



# TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

**PREPARATION DATE:** SEPTEMBER 29, 2016  
**MEETING DATE:** OCTOBER 3, 2016

**SUBMITTING DEPARTMENT:** PLANNING  
**DEPARTMENT DIRECTOR:** TYLER SINCLAIR  
**PRESENTER:** TYLER SINCLAIR/ REGAN KOHLHARDT

**SUBJECT:** **FIRST READING OF ORDINANCE W:** AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 1074 (PART) AND SECTIONS 2.3.14.C, 2.3.14.E, 2.3.15.C, 2.3.15.E, 2.3.16.C, 3.3.1.C, 3.3.1.E, AND 6.1.1 OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS TO ALLOW ACCESSORY RESIDENTIAL UNITS IN THE NC-TOJ, NC-2, S-TOJ, AND R-TOJ ZONES, AND PROVIDING FOR AN EFFECTIVE DATE.

## REQUESTED ACTION

First Reading of Ordinance W, an ordinance amending and reenacting Section 1 of Town of Jackson Ordinance No. 1074 (part) and Sections 2.3.14.C, 2.3.14.E, 2.3.15.C, 2.3.15.E, 2.3.16.C, 3.3.1.C, 3.3.1.E, and 6.1.1 of the Town of Jackson Land Development Regulations to allow Accessory Residential Units in the NC-TOJ, NC-2, S-TOJ, AND R-TOJ zones, and providing for an effective date.

## PRIOR TOWN COUNCIL ACTION

This is the First Reading of Ordinance W, allowing Accessory Residential Units (ARUs) in the NC-ToJ, NC-2, S-ToJ, and R-ToJ zones. The Ordinance has been significantly revised since its original approval on August 1<sup>st</sup>. At Second Reading on August 15<sup>th</sup>, the Ordinance was continued to a September 19<sup>th</sup> Town Council Meeting in order to address concerns about the Ordinance brought forward by Town residents. An ARU Working Group was formed to fully flesh out these concerns and identify recommended changes to the Ordinance. These recommendations were discussed at the September 19<sup>th</sup> Town Council Meeting, where Council decided whether to accept, modify, or reject the recommendations as part of Ordinance W. Each of the recommendations and whether they were incorporated into Ordinance W are detailed in this report.

Ordinance W originates from Amendment P16-036 allowing ARUs in additional Town residential zones that was proposed by Staff at the direction of the Town Council. The intent behind the Amendment was to explore an opportunity for providing workforce housing in Town. The Amendment was approved by Council on July 18<sup>th</sup>.

Some of the key issues brought up by this Amendment prior to its approval by Town Council in July included whether the Amendment balances the need to provide workforce housing with the complexity of allowing ARUs in existing neighborhoods, whether ARUs are appropriate in Stable Neighborhoods, and whether using existing zones is the appropriate tool for allowing ARUs in residential areas of Town. In the July 18 Town Council Meeting Staff Report, Staff discussed each of these issues and recommended that allowing ARUs in the NC-ToJ, NC-2, S-ToJ, and R-ToJ zones does achieve a balance between providing workforce housing

and impacting existing neighborhoods and is appropriate in Stable Neighborhoods for the reasons outlined below in addition to several others as discussed in the July 18 Staff Report (attached):

- The Amendment specifies the number and type of ARUs allowed depending on neighborhood character.
- The Amendment does not propose changes to physical development standards in any zone. Thus ARUs will not change the existing vision for physical development in these areas.
- Stable Neighborhoods are changing due to second homeownership, and thus allowing ARUs assists in retaining neighborhood vitality of these areas.

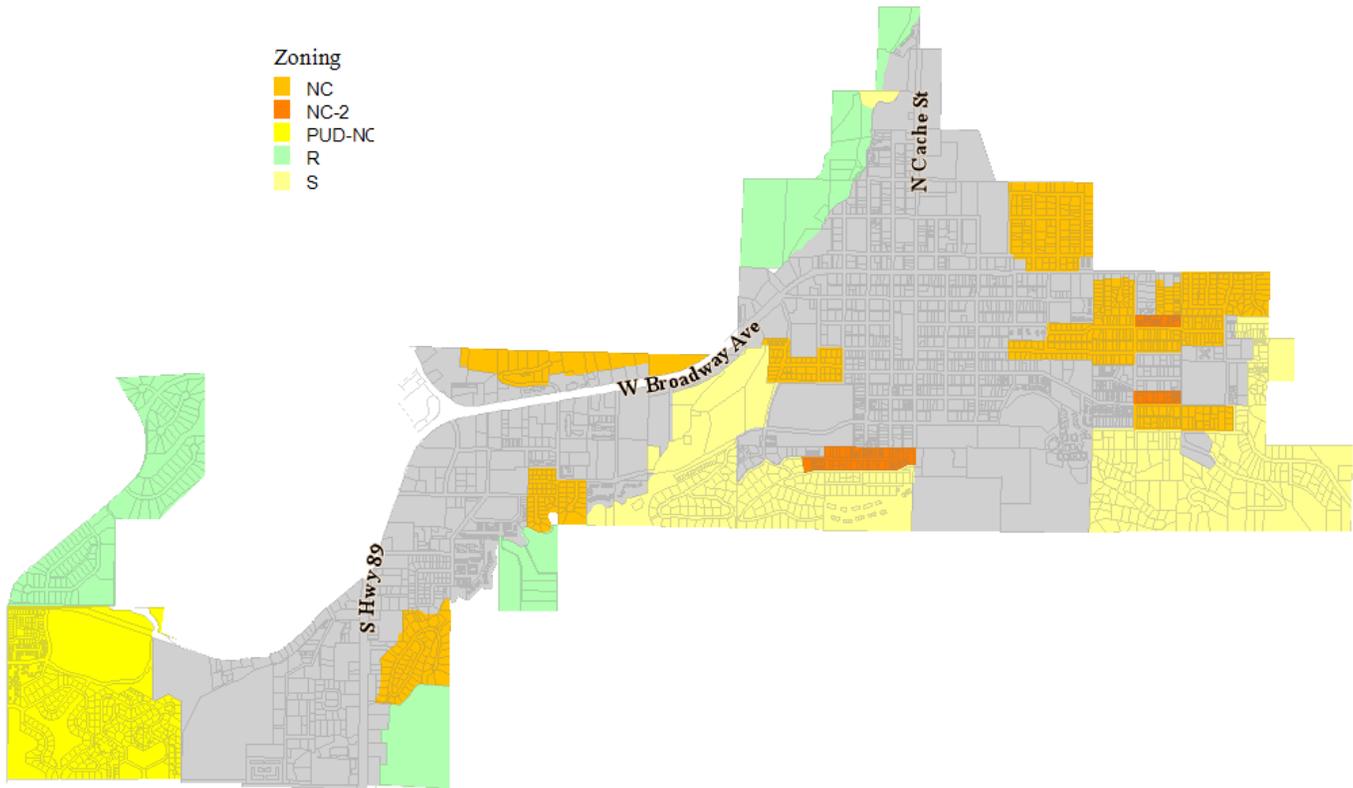
Staff also recommended that zoning is the appropriate tool for permitting ARUs in Town residential zones. Using zones to allow ARUs is a straightforward tool for allowing ARUs that is easy to update with future planning process and was determined to be the best method for allowing consideration of this Amendment in a timely fashion.

The entire Public Process for the Amendment is summarized below.

- *April 18*: Town Council Workshop. Staff directed to pursue amendment to allow ARUs in Town residential zones.
- *May 31 – June 9*: Four Public Workshops organized by Staff
- *July 6*: Planning Commission Approval with the condition that detached ARUs should be permitted in all zones. This condition was not adopted by Town Council.
- *July 18*: Town Council Approval, with the following condition:
  - That parking requirements for ARUs be changed to read: 1/ARU if < 2 bedrooms and < 500 sf; otherwise, 2/ARU.
- *August 1*: First Reading of Ordinance W, passed with the following condition:
  - Lots in the NC-ToJ zone that do not meet minimum lot size shall only be allowed a single, attached ARU.
- *August 8*: Neighborhood Meeting where Town Officials met with residents of East Jackson to discuss the Amendment.
- *August 15*: Second Reading. Ordinance W continued to September 19<sup>th</sup> meeting. Council directed Staff to form and meet with an ARU Working Group
- *Week of August 29*: Two ARU Working Group Meetings
- *September 19*: Town Council Meeting and discussion of Working Group recommendations

## LOCATION

The Amendment would allow ARUs in the NC-ToJ-, NC-2, R-ToJ, and S-ToJ zones as shown in the map below.



## STAFF ANALYSIS

At the September 19<sup>th</sup> Meeting, Council discussed seven recommendations made by the ARU Working Group. Council chose to accept some of these recommendations, to modify some of them, and to reject others. Ordinance W is the result of the September 19<sup>th</sup> discussion. The contents of the original proposal approved August 1<sup>st</sup>, the recommendations of the ARU Working Group, and the regulations now outlined in Ordinance W are described below.

## Attached & Detached ARUs - Location

### Original Proposal, approved August 1st:

Attached allowed and Detached allowed by zone:

- NC - attached allowed, detached only with alley or double frontage; max 2
- NC-2 - attached and detached allowed; max 2
- S - attached or detached allowed; max 1
- R - attached only; max 1

### Working Group Recommendation:

- All lots are permitted an attached ARU.
- Only lots meeting minimum lot size requirements are permitted a detached ARU (*\*Note, habitable square feet permitted in ARU according to lot size is addressed below*).

### Ordinance W:

- NC-ToJ, NC-2, & S-ToJ – Adopts Working Group recommendation to allow all lots an attached ARU. Only lots meeting minimum lot size requirements are permitted a detached ARU. NC-ToJ; max 2. NC-2; max 2. S-ToJ; max 1.
- R-ToJ – Retains original proposal. Attached only; max 1.

*Discussion:* At the September 19<sup>th</sup> Meeting, Council chose to adopt the Working Group's recommendation for three out of the four zones under consideration. The Working Group's recommendation to allocate detached ARUs according to lot size is a more liberal, simpler standard. Moreover, it is reasonable to allow attached or detached ARUs everywhere as long as all physical development standards are met. Consequently, Ordinance W incorporates the ARU Working Group's recommendation for the NC-ToJ, the NC-2, and S-ToJ zones.

In the Rural zone, Ordinance W retains the original proposal, which only permits a single attached ARU for each property. The stricter standard has been retained to protect wildlife and other natural environment values.

There was some discussion by Council about the merits of allowing detached ARUs on lots less than minimum lot size if the property abuts an alley at the rear.

## Attached & Detached ARUs – Habitable Square Feet

### Original Proposal, approved August 1st:

All ARUs permitted 800 sq ft.

### Working Group Recommendation:

- Attached ARUs permitted 800 sq ft
- Detached ARUs permitted 800 sq ft if a double lot (2 X minimum lot size)
- Otherwise detached ARUs permitted 500 sq ft

### Ordinance W:

- Attached ARUs permitted 800 sq ft
- Detached ARUs permitted 800 sq ft if a double lot (2 X minimum lot size)
- Otherwise detached ARUs permitted 500 sq ft

*Discussion:* Council was generally in agreement with the Working Group that the size of detached ARUs should be dependent on the size of the lot. Thus, Ordinance W incorporates the Working Group's recommendation. An 800 sq ft ARU has potential to disrupt neighborhood character on smaller lots where some primary homes are only 800 sq ft. Lots that are twice as large as the minimum lot size can accommodate what might look like two detached single family homes.

There was some discussion by Council on whether it is necessary to have a lot that is fully twice as large as the minimum lot size to be permitted an 800 sq ft detached ARU. For example, a requirement that the lot be 1.5 times as big as the minimum lot size would be a more liberal standard than the standard proposed by the Working Group.

### **Setbacks – Is the 5' side/rear setback for detached ARUs appropriate?**

#### **Original Proposal, approved August 1st:**

5' setbacks from the sides and rear property lines. 28' in height.

**Working Group Recommendation:** Require 10' side and rear setbacks for structure over 14'; allow 5' side and rear setbacks if structure is under 14' in height.

#### **Ordinance W:**

- Require 10' side and rear setbacks for ARU over 14'; allow 5' side and rear setbacks if ARU is under 14' in height.
- Exception: Lots with alleyways or reverse street frontage may have 5' rear setbacks for ARUs regardless of height

*Discussion:* Council discussed the benefits and drawbacks of requiring higher setbacks for structures over 14' in height. The 10' setback for detached ARUs over 14' in height protects the privacy of neighboring properties. It limits the ability of ARU occupants from being able to see directly into the backyard of a neighboring property from the second story of a taller ARU. This height and setback limitation also works to preserve a neighboring property's viewscapes and sunlight access.

One of the drawbacks to this setback standard is that existing buildings over 14' in height and located 5' from the property line will not be able to convert to ARUs in the future.

Ordinance W reflects Staff's interpretation of the Council's discussion on setbacks. It incorporates the Working Group's recommendation with one minor modification: An exception to allow 5' setbacks for ARUs on lots with alleys or reverse street frontage. This exception has been adopted because a 10' setback for an ARU on an alleyway results in wasted space. It is not a sufficient enough setback to allow for parking at the rear of the property and it reduces the amount of open space that could exist between the primary structure and the ARU.

## Home Occupation – Should Home Occupations be permitted in ARUs?

### Original Proposal, approved August 1st:

The original proposal allows home occupations.

### Working Group Recommendation:

No Home Occupations allowed.

### Ordinance W:

No Home Occupations allowed.

*Discussion:* On the topic of Home Occupations, Council unanimously chose to adopt the Working Group’s suggestions that Home Occupations be prohibited in ARUs. Allowing home occupations in ARUs represents a risk of further impacting neighborhood character as it could come with an increased number of visitors to the ARU, contributing to traffic and parking problems.

## Gill Addition – Are ARUs appropriate here?

### Original Proposal, approved August 1st:

- Attached ARUs permitted on all lots. Detached not permitted.

### Working Group Recommendation:

- At least 15,000 sq ft required to have detached ARU
- At least 7,500 sq ft to have attached ARU
- Discussed not including Gill Addition in Amendment

### Ordinance W:

- Allow detached and attached ARUs on all lots meeting minimum lot size. Lots less than the minimum lot size shall only be allowed a single, attached ARU.

*Discussion:* Council discussed the benefits and drawbacks of allowing ARUs in the Gill Addition. With a vote of three to two, Council decided to allow ARUs in the Gill Addition. Some of the justification for allowing ARUs in the Gill Addition included:

- Workforce housing is a community challenge, and all neighborhoods need to work together to help alleviate the lack of affordable housing.
- Neighborhoods are self-selecting in terms of whether or not ARUs are ultimately built in the neighborhood. If most residents of the Gill Addition do not want to see ARUs in the area, then it is likely few will be built.
- The Gill Addition has larger lots that can accommodate ARUs.
- The Gill Addition is one of most impacted neighborhoods in the Town in terms of second homeownership. Allowing ARUs may help to lessen the impact of second homeownership here.

The Working Group suggested that the Gill Addition should have special rules governing the allowance of attached and detached ARUs in the neighborhood (see table above). Staff finds that these geographic-specific rules are not that different from the regulations in Ordinance W governing other neighborhoods. Thus, Staff recommends *not* adopting the Working Group’s recommendations establishing geographic-specific regulations for the Gill Addition. Ordinance W reflects Staff’s recommendation and treats the Gill Addition no differently than other neighborhoods in the NC-ToJ zone.

## **Parking – How many parking spaces should be allotted per ARU?**

### **Original Proposal, approved August 1st:**

1/ARU if fewer than 2 bedrooms and if ARU is less than 500 sf; otherwise, 2/ARU.

**Working Group Recommendation:** One parking space / bedroom

**Ordinance W:** 1 parking space / bedroom

*Discussion:* Council unanimously supported the recommendation from the Working Group that parking spaces be allocated by number of bedrooms. Allocating by bedroom simplifies the regulation and makes it easier to understand. Requiring a parking space per bedroom was also a suggestion that many participants of the ARU Public Workshops held earlier this summer suggested.

## **Rental Housing Program / ARU Permit Program / Enforcement – How can the Town address existing enforcement issues around rentals, parking, and noise?**

### **Original Proposal, approved August 1st:**

No rental or permitting program proposed aside from the Basic Use Permit required to build an ARU.

**Working Group Recommendation:** Create Rental Housing Program or ARU Permitting Program, both with proactive enforcement.

### **Ordinance W:**

No proposal to change enforcement measures at this time.

*Discussion:* Council decided to consider enforcement issues at a later date. Currently, insufficient resources - specifically, Staff time - would make it difficult to initiate an ARU licensing or rental program. Similarly, the Town lacks sufficient Staff to increase existing enforcement measures. Staff recommends delaying the discussion of enforcement of rental housing to a specific date when the issue can be explored more comprehensively.

At the September 19<sup>th</sup> Meeting, Staff recommended an ARU Permitting Program as the most likely option for enforcing ARUs. The Permitting Program would make use of existing requirements that property owners acquire a Basic Use Permit prior to constructing their ARU. Under the Permitting Program, owners would be required to keep their contact information up to date so that complaints regarding rental of the ARU may be forwarded to the owner. A potential downside to the Permitting Program is that keeping ownership contact information up to date becomes difficult upon transferal of the property to a new owner.

Staff is happy to further explore an ARU Permitting Program if directed by Council. However, establishment of such a program is not appropriate for inclusion in this amendment or in Land Development Regulations. It is best pursued as a modification to the existing Basic Use Permit application. Thus, Ordinance W does include any measures to improve enforcement of ARU uses.

## FINDINGS

Council made the Findings for this Amendment when they approved the Amendment on July 18<sup>th</sup>. These findings are detailed in the July 18<sup>th</sup> Staff Report (attached).

## ATTACHMENTS

Ordinance W  
Public Comment  
July 18<sup>th</sup> Staff Report

## FISCAL IMPACT

Not applicable.

## STAFF IMPACT

If Council chooses to create a Rental Housing Program, an ARU Permitting Program, or to increase enforcement initiatives around the community, there will be a significant impact on Staff.

The other recommendations in this report have no major impact on Staff.

## LEGAL REVIEW

Complete.

## RECOMMENDATIONS/ CONDITIONS OF APPROVAL

Staff recommends approval of Ordinance W.

## SUGGESTED MOTIONS

I move to approve Ordinance W on first reading to amend and reenact Section 1 of Town of Jackson Ordinance No. 1074 (part) and Sections 2.3.14.C, 2.3.14.E, 2.3.15.C, 2.3.15.E, 2.3.16.C, 3.3.1.C, 3.3.1.E, and 6.1.1 of the Town of Jackson Land Development Regulations to allow Accessory Residential Units in the NC-ToJ, NC-2, S-ToJ, and R-ToJ zones.

**ORDINANCE W**

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 1074 (PART) AND SECTIONS 2.3.14.B.1, 2.3.14.C, 2.3.14.E, 2.3.15.B.1, 2.3.15.C, 2.3.15.E, 2.3.16.B.1, 2.3.16.C, 2.3.16.E 3.3.1.C, 3.3.1.E, AND 6.1.1 OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS TO ALLOW ACCESSORY RESIDENTIAL UNITS IN THE NC-TOJ, NC-2, S-TOJ, AND R-TOJ ZONES, 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 Sections 2.3.14.B.1, 2.3.14.C, 2.3.14.E, 2.3.15.B.1, 2.3.15.C, 2.3.15.E, 2.3.16.B.1, 2.3.16.C, and 2.3.16.E of the Town of Jackson Land Development Regulations are hereby amended and reenacted to read as follows:

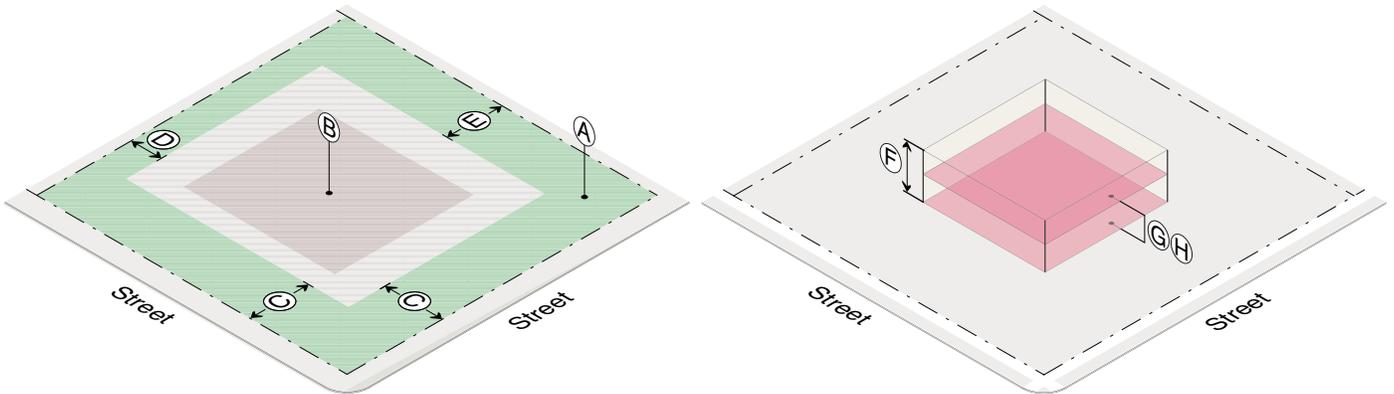
### 2.3.14. Neighborhood Conservation-Town (NC-ToJ) (11/09/16, Ord. xxxx)

#### A. Intent

The purpose of the Neighborhood Conservation - Town (NC-ToJ) Zone is to recognize existing residential neighborhoods and subdivisions and allow development to continue in a way that is consistent with the existing neighborhood character. The NC-ToJ zone is intended primarily for single-family detached dwellings and accessory uses and structures. The NC-ToJ zone shall not be applied to vacant land, except to allow for in-fill development, and shall not be permitted to expand beyond its original boundaries.

#### B. Physical Development

Standards applicable to physical development in the NC-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the NC-ToJ zone, however, all standards in [Article 5](#), are applicable in the NC-ToJ zone, unless stated otherwise.



1. Structure Location and Mass								
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	LSR (min)	Lot Coverage (max)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	Stories (max)	FAR (max)
Allowed use	.45	n/a	25'	10'	25'	30'	2	.40
Accessory use	See standard for principal use with which associated.							
Detached accessory structure	n/a	n/a	30'	5' (E.3)	5' (E.3)	28'	2	n/a

#### Exceptions

Street/Side Yard- U.S. Highway 26-89-189-191. No structure shall be located within 20 feet of the highway right-of-way of U.S. Highway 26-89-189-191. The design, development and operation of the proposed building or structure shall minimize or mitigate adverse effect, including visual impact of the proposed building or structure on adjacent properties.

Residential Projections. Covered and uncovered decks, porches, and balconies may encroach into a front yard by not more than 6 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys, patios and similar architectural features may encroach into a side or rear yard not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios that are at grade may extend to any portion of a side or rear yard.

Detached Accessory Structure Separation. 10'

2. Maximum Scale of Development	
Individual Building (gross floor area) (max)	
n/a	
3. Design Requirements	
Nonresidential Design Guidelines (Div. 5.8.)	
4. Site Development	
Site Development Setbacks (min)	
Side/rear yard	5'
Front yard	
40% of lineal frontage	0'
60% of lineal frontage	structure setback
Curb Cut (max)	40% of lineal lot frontage
5. Landscaping (Div. 5.5.)	
Plant Units (min)	
Residential	1 per du
6. Fencing	
Height (max)	
In street yard	4'
In side or rear yard	6'
Setback	
Front lot line/R.O.W./Sidewalk	1'
Side or rear lot line	0'
Orientation	
The finished side of the fence shall face out to the neighbor, posts and supports shall face in to the owner	
7. Environmental Standards	
Natural Resource Setback (min) (Sec. 5.1.1.)	
Cache Creek South of Cache Creek Dr.	20'
Flat Creek North of Hansen Ave.	25'
Flat Creek South of Hansen Ave.	50'
Wetland	30'
Irrigation Ditch Setback (min)	(7.7.4.D.)
Irrigation Ditch	15'
Natural Resource Overlay (NRO) Standards (Sec. 5.2.1.)	

8. Scenic Standards	
Exterior Lighting (Sec. 5.3.1.)	
Total cut off angle (max)	90°
Illumination in footcandles	
Residential use	1.00
Residential use in NRO	0.50
Height (max)	
Residential use	15'
Scenic Resource Overlay (SRO) Standards (Sec. 5.3.2.)	
9. Natural Hazards to Avoid	
Steep Slopes (Sec. 5.4.1.)	
Development prohibited	Slopes > 25%
Hillside CUP required	Lot with average cross-slope ≥ 10%
Areas of Unstable Soils (Sec. 5.4.2.)	
Fault Area (Sec. 5.4.3.)	
Floodplains (Sec. 5.4.4.)	
Wildland Urban Interface (Sec. 5.4.5.)	
10. Signs (Div. 5.6.)	
Number of Signs (max)	3 per business per frontage
Home occupation/business	1 unlighted wall sign
Background Color	No white or yellow
Sign Area	
Total sign area (max)	3 sf per linear ft of building frontage up to 150 sf
Home occupation/business	2 sf
Penalty	10% per projecting and freestanding sign

Sign Type Standards	
Canopy sign	
Clearance (min)	7'6" from average grade
Setback (min)	18" from back of curb
Freestanding sign	
Height (max)	6'
Setback (min)	5'
Projecting sign	
Height (max)	24' above grade
Clearance (min)	7'6" from average grade
Setback (min)	18" from back of curb
Wall sign	
Window sign	
Window surface coverage (max)	25% up to 16 sf
Temporary Signs	(Sec. 5.6.1.)

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.)	DRC Review (Sec. 8.2.6.)	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						
≤ 5,000 sf			X	X		(Sec. 5.7.1.)
5,001 - 15,000 sf		X	X	X		(Sec. 5.7.1.)
> 15,000 sf	X	X	X	X		(Sec. 5.7.1.)
Sign					X	(Sec. 5.7.1.)

**C. Allowed Uses and Use Standards**

Standards applicable to uses in the NC-ToJ 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 NC-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the NC-ToJ zone, however, all standards in Article 6, are applicable in the NC-ToJ zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Employee Housing Floor Area (min) (Div. 6.3.)
Open Space					
Agriculture ( <u>6.1.3.B.</u> )	B	0 sf	n/a	n/a	exempt
Residential					
Detached Single-Family Unit ( <u>6.1.4.B.</u> )	Y	0 sf	1 unit per lot	2/DU	n/a
Transportation/Infrastructure					
Utility Facility ( <u>6.1.10.C.</u> )	C	0 sf	n/a	1/employee + 1/stored vehicle	independent calculation
Wireless Communications Facilities ( <u>6.1.10.D.</u> )					
Minor	B	0 sf	n/a	1/employee + 1 per stored vehicle	independent calculation
Accessory Uses					
Accessory Residential Unit ( <u>6.1.11.B, E.3.</u> )	B	0 sf	see E.3	1/bedroom	exempt
Home Occupation ( <u>6.1.11.D.</u> )	B	0 sf	n/a	n/a	exempt
Home Business ( <u>6.1.11.E.</u> )	C	0 sf	n/a	1/employee	exempt
Family Home Daycare ( <u>6.1.11.F.</u> )	B	0 sf	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Temporary Uses					
Temporary Shelter ( <u>6.1.12.D.</u> )	B	0 sf	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing ( <u>6.1.12.F.</u> )	B	0 sf	n/a	1/employee	exempt

Y=Use allowed, no permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use	
Individual Use (floor area) (max)	
Single-Family unit (detached)	
Habitable floor area excluding basement	8,000 sf
Gross floor area excluding basement	10,000 sf
Accessory Residential Unit	
Detached ARU on Lot < 15,000 sf	500 sf habitable
All other ARUs	800 sf habitable

4. Operational Standards	
Outdoor Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash & recycling enclosure required	> 4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Sound level at property line (max)	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)

**D. Development Options and Subdivision**

Standards applicable to development options and subdivision in the NC-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the NC-ToJ zone, however, all standards in Article 7, are applicable in the NC-ToJ zone, unless stated otherwise.

1. Allowed Subdivision and Development Options								
Option	Site Area (min)	Lot Size (min)	Density (max)	OSR (min)	LSR (min)	FAR (max)	Lot Coverage (max)	Option Standards
Allowed Subdivision Options								
Land Division (E.1 & E.2)	n/a	7,500 sf	n/a	n/a		determined by physical development		(Sec. 7.2.3.)
2. Residential Subdivision Requirements								
Affordable Housing	(Div. 7.4.)							
Required Affordable Housing	1 affordable unit per 4 market units							
Schools and Parks Exaction	(Div. 7.5.)							
Schools exaction	.020 acres per 1- or 2-family unit .015 acres per multi-family unit							
Parks exaction	9 acres per 1,000 resident							
3. Infrastructure								
Transportation Facilities	(Div. 7.6.)							
Access	required							
Right-of-way for Minor Local Road (min)	60'							
Paved travel way for Minor Local Road (min)	20'							
Required Utilities	(Div. 7.7.)							
Water	public							
Sewer	public							

4. Required Subdivision and Development Option Permits					
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Any Subdivision					
≤ 10 Units			X		X
> 10 Units		X	X		X

**E. Additional Zone-specific Standards**

The following standards apply in addition to all other standards applicable in the NC-ToJ zone.

1. **Subdivision.** All new divisions of land within the NC-ToJ zone shall comply with Sec. 8.3.2., Sec. 8.5.3., and this Section. The maximum number of lots into which any given lot of record may be subdivided in the NC-ToJ zone shall be determined as follows:
  - a. **Maximum Number of Lots According to Prior Regulations.** The maximum number of lots into which a lot of record in the NC-ToJ zone can be subdivided shall not exceed the maximum number of lots that would have been permitted on the lot of record in the zones mapped on the Zoning Map, Town of Jackson, Wyoming, adopted on April 5, 1967, as amended from time to time with a final revision date of December 31, 1993, and as follows:
    - i. **LR-1.** The minimum lot area shall be 12,000 square feet per dwelling or building.
    - ii. **S-ToJ, MR-2 and All Others.** The minimum lot area shall be 7,500 square feet.
2. **Resubdivision.** Lots of record may not be combined with other lots of record for the purpose of resubdividing to increase density. However, resubdivision for other purposes where overall existing densities are retained or reduced shall be permitted.

3. Accessory Residential Units (ARUs)

- a. Accessory residential units are prohibited north of West Broadway accessed via Budge Drive and West Broadway Avenue.
- b. A maximum of 1 ARU shall be permitted per lot; except that, 2 units may be permitted on lots that meet minimum lot size and have alley access or reverse street frontage.
- c. Home Occupations in ARUs are prohibited.
- d. Detached
  - i. Detached ARUs shall only be permitted on lots that meet minimum lot size.
  - ii. Detached ARUs less than 14' in height shall have at least 5' side and rear setbacks, otherwise they shall have at least 10' side and rear setbacks. Second floor decks shall also have at least 10' side and rear setbacks. The exception to this standard is that detached ARUs located on an alley or lot with reverse street frontage are permitted at least 5' rear setbacks regardless of height.

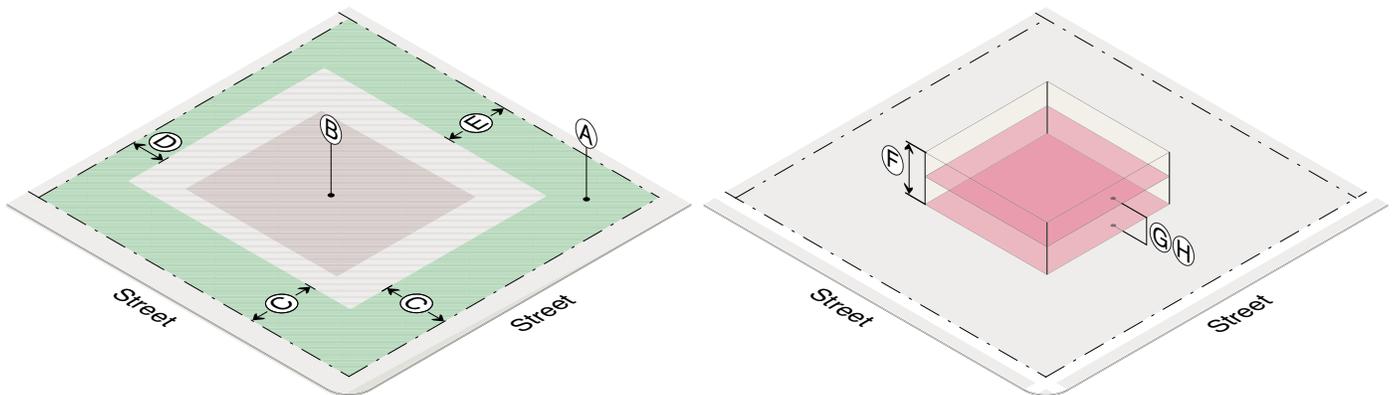
### 2.3.15. Neighborhood Conservation-2-Family (NC-2) (11/09/16, Ord. xxxx)

#### A. Intent

The purpose of the Neighborhood Conservation 2 family (NC-2) zone is to recognize existing residential neighborhoods and subdivisions and allow development to continue in a way that is consistent with the existing neighborhood character. The NC-2 zone is intended primarily for single-family detached and duplex dwellings and accessory uses and structures. The NC-2 zone shall not be applied to vacant land, except to allow for in-fill development, and shall not be permitted to expand beyond its original boundaries.

#### B. Physical Development

Standards applicable to physical development in the NC-2 zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-2 zone. This Subsection is intended to indicate all of the physical development standards applicable in the NC-2 zone, however, all standards in Article 5, are applicable in the NC-2 zone, unless stated otherwise.



1. Structure Location and Mass								
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	LSR (min)	Lot Coverage (max)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	Stories (max)	FAR (max)
Detached single-family unit								
2 units on lot	.45	.34	20'	10'	15'	28'	2	.42
1 unit on lot	.45	.32	25'	10'	25'	30'	2	.40
Attached single-family unit	n/a	n/a	20'	10'	15'	28'	2	.30
Other principal use	.45	.34	20'	10'	15'	28'	2	.42
Accessory use	See standards for primary use with which associated							
Detached accessory structure	n/a	n/a	30'	5' (E.5)	5' (E.5)	28'	2	n/a

#### Exceptions

Street/Side Yard- U.S. Highway 26-89-189-191. No structure shall be located within 20 feet of the highway right-of-way of U.S. Highway 26-89-189-191. The design, development and operation of the proposed building or structure shall minimize or mitigate adverse effect, including visual impact of the proposed building or structure on adjacent properties.

Residential Projections. Covered and uncovered decks, porches, and balconies may encroach into a front yard by not more than 6 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys, patios and similar architectural features may encroach into a side or rear yard not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios that are at grade may extend to any portion of a side or rear yard.

Detached Accessory Structure Separation. 10'

2. Maximum Scale of Development	
n/a	
3. Design Requirements	
Nonresidential Design Guidelines	(Div. 5.8.)
4. Site Development	
Site Development Setbacks (min)	
Side/rear yard	5'
Front yard	
40% of lineal frontage	0'
60% of lineal frontage	structure setback
Curb Cut (max)	40% of lineal lot frontage
5. Landscaping (Div. 5.5.)	
Plant Units (min)	
Residential	1 per du
6. Fencing	
Height (max)	
In street yard	4'
In side or rear yard	6'
Setback	
Front lot line/R.O.W./Sidewalk	1'
Side or rear lot line	0'
Orientation	
The finished side of the fence shall face out to the neighbor, posts and supports shall face in to the owner	
7. Environmental Standards	
Natural Resource Setback (min) (Sec. 5.1.1.)	
Cache Creek (South of Cache Creek Drive)	20'
Flat Creek north of Hansen Ave.	25'
Flat Creek south of Hansen Ave.	50'
Wetland	30'
Irrigation Ditch Setback (min) (7.7.4.D.)	
Irrigation Ditch	15'
Natural Resource Overlay (NRO) Standards (Sec. 5.2.1.)	

8. Scenic Standards	
Exterior Lighting (Sec. 5.3.1.)	
Total cut off angle (max)	90°
Illumination in footcandles	
Residential use	1.00
Height (max)	
Residential use	15'
Scenic Resource Overlay (SRO) Standards (Sec. 5.3.2.)	
9. Natural Hazards to Avoid	
Steep Slopes (Sec. 5.4.1.)	
Development prohibited	Slopes > 25%
Hillside CUP required	Lot with average cross-slope ≥ 10%
Areas of Unstable Soils (Sec. 5.4.2.)	
Fault Area (Sec. 5.4.3.)	
Floodplains (Sec. 5.4.4.)	
Wildland Urban Interface (Sec. 5.4.5.)	
10. Signs (Div. 5.6.)	
Number of Signs (max)	3 per business per frontage
Home occupation/business	1 unlighted wall sign
Background Color	No white or yellow
Sign Area	
Total sign area (max)	3 sf per linear ft of building frontage up to 150 sf
Home occupation/business	2 sf
Penalty	10% per projecting and freestanding sign

Sign Type Standards	
Canopy sign	
Clearance (min)	7'6" from average grade
Setback (min)	18" from back of curb
Freestanding sign	
Height (max)	6'
Setback (min)	5'
Projecting sign	
Height (max)	24' above grade
Clearance (min)	7'6" from average grade
Setback (min)	18" from back of curb
Wall sign	
Window sign	
Window surface coverage (max)	25% up to 16 sf
Temporary Signs	(Sec. 5.6.1.)

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.)	DRC Review (Sec. 8.2.6.)	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						
≤ 5,000 sf			X	X		(Sec. 5.7.1.)
5,001 - 15,000 sf		X	X	X		(Sec. 5.7.1.)
> 15,000 sf	X	X	X	X		(Sec. 5.7.1.)
Sign					X	(Sec. 5.7.1.)

**C. Allowed Uses and Use Standards**

Standards applicable to uses in the NC-2 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 NC-2 zone. This Subsection is intended to indicate all of the use standards applicable in the NC-2 zone, however, all standards in Article 6 are applicable in the NC-2 zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Employee Housing Floor Area (min) (Div. 6.3.)
Open Space					
Agriculture ( <u>6.1.3.B.</u> )	B	0 sf	n/a	n/a	exempt
Residential					
Detached Single-Family Unit ( <u>6.1.4.B.</u> )	Y	0 sf	2 units per lot	2/DU	n/a
Attached Single-family Unit ( <u>6.1.4.C.</u> )	B	0 sf	2 units per lot	2/DU +0.5 per DU if ≥ 3 units served by lot	n/a
Apartment	B	0 sf	2 units per lot		
Dormitory ( <u>6.1.4.F.</u> )	C	0 sf	7 rooms per acre	1/bed	n/a
Group Home ( <u>6.1.4.G.</u> )	C	0 sf	7 rooms per acre	0.5/bed	n/a
Transportation/Infrastructure					
Utility Facility ( <u>6.1.10.C.</u> )	C	0 sf	n/a	1/employee + 1/stored vehicle	independent calculation
Wireless Communications Facilities ( <u>6.1.10.D.</u> )					
Minor	B	0 sf	n/a	1/employee + 1 per stored vehicle	independent calculation
Accessory Uses					
Accessory Residential Unit ( <u>6.1.11.B, E.5.</u> )	B	0 sf	2 units per lot	1/bedroom	exempt
Home Occupation ( <u>6.1.11.D.</u> )	B	0 sf	n/a	n/a	exempt
Home Business ( <u>6.1.11.E.</u> )	C	0 sf	n/a	1/employee	exempt
Family Home Daycare ( <u>6.1.11.F.</u> )	B	0 sf	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Temporary Uses					
Temporary Shelter ( <u>6.1.12.D.</u> )	B	0 sf	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing ( <u>6.1.12.F.</u> )	B	0 sf	n/a	1/employee	exempt
Y=Use allowed, no permit required, B=Basic Use Permit ( <u>Sec. 8.4.1.</u> ), C=Conditional Use Permit ( <u>Sec. 8.4.2.</u> )					

3. Maximum Scale of Use	
<b>Individual Use (floor area) (max)</b>	
Single family unit (detached, attached, or apartment)	
Habitable floor area excluding basement	8,000 sf
Gross floor area excluding basement	10,000 sf
Accessory Residential Unit	
Detached ARU on Lot < 15,000 sf	500 sf habitable
All other ARUs	800 sf habitable
4. Operational Standards	
Outdoor Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash & recycling enclosure required	> 4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Sound level at property line (max)	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)

**D. Development Options and Subdivision**

Standards applicable to development options and subdivision in the NC-2 zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-2 zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the NC-2 zone, however, all standards in Article 7. are applicable in the NC-2 zone, unless stated otherwise.

1. Development Options and Subdivision								
Option	Site Area (min)	Lot Size (min)	Density (max)	OSR (min)	LSR (min)	FAR (max)	Lot Coverage (max)	Option Standards
Allowed Subdivision Options (E.1.,E.4.)								
Land Division	n/a	7,500 sf	n/a	n/a		determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	n/a		determined by physical development		(Sec. 7.2.4.)
Allowed Development Options								
Urban Cluster Development (UCD)	22,500 sf	n/a	11.7 du/ac	.40	n/a	.40	.35	(Sec. 7.1.3.)

2. Residential Subdivision Requirements	
<b>Affordable Housing</b>	(Div. 7.4.)
Required Affordable Housing	1 affordable unit per 4 market units
<b>Schools and Parks Exaction</b>	(Div. 7.5.)
Schools exaction	.020 acres per 1- or 2-family unit .015 acres per multi-family unit
Parks exaction	9 acres per 1,000 resident
3. Infrastructure	
<b>Transportation Facilities</b>	(Div. 7.6.)
Access	required
Right-of-way for Minor Local Road (min)	60'
Paved travel way for Minor Local Road (min)	20'
<b>Required Utilities</b>	(Div. 7.7.)
Water	public
Sewer	public

4. Required Subdivision and Development Option Permits					
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Any Subdivision					
≤ 10 Units			X		X
> 10 Units		X	X		X
Non-subdivision development option (UCD)					
0 - 4 Units				X	
5 -10 Units			X		
> 10 Units		X	X		

**E. Additional Zone-specific Standards**

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

1. Development is allowed according to the standards for single-family development and Urban Cluster Development in the AR/AC-ToJ zones.
2. There shall be 25 feet minimum separation between principal structures.
3. Subdivision. All new divisions of land within the NC-2 zone shall comply with Sec. 8.3.2., Sec. 8.5.3., and this Section. The maximum number of lots into which any given lot of record may be subdivided in the NC-2 zone shall be determined as follows:

- a. **Maximum Number of Lots According to Prior Regulations.** The maximum number of lots into which a lot of record in the NC-2 zone can be subdivided shall not exceed the maximum number of lots that would have been permitted on the lot of record in the zone mapped on the Zoning Map, Town of Jackson, Wyoming, adopted on April 5, 1967, as amended from time to time with a final revision date of December 31, 1993, and as follows:
  - i. **LR-1.** The minimum lot area shall be 12,000 square feet per dwelling or building.
  - ii. **S-ToJ, MR-2 and All Others.** The minimum lot area shall be 7,500 square feet.
- 4. **Resubdivision.** Lots of record may not be combined with other lots of record for the purpose of resubdividing to increase density. However, resubdivision for other purposes where overall existing densities are retained or reduced shall be permitted.
- 5. **Accessory Residential Units (ARUs).**
  - a. Where there are two primary dwelling units per site, there may only be a single ARU per primary dwelling unit.
  - b. Home Occupations in ARUs are prohibited.
  - c. **Detached**
    - i. Detached ARUs shall only be permitted on lots that meet minimum lot size.
    - ii. Detached ARUs less than 14' in height shall have at least 5' side and rear setbacks, otherwise they shall have at least 10' side and rear setbacks. Second floor decks shall also have at least 10' side and rear setbacks. The exception to this standard is that detached ARUs located on an alley or lot with reverse street frontage are permitted at least 5' rear setbacks regardless of height.

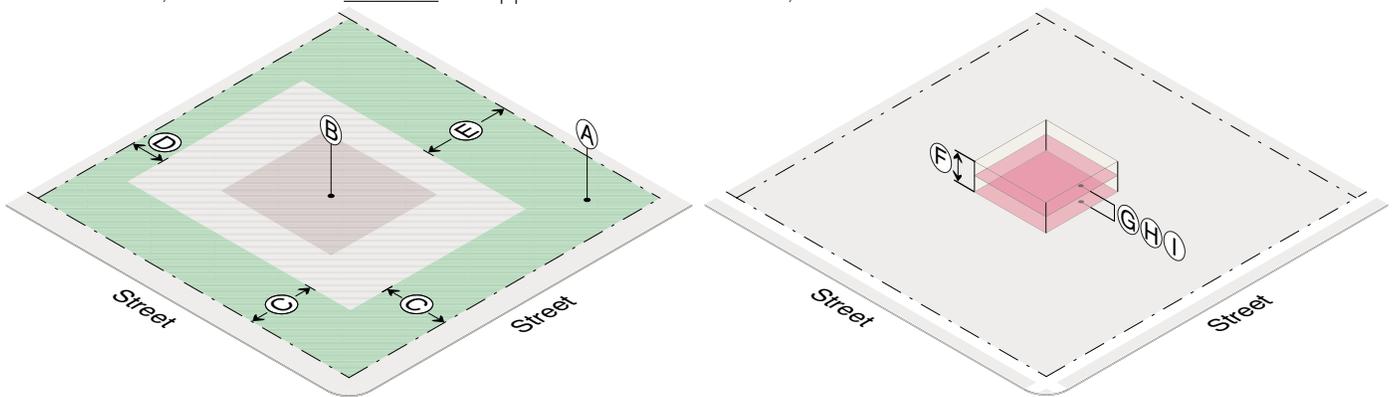
### 2.3.16. Suburban-Town (S-ToJ) (11/09/16, Ord. xxxx)

#### A. Intent

The purpose of the Suburban-Town (S-ToJ) Zone classification is to provide for places with enough open space and sufficient lot size to provide a predominance of landscape over buildings, where there is less human interaction than in the Urban zones, where a stronger sense of privacy is maintained through building orientation and landscaping, and where shared open space is provided. The S-ToJ Zone is also intended to provide for low to moderate density residential development with a range of primary residential and associated uses.

#### B. Physical Development

Standards applicable to physical development in the S-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the S-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the S-ToJ zone, however, all standards in [Article 5](#) are applicable in the S-ToJ zone, unless stated otherwise.



1. Structure Location and Mass									
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
	LSR (min)	Lot Coverage (max)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	Stories (max)	Stories (LO) (max)	FAR (max)
Allowed use	.60	.26	25'	15'	40'	28'	2	3	.30
Accessory Use	See standard for primary use with which associated.								
Detached accessory structure	n/a	n/a	30'	5' (E.2)	5' (E.2)	28'	2	3	n/a
Exceptions									
Residential Projections. Covered and uncovered decks, porches, and balconies may encroach into a front yard by not more than 6 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys, patios and similar architectural features may encroach into a side or rear yard not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios that are at grade may extend to any portion of a side or rear yard.									
Detached Accessory Structure Separation. 10'									

<b>2. Maximum Scale of Development</b>	
<b>Individual Building (gross floor area) (max)</b>	
Single building	10,000 sf
<b>3. Building Design Requirements</b>	
<b>Nonresidential Design Guidelines (Div. 5.8.)</b>	
Design review required for all nonresidential development, unless exempted by Planning Director	
<b>4. Site Development</b>	
<b>Site Development Setbacks (min)</b>	
Side/rear yard	5'
Front yard	
40% of lineal frontage	0'
60% of lineal frontage	structure setback
<b>Curb Cut (max)</b>	40% of lineal lot frontage
<b>5. Landscaping (Div. 5.5.)</b>	
<b>Plant Units (min)</b>	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking Lot (all uses)	1 per 12 parking spaces
<b>6. Fencing</b>	
<b>Height (max)</b>	
In street yard	4'
In side or rear yard	6'
<b>Setback</b>	
Front lot line/R.O.W./Sidewalk	1'
Side or rear lot line	0'
<b>Orientation</b>	
The finished side of the fence shall face out to the neighbor, posts and supports shall face in to the owner	
<b>7. Environmental Standards</b>	
<b>Natural Resource Setback (min) (Sec. 5.1.1.)</b>	
Cache Creek South of Cache Creek Dr.	20'
Flat Creek North of Hansen Ave.	25'
Flat Creek South of Hansen Ave.	50'
Wetland	30'
<b>Irrigation Ditch Setback (min) (7.7.4.D.)</b>	
Irrigation Ditch	15'
<b>Natural Resource Overlay (NRO) Standards (Sec. 5.2.1.)</b>	

<b>8. Scenic Standards</b>	
<b>Exterior Lighting (Sec. 5.3.1.)</b>	
Total cut off angle (max)	90°
Illumination in footcandles	
Residential use	1.00
Nonresidential use	1.00
Height (max)	
Residential use	15'
Nonresidential use	18'
<b>Scenic Resource Overlay (SRO) Standards (Sec. 5.3.2.)</b>	
<b>9. Natural Hazards to Avoid</b>	
<b>Steep Slopes (Sec. 5.4.1.)</b>	
Development prohibited	Slopes > 25%
Hillside CUP required	Lot with average cross-slope ≥ 10%
<b>Areas of Unstable Soils (Sec. 5.4.2.)</b>	
<b>Fault Area (Sec. 5.4.3.)</b>	
<b>Floodplains (Sec. 5.4.4.)</b>	
<b>Wildland Urban Interface (Sec. 5.4.5.)</b>	
<b>10. Signs (Div. 5.6.)</b>	
Number of Signs (max)	3 per business per frontage
Home occupation/business	1 unlighted wall sign
Background Color	No white or yellow

Sign Area	
Total sign area (max)	3 sf per linear ft of building frontage up to 150 sf
Home occupation/business	2 sf
Penalty	10% per projecting and freestanding sign
Sign Type Standards	
Canopy sign	
Clearance (min)	7'6" from average grade
Setback (min)	18" from back of curb
Freestanding sign	
Height (max)	6'
Setback (min)	5'
Projecting sign	
Height (max)	24' above grade
Clearance (min)	7'6" from average grade
Setback (min)	18" from back of curb
Wall sign	
Window sign	
Window surface coverage (max)	25% up to 16 sf
Temporary Signs	(Sec. 5.6.1.)

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.)	DRC Review (Sec. 8.2.6.)	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						
≤ 5,000 sf			X	X		(Sec. 5.7.1.)
5,001 - 15,000 sf		X	X	X		(Sec. 5.7.1.)
> 15,000 sf	X	X	X	X		(Sec. 5.7.1.)
Sign					X	(Sec. 5.7.1.)

### C. Allowed Uses and Use Standards

Standards applicable to uses in the S-ToJ 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 S-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the S-ToJ zone, however, all standards in Article 6, are applicable in the S-ToJ zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Employee Housing Floor Area (min) (Div. 6.3.)
Open Space					
Agriculture ( <u>6.1.3.B.</u> )	B	0 sf	n/a	n/a	exempt
Residential					
Detached Single-Family Unit ( <u>6.1.4.B.</u> )	Y	0 sf	1 unit per lot	2/DU	n/a
Dormitory ( <u>6.1.4.F.</u> )	C	0 sf	15 rooms per acre	1/bed	n/a
Group Home ( <u>6.1.4.G.</u> ) ( <u>E.1.</u> )	C	0 sf	15 rooms per acre	0.5/bed	n/a
Amusement/Recreation					
Outdoor Recreation ( <u>6.1.7.C.</u> )	C	0 sf	n/a	independent calculation	independent calculation
Institutional					
Assembly ( <u>6.1.8.B.</u> )	C	0 sf	n/a	independent calculation	exempt
Transportation/Infrastructure					
Utility Facility ( <u>6.1.10.C.</u> )	C	0 sf	n/a	1/employee + 1/stored vehicle	independent calculation
Wireless Communications Facilities ( <u>6.1.10.D.</u> )					
Minor	B	0 sf	n/a	1/employee + 1 per stored vehicle	independent calculation
Accessory Uses					
Accessory Residential Unit ( <u>6.1.11.B.</u> )	B	0 sf	1 unit per lot	1/bedroom	exempt
Home Occupation ( <u>6.1.11.D.</u> )	B	0 sf	n/a	n/a	exempt
Home Business ( <u>6.1.11.E.</u> )	C	0 sf	n/a	1/employee	exempt
Family Home Daycare ( <u>6.1.11.F.</u> )	B	0 sf	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Home Daycare Center ( <u>6.1.11.G.</u> )	C	0 sf	n/a	1/employee + 2 off-street pick-up/drop-off	exempt
Temporary Uses					

Y=Use allowed, no permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Employee Housing Floor Area (min) (Div. 6.3.)
Real Estate Sales Office (6.1.12.C.)	B	0 sf	n/a	3.3/1,000 sf	exempt
Temporary Shelter (6.1.12.D.)	B	0 sf	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

Y=Use allowed, no permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)

### 3. Maximum Scale of Use

#### Individual Use (floor area)

Single-family unit (detached)	
Habitable floor area excluding basement (max)	8,000 sf
Gross floor area excluding basement (max)	10,000 sf
Habitable floor area (min)	1,000 sf

#### Accessory Residential Unit

Detached ARU on Lot < 24,000 sf	500 sf habitable
All other ARUs	800 sf habitable

### 4. Operational Standards

Outdoor Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash & recycling enclosure required	> 4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Sound level at property line (max)	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)

**D. Development Options and Subdivision**

Standards applicable to development options and subdivision in the S-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the S-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the S-ToJ zone, however, all standards in Article 7. are applicable in the S-ToJ zone, unless stated otherwise.

<b>1. Allowed Subdivision and Development Options</b>									
<b>Option</b>	<b>Site Area (min)</b>	<b>Lot Size (min)</b>	<b>Density (max)</b>	<b>OSR (min)</b>	<b>LSR (min)</b>	<b>FAR (max)</b>	<b>Lot Coverage (max)</b>	<b>Option Standards</b>	
<b>Allowed Subdivision Options</b>									
Land Division	n/a	12,000 sf	n/a	n/a	determined by physical development			(Sec. 7.2.3.)	
Townhouse Condominium Subdivision	n/a	n/a	n/a	n/a	determined by physical development			(Sec. 7.2.4.)	
<b>Allowed Development Options</b>									
Urban Cluster Development								(Sec. 7.1.3.)	
25% ratio	80,000 sf	n/a	3.64 du/ac	.25	n/a	.30	.35		
35% ratio	80,000 sf	n/a	4.0 du/ac	.35	n/a	.30	.38		
Planned Unit Development (PUD)	80,000 sf	n/a	n/a	n/a	.70	.20	.25	(Sec. 4.4.2.)	
<b>2. Residential Subdivision Requirements</b>									
<b>Affordable Housing</b>								(Div. 7.4.)	
Required Affordable Housing					1 affordable unit per 4 market units				
<b>Schools and Parks Exaction</b>								(Div. 7.5.)	
Schools exaction					.020 acres per 1- or 2-family unit .015 acres per multi-family unit				
Parks exaction					9 acres per 1,000 resident				
<b>3. Infrastructure</b>									
<b>Transportation Facilities</b>								(Div. 7.6.)	
Access								required	
Right-of-way for Minor Local Road (min)								60'	
Paved travel way for Minor Local Road (min)								20'	
<b>Required Utilities</b>								(Div. 7.7.)	
Water								public	

Sewer public

**4. Required Subdivision and Development Option Permits**

Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Any Subdivision					
≤ 10 Units	X (PUD)		X		X
> 10 Units	X (PUD)	X	X		X
Non-subdivision development option (UCD or PUD-ToJ)					
0 - 4 Units	X (PUD)			X	
5 -10 Units	X (PUD)		X		
> 10 Units	X (PUD)	X	X		

**E. Additional Zone-specific Standards**

The following standards apply in addition to all other standards applicable in the S-ToJ zone.

**1. Group Home Use Standards**

Group Home uses shall be located at least 300 feet from an existing dwelling unit, unless the group home use was proposed as part of a development that included both the group home use and the dwelling units.

**2. Accessory Residential Units (ARUs)**

- a. Home Occupations in ARUs are prohibited.
- b. Detached
  - i. Detached ARUs shall only be permitted on lots that meet minimum lot size.
  - ii. Detached ARUs less than 14' in height shall have at least 5' side and rear setbacks, otherwise they shall have at least 10' side and rear setbacks. Second floor decks shall also have at least 10' side and rear setbacks. The exception to this standard is that detached ARUs located on an alley or lot with reverse street frontage are permitted at least 5' rear setbacks regardless of height.

**SECTION II.**

Section 1 of Town of Jackson Ordinance No. 1074 (part) and Sections 3.3.1.C and 3.3.1.E of the Town of Jackson Land Development Regulations are hereby amended and reenacted to read as follows:

## Div. 3.3. Rural Area Legacy Zones

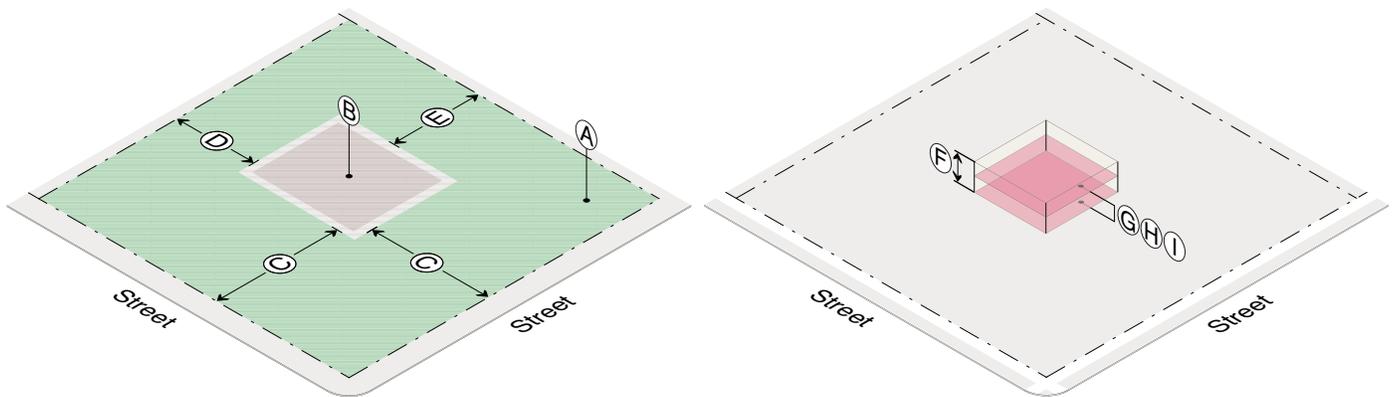
### 3.3.1. Rural Residential-Town (R-ToJ) (11/09/16, Ord. xxxx)

#### A. Intent

The purpose of the Rural Residential-Town (R-ToJ) Zone classification is to preserve the existing character in rural areas of the Town, typified by expansive open areas, natural features and resources, and agricultural lands.

#### B. Physical Development

Standards applicable to physical development in the R-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the R-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the R-ToJ zone, however, all standards in [Article 5](#), are applicable in the R-ToJ zone, unless stated otherwise.



1. Structure Location and Mass									
	Ⓐ	Ⓑ	Ⓒ	Ⓓ	Ⓔ	Ⓕ	Ⓖ	Ⓗ	Ⓘ
	LSR (min)	Lot Coverage (max)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	Stories (max)	Stories (LO) (max)	FAR (max)
Detached Single-family unit	n/a	<u>E.1., E.2.</u>	50'	30'	40'	30'	2	3	n/a
Other principal uses	n/a	n/a	50'	30'	40'	35'	2	3	n/a
Accessory uses	See standards for primary use with which associated								
Exceptions									
Residential Projections. Covered and uncovered decks, porches and balconies may encroach into a front yard by not more than 6 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys and similar architectural features may encroach into a side or rear yard by not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard.									
Detached Accessory Structure Separation. 10'									

2. Maximum Scale of Development	
Individual Building (gross floor area) (max)	
Single building	10,000 sf
3. Building Design Requirements	
Nonresidential Design Guidelines (Div. 5.8.)	
Design review required for all nonresidential development, unless exempted by Planning Director	
4. Site Development	
Site Development Setbacks (min)	
Side / rear yard	5'
Front yard	
40% of lineal frontage	0'
60% of lineal frontage	structure setback
Curb cut (max)	40% of lineal lot frontage
5. Landscaping (Div. 5.5.)	
Plant Units (min)	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking Lot (all uses)	1 per 8 parking spaces
6. Fencing	
Height (max)	
In street yard	4'
In side or rear yard	6'
Setback	
Front lot line / R.O.W. / Sidewalk	1'
Side or rear lot line	0'
Orientation	
The finished side of the fence shall face out to the neighbor, posts and supports shall face in to the owner	

7. Environmental Standards	
Natural Resource Setback (min) (Sec. 5.1.1.)	
Cache Creek South of Cache Creek Dr.	20'
Flat Creek North of Hansen Ave.	25'
Flat Creek South of Hansen Ave.	50'
Wetland	30'
Irrigation Ditch Setback (min) (7.7.4.D.)	
Irrigation Ditch	15'
Natural Resource Overlay (NRO) Standards (Sec. 5.2.1.)	
8. Scenic Standards	
Exterior Lighting (Sec. 5.3.1.)	
Total cut off angle (max)	90°
Illumination in footcandles	
Residential use	1.00
Residential use in NRO	0.50
Nonresidential use	1.00
Height (max)	
Residential use	15'
Nonresidential use	18'
Scenic Resource Overlay (SRO) Standards (Sec. 5.3.2.)	
9. Natural Hazards to Avoid	
Steep Slopes (Sec. 5.4.1.)	
Development prohibited	Slopes > 25%
Hillside CUP required	Lot with average cross-slope ≥ 10%
Areas of Unstable Soils (Sec. 5.4.2.)	
Fault Area (Sec. 5.4.3.)	
Floodplains (Sec. 5.4.4.)	
Wildland Urban Interface (Sec. 5.4.5.)	
10. Signs (Div. 5.6.)	
Number of Signs (max)	3 per business per frontage
Home occupation/business	1 unlighted wall sign
Background Color	No white or yellow

Sign Area	
Total sign area (max)	3 sf per linear ft of building frontage up to 150 sf
Home occupation/business	2 sf
Penalty	10% per projecting and freestanding sign
Sign Type Standards	
Canopy sign	
Clearance (min)	7'6" from average grade
Setback (min)	18" from back of curb
Freestanding sign	
Height (max)	6'
Setback (min)	5'
Projecting sign	
Height (max)	24' above grade
Clearance (min)	7'6" from average grade
Setback (min)	18" from back of curb
Wall sign	
Window sign	
Window surface coverage (max)	25% up to 16 sf
Temporary Signs	(Sec. 5.6.1.)

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.)	DRC Review (Sec. 8.2.6.)	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						
≤ 5,000 sf			X	X		(Sec. 5.7.1.)
5,001 - 15,000 sf		X	X	X		(Sec. 5.7.1.)
> 15,000 sf	X	X	X	X		(Sec. 5.7.1.)
Sign					X	(Sec. 5.7.1.)

**C. Allowed Uses and Use Standards**

Standards applicable to uses in the R-ToJ 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 R-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the R-ToJ zone, however, all standards in Article 6. are applicable in the R-ToJ zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Employee Housing Floor Area (min) (Div. 6.3.)
Open Space					
Agriculture ( <u>6.1.3.B.</u> )	B	0 ac	n/a	n/a	exempt
Residential					
Detached Single-Family Unit ( <u>6.1.4.B.</u> )	Y	0 ac	1 unit per lot	2/DU	n/a
Dormitory ( <u>6.1.4.F.</u> )	C	0 ac	7 rooms per acre	1/bed	n/a
Group Home ( <u>6.1.4.G.</u> ) ( <u>E.2.</u> )	C	0 ac	7 rooms per acre	0.5/bed	n/a
Commercial					
Nursery ( <u>6.1.6.H.</u> )	C	0 ac.	n/a	2 per 1,000 sf + 1 per 4,000 sf outdoor display area + 1 per employee	independent calculation
Amusement/Recreation					
Outdoor Recreation ( <u>6.1.7.C.</u> )	C	0 ac	n/a	independent calculation	independent calculation
Institutional					
Assembly ( <u>6.1.8.B.</u> )	C	0 ac	n/a	independent calculation	exempt
Transportation/Infrastructure					
Utility Facility ( <u>6.1.10.C.</u> )	C	0 ac	n/a	1/employee + 1/stored vehicle	independent calculation
Wireless Communications Facilities ( <u>6.1.10.D.</u> )					
Minor	B	0 sf	n/a	1/employee + 1 per stored vehicle	independent calculation
Accessory Uses					
Accessory Residential Unit ( <u>6.1.11.B., E.5.</u> )	B	0 sf	1 unit per lot	1/bedroom	exempt
Home Occupation ( <u>6.1.11.D.</u> )	B	0 ac	n/a	n/a	exempt
Home Business ( <u>6.1.11.E.</u> )	C	0 ac	n/a	1/employee	exempt
Family Home Daycare ( <u>6.1.11.F.</u> )	B	--	n/a	1/employee + 1 off-street pick-up/drop-off	exempt

Y=Use allowed, no permit required B=Basic Use Permit (Sec. 8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Employee Housing Floor Area (min) (Div. 6.3.)
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 ac	n/a	1 per 1,000 sf outdoor display area + 1 per employee	exempt
Farm Stand (6.1.12.E.)	B	0 ac	n/a	5 per 1,000 sf display area	exempt
Real Estate Sales Office (6.1.12.C.)	B	0 ac	n/a	3.3/1,000 sf	exempt
Temporary Shelter (6.1.12.D.)	B	0 ac	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 ac	n/a	1/employee	exempt

Y=Use allowed, no permit required B=Basic Use Permit (Sec. 8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use	
<b>Individual Use (floor area) (max)</b>	
Single family unit (detached)	
Habitable floor area excluding basement	8,000 sf
Gross floor area excluding basement	10,000 sf
Accessory Residential Unit	800 sf habitable
4. Operational Standards	
Outdoor Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash & recycling enclosure required	> 4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Sound level at property line (max)	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)

**D. Development Options and Subdivision**

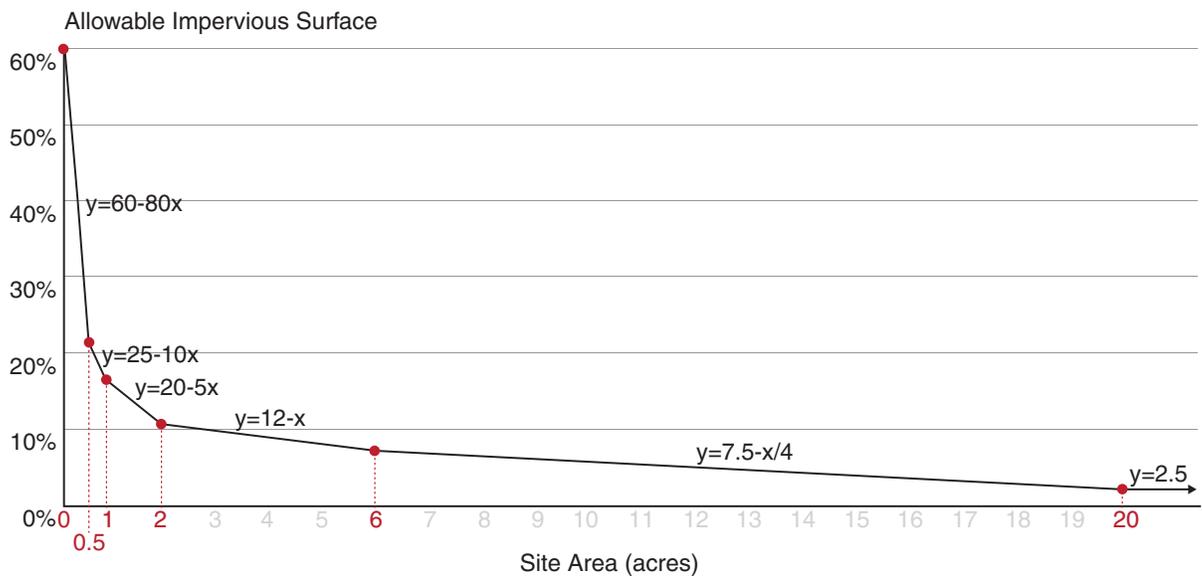
Standards applicable to development options and subdivision in the R-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the R-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the R-ToJ zone, however, all standards in Article 7, are applicable in the R-ToJ zone, unless stated otherwise.

1. Allowed Subdivision and Development Options								
Option	Site Area (min)	Lot Size (min)	Density (max)	OSR (min)	LSR (min)	FAR (max)	Lot Coverage (max)	Option Standards
Allowed Subdivision Options								
Land Division	n/a	12,000 sf	n/a	n/a	determined by physical development			(Sec. 7.2.3.)
2. Residential Subdivision Requirements								
<b>Affordable Housing</b>								(Div. 7.6.)
Required Affordable Housing						1 affordable unit per 4 market units		
<b>Schools and Parks Exaction</b>								(Div. 7.5.)
Schools exaction						.020 acres per 1- or 2-family unit .015 acres per multi-family unit		
Parks exaction						9 acres per 1,000 resident		
3. Infrastructure								
<b>Transportation Facilities</b>								(Div. 7.6.)
Access								required
Right-of-way for Minor Local Road (min)								60'
Paved travel way for Minor Local Road (min)								20'
<b>Required Utilities</b>								(Div. 7.7.)
Water								public
Sewer								public
4. Required Subdivision and Development Option Permits								
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)			
Any Subdivision								
≤ 10 Units				X			X	
> 10 Units		X	X				X	

**E. Additional Zone-specific Standards**

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

1. For lots in developments with required open space, the lot coverage shall be calculated for the entire project area and allocated to each lot at the time a Development Plan is approved.
2. Impervious Surface Coverage for Residential Lots
  - a. Impervious surface coverage for R-ToJ zone lots of 20 acres or less in size shall be determined by the table below:



- b. Impervious surface coverage for R-ToJ zone lots that are greater than 20 acres is 2.5 percent.
3. **Group Home Use Standards.** Group Home uses shall be located at least three hundred (300) feet from an existing dwelling unit unless the group home use was proposed as part of a development that included both the group home use and the dwelling units.
4. **Building Envelopes.** The building envelope for lots can be up to 2 acres in size, and the balance of the lot can count toward the open space requirement established in D.1.
5. **Accessory Residential Units (ARUs).**
  - a. Accessory residential units shall be attached.
  - b. Home Occupations in ARUs are prohibited.

SECTION III.

Section 1 of Town of Jackson Ordinance No. 1074 (part) and Section 6.1.1 of the Town of Jackson Land Development Regulations are hereby amended and reenacted to read as follows:

## Div. 6.1. Allowed Uses

### 6.1.1. Use Schedule (11/09/16, Ord. xxxx)

The Use Schedule establishes the principal, accessory, and temporary uses allowed in each zone. The definitions and standards for each use are established in Sec. 6.1.2.-Sec. 6.1.12. and referenced in the table. Additional uses may be allowed in a zone as part of an allowed development option as specified in Div. 7.1. The permit required for each allowed use is designated using the following symbols.

- A. “Y” denotes an allowed use that does not require a use permit. Physical development permits are still required as applicable.
- B. “B” denotes an allowed use that requires a Basic Use Permit to be obtained pursuant to Sec. 8.4.1.
- C. “C” denotes an allowed use that requires a Conditional Use Permit to be obtained pursuant to Sec. 8.4.2. A conditional use is generally compatible with the character of a zone but requires individual review of its configuration, density, and intensity in order to mitigate effects that may be adverse to the desired character of the zone.
- D. “S” denotes an allowed use that requires a Special Use Permit to be obtained pursuant to Sec. 8.4.3. Special uses are inherently incompatible with the character of the zone, but essential to the community; and therefore some provision must be made for their existence and operation. Special uses require specified locations due to common neighborhood opposition. These locations shall be determined by a comprehensive community-wide selection process designed to identify locations that best serve the special use while minimizing the negative impacts and obtrusiveness. Special uses also require individual review of their configuration, density, and intensity in order to mitigate effects that are adverse to the desired character of the zone.

Town Legacy Zones																				
USE CATEGORY	Complete Neighborhood Zones												Def/ Stds							
	TS	UC	UC-2	UR	AC- ToJ	AR- ToJ	OP- ToJ	OP-2	BP-R ToJ	BP- ToJ	BC- ToJ	RB ToJ		MHP- ToJ	NC- ToJ	NC-2 ToJ	S- ToJ	Rural Area Zones	Civic Zones	
Specific Use																	R- ToJ	P/SP- ToJ	P- ToJ	
<b>Open Space</b>																				
Agriculture	--	--	--	--	--	B	--	--	--	C	--	--	B	B	B	B	B	Y	Y	6.1.2.
Downhill Ski Area	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	6.1.3.B.
																				6.1.3.C.
<b>Residential</b>																				6.1.4.
Detached Single-Family Unit	--	Y	Y	Y	Y	Y	Y	Y	--	Y	Y	Y	Y	Y	Y	Y	Y	--	--	6.1.4.B.
Attached Single-Family Unit	--	B	B	B	B	--	C	C	B	--	--	B	--	--	B	--	--	--	--	6.1.4.C.
Apartment	--	B	B	B	B	B	--	C	C	B	--	B	--	--	B	--	--	--	--	6.1.4.D.
Mobile Home	--	--	--	--	--	--	--	--	--	--	--	--	B	--	--	--	--	--	--	6.1.4.E.
Dormitory	--	C	C	C	C	C	C	C	--	C	C	C	--	--	C	C	C	C	--	6.1.4.F.
Group Home	--	C	C	C	C	C	C	C	--	C	C	C	--	--	C	C	C	C	--	6.1.4.G.
Live/Work Unit	--	--	--	--	B	--	C	C	C	--	--	--	--	--	--	--	--	--	--	6.1.4.H.
<b>Lodging</b>																				6.1.5.
Conventional Lodging		C(LO)	B(LO)	B(LO)	--	B(LO)	--	--	--	C(LO)	--	--	--	--	--	--	--	--	--	6.1.5.B.
Short-Term Rental Unit		C(LO)	B(LO)	B(LO)	--	B(LO)	--	--	--	C(LO)	--	--	--	--	--	--	--	--	--	6.1.5.C.
<b>Commercial</b>																				6.1.6.
Office	B	B	B	B	--	B	B(O)	B	B	C	--	C	B	--	--	--	--	C	--	6.1.6.B.
Retail	B	B	B	B	--	B	--	C	C	C	--	C	--	--	--	--	--	--	--	6.1.6.C.
Service	B	B	B	B	--	B	--	--	C	C	--	C	--	--	--	--	--	C	--	6.1.6.D.
Restaurant/Bar	B	B	B	B	--	B	--	--	C	C	--	C	--	--	--	--	--	--	--	6.1.6.E.
Heavy Retail/Service	--	--	C	--	C	--	--	--	B	B	C	C	--	--	--	--	--	C	--	6.1.6.F.
Mini-Storage Warehouse	--	--	C	--	C	--	C	--	B	B	C	C	--	--	--	--	--	C	--	6.1.6.G.
Nursery	--	--	--	--	B	--	--	--	C	C	C	--	--	--	--	--	C	--	--	6.1.6.H.

Key: Y = Use allowed without a permit B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required  
 LO = Only allowed in Lodging Overlay Only OF = Only allowed in Office Overlay -- = Use not allowed

Town Legacy Zones																				
USE CATEGORY	Complete Neighborhood Zones										Rural Area Zones	Civic Zones	Def/ Stds							
	TS	UC	UC-2	UR	AC-ToJ	AR-ToJ	OP-ToJ	OP-2	BP-R	BP-ToJ	BC-ToJ	RB-ToJ	MHP-ToJ	NC-ToJ	NC-2	S-ToJ	R-ToJ	P/SP-ToJ	P-ToJ	
<b>Amusement/Recreation</b>																				<u>6.1.7.</u>
Amusement	C	C	C	--	B	--	--	--	--	--	--	--	--	--	--	--	--	--	--	<u>6.1.7.B.</u>
Outdoor Recreation	--	--	--	--	C	C	--	C	C	C	--	--	--	--	C	C	C	C	C	<u>6.1.7.C.</u>
Developed Recreation	--	B	B	--	B	--	--	C	C	C	--	--	--	--	--	--	--	C	--	<u>6.1.7.D.</u>
Outfitter/Tour Operator	--	C	C	--	C	--	--	C	C	C	--	--	--	--	--	--	--	--	--	<u>6.1.7.E.</u>
<b>Institutional</b>																				<u>6.1.8.</u>
Assembly	--	C	C	C	C	C	C	C	C	C	C	--	--	--	C	C	C	C	--	<u>6.1.8.B.</u>
Daycare/Education	--	B	B	--	B	--	C	C	C	C	--	--	--	--	--	--	--	C	--	<u>6.1.8.C.</u>
<b>Industrial</b>																				<u>6.1.9.</u>
Light Industry	--	--	--	--	C	--	--	B	B	C	C	--	--	--	--	--	--	C	--	<u>6.1.9.B.</u>
Heavy Industry	--	--	--	--	--	--	--	C	C	--	--	--	--	--	--	--	--	C	--	<u>6.1.9.C.</u>
Disposal	--	--	--	--	--	--	--	C	C	C	--	--	--	--	--	--	--	C	--	<u>6.1.9.D.</u>
<b>Transportation/Infrastructure</b>																				<u>6.1.10.</u>
Parking	--	--	--	--	C	--	--	--	--	--	--	--	--	--	--	--	--	C	--	<u>6.1.10.B.</u>
Utility Facility	--	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	<u>6.1.10.C.</u>
<b>Wireless Communication Facilities</b>																				<u>6.1.10.D.</u>
Minor	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	
Major	--	--	--	--	--	--	--	--	C	--	--	--	--	--	--	--	--	C	--	
Heliport	--	--	--	--	C	--	--	C	C	C	--	--	--	--	--	--	--	C	--	<u>6.1.10.E.</u>

Key: Y = Use allowed without a permit B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required  
 LO = Only allowed in Lodging Overlay Only OF = Only allowed in Office Overlay -- = Use not allowed

Town Legacy Zones																			
USE CATEGORY	Complete Neighborhood Zones												Def/ Stds						
	TS	UC	UC-2	UR	AC- ToJ	AR- ToJ	OP- ToJ	OP-2 ToJ	BP-R ToJ	BP- ToJ	BC- ToJ	RB ToJ		MHP- ToJ	NC- ToJ	NC-2 ToJ	S- ToJ	Rural Area Zones	Civic Zones
Specific Use																	R- ToJ	P/SP- ToJ	P- ToJ
Accessory Uses																			
Accessory Residential Unit	B	B	B	--	B	B	C	B	C	C	B	B	--	B	B	B	B	B	--
Bed and Breakfast	--	B(LO)	B(LO)	--	B(LO)	--	--	--	--	C(LO)	--	--	--	--	--	--	--	--	--
Home Occupation	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	--
Home Business	--	B	C	C	C	C	C	C	--	C	B	--	C	C	C	C	C	--	--
Family Home Daycare	--	B	B	B	B	B	B	B	B	B	B	--	B	B	B	B	B	--	--
Home Daycare Center	--	B	B	C	C	C	C	C	--	C	--	--	--	--	C	--	--	B	--
Drive-In Facility	--	B	B	--	B	--	--	C	--	C	--	--	--	--	--	--	--	--	--
Temporary Uses																			
Christmas Tree Sales	--	Y	Y	Y	Y	--	--	--	Y	Y	Y	Y	--	--	--	--	Y	Y	Y
Real Estate Sales Office	--	--	--	B	--	B	--	B	B	--	--	--	--	--	--	B	B	--	--
Temporary Shelter	--	B	B	B	B	B	B	B	--	--	B	B	B	B	B	B	B	--	--
Farm Stand	--	B	B	--	B	--	--	--	--	--	B	--	--	--	--	--	B	B	--
Temp. Gravel Extraction and Processing	--	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B

Key: Y = Use allowed without a permit B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required  
 LO = Only allowed in Lodging Overlay Only OF = Only allowed in Office Overlay -- = Use not allowed

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 \_\_\_\_\_, 2016.

TOWN OF JACKSON

BY: \_\_\_\_\_  
Sara Flitner, 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 \_\_\_\_\_, 2016.

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

\_\_\_\_\_  
Town Clerk

## Jeanne Carruth

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**From:** Simon Jones <simon@myplates.com>  
**Sent:** Thursday, September 15, 2016 11:37 PM  
**To:** Town Council  
**Subject:** ARU Amendment discussion

Since the discussion has been moved to the Town Council Meeting and not the workshop I thought it necessary to share my thoughts prior to the meeting. Here goes:

1. Full disclosure, my wife and I own a standard town lot with an alley at the corner of Redmond and Simpson. My wife graduated from high school here and we have moved back to Jackson a couple years ago to raise our two little girls in a fabulous community. My business partners and I are trying to grow a ski industry software company here in town and hopefully someday will be able to create good paying jobs, not more low paying jobs. As everyone know it's difficult to afford housing in this town. We are better off than a lot but still need the rental income to assist with the mortgage. I also truly believe that the ARU tool in the NC zone will help provide housing for others and move us closer to our community goal of housing people in Teton County. I'm shovel ready on my project to create new ARU's but time is running out for this year.
2. Upsetting to see that a working group was established without broad community involvement and made up primarily of opponents to the ARU amendment that had been set forward. Further, the recommendations of this working group have then been submitted to staff and for the most part been accepted as their recommendations. In reading the working group recommendations they are for the most part limiting and protectionary so as to hinder the building of detached ARU's.
3. Keep it simple, don't change anything from the August 1<sup>st</sup> version of the amendment. The amendment that was voted on August 1<sup>st</sup> address the concerns of those that opposed the amendment based on miss information and miss understanding. The amendment as currently written self-mitigates all density concerns we have heard from those in the Gill and the Wapiti/Absaroka areas of town as follows:
  - a. If you can't park it you can't build it. Each ARU, dependent on size, requires adequate parking as set forth in the amendment (1 for single bedroom less than 500 sqft and 2 for all other units). This in itself will the limit the ability to add ARU's to any lot in town, self-mitigating the density.
  - b. From my review of the GIS maps, there are only two lots on Wapiti and one large lot that fronts Broadway in the Gill addition that would qualify for a detached ARU based on lot size and alley/double street frontage. All other lots in the Nelson subdivision and Gill Additions are either small than the standard lot size or do not have alley/double street frontage. Again, this is self-mitigating the density.
  - c. Additional scale is not being allowed in any of the zones as FAR has not been changed. Current LDRs allow for detached garages with living spaces above to be built on all lots up to the allowable FAR and LSR. In fact, current LDRs would allow this on lots without alley/double street frontage regardless if this amendment passes or not. Adding the ability to rent that space legally with all the parking and size requirements laid out in the amendment is more than likely a better alternative.
  - d. And let's all admit the obviously, unpermitted basement rentals are already occurring throughout the NC, Suburban, and Rural zones. Why else do we have cars parking in the yard over in the Nelson subdivision areas

as stated in public comment on August 1<sup>st</sup>. Let's bring some regulation to this and bring life safety to these rentals and parking requirements.

e. Another misconception that I've heard from those opposing the amendment is a concern that they will be rented short term or sold as condos. Subdividing and being sold is an absolute no, it cannot happen per town ordinance. Also, the LDRs require that if the units are to be rented they must be rented to a person employed within Teton County, in accordance with the guidelines established by the Teton County Housing Authority. This tool is here to help our housing crisis so everyone should do their civic duty and report their neighbors if they are not follow the law.

4. Do not change the current 5' side a rear setbacks. The 10' setback is just a protectionary clause added by the working group to limit the ability to build detached ARU's. As staff noted in their report, current LDRs give landowners the capability to build detached accessory structures 5' from the property line and 28' high without a limit on square footage other than overall FAR. Adding these restrictions to accessory residential units will not stop your neighbor from building a garage with living space above it 5' from your property and 28' tall. Some of the more ideal lots in the NC zone that are the standard town size of 150' x 50' with alleys need to be able to use the 5' rear and side setbacks to fit enough parking and building separation from existing structures. These lots are ideal for an attached basement unit and a detached unit off the alley over a second garage. This layout allows for the street frontage to maintain current single family character and not require any additional parking up front for the ARU's. This exact scenario is described in the comp plan.

5. Do not limit the detached ARU to 500 square feet. Doing so will reduce the potential of creating two bedroom inventory for small families that are just as much in need of housing as the younger singles and married couples without children. Current FAR limitations, and the 1 parking space per bedroom requirement will self-mitigate the scale and proportion of a detached ARU. As staff noted in their report, current LDRs give landowners the capability to build detached accessory structures 5' from the property line and 28' high without a limit on square footage other than overall FAR.

6. Allowing an 800 square foot structure 5' from the property line and 28' high is currently allowed within current LDRs. The only thing that we are asking to be changed is to allow that structure to be used for residential rentals as a positive step forward towards solving our housing crisis.

7. The more restrictive and specific you make the ARU requirements the harder it will be for landowners to build new ARUs on their properties to add to the rental inventory.

8. The decision was made over a year ago to move density into town when our county elected officials adopted the new county LDRs that further restricted density in the unincorporated areas of Teton County as the comp plan directed.

Thank you for your time and I'll see you on Monday. If anyone would like to discuss this further with me feel free to contact me at 512-992-4499.

Simon and Stephanie Jones

## Jeanne Carruth

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**From:** Simon Jones <simon@myplates.com>  
**Sent:** Thursday, September 15, 2016 10:27 PM  
**To:** Town Council  
**Subject:** ARU Workshop

Why has the workshop for the ARU amendment been moved to the regular town council meeting? It is my understanding the workshop is less formal and would allow for more community feedback. I am very disappointed to read the staff report published today and to find that a working group was setup of mostly opponents to the ARU amendments. Six of the eight Working Group participants live in the Pioneer/Wapiti/Absaroka area of town and are not representative of other parts of town. Now it seems that I will have limited opportunity to talk in favor of the ARU amendments and to point out the issue with the working group findings as I will be limited to 3 minutes in the more formal town council meeting.

We can't let the few people who want to close the door to town to dictate how our policy is going to be written.

## Jeanne Carruth

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**From:** Sandy Birdyshaw  
**Sent:** Monday, September 19, 2016 8:51 AM  
**To:** Jeanne Carruth; Paul Anthony  
**Subject:** FW: ARU Amendment discussion

- Sandy Birdyshaw

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**From:** Simon Jones [mailto:simon@myplates.com]  
**Sent:** Sunday, September 18, 2016 12:57 PM  
**To:** Hailey Morton Levinson <hmortonlevinson@townofjackson.com>  
**Subject:** Re: ARU Amendment discussion

Thank you for taking the time to read what I have to say. We're a are just a tad bit older than you Hailey, my wife graduated back in 1991. Her family had a burger joint back then at the corner of Pearl and King called the Burger Emporium, maybe you or your family remember it. She remembers how hard her family worked to run a restaurant in Jackson and how tough it was to be an employee. They struggled themselves back then with housing and our problems are magnitudes worse today. We are serious about being part of the housing solution. The few hours I spent the other night writing down my thoughts and the countless hours I've spent researching the issue along with current LDRs and the Comp Plan is nothing. We are fortunate to have stable housing for our family and I wish to do my part to help others. One thing is for certain, the population is not going to get any smaller no matter how restricted people want to try and make the regulations. So what ends up happening is our problems become even more exasperated.

I will be there Monday. In fact, I have a meeting at 2:00 on Monday before the workshop with the Mayor to talk a little bit more about my thoughts

On Sep 15, 2016, at 11:37 PM, Simon Jones <[simon@myplates.com](mailto:simon@myplates.com)> wrote:

Since the discussion has been moved to the Town Council Meeting and not the workshop I thought it necessary to share my thoughts prior to the meeting. Here goes:

1. Full disclosure, my wife and I own a standard town lot with an alley at the corner of Redmond and Simpson. My wife graduated from high school here and we have moved back to Jackson a couple years ago to raise our two little girls in a fabulous community. My business partners and I are trying to grow a ski industry software company here in town and hopefully someday will be able to create good paying jobs, not more low paying jobs. As everyone know it's difficult to afford housing in this town. We are better off than a lot but still need the rental income to assist with the mortgage. I also truly believe that the ARU tool in the NC zone will help provide housing for others and move us closer to our community goal of housing people in

Teton County. I'm shovel ready on my project to create new ARU's but time is running out for this year.

2. Upsetting to see that a working group was established without broad community involvement and made up primarily of opponents to the ARU amendment that had been set forward. Further, the recommendations of this working group have then been submitted to staff and for the most part been accepted as their recommendations. In reading the working group recommendations they are for the most part limiting and protectionary so as to hinder the building of detached ARU's.

3. Keep it simple, don't change anything from the August 1<sup>st</sup> version of the amendment. The amendment that was voted on August 1<sup>st</sup> address the concerns of those that opposed the amendment based on miss information and miss understanding. The amendment as currently written self-mitigates all density concerns we have heard from those in the Gill and the Wapiti/Absaroka areas of town as follows:

a. If you can't park it you can't build it. Each ARU, dependent on size, requires adequate parking as set forth in the amendment (1 for single bedroom less than 500 sqft and 2 for all other units). This in itself will the limit the ability to add ARU's to any lot in town, self-mitigating the density.

b. From my review of the GIS maps, there are only two lots on Wapiti and one large lot that fronts Broadway in the Gill addition that would qualify for a detached ARU based on lot size and alley/double street frontage. All other lots in the Nelson subdivision and Gill Additions are either small than the standard lot size or do not have alley/double street frontage. Again, this is self-mitigating the density.

c. Additional scale is not being allowed in any of the zones as FAR has not been changed. Current LDRs allow for detached garages with living spaces above to be built on all lots up to the allowable FAR and LSR. In fact, current LDRs would allow this on lots without alley/double street frontage regardless if this amendment passes or not. Adding the ability to rent that space legally with all the parking and size requirements laid out in the amendment is more than likely a better alternative.

d. And let's all admit the obviously, unpermitted basement rentals are already occurring throughout the NC, Suburban, and Rural zones. Why else do we have cars parking in the yard over in the Nelson subdivision areas as stated in public comment on August 1<sup>st</sup>. Let's bring some regulation to this and bring life safety to these rentals and parking requirements.

e. Another misconception that I've heard from those opposing the amendment is a concern that they will be rented short term or sold as condos. Subdividing and being sold is an absolute no, it cannot happen per town ordnance. Also, the LDRs require that if the units are to be rented they must be rented to a person employed within Teton County, in accordance with the guidelines established by the Teton County Housing Authority. This tool is here to help our housing crisis so everyone should do their civic duty and report their neighbors if they are not follow the law.

4. Do not change the current 5' side a rear setbacks. The 10' setback is just a protectionary clause added by the working group to limit the ability to build detached ARU's. As staff noted in their report, current LDRs give landowners the capability to build detached accessory structures 5' from the property line and 28' high without a limit on square footage other than

overall FAR. Adding these restrictions to accessory residential units will not stop your neighbor from building a garage with living space above it 5' from your property and 28' tall. Some of the more ideal lots in the NC zone that are the standard town size of 150' x 50' with alleys need to be able to use the 5' rear and side setbacks to fit enough parking and building separation from existing structures. These lots are ideal for an attached basement unit and a detached unit off the alley over a second garage. This layout allows for the street frontage to maintain current single family character and not require any additional parking up front for the ARU's. This exact scenario is described in the comp plan.

5. Do not limit the detached ARU to 500 square feet. Doing so will reduce the potential of creating two bedroom inventory for small families that are just as much in need of housing as the younger singles and married couples without children. Current FAR limitations, and the 1 parking space per bedroom requirement will self-mitigate the scale and proportion of a detached ARU. As staff noted in their report, current LDRs give landowners the capability to build detached accessory structures 5' from the property line and 28' high without a limit on square footage other than overall FAR.

6. Allowing an 800 square foot structure 5' from the property line and 28' high is currently allowed within current LDRs. The only thing that we are asking to be changed is to allow that structure to be used for residential rentals as a positive step forward towards solving our housing crisis.

7. The more restrictive and specific you make the ARU requirements the harder it will be for landowners to build new ARUs on their properties to add to the rental inventory.

8. The decision was made over a year ago to move density into town when our county elected officials adopted the new county LDRs that further restricted density in the unincorporated areas of Teton County as the comp plan directed.

Thank you for your time and I'll see you on Monday. If anyone would like to discuss this further with me feel free to contact me at 512-992-4499.

Simon and Stephanie Jones

## Jeanne Carruth

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**From:** Franz Camenzind  
**Sent:** Monday, September 19, 2016 4:41 PM  
**To:** Town Council  
**Subject:** ARU's

Dear Madam Mayor and Council members,

Please excuse this late transmission- I fully thought I would be able to attend tonight's meeting regarding the ARU proposal. However, I'm feeling less than well and don't want to share my little infestation with others!

I am opposed to the idea of having ARU's in the NC districts in particular and in general anywhere in town. The Neighborhood Conservation, by its very name describes a goal to Conserve the Neighborhood as it exists. I find it disheartening that the word conservation would be so ignored as to allow activities that would truly change the character of single family, quiet neighborhoods. Why have a N.C. designation if we are not going to conserve that character. In a community that prides itself as being a true home for conservation- to go forward with ARU's in N.C. neighborhoods is an embarrassment.

If we allow ARU's to be constructed in these neighborhoods we will be looking at densities greater than what exist in many single family neighborhoods in Casper and Idaho Falls. Is that what we want for Jackson? I don't, and I hope you too will decide that it is not a good idea.

Thoughts:

- Parking will be a problem. Addressing it by tying parking space requirements to the number of bedrooms, which is defined by having a closet, is an easy loophole to jump through. I would build a closet in the "office" and then after being authorized to go ahead, I would move a bed in the office. Bingo- two bedrooms and one parking requirement! This will be impossible to monitor let alone to enforce. Parking will end up on the street in the summer and then where in the winter? (And just this weekend I heard of a new Grove resident saying "how dicey it was to find parking!" there.)
- Snow removal will increase the parking problem many times over. Right now the town is spending lots of money to remove snow from certain areas- this activity and its costs will increase.
- How will safety issues be addressed? Particularly fire access to these units? I always thought there was a good reason to have 10 foot side set backs (20 feet total) between units so as to allow reasonable fire/safety access. What has changed? Is it now Okay to have only 10 feet between dwellings?
- How will the added density impact traffic flow patterns and traffic congestion? Has this been analyzed?
- And when will this community begin to address the "need" for more housing? Meaning, when will we say we have reached our carrying capacity and we have to limit new development, particularly commercial? When will we really try and live up to being a sustainable community?
- And there are those who say this will not increase what could already happen with existing rights. If so, then why are we seeking this change? I suspect because it is anticipated that many more owners will go for the ARU's then will be willing to expand attached development. This is a NEW right, not "tweaking" an existing right.
- And last, how long will it be before there is a push to have these units allowed to be sold and privatized?

As several residents stated at the last meeting regarding ARU's, it is only the real state brokers, attorneys and architects that will truly benefit if this is allowed to be enacted. If that argument and others mentioned above and by others has made it possible to exclude the Gill Addition from this application, why don't the same values hold for the N.C. districts? I am happy for them but are we less worthy?

Thank you for your work and for considering my concerns. I will try and make the meeting.

Franz Camenzind

480 Stacy Lane off West Snow King Ave.

## Jeanne Carruth

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**From:** Mo Oleary <grumpyelk@gmail.com>  
**Sent:** Monday, September 19, 2016 3:45 PM  
**To:** Bob Lenz; Don Frank; Hailey Morton Levinson; Jim Stanford;  
sflinter@townofjackson.com  
**Subject:** ARU's

To the Mayor and Town Council

I do not feel, detached ARU's are compatible with the comprehensive plan for "Stable Neighborhoods"

28 foot high ARU's are too tall, when most neighborhoods have small one to two story houses, that are in many locations only 20 feet high.

ARU's are not going to help people pay their mortgages, if you can't afford your current house, there is no money to build an ARU.

ARU's if allowed in some areas, should be limited to 500 sq ft. 800 sq ft it almost 1/2 the size of many houses especially in East Jackson.

With all the other restrictions neighbors need to know what can be built on all the lots in their area.

Allowing ARU's is only going to increase land values and make it even more difficult for people to buy property.

If ARU's are allowed in some areas, they should only be allowed if the owner occupies the property

Maureen O'Leary  
East Jackson

## Jeanne Carruth

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**From:** Matt Faupel <mattfaupel@jhrea.com>  
**Sent:** Friday, September 23, 2016 12:32 PM  
**To:** Town Council  
**Cc:** April Norton; Tyler Sinclair  
**Subject:** ARU recommendations from the last Council meeting

Thank you for continuing great discussions on the ARU draft. A few thoughts on the recommendations to staff:

Gill Addition – I have no feelings one way or another about the Gill, just spot changes overall. If neighborhoods do not want ARUs, they can simply create CCRs, it does not have to be your fight. Same goes for Indian Trails, Cottonwood, Rancher Street or wherever. My suggestion - stay the course.

Lot size – we need to be careful here. If I have a double lot in east Jackson, I have 2 lots and they are dividable as that is how they were platted, the only reason I would want to build an ARU on the double lot is if the house straddles the lot line. If not, I will build the ARU on one lot or the other. 2 lots are 2 lots, not a double. If the lots get split down the road you are facing a 800 sqft ARU in the back of the lot without the ability to build a main house on the front (as the 800 sqft now becomes the primary so the house in the front can only be 500 sqft) leaving you with a variance request, why go through this? My suggestion – have a minimum of a full lot (and alley) to have a detached ARU and give staff flexibility to grant a variance where a slightly smaller lot could work. Forget about the double lot thing all together (relates to 500 v 800 sqft), let staff deal with situations where an existing house crosses a lot line.

Setbacks – the reality here is that a set rule is easier to manage than flexibility although flexibility has advantages. Also, the setbacks have worked just fine in the AR zone forever. A 5' side setback (while requiring 20' of total side setback which means 15' on the other side) allows a parking space next to the house which makes a 5' alley setback possible. A 5' alley setback with 10' side setbacks prevents parking on the alley all together which defeats the purpose since you can't park the rear at that point (you have to have a 5' side setback for a driveway so you need 15' from the property line to have a parking space). A 10' alley setback allows 2 cars to park parallel to the alley, which makes sense so long as you add to that whatever Tyler was talking about for a snow storage easement on alleys. Last, to Don's comment about separation, the regs already say you have to have 10' separation between buildings (for fire I believe). My suggestion – let parking & staff manage setbacks, don't worry about the 5' (again as the immediate neighbor is another ARU and it is consistent with the AR regs).

Enforcement – requiring a license becomes a regulation that the Town has that the County does not (guest houses are ARUs). Also, how is this different than AR zoned ARUs as they would not be required to have a license? This concept creates confusion, it should be all or none. Staff will be required to enforce, which is fine. My suggestion – have planning figure it out for all ARU's and where you draw the line but not in the next few weeks.

Owner Occupant – what is an occupant? A full time resident? Once again, we are treating this very differently than an AR lot. I can own an AR and have 3 tenants but I can't have a NC lot and have 2? That makes no sense and to make it for both is opening a can of worms you don't want to. There are too many scenarios to list that make this a huge management headache. You don't want to evict the workforce because the owner of the property is not a full timer. One of the biggest wins for the ARU is a person building a second home (loss to the town) but instead decides to build a 2<sup>nd</sup> home with an ARU (FREE MARKET PRESERVATION!). Don't take that away. Trying to do more will be a huge step backward with the regulation; play the scenarios and you will see that this is the case. The reality is that it is not the local, full-timer that can afford to build 3,000+ sqft on a lot in town, it is not non-full timer, where all E Jackson lots will go if not preserved. Further, I am a partner in an old 4-Plex on a single lot, a home with a grandfathered ARU and lot with what will soon have an ARU. I don't live in any of them so all of these would be illegal which makes no sense and you would make me evict 7 working families. The whole idea of this seemed to come from the fear of an absentee owner not caring about the property they have skids living in. My suggestion – fine people for being bad neighbors if that is the fear.

500sqft detached ARUs – we are missing a big point here. The JTCHA guidelines say that it will not accept a unit under 600 sqft (or 550 sqft for a rental) for a deed restricted unit (subsidized). This is too small for full-time, year-round people, especially families. The whole point of the ARUs is for full-time, year-round people which makes this a full on contradiction. The understanding I was given about this years ago from the Housing Authority was that smaller units are fine for the free market as they tend to serve the transient worker. If that is the case, then the detached ARU is targeted to the transient worker. The place for the transient is apartments or condos, not neighborhoods. You don't bring stability to an ARU by having 3 guys working full time share a 500 sqft cabin in the back of someone's lot. You do so by getting a couple with a young child in it. Now either can rent a 2 bed but only one can rent the 500 sqft place. Remember, 800 sqft is the max, not the must. 4 guys in a 2 bed – an enforcement issue, not a rule issue. The spoon didn't make you fat so don't make spoons illegal. The point of the impact of the 800 sqft detached is also contradicted by allowing an 800 sqft attached unit. They both have the same impact but one is not allowed? Exactly. My suggestion – stick with 800 sqft and let parking dictate the size, I think Don made that point as well as the point that building smaller is simply more expensive and he is right (I have the data). Another option, where you allow 2 ARUs allow one 800 sqft and one 500 sqft but don't dictate which is where. You want the 800 sqft units in there, don't disincentivize what you are trying to get built, remember who you are trying to house. Remember that the double lot idea is irrelevant. My suggestion – get rid of the 500 sqft max idea for detached, make it 800 sqft and at worst, allow one of each where two are allowed but don't dictate.

Thank you again for your work. This regulation has the opportunity to be a great thing for this community and have a real impact on keeping neighbors in neighborhoods because as costs rise, every free market home will become a second home.

matt

**Matt Faupel**

## Jackson Hole Real Estate Associates

Owner/Associate Broker

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## TOWN COUNCIL MEETING AGENDA DOCUMENTATION

**PREPARATION DATE:** July 14, 2016  
**MEETING DATE:** July 18, 2015

**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Tyler Sinclair  
**PRESENTER:** Regan Kohlhardt

**SUBJECT: Item: P16-036 – Accessory Residential Unit Land Development Regulation Amendment**

### STATEMENT/PURPOSE

Consideration of a Land Development Regulation Text Amendment to allow Accessory Residential Units (ARUs) in the Neighborhood Conservation (NC), Neighborhood Conservation-2 (NC-2), Suburban (S), and Rural (R) zones.

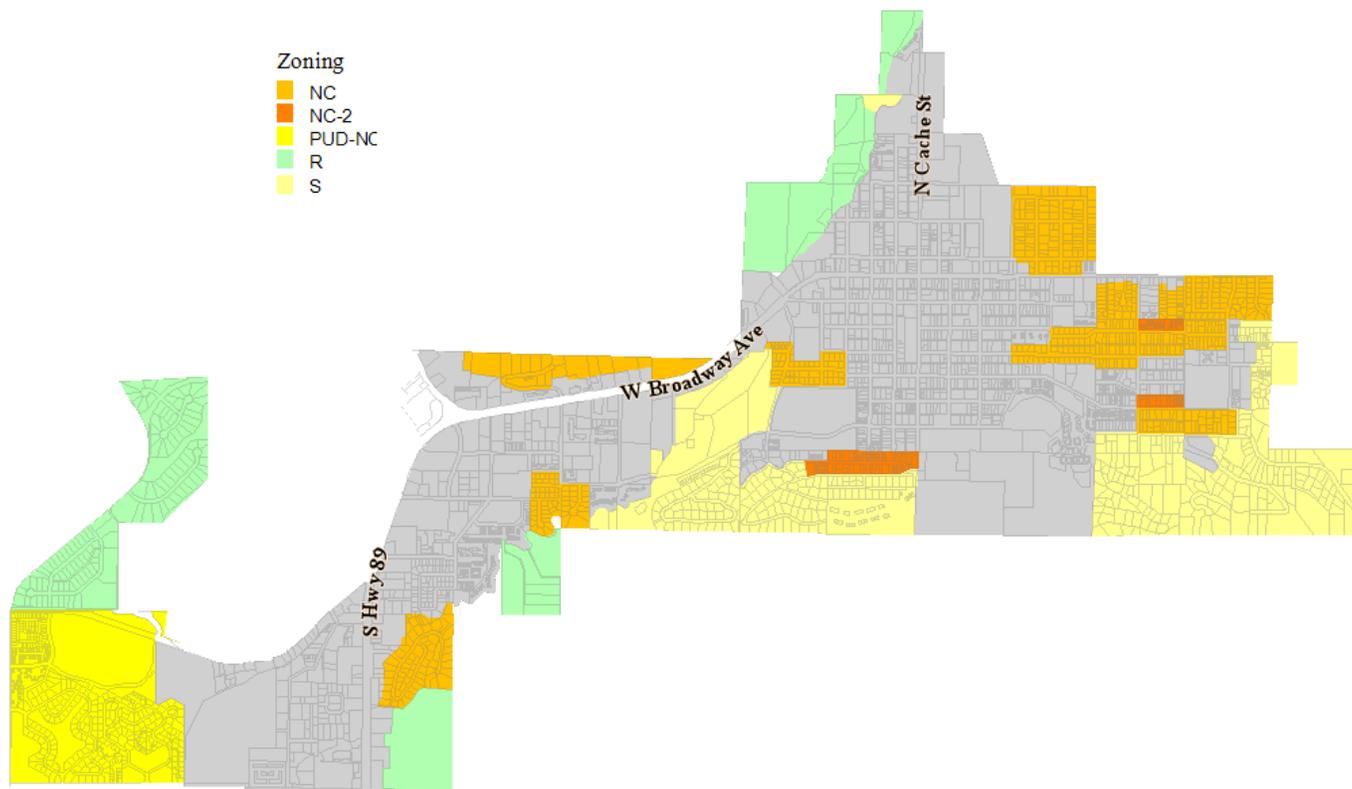
### BACKGROUND/ALTERNATIVES

#### **Applicable Regulations:**

- Section 8.7.1 LDR Text Amendment
- Section 6.1.11.B Accessory Residential Units

## Location:

The proposed amendment would apply in the NC, NC-2, S, and R-ToJ zones.



## *Why is this amendment being considered?*

In March 2016, Town Council directed staff to explore allowing ARUs in Town zones where they are currently prohibited. The effort is considered a low-hanging fruit opportunity for providing additional workforce housing in the community. It is also the first step towards implementing the strategies outlined in the Housing Action Plan, which specifically identifies ARUs as being a low-cost and yet promising workforce housing supply.

To date, Staff has carried out one workshop with Town Council and four public, drop-in workshops. At the April 18<sup>th</sup> Council Workshop, Council directed Staff to explore allowing Accessory Residential Units in all remaining Town zones where they are not allowed. Only the Budge Drive Hillside area was excluded by Council from the scope of the amendment. Council further directed Staff that the amendment should be achieved in a timely manner and should capitalize on ‘low-hanging fruit’ opportunities for allowing ARUs in Town.

At the four public workshops, Staff asked the public specifically where they wanted to see ARUs allowed, how many ARUs per property should be allowed, and if there were any additional criteria or incentives for allowing ARUs that should be incorporated into the amendment. The workshops were held at the Jackson Senior Center, at Town Hall, at Jackson Elementary School, and at Teton County Library. In total, 59 people attended the workshops. Flyers and a “take-home” questionnaire were also available for those not able to attend the workshop at the Town Hall. Six people filled out the take-home questionnaire.

## *Workshop Results*

Staff estimates that at least half of the workshop participants were working professionals with some insight into the community planning issues. These professionals included architects, land use planners,

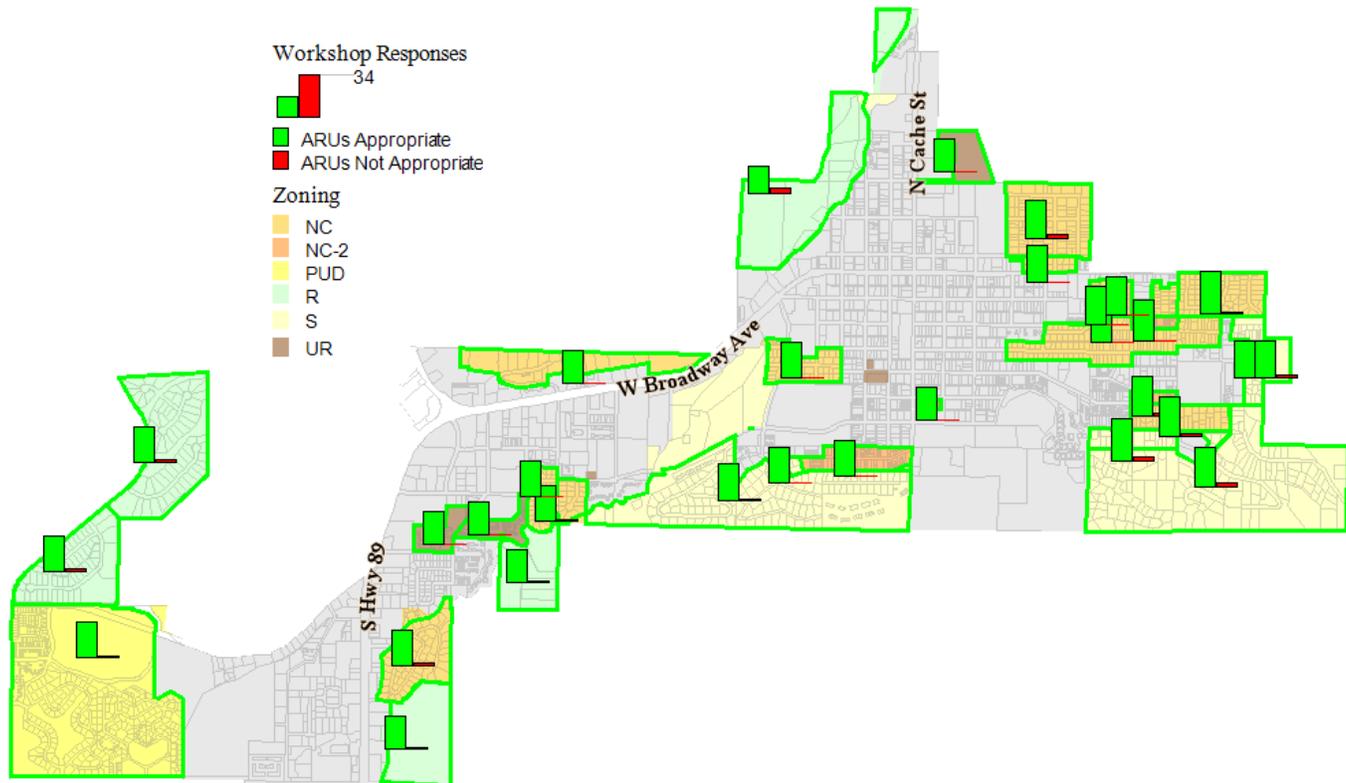
developers, land surveyors, consultants, and representatives from non-profits. This means that the workshop results are more representative of the perspectives and opinions of individuals with a professional interest in the topic of allowing ARUs in Town. At the same time, having the opportunity to hear from all of these professionals has provided expert advice on allowing ARUs in Town. Almost all of the workshop participants including the professionals present were residents of Town.

*Where should ARUs be allowed?*

A key component of the public workshop was to ask participants to identify on a map of Town where ARUs were appropriate and where they were not. Workshop participants were largely in favor of allowing ARUs in all areas under consideration. 22 participants explicitly stated they were in favor of allowing ARUs *everywhere*. Participants cited the following reasons for supporting ARUs in all Town zones:

- Workforce housing
- Additional income to assist with mortgage payments
- For family use to allow grown children to move home

The map below summarizes workshop participant sentiments about allowing ARUs in different areas of Town. Green shows support for ARUs, and Red shows opposition.



As the map illustrates, there was far more support for ARUs in the areas under consideration than opposition. The areas that had the most opposition to allowing ARUs were the East Gros Ventre Butte, Snow King Drive/ Upper Cache/ E. Cache Creek, Cache Creek Drive, and the Gill Addition. For each of these cases, there were only four to five individuals who expressed opposition to ARUs. In contrast, more than 30 participants identified these areas as appropriate for ARUs. It is worth noting again here that 22 of the participants made blanket statements about allowing ARUs everywhere, and thus their comments are not necessarily taking into account the specific characteristics of different areas under consideration. The data that informed the map is tabulated below.

Zoning	Subarea	Class	Common Name	Yes	No
NC	3.1	S	Kelly to Cache Creek E. of Redmond	32	3
NC	3.1	S	Hanson/Simpson/McCloud/McKean/Pioneer	32	1
NC	4.4	S	Stacy/Scott/Dogwood	29	2
NC	6.1	S	Gill Addition	31	4
NC	6.1	S	Hidden Ranch	29	3
NC	6.1	S	Wapiti/Absaroka/Rancher/Nelson	34	2
NC	2.6	T	SW Broadway/Redmond NC	31	0
NC	2.6	T	E. Broadway NC	30	0
NC	3.2	T	No Name/Stormy Circle	31	0
NC	3.2	T	Kelly/Flat Creek N. of Rodeo Grounds	29	0
NC	4.2	T	Budge Hillside	26	0
NC	4.3	T	Smith/Simon/Maple	29	0
NC-2	3.1	S	600 Block E. Kelly	32	3
NC-2	3.1	S	600 Block E. Simpson	33	1
NC-2	3.2	T	Aspen Dr.	29	0
PUD	5.5	S	Cottonwood	29	2
R	9.4	C	E. Gros Ventre Butte	23	5
R	15.1	P	Flat Creek Corridor Conservation Easement	27	2
R	15.1	P	Hillside S. of Hidden Ranch	26	2
R	5.5	S	Indian Springs	29	3
R	6.1	S	Indian Springs	29	3
S	3.1	S	Cache Creek Drive	34	4
S	3.4	S	Daisy Bush/Buffalo Head/Eastridge	30	2
S	6.1	S	Nelson FS Site	30	3
S	6.1	S	Pine/Spruce/Wister/Rodeo	30	2
S	6.2	S	Snow King Dr./Upper Cache/E. Cache Creek	32	4
S	3.2	T	Aspen/Pine/Flat Creek Corner	29	1
UR	4.4	S	Elk Run	27	0
UR	3.2	T	Old FS Site	26	0
UR	3.2	T	80 E. Karns	27	0
UR	4.3	T	Webster LaPlant/Mountain Resort	27	0

Staff has taken special note of where opposition to ARUs was highest relative to other areas of opposition. It remains likely that there are others who also oppose ARUs in these areas where opposition was strong who did not attend the workshop, and Staff is interpreting the results of the workshop to mean that these areas where four or more individuals expressed opposition to ARUs may be more sensitive to the impact of ARUs.

An interesting observation from the results of the workshop is that in areas where there was opposition to ARUs there was also some of the strongest support for ARUs. The exception to this observation is the E. Gros Ventre Butte area, which had relatively strong opposition as well as relatively weak support for ARUs. For the Cache Creek Drive, Snow King Drive/Upper Cache/E. Cache Creek, and Gill Addition areas, this means that allowing ARUs is a controversial topic. Many participants are highly in favor of allowing them while many others are opposed.

*What kinds of incentives should be used to encourage landowners to build ARUs?*

A second component of the workshop involved a discussion of the kinds of incentives that Staff could use to encourage property owners to build ARUs. The incentives for building an ARU discussed included the following:

- Parking space requirements
- Floor Area Bonus
- Flexible Setbacks
- Waiver or partial waiver of Planning & Building fees
- Waiver of sewer and water connection fees
- Pre-approved ARU Building Plans
- An ARU “How-to-Guide”
- Other incentives suggested by participants

The vast majority of participants were in favor of requiring one parking space per ARU versus waiving the requirement altogether or increasing it to 2 required spaces. The majority of participants were also in favor of using floor area bonuses, flexible setbacks, waiver of fees, and an ARU How-to-Guide for incentivizing ARUs construction. Having Pre-approved ARU Building Plans available for residents was slightly more controversial. While many participants like the idea of the cost and time savings a Pre-Approved Plan had, others were concerned about the “canned” or “cookie-cutter” appearance of ARUs that might be built as a result.

Other incentives that were suggested by participants are attached in the Workshop Results document.

*Additional comments, hopes, and concerns*

The third and final component to the workshop was to ask participants for additional comments and hopes and concerns regarding the amendment. A list of the written comments, hopes and concerns that participants offered is also attached as part of the Workshop Results document.

Some of the most common comments, hopes and concerns centered on the topics of parking, short-term rental and deed-restricting ARUs to prevent short-term rental, and design requirements. Regarding parking, the comments again reflected a desire to require only a single space for parking as well as to allow on-street parking in the winter. Many participants were concerned about short-term rental and recommended increased enforcement to prevent short-term rental. A total of 17 comments were written suggesting that ARUs be deed restricted. Lastly, ten comments conditioned support for allowing ARUs, suggesting they only be allowed if designed properly to suit the character of the neighborhood.

**Project Description:**

Based on the results of the public drop-in workshops and other research, Staff has drafted an amendment that will allow ARUs in the NC-ToJ, the NC-2, Suburban, and Rural zones. The amendment does not propose to allow ARUs in the Urban Residential (UR) zone. Specific ARU allowances per zone are described in the tables below.

***Urban Residential***

Not allowed.

The UR district would be appropriate for ARUs in terms of the character of the neighborhoods in this zone, but this zone also represents significant potential for greater density than an ARU allowance would provide. Encouraging ARUs now might preclude greater future opportunity for density. Thus, Staff

recommends reserving this zone for allowance of greater density, which will be determined more comprehensively by the upcoming Town Zoning amendment.

**Neighborhood Conservation**

<b>Neighborhood Conservation-Town (NC-ToJ)</b>			
<i>Allow ARUs?</i>	Yes.		
<i>How many?</i>	2 ARU per lot on alley or with double street frontage		
	1 ARU per lot <i>not</i> on alley		
<i>How big?</i>	800 habitable sq ft maximum		
<i>Flexible setbacks?</i>	Yes, for detached ARU only.		
	<i>Street Setback</i>	<i>Side Setback</i>	<i>Rear Setback</i>
	30'	5'	5'
<i>Bonus FAR?</i>	No.		
<i>Parking</i>	1 / ARU		
<i>Additional Zone Specific Standards</i>			
a. Detached accessory residential units shall only be permitted on lots with alley access or with double street frontage.			
b. Accessory residential units prohibited in the Budge Hillside area.			

Staff recommends allowing 1 ARU per lot in the NC-ToJ zone, and 2 ARUs where the property is located along an alley or where there exists double street frontage.

**Why?**

There are clear positives for allowing ARUs in the NC-ToJ.

- The NC-ToJ zone is, for the most part, centrally located near shops, services, and transit. Adding density here means tenants of the ARUs will have easy access to these amenities and alternative modes of transportation.
- Many of the Character District Subareas in NC-ToJ call for medium to high density and are therefore appropriate for ARUs.
- NC-ToJ properties located along an alley or with double street frontage are ideal locations for ARUs.
- The majority of workshop participants were in favor of allowing ARUs in this zone.

At the same time, there are drawbacks to allowing ARUs in this zone:

- Subarea 6.1 (includes the Gill Addition, Hidden Ranch, and Wapiti/Absaroka/Rancher/Nelson neighborhoods) calls for low to medium density single family homes whereas the other six subareas in the zone describe characters of medium density.
- Four public workshop responses indicated opposition to ARUs in the Gill Addition. Three were opposed to ARUs in the Hidden Ranch Neighborhood.

Taking these drawbacks into consideration, Staff recommends allowing only a single ARU per lot unless located on an alley or having double street frontage. Staff also recommends only allowing detached ARUs on lots located on an alley or with double street frontage. Finally, no additional floor area, lot coverage or flexibility with landscape surface area is proposed by the amendment. ARUs that are constructed must fit within the original LDR dimensional limitations outlined for the NC-ToJ zone. The goal of these

restrictions is to reduce visual and character impact on neighborhoods in NC-ToJ that are less appropriate for ARUs.

**Neighborhood Conservation-2**

<b>Neighborhood Conservation-2-Family (NC-2)</b>			
<i>Allow ARUs?</i>	Yes.		
<i>How many?</i>	2 ARUs per lot		
<i>How big?</i>	800 habitable sq ft maximum		
<i>Flexible setbacks?</i>	Yes, for detached ARU only.		
	<i>Street Setback</i>	<i>Side Setback</i>	<i>Rear Setback</i>
	30'	5'	5'
<i>Bonus FAR?</i>	No.		
<i>Parking</i>	1 / ARU		
<i>Additional Zone Specific Standards</i>			
a. Where there are two primary structures per lot, there may only be a single ARU per primary structure.			

Staff

recommends allowing two ARUs per lot in all of the NC-2 zone. The base allowance for principal single family dwelling units in NC-2 is two units. Where there are two principal dwelling units per site, there may only be a single ARU per principal dwelling unit.

**Why?**

Of all the zones under evaluation for ARUs, the NC-2 zone is the most appropriate.

- Existing character of NC-2 zone already features high density including townhomes and duplexes.
- 17 of the NC-2 lots are located on an alley or have double street frontage, thus representing ideal candidates for ARUs.
- NC-2 lots are centrally located, close to amenities and alternate transportation modes.
- Comprehensive Plan identifies Subarea 3.1 for ARU type density on lots with alleys.
- There was little opposition to allowing ARUs in NC-2 at the public workshop. 3 responses were opposed to having ARUs on the 600 Block of East Kelly, 1 was opposed to ARUs at 600 Block of East Simpson, and 0 were opposed to ARUs at the Aspen Drive area.

Similar to NC-ToJ, no additional floor area, lot coverage, or flexibility with landscape surface area is proposed by the amendment for ARUs in NC-2 in order to maintain the existing physical development character of the zone.

## Suburban

<b>Suburban-Town (S-ToJ)</b>			
<i>Allow ARUs?</i>	Yes.		
<i>How many?</i>	1 ARU per lot		
<i>How big?</i>	800 habitable sq ft maximum		
<i>Flexible setbacks?</i>	Yes, for detached ARU only.		
	<i>Street Setback</i>	<i>Side Setback</i>	<i>Rear Setback</i>
	30'	5'	5'
<i>Bonus FAR?</i>	No.		
<i>Parking</i>	1 / ARU		
<i>Additional Zone Specific Standards</i>			
None.			

Staff recommends allowing one ARU – detached or attached - per lot in the Suburban zone.

### Why?

There are two main reasons for allowing ARUs in the S-ToJ zone:

- Large lots have the space for added parking as well as the space to provide more of a buffer between the ARU and the neighboring property.
- Majority of workshop participants in favor of allowing ARUs here. In fact, the Cache Creek Drive area was identified in 35 responses as being appropriate for ARUs, representing the highest support out of all of the neighborhoods under evaluation.

There are also reasons not to allow ARUs in the S-ToJ zone:

- Relatively strong opposition to ARUs in the Cache Creek Drive and the Snow King Dr./Upper Cache/E. Cache Creek areas (4 individuals voted against ARUs in these areas, respectively).
- The Comprehensive Plan says that lots in Subarea 6.2 (Snowking Drive/ Upper Cache/E. Cache Creek) should only be allowed a single family home.
- S-ToJ consists of mostly Stable neighborhoods that currently have a low-density to medium-density character.
- S-ToJ neighborhoods are among the least accessible of the zones under evaluation, often with only a single road accessing the various properties. This could lead to ARUs having a more noticeable impact on traffic in neighborhoods where people are likely to be sensitive to change.

The amendment proposes allowing a single ARU per lot in the S-ToJ zone in order to bridge the polarized opinions about having ARUs in this zone. Further, it does not propose changes to floor area, lot coverage, or landscape surface ratio. Two ARUs would be inappropriate given the low density character of neighborhoods in Subarea 6.1, Low to Medium Density Neighborhoods and Subarea 6.2, Upper Cache. However, a single attached or detached ARU that is built within the existing physical development standards for the zone would grant those who want an ARU the ability to have one without overly impacting the character of the neighborhood. The large lots and the existing low density of the neighborhoods can also serve to absorb the impacts of ARUs better than other areas of Town can.

## **Rural**

<b>Rural-Town (R-ToJ)</b>	
Allow ARUs?	Yes.
How many?	1 ARU per lot
How big?	800 habitable sq ft maximum
Flexible setbacks?	No.
Bonus FAR?	No.
Parking	1 / ARU
<b>Additional Zone Specific Standards</b>	
a. Accessory Residential Units shall be attached.	

Staff recommends allowing a single, attached ARU on Rural lots.

### **Why?**

There are several justifications for allowing a single, attached ARU on R-ToJ lots:

- Large lots have the space for added parking as well as the space to provide more of a buffer between the ARU and the neighboring property.
- Neighboring lots in the County already allow one ARU.
- Workshop participants were least in favor of allowing ARUs in this zone compared to other zones, many citing wildlife permeability reasons. Requiring that ARUs be attached serves to cluster physical development and will therefore have less of an impact on wildlife in the area.
- Indian Springs/Tribal Trails is a Stable neighborhood with low to medium density and a variety of housing types. Of all of the Rural neighborhoods, ARUs are most appropriate in this area. However, the Indian Springs HOA will determine whether or not ARUs are ultimately allowed here.

No additional floor area, lot coverage, or flexibility with landscape surface ratio is granted, maintaining original physical development character of the zone.

### **All Zone Standards**

#### **Parking**

In all zones, the amendment proposes to require 1 parking space per dwelling unit.

#### **Why?**

- Current regulations for accessory residential units in other Town zones require 1.25 parking spaces per ARU. In effect, this results in two parking spaces being provided for every ARU. Parking requirements have been waived in other communities (e.g., Portland, OR) because they can deter the construction of ARUs. Reducing the parking requirement to a single space thus gives property owners greater flexibility in terms of locating their ARU on their property.
- 32 workshop comments were in favor of requiring 1 parking space versus 9 who were in favor of requiring 2 parking spaces and 3 who were in favor of not requiring any parking spaces.
- Waiving the parking requirement completely is unreasonable given the prohibition of on-street parking in the winter. Waiving the parking requirement completely would also negatively impact neighbors as ARU tenants seek parking elsewhere.

### ***Size of ARUs***

The amendment proposes an 800 sq ft of habitable floor area maximum to ARUs in all four zones.

#### ***Why?***

- This is consistent with what is already allowed in the Auto-Urban Residential (AR) zone. The 800 sq ft limit has been tested in the community and is serving the community well.
- The public workshop did not explicitly ask participants regarding a maximum size limit for ARUs, but 10 participants commented independently that 800 square feet of habitable floor area should be the maximum permitted.

### ***Other Incentives***

As discussed, many workshop participants were in favor of FAR bonuses, flexible setbacks, fee waivers, pre-approved building plans, an ARU how-to-guide, and amnesty for existing ARUs as incentives to encourage more ARUs to be built (or permitted) within the community. Upon consideration, Staff has elected not to include any of these incentives in the amendment with the exception of providing more flexible setbacks for detached accessory structures.

#### ***Why?***

- The LDRs are not an appropriate place to incorporate an ARU how-to-guide, pre-made building plans, or policies around waiving fees. These efforts can be pursued outside of an amendment to the LDRs.
- Many of the neighborhoods under consideration for ARUs are part of Stable Subareas – defined as Subareas where no change to existing character is necessary. Staff has determined that floor area bonuses are inappropriate because they would contribute to a change in physical character in these areas.
- Flexible setbacks are allowed only for detached ARUs to help with privacy and adequate open space between a detached ARU and a principal dwelling unit.
- Considering this amendment in a timely manner has been identified as a priority. Incorporating design guidelines directly into the LDRs would delay the process significantly.

### ***Deed Restrictions and Short-term Rental***

Many workshop participants submitted comments regarding concerns about short-term rental of ARUs. The LDR definition of an ARU that this amendment relies on prohibits short-term rental in ARUs. It states that accessory residential units provide workforce housing and are restricted to persons that are:

- Employed within Teton County;
- Members of the same family occupying the principal dwelling unit; or
- Intermittent, nonpaying guests of the family occupying the principal dwelling unit.

In other words, the Town already prohibits short-term rental of ARUs. Staff does not recommend a requirement to deed-restrict ARUs permitted as part of this amendment out of concern that additional regulatory requirements will deter landowners from building ARUs.

## STAFF ANALYSIS

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### ***KEY ISSUE 1: Balancing the need for workforce housing with the complexity of allowing ARUs in existing neighborhoods.***

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A first key issue of this amendment is balancing Council's direction to consider the amendment in a timely manner with incorporating standards that will help mitigate any negative impacts of the amendment. Council directed Staff to make this amendment surgical and concise in order to address workforce housing needs. Amending the LDRs to allow ARUs does have an impact on neighborhoods. It means increasing the use – the number of people and the number of cars – in these areas. While workshop participants were in favor of this increase in use, many also expressed a desire to have design guidelines or other such criteria governing how ARUs are constructed in a neighborhood. Design specifications and guidelines would help ensure that any ARUs built fit with neighborhood character.

Staff recognizes the importance of having these kinds of design specifications, but in light of the direction to pass this amendment in a timely manner by focusing on low-hanging fruit, Staff has not proposed to incorporate them into the amendment. As one workshop participant said, "Design standards can be mischief – very general if you do these at all. Good luck getting 'common agreement' on standards for design."

To keep the amendment concise, it has been drafted to mitigate impact to neighborhoods by specifying the type of ARU allowed and the number of ARUs allowed depending on Subarea character. Moreover, it mitigates impacts to physical character by not granting any changes to the total floor area allowed on a property to accommodate ARUs.

Staff intends to draft an ARU how-to-guide at a later date to incentivize and encourage property owners to construct quality ARUs that respect the character of the neighborhood and address neighbor concerns over ARUs. Similarly, other incentives such as fee waivers or reductions used to encourage ideal designs can be considered outside of the public process.

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### ***KEY ISSUE 2: Definition of Stable Neighborhoods***

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A second key issue with this amendment centers on the definition of a Stable Subarea. The Comprehensive Plan defines Stable Subareas as:

- Subareas in which no change to existing character is necessary;
- Development will be infill that maintains the existing identity or vitality;
- The subarea may benefit from strategic infill or development of non-existing Complete Neighborhood amenities.

The question is whether or not the addition of ARUs to a Stable neighborhood is within this definition of Stable Subareas. This is an important question to consider because the amendment proposes allowing ARUs in Stable Subareas. In the NC-ToJ Zone, three out of the six Subareas in the zone are Stable Subareas. In the NC-2 Zone, two out of three Subareas are Stable Subareas. In the Suburban Zone, all three Subareas are Stable. Finally, in the Rural Zone, all subareas are effectively Stable Subareas.

It is Staff's interpretation that the addition of ARUs does not change the character of any of these Stable Subareas. First, the amendment does not grant additional floor area for ARUs. ARU dimensions must fit within the LDR physical development specifications already identified for each zone (the one exception being for setbacks for detached ARUs). This means that ARUs will have little impact on the physical character of a neighborhood because the total physical development allowed on properties will not increase with ARUs.

Second, properties in single family neighborhoods in Jackson are becoming increasingly unaffordable for the local workforce. If second homeowners are instead purchasing these properties and occupying them for limited periods of time throughout the year, that would represent a change to existing character. None of these neighborhoods have a character description in the Comprehensive Plan that promotes vacant homes and dark windows.

Permitting ARUs can help to supplement the mortgage payments of workforce and help retain the single family vitality that comes with having people living year-round in their homes. Where second homes already exist, ARUs would allow a caretaker or renter to live on the property year-round.

Third, several of these Stable Subareas currently have a character that is compatible, and in some cases, that promotes allowing ARUs. The East Jackson Subarea (3.1) is described in the Comprehensive Plan as a subarea with a variety of housing, including single family, duplex and triplex with up to three units per lot when both a street and alley frontage is provided. Similarly, Stable Subareas 4.4 Midtown Residential and 5.5 West Jackson have character descriptions in the Comprehensive Plan that are compatible with ARU allowances.

Finally, across the nation, communities are interpreting ARUs as being part of the character of a single family neighborhood. Portland, OR, Seattle, WA, Denver, CO, and Durango, CO are all just a few examples of communities who see ARUs as part of single family neighborhoods.

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### ***KEY ISSUE 3: Zoning as an imperfect tool***

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A final key issue for this amendment is the use of ‘zones’ for allowing or not allowing ARUs. On one hand, zoning is the quickest tool for allowing ARUs. Where ARUs are not deemed appropriate, it is a simple matter of prohibiting them in that zone. For comparison, using a different tool like the overlay used for lodging provides for a more nuanced approach to deciding where ARUs are allowed. Parts of zones can be included in an overlay, and parts can be excluded. The downside to overlays are that they are more complex to define, require a longer public process, and are difficult to update during future planning processes.

For the purposes of considering this amendment in a timely manner, Staff has opted to use zoning to decide where to allow ARUs. However, zoning is also an imperfect tool. Our zoning code is outdated and does not reflect the community vision of the 2012 Comprehensive Plan. As a result, there are some zones – Suburban, for example – that have conflicting Character Subareas. The S-ToJ has Subareas that call for density (up to three dwelling units per lot) and that are a perfect fit for ARUs. At the same time, the S-ToJ has a Subarea with a completely distinct character that calls for no additional density and no more than a single family home on each lot.

The amendment does address these kinds of character difference. In S-ToJ, instead of allowing two ARUs per lot as some Subarea character descriptions in the zone call for, it restricts allowances to only one ARU. This report has already discussed the fact that no floor area bonuses or changes to landscape surface ratio have been allowed. This also serves to protect existing character.

Despite these kinds of restrictions designed to protect neighborhoods that are more sensitive to additional density, the imperfection of zoning as a tool for allowing ARUs needs to be recognized. If the Commission decides that ARUs are inappropriate in certain areas, Staff recommends either eliminating the entire zone where these areas are found from this amendment or determining a simple criteria that eliminate sensitive neighborhoods from the amendment. For zones that are eliminated entirely from consideration, there will be other opportunities to allow ARUs soon, when the District 3 through 6 rezones provide the opportunity to draw new zone boundaries based on Character Subareas. Staff recommends against using a piecemeal approach that excludes selected neighborhoods from the

amendment without specific criteria. It is expected to delay the process and to complicate the regulations in the future.

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## **PLANNING COMMISSION DISCUSSION**

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The Planning Commission discussion focused on the following issues:

### *Stable Neighborhoods*

The Planning Commission discussed the key issue of whether or not ARUs are appropriate in Stable Neighborhoods. Commissioner Stennis commented that his interpretation of the Comprehensive Plan's Stable Subareas was that neighborhood character could change but that physical development should not change. Thus, allowing ARUs while retaining original LDR specifications for FAR, LSR, and lot coverage fits within the definition of Stable Subareas. Commissioner Stennis also stated that the Amendment should treat all neighborhoods fairly by allowing ARUs in all zones. Commissioner Stennis agreed with Mr. Jorgensen that the Gill addition is more appropriate for ARUs than other areas – even despite the relatively strong opposition to allowing ARUs here - because most single family homes in this area are situated on multiple lots.

All three Commissioners ultimately agreed that allowing ARUs in Stable Subareas did not constitute a change to neighborhood character, and thus concurred with Staff's proposal to allow ARUs in these areas.

### *Limiting Allowance of Detached ARUs*

The Planning Commission came to the consensus that detached ARUs should be permitted in all zones and made this their only condition of approval of the Amendment. One of Staff's justifications for not allowing detached ARUs in the NC-ToJ and R-ToJ zones was to protect neighborhood character by 'hiding' the ARU in the principal dwelling unit. The Planning Commissioners did not see allowing detached ARUs as being contrary to neighborhood character. Commissioner Janak and Vandenberg both said that detached ARUs help with decreasing the massing, bulk, and scale of buildings and would have as little or less of an impact on neighborhood character than attached ARUs. Commissioner Stennis thought that if detached structures are already allowed in the NC-ToJ, then a detached ARU should also be allowed.

Another of Staff's justification for not allowing detached ARUs specifically in the NC-ToJ zone was the lack of ability to run a second driveway into the backyard on standard 50 by 150 sq ft lots. Commissioner Janak pointed out that curb cut on most Town properties is a maximum of 40% of lineal frontage. This standard limits how many cars can be parked at the front of a property. Curb cut could indeed make it more difficult to run a driveway to an ARU located at the rear of the property, especially if the front of the property was already built out. Commissioner Janak suggested that a pathway to the back for accessing a detached ARU would be acceptable.

In sum, if property owners could fit a detached ARU on their property, while still meeting FAR, LSR, lot coverage, and parking requirements, then the Planning Commission recommended they be allowed.

### *Amnesty*

The amendment does not incorporate amnesty for existing ARUs, though this was a topic explored during the workshops. The Planning Commissioners spoke favorably of an amnesty program as long as preexisting ARUs are brought into compliance with life safety standards.

It is Staff's opinion that a separate amnesty program for ARUs is not necessary. If the Amendment is approved, pre-existing unpermitted ARUs in the NC-2, NC-ToJ, R-ToJ, and S-ToJ zones will

automatically change from being illegal uses to conforming uses. Thus, as far as the Land Development Regulations and planning processes are concerned, preexisting ARUs will have been granted amnesty simply by being in the zones approved for ARUs in this amendment.

This being said, ARUs that are considered conforming to the LDRs are not necessarily considered legal by Building and Fire Codes. To establish the full legality of previously unpermitted ARUs, property owners will need to apply for a Change of Use Building Permit, which will be processed by the Building Department to ensure life safety standards are being met in these units.

#### *Incentives*

The Amendment also did not propose incorporating any kind of incentives into the regulations for encouraging the construction of ARUs. The Planning Commission agreed that the LDRs were not the appropriate place for these incentives and were also not in favor of incentives that waived Planning and Building Fees or Sewer Connection fees. They were in favor of an ARU How-to-Guide.

#### *Permitting Process*

Commissioner Stennis expressed frustration with the application process for constructing an ARU where both a Building Permit and a Basic Use Permit are required. Commissioner Janak agreed that requiring two permits was excessive. Commissioner Janak stated that simplifying the building permit and basic use permit process would be helpful.

#### *Size*

The Commissioners also discussed the appropriate size for ARUs. They were in favor of retaining Staff's recommendation of 800 sq ft habitable. Commissioner Vandenberg suggested increasing the size limit to 1000 gross sq ft to match residential ARU regulations in the County, but the Commissioners ultimately agreed to stay with 800 sq ft of habitable space.

#### *Parking*

The Planning Commission recommended keeping Staff's proposal of one parking space required per ARU. Commissioner Stennis stated that he agreed with some of the public comment that two spaces should be required given current trends of vehicle ownership in the community. Commissioner Vandenberg expressed a preference to retain the single parking space requirement, arguing that as the community continues to move towards the vision outlined in the Comprehensive Plan and Integrated Transportation Plan, Jackson residents will increasingly become less car dependent. Further, requiring two spaces would make it more difficult for property owners to construct ARUs. He was in favor of retaining the one space requirement, especially because many of these ARUs will be constructed in areas within walking distance of the downtown core.

#### **STAFF FINDINGS:**

Pursuant to *Section 8.7.1, LDR Text Amendment* of the LDRs, the advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

#### **C.1: Is consistent with the purposes and organization of the LDRs;**

**Complies.** The purposes of the LDRs are enumerated in Division 1.3, and are generally to implement the Comprehensive Plan and to promote the health, safety, and general welfare of the present and future inhabitants of the community. This amendment achieves these purposes by working towards provision of

workforce housing. It is consistent with the organization of the LDRs by using zones to allow or prohibit ARUs.

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

**Complies.** ARUs are permitted in 12 out of 18 zones in the Town of Jackson. This amendment proposes to allow ARUs in an additional four zones, thus improving consistency between zones by allowing ARUs in 16 out of 18 zones. The standards for ARUs in each of zones are consistent with one another in terms of the maximum size of ARUs and setbacks for detached ARUs.

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

**Complies.** The amendment provides landowners the opportunity to use existing floor area permitted on the property to build an ARU rather than just a single family home. The amendment also allows flexibility for ARU setbacks but maintains limits on floor area, density (a maximum of one or two ARUs is permitted), and parking to protect neighborhood character.

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

**Complies.** According to the 2016 Indicator Report, the Jackson/Teton Community is not meeting its goal of housing 65% of the workforce locally, and the trend would indicate that the community will struggle even more to housing its workforce in the future. The purpose of this amendment is to begin to address this trend by allowing a housing type that is not currently allowed.

**C.5: Improves implementation of the Comprehensive Plan;**

**Complies.** The amendment directly reflects the Comprehensive Plan's Strategy 5.2.S.2: Evaluate and update guesthouse and accessory residential unit regulations and Policy 5.2.e. which states that accessory residential units should be encouraged where appropriate in the community.

At a more general level, this amendment works towards achieving the Comprehensive Plan's overarching goal of housing 65% of the workforce locally by strategically locating a variety of housing types (Principle 5.2) by reducing the shortage of housing that is affordable to the workforce (Principle 5.3), and by taking advantage of one important tool for helping the community meet its housing goal (Principle 5.4). It also is the first step towards implementing the policies and strategies outlined in the Housing Action Plan, which highlight accessory residential units as a low cost, high potential opportunity to provide workforce housing.

This amendment serves to provide standards that support desired Character District Subarea character. The amendment's compliance with applicable Subareas are described below:

**District 2, Town Commercial Core**  
**Subarea 2.6 Mixed Use Office Residential**

This TRANSITIONAL Subarea is envisioned to be a pedestrian-oriented mixed use area comprised of mixed use office or multifamily residential structures. The subarea currently contains a variety of single family residential, multifamily residential, office and institutional uses such as St. John’s Hospital, the National Elk Refuge Headquarters and Town and County administrative facilities. The future development pattern should locate buildings toward the street predominantly two stories in height. Parking should be minimized and screened from the view of the public right of way. Office, residential and local convenience commercial should be located on the first level with residential above and behind. Some limited local convenience commercial is desirable to serve the surrounding residential areas with the goal of reducing trips outside the neighborhood. The existing institutional uses shall remain as anchors to the local economy that provide many jobs and services to the community. The bulk, scale and intensity of the St. John’s campus has always been and will continue to be of a higher intensity than the surrounding mixed use and residential neighborhoods. Particular care and attention will be necessary to ensure a successful integration between this mixed use subarea and the adjacent Core Residential (Subarea 3.2). Particular attention will need to be given to the location of buildings, parking, types of uses, and intensity of uses to ensure a successful transition.

**Complies.** This Subarea contains lots zoned NC-ToJ. Given the proximity to the downtown core and the future density of mixed uses, ARUs are appropriate in this Subarea.

**District 3, Town Residential Core**

This residential, STABLE Subarea will continue to provide a variety of housings types, including single family, duplex and tri-plex with up to three units per lot when both a street and alley frontage is provided and up to two units per lot when only street or alley access is provided. Multifamily development is not currently found in this area and is not desirable in the future. Being a Stable Subarea, the size and scale of future buildings will be compatible with the existing character of the area, which includes a wide variety of building sizes and scales. Structures will be of comparable bulk and scale regardless of the number of units provided therein. Up to two stories will be allowed and may be configured in a variety of layouts, with both attached and detached units. Structures should be pulled toward the street where possible and building footprints should be minimized in order to allow for adequate yards and landscaping. Some areas with an existing single family character will maintain this characteristic in the future with only one dwelling unit per lot.

**Subarea 3.1 East Jackson**

**Complies.** East Jackson includes the NC-ToJ and the NC-2 zones. The amendment proposes to allow ARUs in both the NC-ToJ and the NC-2. Similar to how the character description for this Subarea reads, the amendment allows up to two ARUs to be built on lots with street and alleyway frontage or double street frontage. By allowing ARUs in these zones, the amendment promotes both diversity of housing and the density of housing called for in the character description.

## **Subarea 3.2 Core Residential**

This residential, TRANSITIONAL Subarea is currently made up of a variety of single family and multifamily residential types, with some existing larger residential developments and non-conforming commercial uses. Redevelopment, revitalization and reinvestment are highly desired in this subarea. Due to its central location in the core of Town near employment and Complete Neighborhood amenities, the future character of this subarea will include some increased density and larger buildings than in East Jackson (Subarea 3.1). In addition, to the development pattern described for East Jackson (Subarea 3.1), multifamily residential uses will be encouraged in order to replace existing commercial uses and to blend the borders of the Town Commercial Core (District 2) with the Town Residential Core (District 3). Multifamily structures will be predominantly found on larger residential lots and along mixed use corridors. The size and scale of multifamily structures will be predominantly two stories with three stories considered in specific cases with proper design. The density and intensity found in areas containing multifamily structures may be greater than what is generally allowable in other areas. For these larger structures, the dominant building mass should be located near the street and be broken into multiple smaller buildings when possible. Parking should be minimized and screened from view as much as possible. In areas where office uses currently exist, consideration should be given to allow a mix of office and residential uses. Future mixed use office development should be of the same bulk, scale and intensity of the residential uses.

**Complies.** Core Residential is a Transitional Subarea currently made up of a variety of single family and multifamily residential homes and some commercial. Future character for this area includes additional density. ARUs are therefore appropriate in this Subarea. The Core Residential includes parts of the NC-ToJ, NC-2, and S-ToJ zones. All three zones allow ARUs and are thus in line with the proposed increased density of this Subarea.

## **District 4, Midtown**

### **Subarea 4.2 Northern Hillside**

This TRANSITIONAL Subarea must strike a delicate balance between allowing some mixed use and residential development while maintaining wildlife permeability and the natural form of the undeveloped hillsides. A key to successful future development will be to sensitively place development in harmony with the existing terrain in order to minimize land disturbance. Development intensity in this subarea should be less than that found within the adjacent Midtown Highway Corridor (Subarea 4.1). Structures will be allowed up to two stories and may be configured in a variety of layouts with attached and detached units blending into the natural surroundings. Smaller building footprints will be encouraged in order to provide adequate open and/or landscaped areas. A variety of residential types, including live/work, multifamily, and duplexes, may be appropriate in this area depending on the specific characteristics of a site and its existing topography. Low density single family housing may continue to be appropriate at the edges of this area, particularly when adjacent to existing undisturbed hillsides. Future development should address wildlife permeability and assist in guiding wildlife movement to future roadway crossings.

**Complies.** The Subarea includes lots zoned NC-ToJ and which are located in the Budge Hillside area. ARUs will be prohibited in the Budge Hillside area due to hillside stability concerns, and thus, the amendment has no impact on this Subarea.

This TRANSITIONAL Subarea in the core of the district will be critical in achieving the overall goal of transforming the area into a walkable mixed use district. Opportunities should be taken to expand the currently limited street network in order to break up large existing blocks and increase connectivity for all transportation modes. Key to this transition will be the addition of increased residential intensity in a variety of types and forms to take advantage of the Complete Neighborhood amenities in the area. Mixed use structures will be encouraged with non-residential uses located predominantly on the street level and residential units on upper levels. Multifamily structures in a variety of forms will also be desirable. Mixed use and multifamily residential buildings should be a combination of two and three story structures oriented to the street, though a buffer should be placed between buildings and the street with green space and/or hardscaping. Parking areas should be predominantly located behind buildings or screened from view. Live-work housing opportunities will be encouraged, as well as any other opportunities to promote local entrepreneurship. Single family residential units are not envisioned for this area. Particular care and attention will need to be given to ensure a successful transition between this mixed use subarea to the adjacent Midtown Residential (Subarea 4.3). The location of buildings and parking, types of uses and overall intensity of use should be considered to ensure a successful blend of these two subareas.

### **Subarea 4.3 Central Midtown**

**Complies.** Midtown contains parts of the NC-ToJ zone. Allowing ARUs in this zone is in line with the Subarea character because they will contribute to the diversity of housing types available and because they add residential density.

This residential, STABLE Subarea should continue as a single family and multifamily residential neighborhood with a mix of ownership and rental units in close proximity to Complete Neighborhood amenities. Pedestrian and bicycle connections should be enhanced, both in terms of internal destinations and those beyond, particularly to schools in other districts. Portions of this subarea also function as a wildlife movement corridor. In the future, wildlife permeability to and from Flat Creek will be maintained and enhanced. Development should also occur in a manner that is sensitive to hillsides, and smaller building footprints should be encouraged in order to provide open and/or landscaped areas. Future improvements to Flat Creek and the adjacent pathway and park system will be needed to support the health of this natural feature for wildlife and residents.

### **Subarea 4.4 Midtown Residential**

**Complies.** This Subarea contains properties zoned NC-ToJ. As proposed in the amendment, attached ARUs will be allowed on these properties. Given the multifamily allowance as part of the character of this Subarea, allowing ARUs is appropriate.

## **District 5, West Jackson**

### **Subarea 5.5 West Jackson Residential**

This residential, STABLE Subarea provides much of the community's workforce housing in a wide variety of housing types, including single family, duplex, tri-plex and multifamily. In the future, effort should be made to ensure that this neighborhood retains its vitality, cohesiveness and accessibility for the local workforce. An important goal of the subarea will be to maintain a strong sense of ownership and community in the area.

**Complies.** West Jackson Residential contains part of the NC-ToJ and R-ToJ zones, both of which will be allowed ARUs by the amendment. Given the workforce housing character of this Subarea, ARUs are appropriate here. This being said, the areas of West Jackson Residential being considered for this amendment are located within the Cottonwood Planned Unit Development or the Indian Springs Planned Unit Development. Consequently, the decision to allow ARUs or not will fall to the neighborhood HOAs.

## **District 6, Town Periphery**

### **Subarea 6.1 Low to Medium Density Neighborhoods**

This residential, STABLE Subarea is defined by low to medium density platted single family homes with some pockets of multifamily development which should be maintained in the future. Consideration of clustered/multifamily development to preserve large portions of open space and/ or wildlife habitat/movement corridors will also remain an option. In the future, building size should maintain the existing bulk and scale to avoid the construction of much larger homes than currently exist today. Development should be sensitive to the steep slopes, avalanche terrain and other natural features found in the subarea. Portions of this subarea also function as a wildlife movement corridor between the National Forest, Karns Meadow and the Southern hillsides of East Gros Ventre Butte. Wildlife permeability should be maintained or improved.

**Complies.** This Subarea contains lots zoned NC-ToJ, R-ToJ, and S-ToJ. ARUs are compatible in this subarea in the sense that they will not contribute to additional physical development. They must be built within the original standards for each zone as set out in the LDRs. For each of these zones, only a single ARU is proposed to be allowed. ARUs in the NC-ToJ and the R-ToJ are only permitted attached ARUs. In this way, the amendment respects the existing low density of the area and reduces impacts on wildlife. Detached ARUs are allowed in the S-ToJ because of the larger lot sizes. In short, the amendment balances the low to medium density character of this Subarea both by retention of current LDR physical development standards and by restricting the type and number of ARUs that can be built.

### **Subarea 6.2 Upper Cache**

This residential, STABLE Subarea is defined as low density single family with a prevalence of landscape over the built environment. Future subdivision will be in keeping with the traditional development pattern with no increase in density beyond what exists on the ground today. On each lot, only a single family home will be allowed. In the future, building size should maintain the existing predominance of landscape over the built environment to avoid the construction of much larger homes than currently exist today. Wildlife permeability should be maintained or improved. Development should also occur in a manner that is sensitive to the steep slopes, avalanche terrain and other natural features found in the subarea. Commercial and recreational equestrian uses will be allowed, while other commercial uses producing large amounts of traffic and high impacts should be reduced. The addition of other Complete Neighborhood amenities is not desirable. Local residential streets will continue to be low volume with limited alternative mode improvements. Consideration of alternative mode improvements will be made on collector streets such as Cache Creek Drive.

**Complies.** Upper Cache contains properties zoned S-ToJ. The amendment allows ARUs in this zone, both detached and attached. Given the requirement that ARUs must be built within the current dimensional standards for floor area set out in the LDRs for the S-ToJ zone, they will not increase the physical development in the area. This mitigates the density impact ARUs might otherwise have on these neighborhoods. Allowing ARUs in this Subarea further supports existing character by preserving existing workforce housing, which is an overarching policy objective for District 6: Town Periphery. Second homeownership is increasingly challenging existing single family character in this area with larger houses

that sit vacant most of the year. Allowing ARUs serves to help workforce families afford their mortgage with supplemental rent income from an ARU, and it helps to provide rental stock for workforce families.

### **District 9, County Valley**

#### **Subarea 9.4 Gros Ventre Buttes**

This CONSERVATION Subarea is characterized by scenic skylines and existing residential and resort-type development, as well as slope habitat for wildlife. Natural skylines should remain the defining characteristic of the subarea, while respecting private property rights. Development and redevelopment should be located and designed to preserve natural skylines, if nondevelopment conservation and incentives to restore natural skylines are not successful. Wildlife habitat and habitat connections should also be protected and enhanced through the location and design of development. In addition, existing highway commercial should be redeveloped into a residential character more consistent with the rest of the subarea to the extent possible.

**Complies.** The Gros Ventre Buttes are effectively a Stable Subarea whose character of prioritizing natural resources and open spaces should not change going forward. This Subarea contains lots zoned R-ToJ. The amendment proposes allowing a single attached ARU, which is in compliance with the character district's policy objective 7.3.b. Preserve existing workforce housing. Not allowing a detached ARU helps to reduce impacts on wildlife. Furthermore, by permitting a single ARU, the amendment improves consistency of the R-ToJ with neighboring County properties in Subarea 9.4 where ARUs are permitted.

### **District 15, County Periphery**

#### **Subarea 15.1 Large Outlying Parcels**

This PRESERVATION Subarea is characterized by open space and rural character. It is comprised of large lots and isolated smaller lot subdivisions surrounded by public land. Generally the subarea has limited, clustered built form and provides critical wildlife habitat and movement corridors. Conservation is a priority, with a focus on preserving wildlife habitat and connectivity, while respecting private property rights. Development potential should be directed away from these critical areas where possible. Development that does occur should be clustered and designed to protect, wildlife habitat and permeability, scenic vistas, and the viability of agriculture. The scale of development should be of a rural character consistent with the historic agricultural compounds of the community.

Given the remote nature of this subarea, on-site renewable energy and coordinating provision of services with adjacent jurisdictions is encouraged. Environmentally-sensitive roadway system enhancements that minimize impacts to the environment while improving the safety of access should be pursued.

**Complies.** This Subarea contains parcels zoned R-ToJ. Much of this land is under conservation easement and will not be developed. As a result, allowing ARUs within the R-ToJ in this Subarea will have little impact on existing character.

#### **C.6: Is consistent with other adopted Town ordinances.**

**Complies.** This amendment does not impact other adopted ordinances.

### **PUBLIC COMMENT**

Neighbor notifications were not sent for this application because it applies Town-wide. See above for summary of workshop. Workshop responses are attached. Comments submitted to Associate Long-Range Planner Regan Kohlhardt via email in response to the public workshop have been incorporated into the

workshop results and responses. Comments submitted via email directed to the Planning Commission or Council are attached separately.

Public comment presented at the Planning Commission is summarized below.

*Scott Pierson*

Mr. Pierson asked the Commissioners to carefully consider size of units, pointing out that an 800 sq ft unit is likely to have two bedrooms. Mr. Pierson stated that a two bedroom unit is likely to have two cars, and that the Commissioners should carefully consider how to park those cars. His recommendation was to require two parking spaces.

Mr. Pierson also pointed out to the Commissioners that, by recommending approval of the amendment, they would be recommending approval of a doubling of density in the neighborhoods under consideration. Finally, he also expressed a concern that allowing ARUs would significantly drive up the price of single family properties. He explained a scenario in which the property owner lives in the ARU and rents out the principal dwelling unit for year round income.

*Arne Jorgensen, Town of Jackson Resident*

Mr. Jorgensen expressed support for the Amendment stating that ARUs are an important tool for allowing a wider variety of housing types. Mr. Jorgensen supported allowing ARUs in stable neighborhoods for the same reasons that Staff outlined in the Staff Report. He pointed out that adding an ARU in the Gill Addition is not doubling the density because most single family homes in this area actually sit on top of two lots. Allowing ARUs brings density to the existing allowance specified in the LDRs for the Gill Addition.

With regard to adding additional density, Mr. Jorgensen also brought up the point that, in some cases, construction of an ARU results from a shifting of bedrooms from one unit – the single family unit- to another unit, the ARU. He gave an example of parents with grown children who choose to convert part of their home into an ARU. As a result, he cautioned against interpreting the allowance of ARUs as resulting in added dwelling units. Instead, he recommended the Commissioners think about allocation of bedrooms.

Mr. Jorgensen also emphasized basement suites as an overlooked opportunity where ARUs can be constructed with very little visual impact to a neighborhood, and he recommended that Staff and the Planning Commission consider granting amnesty to existing ARUs. (Amnesty for unpermitted ARUs that preexist this amendment was a topic explored in the workshops, but no language on the topic was incorporated into the amendment itself.)

Mr. Jorgensen concluded by recommending a single parking space per ARU and a maximum size of 800 sq ft habitable or 500 sq ft habitable.

*Richard Reese, Town of Jackson Resident*

Mr. Reese identified himself as a resident of a NC-ToJ Neighborhood. He said ARUs would be consistent with the character of NC-ToJ, which is made up of a “tapestry and patchwork of different building forms.”

Mr. Reese also justified allowing ARUs in the proposed zones because he regularly is asked to design de-facto ARUs with imperfect kitchens in these zones. For background, one of the qualifications for classification as a dwelling unit is having a full kitchen. Some property owners have built accessory structures that function very much like an ARU but that do not have full kitchens. Thus, they use the structure like an ARU while sidestepping the regulations prohibiting or regulating ARUs. He also agreed

with Staff that neighborhoods are experiencing a change in character due to second home ownership, and that ARUs are one method to bring vitality back to these neighborhoods.

Mr. Reese concurred with Staff regarding a maximum size limitation of 800 sq ft habitable for ARUs. He recommend two parking spaces.

*Destin Peters, Town of Jackson Resident*

Mr. Peters identified himself as a resident of a Suburban property. He expressed support for the amendment, also brought up the fact that many de-facto ARUs are being built in his neighborhood already.

### FISCAL IMPACT

There is no significant fiscal impact resulting from this amendment.

### STAFF IMPACT

No impact to Staff outside of normal permit processing for physical developments.

### LEGAL REVIEW

Complete, other than review of actual ordinances for presentation.

### ATTACHMENTS

1. Proposed Amendment P16-036, Dated June 29<sup>th</sup>, 2016
2. Public Comment Received outside of workshop
3. Workshop Responses

### RECOMMENDATION

#### **PLANNING COMMISSION**

The Planning Commission recommends **Approval** of **P16-036**, dated June 29<sup>th</sup>, 2016, an amendment to allow Accessory Residential Units in the Rural (R-ToJ), Suburban (S-ToJ), Neighborhood Conservation (NC), and Neighborhood Conservation – 2 (NC-2) zones, subject to one condition:

1. Allow detached ARUs in all zones.

The motion carried 3-0 with Commissioners Falcey and Holt absent.

## **STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of **P16-036**, dated June 29<sup>th</sup>, 2016, an amendment to the Land Development Regulations to allow Accessory Residential Units in the Rural (R-ToJ), Suburban (S-ToJ), Neighborhood Conservation (NC), and Neighborhood Conservation – 2 (NC-2) zones.

Staff is retaining original recommendation to only allow detached ARUs on NC-2 lots, NC-ToJ lots on alley ways or with double street frontage, or on S-ToJ lots. This being said, Staff is not opposed to the Planning Commission's condition of recommending approval that allows detached ARUs in all zones.

## SUGGESTED MOTION

I move to **APPROVE P16-036**, dated June, 29 2016, an amendment to the Land Development Regulations to allow Accessory Residential Units in the Rural, Suburban, Neighborhood Conservation and Neighborhood Conservation – 2 zones; finding that the amendment is 1) Consistent with purposes and organization of the LDRs, 2) Improves the consistency of the LDRs with other provisions of the LDRs, 3) Provides flexibility for landowners within standards that clearly define desired character, 4) Is necessary to address changing conditions, public necessity and/or state or federal legislation, 5) Improves implementation of the Comprehensive Plan, and 6) Is consistent with other adopted Town ordinances.

*Staff notes, that should Council want to include the Planning Commission recommended condition (or any other proposed changes) it would need to be added to the suggested motion.*

P16-036, dated June 29, 2016, an amendment to the Land Development Regulations to allow Accessory Residential Units in the Rural, Suburban, Neighborhood Conservation and Neighborhood Conservation – 2 zones.

Neighborhood Conservation-2-Family (NC-2)								
B. Physical Development								
1. Structure Location and Mass								
	LSR (min)	Lot Coverage (max)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	Stories (max)	FAR (max)
<b>Accessory Use</b>	See standard for primary use with which associated							
Detached Accessory Structure	n/a	n/a	30'	5'	5'	28	2	n/a
C. Allowed Uses and Use Standards								
	1. Allowed Uses		2. Use Requirements					
	Density (max)		Parking (min)					
Accessory Residential Units	2 units per lot		1/DU					
3. Maximum Scale of Use								
Individual Use (floor area) (max)								
Accessory Residential Unit	800 sf habitable							
E. Additional Zone-specific Standards								
1. Accessory Residential Units (ARUs)								
a. Where there are two primary structures per site, there may only be a single ARU per primary structure.								

Neighborhood Conservation-Town (NC-ToJ)								
B. Physical Development								
1. Structure Location and Mass								
	LSR (min)	Lot Coverage	Street	Side Setback	Rear Setback	Height (max)	Stories (max)	FAR (max)
Accessory Use	See standard for primary use with which associated							
Detached Accessory	n/a	n/a	30'	5'	5'	28'	n/a	n/a
C. Allowed Uses and Use Standards								
1. Allowed Uses			2. Use Requirements					
	Density (max)		Parking (min)					
Accessory Residential Units	2 units per lot on alley or with double street frontage		1/DU					
	1 unit per lot not on alley							
3. Maximum Scale of Use								
Individual Use (floor area) (max)								
Accessory Residential Unit	800 sf habitable							
E. Additional Zone-specific Standards								
1. Accessory Residential Units (ARUs)								
a. Detached accessory residential units shall only be permitted on lots with alley access or with double street frontage.								
b. Accessory residential units prohibited north of West Broadway accessed via Budge Drive and West Broadway Avenue.								

Suburban-Town (S-ToJ)								
B. Physical Development								
1. Structure Location and Mass								
	LSR (min)	Lot Coverage	Street	Side Setback	Rear Setback	Height (max)	Stories (max)	FAR (max)
<b>Accessory Use</b>	See standard for primary use with which associated							
Detached Accessory Structure	n/a	n/a	30'	5'	5'	28	2	n/a
C. Allowed Uses and Use Standards								
1. Allowed Uses			2. Use Requirements					
	Density (max)		Parking (min)					
Accessory Residential Units	1 unit per lot		1/DU					
3. Maximum Scale of Use								
Individual Use (floor area) (max)								
Accessory Residential Unit	800 sf habitable							

<b>Rural Residential - Town (R-ToJ)</b>			
<b>C. Allowed Uses and Use Standards</b>			
	<b>1. Allowed Uses</b>	<b>2. Use Requirements</b>	
	Density (max)	Parking (min)	
Accessory Residential Units	1 unit per lot	1/DU	
<b>3. Maximum Scale of Use</b>			
Individual Use (floor area) (max)			
Accessory Residential Unit	800 sf habitable		
<b>E. Additional Zone-specific Standards</b>			
1. Accessory Residential Units (ARUs)			
a. Accessory residential units shall be attached.			

## Regan Kohlhardt

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**From:** entertainment@juddgrossman.com on behalf of Judd Grossman  
<jg@juddgrossman.com>  
**Sent:** Wednesday, June 29, 2016 9:52 AM  
**To:** Regan Kohlhardt  
**Cc:** Tyler Sinclair  
**Subject:** Accessory Residential Unit Amendment

Dear Planning Commission and Planning Department,

Please do not expand Accessory Residential Units (ARUs) into the Town Periphery neighborhoods. It is completely irresponsible to double or triple the density of these quiet neighborhoods on the edge of town. Density should be focused into the walkable urban core. The Comprehensive Plan has identified these Town Periphery neighborhoods as stable, low density, and low traffic. Preserving the character of these stable neighborhoods is the whole point of developing a comprehensive plan and identifying neighborhood character. The Town is steamrolling the Comprehensive Plan and these quiet periphery neighborhoods in the name of commercialism and political pandering. The fact that our economy is overheated and that commercial interests need a place to house their employees shouldn't lead to the haphazard destruction of these amazing neighborhoods that have been havens of peace and quiet for decades. The proper place to address workforce housing is in the walkable urban core - not in the low density periphery.

Self-righteous development advocates will call us NIMBYs for not willingly laying down and agreeing to become "low hanging" fruit crushed under the frantic rush to "do something" about affordable housing. But all of us who live in Jackson Hole are NIMBYs. Jackson Hole is our backyard and we have struggled for decades to preserve our open space, wildlife habitat, our town square and our stable residential neighborhoods. The balance between prosperity and preservation is an ongoing challenge. As a community we have decided that preservation of the character of our community is just as important as the money we can make by selling it off piece by piece.

Our amazing periphery neighborhoods are a sanctuary from the bustle of downtown, and a beautiful transitional zone to our to the Bridger-Teton National Forest and the National Elk Refuge. Now commercial interests want to literally put their employees in our backyards. This could be a financial windfall for property owners, but at the expense of the character of our low density Town Periphery neighborhoods. Density in the periphery brings traffic, and traffic is a character destroyer to low density neighborhoods. These neighborhoods are worth preserving even if it means a short term financial sacrifice for the property owners.

The Town needs to buck up and provide significant density bonuses for employment based deed restricted workforce housing in the walkable urban core where there is easy access to jobs, shopping, services and transit. Pushing density into the periphery is bad planning.

Judd and Mary Grossman

50 Rancher St.

Jackson

## Jeanne Carruth

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**From:** Tim Bohan <timvoan@gmail.com>  
**Sent:** Tuesday, July 05, 2016 10:32 AM  
**To:** Jeanne Carruth  
**Subject:** Re: ARU Planning Commission hearing

My neighborhood was not included.

On Jul 1, 2016 2:52 PM, "Jeanne Carruth" <[jcarruth@ci.jackson.wy.us](mailto:jcarruth@ci.jackson.wy.us)> wrote:

You are receiving this email because you attended the Accessory Residential Unit public workshops held by the Town Planning Staff. The Accessory Residential Unit Amendment is being considered by the Planning Commission this Wednesday, July 6<sup>th</sup> at 6 pm. Any comments or feedback you have to share with the Planning Commissioners is welcome, and we encourage you to attend.

Thank you

Town of Jackson Planning & Building

Town of Jackson

P.O. Box 1687

Jackson, Wyoming 83001

(p) [\(307\)733-0440](tel:(307)733-0440)

(f) [\(307\) 734-3563](tel:(307)734-3563)

[jcarruth@townofjackson.com](mailto:jcarruth@townofjackson.com)

[www.townofjackson.com](http://www.townofjackson.com)

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## Jeanne Carruth

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**From:** Matt Faupel <mattfaupel@jhrea.com>  
**Sent:** Thursday, July 07, 2016 12:01 PM  
**To:** Town Council  
**Subject:** ARUs in town

As you are considering the proposal to allow ARUs in town, one of the pieces of feedback that is in the staff report is that some of the public thought this should be deed restricted. I wanted to shed a quick bit of light on that idea.

- 1) The ARU is already restricted, if it is rented, it has to be to an employee within Teton County
- 2) A further restriction on this does not make sense. I think the idea put forward in public comment was to make sure the ARU was not just a guest house. This idea, on the surface sounds decent but the reality is that it handcuffs the parcel long-term. If the owner simply wants guest quarters, to have a place to put their adult children while they are starting careers here, etc, but cannot do that with the ARU, they will simply build a larger house to accommodate that need which in the long run will sentence that property to not having a rental unit on it when it eventually sells. The ARU does not add any square footage entitlement and therefore, the proposed regulation, as it stands, is completely fine and best accomplishes the goal.

I think the effort to move forward with allowing ARUs in town is a fantastic thought that can bring workforce housing into the valley at zero cost to the taxpayer and one executable you can stand on while asking for the \$0.01 showing that you are not just trying to throw money at the problem and hope to solve it.

Thanks for your time.

**Matt Faupel**

**Jackson Hole Real Estate Associates**

Owner/Associate Broker

307-690-0204 c

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FAUPEL  
MENDENHALL & ASSOCIATES

JACKSON HOLE  
REAL ESTATE  
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CHRISTIE'S  
INTERNATIONAL REAL ESTATE



## Regan Kohlhardt

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**From:** Tim Bohan <timvoan@gmail.com>  
**Sent:** Monday, July 11, 2016 12:04 AM  
**To:** Regan Kohlhardt  
**Subject:** Re: Accessory Residential Unit Amendment - Your Comment

Hi Regan; I'm glad to see that the majority of the community is in support of the accessory unit idea. It is unfortunate that the butte is not included in the process. With 1.18 acres in town those of us that would choose to participate should be considered. Be it temporarily or the (Hill side Village) we all see the Town can't do it alone.

I am busy these days battling destruction rather than construction over this concept. I'm looking forward to a time one day soon when creative thinker's can mesh with bureaucratic philosophy and we create a balance that is within the vision of the LDRs

Respectfully,  
Tim Bohan

## Workshop Results

The ARU public drop-in workshops had three stations: A Mapping Station, an Incentives Station, and a Hopes and Concerns Summary Station.

Results from the Mapping Station have been incorporated into the Staff Report.

This document contains the results of the Incentives Station and the Hopes and Concerns Station.

### Incentives Station:

The Incentives Station asked workshop participants to 'vote' on a variety of posted incentives using red or green dots. Red signified a vote against the incentive. Green signified a vote in support of the incentive. Participants were also asked to suggest and vote on their own incentives. The results from this station are incorporated into the table on the following page.

<b>Incentives</b>	Votes Against	Votes in Support
<b>Parking Incentives</b>		
0 Spaces	13	3
1 Space	2	32
2 Space	7	9
0 if near transit	11	18
<b>Site Specific Incentives</b>		
Square Footage Bonus	11	29
Flexible Setbacks	11	35
<b>Amnesty Incentive</b>		
Amnesty for all unpermitted ARUs	1	34
Amnesty only for those in zones where they are allowed or will be allowed	2	22
<b>Process Specific Incentives</b>		
Waiver or partial waiver of planning and building fees	5	33
Waiver of sewer and water connection fees	8	27
Pre-approved ARU Building Plans	11	22
An ARU "How-to-Guide"	0	38
<b>Write your own Incentive</b>		
Incentives for alleys (+ Corner lots)		2
Incentivize green/off-grid		
Incentivize multi-year leases		
Do not allow for short term rentals		1
Town Improve infrastructure – pave alleys, bury powerline, upgrade main water/sewer lines		3
Deed Restrict to workers and family – no short term rentals		3
Tax incentive for housing long-term employee (deed restrict?)		2
Allow temporary or units without foundations for 3-5 years with Building code relief and Deed restrictions. Quick, inexpensive, and well-designed = economics ++		1
Incentives given for “Deed restricted” or rental control units		3
Affordability is a key concern. If we allow ARUs to be rented but people charge unaffordable rents (more than \$1,800), what’s the point?		3
With housing on the alley, Town should pave Alley		1
And bury utilities		2
Any additional house parking for renters must be provided	2	
Providing plans for studios or 1-bdr units could encourage people to consider building. Taking existing garage and large shed structures and turning them into studios.		
Make them safe, must comply with Building Code		

### Hopes and Concerns Station:

The Hopes and Concerns Station asked participants to share any hopes, concerns, or additional comments they had about the amendment. Participants also shared comments throughout the entire workshop. The table below is a summary of how many comments were received on a particular topic. The written incentives participants suggested in the incentives station are also included in this table.

<b>Written Incentives, Hopes, Concerns, &amp; Comments Tabulation</b>	
<b>Category</b>	<b># of Comments</b>
<b>Parking</b>	
1 space/bedroom	4
Winter street parking	11
Don't change parking requirement from current	4
0 if near START bus	4
<b># of ARUs</b>	
1 everywhere	11
2 ARUs per lot	2
2 ARUs with Conditions (alleyway, design, etc.)	6
1 ARU if Minimum Lot Size	1
3 ARUs	1
<b>Setbacks</b>	
In favor of flexible setbacks	7
No change to setbacks	6
<b>FAR/Size</b>	
FAR Bonus	2
No Bonus	4
Larger lots should be allowed larger ARUs	1
Lots on alleys should have FAR bonus	3
800 sq ft maximum	8
Less than 800 sq ft	2
<b>Design Requirements</b>	<b>10</b>
<b>Prohibition of Short-term rental</b>	<b>14</b>
<b>Prohibition of short-term rental with Deed Restriction</b>	<b>16</b>
<b>Property owners required to live onsite</b>	<b>2</b>

## Participant Comments:

The actual comments from participants are included in the following pages. Participants' wording has been retained as much as possible. A number preceded by a *plus* or a *minus* sign and placed within parenthesis at the end of a comment shows where other participants 'voted' on the comment. The *plus* sign indicates other participants were in support of the comment. The *minus* sign indicates other participants were against the comment.

## Why allow ARUs?

I would hope this amendment would make it possible for my son to move back to his hometown by providing him an apartment that he could have now and then switch over to the house and me to the apartment when I retire.

That these will make a dent in our housing situation

Let homeowners help solve the housing crisis with responsible ARU development (+2)

An easy idea to let the private market solve the housing issue.

Having ARUs allows more working families to afford housing because of the extra income - great!

Think this helps working families make their numbers work.

Wildlife not a concern in Town

Not a detriment to neighborhood, try it out before afraid

Son wants to move back home. Can't afford own home.

Single people

Need more commercial options for young adults

ARUs take SF homes from being only 2<sup>nd</sup> homes to having a workforce element. Put them wherever you can.

Effect on affordable housing prices

New workforce housing, makes primary house more affordable

These help working families afford the mortgage

Makes perfect sense

Provides clean/safer option [for affordable housing]

Very much in favor of increasing availability of ARU development, and do not feel residential "character" is a reasonable basis for denial if all other site metrics comply.

## Locational

Biggest target E Jackson, Aspens/Pine3.2 Provide an anchor to extend downtown corridor to Snow King

District 6 should have 1 as is consistent with character

**Subarea 6.1** - Hospital staff needs

**Subarea 6.1** 1 per lot, 1 parking space, smaller, 500 sq ft, attached only, basement good

**Subarea 6.2** - Home owner should have option considering space

**NC-ToJ** - smaller than principle, <800 sq ft or less gross

In NC-ToJ, use existing detached structure setback

NC-2 Townhomes have great value -> 2 times the homes but half the size/price

**S-ToJ** – 2 @ 800 sq ft instead of bigger

**S-ToJ** – Grade issue, creeks design, problem with little above big, etc.

Periphery to avoid congestion

**S-ToJ** - Caretaker makes sense

**S-ToJ** – Standalone as well, all types

I live in East Jackson, (surrounded by AR), I would like to have the option to have at least 1 extra unit. I'm not sure if I want the entire neighborhood to have 2 extra units. I don't want to see lots of cars everywhere.

Wildlife concerns in periphery

All single family areas should be considered. Areas with alleys should be prioritized (+2)

Definitely on an alley

Everybody's in. Test it for 3-5 yrs.

Anywhere with design review

If you can fit it, you can have it

ARUs should be allowed if they fit - Creek/hillside already limit development

Wherever as long as they meet LDR FAR standards

Locate near bus, but don't preclude anywhere

**AR** – Be able to sell them – and or townhome plat or TIC structure.

Allow additional FAR in AR zoning (+2)

Increase all F.A.R.s in AR zoning! Closer to town and more transitional (+1)

Consider incentives in AR

Parking

1 spot per bedroom (2 max)

Take parking off streets (+1)

No parking requirement [if density focused in the walkable core)

Parking 1/unit including main

ARU need parking 1.25 per

Allow on street in winter

Allow parking in winter – increase Public Works budget, monitor and regulate parking citywide, on street parking slows traffic

Conform to dim standards per current LDRs for accessory structure

Must provide access and parking

Need parking commission/authority

Allow alternate street parking in the winter

Need to reduce vehicle reliance and thereby reduce parking

1 parking space per unit, Zero parking requirement on start line

Less than 650 sq ft: 1 parking space

Must park on site

Shared drive to get to back

On street parking in winter

Dual access not necessary, can park without

1 everywhere, 2 driven by access to parking (1 min & 1 max), and lot size

1 space is sufficient

1 parking space

1 max parking – owner/renter can sort it out

Do not change street parking standards, and buses

Alley Rentals with parking

At least one space per unit

Allow on street parking year round, plowing schedule (+5)

Only in the walkable urban core of Jackson (+1)

1 spot max! None required. (+2)

Need to provide residential parking passes for off-site parking.

If we could alternate parking on different sides of the street for different nights (for plowing), it could help with parking.

# of adults versus bedrooms set parking

Alternate side winter parking

Rare someone would not have a vehicle so I think there should be space for 1 vehicle on the property (+1)

Must have parking for each person (exc. Children)

Increased Traffic Congestion

Gill addition has no alley access creating more congestion on streets

Lack of parking causing congestion, what about in winter

Concern with parking. Should not have units w/ many bedrooms as everyone will want a car.

Winter parking is a big issue. ARUs need off-street winter parking.

## Incentives

Reduce but not completely waive [fee waivers]

Incentives only if deed restricted to workers & family

The approved plan/template is ok but would also like to see people to also use their own plan if they wish to encourage less “cookie cutter” neighborhoods (+2)

I am not certain if I am in favor of complete cost/fee waiver. I think I would favor reduced cost/fees as the homeowner will get return on investment with rental income.

If fee is waived, require deed restriction (4 greens)

Simplifying the process and allowing flexibility with setbacks and permit/hook-up fees would be a big incentive to me.

Possible tax break for property owners who provide income based rentals

Ability to rent rooms (nix 3 unrelated)

Incentive for workforce housing – get additional sq ft for ARU (beyond lot SF)

Consider additional FAR for larger lots or suburban zoning.

Conform to dim standards per current LDRs for accessory structure

No FAR increase

Increase LSR for access

How to adjust LSR to allow access to ARU when no alley access?

Leeway on LSR

Keep permitting cost to applicants low

Provide pre-approved plans

ARU 'how-to' guide and marketing brochures by zone

No FAR change

Need to reduce LSR to pack it but there is no wildlife value to a green yard

FAR bonus for ARU

Flexibility with setbacks would be a large incentive for me. Five foot side yard setbacks would be helpful. Reduced rear setbacks on lots with alley access makes sense. (+4)

Flexibility with setbacks – Huge incentive. It would've benefitted the design of my property to be able to connect studio to the main house.

Setbacks already small. Reduction not likely to make a big difference to owner but will annoy neighbor. (-4)

Reduce height as the setbacks are reduced (+1)

Same setbacks as current accessory structure setback in LDRs

Think about winter snow and where one puts snow removed from roofs, etc. [with regard to reducing setbacks]

Box or cube designed buildings should be reduced in height. They have a more significant impact on bulk/scale (-2)

#### Size of ARU

Cap at 800 sq ft (+1)

Cap size of ARUs (+2)

Smaller is better. Make rules that incentivize that

Let developer determine size of units within FAR

Size limit. 800 sf?

1<sup>st</sup> ARU 800 sq ft, 2<sup>nd</sup> 600 sq ft or total FAR of 1400-1500 for 2 ARUs

800 sq ft too big, but no need to change. 2 – 500 sq ft, 1 800 sq ft

Make sure proportioned

600 sq ft to 700 sq ft

800 sq ft (+2)

Detached ARU not over 500 ft

#### Number of ARUs per lot

I'm leaning toward just allowing 1 additional unit in areas where it is currently zoned single family.

Alleys can allow second ARU

1 ARU per typical lot, larger lots proportionally more, or like in AR zone

1 per lot

Allow 2 ARU on Alley lots

1 ARU per lot would be appropriate (+2)

Architectural standards to make them more compatible thus acceptable

2-3 ARUs per lot

2 ARUs are better than 1

Most places: 2, make 1 based on lot size

Double, alley, >50ft frontage

# is an issue of proportions. Don't want to be apartment

#### ARU Type

Kits or move-on units or RPTs are allowed, because cost of construction is so high, it forces high rents to pay for ARU construction

Add new use category for "no foundation" units – "temporary" or "roll on" units so they can be reviewed on their own merit and appropriateness

I like the idea of allowing basement apartments and accessory units close to town amenities.

Would like one off garage, not as excited about attached – but would plumb/wire for future

Can't do all detached. End up with a camp

Site specific.

Rent control and condition of ARU.

All types (+2)

Attached or detached - ok

ARU attached or detached – either ok.  
Attached and detached with alleys  
Allow 1 detached or 2 attached – keep FAR same  
No mobile home  
Allow on wheels  
Trailers/containers too  
Garage or basement wouldn't even be noticed

### Occupancy

They will be short-term rented/enforcement (+1)  
Policing will become a neighborhood issue unless the town steps up enforcement of rentals  
Renters must list contact info. I.e., phone, email, residence address  
Need to build in way for rents to be affordable. Shouldn't be market as owner would want tenants who have higher salaries and this won't help alleviate the problem for seasonal, low-paid workers.  
Priority for homeless vets for small apartment dorm style  
Concern about short term rental  
Go ahead and restrict that process to employment based deed restriction  
Rentals only  
Deed restrict for employment base only. Of course family would be exempt. No rent restriction.  
No short term housing in these units  
Not short term rented  
No short term rental and enforce!  
For workers & family members – deed restriction  
No condos  
No separate ownership  
No short term rental  
Deed restrict 2<sup>nd</sup> unit – employment based  
Deed restrict 4 rent only  
Rental based, rental to people working in Jackson

Longer term only

Have to be employed (maybe just in summer can't be a climbing bum)

Not in favor of rental period regulations but for maybe 3 months minimum to deter lodging uses

### Character

RPTS should not be allowed. Neighborhood character is at stake and stable neighborhoods should be respected.

It's crazy to triple the density of periphery neighborhoods. Density should be focused into the walkable urban core. Do not expand the ARU map (+2)

Character is maintained. Provide guidelines and regulations to ensure this.

Design standard should be developed and adopted before allowing additional units in stable zones.

ARUs allow way too much density in Town periphery.

Density should be focused in walkable core.

Have to show how design doesn't intrude on neighbor.

Less about zone, more about criteria.

Design standards can be mischief – very general if you do these at all. Good luck getting “common agreement” on standards for design

### Other Criteria

Make sure to address topography/safety

No min lot size

Minimum 2 50 X 150 lots to have an ARU

Density should be sq ft, not number of units

Proximity to neighbor, proximity of access, parking 1 max, lot size, lot dimension, slopes

At least one of the units on a site should be occupied by property owner

Require property owners to live in one of the units

Min. life safety standards for non-conforming ARUs

### General

Pass this year! Allow more FAR in AR zoning Too!

I hope the Chamber steps up to organize business community support (\$) for housing. They so far have not stepped up.

Good format for thoughtful discussion. ARU are very site specific decisions - too difficult to generalize. Will likely get bigger bang with a multifamily zone.

Keep focus on this as short term option. Larger issues can be addressed in district 3/4 discussions. Thank you for moving this forward.

Please pull out all stops to do all we can do, and do well, for housing. If business does not want to pay workers a wage commiserate with Jackson costs, then let the rest of us make it work to house people!

NIMBY

People won't build them.

My primary concern is that this option will not be used to the maximum possible

Need residential accessible parking structure

Might be better off just going upzone.

Maybe consider "good landlord program" see Building Code

Keep financing obstacles in mind

Consider subdividing and deeding to non-profit who can issue a ground lease and manage unit

Downtown apartment living / increase density and 4 story

Relation to neighbor

Need place to play and be outside

Not everyone can afford to build one of these just because it's allowed

Dormitory housing, seasonal housing, RV Park

Please maximize density; perhaps beyond ARU capacity (missing middle housing)

Get rid of separation requirement

Maintain wildlife & preserve open space