a creek setback. Any interior remodel is allowed without resolving the nonconformity. Any nonstructural modification to the exterior of the building (i.e. re-siding, re-roofing, replacing windows) is allowed without resolving the nonconformity. An expansion of up to 400 sf is allowed without remedying the <u>nonconformity provided that the addition is complies with all required dimensional standards (i.e., located within the building envelope)</u>. But, if the portion of the building in the setback is demolished it cannot be built back, and an expansion of greater than 400 sf would require demolition of the nonconforming portion of the building.														
5	1.9.3.B.3	Expansion of a nonconforming use: While a nonconforming use is allowed 20% expansion, that expansion is limited by the other standards of the LDRs. This cleanup clarifies that the stricter of the two limits applies.	An expansion of a nonconforming use shall comply with all physical development, development option, and subdivision standards of these LDRs, <u>which may preclude the 20% expansion allowed under subsection B.1.</u>														
6	1.9.5.C	Historically significant sign determination: The nonconforming sign section did not get updated to reference the Historic Preservation Board when the rest of the historic preservation regulations were updated.	Historically Significant Signs. When a nonconforming sign is determined by the Planning Director to be historically significant, routine maintenance, including painting and replacement of lights, shall be permitted. Historically significant signs are signs designated by the Planning Director, <u>who may consult with the Teton County Historic Preservation Board, Director or Historical Society</u> as having significant historical value to the Town.														
7	2.2.6.B.1 2.2.6.B.3	NL-5 accessory structures: The accessory structure setbacks and heights should be the same as the NL-3 and NL-4 now that ARUs are allowed in the NL-5.	<table><tr><th colspan="2">Accessory Structure Setbacks</th></tr><tr><td>Side interior/rear (min)</td><td><u>5'</u></td></tr><tr><td><u>>14 feet in height</u></td><td><u>10'</u></td></tr><tr><td><u>≤14 feet in height</u></td><td><u>5'</u></td></tr><tr><td><u>Second floor deck</u></td><td><u>10'</u></td></tr></table> <table><tr><th colspan="2">Accessory Structure Height</th></tr><tr><td><u>Accessory residential unit (max)</u></td><td><u>2 stories not to exceed 26'</u></td></tr></table>	Accessory Structure Setbacks		Side interior/rear (min)	<u>5'</u>	<u>>14 feet in height</u>	<u>10'</u>	<u>≤14 feet in height</u>	<u>5'</u>	<u>Second floor deck</u>	<u>10'</u>	Accessory Structure Height		<u>Accessory residential unit (max)</u>	<u>2 stories not to exceed 26'</u>
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8	2.2.2.B.3 2.2.3.B.3 2.2.4.B.3 2.2.5.B.3 2.2.6.B.3 2.2.7.B.3 2.2.8.B.3 2.2.9.B.3 2.2.16.B.2 2.2.17.B.2 2.3.10.B.2 2.3.13.B.2 3.3.1.B.2 4.2.1.B.2 4.2.2.B.2	Building size, rules of measurement: The limit on the size of an individual building should follow the same rules of measurement as Floor Area Ratio – that only habitable floor area above grade is counted. In the Town bulk of a building is limited by setbacks and height, limiting gross floor area is the County’s method of limiting bulk. In the NL-3, NL-4 , and NM-1 zones there is no existing limit, but with lot combination being more common the limit should be added for consistency with the other NL and NM zones. The standard varies by Legacy zone, including some zones where it is not applicable, but the definition should be consistent in all cases and this cleanup does not propose to change any of the Legacy Zone standards. In the NH-1 where the “fill-the-box” tool applies and there are no configuration limits the individual building limit should not apply. Application of an individual building size limit in the CR and DC zones is a larger discussion than is appropriate for this cleanup. A separate analysis of that issue is being developed by staff.	NL and NM zones <table><tr><th colspan="2">Scale of Development</th></tr><tr><td>Individual building (max gross <u>habitable</u> floor area <u>above grade</u>)</td><td>10,000 sf</td></tr></table> TS zones <table><tr><th colspan="2">Scale of Development</th></tr><tr><td>Single building size (max <u>habitable</u> <u>above grade</u>)</td><td>15,000 sf</td></tr></table> BP, MHP, Rural, P/SP, Park zones <table><tr><th colspan="2">Maximum Scale of Development</th></tr><tr><td colspan="2">Individual Building (gross floor area) (max <u>habitable above grade</u>)</td></tr><tr><td>Single building</td><td>* sf</td></tr></table> NH-1 zone <table><tr><th colspan="2">Scale of Development</th></tr><tr><td>Individual building (max floor area)</td><td>10,000 sf</td></tr></table>	Scale of Development		Individual building (max gross <u>habitable</u> floor area <u>above grade</u>)	10,000 sf	Scale of Development		Single building size (max <u>habitable</u> <u>above grade</u>)	15,000 sf	Maximum Scale of Development		Individual Building (gross floor area) (max <u>habitable above grade</u>)		Single building	* sf	Scale of Development		Individual building (max floor area)	10,000 sf
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9	2.2.2.B.4	Fence standards: The cleanup proposes a 2-foot setback from alleys to allow for snow plowing. It clarifies that the fence setbacks and height limits apply to freestanding walls as well. It also clarifies that the height limit applies in the entire street, side or rear yard. For zones without a pedestrian frontage requirement, it clarifies that the street/sidewalk setback is measured from the street lot line unless the sidewalk extends across the lot line in which case the setback is measured from the sidewalk. For zones with a pedestrian frontage requirement, the fencing setback will continue to be measured from the pedestrian frontage. Note that fences/walls are prohibited in the street and side yards in TS zones, this cleanup would not change that. Also note that in the OR, side yard fences are grouped with rear yard rather than street yard fences, this cleanup would not change that. There are no fence standards in the P/SP or Park zones.	NL, NM, NH zones
	2.2.3.B.4		Fencing/ Walls
	2.2.4.B.4		Height (max)
	2.2.5.B.4		Anywhere in street yard 4'
	2.2.6.B.4		Anywhere in side or rear yard 6'
	2.2.7.B.4		Setback (min)
	2.2.8.B.4		Primary or side Street lot line (Sidewalk if sidewalk within lot)/sidewalk (min) 1'
	2.2.9.B.4		Alley 2'
	2.2.10.B.1		Side or rear lot line 0'
	2.2.11.B.1		Orientation
	2.2.12.B.1		The finished side of the fence shall face out to the neighbor, posts and supports shall face in to the owner
	2.2.13.B.4		
	2.2.14.B.1		
	2.2.15.B.1		
	2.2.15.B.1		
	2.2.16.B.1		
	2.2.17.B.1		
	2.3.10.B.6		OR, CR, DC, and TS zones
	2.3.13.B.6		Fencing/ Walls
	3.3.1.B.6		Height anywhere in any street or side yard* *
			(max)
			Height anywhere in any rear yard (max) 6'
			Setback from pedestrian frontage (min) *
			Setback from alley (min) 2'
			Setback from side or rear lot line (min) 0'
			The finished side of the fence shall face out to the neighbor, posts and supports shall face in to the owner
			BP-ToJ, MHP-ToJ, R-ToJ
			Fencing/ Walls
			Height (max)
			Anywhere in street yard 4'
			Anywhere in side or rear yard 6'
			Setback (min)
			Front lot line (Sidewalk if sidewalk within lot)/ ROW / Sidewalk 1'
			Alley 2'
			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
10	2.2.10.B.1	Access drives in OR: The OR zone is adjacent to residential zones and has a smaller scale than other commercial zones. As a result the curb cut and access setback standards should match those in adjacent residential zones.	2.2.10.B.1
			Access
			Curb cut width (max) 20' 24'
			Setback from side/rear lot line 1'

#	Section	Description of Change	Proposed Text
11	2.3.10.B.1	Accessory structure setbacks in BP zone: The side and rear setbacks in the BP zone that are meant to space out large industrial buildings are prohibitive to the placement of accessory storage sheds common in the BP. The proposed cleanup would allow smaller buildings to be located closer to the side and rear property lines.	Exceptions Street/Side Yard – U.S. Highway 26-89-189-191. [no change] FAR. [no change] Detached Accessory Structure Separation. <u>A detached accessory structure shall be separated a minimum of 10 feet from another structure. A detached accessory structure of less than 14 feet in height shall have a side and rear setback of 5 feet.</u>
12	5.8.1.A.3 2.2.6.B.3 2.2.8.B.3 2.2.9.B.3	DRC review for buildings with 4+ units: The intent of Division 5.8 is that larger multiunit development should be subject to the Design Guidelines and DRC review. The intent was never that single lot NL developments be subject to Division 5.8. The proposed cleanup would move the threshold for DRC review from 3 to 4 attached units, which would exempt NL development except the recent workforce housing allowance. In the NL-5 and NM-2 where 4-unit buildings are allowed, the applicability of Div. 5.8 should be referenced. The reference already existing in the NH-1 and will be updated from three to four units.	5.8.1.A.3. Applicability. Town Design Guidelines. All applications for residential development that includes four <u>three</u> or more attached units, <u>including ARUs.</u> NL-5, NM-2, NH-1 zones 3. Bulk & Mass Standards [Bulk & Mass illustration (varies by zone)] <u>Design Guidelines (Div. 5.8.)</u> <u>The Design Guidelines apply to all residential and nonresidential development of four attached units or greater, except where exempted by Planning Director for additions of 20% or less that are consistent with existing architecture.</u>
13	2.2.2.B.10 2.2.3.B.10 2.2.6.B.10 2.2.10.B.9 2.2.11.B.9 2.2.12.B.9 2.2.13.B.10 2.2.14.B.9 2.2.15.B.9 2.2.16.B.9 2.2.17.B.9 2.3.10.B.12 2.3.13.B.12 3.3.1.B.12 4.2.1.B.12 4.2.2.B.12	Permit thresholds, habitable floor area: Each zone includes thresholds for the level of review required for various sizes of physical development. Where those thresholds are floor area based, practice is to consider only the habitable floor area, including below grade habitable floor area. Below grade floor area is considered because below grade habitable floor area contributes to intensity of use of a development and the permit review thresholds ensure appropriate public review for more impactful development.	NL-1, NL-2, NL-5, BP, MHP, Rural, P/SP, Park zones Required Physical Development Permits Nonresidential Floor Area <u>(Habitable including basement)</u> OR, CR, DC, TS zones Required Physical Development Permits Floor Area <u>(Habitable including basement)</u>

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14	2.2.10.B.9 2.2.12.B.9	Sketch Plan option for residential: In the CR-1, CR-3, and DC zones Sketch Plan is optional for a large residential only project. In the OR and CR-2 there is a line for residential only projects, but currently no difference in the standard. The OR and CR-2 thresholds should be cleaned up to match the other CR and DC zones as was intended.	<table><tr><td></td><td>Sketch Plan (Sec. 8.3.2.)</td><td>Dev. Plan (Sec. 8.3.3)</td><td>Building Permit (Sec. 8.3.4)</td></tr><tr><td>Physical Development</td><td></td><td></td><td></td></tr><tr><td colspan="4">Floor Area (<u>Habitable including basement</u>)</td></tr><tr><td>> 13,800 sf</td><td>X</td><td>X</td><td>X</td></tr><tr><td>> 13,800 sf for only residential use</td><td>X <u>optional</u></td><td>X</td><td>X</td></tr></table>					Sketch Plan (Sec. 8.3.2.)	Dev. Plan (Sec. 8.3.3)	Building Permit (Sec. 8.3.4)	Physical Development				Floor Area (<u>Habitable including basement</u>)				> 13,800 sf	X	X	X	> 13,800 sf for only residential use	X <u>optional</u>	X	X				
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15	2.2.16.B.9 2.2.17.B.9	Sketch Plan threshold in TS zones: The physical development permit thresholds in the TS-1 and TS-2 essentially require a Sketch Plan for any multi-lot development even though there is an individual building maximum. The proposed amendment would allow a development on 2-50x150 lots with a Development Plan. In other zones the Sketch Plan threshold is set at the equivalent of the maximum FAR over 4-50x150 lots, so the TS zones will still have a higher standard of public review, but the proposed cleanup will allow relatively simple 2-lot projects to be approved through a single set of public hearings.	<table><tr><td></td><td>Sketch Plan (Sec. 8.3.2.)</td><td>Dev. Plan (Sec. 8.3.3)</td><td>Building Permit (Sec. 8.3.4)</td></tr><tr><td>Physical Development</td><td></td><td></td><td></td></tr><tr><td colspan="4">Floor Area (<u>Habitable including basement</u>)</td></tr><tr><td>≤ 10,000 sf</td><td></td><td></td><td>X</td></tr><tr><td>10,001 – <u>30,000</u> <u>20,000</u> sf</td><td></td><td>X</td><td>X</td></tr><tr><td>> <u>30,000</u> 20,000 sf</td><td>X</td><td>X</td><td>X</td></tr></table>					Sketch Plan (Sec. 8.3.2.)	Dev. Plan (Sec. 8.3.3)	Building Permit (Sec. 8.3.4)	Physical Development				Floor Area (<u>Habitable including basement</u>)				≤ 10,000 sf			X	10,001 – <u>30,000</u> <u>20,000</u> sf		X	X	> <u>30,000</u> 20,000 sf	X	X	X
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16	2.2.7.C.1	NM-1 density clarification: The NM-1 zone allows for duplex development, which can be configured as apartments or subdivided into townhomes or condos. While the strict definition of an attached single family-unit is that you can only have 1 unit per townhouse or condo “lot” the density maximum has caused confusion. The proposed change would not change the allowed density just clarify that 2 attached units are allowed on a 7,500 sf lot.	<table><tr><td>Use</td><td>Permit</td><td>Density (max)</td><td>Individual Use (max)</td></tr><tr><td>Attached Single-Family Unit (6.1.4.B)</td><td>B</td><td><u>2</u>1 unit per lot</td><td>8,000 sf habitable-excluding basement</td></tr></table>				Use	Permit	Density (max)	Individual Use (max)	Attached Single-Family Unit (6.1.4.B)	B	<u>2</u> 1 unit per lot	8,000 sf habitable-excluding basement																
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Attached Single-Family Unit (6.1.4.B)	B	<u>2</u> 1 unit per lot	8,000 sf habitable-excluding basement																											
17	2.2.13.E.4.a.iii	Missing Reference (CR-3 4th floor bonus): The intended reference to Div. 6.3. is missing from fourth floor bonus in the CR-3.	It shall be exempt from the calculation of affordable housing required by <u>Div. 6.3</u> but shall not be used to meet the affordable housing requirement for the project.																											

#	Section	Description of Change	Proposed Text																		
18	2.2.13.E.8	CR-3 Mini-Storage: The community needs storage, but we do not want storage units to be the southern gateway into the community. The propose cleanup would add a new zone specific standard in the CR-3 to ensure storage units are setback from the highway frontage.	<u>8. Mini-Storage Setback. Mini-Storage Setback use shall be setback at least 100 feet from the Highway 89/191 ROW.</u>																		
19	2.3.13.E.1	Mobile home replacement: The standards for replacement of mobile homes within a mobile home park are not clear. The cleanup would make it obvious that mobile homes can be replaced with a larger mobile home and introduce a property setback. The cleanup would also delete an unneeded reference to Sec. 7.1.3.	a. A new mobile home park shall be developed pursuant to the standards of Sec. 7.1.3. <u>b.v. Size. A mobile home can be replaced with a larger mobile home.</u> <u>b.vi. Setback. A relocated mobile home shall be set back a minimum of 5 feet from the mobile home park property line.</u>																		
20	4.2.2.C.1 6.1.1.F	Developed recreation in Park zone: The Park and Open Space zone currently prohibits developed recreation use because the intent of the zone is for outdoor recreation sites. However, such sites can still include a developed recreation use in some cases and developed recreation should be allowed as a conditional use. The zone-specific use table depicted at right for section 4.2.2.C.1 is transposed for the purposes of this format, but the organization of the table will not change.	4.2.2.C.1<table><tr><td>Use</td><td><u>Amusement/Recreation</u> <u>Developed Recreation</u></td></tr><tr><td>Permit</td><td><u>C</u></td></tr><tr><td>BSA (min)</td><td><u>0 sf</u></td></tr><tr><td>Density (max)</td><td><u>n/a</u></td></tr><tr><td>Parking (min)</td><td><u>4.5/1,000 sf</u></td></tr><tr><td>Affordable Workforce Housing Units (min)</td><td><u>independent calculation</u></td></tr></table> 6.1.1.F<table><tr><th colspan="2">Use Schedule: Town Legacy Zones</th></tr><tr><td></td><td>P-ToJ</td></tr><tr><td>Developed Recreation</td><td>C</td></tr></table>	Use	<u>Amusement/Recreation</u> <u>Developed Recreation</u>	Permit	<u>C</u>	BSA (min)	<u>0 sf</u>	Density (max)	<u>n/a</u>	Parking (min)	<u>4.5/1,000 sf</u>	Affordable Workforce Housing Units (min)	<u>independent calculation</u>	Use Schedule: Town Legacy Zones			P-ToJ	Developed Recreation	C
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Developed Recreation	C																				

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21	4.4.1.H	PUD references: Add the Farmhouse project to the list of approved PUDs and update the zoning references.	1. Planned Unit Development - Urban Residential <u>Neighborhood High Density-1</u> (P15-029) (PUD-URNH-1 (P15-029)) (135 West Kelly Avenue) 2. Planned Unit Development - Urban Residential <u>Neighborhood Medium Density-2</u> (P16-017) (PUD-URNM-2 (P16-017)) (1255 West Highway 22) 3. Planned Unit Development - Urban Residential <u>Neighborhood High Density-1</u> (P16-019) (PUD-URNH-1 (P16-019)) (655 Powderhorn Lane) 4. Planned Unit Development - Auto-Urban Residential <u>Neighborhood Low Density-5</u> (P16-061) (PUD-ARNL-5 (P16-061)) (335 Redmond Street) 5. Planned Unit Development - Urban Residential <u>Neighborhood High Density-1</u> (P16-079) (PUD-URNH-1 (P16-079)) (60 Rosencrans) 6. Planned Unit Development - Urban Residential <u>Neighborhood High Density-1</u> (P17-021) (PUD-URNH-1 (P17-021)) (550 W. Broadway) 7. Planned Unit Development - Neighborhood Medium Density-2 (P17-201) (PUD-NM-2 (P17-201)) (640 S Glenwood Street and 650 S Glenwood Street) <u>8. Planned Unit Development - Commercial Residential-3 (P14-049) (PUD-CR-3(P14-049)) (1200 S Hwy 89)</u>

#	Section	Description of Change	Proposed Text
22	5.4.3	Faults: Language is not compatible with current adopted codes and puts a burden on Town Engineer that is the responsibility of the design engineer.	A. Comply with Building Code for Seismic Zone 3. All structures shall comply with the currently adopted 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 physical development is within 200 feet of a fault line and the Town Engineer considers that the proposed physical development creates a dangerous situation. B. Notification on Development Plan/Final Plat On lots of record where a fault line exists <u>or is in proximity to a fault line that could impact the lots of record</u> according to fault line maps for the area, a note shall be placed on all development plans and plats stating that a Seismic Zone 3 fault line potentially subject to movement exists on <u>or in proximity to</u> the lot of record. <u>When no fault line exists on or in proximity to a lot of record provide a note that no fault lines exist or is in proximity to the lot of record on the plat or within the application.</u> C. Review by Town Engineer All proposed physical development <u>in proximity to a fault potentially subject to movement shall be prepared by a professional engineer registered in the State of Wyoming shall be reviewed by the Town Engineer for appropriateness of the proposed structure for the site.</u>

#	Section	Description of Change	Proposed Text																																																	
23	5.5.3.B.2 2.2.8.B.1 2.2.9.B.1 2.3.13.B.5 3.3.1.B.5	Plant units, residential requirement: The zone-specific standards in the NL and NM-1 zones require 1 plant unit per lot. Those zones generally allow one to three units per lot. In the NM-2, NH-1 single unit and duplex development require one plant unit per unit. Residential development in the MHP and Rural zones also require one plant unit per unit. The proposed cleanup would create a consistent standard for 1,2, and 3-unit residential development. Multiunit development will remain subject to the same landscaping standards as apply to nonresidential development – 1 plant unit per 1,000 sf of landscape area and 1 plant unit per 12 parking spaces.	5.5.3.B.2. <u>One, Two, and Three Unit Residential in Legacy Zones.</u> All new residential development <u>of fewer than 4 units in a Legacy Zone (Div. 2.3. & Div. 3.3.)</u> shall provide <u>a minimum of</u> one plant unit per <u>lot dwelling unit.</u> NM-2, NH-1 Zones <table><tr><td colspan="2">Landscaping (Div. 5.5)</td></tr><tr><td colspan="2">Plant Units (min)</td></tr><tr><td><u>1,2,3-Unit Residential</u></td><td><u>1 per unit 1 per lot</u></td></tr><tr><td><u>Single-Family and Duplex</u></td><td></td></tr><tr><td>All other uses</td><td>1 per 1,000 sf of landscape area</td></tr><tr><td>Parking lot</td><td>1 per 12 parking spaces</td></tr></table> MHP and Rural Zones <table><tr><td colspan="2">5. Landscaping (Div. 5.5)</td></tr><tr><td colspan="2">Plant Units (min)</td></tr><tr><td>Residential</td><td><u>1 per du 1 per lot</u></td></tr><tr><td>Nonresidential</td><td>1 per 1,000 sf of landscape area</td></tr><tr><td>Parking lot</td><td>1 per 8 parking spaces</td></tr></table>	Landscaping (Div. 5.5)		Plant Units (min)		<u>1,2,3-Unit Residential</u>	<u>1 per unit 1 per lot</u>	<u>Single-Family and Duplex</u>		All other uses	1 per 1,000 sf of landscape area	Parking lot	1 per 12 parking spaces	5. Landscaping (Div. 5.5)		Plant Units (min)		Residential	<u>1 per du 1 per lot</u>	Nonresidential	1 per 1,000 sf of landscape area	Parking lot	1 per 8 parking spaces																											
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24	5.5.3.C.1	Plant units, DC/TS reference: The table was not updated when the TS-1, TS-2, DC-1, and DC-2 zones replaced the UC, DC, and TS zones.	<table><tr><th colspan="5">Required Plant Units per Parking Space by Use and Zone</th></tr><tr><th rowspan="2">Zone</th><th colspan="4">Use</th></tr><tr><th>Ag</th><th>Res</th><th>Inst</th><th>All Other Uses</th></tr><tr><td><u>UC</u></td><td>--</td><td>--</td><td>--</td><td><u>1 per 12 spaces</u></td></tr><tr><td><u>TS</u></td><td>--</td><td>--</td><td>--</td><td><u>0</u></td></tr><tr><td><u>TS-1</u></td><td>--</td><td>--</td><td>--</td><td><u>0</u></td></tr><tr><td><u>TS-2</u></td><td>--</td><td>--</td><td>--</td><td><u>0</u></td></tr><tr><td><u>DC</u></td><td>--</td><td>--</td><td>--</td><td><u>0</u></td></tr><tr><td><u>DC-1</u></td><td>--</td><td>--</td><td>--</td><td><u>0</u></td></tr><tr><td><u>DC-2</u></td><td>--</td><td>--</td><td>--</td><td><u>0</u></td></tr></table>	Required Plant Units per Parking Space by Use and Zone					Zone	Use				Ag	Res	Inst	All Other Uses	<u>UC</u>	--	--	--	<u>1 per 12 spaces</u>	<u>TS</u>	--	--	--	<u>0</u>	<u>TS-1</u>	--	--	--	<u>0</u>	<u>TS-2</u>	--	--	--	<u>0</u>	<u>DC</u>	--	--	--	<u>0</u>	<u>DC-1</u>	--	--	--	<u>0</u>	<u>DC-2</u>	--	--	--	<u>0</u>
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25	5.5.3.E.5	Cost of a Plant Unit: The Town’s practice is to allow landscaping equivalent to the cost of the required plant units. This cleanup would codify that practice by adding a new subsection to 5.5.3.E. Standard Plant Unit.	<u>Cost Substitution for Plant Unit. The applicant may substitute a plant unit of equivalent cost to that of a standard plant unit alternative in Section 5.5.3.E.1 with the approval of the Planning Director. The cost of the proposed equivalent plant unit shall be the average of alternatives A, B, and C, as established by the Planning Director, and shall not include irrigation or installation costs.</u>																																																	

#	Section	Description of Change	Proposed Text
26	5.5.4.A 9.5.L 9.5.S	Landscape surface area definition: The landscaping standards need to be clarified to define what counts as landscape surface area and allow the Planning Director to consider some public amenities to be counted as landscape area. Allowing these public amenities also requires decoupling the definition of site development and landscape surface area.	5.5.4.A. Vegetation Landscape Area Required. All landscaped areas <u>shall meet the definition of landscape surface area provided in Section 9.5 proposed for vegetation shall be planted with lawn, pasture, or native groundcover unless such vegetation is already fully established.</u> Once landscaped, landscape areas shall be maintained to support plant life. Landscape Surface Area. Landscape surface area is the area of a site that is covered by natural vegetation, trees, or landscaped areas such as turf grass, planted trees and shrubs, mulch, or xeriscape. <u>Landscape areas may include raised planters, areas on roofs, and other areas above structures (such as underground parking) provided it complies with the intent of the zone district and landscaping standards in the LDRs. Unplanted areas used for public amenities or required utilities, such as bike racks, public art, benches, pathways, sidewalks, transformer boxes, air conditioners, and similar items, may count as landscape area as determined by the Planning Director.</u> Any area of a site meeting the definition of site development is not landscape surface area. Site Development. Site development is the area of the site that is physically developed; it is generally the inverse of landscape surface area. Site development <u>generally</u> includes the area of the site that is covered by buildings, structures, impervious surfaces, porches, decks, terraces, patios, driveways, walkways, parking areas, and regularly disturbed areas such as corrals, outdoor storage, and stockpiles. Site development does not include cultivation of the soil for agricultural use.
27	5.5.5.C	Landscaping bond: While bonding for landscaping is allowed, it should only be done in non-planting month. If the landscaping can be installed it should be. While the Town provides a plant unit cost, the landscaping bond must also cover irrigation and installation costs.	Required Time for Completion. All landscaping shall be in place prior to occupancy. The Planning Director may allow occupancy <u>in non-planting months</u> without required landscaping in place if the landscaping will be in place within one year. In such cases the Planning Director may require submittal of a bond or other financial surety pursuant to Sec. 8.2.11. for installation of the landscaping. <u>The landscape bond amount shall cover the cost of plant material, irrigation, and installation.</u>

#	Section	Description of Change	Proposed Text
28	5.7.2.B.4	Retaining walls: Bring the LDRs into conformance with the adopted building codes.	Retaining Walls and Facings. All retaining walls or facings with a total vertical projection in excess of 4 feet shall be designed as structural members keyed into stable foundations capable of sustaining the design loads, and Retaining Walls for residential projects shall comply with the International Residential Code as adopted. Retaining walls for commercial projects shall comply with the International Building Code as adopted. Retaining walls shall be designed by a professional engineer registered in the State of Wyoming.
29	5.7.2.B.11	Site grading: Incorporating the adopted building codes to the standards by adding a new subsection.	<u>11. Building Codes. Site grading shall comply with the International Residential and Building Codes as adopted.</u>
30	5.7.4.B.1	Stormwater design capacity: The 2001 Surface Water Master Plan recommends that the 10-year storm even be stored on-site.	Storage Capacity. All stormwater storage facilities shall be designed with sufficient capacity to maintain a post-development runoff rate that is equal to or lower than the pre-development runoff rate. The release control structure shall be designed to control the 25, 50, and 100-year storm events. The stormwater storage facilities shall be designed <u>to retain the 10—year storm event on site. Greater than 10-year storm event flows may be allowed to be released off-site to an approved downstream public facility. If no such public facility exists or is inadequate, then storage facilities shall be designed to retain the 100-year storm event on site for the range of storms from the 1 year through 100-year storm events.</u> Residential development shall comply with the International Residential Code as adopted.

#	Section	Description of Change	Proposed Text
31	5.7.4.B.	Stormwater design regulation: Updates to provide for coverage of current underground injections practices and acknowledging state compliance.	a. 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 10 acres or less. The “Soil Conservation Service method” shall be used to calculate volumetric requirements when the drainage area is more than 10 acres. <u>Single lot residential development is exempt from these calculations and drainage shall comply with International Residential Code.</u> Intensity, duration, frequency data included in the table below shall be used. Calculations for sites known to have greater precipitation shall increase these figures by an appropriate amount. Data 20% greater shall be used for the Teton Village area. f. Cleaning of Basins <u>and Underground Facilities.</u> Basins <u>and underground facilities</u> shall be designed to allow periodic cleaning and removal of sediments. Sediment traps shall be designed to permit periodic cleaning and maintenance. h. Pollution Abatement. Where a physical development, use, development option, or subdivision 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. <u>Any private connection to the Town’s stormwater utility requires pretreatment approved by the Town Engineer.</u> i. <u>Underground Injection. Underground injection shall comply with Wyoming State Rules and Regulations. All systems must be equipped with serviceable “maintenance” chambers, inspection ports, and overflow facilities. Maintenance rows shall be accessible and designed to minimize the migration of sediment and debris into the greater infiltration system. Access to facilities shall be accessible by appropriate service equipment and vehicles. Accesses shall not be concealed.</u>

#	Section	Description of Change	Proposed Text
32	6.1.4.A.2 9..K	Residential unit definition: There are a number of standards such as density limitations and maximum ARU size that lead applicants to disguise units as “bonus areas” or “off-suites”. Once the building is occupied, the applicant can easily convert these spaces into the units that are not permitted. Santa Barbara’s approach to this issue to gives the Planning Director the authority to determine whether a space is a separate unit based on a list of factors. This cleanup would apply that approach in Jackson. It would also switch the order to two existing standards and add detail to the definition of a kitchen to provide additional clarity.	6.1.4.A.2. Standards <u>b. Occupancy of a camping unit is not a residential use. A camping unit may only be occupied as permitted by 6.1.12. D.</u> <u>c. A residential unit shall have a maximum of one kitchen.</u> <u>d. The Planning Director shall have the authority to determine whether a building or portion of a building is configured for use as a separate residential unit based on the proximal arrangement of element including, but not limited to, the following:</u> <u>i. Kitchen sink, utility sink, lavatory, or bar sink;</u> <u>ii. Cooking appliances, whether built-in or not;</u> <u>iii. Refrigeration facilities;</u> <u>iv. Toilet;</u> <u>v. Bathing facilities</u> <u>vi. Lack of interior access, including locking interior doors;</u> <u>vii. Exterior entrance;</u> <u>viii. Exterior staircase;</u> <u>ix. Spiral staircase;</u> <u>x. Separate yard, patio, deck or balcony;</u> <u>xi. Separate utilities, separate meters;</u> <u>xii. Multiple water heaters;</u> <u>xiii. Multiple laundry areas;</u> <u>xiv. Separate garage, carport, or parking area (covered or uncovered);</u> <u>xv. Countertops or cupboards;</u> <u>xvi. Sleeping loft;</u> <u>xvii. Separate address/mail box designation; or</u> <u>xviii. Separate or connected storage space.</u> 9.5.K. Kitchen. A kitchen is 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 hookup. <u>No stove meeting this definition is allowed in a residential unit in any location other than a kitchen.</u> A wet bar, consisting of no more than a <u>4.5 cubic foot</u> refrigerator/freezer and a sink <u>no larger than 18” x 12” x 7” (no garbage disposal), and microwave, or similar facility</u> that is a homeowner convenience and is not intended to serve function as the cooking facility for a separate dwelling unit shall not be considered a kitchen facility.

#	Section	Description of Change	Proposed Text		
33	6.1.6.C.2 6.1.6.E.2.b	Outdoor seating: With the rise of outdoor seating has come questions about LDR applicability. This cleanup would clarify how outdoor seating is handled relative to use standard. The proposed language would be added to the retail and restaurant/bar use definitions.	<u>6.1.6.C.2. Standards.</u> <u>a. Outdoor seating that is used for less than 6 months of the year does not trigger any parking, housing, or other use requirements. However, it may trigger other requirements in the municipal code such as sewer fees.</u> <u>6.1.6.E.2.b. Outdoor seating that is used for less than 6 months of the year does not trigger any parking, housing, or other use requirements. However, it may trigger other requirements in the municipal code such as sewer fees.</u>		
34	6.1.11.E.3.c	Home Business employees: this cleanup would clarify the definition of “total” in limiting the number of employees at a home business.	A home business shall not have more than 3 total employees, <u>excluding the owner/operator.</u>		
35	6.1.11.E.3.e	Typo: The text omitted the word “of”.	No more than 25% of the maximum habitable floor area of the primary dwelling unit shall be occupied by the home business; however, part or all of the nonhabitable floor area in permitted accessory structures may be used for the business.		
36	6.2.2.A 9.4.17	Parking, requirements in zones: The zone-specific parking standards trump the general parking standards in 6.2.2.A. The zone-specific parking standards also vary based on the presence of on-street parking and the density of commercial use. At this point the general table is only confusing LDR users and can be deleted. With the general table deleted and all calculations being zone specific the rules for how to calculate a parking requirement should be move to a new Section in Div. 9.4. Rules of Measurement.	6.2.2.A. Required Parking. The table below establishes The minimum required parking spaces that shall be provided for each use in these LDRs, unless otherwise is specified in Subsection C.2 of <u>a specific section for the zone in which the use is to be located.</u> Where a minimum requirement is not listed in the table it shall be determined by the Panning Director upon finding the proposed use has need for parking. Calculations that reference floor area shall be based on the gross floor area. Calculations that reference employees shall be based on the maximum number of employees normally on duty at any one time. <table><tr><th>Required Parking</th></tr><tr><td>{table}</td></tr></table> <u>9.4.17. Parking Minimums</u> <u>A. Parking calculations that reference floor area shall be based on the gross floor area.</u> <u>B. Parking calculations that reference employees shall be based on the maximum number of employees normally on duty at any one time.</u>	Required Parking	{table}
Required Parking					
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#	Section	Description of Change	Proposed Text						
37	6.2.2.A.1	Parking flexibility: This cleanup would add flexibility to an existing regulation in the LDRs. Parking need can be lessened by either lesser demand or alternative transportation infrastructure, both do not need to be present. This revision would be in-line with Chapter 7 of the Comprehensive Plan, on Multimodal Transportation. This change was made in the County with the support of the Regional Transportation Administrator and Pathways department.	The Planning Director may establish a lesser parking requirement pursuant to the procedure of Sec. 8.8.1. based on information from reliable sources that demonstrates a lesser standard is workable due to anticipated parking demand and <u>or</u> alternative transportation services available.						
38	2.2.9.C.2 & E 2.2.10. C.2 & E 2.2.11. C.2 & E 2.2.12. C.2 & E 2.2.13. C.2 & E 2.2.14. C.2 & E 2.2.15. C.2 & E	Guest parking: For large residential projects, guest parking should be considered. To implement this an additional standard should be added to the E section in the NH-1, OR, CR and DC zones that would require guest parking or an alternative shared parking or parking management plan. The subsection will vary by zone. Note that the NH-1 parking standard for residential units is currently worded slightly differently than other zones and should be made consistent as part of this cleanup.	NH-1, OR, CR, and DC Zones <table><tr><th>Use</th><th>Parking (min) (Div. 6.2)</th></tr><tr><td>Detached Single-Family Unit</td><td rowspan="3">1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU <u>(E.#)</u></td></tr><tr><td>Attached Single-Family Unit</td></tr><tr><td>Apartment</td></tr></table> <u>E.#. Guest Parking. For projects with 30 units or more, guest parking shall be provided a rate of 1 space per 15 units. The Planning Director may establish a lesser standard pursuant to Sec. 6.2.2.A.1. in consideration of nearby on-street, public, and semi-public parking.</u>	Use	Parking (min) (Div. 6.2)	Detached Single-Family Unit	1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU <u>(E.#)</u>	Attached Single-Family Unit	Apartment
Use	Parking (min) (Div. 6.2)								
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Apartment									
39	2.2.10.C.2 2.2.11.C.2 2.2.12.C.2 2.2.13.C.2 2.2.14.C.2 2.2.15.C.2	Parking, dormitory/group home: When the parking standard for dormitories and group homes in the OR, CR, and DC zones was halved to account for walkability, the standards were also accidentally swapped so that the dormitory standard was actually quartered and the group home standard was not reduced. This clean up would restore the intended halving of the residential zone standard.	<table><tr><th>Use</th><th>Parking (min) (Div. 6.2)</th></tr><tr><td>Dormitory</td><td><u>0.25/bed 0.5/bed</u></td></tr><tr><td>Group Home</td><td><u>0.5/bed 0.25/bed</u></td></tr></table>	Use	Parking (min) (Div. 6.2)	Dormitory	<u>0.25/bed 0.5/bed</u>	Group Home	<u>0.5/bed 0.25/bed</u>
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Group Home	<u>0.5/bed 0.25/bed</u>								
40	2.2.14.C.2 2.2.15.C.2	Parking, developed recreation in DC zones: All nonresidential uses in the DC zones have 33% less parking than is required in the CR zones, except developed recreation. The reduction is in recognition that the density of commercial use in the DC zone allows for multiple sites to be visited from a single parking space.	<table><tr><th>Use</th><th>Parking (min) (Div. 6.2)</th></tr><tr><td>Developed Recreation</td><td><u>3.37/1,000 sf 2.25/1,000 sf</u></td></tr></table>	Use	Parking (min) (Div. 6.2)	Developed Recreation	<u>3.37/1,000 sf 2.25/1,000 sf</u>		
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Developed Recreation	<u>3.37/1,000 sf 2.25/1,000 sf</u>								

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41	6.2.2.B.1.b	Shared parking, lodging: Lodging uses should not be allowed to share parking spaces with residential uses because the timing of the uses is not complimentary. Nonresidential uses that have peak parking demand during the day are compatible with residential uses that have peaking parking demand at night. Lodging also has peak parking demand at night and therefore should be excluded from the shared parking allowance.	<table><tr><th colspan="3">Percentage of Nonresidential Spaces that May Be Shared</th></tr><tr><th>Nonresidential Use</th><th>Affordable Workforce Housing or ARU</th><th>Other Residential Use</th></tr><tr><td>Retail</td><td>100%</td><td>25%</td></tr><tr><td>Office</td><td>100%</td><td>75%</td></tr><tr><td>Restaurant/Bar</td><td>100%</td><td>20%</td></tr><tr><td>Service</td><td>100%</td><td>25%</td></tr><tr><td>All Industrial Uses</td><td>100%</td><td>75%</td></tr><tr><td>Other <u>nonlodging</u> nonresidential uses</td><td>100%</td><td>20%</td></tr></table>	Percentage of Nonresidential Spaces that May Be Shared			Nonresidential Use	Affordable Workforce Housing or ARU	Other Residential Use	Retail	100%	25%	Office	100%	75%	Restaurant/Bar	100%	20%	Service	100%	25%	All Industrial Uses	100%	75%	Other <u>nonlodging</u> nonresidential uses	100%	20%
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42	6.2.2.C.2	ADA Parking: ADA parking gives access to persons with disabilities but does not reduce the need for parking when only persons without disabilities are present. As a result, the required ADA parking should not count toward the provision of required parking.	<u>Does Not</u> Counts Toward Required Parking. Those parking spaces required for the disabled by this Subsection shall <u>not</u> count toward fulfilling the total parking requirement of this Division.																								
43	6.2.5.A	Paving required except off alleys: except where parking is accessed off of an alley all parking even for residential development should be paved to protect the roadway.	1. Paving Required. Outdoor, off-street parking and loading areas, aisles and access drives shall be paved, except parking areas, aisles and access drives <u>for off of gravel alleys detached single family units</u> which may be gravel. <u>Parking on landscape area is prohibited.</u> 2. Paving Standards. Paved parking and loading areas, aisles and access drives shall be paved with concrete, grasscrete, paving blocks, asphalt, or another <u>non-gravel</u> all weather surface.																								
44	6.2.5.B.3	Backing out of residential lots: The allowance of ARUs in residential zones was not intended to trigger parking lot drive aisle requirements. Therefore, the threshold for a parking aisle should be increased to 5 vehicles.	Backing onto Roads and Public Streets Prohibited. Except for parking facilities serving detached single-family residential lots and parking facilities accommodating <u>five-4</u> vehicles or less, all off-street parking spaces shall open directly onto a parking aisle and be designed so that it will not be necessary for vehicles to back out into any road or public street.																								

#	Section	Description of Change	Proposed Text
45	2.2.2.B.2 2.2.3.B.2 2.2.4.B.2 2.2.5.B.2 2.2.6.B.2 2.2.7.B.2 2.2.8.B.2 2.2.9.B.2	Parking in driveways: In the residential zones the maximum driveway width of 20 feet and site development setback eliminate the need for a parking setback in from the primary or secondary street. In fact, the parking setback is creating confusion about whether the driveway can be counted as required parking. In reality, the 20-foot wide driveway across the street yard is often used as two parking spaces and should count toward the parking requirement. Section 6.2.3.C already ensure parking shall not encroach into the ROW. Where side and rear parking setbacks vary from the typical 5-feet, this cleanup would not change those standards.	NL, NM, and NH-1 zones Driveway width in primary/secondary street setback (<u>min</u> -max) <u>10'-20'</u> Parking Setbacks Primary street* (min) <u>0' 20'</u> C Secondary street* (min) <u>0' 15'</u> D Side interior (min) 5' E Rear (min) 5' F <u>* Excludes 20' max driveway allowed in primary/secondary street setback</u>
46	6.2.5.C.2.a	Snow Storage: The current snow storage standard does not create an adequate area for snow storage. Our current standard is that if snow is to be stored on site an area equal to 2.5% of the parking area must be provided. Intern research indicated peer communities require 20-50%. The proposed cleanup is a small step toward what other communities are doing, if more space remains needed, the standard can be updated again.	A minimum site area representing <u>10% 2.5%</u> of the total required off-street parking and loading area, inclusive of aisles and access drives, shall be provided as the snow storage area.
47	6.2.5.D.1.b.iii	Parking off Alley: Parking spaces accessed from an alley need to provide an extra 2 feet for snow plowing and other alley movement. The section currently assumes all parking off of an alley would be perpendicular. The proposed cleanup clarifies that the 2-foot buffer is also needed for a parallel parking space (i.e. 9' typical width plus 2' buffer).	Ally Access. Any parking space accessed <u>perpendicularly</u> , directly from any alley shall have a minimum length of 22 feet. <u>Any parking space accessed parallel to an alley shall have a minimum width of 11 feet.</u>
48	6.3.2.C.2	Exempt housing livability: Add a requirement that Housing Trust and Habitat units must meet the livability standards of the Housing Department Rules and Regulations in order to be exempt from required housing mitigation.	2. Other Workforce Housing. A residential unit subject to a deed restriction administered by the Jackson Hole Community Housing Trust or Habitat for Humanity of the Greater Teton Area; or an apartment in the NL-5 zone, <u>provided that these units are subject to the Jackson/Teton County Housing Department Rules and Regulations Section 2-3 Livability Standards.</u>

#	Section	Description of Change	Proposed Text
49	6.3.3.A.1	Residential housing equation: The spreadsheet syntax for the residential mitigation calculation should be clarified.	1. Schedule and Calculator Available. A schedule of the requirement for employee generating development of various sizes and a calculator to use in determining the requirement are both available in the Administrative Manual. The residential requirement is a logarithmic equation because there is an exponential relationship between the size of a unit and the number of operations and maintenance employees generated. <u>In the residential requirement equations, "Exp(x)" describes an exponential function, or e to the power of x. Inversely, "ln(x)" describes the natural logarithm of x.</u>
50	6.3.3.A.6	Applicable floor area for housing mitigation: This cleanup would clarify that detached structures also count toward the housing mitigation for a use.	6. Sf. In the calculations "sf" is equal to the habitable floor area (in square feet), including basement, of each residential, lodging, or nonresidential unit, <u>including incidental structures.</u>
51	6.3.5.D.5.d	Housing in-lieu fees: This cleanup was adopted by the County to assist the Planning and Building Department administratively, to ensure that the in-lieu fees are required to be paid at a time when the county has leverage. Additionally, collecting the fee at issuance of the building or use permit will remove the lengthy delay for Housing Department receiving these fees, since Certificate of Occupancy is the final step.	d. Timing. The in-lieu fee shall be paid prior to the granting of the applicable certificate of occupancy <u>building permit</u> or use permit for the employee generating development, whichever occurs first.
52	6.4.1.C 6.1.1.F 6.1.12.G 2.2.2.C 2.2.3.C 2.2.4.C 2.2.5.C 2.2.6.C 2.2.7.C 2.2.8.C 2.2.9.C	Off-site construction staging in residential zones: Increasingly, vacant sites in residential zones are being use for construction staging. While this makes sense as town infills additional standards are needed. Allowing construction staging as a temporary use in residential zones would put limits on such sites. The proposed cleanup would require a Basic Use Permit to use a off-site construction staging area in a residential zone.	See Appendix A.
53	6.4.1.B	Storage of historic structures: Part of preserving historic structures is finding temporary places to store them while a permanent site is located. The proposed cleanup would allow storing them on residential site for up to one year.	B. Storage of Structures. The storing of structures of any kind is not permitted in any residential zone; <u>except that a historically significant structure designated by the Planning Director, in consultation with the Teton County Historic Preservation Board, may be stored for up to 18 months.</u>

#	Section	Description of Change	Proposed Text
54	6.4.2	Setback, trash enclosure: Required trash enclosures are not required to be setback from the alley and therefore impede snow plowing in the alley. The additional standard ensures the enclosures are setback from the alley. The proposed cleanup would also separate the standards for an enclosure instead of having them organized in a single long paragraph.	A. Town-Trash and Recycling Enclosures Trash and recycling enclosures shall be provided for all nonresidential uses and multi-family developments of 4 or more units. <u>B. Standards</u> 1. Enclosures shall be of similar material and color to the building. 2. Enclosures shall be entirely enclosed with the side facing the street or alley to be a gate whenever feasible. 3. <u>All enclosures and dumpsters shall be set back a minimum of 2 feet from an alley and the door shall not swing into the alley.</u> 4. Enclosures shall provide adequate space for recycling as determined by the Planning Director. 5. Enclosures shall be consolidated wherever possible.
55	7.1	Development Option Plan: The only approval that requires a Development Option Plan is a new mobile home park. Existing mobile home parks are not subject to the standards of Section 7.1.4. New mobile home parks can only be build in the MHP. The MHP consists only of existing mobile home parks. Section 8.5.3 establishing a process for a Development Option Plan causes confusion because people do not know what it is for. To clarify the lack of applicability each section is proposed to be deleted of content and “reserved” to preserve the structure of the LDRs. Where staff has used the Development Option Plan in the past to review a site it will instead use the Zoning Compliance Verification process in Section 8.6.3.	Div. 7.1. Development Option Standards <u>[Division number reserved, standards only apply in County]</u> {delete all existing content} Sec. 8.5.3. Development Option Plan <u>[Section number reserved, standards only apply in County]</u> {delete all existing content}

#	Section	Description of Change	Proposed Text
56	7.2	Subdivision standards: Purpose is to clarify that improvements required by subdivisions are also required for new and re-developed properties that are not subdivided.	7.2. Subdivision Standards. This Division contains the development standards required for subdivision, <u>new developments, and re-developments</u>, such as requirements for new roads, water and sewer infrastructure, utilities, parks, and other physical improvements necessary to safely serve newly subdivided, <u>developed, and redeveloped</u> property and minimize impacts on existing community services and infrastructure. See Sec. 8.5.3. for the procedure to subdivide property. 7.2.2. Standards Applicable to all <u>Development Subdivision</u>. All <u>development-subdivision</u> shall comply with the following standards. A. <u>Subdivision</u> Improvements 1. Developer Responsibility. The construction of the following improvements shall be the responsibility of the developer and <u>in the case of a subdivision</u> shall be provided for in a Subdivision Improvements Agreement, which shall be approved with each 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 are submitted and approved for the following:
57	7.2.2.A.6	Electronic notice of inspection: Allow the Town Engineer to notify a developer electronically when inspecting subdivision improvements for public acceptance.	Subdivision Improvements. Acceptance. 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 LDRs. 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 <u>in-writing</u> of the Town's approval of the public improvements and schedule the request for acceptance for review by the Town Council.
58	7.6.3.H	Pavement width and thickness: Purpose is to provide flexibility in design and compliance with the community streets plan, plus provide some additional cleanup.	See Appendix B.

#	Section	Description of Change	Proposed Text
59	7.6.4.M.3	Site obstructions: Purpose is to include alleys and driveways in the site obstructions.	Sight Obstruction. In addition to the corner sight distance requirement, no fence, wall, entrance, hedge, shrub planting, tree or other sight obstruction above 2.5 feet above the pavement elevation shall be located within the triangular area. A. <u>Streets. For streets the triangular area is</u> formed by curb-lines and a line connecting them at points 30 feet from their point of intersection in residential zones and 15 feet in commercial zones. B. <u>Alleys. For alleys the triangular area formed by property lines and a line connecting them at points 15 feet from their point of intersection. For driveways, formed by the edge of the driveway and the property line and a line connecting them at a point 15 feet from their intersection.</u>
60	7.6.4.M.4	Streets entering at opposite sides: The purpose is to clarify that alleys and parking lots are subject to the same rule.	Streets Entering at Opposite Sides. Streets, <u>alleys, and parking lots with more than 8 spaces</u> entering the opposite sides of a street shall either be directly across from each other or offset by at least 125 feet from centerline to centerline.
61	7.6.4.M.6	Curb Corner Radii: Purpose is to provide for flexibility in design compatible with the community streets plan.	Curb Corner Radii. Curb corner radii at all intersections shall <u>be a minimum of 15 feet conform with Town adopted standards, or in the absence of a standard the current adopted Community Streets Plan, for the type of use and street cross-section,</u> and Curb ramps complying with the American Disabilities Act shall be provided at each corner. <u>At intersections with designated biking facilities protected intersections or other improvements may be required as determined by the Town Engineer.</u>
62	7.6.4.M.8	Pedestrian Crossings: Purpose is to provide priority to pedestrians on sidewalks crossing driveways, alleys, and side streets.	Pedestrian Crossings. Intersections shall provide for safe, visible, <u>ADA compliant,</u> and functional pedestrian crossings. <u>Sidewalks intersecting with driveways, alleys, and side streets shall remain elevated providing priority use to the pedestrian, unless otherwise approved by the Town Engineer.</u>
63	7.7.2.C	Reference, “current edition”: Clarify that the current edition of the Wyoming Public Works Standard Specifications is the applicable water system construction standard.	Construction to Meet State Standards. Water system construction shall be in conformance with the Wyoming Public Works Standard Specifications- 1993, <u>as amended Current Edition</u> . Construction materials shall be approved by the Town Engineer.

#	Section	Description of Change	Proposed Text
64	7.8.2.A	Reference, Indicator Report: Section 7.8.2. regarding monitoring the pool of units available for the 2:1 bonus references tracking of allowed residential development as the first indicator in the annual Indicator Report. In the 2020 Comp Plan update the indicators were reordered and the numbering was removed. The proposed language aligns with the cleanup already done by the County.	The amount of residential development allowed in the Town and County is reported annually as Indicator 1 of in the Jackson/Teton County Comprehensive Plan Indicator Report. <u>Current and</u> past Indicator Reports can be found at www.jacksontetonplan.com .
65	8.2.2.F 8.3.1.F 8.3.2.F 8.3.3.F 8.3.4.F 8.3.5.G 8.3.6.E 8.4.1.E 8.4.2.E 8.4.3.E 8.4.4.E 8.5.3.F 8.5.5.F 8.5.6.E 8.6.2.E 8.6.3.F 8.7.2.D 8.7.3.D 8.7.4.G 8.8.2.F 8.8.3.F 8.8.4.G 8.8.5.G	Typo: The text mistakenly included the word “the”.	All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.
66	8.2.11.A	Surety acceptance discretion: Sureties are intended to provide an applicant with a last resort option for completing requirements to receive a permit or application approval. In order to minimize the number of bonds staff tracks, this amendment would allow the Planning Director to determine when bonds are necessary.	A. Purpose. As a condition for issuing a permit or approval an applicant may be required to post a financial assurance that required construction or installation of improvements, performance of duties, or other financial duty is completed following the issuance. <u>The acceptance of a surety may be limited by the Planning Director or Town Engineer based on weather conditions or unique circumstances.</u>

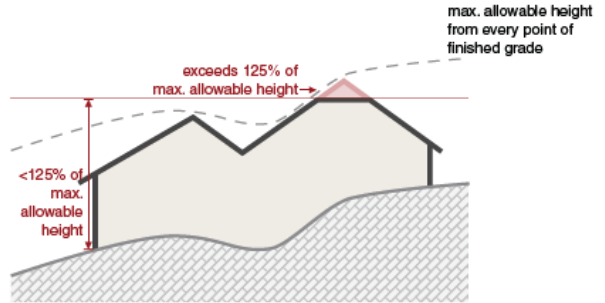
#	Section	Description of Change	Proposed Text
67	8.2.11.B 8.2.11.C	Sureties authority: Purpose is to clean up language around who and how sureties are accepted.	B. The financial assurance shall be at least 125% of the cost to complete the improvements, implement the plan, or complete other work approved as part of the permit or approval. The cost shall be identified in the form of an estimate approved by the Planning Director <u>and/or Town Engineer</u>. The Planning Director <u>and/or Town Engineer</u> may require that the estimate be prepared by a professional engineer, landscape architect, <u>contractor</u>, or other professional licensed or certified to practice in the State of Wyoming. The amount of the financial assurance required may be reviewed and adjusted from time to time by the Planning Director <u>and/or Town Engineer</u>. C. Acceptable Types of Financial Assurance. The applicant shall provide one of the following types of financial assurances in a form that is acceptable to the Planning Director <u>Town</u>. 1. Surety Bonds. A deposit with the Town Finance Director of a good and sufficient performance bond in a form made available by the Planning Director or otherwise determined acceptable by the Town Attorney. 2. Escrow Deposit of Cash or Certified Funds. A deposit with the Town Treasurer of cash or certified funds. 3. Irrevocable Letter of Credit. A deposit with the Town Treasurer of an irrevocable letter of credit in a form made available by the Planning Director <u>Town</u> or otherwise determined acceptable by the Town Attorney. 4. Other Types of Security. An applicant may provide other financial assurance by other methods or instruments as approved by the Town Attorney.
68	8.2.11.F	Surety expiration: Sureties should be permitted to expire without approval of the Town of Jackson, otherwise they do not serve their purpose.	F. Duration. The financial assurance shall remain in effect until the Planning Director has determined the required action has been completed in accordance the financial assurance agreement or other terms of the assurance. If applicable, the financial assurance shall remain in effect through the warranty period. <u>A surety may have an expiration with automatic extension, but shall not have a final expiration and shall only be released by the Town.</u>

#	Section	Description of Change	Proposed Text
69	8.2.13.B.2	Minor Deviation: There are some minor changes to approved plans that do not rise to the level of needing additional public review, but do not meet the current standard for minor deviation. These types of minor, nonconsequential changes should be allowed in the course of a development.	Minor Deviations. Authorized minor deviations from an approved physical development permit, use permit, or development option plan are changes that appear necessary in light of technical or engineering considerations <u>not previously known or for minor technical changes that do not warrant public review by the original approving entity, such as a landscape plan.</u> first discovered during development or use that were not reasonably anticipated during the initial approval process. A minor deviation may be approved by the Planning Director pursuant to the process for a Zoning Compliance Verification Sec. 8.6.2. upon finding that it:
70	8.3.4.F.1	Building Permit Pre-ap: Clarify that the plan level grading permit requirement for a pre-application conference trumps the building permit allowance for an optional pre-ap.	A pre-application conference is optional <u>except when plan level grading permit information is consolidated with the building permit.</u> See Sec. 8.2.1. for procedural standards.
71	8.5.4.D	Plat Content: The purpose of this cleanup is to clarify the standard language that we require on plats.	5. <u>A plat shall include:</u> <u>a. Notes stating that the water, sewer, and/or stormwater system are privately owned.</u> <u>b. For any lots served by Town of Jackson water and/or sewer services include the following statement in the Certificate of Owner: that access to sewer and water facilities, including pipelines, manholes, meters and valves, is hereby granted to the Town of Jackson</u> <u>c. For any lots created with direct access to Town of Jackson utilities that are not installed include a statement in the notes to the effect that: AT TIME OF PLAT WATER AND SEWER SERVICES TO LOT XX ARE NOT INSTALLED</u> <u>d. For any lot served by a road or drive Include the following statement in the Certificate of Owner: that access across the driveways located within this subdivision is hereby granted to emergency vehicles including ambulances, fire fighting vehicles, and police vehicles.</u> <u>e. On all plats Include the following statement in the Certificate of Owner: that this subdivision is subject to rights-of-way, easements, restrictions, reservations, and conditions, of sight or of record, including but not limited to those shown hereon</u>

#	Section	Description of Change	Proposed Text
72	8.5.4.F.1	Condominium plat: In a subdivision of vacant land, the considerations of the subdivision need to be addressed prior to the formal platting process to divide the land. In the case of condominium subdivision of existing development there are no such considerations because a building permit has already been approved so a development plan is superfluous.	1. Development Plan. A plat application may only be submitted following approval of a development plan for the proposed subdivision <u>except in the case of condominium or townhouse subdivision of existing physical development where a building permit may serve as the required prior permit.</u>
73	8.7.2.B 8.7.3.B	Limit LDR/Zoning Amendment Applications: The purpose of this change is to limit the number of rezone/LDR amendment applications the Town gets from citizens each year to a manageable and predictable schedule. This will also limit the temptation of applicants to solve every regulatory issue with a “why not” amendment request.	8.7.2.B. Applicability 1. All LDR text amendments shall be reviewed pursuant to this Section. 2. <u>LDR text amendments may only be submitted by the members of the public from January 1 to March 31 of each year.</u> 8.7.3.B. Applicability 1. All zoning map amendments shall be reviewed pursuant to this Section. 2. <u>Zoning map amendments may only be submitted by the members of the public from January 1 to March 31 of each year.</u>
74	8.9.2.A	Existing violations: When a property has an unresolved or unmitigated violation the Planning Director needs the ability to refuse to accept additional applications until the violation is remedied. In some cases a new application is the path to a remedy, in other cases the Planning Director’s only leverage to achieve remedy is to not allow other development, use, or subdivision until the violation is addressed. This would not apply to legal nonconformities, only unpermitted violations.	A. Compliance Required. Compliance with all provisions of these LDRs is required by all persons owning, developing, dividing, managing, using, or occupying land or structures. 1. Failure to comply with a standard, requirement, prohibition, or limitation imposed by these LDRs, or the terms or conditions of any permit, approval, or authorization granted in accordance with these LDRs, shall constitute a violation of these LDRs punishable as provided in this Division. 2. <u>For any property with an existing, unresolved code enforcement case that still requires compliance action, the Town may refuse acceptance of any subsequent physical development, building, use, or subdivision permit application on the same property.</u>

#	Section	Description of Change	Proposed Text
75	8.10.5.C.1	DRC/PC/BOA Residency: The purpose of this change is to allow members on the DRC and Planning Commission/Board of Adjustment to live outside of Teton County, WY. We have vacancies arise because existing members moved to Star Valley or Teton Valley, ID and wanted to avoid that if possible. Also, the current residency requirement limits the pool of applicants in counterproductive ways. Based on legal advice, all members of Town boards should be residents of the State of Wyoming and cannot be residents of another state (e.g., Idaho).	8.10.5.C.1 [DRC] Membership Qualifications. Members of the DRC shall be residents of the Town of Jackson, or Teton County, <u>Lincoln County, or Sublette County</u>. No member of the Town Council, Planning and Zoning Commission, Board of Adjustment, or Town Employees shall serve as a member. Although no certification is required for appointment, members shall be experienced or educated in architecture, landscape architecture, planning, and other design related fields. A diversity of members is encouraged from all professions and from a variety of design firms. 8.10.6.C.1 [Planning and Zoning Commission] Membership Qualifications. Members of the Planning and Zoning Commission shall be residents of and qualified electors of the Town <u>of Jackson, Teton County, Sublette County, or Lincoln County</u>, for a minimum of 1 year prior to appointment and shall be residents of the Town these locations for the entire duration of their term. No member of the Town Council or Town employee shall serve on the Planning and Zoning Commission. 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.
76	9.4.8	Setbacks extend below grade: Requests for basements that do not meet setbacks are becoming more common. Allowing such development invites requests for later above grade additions that do not meet setbacks and potential issues with the surface and use of surface above the basement. Staff has interpreted setbacks as extending below grade and proposes to clarify that interpretation.	A setback is a measure of the shortest horizontal distance between a physical development or use and the feature from which it is being set back. <u>A setback extends vertically above and below ground.</u>
77	9.4.8.A	Setback parallel curves: Clarify that a setback parallels a feature even when that feature is curved.	A required setback shall be applied parallel to the length of the feature from which the setback is required <u>following any curves and angles in that feature.</u>

#	Section	Description of Change	Proposed Text
78	9.4.8.J.1	Residential architectural projections: The section allowing projections into residential setbacks needs a series for clarification. The first is to clarify that the projections should be functional and not purely decorative. The section is to clarify that the 6' encroachment in the front setback and 4' encroachment in the side setback only applies to structures that meet the primary structure setback and does not apply with a structure is already taking advantage of a reduced accessory structure setback. The third is to define a bay window for the purposes of this section. A bay window that is not projecting into the setback would not be subject to these limitations. Finally this cleanup would allow for extensions into the side and rear yard that are above grade but less than 4 feet in height.	a. Front Setback. Cornices, canopies, eaves, decks (covered and uncovered), porches, balconies, bay windows, chimneys and similar architectural features <u>that are not decorative</u> may encroach into a front yard by not more than 6 feet. b. Side and Rear Setback. Cornices, canopies, eaves, decks (covered and uncovered), porches, balconies, bay windows, chimneys, <u>exterior stairs, attached utilities (e.g. air conditioner),</u> and similar architectural features <u>that are not decorative</u> may encroach into a side/rear yard by not more than 4 feet. Patios, <u>planters, retaining walls, and similar features under four feet in height which are at grade</u> may extend to any portion of a side or rear yard but not closer than 1 foot from a property line. The allowances in this subsection b. apply only to <u>structures that meet the</u> primary structure <u>setback</u> and do not apply to <u>structures ARUs or utilizing the</u> accessory structure <u>setback</u> . c. <u>For the purpose of this exemption a bay window shall be a minimum of 20" above the floor, a minimum of 12" below the ceiling, and cannot be wider than 10 feet.</u>
79	9.4.8.K	Public art setback exemption: Many public art pieces and small placemaking items meet the definition of a structure – over 4 feet in height – but are intended to be located in setbacks. This cleanup would allow the Planning Director to approve such items in the setback.	<u>Public Art Exemption. Public art and small placemaking items such as book exchanges may be exempted from setbacks by the Planning Director. In determining whether items are public art the Planning Director may consider factors such as approval by the Public Art Taskforce</u>
80	9.4.9.A	Height definition graphic: Several cleanups are needed to the height definition. In subsection A the graphic needs to be updated to the picture at right. The County cleaned up this graphic in a past cleanup of theirs and it better shows how height is measured.	

#	Section	Description of Change	Proposed Text
81	9.4.9.B	Height on a sloped site: The basic height definition allows the roof elevation of a building to step up/down a slope with the finish grade. On hillside slopes where a building envelope can have 10-20 feet of grade change, a building that steps up/down the slope would appear 10-20 feet taller from below without an additional limit. However the current limit that highest point on the building to the lowest point of finish grade be only 110% of the height limit, is not working. On lots with grade changes in the commercial core the 110% limit actually limits the ability for designers to create the desired street wall. On the steepest residential sites, the base height allowance is lower so the current standard only allows 2-3 feet of step with the slope. The proposed cleanup is to remove the step limit in all zones except the NL-1, NL-2, NL-3, and Rural, where steep slopes occur. This will remove confusion in flatter zones in core Town areas. In the NL-1, NL-2, NL-3, and Rural zones the step allowance would be increased to 125% to allow for design flexibility as owners work with the site. The language has also been clarified to avoid confusion and the County's example has been added for further clarity.	Overall Height of a Stepped Maximum Stepping of a Structure. In addition, on a sloped site <u>On a site in the NL-1, NL-2, NL-3, or Rural zones</u> where the height of the structure is stepped up the with the <u>in compliance with Sec. 9.4.9.A</u>, the vertical dimension measured from the overall highest point of the building or structure to the overall lowest point of finished grade adjacent to the structure shall not exceed 110% <u>125%</u> of the maximum allowable height. <u>EXAMPLE: The diagram below shows a stepped structure that is compliant with maximum allowable height, as measured from any point on the roof, but is in violation of the overall height limit for a stepped structure (125% of the maximum allowable height, as measured from the highest point of the building to the lowest point of finished grade). Both measurements of height apply.</u> 
82	9.4.9.C.1	Height exceptions – Rooftop elevators/stairwell: This change is to clarify that the stairwell exception is intended for commercial zones, not residential zones.	1. Structures used exclusively for elevator or stairway access to a roof <u>in a commercial zone</u>, provided they do not exceed the maximum height by more than 10 feet, do not occupy more than 20% of the roof area, and are not visible from ground level view from a contiguous street.
83	9.4.9.C.2	Typo: The text mistakenly omitted the word “as”.	Chimneys, vents, and roof-top mechanical equipment such <u>as</u> HVAC systems, provided that the maximum height is not exceeded by more than 4 feet;

#	Section	Description of Change	Proposed Text
84	9.4.9.C.5	Height exceptions – rooftop decks: Rooftop decks are a more common part of designs. They make sense in many applications, but need limits to avoid circumvention of the maximum height and story limitations. The proposed cleanup would set those standards.	C. Exceptions. No part of any building or structure may exceed the maximum allowable height except for the following: <u>5. Rooftop deck furniture and railings provided that:</u> <u>a. The railing is set back four feet from the top edge of the building;</u> <u>b. The railing does not exceed the maximum height by more than four feet;</u> <u>c. The railing is 75% transparent and this transparency level is maintained at all times (e.g., not reduced by movable planters, furniture, or other similar items); and</u> <u>d. The rooftop furniture is movable and not fixed to the structure (e.g., an umbrella, table, or chair is allowed, an event tent is not).</u>
85	9.5.A	Accessory structure separation: Residential zones have different setbacks for accessory structures. These setbacks create flexibility, but also incentives for creative interpretations to take advantage of the flexibility. This definition clarification will ensure accessory structures taking advantage of lesser setbacks remain detached.	Accessory Structure. An accessory structure is a separate structure that is secondary and subordinate to another structure on the same property. <u>An accessory structure shall be separated by at least 10 feet from another structure and shall not be connected by an enclosed walkway.</u>
86	9.5.H	Habitable floor area definition: Outdoor space that has been enclosed and conditioned to the point that it can be used year-round should be counted as habitable floor area in LDR calculations.	Habitable Floor Area. Habitable floor area is the floor area that can be used for living purposes, usually having access to heat, plumbing, and electricity. <u>A space that is fully enclosed, conditioned, and can be used for more than 6 months in a year is habitable.</u> Habitable floor area includes studios, exercise rooms, offices, and similar spaces. It also includes foyers, hallways, restrooms, storage, and other common areas within a building. Habitable floor area does not include barns, garages, or unfinished attic space.

Appendix A

6.4.1.C. Vehicle and Equipment Storage - Vacant Property

1. General. The storage of any vehicle on vacant property in a residential zone for more than 3 consecutive days is prohibited. This includes boats, rafts, trailers, snowmobiles, campers, RVs and similar vehicles, and equipment. For the 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.
2. Construction Staging Site. A residential property may be used as a temporary construction staging site provided it obtains a use permit per Section 6.1.12.G. 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 posted. 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.

6.1.12.G: Temporary Construction Staging

1. Definition: Temporary construction staging means the use of a residentially zoned property for the temporary storage of construction vehicles, construction materials, or snow for an off-site project under construction.
2. Standards. A temporary construction staging site shall meet all of the following requirements:
 - a. The property shall only be used to store equipment and materials for an off-site project that has an active physical development permit (e.g., building or grading permit);
 - b. The use permit for the construction staging shall expire when the associated off-site physical development permit is completed;
 - c. A temporary construction staging site shall not be approved on the same property within 3 years of expiration of any use permit for the same use;
 - d. All construction equipment and materials must be screened by an opaque fence 6' in height;
 - e. The hours of operation shall be limited to 7am to 7pm for all days of the week.
 - f. All neighbors within 200 feet shall be noticed of the use per Section 8.2.14.C.2.
 - g. The property shall be located within .5 miles of the associated off-site project.
 - h. All activities allowed by the use permit are subject to the noise limitations in Municipal Code 9.44.010.B and are not exempt as provided in 9.44.015.A.iii.
 - i. A grading permit on the applicant's site may be required per Division 5.7 concurrent with the use permit depending on the extent of land disturbance.

6.1.1.F. Use Schedule

Use Schedule: Town Character Zones									
	NL-1	NL-2	NL-3	NL-4	NL-5	NM-1	NM-2	NH-1	Def/Std
Temporary Uses									
Construction Staging	B	B	B	B	B	B	B	B	6.1.12.G

NL, NM, and NH-1 zones

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)
Construction Staging (6.1.12.G)	B	n/a	n/a	n/a	n/a

Appendix B

7.6.3.H. Vehicle and Equipment Storage - Vacant Property

1. Widths. Street widths shall be designed in accordance with the Town Standards, Community Streets Plan, and Teton County Fire Resolution considering use and site constraints. Where other standards do not apply reference table below in accordance with the table below.
 - a. Alleys. Alleys shall have a minimum pavement width of 20 feet be paved to the maximum width practical up to 20 feet. Where more than four parking spaces access an alley the alley shall be paved at least the length of the property accessing.
 - b. Off-Street Pedestrian Ways (Sidewalks). Off-street pedestrian ways shall have minimum ~~pavement~~ widths of 5 feet for detached sidewalks and 7 feet for attached sidewalks. Where inadequate right-of-way or obstructions exist, narrower widths may be approved by the Town Engineer. To the extent possible, all new and reconstructed pedestrian ways will be constructed as detached sidewalks.
 - c. Turning, Acceleration, and Deceleration Lanes. Street turn-lanes provided at intersections and acceleration/deceleration lanes shall be minimum 10 feet wide and where possible match the traveled lane widths.
 - d. Pathways. Bicycle ways shall be designed in accordance with the adopted Community Streets plan. For separate facilities, bicycle ways shall have a minimum pavement width of 8 feet. Where bicycles and pedestrian paths are combined, the minimum width is 10 feet.
 - e. Variations. Variations in ~~paving~~ widths, parking, bicycle and pedestrian frontages are given to provide flexibility, ~~reduce costs~~ and reduce pavement areas by designing the public way for its intended uses and constraints. However, consistency within a continuous right-of-way is required.
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~~ Parking lanes shall be provided based on the available right of way and intended street use. Parking may be reduced to allocate space for bicycle, pedestrian, and frontage facilities.
3. ~~Thickness 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. Unless otherwise determined acceptable, minimum thickness for flexible pavements shall be 4 inches for town streets, 2.5 inches for alleys and private roads, and 2 inches for parking lots.