

ORDINANCE P

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 1074 (PART) AND SECTIONS 7.1.1, 7.2.1 AND 7.4.2.D OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS REGARDING DEVELOPMENT OPTION AND SUBDIVISION STANDARDS APPLICABLE IN ALL ZONES IN CONNECTION WITH IMPLEMENTING CHARACTER DISTRICT 2 - TOWN COMMERCIAL CORE AS SET FORTH IN THE JACKSON/TETON COUNTY COMPREHENSIVE PLAN, AND TO ADD DIVISION 7.8 (WORKFORCE HOUSING INCENTIVE PROGRAM) TO THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS, 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 (part) and Section 7.1.1 of the Town of Jackson Land Development Regulations are hereby amended and reenacted to read as follows:

Article 7. Development Option and Subdivision Standards Applicable in All Zones | Div. 7.1. Development Option Standards
7.1.1. Development Options Schedule (D2 effective date)

Div. 7.1. Development Option Standards

7.1.1. Development Options Schedule (D2 effective date)

The table below establishes the development options allowed in each zone. The standards for each development option are established in this Division. The density and intensity requirements for each development option are located in the standards for the zone, found in [Article 2.-Article 4.](#) The thresholds for permitting allowed development options are also established by zone.

| Town Character Zones - Development Options | | | | | | |
|--|-----------------------------|------|------|----|------------------|------------------------|
| Option | Complete Neighborhood Zones | | | | Rural Area Zones | Stds |
| | DC | CR-1 | CR-2 | OR | n/a | |
| UCD | -- | -- | -- | -- | -- | 7.1.3. |
| MHP | -- | -- | -- | -- | -- | 7.1.4. |

Key: P = Development option allowed with appropriate permit -- = Development option prohibited

| Town Legacy Zones - Development Options | | | | | | | | | | | | | | | | |
|---|-----------------------------|----|----|--------|--------|----------|--------|---------|--------|----------|-------|------------------|-------------|------|-------|------------------------|
| Option | Complete Neighborhood Zones | | | | | | | | | | | Rural Area Zones | Civic Zones | Stds | | |
| | TS | UC | UR | AC-ToJ | AR-ToJ | BP-R ToJ | BC-ToJ | MHP-ToJ | NC-ToJ | NC-2 ToJ | S-ToJ | R-ToJ | P/SP-ToJ | | P-ToJ | |
| UCD | -- | P | P | P | P | P | -- | -- | -- | -- | P | P | -- | -- | -- | 7.1.3. |
| MHP | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | -- | -- | -- | 7.1.4. |

Key: P = Development option allowed with appropriate permit -- = Development option prohibited

SECTION II.

Section 1 of Town of Jackson Ordinance No. 1074 (part) and Section 7.2.1 of the Town of Jackson Land Development Regulations are hereby amended and reenacted as follows:

Article 7. Development Option and Subdivision Standards Applicable in All Zones | Div. 7.2. Subdivision Standards
 7.2.1. Subdivision Types Schedule (D2 effective date)

Div. 7.2. Subdivision Standards

This Division contains the development standards required for subdivision, such as requirements for new roads, water and sewer infrastructure, utilities, parks, and other physical improvements necessary to safely serve newly subdivided property and minimize impacts on existing community services and infrastructure. See Sec. 8.5.3. for the procedure to subdivide property.

7.2.1. Subdivision Types Schedule (D2 effective date)

The table below establishes the subdivision types allowed in each zone. The standards for all subdivisions and each subdivision type are established in this Division. The density and intensity requirements for each subdivision type are located in the standards for the zone, found in Article 2.-Article 4. The thresholds for permitting allowed subdivision are also established by zone.

| Town Character Zones - Subdivision Types | | | | | | |
|--|-----------------------------|------|------|----|------------------|---------------|
| | Complete Neighborhood Zones | | | | Rural Area Zones | Stds |
| | DC | CR-1 | CR-2 | OR | n/a | |
| Land Division | P | P | | | -- | <u>7.2.3.</u> |
| Condominium/Townhouse | P | P | | | -- | <u>7.2.4.</u> |

Key: P = Development option allowed with appropriate permit
 -- = Development option prohibited

| Town Legacy Zones - Subdivision Types | | | | | | | | | | | | | | | | | |
|---------------------------------------|-----------------------------|----|----|---------|---------|-------|---------|---------|---------|---------|------------------|-------------|--------|------|-----------|--------|---------------|
| | Complete Neighborhood Zones | | | | | | | | | | Rural Area Zones | Civic Zones | | Stds | | | |
| | TS | UC | UR | AC- ToJ | AR- ToJ | BP- R | BP- ToJ | BC- ToJ | MHP- RB | NC- ToJ | NC- 2 | S- ToJ | R- ToJ | | P/SP- ToJ | P- ToJ | |
| Land Division | P | P | P | P | P | | | P | P | -- | P | P | | P | P | P | <u>7.2.3.</u> |
| Condominium/Townhouse | P | P | P | P | P | | | -- | P | -- | -- | P | P | -- | P | P | <u>7.2.4.</u> |

Key: P = Development option allowed with appropriate permit -- = Development option prohibited

SECTION III.

Section 1 of Town of Jackson Ordinance No. 1074 (part) and Section 7.4.2.D of the Town of Jackson Land Development Regulations are hereby amended and reenacted as follows:

townhouse subdivisions. Where the provision of such housing is determined to be impractical, this Division will set forth standards for the conveyance of land or an in-lieu fee.

C. Applicability

1. **General.** The standards of this Division apply to residential development options and uses unless exempted below.
2. **General Obligation.** It is the objective of the Town of Jackson to make measurable progress toward reducing the existing deficit of affordable housing that existed on the date of adoption (12/18/95) of this Division.

D. Exemptions

The following residential development options and uses are exempted from the standards of this Division.

1. **Redevelopment of Preexisting Uses.** Redevelopment or remodeling of a use existing prior to December 18, 1995 is exempt from the requirements of this Division, provided no additional residential units are created by the redevelopment or remodeling activity. In the event new residential units are created, only the number of units that existed prior to the redevelopment or remodeling shall be exempt from the standards of this Division. For the purposes of this Subsection, conversion of an existing dwelling unit to a condominium or townhouse is a change in use, creates a new use that did not exist prior to the effective date of this Division and is not exempt from this Division.
2. **Mobile Home Park.** Development of a mobile home park is exempt from the standards of this Division, provided that during its review, the Jackson Town Council makes a finding that the units to be located within the development meet the purposes of this Division and, therefore, provision of added affordable housing as a consequence of the development is not required.
3. **Development of Conventional Single-Family Unit on Previously Created Lot.** The development of one conventional single-family unit on a legal lot of record created prior to December 18, 1995 is exempt from the requirements of this Division.
4. **Development on Lot of record for Which Affordable Housing Standard Has Already Been Met.** Development on any lot of record for which the affordable housing standard, pursuant to this Division, has already been met via provision of affordable housing, conveyance of land, or payment of fees-in-lieu, is exempt from the standards of this Division.
5. **Employee Housing.** Development of employee housing pursuant to Div. 6.3. of these LDRs is exempt from the standards of this Division.
6. **Accessory Residential Unit.** Development of an accessory residential unit is exempt from the standards of this Division.
7. **Group Residential.** Development of a dormitory or group home is exempt from the standards of this Division.

8. **Temporary Uses.** Development of a temporary use is exempt from the standards of this Division.
9. **Affordable Housing Development.** Residential developments that are designed and administered to meet the objectives of this Division, as determined by the Jackson Town Council. This may include projects developed or sponsored by non-profit organizations that are charged to promote affordable housing and projects for which agreements have been executed that provided affordable housing or land for said purpose.
10. **Subdivision.** The subdivision of a previously platted residential lot into no greater than two lots shall be exempt from the standards of this Division. Further, this exemption shall only be applied on a one-time basis.
11. **Live/Work Units.** Development of a live/work unit is exempt from the standards of this Division.
12. **Workforce Housing Floor Area Bonus.** A unit developed pursuant to Sec. 7.8.4. of these LDRs is exempt from the standards of this Division.

E. Calculation of Affordable Housing Standards for Residential Development

The affordable housing standards for all residential development including condominium and townhouse subdivisions shall be as follows.

1. **Required Affordable Housing Percentage.** Residential development and condominium or townhouse subdivisions shall consist of at least a 1:4 ratio of affordable housing to free market housing, as determined by the following formula:

The total number of proposed free market residential units (including units on noncontiguous lots of record), or the total number of rental units converted to condominiums or townhouses in a condominium or townhouse subdivision, whichever is applicable, multiplied by the applicable occupancy contained in the table below, shall equal the number of free market occupants of the development. The number of occupants of the required affordable housing units, shall be at least 25% of the number of free market occupants of the development. In instances where residential subdivisions are proposed without dwelling units, the applicant shall project the type of dwelling units. The Jackson Town Council shall approve the projected mix of dwelling units based on comparable developments in Teton County and the Town of Jackson as part of its review of a Housing Mitigation Plan.

SECTION IV.

Section 1 of Town of Jackson Ordinance No. 1074 (part) is hereby amended and reenacted to add Division 7.8 – Workforce Housing Incentive Program to the Town of Jackson Land Development Regulations, to read as follows:

Div. 7.8. Workforce Housing Incentive Program

7.8.1. Intent (D2 effective date)

This Division establishes incentives for the development of workforce housing. Because not every landowner will use the incentives, this Division manages growth by limiting the actual (rather than a projected) use of the incentives. Section 7.8.2. establishes the limit on the cumulative use of the incentives over time, and the following Sections establish specific incentives.

7.8.2. Cumulative Limit on Incentives (D2 effective date)

Use of an incentive in this Division is prohibited if the application would increase the amount of residential development allowed in the Town and County above the amount allowed and planned for since 1994.

- A. The amount of residential development allowed in the Town and County is reported annually as Indicator 1 of the Jackson/Teton County Comprehensive Plan Indicator Report. Past Indicator Reports can be found at www.jacksontetonplan.com.
- B. A residential unit shall be added to the amount of residential development allowed in the Town and County upon its initial approval using an incentive in this Division.
- C. A residential unit approved using an incentive in this Division shall be subtracted from the amount of residential development allowed in the Town and County upon expiration, revocation, or extinguishment of the approval.

EXAMPLE: A project proposing 4 residential units through use of the Workforce Housing Floor Area Bonus (Sec. 7.8.4.) receives Sketch Plan approval in 2016. The 2017 Indicator Report would report an increase of 4 residential units as a result of the project. If by 2018 the units are not built and the Sketch Plan approval has expired, the 2019 Indicator Report would report a decrease of 4 residential units as a result of the project expiration. The cumulative effect of the increase reported in the 2017 and decrease reported in the 2019 would reflect that no incentive units have been built on the site.

7.8.3. Deed Restricted Housing Exemption (D2 effective date)

A. Intent

Deed restricted housing is required by Div. 6.3, Div. 7.4. and other standards of these LDRs. A landowner may also voluntarily deed restrict housing. In order to encourage incorporation of required and voluntary deed restricted housing into development, deed restricted housing is exempt from certain LDRs.

B. Applicability

The exemptions of this section shall apply to the following floor area.

1. **Required Restricted Housing.** Floor area in a residential unit that is required to be restricted in order to comply with Div. 6.3., Div. 7.4., or another standard of these LDRs.
2. **Voluntary Restricted Housing.** Floor area in a residential unit that is subject to an affordable, employee, employment-based, or rental workforce deed restriction, acceptable to the Jackson/Teton County Housing Authority, which is recorded with the County Clerk, that is not required by Div. 6.3., Div. 7.4., or another standard of these LDRs.

C. Exemptions

Floor area meeting the applicability standards of this Section is exempt from calculation of the following standards, but is still subject to all other applicable standards of these LDRs.

1. Maximum Floor Area Ratio (FAR)
2. Thresholds for physical development permits
3. Affordable housing required by Div. 7.4
4. Limit on 20% expansion of a nonconforming physical development

7.8.4. Workforce Housing Floor Area Bonus (D2 effective date)

A. Intent

In most cases, the volume of building allowed by the minimum setbacks and maximum height exceeds the volume of building allowed by the FAR of a property. The purpose of the workforce housing floor area bonus is to encourage development, especially by the private sector, of additional deed restricted housing in that excess volume by allowing additional unrestricted floor area.

B. Applicability

The exemptions of this Section shall apply to both the deed restricted and unrestricted floor area approved pursuant to this Section.

1. **Maximum Amount of Unrestricted Housing.** The maximum amount of unrestricted floor area that can be approved pursuant to this Section is limited by the amount of restricted floor area provided pursuant to this Section, as tabulated below.

| Maximum Exempt Unrestricted Floor Area per Voluntarily Restricted Floor Area | |
|--|---|
| Zone | Unrestricted Floor Area : Restricted Floor Area |
| DC | 2:1 |
| CR-1 | 2:1 |
| CR-2 | 2:1 |
| OR | 2:1 |

2. **Restricted Housing.** The restricted floor area provided pursuant to this Section shall be subject to an affordable, employee, employment-based, or rental workforce deed restriction, acceptable to the Jackson/Teton County Housing Authority, which is recorded with the County Clerk.
3. **Required Restrictions Do Not Apply.** Floor area that is required to be restricted in order to comply with Div. 6.3, Div. 7.4, or another standard of these LDRs shall not be included in the calculation of the maximum amount of unrestricted floor area allowed by this Section.
4. **Allowed Use.** Floor area approved pursuant to this Section shall only be used for one of the following uses:
 - a. Attached Single Family Dwelling (6.1.4.C); or
 - b. Apartment (6.1.4.D); or
 - c. Dormitory (6.1.4.F); or
 - d. Group Home (6.1.4.G).

C. Exemptions

Floor area meeting the applicability standards of this Section is exempt from calculation of the following standards, but is still subject to all other applicable standards of these LDRs.

1. Maximum Floor Area Ratio (FAR)
2. Thresholds for physical development permits
3. Affordable housing required by Div. 7.4
4. Limit on 20% expansion of a nonconforming physical development

SECTION V.

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

SECTION VI.

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 VII.

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

PASSED 1ST READING THE 17th DAY OF OCTOBER, 2016.

PASSED 2ND READING THE ___ DAY OF _____, 2016.

PASSED AND APPROVED THE ___ DAY OF _____, 2016.

TOWN OF JACKSON

ATTEST:

BY: _____
Sara Flitner, Mayor

BY: _____
Sandra P. Birdyshaw, 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 November, 2016.

I further certify that the foregoing Ordinance was duly recorded on page ___ of Book 7 of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk