

ORDINANCE H

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 1074 AS AMENDED (PART) REGARDING SECTIONS 8.2.2.B.1, 8.2.2.F.7, 8.2.4.B, 8.2.11.D, 8.2.13.B.1.a, 8.2.14.C, 8.3.4.G.6, 8.4.1.F.5, 8.5.3.C.1, 8.5.3.D, 8.5.3.E.1, 8.5.4.D, 8.6.2.F.4, 8.7.3, 8.8.2.E, 8.8.3.G.3, 8.8.4.G.3, 8.9.4.F.2, AND 8.10.2.B.13 OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS PERTAINING TO ADMINISTRATIVE PROCEDURES, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Sections 8.2.2.B.1 and 8.2.2.F.7 of the Town of Jackson Land Development Regulations are hereby amended and reenacted to read as follows:

8.2.2. Environmental Analysis (EA) (Ordinance H)

B. Applicability

Unless exempted below, physical development, use, development options, and subdivision subject to Div. 5.1., Div. 5.2. or Sec. 7.1.2. shall complete an EA in accordance with the requirements of this Section.

1. Exemptions

- a. **Previous Approval.** Physical development, use, development options, and subdivision that has received approval in accordance with the LDRs.
- b. **NC-ToJ.** All development located in the NC-ToJ zone, except new subdivision.
- c. **Detached Single-Family Dwelling.** Physical development of a detached single-family dwelling if:
 - i. The proposed location is not within the NRO;
 - ii. It is the only dwelling unit on the lot of record, or the density on the site is less than or equal to one dwelling unit per 35 acres of base site area; and
 - iii. Compliance with all setback and buffer standards in Div. 5.1. and Div. 5.2. is demonstrated.
- d. **Expansion.** Expansion of an existing building or the addition of an accessory structure within the impact area of the existing building.
- e. **Conservation Easement** land subject to a conservation easement held by a formal land trust that has a mandate to protect conservation values, for which a rigorous review and study of the conservation values of the land has been performed as a basis for establishing the easement, if the applicant demonstrates that the review and study satisfies the objectives of the EA. In such instances the review and study completed for the conservation easement may be substituted for the EA.
- f. **Other.** The Planning Director may waive the requirement for an EA if the development complies with the following:
 - i. The lot of record is outside the NRO and the application demonstrates compliance with all setback and buffer standards in Div. 5.1. and Div. 5.2.; or
 - ii. The lot of record is in the NRO but is also in an area that has well-documented habitat information where additional physical development, use, development options and subdivision is anticipated to have minimal additional negative impacts to animal species protected by Sec. 5.2.1. While an EA is not required for lands meeting this exemption, development on such lands shall still be subject to certain standards for development determined appropriate by the Planning Director or the Town Council.

F. Review Process

PLANNING DIRECTOR RECOMMENDATION	<p>Sketch Plan: recommendation within 60 days of sufficiency</p> <p>Other Permit: recommendation within 45 days of sufficiency</p>	<p>7. Based on the data and analyses contained in the EA, the Planning Director shall recommend a site design from the analyzed alternatives that best meets the applicable standards and objectives of <u>Div. 5.1.</u>, <u>Div. 5.2.</u> and the Jackson/Teton County Comprehensive Plan. This recommendation may combine elements from each of the alternative site designs. The Planning Director may also recommend conditions of approval for the project based on the content of the EA.</p>
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SECTION II.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.2.4.B of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.2.4. Application Submittal (Ordinance H)

B. Application Acceptance

Applications required by these LDRs shall be submitted to the Planning Department in hard copy and electronically, as practicable, in a form provided by the Planning Department and shall be accompanied by:

1. The applicable fee required by the fee schedule maintained in the Administrative Manual; and
2. Sufficient information to determine compliance with these LDRs as determined pursuant to Sec. 8.2.5.

SECTION III.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.2.11.D of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.2.11. Performance Bonds and Guarantees (Ordinance H)

D. Financial Assurance Agreement

Unless exempted by the Planning Director, whenever financial assurance is required, the applicant shall enter into a Financial Assurance Agreement in a form acceptable to the Town Attorney. In the case of subdivision improvements this agreement shall take the form of a Subdivision Improvements Agreement.

SECTION IV.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.2.13.B.1.a of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.2.13. Amendment of Permits or Approvals (Ordinance H)

B. Physical Development Permit, Use Permit, and Development Option Plan Amendment

1. General.

- a. The threshold for review of the amendment shall be based on the net change of density or intensity, not the gross intensity of the initial approval, with the following exceptions.
 - i. The Planning Director may elevate the threshold for review in the case of incremental amendments that total a larger change.
 - ii. The Planning Director may waive the requirement for a Sketch Plan where the proposed amendment remains consistent with the original Sketch Plan approval.

SECTION V.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.2.14.C of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.2.14. All Public Hearings (Ordinance H)

C. Notice

The Planning Director shall be responsible for providing the following public notification.

1. **Notice Content.** All required public notice shall contain the following information:
 - a. The type of application;
 - b. A short description of the proposal;
 - c. The address, legal description, and a general description of the location of the land subject to the application;
 - d. The location, address, date, and time of the public hearing;
 - e. Where and when the application may be examined; and
 - f. Contact information for reviewing staff.
2. **Mailed Notice.** Notice of a public hearing on an application shall be mailed at least fifteen (15) days prior to the public hearing.
 - a. The notice shall be mailed to:
 - i. The owner(s) of the land subject to the application and designated agent(s); and
 - ii. Landowners within two hundred (200) feet of the land subject to the application.
 - iii. Telecommunications Tower Specific Notice to Neighbors. Notice of all new towers shall be sent to all property owners within three hundred fifty (350) feet of the land subject to the Telecommunications Conditional Use Permit application.
 - b. The applicant shall pay a fee to the Planning Department for any mailing in excess of twenty-five (25) notices.
3. **Notice in Newspaper.** Each public hearing on an application shall be advertised in the legal notice section of a newspaper of general circulation in the Town no less than fifteen (15) days and no more than thirty (30) days prior to the date of the public hearing.
4. **Posted Notice.** The applicant shall post and maintain notice of the public hearing on the land subject to the application. The posted notice shall meet the following standards.
 - a. **Content.** The posted notice shall contain the notice content required by Subsection 1 above, except the description of the location of the land subject to the application. A template is available in the Administrative Manual.
 - b. **Timing.** The notice shall be posted for at least ten (10) days prior to the hearing, and shall be removed within five (5) days following the hearing. The applicant shall notify staff of the date posted and date removed.
 - c. **Size.** The notice shall be 3 ft by 4 ft.
 - d. **Location and Legibility.** A notice shall be placed along each front lot line so as to be legible from each access point to the site. The notice may be mounted to a building. If the notice is freestanding, it should be set back two (2) ft from any lot line or access easement.
 - e. **Sign Permit Exempt.** The notice shall be exempt from the standards of Div. 5.6 and shall not be lighted.
5. **Requested Notice.** Any person who makes a written request shall be provided notification of all public hearings upon payment of the costs of the processing and mailing of the notification. _____
6. **Postponed or Continued Hearing.** Additional notice is not required when a hearing is postponed or continued to a date certain.

SECTION VI.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.3.4.G.6 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.3.4. Grading Permit (Ordinance H)

G. Review Process

TOWN ENGINEER DECISION	Decision within 45 days of sufficiency	6. The Town Engineer shall approve, approve with conditions, or deny the application based on the findings of this Section. See <u>Sec. 8.2.9.</u> for procedural standards specific to Town Engineer decisions and <u>Sec. 8.2.8.</u> for standards general to all decisions.
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SECTION VII.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.4.1.F.5 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.4.1. Basic Use Permit (BUP) (Ordinance H)

E. Review Process

PLANNING DIRECTOR DECISION	Decision within 45 days of sufficiency	5. The Planning Director shall approve, approve with conditions, or deny the application based on the findings of this Section. See <u>Sec. 8.2.9.</u> for procedural standards specific to Planning Director decisions and <u>Sec. 8.2.8.</u> for standards general to all decisions.
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SECTION VIII.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Sections 8.5.3.C.1, 8.5.3.D, and 8.5.3.E.1 of the Town of Jackson Land Development Regulations are hereby amended and reenacted to read as follows:

8.5.3. Subdivision Plat (Ordinance H)

C. Findings

1. Is in substantial conformance with an approved development plan or development option plan or is a condominium or townhouse subdivision of existing physical development;

D. Plat Content

1. A plat shall contain all requirements of Wyo. Stat. § 18-18-5-306 and § 34-12-1
2. A plat shall contain notice of a mapped fault line pursuant to Section 5.4.3.B.
3. A plat may contain notes that effect transfer of rights and property or provide warning of nuisance.
4. A plat shall not include:
 - a. Depiction of improvements;
 - b. Notes designating zoning district, setbacks, right to subdivision, or any other standard under these LDRs that is subject to change at the legislative discretion of the Town Council.

E. Subdivision Improvements Agreement

1. **Contract.** The Financial Assurances Agreement required shall be a Subdivision Improvements Agreement contract executed on a form provided by the Planning Director. The standard contract shall, among other things, specify that the required improvements be installed within the time stated, in accordance with the approved plans and the requirements of the Town Engineer, and, where applicable, the requirements of the Wyoming Department of Environmental Quality. The contract shall be reviewed and approved by the Town Attorney, and shall be recorded against the property by the subdivider. The Town shall record a release of the contract upon installation of the required subdivision improvements.

SECTION IX.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.5.4.D of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.5.4. Exempt Land Division (Ordinance H)

D. Recorded Documents

Prior to recording deeds, contracts for deeds, or other types of instruments with the County Clerk, the following documents shall be recorded with the County Clerk:

1. A map of survey;
2. A certificate acknowledged by all owners of record stating the division is exempted from review as a subdivision under Wyo. Stat. § 18-5-303; and
3. A certificate acknowledged by the Planning Director that states that the division is exempt pursuant to Wyo. Stat. § 18-5-303 and this Section.
4. If applicable, an instrument acceptable to the Planning Director that limits the use of the property to those purposes allowed under Wyo. Stat. § 18-5-303 for the claimed exemption.

SECTION X.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.6.2.F.4 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.6.2. Zoning Compliance Verification (ZCV) (Ordinance H)

F. Review Process

PLANNING DIRECTOR DECISION	Decision within 45 days of sufficiency	4. The Planning Director shall issue or issue with conditions a zoning compliance verification based on the finding of this Section; or the Planning Director will identify a violation and proceed in accordance with <u>Div. 8.9</u> . See <u>Sec. 8.2.9</u> for procedural standards specific to Planning Director decisions and <u>Sec. 8.2.8</u> for standards general to all decisions.
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SECTION XI.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.7.3 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.7.3. Planned Unit Development (PUD) (Ordinance H)

A. Purpose

A planned unit development is established by a zoning map amendment to rezone land to a planned unit development zoning classification that is defined by a master plan. The purpose of the planned unit development process is to publicly review the proposed master plan and certificate of standards to ensure that they enhance the implementation of the desired future character for the land of the proposal beyond what could be achieved by base zoning.

B. Applicability

Development options that require planned unit development review and approval are identified in the standards for each zone. See Article 2.-Article 4. for zone standards. PUDs shall be reviewed pursuant to the procedures and standards of this Section.

C. Consolidation of Applications

A PUD shall be reviewed concurrently with the initial physical development permit application required for the proposal.

EXAMPLE: If the density or intensity of the project requires a sketch plan, the PUD application shall be reviewed concurrently with the sketch plan application.

D. Findings for Approval

The advisability of amending the Official Zoning Map to include a planned unit development classification is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed planned unit development the Town Council shall consider:

1. The extent to which the PUD enhances the implementation of the desired future character for the land of the proposal beyond what could be achieved by base zoning;
2. The findings for the applicable PUD option found in Article 4.;
3. The applicable findings for the amendment of an existing PUD or other special project found in 8.2.13.D.;
4. The findings of Sec. 8.7.1.; and
5. The findings of Sec. 8.7.2.

E. Effect

Approval of a PUD constitutes a zoning map amendment that has the effect of applying the master plan as the zone-specific standards for the site. Approval of a PUD does not permit actual physical development or use of the site, nor does it constitute subdivision of land.

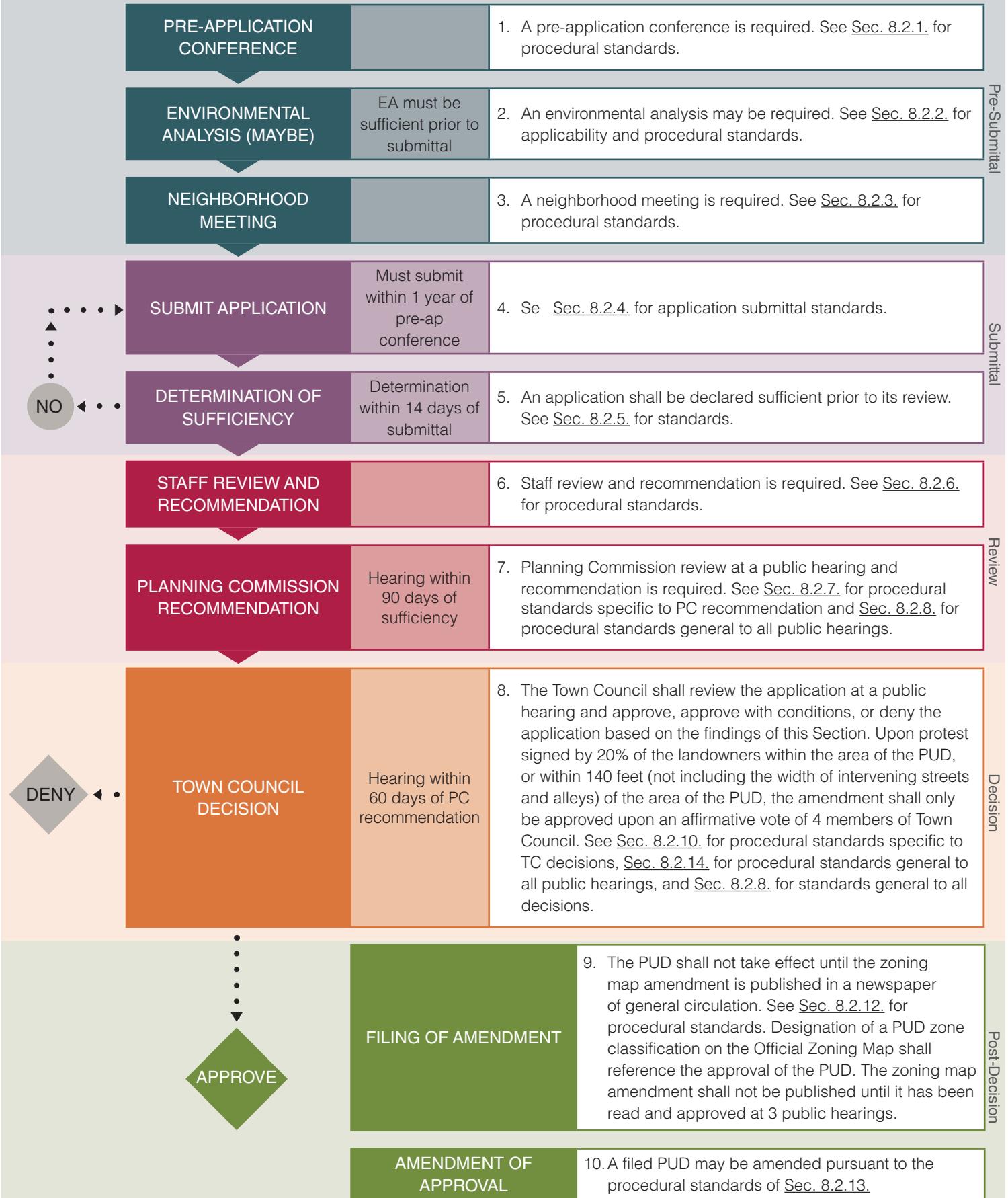
F. Expiration

1. **Expiration.** A PUD shall expire if the physical development permit with which it was approved expires except under one of the following circumstances:
 - a. The PUD option in Article 4. establishes an alternative expiration; or
 - b. An alternate expiration is set through the approval of the PUD.
2. **Effect of Expiration.** Upon expiration, all rights established by the master plan shall become null and void. The Town shall amend the Official Zoning Map pursuant Sec. 8.7.2. from PUD to the zone that existed on the land prior to the PUD approval. If the prior zone no longer exists, the Planning Director shall propose the appropriate zone in which to place the land.

G. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

Planned Unit Development (PUD)



SECTION XII.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.8.2.E of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.8.2. Variance (Ordinance H)

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;
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.

SECTION XIII.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.8.3.G.3 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.8.3. Appeal of an Administrative Decision (Ordinance H)

G. Review Process

DESIGNATION OF PRESIDING OFFICER	Designation within 45 days of submittal	3. The Town Council shall designate a Hearing Officer or the chair of the Board of Adjustment to preside over the appeal. See <u>Sec. 8.10.8.</u> for duties and responsibilities of a Hearing Officer.
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SECTION XIV.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.8.4.G.3 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.8.4. Beneficial Use Determination (Ordinance H)

G. Review Process

APPOINTMENT OF HEARING OFFICER	Appointment within reasonable time after sufficiency	3. The Town Council shall appoint a Hearing Officer to conduct a hearing on the application. See <u>Sec. 8.10.8.</u> for duties and responsibilities of a Hearing Officer.
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SECTION XV.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.9.4.F.2 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.9.4. Abatement of Violations (Ordinance H)

F. Process

APPOINTMENT OF HEARING OFFICER		2. In the event the landowner fails to comply with the Notice to Abate, the Town Council shall designate a Hearing Officer or the Mayor to conduct a Hearing to Abate. See <u>Sec. 8.10.8.</u> for duties and responsibilities of a Hearing Officer.
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SECTION XVI.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 8.10.2.B.13 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

8.10.2. Plan Review Committee (Ordinance H)

B. Composition

- 13. Jackson/Teton County Housing Department

SECTION XVII.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION XVIII.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION XIX.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2016.
 PASSED 2ND READING THE _____ DAY OF _____, 2016.
 PASSED AND APPROVED THE _____ DAY OF _____, 201_.

TOWN OF JACKSON

BY: _____
_____, Mayor

ATTEST:

BY: _____
Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
 COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. _____ was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the ____ day of _____, 201_.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Town Clerk