



## **Board of County Commissioners - Staff Report**

**Subject:** AMD2019-0002: Amendment to maximum allowed scale of individual buildings for certain institutional uses

**Agent/Applicant:** Teton County

**Property Owner:** n/a; County-wide

**Presenter:** Kristi Malone, Senior Long-Range Planner

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### **REQUESTED ACTION**

Request to amend the Teton County Land Development Regulations, pursuant to Section 8.7.1, LRD Text Amendment, to include standards allowing for specific institutional uses to exceed the zone-specific maximum scale for an individual building.

### **BACKGROUND/DESCRIPTION**

#### ***PROJECT DESCRIPTION***

The Board of County Commissioners (BCC) requested that Planning Staff prepare an amendment to the Teton County Land Development Regulations (LDRs) to create opportunity for certain institutional uses that require very large structures to exceed the zone-specified maximum scale for individual buildings. Three workshops on this topic were held by Planning Staff on April 29, 2019, July 22, 2019 and August 19, 2019 where direction on drafting a formal amendment was provided by the Board of County Commissioners. This item was scheduled to be heard by the Planning Commission on December 9, 2019 at the request of the Board of County Commissioners so that a decision could be made on the amendment by the end of 2019. Due to a full agenda, including the rezone for the proposed Central Wyoming College campus site, there was not enough time at the December 9, 2019 Planning Commission meeting; as a result, this item was postponed with priority to be heard at the first Planning Commission meeting in January 2020 and the soonest Board of County Commissioners meeting following that date.

This LDR text amendment was precipitated by the 2019 passage of SF 49 by the State Legislature, which was requested by a private school in Teton County that perceived an inability to reasonably navigate County zoning for construction of a school facility with a building exceeding the current 10,000 sf restriction for the Rural-1 zone. Approval of SF 49 at the State-level exempts private schools from local zoning standards that regulate and restrict the location or use of structures and land. As such, facilities meeting the State definition of a private school may exceed the maximum scale for an individual building regulated by County zoning. In response to the observed need for institutional uses to operate within a large-scale single building, the BCC directed Planning Staff to develop an amendment to maximum scale of individual building standards for consideration.

#### ***EXISTING CONDITIONS***

Standards for maximum allowed scale of an individual building vary among County zones and, where allowed, institutional uses require either a Basic Use Permit (Planning Director decision) or a Conditional Use Permit (BCC decision). These existing standards are summarized in the table below.

Institutional uses are defined as “the provision of a public or semi-public service by a public or private entity” and are broken up into Assembly or Daycare/Education sub-categories.

Assembly: an institutional use typically characterized by a public or semi-public gathering area including cemeteries, places of worship, community centers, libraries, museums, hospitals, and reception halls.

Daycare/Education: the provision of educational instruction and/or care for part of the day including schools and childcare centers.

Under current LDRs regarding County Character Zones, institutional uses are allowed in the Rural-1 and Rural-2 zones but require approval of a Conditional Use Permit and limit all buildings regardless of use to 10,000 sf in size. Under current LDRs for County Legacy Zones, institutional uses are allowed in the Complete Neighborhood Zones of Auto Urban Commercial, Auto Urban Residential, Wilson Commercial, Office Professional, and Business Park as well as the Rural Area Zones of Business Conservation, Suburban, Rural, and the Special Purpose Zone of Public/Semi-Public. In some of these Legacy Zones, only one of the use subcategories (Assembly or Daycare/Education) is allowed; among the Legacy Zones, maximum allowed building scales range from 6,000 sf to no limit, with some requiring a Basic Use Permit and some requiring a Conditional Use Permit.

For Planned Resort zones and Planned Unit Development zones, use allowances and maximum building scales depend on Master Plan standards. Likely, form-based standards specific to institutional uses, regardless of zone, have not been analyzed comprehensively until now. Per BCC direction, this amendment request is limited to providing opportunity for certain institutional uses to exceed current zone-specific limitations on the size of a single building and does not attempt to establish uniformity for all use and maximum building scale standards across zones.

<b>Zones Where Institutional Uses are Allowed</b>	<b>Permit Type Required</b>	<b>Maximum Scale of Individual Building (sf)</b>
<b>Rural-1 (R-1)</b>	Conditional Use Permit	10,000
<b>Rural-2 (R-2)</b>	Conditional Use Permit	10,000
<b>Auto Urban Commercial (AC-TC)</b>	Basic Use Permit	15,000 if adjacent to Town of Jackson 10,000 if meets zone standards 6,000 if not meeting above
<b>Auto Urban Residential (AR-TC)</b>	Conditional Use Permit (Assembly Only)	No Limit
<b>Wilson Commercial (WC)</b>	Basic Use Permit	8,500 if includes affordable housing 6,000 if no affordable housing
<b>Office Professional (OP-TC)</b>	Conditional Use Permit (Daycare/Education Only)	6,000
<b>Business Park (BP-TC)</b>	Conditional Use Permit	25,000 if traffic and visual impacts are addressed 15,000
<b>Business Conservation (BC-TC)</b>	Conditional Use Permit	6,000
<b>Suburban (S-TC)</b>	Conditional Use Permit (Assembly Only)	No Limit
<b>Rural (R-TC)</b>	Conditional Use Permit	No Limit
<b>Public/Semi-Public (P/SP-TC)</b>	Conditional Use Permit	No Limit

### *LOCATION*

N/A; applies County-wide in zones listed above where Institutional Uses are allowed.

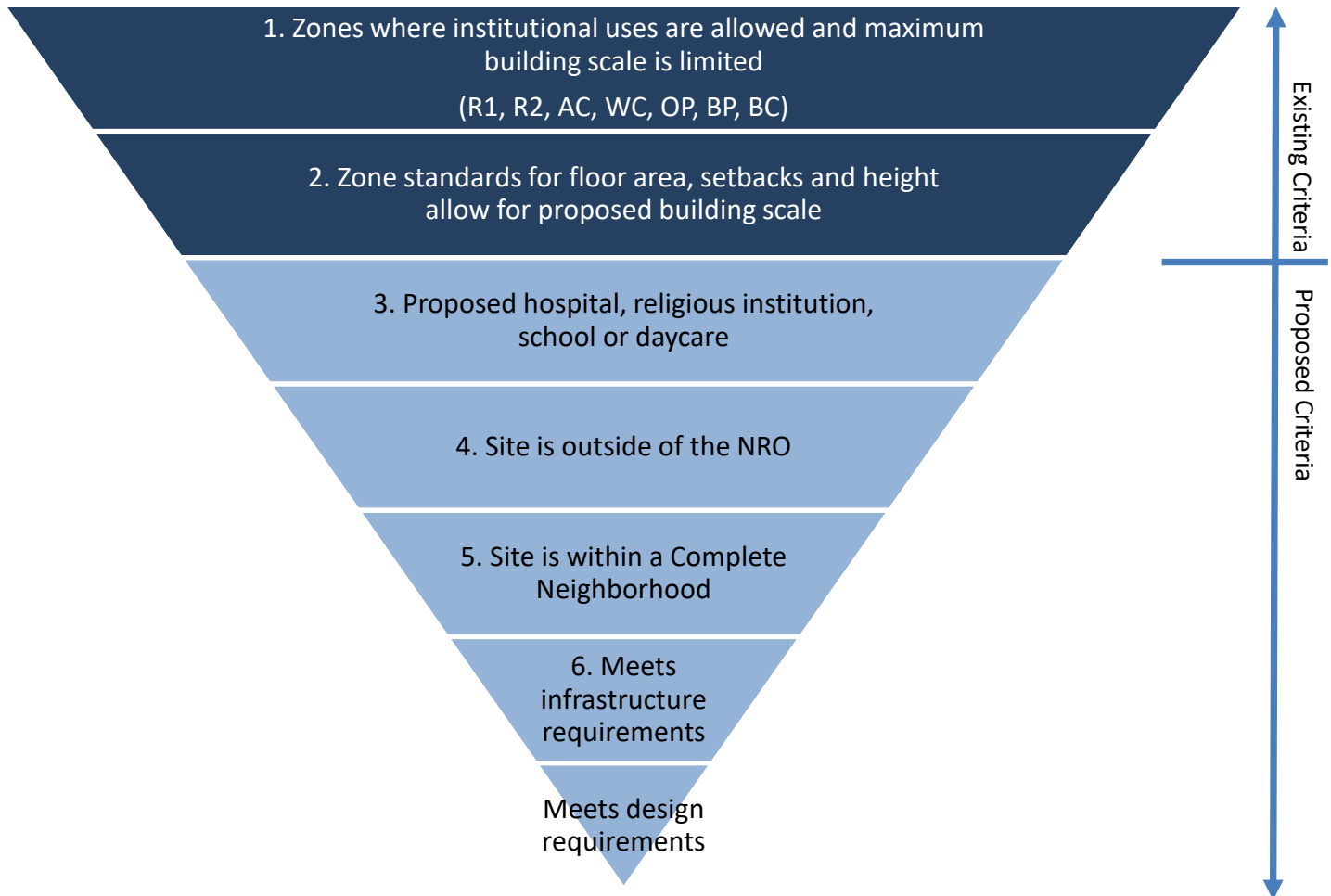
## STAFF ANALYSIS

A draft of the proposed text amendment is included as an attachment to this report.

### KEY ISSUES

*KEY ISSUE 1: What criteria is proposed for this allowance?*

The intent of this amendment is to limit the scope of applicability to large-scale buildings for specific institutional uses without creating further limitations to existing use and scale regulations. The following chart describes existing criteria and proposed criteria for large-scale building allowance. No change to existing criteria, such as use allowances by zone, are proposed in this amendment. No existing institutional use meeting current zone-specified maximum building scale standards needs to meet the additional criteria proposed in this amendment.



1. Currently, institutional uses are allowed but maximum building scale is limited in the Rural-1, Rural-2, Auto Urban Commercial, Wilson Commercial, Office Professional, Business Park, and Business Conservation zones. If the site is in a zone where institutional uses are allowed but maximum building scale is not limited (Auto Urban Residential, Suburban, Rural, or Public/Semi-Public), an applicant can pursue a large-scale institutional building within existing LDR standards, and this amendment does not apply. If the site is in a zone where institutional uses are currently not allowed in the LDRs (Rural-3, Mobile Home Park, Neighborhood Conservation, or Park), this amendment does not apply, and large-scale institutional buildings cannot be pursued.
2. Existing zone standards currently provide physical development parameters that can support a large-scale structure such as maximum floor area allowance, structure setbacks, and height, within the zone districts

listed in #1 above. Allowance for greater building scale does not supersede other zoning standards that regulate physical development.

3. Proposed institutional use is for a hospital, religious institution, school or daycare facility.
4. Site is outside the Natural Resources Overlay (NRO) as represented on the Official Zoning Map or as determined by an Environmental Analysis that has been elevated to a BCC review. Zones where institutional uses are currently allowed within the NRO can pursue an institutional use but are not allowed to exceed zone-specified limitations on maximum scale of an individual building.
5. The proposed site for the large-scale institutional building must be within the boundaries of a County Complete Neighborhood District (5: West Jackson, 7: S Hwy 89, 11: Wilson, 12: Aspens/Pines, 13: Teton Village) as indicated on the Official Zoning Map. For sites at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood Districts, the characteristics of the site will be compared to each District to determine if it contributed to the area of the Complete Neighborhood District. Applicant must demonstrate to the satisfaction of the BCC that the proposed institutional use provides services necessary for the functions of a Complete Neighborhood and that the proposed size of the building is the minimum square footage necessary to sufficiently serve the community based on relevant community size and needs assessment data.
6. The proposed large-scale structure is required to meet specific minimum service level requirements including:
  - Located on public rights-of-way designated as either Collector or Arterial roads
  - Provision of safe and functional non-motorized routes both internally within the neighborhood and with connectivity to the greater non-motorized system network
  - Traffic study performed by a licensed professional transportation engineer hired by the applicant demonstrates that levels of service at affected intersections can be maintained and peak hour trip demand does not reduce connectivity within the existing transportation network
  - Site is served by a water source with the capacity to meet projected fire-flow demands established by adopted National Fire Protection Association (NFPA) regulations as confirmed by the Teton County Fire Marshal
  - Site is served by central sewer services that are permitted by the Wyoming Department of Environmental Quality and is not reliant on septic systems.
7. The proposed large-scale structure is required to meet specific design requirements including:
  - Building design shall be consistent with the existing character of the surrounding area
  - No single wall plane exceeding 60% of any façade 100+ feet in width. Required breaks in the wall plane shall be greater than one foot in depth.
  - Street frontage façade shall have clearly defined architectural detail with a minimum of three of the following design elements:
    - Canopy
    - Wall-plane articulation
    - Arch
    - Outdoor patio or public space
    - Variation in exterior surface material
  - Roof systems shall have no less than two of the following features:
    - Overhanging eaves extending no less than three feet past the supporting wall
    - Two or more roof planes
    - Two or more stepped roof heights
    - Variation in roof slope (vertical rise: horizontal run)

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*KEY ISSUE 2: Review Process and Required Findings*

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For any qualifying hospital, religious institution, school or daycare building exceeding a zone-specified maximum scale, a Conditional Use Permit is required to be approved by the BCC. A Conditional Use Permit (CUP) shall be approved upon finding the application:

1. Is compatible with the desired future character of the area; → Addresses intensity of use, Neighborhood Form, and built form/design as compared to the Desired Future Character and Policy Objectives of the applicable Character District and Subarea
2. Complies with the use specific standards of Div. 6.1. and the zone; → Addresses the criteria described in Key Issue #1 as well as any other standards specific to the applicable zone
3. Minimizes adverse visual impacts; → Addresses bulk, scale, general site and structure design features, exterior materials, screening, landscaping
4. Minimizes adverse environmental impacts; → Addresses protected waterbody and wetland buffers, trout spawning, Trumpeter Swan nesting, and bald eagle nesting as well as applicable Natural Resource Overlay standards such as crucial elk, moose and mule deer habitat
5. Minimizes adverse impacts from nuisances; → Addresses specific intensity of use concerns and operational standards such as materials storage, refuse and recycling, noise, hazards, etc.
6. Minimizes adverse impacts on public facilities; → Addresses potential impacts on services, facilities and infrastructure that benefit the community such as transportation networks, emergency services, water and sewer facilities, schools, parks, etc.
7. Complies with all other relevant standards of these LDRs and all other County Resolutions; and → An LDR Review Checklist is typically provided by staff to ensure this finding can be made
8. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals. → Addresses site-specific historical review of the permit to ensure that previous reviews or approval are compatible with proposed conditional use

Planning Staff finds the existing CUP review process to be robust and comprehensive enough to integrate standards specific to single buildings exceeding zone-specified maximum scale. This review option also allows buildings meeting zone-specified maximum scale standards to proceed with the review process required by the LDRs currently. That is, institutional structures in Auto-Urban Commercial or Wilson Commercial zones meeting maximum scale standards specified for those zones can still proceed with a Basic Use Permit. Since most zones that allow institutional uses already require a CUP per current LDRs, it is not an additional burden to integrate the proposed large-scale building standards into the CUP review process already required. This also allows for a public hearing process and the Board of County Commissioners to review and decide on every application for a single institutional building that exceeds zone-specific scale limitations.

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*KEY ISSUE 3: PRDs and TDR issues*

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Concern was expressed by the BCC at previous workshops that Development Options permitted in the R-1, R-2, Suburban, and Rural zones may result in a transfer of additional floor area toward institutional buildings that exceed zone-specific maximum scale limitations. The issue was narrowed to a comparison of contiguous and noncontiguous Development Options. For example, a contiguous Floor Area Option could balance the impacts of a large-scale individual building by providing extensive conserved open space in the immediate vicinity of the structure. However, a non-contiguous Floor Area Option could provide conservation area elsewhere in the County and cluster a large-scale institutional building within an existing development area not adjacent to open space.

Staff does not recommend that a limitation be placed on contiguous versus noncontiguous Development Options contributing Floor Area to large-scale institutional structures, with the following considerations:

- Only the Floor Area Option which is limited to the R-1, R-2 and Rural zones could be used to increase overall Floor Area allowance for an individual non-residential building, which limits the applicability of this tool significantly.
- Development Options in the County are designed with the primary intent of creating landscape-level clustering or at least stewardship, permanence, and additional limitations on development and use of a conservation area that is a greater benefit to the community than the impacts of additional floor area. On a community-wide scope, a noncontiguous Floor Area Option that conserves rural land and directs additional Floor Area into a Complete Neighborhood, like the large-scale institutional building criteria in Key Issue #1 require, is in line with the County's overall conservation goals.
- The criteria proposed in this amendment and the findings already codified in the CUP process allow for assessment of contribution to the surrounding neighborhood, need for increased scale, and implementation of the desired future character of the subarea and District. If the proposed large-scale structure truly does not fit with the proposed site due to lack of surrounding open space, that conclusion can be made within the context of the criteria and findings mentioned.

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*KEY ISSUE 4: Should certain Complete Neighborhoods be excluded?*

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Feedback from the previous workshops also questioned whether certain Complete Neighborhoods, namely Wilson and Aspens/Pines, should be excluded from this amendment due to their uniqueness and sensitivity, and the impacts that large buildings may have on the character. An examination of the Existing and Future Desired Characteristics from the Comprehensive Plan for each of these Districts may facilitate this analysis. Further information can be found in the Policy Objectives and Subarea characteristics found in the Comprehensive Plan for Districts 11 and 12.

*District 11: Wilson is a small Complete Neighborhood with a broad reach. While relatively few residents live within the district, many more outside the district rely on it for services and consider it their home. In addition, Wilson is the western gateway into the community for those traveling over Teton Pass. Wilson is characterized by quality social, economic, and natural amenities. It has parks, a community center, an elementary school, childcare, a general store, a hardware store, offices, medical services, restaurants, and bars all within walking distance. Fish Creek and the riparian areas of Wilson provide crucial wildlife habitat and wildlife movement corridors. Surrounding the district is permanently conserved open space. Protecting Wilson's existing character while enhancing the district and meeting the community's Growth Management Common Value is the primary issue in Wilson. Wilson's future character should be consistent with that which endears it to so many community members today. The district's residential subareas should have stable character and Wilson should continue to provide locally oriented commercial and neighborhood amenities that limit the need for trips from the west back into Town. The provided services should be supported by the residents of the district and those otherwise passing through the district without relying on additional development potential or attracting trips from elsewhere in the community. Pedestrian connectivity in the district should be enhanced by improved pedestrian access from the residential subareas into the commercial core, a more pedestrian oriented design of the commercial core, and safe and convenient pedestrian crossing of Highway 22 in the commercial core and at the school. In addition, START should become a more convenient and viable option for residents of Wilson and surrounding areas. Wildlife will continue to inhabit and move through the periphery and riparian corridors of Wilson.*

Wilson certainly maintains important institutional uses that support the local community including an elementary school, a community center, childcare facilities, and medical clinics. The question is whether future provision of hospital, school, daycares or religious institution uses in Wilson should be able to exceed established zone-based building scale limitations. The goal is to maintain the character of the area while serving to support residents and those passing through the District without attracting trips from elsewhere in the community. Buildings larger than 10,000 sf may impact the desired character of this community. One option is to remove the applicability of this



amendment to the Wilson Complete Neighborhood District based on the guidance provided in the Comprehensive Plan. Another option is to rely on proposed criteria included in this amendment (i.e. “Applicant must demonstrate to the satisfaction of the BCC that the proposed institutional use provides services necessary for the functions of a Complete Neighborhood and that the proposed size of the building is the minimum square footage necessary to sufficiently serve the community based on relevant community size and needs assessment data”) and CUP findings (i.e. “Is compatible with the desired future character of the area”) to analyze the compliance of specific projects as they are proposed and reviewed.

*District 12: The Aspens/Pines Complete Neighborhood is characterized by a variety of housing types and non-residential uses developed in distinct subareas. To the west of Highway 390 is a master planned community with a commercial core as well as a mix of detached single-family units and clustered multifamily units occupied by the workforce, retirees and visitors. The commercial core provides local convenience commercial, office space and resort-type recreational amenities to the diverse residents of the area. To the east of the highway is a gradient of development intensity that ranges from non-residential and medium density workforce housing in the south to low density housing, including workforce housing, and a few highway commercial establishments in the north. The district is adjacent to the Snake River corridor and contains riparian habitat and open spaces that serve as wildlife movement corridors. In the future, this district should have a more cohesive character, highlighted by better connectivity and increased workforce occupation of existing units. Non-residential use should be consolidated to the commercial core on the west side of the road to the extent possible. The highway corridor should be redesigned to be safe for all modes of travel as well as wildlife. Both sides of the highway should be connected to the commercial core by pedestrian infrastructure, and the district should become better connected to the rest of the community through increased START service. Development should be designed for wildlife permeability, and the riparian habitat in the district should be protected and enhanced.*

Non-residential uses in the Aspens/Pines District currently consist mostly of commercial and recreational amenities. If future progress is made toward increasing workforce occupation of existing residential units, the need for large-scale hospitals, schools, daycares and religious institutions may become more relevant.

Another consideration of this issue is to only allow large-scale institutional buildings subject to this amendment in transitional subareas rather than all subareas of Complete Neighborhoods.

### **PLANNING COMMISSION ANALYSIS**

At their January 13, 2020 regular meeting, the Teton County Planning Commission recommended approval of this item, AMD2019-0002, with the following two conditions in a 4-0 vote with Commissioner Mateosky absent.

1. The requirement to perform a Sketch Plan and Development Plan be added as criteria in proposed LDR Section 6.1.8.D. Use Standards.
2. Proposed LDR Section 6.1.8.D.3 be amended to: “The proposed site for the large-scale institutional building must be within the boundaries of a County Complete Neighborhood (5: West Jackson, 7: S Hwy 89, 11: Wilson, 12: Aspens/Pines, 13: Teton Village) as indicated on the Official Zoning Map. For use and development at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood Districts, the characteristics of the site, and proposed use and physical development will be compared to each District to determine if it contributes to the desired future characteristics of the Complete Neighborhood District. In general, the majority of development shall be located in the area that is designated for higher intensity use. This standard may be deviated from if it can be demonstrated that the location proposed will improve scenic views and lessen adverse environmental impacts. Applicant must demonstrate to the satisfaction of the BCC that the proposed institutional use provides services necessary for the functions of a Complete Neighborhood and that the proposed size of the building is the minimum square footage necessary to sufficiently serve the community based on relevant community size and needs assessment data.”

Discussion surrounding criteria #3 proposed in Section 6.1.8.D.3 focused on striking a balance between creating a strict, predictable and easily interpreted standard for where these large-scale buildings can be located while allowing flexibility and discretion for instances where a large-scale structure may be appropriately located at the edge of a Complete Neighborhood District.

Commissioner Esnard added that requiring the applicant to demonstrate to the satisfaction of the BCC that the proposed institutional use provides services necessary for the functions of a Complete Neighborhood seems unnecessary and redundant since applicable institutional uses are already limited to hospitals, religious centers, schools and daycare facilities. Staff agreed but noted that demonstration of contribution toward Complete Neighborhood services and amenities strengthens application materials when making required findings and ties to assessing the building size necessary to provide those services.

Regarding the requirement to perform a Sketch Plan and Development Plan for applications subject to this amendment by exceeding the zone-specified maximum building size, Commissioners discussed the importance of a public review process designed to examine the physical development components of a large-scale building. While Commissioner Muromcew requested that the requirement to perform a Sketch Plan and Development Plan in addition to a Conditional Use Permit be added to the Required Physical Development Permits chart in LDR Sections 3.2.2.B.8 and 3.2.3.B.8 which would apply to all physical development in the R1 and R2 zones, staff cautioned that changing zone-specific standards outside the scope of this amendment for specified institutional uses could have unintended consequences. The Commissioners agreed that this requirement should be included as criteria specific to this amendment for the specified large-scale institutional uses and crafted a recommended condition accordingly. Commissioners requested that Planning Staff follow up with an analysis of the need for and outcome of potential amendment of physical development permits required in the R1 and R2 zones as a separate effort at a later date.

## **STAKEHOLDER ANALYSIS**

### **DEPARTMENTAL REVIEWS**

The application was sent to the following departments and agencies for review. All reviews are attached.

- Wyoming Department of Transportation (No Response)
- Teton County Engineering Division (No Response)
- Teton County Building Division (No Response)
- Teton County Sanitarian (No Response)
- Teton County Fire Marshal (No Response)
- Teton County Housing Department (No Response)

### **PUBLIC COMMENT**

Since the proposed amendment applies County-wide and is not specific to a single site or localized area, neither on-site posted notice nor distribution of neighborhood notices were required. This item was noticed in the legal section of the JH News and Guide as required by the LDRs. Written public comment received by Planning Staff as of the completion of this staff report on January 14, 2020 is attached to this report. At the January 13, 2020 Planning Commission meeting, Rich Bloom gave public comment supporting his written public comment previously provided.

## **LEGAL REVIEW**

Graham



## **RECOMMENDATIONS**

### **PLANNING DIRECTOR RECOMMENDATION**

The Planning Director recommends **APPROVAL** of **AMD2019-0002**, as presented in the draft dated December 3, 2019, with no conditions based on the findings recommended below.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission recommends **APPROVAL** of **AMD2019-0002**, as presented in the draft dated December 3, 2019, based on the findings recommended below, with the two following conditions:

1. The requirement to perform a Sketch Plan and Development Plan be added as criteria in proposed LDR Section 6.1.8.D. Use Standards.
2. Proposed LDR Section 6.1.8.D.3 be amended to: "The proposed site for the large-scale institutional building must be within the boundaries of a County Complete Neighborhood (5: West Jackson, 7: S Hwy 89, 11: Wilson, 12: Aspens/Pines, 13: Teton Village) as indicated on the Official Zoning Map. For use and development at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood Districts, the characteristics of the site, and proposed use and physical development will be compared to each District to determine if it contributes to the desired future characteristics of the Complete Neighborhood District. In general, the majority of development shall be located in the area that is designated for higher intensity use. This standard may be deviated from if it can be demonstrated that the location proposed will improve scenic views and lessen adverse environmental impacts. Applicant must demonstrate to the satisfaction of the BCC that the proposed institutional use provides services necessary for the functions of a Complete Neighborhood and that the proposed size of the building is the minimum square footage necessary to sufficiently serve the community based on relevant community size and needs assessment data."

### **PLANNING DIRECTOR AND PLANNING COMMISSION RECOMMENDED FINDINGS**

Pursuant to Section 8.7.1.C of the Land Development Regulations, the advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Board of County Commissioners 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:**

**Division 1.3: Purpose and Intent:** Based on the legislative discretion of the Board of County Commissioners, these LDRs are in accordance with the Jackson/Teton County Comprehensive Plan. Their purpose is to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety, and general welfare of the present and future inhabitants of the community with the intent listed below.

- 1.3.1. Implement the Community Vision: Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for current and future generations.
- 1.3.2. Implement the Common Values of Community Character
  - A. Ecosystem Stewardship
    1. Maintain healthy populations of all native species and preserve the ability of future generations to enjoy the quality natural, scenic, and agricultural resources that largely define our community character.
    2. Consume less nonrenewable energy as a community in the future than we do today.
  - B. Growth Management
    1. Direct future growth into a series of connected, Complete Neighborhoods in order to preserve critical habitat, scenery and open space in our Rural Areas.
    2. The Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational, and cultural activities.
  - C. Quality of Life

- 1. Ensure a variety of workforce housing opportunities exist so that at least 65% of those employed locally also live locally.*
- 2. Develop a sustainable, vibrant, stable and diversified local economy.*
- 3. Residents and visitors will safely, efficiently, and economically move within our community and throughout the region using alternative modes of transportation.*
- 4. Timely, efficiently, and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.*

*1.3.3. Implement the Illustration of Our Vision*

- A. Achieve the desired future character identified for each Character District.*
- B. Implement the policy objectives for each Character District.*
- C. Achieve the character-defining features identified for each Subarea.*

*1.3.4. Predictable Regulations, Incentives, and Allowances*

- A. Ensure standards are consistently applied to similar applications and circumstances.*
- B. Ensure landowners, the public, and decision-makers know the amount, location, and type of growth to expect.*
- C. Use data analysis and best practices to inform standards and implement the adaptive management philosophy of the Growth Management Program.*

*1.3.5. Coordination Between Jurisdictions*

- A. Implement the joint Town/County Vision through coordinated, supportive actions.*
- B. Maintain a common structure, format, and definitions in Town and County LDRs.*

*Div. 1.4. Organization of the LDRs: These LDRs constitute the County's zoning and subdivision regulations. They have two organizing principles. Primarily, they are organized by zone in order to implement and emphasize the community's character-based planning approach. Secondly, to provide ease of use, they are organized to answer three questions:*

- What can be built or physically developed?*
- What uses are allowed?*
- How can the land be developed or subdivided?*

**Can Be Made.** Providing greater flexibility for the provision of institutional uses within Complete Neighborhoods in the County is in accordance with Comprehensive Plan efforts to encourage local self-sufficiency in the provision of quality coordinated community services. Limiting this amendment's applicability to Complete Neighborhoods with specific infrastructure and design requirements ensures that appropriate implementation of the Comprehensive Plan's Implementation of Our Vision is occurring. By narrowing the scope of applicability and adding specific requirements to use this amendment, flexibility in standards is provided in specific locations and circumstances while maintaining the predictability of regulations throughout the rest of the County. Although this amendment relates to the scale of certain institutional uses, it is also tied to zone-specific allowances and the overall allowed scale of physical development. With this considered, organization of the LDRs will be maintained by making note of the amendment in the physical development section regarding scale of individual buildings in applicable zones of Articles 2, 3 and 4 and then adding the amendment details and criteria to the Institutional Use standards found in Article 6.

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

**Can Be Made.** The current LDRs have updated Rural Area Character Zones designed to implement the 2012 Comprehensive Plan, but Planning Staff has not yet updated Complete Neighborhood Character Zones. This

amendment can be seen as an interim step in providing consistency between new Character Zones and old Legacy Zones.

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

**Can Be Made.** By incorporating carefully analyzed flexibility within existing standards in response to the expressed needs of landowners, institutional administrators and the community, the balance between flexibility and predictability can be thoughtfully and comprehensively examined. Although more flexibility in the maximum size of hospitals, schools, daycares and religious institutions is available, consistency of individual projects with the desired future character of the community is considered both in the amendment criteria and in CUP findings.

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

**Can Be Made.** This amendment proposal was requested by the BCC in response to the Classical Academy's frustration with the rigid maximum building scale standards in the R1 zone which resulted in a blanket zoning exemption for private schools by the State legislature. Despite this State decision superseding local control of a local Planning issue, County elected officials recognized the exercise as an opportunity to comprehensively analyze the need for large-scale institutional buildings within the context of Teton County's desired future. More holistically, as our community grows and diversifies, larger scale institutional uses as a public necessity or desired service may be more common and this amendment reflects these progressions.

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

**Can Be Made.** Providing greater flexibility for the provision of institutional uses within Complete Neighborhoods in the County is in accordance with Comprehensive Plan efforts to encourage local self-sufficiency in the provision of quality coordinated community services.

*6. Is consistent with the other adopted County Resolutions.*

**Can Be Made.** No apparent conflict or relationship to other County Resolutions were identified by Staff in this review.

## **ATTACHMENTS**

- Draft Amendment dated December 3, 2019
- Public Comment
- Workshop Materials
- Application (physical copy available upon request)

## **SUGGESTED MOTION**

I move to **APPROVE AMD2019-0002**, as presented in the draft dated December 3, 2019, to amend the maximum allowed scale of individual buildings for certain institutional uses, being able to make the findings of Section 8.7.2 as recommended by the Planning Director and Planning Commission with the two following conditions recommended by the Planning Commission:

1. The requirement to perform a Sketch Plan and Development Plan be added as criteria in proposed LDR Section 6.1.8.D. Use Standards.
2. Proposed LDR Section 6.1.8.D.3 be amended to: "The proposed site for the large-scale institutional building must be within the boundaries of a County Complete Neighborhood (5: West Jackson, 7: S Hwy 89, 11: Wilson, 12: Aspens/Pines, 13: Teton Village) as indicated on the Official Zoning Map. For use and development at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood Districts, the characteristics of the site, and proposed use and physical development will be compared to each District to determine if it contributes to the desired future characteristics of the Complete Neighborhood District. In general, the majority of development shall be located in the area that is designated for higher intensity use. This standard may be deviated from if it can be demonstrated that the location proposed will improve scenic views and lessen adverse environmental

impacts. Applicant must demonstrate to the satisfaction of the BCC that the proposed institutional use provides services necessary for the functions of a Complete Neighborhood and that the proposed size of the building is the minimum square footage necessary to sufficiently serve the community based on relevant community size and needs assessment data.”

**Draft LDR Text Amendment****AMD2019-0002: Amendment to maximum allowed scale of individual buildings for certain institutional uses****2.3.1. Auto Urban Commercial**

## Section 2.3.1.B.2. Maximum Scale of Development

<b>2. Maximum Scale of Development</b>	
Individual Building (gross floor area, max)	
Part of a single-family unit	10,000 sf
Nonresidential (agricultural buildings exempt)	
Contiguous to Town of Jackson	15,000 sf
Other Parts of Teton County	6,000 sf
In compliance with specific standards (E.1.)	10,000 sf
Hospital, Religious Institution, Daycare or School	Maximum determined by CUP

**2.3.3. Wilson Commercial**

## Section 2.3.2.B.2. Maximum Scale of Development

<b>2. Maximum Scale of Development</b>	
Individual Building (max)	
Gross Floor Area	
Not Including affordable housing	6,000 sf
Including affordable housing	8,500 sf
Hospital, Religious Institution, Daycare or School	Maximum determined by CUP
Building footprint	6,000sf
Frontage	
Street/Rear Lot Line	75'
Side Lot line	100'

**2.3.4. Office Professional**

## Section 2.3.4.B.2. Maximum Scale of Development

<b>2. Maximum Scale of Development</b>	
Individual Building (gross floor area) (max)	
Part of a single-family unit	10,000 sf
Nonresidential (Agricultural Buildings Exempt)	6,000 sf
Hospital, Religious Institution, Daycare or School	Maximum determined by CUP

**2.3.5. Business Park**

## Section 2.3.5.B.2. Maximum Scale of Development

<b>2. Maximum Scale of Development</b>	
Individual Building (max gross FA)	

Nonresidential (see E.1 for exemptions)	15,000 sf
Hospital, Religious Institution, Daycare or School	Maximum determined by CUP

### 3.2.2. RURAL-1

#### Section 3.2.2.B.2. Structure Standards

Scale of Development	
Floor Area (max)	
GSA < 35 acres	10,000 sf
GSA ≥ 35 acres	GSA(0.007)
Single Building (max)	10,000 sf
Hospital, Religious Institution, Daycare or School	Maximum determined by CUP

### 3.2.3. RURAL-2

#### Section 3.2.3.B.2. Structure Standards

Scale of Development	
Floor Area (max)	
GSA < 10 ac	10,000 sf
GSA ≥ 10 ac	(GSA ac - 10)100sf + 10,000 sf
Not to exceed	15,000 sf
Single Building (max)	10,000 sf
Hospital, Religious Institution, Daycare or School	Maximum determined by CUP

### 3.3.1. Business Conservation

#### Section 3.3.1.B.2. Maximum Scale of Development

2. Maximum Scale of Development	
Individual Building (gross floor area) (max)	
Part of a single-family unit	10,000 sf
Nonresidential (Agricultural Buildings Exempt)	6,000 sf
Hospital, Religious Institution, Daycare or School	Maximum determined by CUP

### USE STANDARDS APPLICABLE TO ALL ZONES

#### Article 6, Division 6.1.8. Institutional Uses

- D. Use Standards.** Hospitals, Religious Institutions, Daycares and Schools proposing individual buildings with gross floor area greater than the maximum allowed in the zone in which the site is located, shall be subject to Conditional Use Permit approval that finds compliance with the following standards:
1. The proposed institutional use is for a hospital, religious institution, school or daycare facility.
  2. The site is outside the NRO as represented on the Official Zoning Map or as determined by an Environmental Analysis that has been elevated to a BCC review.
  3. The proposed site for the large-scale institutional building must be within the boundaries of a County Complete Neighborhood District (5: West Jackson, 7: S Hwy 89, 11: Wilson, 12: Aspens/Pines, 13: Teton Village) as indicated on the Official Zoning Map. For sites at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood Districts, the characteristics of the site will



be compared to each District to determine if the site contributed to the area of the Complete Neighborhood District. Applicant must demonstrate to the satisfaction of the BCC that the proposed institutional use provides services necessary for the functions of a Complete Neighborhood and that the proposed size of the building is the minimum square footage necessary to sufficiently serve the community based on relevant community size and needs assessment data.

4. The proposed building is required to meet specific minimum service level requirements including:
  - Located with direct access to at least on public right-of-way designated as either Collector or Arterial roads
  - Provision of safe and functional non-motorized routes both internally within the neighborhood and with connectivity to the greater non-motorized system network
  - Traffic study performed by a licensed professional transportation engineer hired by the applicant demonstrates that levels of service at affected intersections can be maintained or improved, and peak hour trip demand does not reduce connectivity within the existing transportation network
  - Site is served by a water source with the capacity to meet projected fire-flow demands established by adopted National Fire Protection Association (NFPA) regulations as confirmed by the Teton County Fire Marshal.
  - Site is served by central sewer services that are permitted by the Wyoming Department of Environmental Quality and is not reliant on septic systems.
5. The proposed building is required to meet specific design requirements including:
  - Building design shall be compatible with the existing character of the surrounding area
  - No single wall plane shall exceed exceeding 60% of any façade or greater than 100 feet in width. Required breaks in the wall plane shall be greater than one foot in depth.
  - Street frontage façades shall have clearly defined architectural detail with a minimum of three of the following design elements:
    - Canopy
    - Wall-plane articulation
    - Arch
    - Outdoor patio or public space
    - Variation in exterior surface material
  - Roof systems shall have no fewer than two of the following features:
    - Overhanging eaves extending no less than three feet past the supporting wall
    - Two or more roof planes
    - Two or more stepped roof heights
    - Variation in roof slope (vertical rise: horizontal run)

## ATTACHMENT 2: PUBLIC COMMENT

January 9, 2020

Dear Planning Commissioners,

The following is public comment on AMD2019-0002 – *Amendment to maximum allowed scale of individual buildings for certain institutional uses.*

I understand this is driven by the Board of County Commissioners and is brought forward by the planning office after three workshops. The goals of those workshops in essence resulted in the continued constraining of this text amendment in order to make sure certain institutional uses and any transfer of density was to Complete Neighborhood Character Districts only.

I had the opportunity yesterday to sit down with both Teton County Senior Long-Range Planner Kristi Malone and Teton County Planning and Building Services Director Chris Neubecker for an hour. I am appreciative of that time and it has helped me focus these comments.

I believe each of you are aware of a much less constrained text amendment brought forward by the Classical Academy that was denied 4-1 on January 3, 2019. Community engagement was extremely high on that issue with hundreds of written comments and some scores of citizens testifying at the hearings.

I bring this up as I know it is incredibly difficult for citizens to continue to engage on policy decisions that has been settled multiple times – as is the case on this single maximum building size discussion (2012 Joint Comprehensive Plan, Rural Tools update, January 2019 Classical Academy denied building size text amendment).

I would caution the planning commissioners and electeds to keep this text amendment very constrained and:

1. Only look at certain institutional uses within Complete Neighborhood character districts (not simply close to one) – and
2. Make sure there is adequate publicly noticed opportunity for citizens to engage any application.

With these two goals in mind I ask you to consider my focused suggested improvements.

## **AMD2019-0002 Issues and Suggested Improvements**

### **1. Clarify intent behind:**

*For sites at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood Districts, the characteristics of the site will be compared to each District to determine if it contributed to the area of the Complete Neighborhood District.*

It is important to understand the LDR legal definition of site.

Division 9.5 - Defined Terms:

**Site**. Site means the entire area of the land on which a use or development is existing or proposed. A site may be a portion of a lot of record or may include multiple lots of record.

**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 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.

**Boundary** is not defined in the LDRs.

Precise language which will not be debated endlessly as to its meaning - will be imperative as one of these future proposals makes its way through the proposed building size CUP step.

#### **A. Option one: Remove this sentence.**

- a. The clear intent from the Comprehensive Plan and also from the County Commissioners is to have a very constrained AMD with extremely clear standards. The current draft language (*For sites at the boundary of a Complete Neighborhood...*) will lead to confusion and a high potential for mischief especially when an applicant finds that their lot – or multiple lots – has one small portion near or in the “boundary of a Complete Neighborhood” but wants their site development to occur well away from a Complete Neighborhood.

#### **B. Better language exploration:**

- a. Below is my proposed language that more clearly states the overarching goal of constraining institutional uses (and large single building size) to Complete Neighborhoods and second; directing growth away from rural areas to complete neighborhoods.

- b. My goal is to make sure the site development – not the site - is in, or at least straddles, a Complete Neighborhood character district boundary.
- c. The other addition ties to the required findings found throughout the LDRs by directly calling out the review comparison should be linked to: the desired future character of the associated Complete Neighborhood District.

Proposed amended language:

*For site **development** at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood Districts, the characteristics of the site **development** will be compared to each District to determine if it contributed to the ~~area~~ **desired future character** of the Complete Neighborhood District.*

## **2. Add Development and Sketch Plan requirements to R-1 and R-2**

Key point: A single step combined CUP is not a substitute for a Sketch Plan step - nor a separate Development Plan application with a public review requirement.

In twelve zones – only R-1 and R-2 lack development and sketch plan permit and review requirements.

### Require Sketch Plan Triggers in R-1 and R-2

The assumption of the R-1 and R-2 during the three-year rural tools updates was there would in no case more than 15,000 square feet of development potential so the need for a Sketch Plan review did not seem needed in these two new zones. Likewise, even the requirement for a development permit and review was not included. (See attached LDRs on Scale of Development for the R-1 and R-2.)

Our LDRs specifically state that in the R-2 that the floor area maximum shall not exceed 15,000 square feet (page 3-15 of LDRS). Likewise, for the R-1 the maximum scale of development is 10,000 square feet (plus 100 sf per each acre over 10) for parcels less than 35 acres and .007 FAR above 35 acres (basically 10,000 square feet per 35-acre increment).

With the Floor Area Option (7.1.5) changed in 2017 to allow its use on noncontiguous parcels - this cap of no more than 15,000 sf in either the R-1 or R-2 was literally blown out of the water.

The 2018/19 Classical Academy proposal was for 120,000 sf in R-1 – a Rural Preservation zone.

We need to require a Sketch Plan review trigger for any residential, commercial and/or institutional proposal over 15,000 square feet in the R-1 and R-2. That would make it consistent with the other nine zones which allow institutional uses - including the other five zones proposed for maximum single building size changes in this text amendment – with each requiring a development and sketch plan permit.

- Auto Urban Commercial (AC-TC)
- Auto Urban Residential (AR-TC)
- Wilson Commercial (WC)
- Office Professional (OP- TC)
- Business Park (BP-TC)
- Business Conservation (BC-TC)
- Suburban (S-TC)
- Rural (R-TC)
- Public/Semi-Public (P/SP- TC)

This AMD as proposed further incentivizes large institutional buildings and the transfer of development into the R-1 and R-2 via the Floor Area Option tool 7.1.5. It also further incentivizes the conversion of questionable latent residential development potential into leveraged higher intensity of use institutional applications. Yet the outdated LDRs only require a Development Option Plan in the R-1 and R-2 – which is not noticed to neighbors and has no required public review (solely the planning director’s decision).

In addition, the non-public Development Option Plan requirement only addresses overall site location from primarily an environmental standpoint – but not building design and/or configuration.

### **Separate the CUP Review from the Development/Sketch Plan Review**

This AMD proposes a CUP roll-in on building size which is burdensome and confusing.

The inclusion of a Development Plan permit application in the R-1 and R-2 allows any tied CUP use review to occur at the same time – but simplifies the review and findings that apply to physical development versus use. These are very different reviews.

As several of you experienced during the review of the Teton Raptor Center amended CUP – the combined review of both use and physical development (because it was located in the R-2) made the process that much more difficult. For you - the public – and for the applicant.

Second by also including the same Sketch Plan trigger (for over 12,000 sf of development) in the R-1 and R-2 as found in all other related zones - that will allow for an earlier public process which protects the neighbors, the developer and the planning office by not needing to have a single binary decision at the very end of the CUP on both use and development.

Sketch Plan purpose (from the LDRs):

#### **A. Purpose**

The purpose of a sketch plan is to publicly review a large physical development or development option for general consistency with these LDRs at a preliminary, conceptual

level of detail before the development is fully designed. The objectives of the sketch plan review are:

1. Identification of the opportunities to achieve the desired future character for the site;
2. Identification of development related issues to be addressed through the development plan;
3. Discussion of alternative site designs that may better implement these LDRs; and
4. Identification of natural and scenic resource protected by these LDRs.

In sum as to the list of eleven zones planner Kristi Malone has identified that allow institutional uses - all except R-1 and R-2 have both a Development Plan along with a Sketch Plan requirement - triggered at over 12,000 sf of nonresidential floor area and/or greater than 10 units.

**In Closing:**

I believe you need to tighten and clarify the language so this AMD only allows applications that propose certain institutional uses to have greater single building size when solely located inside of a Compete Neighborhood character district.

Secondarily you need to make sure the public has reasonable and adequate opportunity to weigh in on large institutional projects – especially with the noncontiguous use of the Floor Area Option tool 7.1.5.

That is easily solved by adding the Development Plan requirement and Sketch Plan trigger into R-1 and R-2 as it is already with nine other zones allowing institutional use - including the seven other zones proposed for changes in this text amendment.

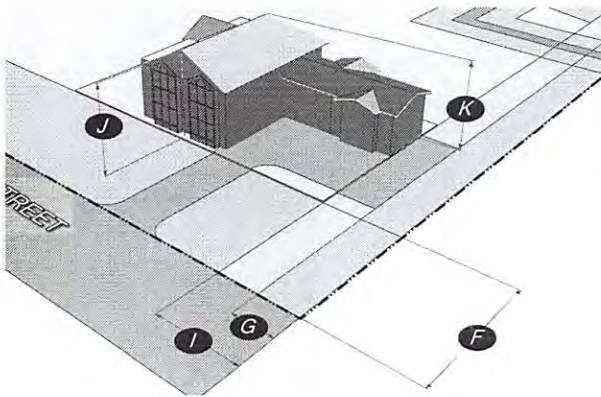
Respectfully,

Rich Bloom

Cell: 307-690-5273  
4390 Kestrel Lane  
Jackson, Wyoming 83001



## 2. Structure Standards



### Structure Location

Street Setback (min)		F
Public Road	50'	
Private Road	30'	
Rear/Side Setback (min)	30'	I
Eaves, canopies, decks, and other architectural projection that clear 9' above finish grade may extend 5' into a setback		

### Scale of Development

Floor area (max)		
GSA < 10 ac	10,000 sf	
GSA ≥ 10 ac	(GSA ac - 10)100 sf + 10,000 sf	
Not to Exceed	15,000 sf	
Single building (max)	10,000 sf	

### Structure Height (Sec. 9.4.9.)

Height: Any point (max)	30'	J
Height: Overall (max)	37.5'	K

### Scenic Standards

RE: Scenic viewsheds	See SRO	(Sec. 5.3.2.)
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### Fencing

Wildlife Friendly Fencing	Required	(Sec. 5.1.2.)
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### Exterior Materials

External surfaces	Non-reflective
Colors	Earth tones

### 3. Environmental

Wild animal feeding	(Sec. 5.1.3.)
Bear proof trash	(Sec. 5.2.2.)

### 4. Exterior Lighting (Sec. 5.3.1.)

Light trespass is prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	1.5
Lumens per site (max)	
All fixtures	60,000
Unshielded fixtures	4,000
Light Color	≤3000 Kelvin

### 5. Natural Hazards to Avoid

Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes >30%
Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)
6. Signs	(Sec. 5.6.2.)

Allowed Signs (max)	Area (max)	Height (max)
1 rustic freestanding or wall	4 sf	4'
1 wall per home occupation	2 sf	n/a

### 7. Grading, Erosion, Stormwater

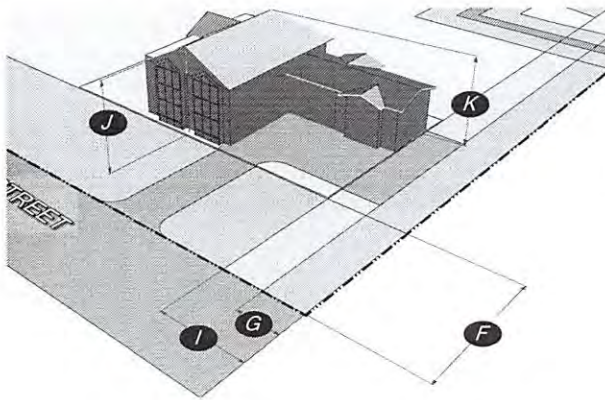
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)

No increase in peak flow rate or velocity across property lines

## 8. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.2.6.)	Development Plan (Sec. 8.2.6.)	Building Permit (Sec. 8.2.6.)	Sign Permit (Sec. 8.2.6.)	Grading Permit (Sec. 8.2.6.)	Other
Site Disturbance					see 5.7.1.	
Structure			X		see 5.7.1.	
Fence					see 5.7.1.	see 5.1.2.
Sign				X	see 5.7.1.	



**2. Structure Standards****Structure Location**

Street Setback (min)		<b>F</b>
Public Road	50'	
Private Road	30'	
Rear/Side Setback (min)	30'	<b>I</b>
Eaves, canopies, decks, and other architectural projection that clear 9' above finish grade may extend 5' into a setback		

**Scale of Development**

Floor Area (max)		
GSA < 35 ac	10,000 sf	
GSA ≥ 35 ac	GSA(0.007)	
Single building (max)	10,000 sf	see E. 1.

**Structure Height (Sec. 9.4.9.)**

Height: Any point (max)	30'	<b>J</b>
Height: Overall (max)	37.5'	<b>K</b>

**Scenic Standards**

RE: Scenic viewsheds	See SRO	(Sec. 5.3.2.)
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**Fencing**

Wildlife Friendly Fencing	Required	(Sec. 5.1.2.)
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**Exterior Materials**

Colors	Earth tones
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**3. Environmental**

Wild animal feeding (Sec. 5.1.3.)

Bear proof trash (Sec. 5.2.2.)

**4. Exterior Lighting (Sec. 5.3.1.)**

Light trespass is prohibited.

All lights over 600 initial lumens shall be fully shielded.

Lumens per sf of site development (max) 1.5

Lumens per site (max)

All fixtures 60,000

Unshielded fixtures 4,000

Light Color ≤3000 Kelvin

**5. Natural Hazards to Avoid**

Steep Slopes (Sec. 5.4.1.)

Development prohibited Slopes &gt;30%

Unstable Soils (Sec. 5.4.2.)

Fault Areas (Sec. 5.4.3.)

Floodplains (Sec. 5.4.4.)

Wildland Urban Interface (Sec. 5.4.5.)

**6. Signs (Sec. 5.6.2.)**

Allowed Signs (max)	Area (max)	Height (max)
1 rustic freestanding or wall	16 sf	10'
1 wall per home occupation	2 sf	n/a

**7. Grading, Erosion, Stormwater**

Grading (Sec. 5.7.2.)

Erosion Control (Sec. 5.7.3.)

Erosion shall be controlled at all times

Stormwater Management (Sec. 5.7.4.)

No increase in peak flow rate or velocity across property lines

**8. Required Physical Development Permits**

Physical Development	Sketch Plan (Sec. 8.2.6.)	Development Plan (Sec. 8.2.6.)	Building Permit (Sec. 8.2.6.)	Sign Permit (Sec. 8.2.6.)	Grading Permit (Sec. 8.2.6.)	Other
Site Disturbance					see Sec. 5.7.1.	
Structure			X		see Sec. 5.7.1.	
Fence					see Sec. 5.7.1.	see Sec. 5.1.2.
Sign				X	see Sec. 5.7.1.	



Required Utilities <span style="float: right;">(Div. 7.7.)</span>	
Water (required)	Connection to public supply, installation of central supply, or evidence of individual well
Sewer (required)	
0-500' from public sanitary sewer	Connect to public sanitary sewer
> 500' from public sanitary sewer	Small wastewater (septic) facility

4. Permits Required					
Physical Development	Planned Unit Development (8.7.3.)	Sketch Plan (8.3.1.)	Development Plan (8.3.2.)	Development Option Plan (8.5.2.)	Subdivision Plat (8.5.3.)
Land Division			X		X
Condominium/Townhouse					X
Floor Area Option				X	
Rural PRD		optional	X		if subdivided
Complete Neighborhood PRD		X	X		if subdivided

#### E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the R-1 zone.

1. **Maximum scale of an equestrian center.** A single building that is part of an equestrian center maintained for the purpose of accommodating, training or competing horses shall meet the following standards.
  - a. The equestrian center shall be an outdoor recreation use as defined in Section 6.1.3.C.
  - b. At least half of the hours the equestrian center is open shall be available for public reservation or open public use.
  - c. A single building shall not exceed 50,000 square feet.
  - d. The equestrian center shall still be subject to the floor area maximum.
2. **Conditional principal uses**
  - a. **Compatibility.** The compatibility of one or more principal conditional uses on a site shall be defined through the CUP review. In evaluating whether a particular use is appropriate, the Board shall consider the following:
    - i. The extent to which the proposed use promotes or sustains the site's open space; and
    - ii. The cumulative impact of all permitted uses and development options on the site's open space, as compared to the use of the site at its base residential density.
  - b. **Prohibited in the NRO.** The following conditional uses permitted in the R-1 zone are prohibited within the NRO:
    - i. Campground
    - ii. Assembly
    - iii. Daycare/Education
    - iv. Aviation

## 3.2.3. Rural-2 (R-2) (7/18/18)

3. Infrastructure	
Transportation Facilities (Div. 7.6.)	
Access	Required
Right-of-way for a minor local road (min)	60'
Travel lane width for minor local road	10'
Road and driveway design	Also subject to Fire Protection Resolution
Required Utilities (Div. 7.7.)	
Water (required)	Connection to public supply, installation of central supply, or evidence of individual well
Sewer (required)	
0-500' from public sanitary sewer	Connect to public sanitary sewer
> 500' from public sanitary sewer	Small wastewater (septic) facility

4. Permits Required					
Physical Development	Planned Unit Development (8.7.3.)	Sketch Plan (8.3.1.)	Development Plan (8.3.2.)	Development Option Plan (8.5.2.)	Subdivision Plat (8.5.3.)
Land Division			X		X
Condominium/Townhouse					X
Floor Area Option				X	
Complete Neighborhood PRD		X	X		if subdivided

## E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the R-2 zone.

1. **Arena Maximum Site Development Exemptions.** Up to 32,000 sf of site development may be exempt from the calculation of maximum site development if the site development is an outdoor riding arena or other pervious surface used for ancillary recreational enjoyment of a residential site. An exempt outdoor riding arena shall have 12 foot wide gates at 2 ends that must remain open to allow for wildlife movement when the arena is not in use.
2. **Institutional and infrastructure uses**
  - a. **Compatibility.** The compatibility of one or more principal conditional uses on a site shall be defined through the CUP review. In evaluating whether a particular use is appropriate, the Board shall consider the following:
    - i. The extent to which the proposed use promotes or sustains the site's open space; and
    - ii. The cumulative impact of all permitted uses and development options on the site's open space as compared to the use of the site at its base residential density.
  - b. **Prohibited in the NRO.** Institutional uses are prohibited within the NRO.
  - c. **Maximum Intensity of Use.** The intensity of the use shall be limited to maintain the rural character of the area and the State or County road from which access is taken. If the proposed use is of a continuous nature, the intensity shall be limited by restricting the maximum occupancy. If the proposed use involves discrete occurrences, the intensity shall be limited by restricting the frequency of occurrence. Depending on the nature of the use, the Board shall impose conditions based on one or both of the standards below:
    - i. **Maximum Occupancy.** The Board shall establish a maximum occupancy to protect community character.



## 3.3.5. Rural - County (R-TC) Zone (7/18/18)

10. Signs (Div. 5.6.)	
Allowable Signage	
Nonresidential uses	1 rustic freestanding sign
Residential uses	1 unlighted rustic freestanding sign or 1 unlighted wall sign
Home occupation/business	1 unlighted wall sign
Sign Area (max)	
Nonresidential	16 sf
Residential	4 sf
Home occupation/business	identifying owner and/or name of property
Home occupation/business	2 sf
Sign Height (max)	
Nonresidential	10'
Residential	4'
Home occupation/business	n/a

11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)
* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.					



9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)
10. Signs	
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign

Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf
Sign Height (max)	
Nonresidential	
Freestanding Sign	8'
Monument or Entry	4'
Residential	
Home occupation/business	n/a
11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

\* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.



## 2.3.2. Auto Urban Residential - County (AR-TC) Zone (7/18/18)

10. Signs (Div. 5.6.)	
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign
Sign Height (max)	
Nonresidential	
Freestanding Sign	8'
Monument or Entry	4'
Residential	
Home occupation/business	n/a

Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf
11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)



## 2.3.3. Wilson Commercial (WC) Zone (7/18/18)

9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)
10. Signs (Div. 5.6.)	
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign
Sign Height (max)	
Nonresidential	
Freestanding Sign	8'
Monument or Entry	4'
Residential	
Home occupation/business	n/a

Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf
11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)



10. Signs (Div. 5.6.)	
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign
Sign Height (max)	
Nonresidential	
Freestanding Sign	8'
Monument or Entry	4'
Residential	
Home occupation/business	n/a

Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf
11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)
* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.					

10. Signs (Div. 5.6.)	
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign
Sign Height (max)	
Nonresidential	
Freestanding Sign	8'
Monument or Entry	4'
Residential	
Home occupation/business	6'
Home occupation/business	n/a

Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf
11. Grading, Erosion Control, Stormwater	
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Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)



10. Signs (Div. 5.6.)	
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
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Multi-family ≥ 8 units	1 freestanding or 1 wall sign
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Nonresidential	
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Wall Sign	1 sf per 2 linear ft of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf

Sign Height (max)	
Nonresidential	
Freestanding Sign	8'
Monument or Entry	4'
Residential	
Home occupation/business	n/a
11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

\* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.

10. Signs (Div. 5.6.)	
Allowable Signage	
Nonresidential uses	1 rustic freestanding or 1 wall sign
Residential uses	
Lot of record < 3 acres	1 unlighted wall sign
Lot of record ≥ 3 acres	1 unlighted rustic freestanding or 1 unlighted wall sign
Home occupation/business	1 unlighted wall sign
Sign Area (max)	
Nonresidential	12 sf
Residential	
Lot of record < 3 acres	3 sf
Lot of record ≥ 3 acres	4 sf
Home occupation/business	2 sf
Sign Height (max)	
Nonresidential	6'
Residential	4'
Home occupation/business	n/a

11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)
* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.					



10. Signs (Div. 5.6.)	
Allowable Signage	
Nonresidential uses	1 rustic freestanding or 1 wall sign
Residential uses	
Lot of record < 3 acres	1 unlighted wall sign
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Sign Area (max)	
Nonresidential	12 sf
Residential	
Lot of record < 3 acres	3 sf
Lot of record ≥ 3 acres	4 sf
Home occupation/business	2 sf

Sign Height (max)	
Nonresidential	6'
Residential	4'
Home occupation/business	n/a
11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

\* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

\* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.

### C. Use Standards

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

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	Y	0 sf	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	0 sf	n/a	independent calculation	exempt
Residential					
Dormitory (6.1.4.F.)	C	0 sf	n/a	1/bed	exempt
Group Home (6.1.4.G.)	C	0 sf	n/a	0.5/bed	exempt
Commercial					
Office (6.1.6.B.)	C	0 sf	n/a	3.3/1,000 sf	exempt
Service (6.1.6.D.)	C	0 sf	n/a	3/1,000 sf	exempt
Heavy Retail/Service (6.1.6.E.)	C	0 sf	n/a	2/1,000 sf + 3/repair bay + 1/wash bay	exempt
Mini-Storage Warehouse (6.1.6.G.)	C	0 sf	n/a	1/10 storage units + 1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. 8.3.5.)  
C=Conditional Use Permit (Sec. 8.4.2.) S=Special Use Permit (Sec. 8.4.3.)



## Kristi Malone

---

**From:** Richard Bloom <richbloom.jh@gmail.com>  
**Sent:** Monday, January 06, 2020 9:58 AM  
**To:** Kristi Malone  
**Cc:** Brooke Sausser; Chris Neubecker; skye@jhalliance.org  
**Subject:** Re: AMD2019-0002 - need to clarify 'boundary' language - and add sketch plan trigger in R-1 and R-2

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Kristi - I will plan to meet with you then this Wednesday 2pm - in the County planning conference room. I will reach out to Brooke to see if she can join us.

For now - yes please share this email chain with the attachment on the 12 referenced zones - including our proposed meeting as part of your staff report for today - as public comment. In that manner it will be on their radar.

I will then after we meet compose a more informed - and focused set of written comment to augment this informal email exchange.

I look forward to understanding your perspective on the various issues which I raised.

Thanks for making the time - Rich

On Jan 6, 2020, at 9:46 AM, Kristi Malone <[kmalone@tetoncountywy.gov](mailto:kmalone@tetoncountywy.gov)> wrote:

Hi Rich,

Thanks for following up on your concerns. I'm happy to meet this week and discuss. However, please note that since my staff report for the January 13<sup>th</sup> Planning Commission meeting is due today, so our discussion will not be reflected in that report. Would you like me to include your correspondence so far as public comment in my report that goes out today?

For meeting this week, I am available **Wednesday at 2pm** or Friday anytime after 1pm. Let me know what works for you and I'll schedule the conference room.

Thanks,

**Kristi Malone**  
*Senior Long-Range Planner*  
*Teton County & Town of Jackson*  
*PO Box 1727 / 200 S. Willow St.*  
*Jackson, Wyoming*  
*307-733-3959*

CORRESPONDENCE, INCLUDING E-MAIL, TO AND FROM EMPLOYEES OF TETON COUNTY, IN CONNECTION WITH THE TRANSACTION OF PUBLIC BUSINESS, IS SUBJECT TO THE WYOMING PUBLIC RECORDS ACT AND MAY BE DISCLOSED TO THIRD PARTIES.

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**From:** Richard Bloom <[richbloom.jh@gmail.com](mailto:richbloom.jh@gmail.com)>  
**Sent:** Sunday, January 05, 2020 10:58 AM  
**To:** Kristi Malone <[kmalone@tetoncountywy.gov](mailto:kmalone@tetoncountywy.gov)>  
**Cc:** Brooke Sausser <[brooke@jhalliance.org](mailto:brooke@jhalliance.org)>; Chris Neubecker <[cneubecker@tetoncountywy.gov](mailto:cneubecker@tetoncountywy.gov)>; [skye@jhalliance.org](mailto:skye@jhalliance.org)  
**Subject:** Re: AMD2019-0002 - need to clarify 'boundary' language - and add sketch plan trigger in R-1 and R-2

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Kristi - I am sure you are busy as usual - and I will hear back from you early this week.

I am copying planning director Chris Neubecker - along with Brooke Sausser and Skye Schell of the JHCA.

I went through your staff report again - and each and every zone where institutional use is allowed - including the seven zones you have proposed text changes to on maximum single building size.

My suggestion for improvement of AMD2019-0002 remains the same.

1. Firm up the language relating to sites near - or on the edge - of Complete Neighborhood Districts - see my email comments previously below:

For sites at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood Districts, the characteristics of the site will be compared to each District to determine if it contributed to the area of the Complete Neighborhood District.

This language still baffles me as to its meaning.

2. Especially with the Floor Area Option tool that allows significant rural to rural transfer of square footage for institutional uses from noncontiguous parcels - address the inconsistency in the LDRs on lack of a required Development and Sketch plan steps in the R-1 and R-2.

Again the gap is in the R-1 and R-2:

This is because when those new rural zones were developed (2015-2016) no one expected more than 12,000 sf to occur in these zones. Now the world has shifted especially with what I have stated previously was the unwise opening up of the Floor Area Option tool for non-contiguous sites. A dangerous and Comprehensive Plan incongruent rural to rural transfer that will - and has been (Classical Academy) - gamed.

Already vulnerable to excessive floor area square foot transfer as we saw from the Classical Academy - you are now proposing no upper limit in a single building in the R-1 and R-2 except for wrapping that discussion into the over whelmed CUP process - plus the Complete Neighborhood and design tests.

I will review the zones in your staff report that you have identified that allow institutional use (Suburban-TC being an unintended outlier as although historically it allowed education - that was removed without discussion when the rural tools were update in 2015-2016).

Zones Where Institutional Uses are Allowed - all but R-1 and R-2 have a Sketch Plan requirement:

Rural-1 (R-1)

Rural-2 (R-2)

Auto Urban Commercial (AC-TC)

Auto Urban Residential (AR-TC)

Wilson Commercial (WC)

Office Professional (OP- TC)

Business Park (BP-TC)

Business Conservation (BC-TC)

Suburban (S-TC)

Rural (R-TC)

Public/Semi-Public (P/SP- TC)

In sum as to the list of eleven zones you have identified that allow institutional uses - all except R-1 and R-2 have both a Development Plan and Sketch Plan requirement - triggering at over 12,000 sf of nonresidential floor area and/or greater than 10 units under physical development for Sketch Plan to be required.

Zones under AMD2019-0002 which are modified:

Auto Urban Commercial (AC-TC)

Wilson Commercial (WC)

Office Professional (OP- TC)

Business Park (BP-TC)

Rural-1 (R-1)

Rural-2 (R-2)

Business Conservation (BC-TC)

As to the list of seven zones that you have identified changing to allow no absolute upper limit on square footage (beyond the filtering process you identify and the CUP review) in a single building for certain institutional uses: all except R-1 and R-2 have both Development Plan and Sketch Plan requirements - triggered at over 12,000 sf of nonresidential floor area and/or greater than 10 units under physical development.

I bring up the dwelling unit limits also as it directly relates to a danger of the Rural PRD as in the R-1 Sketch Plan is only 'optional' for a Rural PRD - and in the R-2 it is silent on a Rural PRD's period. This gap should also be addressed.

Again you will note in the attached that there is no Development Plan - let alone a Sketch Plan - requirement for either the R-1 or R-2.

With discussion on removing the 10,000 sf limit for a single building in these two Rural zones (R-1 and R-2) - then you need to consider amending planning's current AMD proposal (per the workshops with the Board of County Commissioners) to add both a Development Plan requirement - along with a Sketch Plan requirement triggered (already in the nine other zones) - at greater than 12,000 sf of Nonresidential Floor Area to the R-1 and R-2.

In closing I will also point out that for example the NC-TC which because of public dialog and engagement did not get opened up to institutional uses - also has a Sketch Plan requirement at greater than 12,000 sf of Nonresidential Floor Area as well as greater than 10 units of physical development.

I trust this is helpful and we can find time to sit down and discuss before you publish your staff report update in advance of the January 13th planning commission review.

Thank you for your time - Rich

See attached LDR excerpts on physical development permits required for all 12 zones that I have just now discussed.

On Jan 3, 2020, at 3:31 PM, Richard Bloom <[richbloom.jh@gmail.com](mailto:richbloom.jh@gmail.com)> wrote:

Kristi - I did not hear back from you.

Can we get together first part of next week? I would also like to invite Brooke Sausser - JH Conservation Alliance land use staffer to join me. Brooke is copied.

Along with the below - I also want to suggest text amendment improvement enhancements on adding a sketch plan requirement consistently across all zones (half have them and half do not - including R-1 and R-2 do not). As you know it triggers when a physical plan is larger than 12,000 SF (or more than ten units) . The main goal is to:

***For a Sketch Plan, the level of detail should be conceptual. The objectives of a sketch plan include identification of opportunities to achieve the desired future character, identification of development issues to be addressed in the public development plan, discussion of alternate site designs, and identification of natural and scenic resources protected by the LDRs. Final construction plans or plat documents are neither expected nor required.***

Just throwing both use and possible huge physical size - especially with rural to rural transfer tools via both the PRD and TDR tools - including the Floor Area Option PRD and CN-PRD - to the one time CUP process - will not get the best outcome. That is true for both the developer and the community - and I think the planning office in addition.

I have managed projects both with (TSS) and without (TRC) the sketch plan requirement - and I prefer sketch plan as conceptual ideas can go through the public process - and be adjusted - before committing the very large costs of a fully flushed out physical plan which may get turned down. I am aware it also adds time.

I don't know if you gave this any consideration or not? Consistency across zones is the central issue.

Sketch plan got dropped from the R-1 and R-2 (plus R-3 but your AMD wisely avoids adding institutional use to this zone) during the 2016 updates as I think no one thought we would get very larger projects brought forward in these zones. But now we have both TDR, PRD and the non-contiguous floor area option. The sketch plan requirement remains for example in the R-TC and NC-SF plus other zones that your AMD is trying to address. I will do a complete zone search before we hopefully meet.

Anyway I would like to support the AMD but do see a need to clarify the 'boundary' of a Complete Neighborhood language that I brought up below - and now also the sketch plan requirement for larger projects (more than ten units or greater than 12,000 SF) consistently across all affected zones in your AMD.

I know I can bring this in via public comment but would prefer to be more collaborative if possible in a short focused meeting with you - and the planning director if he also is interested.

Let me know - Rich

On Dec 28, 2019, at 4:27 PM, Richard Bloom  
<[richbloom.jh@gmail.com](mailto:richbloom.jh@gmail.com)> wrote:

Hi Kristi - I hope you had a good holiday break.

I have one central question on AMD2019-0002. I would like to sit down for no more than twenty minutes to work through it with you. Is that possible?

I believe this goes to the PC now on Monday, January 13 and then to the Board of County Commissioners on the January 21st.

My question surrounds the intent and seemingly imprecise language of potential locations of compliant sites - **must be within the boundaries of a County Complete Neighborhood District** - versus - **at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood.....**

Your page 3 staff report shows a proposed funneling criteria that says "Site is within a Complete Neighborhood" - yet further in the report and in the draft LDRs there is flexibility to that criteria.

Staff report page 4 - plus the same language in the draft LDRs:

**For sites at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood Districts, the characteristics of the site will be compared to each District to determine if it contributed to the area of the Complete Neighborhood District. Applicant must demonstrate to the satisfaction of the BCC that the proposed institutional use provides services necessary for the functions of a Complete Neighborhood and that the proposed**

size of the building is the minimum square footage necessary to sufficiently serve the community based on relevant community size and needs assessment data.

My key questions is what does: For sites at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood Districts - exactly mean?

Site is defined as the actual building site for a proposed structure that exceeds current standards.

But what is 'boundary' - does that mean at the edge (and how is edge defined) of a Complete Neighborhood - but within it? Or outside it?

In sum I am struggling with: For sites at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood Districts, the characteristics of the site will be compared to each District to determine if it contributed to the area of the Complete Neighborhood District.

I would like to better understand the planning goal with this in order to develop a more informed opinion.

Precise language which will not be debated endlessly as to its meaning - will be imperative as one of these future proposals makes it way through the required additional building size CUP step: Hospitals, Religious Institutions, Daycares and Schools proposing individual buildings with gross floor area greater than the maximum allowed in the zone in which the site is located, shall be subject to Conditional Use Permit approval that finds compliance with the following standards:

Again one of the key standards that has me confused is: For sites at the boundary of a Complete Neighborhood and not solely within one of the specified Complete Neighborhood Districts....

Rich

On Dec 9, 2019, at 1:37 PM, Kristi Malone  
<[kmalone@tetoncountywy.gov](mailto:kmalone@tetoncountywy.gov)> wrote:

Hi Rich--as I am preparing for tonight's PC meeting I just remembered that you requested the staff report. If you haven't reviewed via online agenda yet, please see attached.

Thanks,



Kristi Malone  
Senior Long-Range Planner  
Teton County & Town of Jackson  
PO Box 1727 / 200 S. Willow St.  
Jackson, Wyoming  
307-733-3959

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# ATTACHMENT 3: Materials from Previous Workshops

## Planning Workshop #3

LDRs for Maximum Scale of Single Buildings with Institutional Use

August 19, 2019

# INTRODUCTION

- Amendment proposal from Planning Staff at request of BCC to enable certain institutional uses to exceed zone-specified maximum building scale
- Workshop 1: April 20, 2019
- Workshop 2: July 22, 2019

# INTRODUCTION

- Approach: creating allowance; not removing current allowances

- Zones where institutional uses are allowed
- Not in NRO
- In Complete Neighborhood
- Infrastructure: Public ROW, Collector/Arterial, connect to non-motorized network, sewer connection, etc.

# OPPORTUNITY FOR FURTHER DIRECTION

- Should there be a maximum scale for structures meeting these conditional standards?
  - Religious Centers
    - Rafter J Church: 10,625 sf
    - Presbyterian Church: 29,906 sf
    - St Johns Episcopal: 22,900 sf
    - Our Lady of the Mountains: 21, 850 sf

- Community Centers
  - Teton County Rec Center : 34,000 sf
  - Center for Arts: 92,709 sf
- Libraries
  - Jackson Branch: 35,707 sf
  - Alta Branch: 3,500 sf
- Museums
  - Wildlife Art Museum: 27,900 sf
  - Jackson Hole Historical Society & Museum: 9,800 sf (entire bldg. with other uses)
  - JH & Greater Yellowstone Visitor Center: 6,800 sf

- Hospitals
  - St. Johns: 175,600 sf & 71,400 sf
- Reception Halls
  - Elks Club: 11,800 sf
  - American Legion Hall: 2,675 sf
  - Snow King Grand View Facility: 20,000 sf
- Schools
  - Davey Jackson: 81,844 sf
  - Jackson Hole High School: 165,000 sf
  - Colter Elementary: 61,168 sf
  - Munger Mountain Elementary: 81,419 sf
  - Wilson Elementary: 43,848 sf
  - Alta School: 10,700 sf

# OPPORTUNITY FOR FURTHER DIRECTION

- Should allowance be only for religious institutions, schools and hospitals or expanded to include other institutional uses?
  - Definition. An institutional use is the provision of a public or semi-public service by a public or private entity
  - Assembly: An assembly use is an institutional use typically characterized by a public or semi-public gathering area.
    - cemeteries
    - churches
    - community centers
    - libraries
    - museums
    - hospitals
    - reception halls



# OPPORTUNITY FOR FURTHER DIRECTION

- Daycare/Education: A daycare or education use is the provision of educational instruction and/or care for part of the day
  - schools
  - childcare centers

# OPPORTUNITY FOR FURTHER DIRECTION

- What defines “Complete Neighborhood”?
  - 5: West Jackson; Subarea 5.6 Transitional
  - 7: South Hwy 89; 7.1 Stable, 7.2 Stable
  - 11: Wilson; 11.1 Transitional, 11.2, 11.3, 11.4 Stable
  - 12: Aspens/Pines; 12.1 Transitional, 12.2, 12.3 Stable
  - 13: Teton Village; 13.1, 13.2 Transitional, 13.3 Stable

# PLANNING & DEVELOPMENT

## MEMO

**To:** Teton County Board of Commissioners  
**From:** Kristi Malone, Long Range Senior Planner  
**Date:** July 22, 2019  
**Subject:** Workshop #2: LDRs for Maximum Scale of Single Buildings with Institutional Uses

---

### *Introduction*

A workshop was conducted at the April 29, 2019 Voucher Meeting to discuss a County initiated Land Development Regulation (LDR) amendment to allow institutional buildings to have more square footage than the maximum scale of individual buildings allowed per the underlying zone standards.

The workshop concluded with consensus on the following:

1. Amendment to Conditional Use standards were preferred over amendment to Variance standards.
2. Standards related to location were generally accepted. Specifically, large scale institutional buildings are most appropriate in or adjoining complete neighborhoods that are or will be served by adequate roads and other utility infrastructure.
3. Standards related to building design are appropriate and should require design that complements the surroundings and doesn't allow for long expanses of flat, featureless building walls.

The BCC requested additional feedback on the following issues:

1. Can flexibility in the maximum size of buildings be provided?
2. Can the number of large-scale institutional buildings in any one area/complete neighborhood be limited?
3. Why do different zones have different limitations for maximum scale of a single structure, and what options are available to address that issue?
4. Should we consider revising zones where institutional uses are allowed regardless of size?

This report builds on the BCC consensus from the last workshop, responds to the questions raised, and includes a recommendation on how the County might move forward with an amendment.

### *Current LDRs*

Standards for maximum allowed scale of an individual building vary among County zones and, where allowed, institutional uses require either a Basic Use Permit (Planning Director Decision) or a Conditional Use Permit (BCC decision). These standards are summarized in the table below.

Zone	Permit Type	Max. Scale of Individual Building (sf)
Auto Urban Commercial (AC-TC)	Basic Use Permit	6,000* 10,000* 15,000*
Auto Urban Residential (AR-TC)	Conditional Use Permit (Assembly Only)	No Limit
Wilson Commercial (WC)	Basic Use Permit	6,000** 8,500**
Office Professional (OP-TC)	Conditional Use Permit (Daycare/Education Only)	6,000
Business Park (BP-TC)	Conditional Use Permit	15,000*** 25,000***
Rural-1 (R-1)	Conditional Use Permit	10,000
Rural-2 (R-2)	Conditional Use Permit	10,000
Business Conservation (BC-TC)	Conditional Use Permit	6,000
Suburban (S-TC)	Conditional Use Permit (Assembly Only)	No Limit
Rural (R-TC)	Conditional Use Permit	No Limit
Public/Semi-Public (P/SP-TC)	Conditional Use Permit	No Limit
* 15,000 sf adjacent to Jackson, 10,000 sf if meeting zone-specific standards, 6,000 sf all other part of the county ** 8,500 sf if including affordable housing ***May be increased to 25,000 sf if traffic & visual impacts are addressed		

### ***Need for Amendment***

The 2019 passage of SF 49 by the State Legislature was sought and granted in response to a request by a private school in Teton County who perceived an inability to reasonably navigate County zoning for their desired construction of a school facility with a building exceeding the 10,000 sf restriction for the Rural-1 zone. Approval of SF 49 at the State-level exempts private schools from local zoning standards that regulate and restrict the location or use of structures and land. As such, facilities meeting the State definition of a private school may exceed the maximum scale for an individual building regulated by County zoning. In response to the potential need for institutional uses to operate within a large-scale single building, the BCC directed Planning Staff to develop an amendment to maximum scale of individual building standards for consideration.

### ***Can flexibility in the maximum size of buildings be provided?***

The initial draft of amended maximum scale regulations proposed a 20,000 square foot maximum floor area limitation for an institutional building regardless of zone if certain standards could be met. This maximum value was proposed in an effort to provide predictability for this standard across all zones for institutional uses, but the BCC may want to consider whether a maximum of 20,000 sf for an individual building is adequate to meet the operational needs of a large-scale institutional use. Alternatively, no maximum standard could be applied and scale would be limited by other physical development standards of the underlying zone such as floor area allowed over the entire site, setbacks and height restrictions. Considerations would have to be made in the case of density/intensity transfers to a site where the base

zone floor area allowance could be exceeded. A potential additional finding for conditionally approving a single structure in excess of the zone maximum scale could require confirmation that the structure size is commensurate with operational needs of the institutional facility as demonstrated by the applicant.

***Can the number of large-scale institutional buildings in any one area/complete neighborhood be limited?***

If the Board desires, Planning Staff can analyze and integrate a density limitation for large-scale institutional structures by requiring a minimum distance between sites as a standard in this amendment.

***Why do different zones have different limitations for maximum scale of a single structure, and what options are available to address that issue?***

As standards for individual zones were developed, previous Boards were tasked with determining which zones were appropriate for institutional uses and how large of a structure is appropriate for each zone. Form specific to institutional uses regardless of zone has not been analyzed comprehensively until now.

***Should we consider revising zones where institutional uses are allowed regardless of size?***

In Workshop 1, some conversation formed around the appropriateness of institutional uses regardless of size in Rural character or legacy zones. Planning Staff has approached this amendment request specific to maximum scale of structures where institutional uses are already allowed with the objective of creating regulatory methods and allowances without implementing further restrictions. Moving forward with this specific amendment is facilitated by limiting the scope to discussion of form within existing use allowances, but Planning Staff can provide a more detailed analysis of institutional uses in Rural character and legacy zones if directed by the Board.

### ***Conclusion***

The existing County LDRs do allow for the development of institutional uses with buildings greater than the maximum size allowed by the underlying zone standards, but the LDRs generally lack development standards for more intense urban form development. Institutional uses often require relatively large buildings and facilities to serve public needs and it is appropriate to have regulatory processes that accommodate the related facility needs. However, the development of larger and more intense uses must be programmed with appropriate development regulations that locate such uses in areas with urban service provisions.



**Draft Text Amendment**  
**Establishing Conditional Use Permit Standards to Address the Increase of the**  
**Maximum Scale of Development (individual building, gross floor area maximum)**  
**for Institutional Facilities**

**Objective.** The objective of this proposed text amendment is to establish regulatory standards for the conditional permitting of Institutional Uses that may require a maximum scale of development for a single building to be greater than the zoned maximum. A major consideration for this amendment is that certain institutional uses require greater floor area to serve community needs and, locating these uses/facilities in appropriate zones with adequate public services, transportation system capacity, and necessary utilities is essential for the protection of the community health, safety, and welfare. Proposed amendments are indicated in red text. Notes from staff are highlighted and do not represent amendments to be included in LDR text.

**Auto Urban Commercial**

**Section 1.** Article 2, Section 2.3.1.B (Physical Development), Table 2, *Maximum Scale of Development*, is hereby amended to read as follows:

<b>2. Maximum Scale of Development</b>	
Individual Building (gross floor area maximum)	
Part of a single-family unit	10,000 sf
Nonresidential (agricultural buildings exempt)	
Contiguous to Town of Jackson	15,000 sf <sup>1</sup>
Other Parts of Teton County	6,000 sf <sup>1</sup>
In compliance with specific standards (E.1.)	10,000 sf <sup>1</sup>
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

**Auto Urban Residential**

**Section 2.** Article 2, Section 2.3.2.C (Use Standards), Table 1 (Allowed Uses), use category 3 (Institutional Uses) is hereby amended to have Institutional Uses to read as follows:

<b>1. Allowed Uses</b>			<b>2. Use Requirements</b>		
Use	Permit	BSA (min)	Density (max)	Parking (min)	Affordable Workforce Housing Units (min)
Institutional					
Assembly (6.1.8.B)	C	30,000 sf	n/a	Independent Calculation	Independent Calculation
Daycare/Education (6.1.8.C)	C	30,000 sf	n/a	Independent Calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)

**NOTE: All Institutional Uses would be conditionally allowed in the Auto Urban Residential zone. Presently, only Assembly Uses are allowed in this zone.**

**Wilson Commercial**

**Section 3.** Article 2, Section 2.3.2.B (Physical Development), Table 2 Maximum Scale of Development, is hereby amended to read as follows:

<b>2. Maximum Scale of Development</b>	
Individual Building (gross floor area maximum)	
Gross Floor Area	
Not Including affordable housing	6,000 sf <sup>1</sup>
Including affordable housing	8,500 sf <sup>1</sup>
Building footprint	6,000sf <sup>1</sup>
Frontage	
Street/Rear Lot Line	75'
Side Lot line	100'
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

**Office Professional**

**Section 4.** Article 2, Section 2.3.4.B, (Physical Development), Table 2 Maximum Scale of Development, is hereby amended to read as follows:

<b>2. Maximum Scale of Development</b>	
Individual Building (gross floor area maximum)	
Part of a single-family unit	10,000 sf
Nonresidential (Agricultural Buildings Exempt)	6,000 sf <sup>1</sup>
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

**Section 5.** Article 2, Section 2.3.2.C (Use Standards), 1 Allowed Uses/2 Use Requirements Table, is hereby amended to have Institutional Uses to read as follows:

<b>1. Allowed Uses</b>			<b>2. Use Requirements</b>		
Use	Permit	BSA (min)	Density (max)	Parking (min)	Affordable Workforce Housing Units (min)
Institutional					
Assembly (6.1.8.B)	C	0 sf	n/a	Independent Calculation	Independent Calculation
Daycare/Education (6.1.8.C)	C	0 sf	n/a	Independent Calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)

**NOTE: All Institutional Uses would be conditionally allowed in the Office Professional zone. Presently, only Daycare/Education Uses are allowed in this zone.**

## Business Park

**Section 6.** Article 2, Section 2.3.5.E.1.a (Maximum Scale of an Individual Building), is hereby amended to read as follows:

- iii. Standards in this section shall not apply to Hospitals, Churches and Schools exceeding 10,000 sf in the Business Park zone, but other institutional Use buildings are subject to standards established in Division 6..2.8.D.

## RURAL-1

**Section 7.** Article 3, Section 3.2.2.B, (Physical Development), Maximum Scale of Development Table is hereby amended to read as follows:

Scale of Development	
Floor Area (max)	
GSA < 35 acres	10,000 sf
GSA ≥ 35 acres	GSA(0.007)
Single Building (max)	10,000 sf <sup>1</sup>
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

## RURAL-2

**Section 8.** Article 3, Section 3.2.3.B (Physical Development), Scale of Development Table is hereby amended with the Table standards to read as follows:

Scale of Development	
Floor Area (max)	
GSA < 10 ac	10,000 sf
GSA ≥ 10 ac	(GSA ac - 10)100sf + 10,000 sf
Not to exceed	15,000 sf
Single Building (max)	10,000 sf <sup>1</sup>
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

**NOTE: This table still limits the maximum total floor area to 15,000 SF**

## RURAL-3

**Section 9.** Article 3, Section 3.2.4.B is hereby amended to read as follows:

Scale of Development	
Floor Area (max)	
Maximum	GSA(0.032) + 3,900 sf
Not to exceed	10,000 sf
Single Building (maximum)	10,000 sf <sup>1</sup>
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

**Section 10.** Article 3, Section 3.2.4.C, 1. Allowed Uses 2. Use Requirements is hereby amended to establish Institutional Uses in the R-3 zone as a Conditional Use:

1. Allowed Uses			2. Use Requirements		
Use	Permit	BSA (min)	Density (max)	Parking (min)	Affordable Workforce Housing Units (min)
<b>Institutional</b>					
Assembly (6.1.8.B)	C	0 sf	n/a	Independent Calculation	Independent Calculation
Daycare/Education (6.1.8.C)	C	0 sf	n/a	Independent Calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)

**NOTE: Institutional Uses are not currently permitted in the R-3 zone. This amendment would establish Institutional Uses as a Conditional Permit in the R-3 zone.**

## BUSINESS CONSERVATION

**Section 11.** Article 3, Section 3.3.1.B is hereby amended to read as follows:

2. Maximum Scale of Development	
Individual Building (gross floor area maximum)	
Part of a single-family unit	10,000 sf
Nonresidential (Agricultural Buildings Exempt)	6,000 sf <sup>1</sup>
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

## SUBURBAN ZONE

**Section 12.** Article 3, Division 3.3.4.C, 1 Allowed Uses 2 Use Requirements, is hereby amended to establish daycare/education facilities in the Suburban Zone as a Conditional Use.

1. Allowed Uses			2. Use Requirements		
Use	Permit	BSA (min)	Density (max)	Parking (min)	Affordable Workforce Housing Units (min)
<b>Institutional</b>					
Assembly (6.1.8.B)	C	0 sf	n/a	Independent Calculation	Independent Calculation
Daycare/Education (6.1.8.C)	C	0 sf	n/a	Independent Calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)

**NOTE: All Institutional Uses would be conditionally allowed in this zone. Presently, only Assembly Uses are allowed in this zone.**

## RURAL

**Section 13.** Article 3, Division 3.3.5.E.3 (Dormitory, Group Home and Institutional Uses), is hereby amended to read as follows:

### 3. Setback Standards

- i. Dormitory, Group Home, and Assembly Use. Structures containing dormitory, group home, and assembly uses shall be set back 300 feet from all property lines, except property lines that are internal to a development that contains other uses in addition to the dormitory, group home, or assembly use.
- ii. Hospitals, Religious Institutions, Schools. Hospitals, Religious Institutions, and Schools over 10,000 sf shall be set back 300 feet from all property lines, except property lines that are internal to a development that contains the +10,000 sf individual Institutional Use building. Hospitals, Religious Institutions and Schools with individual buildings greater than 10,000 sf are also subject to standards established in Section 6.1.8.D. In no case shall an individual building exceed 20,000 square feet.

## USE STANDARDS APPLICABLE TO ALL ZONES

**Section 14.** Article 6, Division 6.1.1 (Use Schedule), is hereby amended to include the following standards to read as follows:

County Character Zones – Allowed Uses					
USE CATEGORY	Complete Neighborhood Zone		Rural Zones		
Specific Use			R-1	R-2	R-3
Institutional					
Assembly			C <sup>Z</sup>	C <sup>Z</sup>	C <sup>Z</sup>
Daycare/Education			C <sup>Z</sup>	C <sup>Z</sup>	C <sup>Z</sup>

Y = Use allowed, no use permit required (A) = Use only allowed as an accessory use -- = Use not allowed B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required Z = Use also subject to zone specific standards

County Legacy Zones – Allowed Uses													
USE CATEGORY	Complete Neighborhood Zone					Rural Area Zones					Civic Zones		
Specific Use	AC TC	AR TC	WC	OP TC	BP TC	BC TC	MHP TC	NC TC	S- TC	R- TC	P/SP TC	P- TC	
Institutional													
Assembly	B <sup>Z</sup>	C <sup>Z</sup>	B <sup>Z</sup>	C <sup>Z</sup>	C <sup>Z</sup>	C <sup>Z</sup>			C <sup>Z</sup>	C <sup>Z</sup>	C		
Daycare/ED	B <sup>Z</sup>	C <sup>Z</sup>	B <sup>Z</sup>	C <sup>Z</sup>	C <sup>Z</sup>	C <sup>Z</sup>			C <sup>Z</sup>	C <sup>Z</sup>	C		

Y = Use allowed, no use permit required (A) = Use only allowed as an accessory use -- = Use not allowed B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required Z = Use also subject to zone specific standards

**Section 15.** Article 6, Division 6.1.8 (Institutional Uses), is hereby amended to include Sub-Section D to read as follows:

- D. Use Standards.** Hospitals, Religious Institutions and Schools proposing individual buildings with a gross floor area (maximum) greater than the zoned maximum building size are subject to the following use standards.
1. Institutional Uses are prohibited within the NRO



2. Institutional Uses considered for an increase Maximum Scale of Development (Building size) shall be sited in a Complete Neighborhood as set forth in the Jackson/Teton County Comprehensive Plan.
3. Excluding the Auto Urban Residential, Business Park, Suburban, and Rural Zones which have specific standards allowing for individual building size greater than 20,000 SF, no individual building shall exceed 20,000 square feet of floor area.
4. Hospitals, Religious Institutions, and Schools subject to Conditional Use Permit review shall meet the following minimum service level requirements and design standards if individual buildings exceed the zoned maximum building size
  - a.
  - b. Site shall be located on public rights-of-way designated as either Collector or Arterial roads and capable of providing safe and functional transportation connectivity to other parts of the transportation network.
  - c. Transportation facilities shall be available to provide safe and functional non-motorized routes both internally within the neighborhood and connectivity to the greater non-motorized system network.
  - d. Resulting peak hour trip demand shall be of a threshold whereby transportation connectivity to other parts of the network are maintained, and the level of service of affected intersections are not be diminished as a result of the Institutional Use operations, as determined by a traffic study established by a licensed professional transportation engineer hired by the applicant.
  - e. Site is served by a domestic water source with the capacity to meet projected fire flow demands established by adopted National fire Protection Association (NFPA) regulations.
  - f. The site is served by central sewer services that are permitted by the Wyoming Department of Environmental Quality.
  - g. Institutional buildings greater than 10,000 square feet size shall not have a single wall plane exceeding 60 percent of any primary façade of 100+ feet in length. Variations of less than one foot in depth are not considered to be a break in plane.
  - h. Primary façades of institutional facilities greater than 10,000 square feet shall have clearly defined architectural detail with no less than three of the following design elements:
    - i. Canopies
    - ii. Overhang
    - iii. Wall-Plane Articulation
    - iv. Arches
    - v. Transparent glazing on portions the primary wall façades
    - vi. Outdoor patios
    - vii. At least two materials covering the exterior surface
  - i. Roof systems shall have no less than two of the following features:  
Parapets not exceed 15 percent of the height of the supporting wall
    - a) Overhanging eaves, extending no less than three feet past the supporting wall
    - b) Sloping roofs that do not exceed the average height of the supporting walls, and with an average slope of 1:4 (vertical rise: horizontal run)
    - c) Two or more roof planes
  - j. Proposed Institutional Use provides services considered to necessary for the functions of a Complete Neighborhood

# PLANNING & DEVELOPMENT

## MEMO

**To:** Teton County Board of Commissioners

**From:** Steven Westbay, Planning Director

**Date:** April 29, 2019

**Subject:** Analysis Report on Institutional Uses with Single Buildings Greater than the maximum size allowed by the underlying zone standards

---

### ***Introduction***

The 2019 State Legislature passed *SF 49, County Zoning Authority – Private Schools*, which limits County zoning authority over private schools. In response, during the 2019 BCC Strategic Plan Retreat, the Commissioners’ directed planning staff to prepare a draft amendment to the County’s regulation of Maximum Scale of Development (building size) to permit “*certain institutional uses to exceed the maximum size allowed by the underlying zone standards.*”

Two fundamental questions affecting the outcome of this goal need to be considered as part of the analysis:

1. Where are the appropriate locations to permit the development of large buildings that exceed the maximum size allowed by the underlying zone standards with institutional uses?
2. How will the permitting process for large buildings with an institutional use be integrated into the LDRs?
3. Should the maximum building size for institutional buildings be capped?
4. Should institutional uses proposing individual size that exceeds the underlying zone threshold be reviewed under a process that allows for public input and comment?

This memo explores these questions and provides an analysis of amendment options that would permit the construction of individual buildings exceeding the maximum size allowed by the underlying zone standards.

### ***Existing Zoning Assessment – Use and Dimensional Standards***

LDR use categories divide Institutional Uses into “Assembly” which include churches, hospitals, libraries and other activities generally associated with public gatherings and “Daycare/Education” for classroom and instructional purposes. Nine of the 15 LDR zones allow Educational uses. Seven of the zones require Conditional Use Permits for Educational uses; two zones permit Educational uses via a Basic Use Permit. (See Div. 8.4 for Use Permit Definitions).

Building size standards are regulated by dimensional standards of the individual zones. For example, the Auto-Urban Commercial zone allows individual non-residential buildings to be up to 15,000 square feet

(sf) if the proposed site is directly adjacent to the Town of Jackson. Buildings in the Business Park zone may be up to 25,000 sf if specific traffic/parking and visual impact standards are met. The Auto Urban Residential and Public/Semi-Public zones have no limits on the maximum building size for non-residential uses, but Assembly uses are permitted as Conditional Uses in these zones.

*Table 1. Zones Allowing Institutional Uses and Corresponding Max Scale of Development*

Zone	Permit Type	Max. Scale of Individual Building (sf)
Auto Urban Commercial (AC-TC)	Basic Use Permit	6,000* 10,000* 15,000*
Auto Urban Residential (AR-TC)	Conditional Use Permit (Assembly Only)	No Limit
Wilson Commercial (WC)	Basic Use Permit	6,000** 8,500**
Office Professional (OP-TC)	Conditional Use Permit (Daycare/Education Only)	6,000
Business Park (BP-TC)	Conditional Use Permit	15,000*** 25,000***
Rural-1 (R-1)	Conditional Use Permit	10,000
Rural-2 (R-2)	Conditional Use Permit	10,000
Business Conservation (BC-TC)	Conditional Use Permit	6,000
Suburban (S-TC)	Conditional Use Permit (Assembly Only)	No Limit
Rural (R-TC)	Conditional Use Permit	No Limit
Public/Semi-Public (P/SP-TC)	Conditional Use Permit	No Limit
* 15,000 sf adjacent to Jackson, 10,000 sf if meeting zone-specific standards, 6,000 sf all other part of the county		
** 8,500 sf if including affordable housing		
***May be increased to 25,000 sf if traffic & visual impacts are addressed		

### ***Comprehensive Plan – Complete Neighborhoods and Locational Criteria***

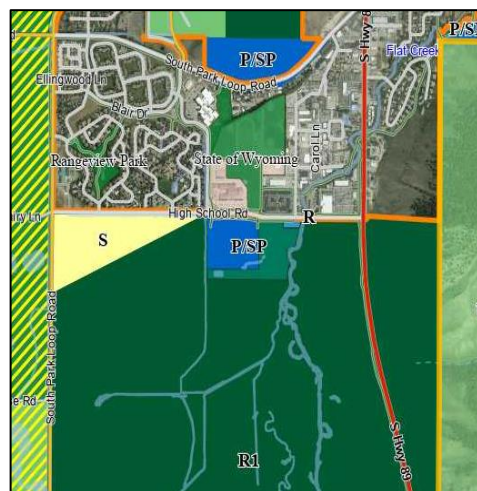
The Comprehensive Plan provides direction regarding the appropriate locations of large institutional buildings. For example, Section 3 (Responsible Growth Management) provides guidance for the development and enhancement of complete neighborhoods, which include schools, churches and institutional uses that are part of the community fabric. Section 6 (A Diverse and Balanced Economy), notes the importance of balancing housing, non-residential development and civic land uses. And Section 8 (Quality Community Service Provision), explains that the Town and County will coordinate to deliver desired services levels for schools, libraries, public health and institutional uses. Comprehensive Plan guidance points to locating large institutional buildings in complete neighborhoods.

Complete neighborhoods are urban in character and form. They are served by public utilities and a functional transportation network, and they are comprised of mixed uses to include institutional uses, commercial services and a variety of housing types. Locational guidance directs complete neighborhoods to the Jackson urban area and other developed lands where services are considered appropriate for urban form development. Based on urban serves and existing land use patterns, the Comprehensive Plan establishes complete neighborhoods characteristics within the following Districts: West Jackson, Wilson, Teton Village, the Aspens/Pines, and South Highway 89.

Complete Neighborhoods + Rural Areas		Character Districts														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Complete neighborhoods characteristics:	Defined character and high-quality design	●										○	○	○		
	Public utilities (water, sewer, and storm sewer)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
	Quality public spaces	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
	A variety of housing types		●	●	●	●	●	●	●	●	●	●	●	●	●	●
	Schools, childcare, commercial, recreation, and other amenities within walking distance (1/4 to 1/2 mile) of residences	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
	Connection by complete streets that are safe for all modes of travel	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Rural areas characteristics:	Viable wildlife habitat and connections between wildlife habitat			●	●	●	●	●	●	●	●	●	●	●	●	●
	Natural scenic vistas			●	●	●	●	●	●	●	●	●	●	●	●	●
	Agricultural and undeveloped open space			●	●	●	●	●	●	●	●	●	●	●	●	●
	Abundance of landscape over built form			●	●	●	●	●	●	●	●	●	●	●	●	●
	Limited, detached single family residential development			●	●	●	●	●	●	●	●	●	●	●	●	●
	Minimal additional nonresidential development		●	●	●	●	●	●	●	●	●	●	●	●	●	●

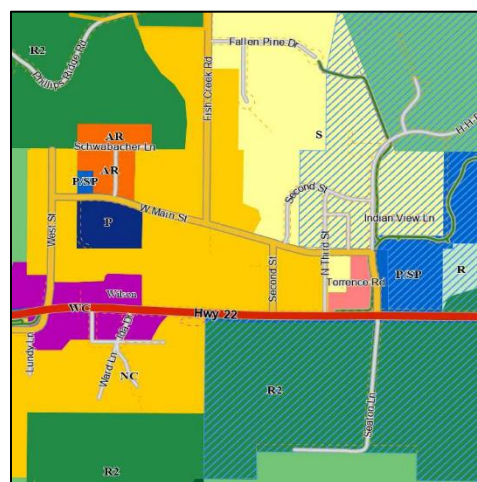
● Generally present; ○ Partially present; ○ Generally absent

**West Jackson.** District 5 (West Jackson) is classified as a stable urban area, but transitional sites are also noted in the West Jackson District. The future goal of this district will be to take advantage of the existing land use characteristics and develop the area into a connected neighborhood. Some areas in this district fall inside County territory (outside of the Town of Jackson). The Comprehensive Plan describes Subarea 5.6 Northern South Park as Transitional and a location potentially suitable for future complete neighborhood growth, as determined through a Growth Management Program review. The property located to the south of High School Road is zoned both R-1 and Suburban. The Suburban zone does not restrict the size of individual buildings and institutional uses require Conditional use approval. This is a growth area where large institutional buildings can be served by central utilities and developed transportation system facilities.



**Wilson.** District 11 (Wilson) is another neighborhood with both stable and transitional subareas. Land uses are a mix of residential housing, commercial retail and the school. A variety of zoning types are found in the Wilson District. Parcels located northeast of the Wilson townsite are zoned as Suburban. The Suburban Zone allows the development of institutional uses without any building size restrictions.

Some large tracts surrounding Wilson are zoned Neighborhood Conservation and Institutional Uses are not permitted in this zone. The Comprehensive Plan states that stable neighborhoods to the south of Wilson should remain as residential.



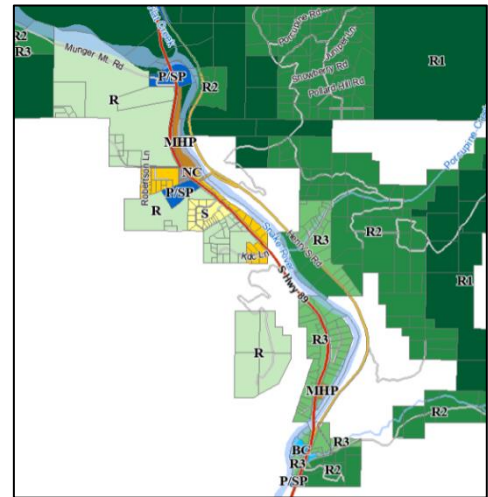


**Aspens/Pines/Teton Village.** District 12/13 (Aspen/Pines/Teton Village areas) are served by domestic water and sewer systems and have a mix of residential/commercial uses. Internal road systems in these neighborhoods connect to Moose-Wilson Road (HWY 390). Development within these Comprehensive Plan Districts are also guided by specific master plans. Institutional Uses would be complementary to the existing uses and the Comprehensive Plan suggests that nonresidential uses be located along the Moose-Wilson corridor. However, many of the lots are zoned R-3 or NC which prohibit institutional uses.

**South Highway 89.** District 7, South Highway 89, is defined primarily by its industrial character, which decreases in intensity from north to south. The area is partially served by sewer and water services and is accessible via a main through fare/ public road. The recent addition of Munger Elementary School was exempt from local review and not considered under the guidance of the Comprehensive Plan. While institutional uses may be appropriate in this district, land use character is not residential in context and such, institutional uses would not serve stable residential neighborhoods. Lots are a mix of zoning, primarily, Suburban, NC and Rural.

### ***Permitting Process***

Modifying development standards to allow large non-residential buildings with institutional uses to exceed the maximum size allowed by the underlying zone standards is a key to ensuring that such uses are sited in Complete Neighborhoods and the review process is appropriate and objective. It is important to remember that non-residential buildings greater than the maximum size allowed by the underlying zone standards can be constructed in the Auto Urban Residential, Suburban, Rural, Business Park and Public/Semi Public zones and under specific conditions can be constructed in the Auto Urban Commercial zone.



Five other zones apply the Conditional Use process to consider the institutional use, but the building size in these five zones is limited. The variability in regulating the building size in specific zones tends to confuse the administrative procedure but, applying locational standards would allow for different zones to be considered for large institutional buildings. This part of the analysis assesses two process options, Variances and Conditional Use review, that could be used to permit the construction large institutional buildings in a consistent regulatory framework.

**Locational Standards.** A major consideration of this analysis is that institutional uses sometimes require greater floor area to serve community needs and, locating these uses/facilities in appropriate zones with adequate public services is essential for the protection of the community health, safety, and welfare. Locational standards for large non-residential buildings with an institutional use would apply urban service benchmarks to ensure that water, sewer and transportation systems are of adequate capacity to serve a higher intensity use. The first measure is that a site is served by a domestic water source with the capacity to meet projected fire flow demands established by the National Fire Protection Association (NFPA) regulations. The second measure is that a proposed site is served by central sewer services that are permitted by the Wyoming Department of Environmental Quality. The final measure is that a site has adequate transportation system capacity to serve additional demands generated by large institutional facilities.

**Variance Process.** The purpose of a variance is to allow deviation from regulations when certain circumstances of the land and/or building result in undue and unique hardships for development. The LDRs do not allow for variance from the maximum scale of development (building size limit) and a text amendment would be required to allow a variance process to consider large institutional buildings in most of the LDR zones.

The LDR's variance process establishes six findings that must be made for approval. In general, the findings require that special circumstances of the building or land exist and, the strict application of the regulations diminishes reasonable use of the land. The requirements of the variance findings create a cumbersome regulatory obstacle that would detract from the intended purposes of variances if they were universally applied to large non-residential buildings.

*LDR Section 8.8.2.C Variance Findings for Approval*

*A variance shall be approved upon finding:*

- 1. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood;*
- 2. The special circumstances and conditions have not resulted from any willful modification of the land or building;*
- 3. The special circumstances and conditions are such that the strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community;*
- 4. The variance sought is the minimum variance necessary to provide balance between the purpose of the regulation sought to be varied and its impact on the applicant;*
- 5. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare; and*
- 6. The granting of the variance is consistent with the general purpose and intent of these LDRs.*

**Conditional Use Process.** A Conditional Use process is an alternative approach to permitting large buildings. The process can be easily applied to zones where institutional uses are presently allowed by the LDRs via Conditional Use Permits. The Conditional Use process could apply specific development standards to address transportation and utility service levels, (water, sewer, stormwater). Additionally, site and architectural design standards could be applied to large buildings to ensure that building form and mass is aesthetically appropriate. Standards that would be considered appropriate for large buildings with an institutional use could be integrated into existing use standards (LDR Article 6).

**Comparison Analysis.** This analysis poses four questions to consider for allowing the development of large institutional buildings exceeding the maximum size allowed by the underlying zone standards:

- **Where** is it appropriate to permit large institutional buildings?
- **How** should they be regulated?
- **Should** the maximum building size for institutional buildings be capped?
- **Should** institutional uses proposing individual size that exceeds the underlying zone threshold be reviewed under a process that allows for public input and comment?

This analysis is predicated on the supposition that institutional uses sometimes require greater floor area to serve community needs and, locating these uses/facilities in appropriate zones with the adequate

public services is essential for the protection of the community health, safety and welfare. The following table incorporate four criteria elements to compare the variance approach to a conditional use process.

<b><i>Comparison Analysis Table</i></b>				
	<b>Locational Standards</b>	<b>Design Standards</b>	<b>Comp Plan Compliance</b>	<b>Legally Defendable</b>
Variance	Would not apply	Would not apply	Possible Conflict	TBD
Conditional Use	Could be applied	Could be applied	Could be applied	Yes

### ***Conclusion***

The existing County LDRs do allow for the development of institutional uses with buildings greater than the maximum size allowed by the underlying zone standards, but the LDRs generally lack development standards for more intense urban form development. Institutional uses often require relatively large buildings and facilities to serve public needs and it is appropriate to have regulatory processes that accommodate the related facility needs. However, the development of larger and more intense uses must be programmed with appropriate development regulations that locate such uses in areas with urban service provisions.

Variances are intended to address site specific situations that are encumbered by regulatory standards intended to apply in a broader context – variance are intended to address specific hardship situations. Conditional uses, on the other hand, can provide a means to ensure that uses that may have unique activities that need to be addressed and mitigated by specific conditions. The attached draft Text Amendments present regulatory amendment options for both the variance process and the conditional use pathway.

**Enclosures:** Draft Text Amendment Examples

**Draft Text Amendment**  
**Establishing Variance Findings**  
**that Allow Buildings with an Institutional Use to Deviate from the**  
**Maximum Scale of Development (individual building, gross floor area maximum)**

**Objective.** The objective of this proposed text amendment is to establish findings that can be used to consider the granting of a variance for Buildings with an Institutional Use that may require a Maximum Scale of Development for a single building to be greater than the zoned maximum. Article 8, Section 8.8.2 (Variances), Sub-section 8.8.2.B.1 is hereby amended to read as indicated in red text:

**LDR Section 8.8.2. Variance**

**A. Purpose**

*The purpose of a variance is to allow a specific deviation from these regulations that is not contrary to the desired future character for the site when, due to special circumstances of the land, strict application of these regulations would result in undue and unique hardship.*

**B. Applicability**

*A variance may be sought for any standard of these LDRs unless the variance would:*

- 1. Increase maximum density, FAR, or maximum scale of development, **excluding Hospital, Religious, and Educational uses as defined in Section 6.1.8 of these LDRs, which may be considered for a variance from the maximum scale of development (individual building, gross floor area maximum);***
- 2. Allow a prohibited sign;*
- 3. Allow a prohibited use or allow additional expansion of a nonconforming use;*
- 4. Reduce the requirements of a development option (e.g. required conservation area, minimum lot size, unit type mix);*
- 5. Reduce a requirement where an option for independent calculation of the requirement exists (e.g. housing, development exactions); or*
- 6. Reduce the threshold for review of an application.*

**C. Findings for Approval**

*A variance shall be approved upon finding:*

- 1. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood;*
- 2. The special circumstances and conditions have not resulted from any willful modification of the land or building;*

- 3. The special circumstances and conditions are such that the strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community;*
- 4. The variance sought is the minimum variance necessary to provide balance between the purpose of the regulation sought to be varied and its impact on the applicant;*
- 5. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare; and*
- 6. The granting of the variance is consistent with the general purpose and intent of these LDRs.*

**D. Effect**

*Issuance of a variance shall not ensure the approval of any other application. A variance is unique to the special circumstances identified in the findings and does not create precedent. A variance approved for a specific development or use shall only apply to that development or use.*

**E. Expiration**

*A variance shall expire one year after the date of approval except under one of the following circumstances: 1. The use, physical development, development option, or subdivision permit enabled by the variance is under review or implementation; or 2. In the case of a phased development, not more than one year has passed since the completion of a physical development, development option, or subdivision, or initiation of a use, enabled by the variance; or 3. Another expiration has been set through the approval of the variance.*



**Draft Text Amendment**  
**Establishing Conditional Use Permit Standards to Address the Increase of the**  
**Maximum Scale of Development (individual building, gross floor area maximum)**  
**for Institutional Facilities**

**Objective.** The objective of this proposed text amendment is to establish regulatory standards for the conditional permitting of Institutional Uses that may require a maximum scale of development for a single building to be greater than the zoned maximum. A major consideration for this amendment is that certain institutional uses require greater floor area to serve community needs and, locating these uses/facilities in appropriate zones with adequate public services, transportation system capacity, and necessary utilities is essential for the protection of the community health, safety, and welfare. Proposed amendments are indicated in red text. Notes from staff are highlighted and do not represent amendments to be included in LDR text.

**Auto Urban Commercial**

**Section 1.** Article 2, Section 2.3.1.B (Physical Development), Table 2, *Maximum Scale of Development*, is hereby amended to read as follows:

<b>2. Maximum Scale of Development</b>	
Individual Building (gross floor area maximum)	
Part of a single-family unit	10,000 sf
Nonresidential (agricultural buildings exempt)	
Contiguous to Town of Jackson	15,000 sf <sup>1</sup>
Other Parts of Teton County	6,000 sf <sup>1</sup>
In compliance with specific standards (E.1.)	10,000 sf <sup>1</sup>
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

**Auto Urban Residential**

**Section 2.** Article 2, Section 2.3.2.C (Use Standards), Table 1 (Allowed Uses), use category 3 (Institutional Uses) is hereby amended to have Institutional Uses to read as follows:

<b>1. Allowed Uses</b>			<b>2. Use Requirements</b>		
Use	Permit	BSA (min)	Density (max)	Parking (min)	Affordable Workforce Housing Units (min)
Institutional					
Assembly (6.1.8.B)	C	30,000 sf	n/a	Independent Calculation	Independent Calculation
Daycare/Education (6.1.8.C)	C	30,000 sf	n/a	Independent Calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)

**NOTE: All Institutional Uses would be conditionally allowed in the Auto Urban Residential zone. Presently, only Assembly Uses are allowed in this zone.**

**Wilson Commercial**

**Section 3.** Article 2, Section 2.3.2.B (Physical Development), Table 2 Maximum Scale of Development, is hereby amended to read as follows:

<b>2. Maximum Scale of Development</b>	
Individual Building (gross floor area maximum)	
Gross Floor Area	
Not Including affordable housing	6,000 sf <sup>1</sup>
Including affordable housing	8,500 sf <sup>1</sup>
Building footprint	6,000sf <sup>1</sup>
Frontage	
Street/Rear Lot Line	75'
Side Lot line	100'
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

**Office Professional**

**Section 4.** Article 2, Section 2.3.4.B, (Physical Development), Table 2 Maximum Scale of Development, is hereby amended to read as follows:

<b>2. Maximum Scale of Development</b>	
Individual Building (gross floor area maximum)	
Part of a single-family unit	10,000 sf
Nonresidential (Agricultural Buildings Exempt)	6,000 sf <sup>1</sup>
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

**Section 5.** Article 2, Section 2.3.2.C (Use Standards), 1 Allowed Uses/2 Use Requirements Table, is hereby amended to have Institutional Uses to read as follows:

<b>1. Allowed Uses</b>			<b>2. Use Requirements</b>		
Use	Permit	BSA (min)	Density (max)	Parking (min)	Affordable Workforce Housing Units (min)
Institutional					
Assembly (6.1.8.B)	C	0 sf	n/a	Independent Calculation	Independent Calculation
Daycare/Education (6.1.8.C)	C	0 sf	n/a	Independent Calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)

**NOTE: All Institutional Uses would be conditionally allowed in the Office Professional zone. Presently, only Daycare/Education Uses are allowed in this zone.**

## Business Park

**Section 6.** Article 2, Section 2.3.5.E.1.a (Maximum Scale of an Individual Building), is hereby amended to read as follows:

- iii. Standards in this section shall not apply to Hospitals, Churches and Schools exceeding 10,000 sf in the Business Park zone, but other institutional Use buildings are subject to standards established in Division 6..2.8.D.

## RURAL-1

**Section 7.** Article 3, Section 3.2.2.B, (Physical Development), Maximum Scale of Development Table is hereby amended to read as follows:

Scale of Development	
Floor Area (max)	
GSA < 35 acres	10,000 sf
GSA ≥ 35 acres	GSA(0.007)
Single Building (max)	10,000 sf <sup>1</sup>
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

## RURAL-2

**Section 8.** Article 3, Section 3.2.3.B (Physical Development), Scale of Development Table is hereby amended with the Table standards to read as follows:

Scale of Development	
Floor Area (max)	
GSA < 10 ac	10,000 sf
GSA ≥ 10 ac	(GSA ac - 10)100sf + 10,000 sf
Not to exceed	15,000 sf
Single Building (max)	10,000 sf <sup>1</sup>
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

**NOTE: This table still limits the maximum total floor area to 15,000 SF**

## RURAL-3

**Section 9.** Article 3, Section 3.2.4.B is hereby amended to read as follows:

Scale of Development	
Floor Area (max)	
Maximum	GSA(0.032) + 3,900 sf
Not to exceed	10,000 sf
Single Building (maximum)	10,000 sf <sup>1</sup>
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

**Section 10.** Article 3, Section 3.2.4.C, 1. Allowed Uses 2. Use Requirements is hereby amended to establish Institutional Uses in the R-3 zone as a Conditional Use:

1. Allowed Uses			2. Use Requirements		
Use	Permit	BSA (min)	Density (max)	Parking (min)	Affordable Workforce Housing Units (min)
<b>Institutional</b>					
Assembly (6.1.8.B)	C	0 sf	n/a	Independent Calculation	Independent Calculation
Daycare/Education (6.1.8.C)	C	0 sf	n/a	Independent Calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)

**NOTE: Institutional Uses are not currently permitted in the R-3 zone. This amendment would establish Institutional Uses as a Conditional Permit in the R-3 zone.**

## BUSINESS CONSERVATION

**Section 11.** Article 3, Section 3.3.1.B is hereby amended to read as follows:

2. Maximum Scale of Development	
Individual Building (gross floor area maximum)	
Part of a single-family unit	10,000 sf
Nonresidential (Agricultural Buildings Exempt)	6,000 sf <sup>1</sup>
<sup>1</sup> Excluding Hospitals, Religious Institutions, and Schools whereby Floor Area of individual buildings may be increased up to a maximum of 20,000 SF (See Section 6.1.8.D, Use Standards)	

## SUBURBAN ZONE

**Section 12.** Article 3, Division 3.3.4.C, 1 Allowed Uses 2 Use Requirements, is hereby amended to establish daycare/education facilities in the Suburban Zone as a Conditional Use.

1. Allowed Uses			2. Use Requirements		
Use	Permit	BSA (min)	Density (max)	Parking (min)	Affordable Workforce Housing Units (min)
<b>Institutional</b>					
Assembly (6.1.8.B)	C	0 sf	n/a	Independent Calculation	Independent Calculation
Daycare/Education (6.1.8.C)	C	0 sf	n/a	Independent Calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)

**NOTE: All Institutional Uses would be conditionally allowed in this zone. Presently, only Assembly Uses are allowed in this zone.**

## RURAL

**Section 13.** Article 3, Division 3.3.5.E.3 (Dormitory, Group Home and Institutional Uses), is hereby amended to read as follows:

### 3. Setback Standards

- i. Dormitory, Group Home, and Assembly Use. Structures containing dormitory, group home, and assembly uses shall be set back 300 feet from all property lines, except property lines that are internal to a development that contains other uses in addition to the dormitory, group home, or assembly use.
- ii. Hospitals, Religious Institutions, Schools. Hospitals, Religious Institutions, and Schools over 10,000 sf shall be set back 300 feet from all property lines, except property lines that are internal to a development that contains the +10,000 sf individual Institutional Use building. Hospitals, Religious Institutions and Schools with individual buildings greater than 10,000 sf are also subject to standards established in Section 6.1.8.D. In no case shall an individual building exceed 20,000 square feet.

## USE STANDARDS APPLICABLE TO ALL ZONES

**Section 14.** Article 6, Division 6.1.1 (Use Schedule), is hereby amended to include the following standards to read as follows:

County Character Zones – Allowed Uses					
USE CATEGORY	Complete Neighborhood Zone		Rural Zones		
Specific Use			R-1	R-2	R-3
Institutional					
Assembly			C <sup>z</sup>	C <sup>z</sup>	C <sup>z</sup>
Daycare/Education			C <sup>z</sup>	C <sup>z</sup>	C <sup>z</sup>

Y = Use allowed, no use permit required (A) = Use only allowed as an accessory use -- = Use not allowed B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required Z = Use also subject to zone specific standards

County Legacy Zones – Allowed Uses													
USE CATEGORY	Complete Neighborhood Zone					Rural Area Zones					Civic Zones		
Specific Use	AC TC	AR TC	WC	OP TC	BP TC	BC TC	MHP TC	NC TC	S- TC	R- TC	P/SP TC	P- TC	
Institutional													
Assembly	B <sup>z</sup>	C <sup>z</sup>	B <sup>z</sup>	C <sup>z</sup>	C <sup>z</sup>	C <sup>z</sup>			C <sup>z</sup>	C <sup>z</sup>	C		
Daycare/ED	B <sup>z</sup>	C <sup>z</sup>	B <sup>z</sup>	C <sup>z</sup>	C <sup>z</sup>	C <sup>z</sup>			C <sup>z</sup>	C <sup>z</sup>	C		

Y = Use allowed, no use permit required (A) = Use only allowed as an accessory use -- = Use not allowed B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required Z = Use also subject to zone specific standards

**Section 15.** Article 6, Division 6.1.8 (Institutional Uses), is hereby amended to include Sub-Section D to read as follows:

- D. Use Standards.** Hospitals, Religious Institutions and Schools proposing individual buildings with a gross floor area (maximum) greater than the zoned maximum building size are subject to the following use standards.
1. Institutional Uses are prohibited within the NRO



2. Institutional Uses considered for an increase Maximum Scale of Development (Building size) shall be sited in a Complete Neighborhood as set forth in the Jackson/Teton County Comprehensive Plan.
3. Excluding the Auto Urban Residential, Business Park, Suburban, and Rural Zones which have specific standards allowing for individual building size greater than 20,000 SF, no individual building shall exceed 20,000 square feet of floor area.
4. Hospitals, Religious Institutions, and Schools subject to Conditional Use Permit review shall meet the following minimum service level requirements and design standards if individual buildings exceed the zoned maximum building size
  - a.
  - b. Site shall be located on public rights-of-way designated as either Collector or Arterial roads and capable of providing safe and functional transportation connectivity to other parts of the transportation network.
  - c. Transportation facilities shall be available to provide safe and functional non-motorized routes both internally within the neighborhood and connectivity to the greater non-motorized system network.
  - d. Resulting peak hour trip demand shall be of a threshold whereby transportation connectivity to other parts of the network are maintained, and the level of service of affected intersections are not be diminished as a result of the Institutional Use operations, as determined by a traffic study established by a licensed professional transportation engineer hired by the applicant.
  - e. Site is served by a domestic water source with the capacity to meet projected fire flow demands established by adopted National fire Protection Association (NFPA) regulations.
  - f. The site is served by central sewer services that are permitted by the Wyoming Department of Environmental Quality.
  - g. Institutional buildings greater than 10,000 square feet size shall not have a single wall plane exceeding 60 percent of any primary façade of 100+ feet in length. Variations of less than one foot in depth are not considered to be a break in plane.
  - h. Primary façades of institutional facilities greater than 10,000 square feet shall have clearly defined architectural detail with no less than three of the following design elements:
    - i. Canopies
    - ii. Overhang
    - iii. Wall-Plane Articulation
    - iv. Arches
    - v. Transparent glazing on portions the primary wall façades
    - vi. Outdoor patios
    - vii. At least two materials covering the exterior surface
  - i. Roof systems shall have no less than two of the following features:  
Parapets not exceed 15 percent of the height of the supporting wall
    - a) Overhanging eaves, extending no less than three feet past the supporting wall
    - b) Sloping roofs that do not exceed the average height of the supporting walls, and with an average slope of 1:4 (vertical rise: horizontal run)
    - c) Two or more roof planes
  - j. Proposed Institutional Use provides services considered to necessary for the functions of a Complete Neighborhood