

## **ORDINANCE E**

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 1074 AS AMENDED (PART) REGARDING SECTIONS 5.1.1.C.1.f, 5.1.1.D.2.g, 5.2.1.E, 5.3.2.D.3, 5.4.1, 5.5.4.B.1, 5.6.1.B.4, 5.7.1.B, AND 5.7.2.A.6 OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS PERTAINING TO PHYSICAL DEVELOPMENT STANDARDS APPLICABLE IN ALL 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 as amended (part) and Sections 5.1.1.C.1.f and 5.1.1.D.2.g of the Town of Jackson Land Development Regulations are hereby amended and reenacted to read as follows:

#### **5.1.1. Waterbody and Wetland Buffers (Ordinance E)**

##### **C. Resource Definitions**

###### **1. Waterbodies.**

- f. Wetlands.** Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Identification of wetlands shall be according to the 1987 Corps of Engineers Wetlands Delineation Manual. This definition excludes irrigation induced wetlands.

##### **D. No Development, Setbacks/Buffers Required**

###### **2. Setback/Buffer Required.**

- g. Buffer.** The area protected by the setback is the "buffer" and shall remain free from physical development and use, parking, and open storage of vehicles, refuse, or any other material. Terrain disturbance for flood protection, wildlife habitat enhancement, or public pathways are permitted in the buffer upon receipt of applicable permits.

### **SECTION II.**

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 5.2.1.E of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

#### **5.2.1. Natural Resources Overlay (NRO) Standards (Ordinance E)**

##### **E. Impacting the NRO**

The base site area shall not be reduced because a portion of the lot of record is in the NRO. When conflicts exist between the NRO and SRO, the standards of this Section shall have priority and be achieved to the maximum extent practical. The requirements of Sec. 5.3.2. shall receive second priority. Where densities/intensities permitted cannot be achieved by locating development outside of the NRO, then lands protected by the NRO may be impacted pursuant to the standards of this Subsection.

- 1. Minimizes Wildlife Impact.** The location of the proposed development shall minimize impacts on the areas protected (e.g., crucial migration routes, crucial winter range, nesting areas). For the purposes of this standard, "minimize" is defined as locating development to avoid higher quality habitats or vegetative cover types for lesser quality habitats or vegetative cover types. Only when avoidance is not practicable due to significant topographical constraints related to the property, may higher quality habitats or vegetative cover types be impacted.

2. **Habitat Enhancement.** The developer provides mitigation and habitat enhancement for the land impacted, either on-site or off-site, on a basis of 2 acres of mitigation/habitat enhancement for every one acre of land impact. This shall be completed pursuant to a mitigation/enhancement plan, which includes a monitoring program.

## SECTION III.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 5.3.2.D.3 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

### 5.3.2. Scenic Resources Overlay (SRO) Standards (Ordinance E)

#### D. Applicability

##### 3. Exemptions

- a. **NC-ToJ Zone.** All physical development, use, and development options, except new subdivisions, within the NC-ToJ Zone shall be exempt from the foreground standards of 5.3.2.G.
- b. **Remodeling or Expansion of Existing Structures.** Remodeling or expansion of structures that existed prior to November 9, 1994, shall be exempt from the foreground standards of 5.3.2.G.
- c. **Land in Conservation Easement.** Land protected by a conservation easement where proposed development density is one house per 70 acres or less and the total acreage subject to the easement is 320 acres or more, shall be exempt from the foreground standards of 5.3.2.G.

## SECTION IV.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 5.4.1 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

### 5.4.1. Steep Slopes (Ordinance E)

#### A. Slopes in Excess of 25%

No physical development shall be permitted on natural slopes in excess of 25%.

#### B. Exceptions

1. **NC-ToJ Zone.** In the NC-ToJ Zone, no physical development shall be permitted on natural slopes in excess of 30%.
2. **Manmade Slopes.** Physical development on manmade slopes is permitted, provided that the proposed finish grade complies with all other applicable standards of these LDRs.
3. **Small Slopes.** Physical development of isolated slopes that cover less than 1,000 square feet and have less than 10 feet of elevation change is permitted.
4. **Essential Access.** Physical development of steep slopes is permitted to provide essential access for vehicles and/or utilities when no other alternative access exists.

#### C. Standards in Hillside Areas

The purpose of this Section is to provide requirements, standards, criteria, and review procedures which are supplementary to those found elsewhere in these LDRs, and which apply only to hillside areas of the Town of Jackson.

1. **Definition.** For purposes of this Section, hillside areas within the Town of Jackson shall be defined as any lot of record which has an average cross-slope (in any direction) of 10% or greater. This definition shall include any lot of record upon which proposed physical development, use, development option, or subdivision may affect any portion of said lot of record having a slope of 10% or greater, even though the average cross-slope of the subject property may be less than 10%.

2. **Applicability and Exceptions.** The requirements and procedures of this Subsection shall apply when any hillside area is proposed for subdivision, lot split, or development or terrain disturbance of any kind, including a building permit. The only exception shall be in the case of a detached single-family unit on a lot which has been legally platted prior November 9, 1994.
3. **Conditional Use Permit Required.** Prior to any terrain disturbance, removal of vegetation, or any physical development, use, development option, or subdivision, a Conditional Use Permit shall be required.
4. **Criteria and Standards.** In addition to the general Conditional Use Permit criteria and standards, the following standards shall be considered:
  - a. The amount of terrain disturbance related to the otherwise allowable or conditioned uses for the property and the proposed mitigation efforts;
  - b. Retention or replacement of native, existing vegetation consistent with any proposed lawful use of the property;
  - c. Mitigation measures for mitigating impacts on wildlife or crucial winter range; and
  - d. Mitigation measures for avoiding or minimizing visual impacts, subsurface, and any other natural hazards associated with hillside development.
5. **Findings.** The following finding shall be made before granting a Conditional Use Permit for hillside areas: that the mitigation measures identified will be effective in mitigating any adverse impacts identified, and associated with the proposed physical development, uses, development option, or subdivision.
6. **Submittal Requirements.** In addition to the required information set forth in this Section, additional submittals and information may be required by the Planning Director. The purpose of such submittals and additional information shall be to assure compliance with the special criteria and standards set forth in this Section. Such submittals and additional information may include, but shall not be limited to the following:
  - a. Report summarizing wildlife use of the subject property and any potential impacts from the proposed development.
  - b. Reconnaissance level soil and subsurface investigation.
  - c. Visual impact analysis.
  - d. A complete grading and drainage plan to include existing and proposed contours at 2 foot intervals containing grading, stabilization, revegetation, and structural elements pertaining to retention stabilization and protection systems for all disturbed terrain. The provided materials shall also include proposed access drives, the areas of encroachment into the public right-of-way for said access drives, as well as the grading and drainage work to be completed in the public right-of-way.
  - e. Plan for any proposed supplementary landscaping or plat materials.
7. **Bond for Required Improvements.** Prior to the issuance of any building permit pursuant to this Section, the applicant shall post a performance bond for all restorative and mitigative treatments pursuant to Sec. 8.2.11.

## SECTION V.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 5.5.4.B.1 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

### 5.5.4. General Landscaping Standards (Ordinance E)

#### B. Plant Materials

1. **Approved Plant Material.** Plant material shall not be invasive as designated by the noxious weeds and pests list maintained by the Teton County Weed and Pest Control District and shall not be a noxious weed that appears on the designated list under the Wyoming Weed and Pest Control Act of 1973.
  - a. **Wyoming Seed Law.** All seed used for site revegetation or restoration must be used in accordance with WS 11-12-101 - 125 certified as weed free and acquired through a dealer licensed by the Wyoming Department of Agriculture.
  - b. **Wyoming Nursery Stock Law.** All nursery stock used for site revegetation or restoration must be used in accordance with W.S. 11-9-101 through 109 accompanied by a valid health certificate and acquired through a dealer licensed by the Wyoming Department of Agriculture.

## SECTION VI.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Section 5.6.1.B.4 of the Town of Jackson Land Development Regulations is hereby amended and reenacted to read as follows:

### 5.6.1. Town Sign Standards (Ordinance E)

#### B. Applicability

4. **Exempt Signs.** The following signs shall be exempt from the provisions of this Section, provided that they satisfy the requirements set forth below.
  - a. **Traffic Signs.** All signs erected in a public right-of-way by a public agency or on a private road right-of-way for controlling or directing traffic.
  - b. **Political Signs.** Political signs pertaining to a specific election, which are displayed not earlier than 30 days prior to the primary election and are then removed by the candidate or property owner who placed the sign within 5 days after the general election; if there is no primary election, the sign shall be erected not earlier than 30 days prior to the general election, and the sign shall be removed 5 days after the general election. All signs shall be located on private property and shall not impede the public right-of-way.
  - c. **Flags.** Official, State, and Nation flags shall be permitted. Corporate flags are permitted and shall be limited to one flag 15 square feet in size, which shall not be deducted from the total signage permitted. Flagpoles are permitted provided that a building permit is obtained and that the height of the pole does not exceed the maximum height for structures within the zone that the property is located.

- d. **Property Notification Signs.** Private warning signs and for sale or for rent signs are permitted, provided that they do not exceed 4 square feet per side, for a total of 8 square feet.
- e. **Street Numbers.** Numbers placed on a structure for purposes of identifying the address or the location.
- f. **Vehicular Signs.** All signs placed in or upon a vehicle or trailer, including mass transit vehicles.
- g. **Construction Signs.** Construction signs for buildings or projects, naming owners, contractors, subcontractors and architects shall be permitted, provided that they do not exceed one sign of 35 square feet for each street frontage of the building or project.
- h. **Town, State, or National Historical Signs.** Those buildings designated by the Town Council, the State of Wyoming, or the United States as having historical significance to the community are permitted one historical plaque per street frontage.
- i. **Informational Signs.** An on-premise sign designed to provide courtesy information or direction to the public by using such words as “entrance”, “exit”, “parking”, “drive-up”, “restrooms”, “parking”, or similar directional instruction, but not including any advertising of the business. The directional signs shall not exceed 6 square feet in area. The maximum height should be 4 feet unless attached to an existing freestanding sign.
- j. **Posted Notice.** Notice of a meeting or hearing that meets the standards of Section 8.2.14.C.4..

## SECTION VII.

Section 1 of Town of Jackson Ordinance No. 1074 as amended (part) and Sections 5.7.1.B and 5.7.2.A.6 of the Town of Jackson Land Development Regulations are hereby amended and reenacted to read as follows:

### 5.7.1. Purpose and Applicability (Ordinance E)

#### B. Applicability

This Division shall apply to all land disturbing activity and all excavations unless explicitly exempted. Agriculture meeting the standards for exemption in Section 6.1.3.B. is not considered a land disturbing activity, unless it disturbs natural slopes of 25% or greater.

**EXAMPLE:** Examples of land disturbing activities include, but are not limited to, grading, topsoil removal, filling, road or drive cutting, altering or enlargement of a stream or channel, removal of streambed materials, channel clearing, ditching, drain tile laying, dredging, lagoon construction, soil and water conservation structures, and the extraction or placement of rock, sand, or gravel. Grading permits shall be reviewed and approved pursuant to Sec. 8.3.4. Also refer to the Teton Conservation District’s Stormwater Pollution Prevention Plan Guide.

### 5.7.2. Grading Standards (Ordinance E)

#### 3ž General Standards

(ž **Provides for Revegetation.** The affected site area shall be revegetated as is necessary for the stabilization of disturbed surfaces with the exception of areas covered by impervious surfaces and/or structures. Revegetation plans should contain components as identified in Teton County Weed and Pest District’s Revegetation Guide ([www.tcweed.org/education-resources/land-development/](http://www.tcweed.org/education-resources/land-development/)).

SECTION VIII.

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

SECTION IX.

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 X.

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

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

TOWN OF JACKSON

BY: \_\_\_\_\_  
\_\_\_\_\_, Mayor

ATTEST:

BY: \_\_\_\_\_  
Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING     )  
  ) ss.  
COUNTY OF TETON     )

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

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

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