

ORDINANCE A

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 1074 AS AMENDED (PART) REGARDING SECTIONS 1.7.6, 1.8.2.C.1, 1.9.1.F, 1.9.2.B.5, AND 1.9.3.B OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS PERTAINING TO ARTICLE 1 – GENERAL PROVISIONS, 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 Section 1.7.6 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

1.7.6. Change of Jurisdiction (Ordinance A)

When land changes jurisdiction by transfer, trade, or sale from state or federal agencies to a private landowner, the land shall be assigned to an appropriate zone, pursuant to the procedure of Sec. 8.7.2., prior to any physical development, use, development option, or subdivision of the land.

SECTION II.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 1.8.2.C.1 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

1.8.2. Approved Permits and Approvals (Ordinance A)

C. PUDs and Other Special Projects

The following projects shall remain valid and shall not be considered nonconforming regardless of their compliance with these LDRs; however, references to previous LDRs in a project's approval shall be construed to reference the equivalent standard in these LDRs.

1. Planned Unit Developments (PUDs) with PUD zoning.
 - a. The standards of the PUD shall apply except where the PUD is silent, in which case the standards of the underlying zoning shall apply.

SECTION III.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Sections 1.9.1.F, 1.9.2.B.5, and 1.9.3.B of the Town of Jackson Land Development Regulations are hereby amended and reenacted to read as follows:

1.9.1. General Applicability (Ordinance A)

F. Increase in Nonconformity

Except as authorized by this Division, no person shall engage in activity that increases a nonconformity. Where authorized, the cumulative total of an expansion is the sum of all expansions from the date the physical development, use, development option, or subdivision became nonconforming, including all expansions under prior LDRs if the nonconformity began under prior LDRs and remains nonconforming.

1.9.2. Nonconforming Physical Development (Ordinance A)

B. Maintenance, Alteration, Expansion, and Replacement

5. **Required Compliance for Non-Building Nonconformities.** In addition to the above standards, a nonconforming physical development that is not a building shall be brought into compliance with all applicable standards of these LDRs upon cumulative expansion of greater than 20% of the total floor area or use on a site. Except that, a non-building physical development that is nonconforming with an LDR that protects a public right-of-way shall be brought into compliance will all applicable standards of these LDRs upon cumulative expansion of greater than 5% of the floor area or use on a site.

EXAMPLE: A site has an existing 2,000 sf home that does not meet setbacks and more site development than is permitted. Construction of a 500 sf detached garage on the site would require that the site development be brought into compliance with these LDRs, but the existing home would not have to be relocated.

1.9.3. Nonconforming Uses (Ordinance A)

B. Expansion

1. A nonconforming use may only be expanded a cumulative total of 20% in the floor area and site area occupied and/or the daily and annual duration of operation.
2. An expansion of a nonconforming use shall not create or increase nonconformity with use-based standards such as parking and employee housing.
3. An expansion of a nonconforming use shall comply with all physical development, development option, and subdivision standards of these LDRs.
4. An expansion of a use that is nonconforming because it does not have an approved CUP or SUP requires approval of a CUP or SUP upon 20% cumulative total expansion in the floor area and site area occupied and/or the daily and annual duration of operation.

SECTION IV.

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

SECTION V.

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 VI.

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