

TITLE 8

ZONING REGULATIONS

SUBJECT	CHAPTER	PAGE
PURPOSE AND SCOPE	1	2
DEFINITIONS	2	4
ZONES, DISTRICTS AND BOUNDARIES	3	18
BASE ZONING REGULATIONS	4	25
OVERLAY AREAS	5	46
CONDITIONAL USE	6	51
NONCONFORMING USE	7	55
VARIANCES	8	56
SIGNS	9	58
ADMINISTRATION	10	67
AMENDMENTS	11	68

CHAPTER 1

PURPOSE AND SCOPE

SECTION:

- 8-1-1: Short Title
 8-1-2: Authority
 8-1-3: Purposes of Zoning Ordinance

8-1-1: SHORT TITLE: This title shall be known as the *TETON COUNTY ZONING ORDINANCE*.
 (Ord. 93-1, eff. 7-28-1993, as amd. 1-24-2000)

8-1-2: AUTHORITY: This title is adopted pursuant to the authority granted by chapter 65, title 67 of the Idaho Code, and article 12, section 2 of the Idaho constitution, as amended or subsequently codified.
 (Ord. 93-1, eff. 7-28-1993, as amd. 1-24-2000)

8-1-3: PURPOSES OF ZONING ORDINANCE: This title is enacted for the purpose of promoting the health, safety, morals, convenience and welfare of the people of the county. More specifically, it is the intent of this title to regulate the use of land and guide development in the county in harmony with the policies and guidelines of the officially adopted Teton County Comprehensive Plan and to achieve the following objectives:

- A.** Encourage orderly growth and development of land:
1. To mitigate adverse impacts upon the water supply, sewage disposal, public safety and emergency services, educational facilities; and
 2. To mitigate the unnecessary imposition of an excessive expenditure of public funds for the delivery of such services.
- B.** To protect residential, commercial, industrial uses and public areas from unreasonable intrusion of incompatible uses.
- C.** To provide for appropriately located residential areas with opportunities for a variety of dwelling types and densities.
- D.** To provide for adequate parking on and off street.
- E.** To encourage variety, excellence and creativity in the design of development, preservation of critical open space areas and preservation of the natural beauty of the area.
- F.** To provide the manner and form for preparing and processing applications for modification of and variances from zoning regulations.

- G.** To encourage the proper distribution and compatible integration of agricultural, residential, commercial and industrial uses within designated areas.
- H.** To ensure that additions and alterations to or remodeling of existing buildings or structures is completed in accordance with the restrictions and limitations imposed in this title.
(Ord. 93-1, eff. 7-28-1993, as amd. 1-24-2000, as amd. 05-05)

CHAPTER 2

DEFINITIONS

SECTION:

8-2-1: General Definitions

8-2-1: GENERAL DEFINITIONS: The following terms used in this title shall have the respective meanings hereafter set forth:

ACREAGE: Any tract or parcel of land that has not been subdivided and platted , in common ownership and having an are of one acre or more.

ADMINISTRATOR: The Planning Administrator appointed by the Board having knowledge in the principles and practices of planning, zoning, and subdivision administration. (amd. 11-14-08)

AFFECTED PERSON: An affected person is a person so described in Idaho Code section 67-6521.

AGENT: A person that legally represents the developer and the owner and such legal authorization shall be on file, in writing, with the planning and zoning, and building department of the county.

AGRICULTURAL BUILDING: A structure designed and constructed to house automobiles, trucks, farm implements hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation, nor shall it be a place used by the public.

APPLICANT: The applicant refers to the person or persons who file an application with the Planning Commission seeking relief or authority under this title. (amd. 06-05)

APPLICATION: The documents submitted to the county to apply for a permit to fulfill the requirements of the county ordinances with regard to land use. An application is deemed complete and officially received by the county at the time the applicable application checklist items are complete and confirmed in writing and dated by the Planning Administrator.

BLOCK: The space along one side of a street between the two (2) nearest intersecting streets, or between an intersecting street and a right of way, waterway or other similar barrier, whichever is lesser.

BOARD: The Board of County Commissioners of Teton County, Idaho. (amd. 06-05)

BOUNDARY ADJUSTMENT:	The adjusting of common property lines or boundaries between adjacent tracts, or parcels for the purpose of accommodating a transfer of land or rectifying a disputed property line location. The resulting adjustment shall not create any additional tracts or parcels and all reconfigured tracts or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes. (amd. 06-05)
BUILDING:	Any structure with substantial walls and roof securely attached to the land and entirely separated on all sides from any other structure, by space or by walls in which there are no communication doors, windows or openings, which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.
BUILDING ENVELOPE:	That area of a lot that encompasses all building improvements and appurtenances including but not limited to: Excavation, fill, grading, storage, demolition, structures, decks, roof overhangs, porches, patios and parking. Building envelopes are encouraged, in developments throughout the County to protect scenic vistas, and to ensure defined building sites within special development subdivisions and planned unit developments. (amd. 06-05)
BUILDING SITE:	An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for buildings. (amd. 06-05)
CC&Rs:	Covenants, Conditions, and Restrictions. Also called Protective Covenants or Restrictive Covenants. (amd. 11-14-2008)
CITY:	The city having jurisdiction of the parcel of land under consideration. (amd. 06-05)
CLUSTER:	An arrangement of adjoining residential lots in groupings that allow closer spacing than would be generally permitted, where the reduced lot sizes are offset by open space, and where groupings of lots are limited in size and location in order to reduce the perception of a single large development and to preserve rural and open character. (amd. 11-13-2008)
CLUSTER HOUSING:	A development of land consisting of separate residential lots where conventional setbacks, lot sizes or density may be varied with adjacent land held in common, usually as open space, and where said common land is maintained under private management or homeowner's association. (amd. 06-05)
COMMISSION:	The Planning and Zoning Commission. (Amd. 05-05)

COMMITTEE: A technical committee may be appointed by the Board of County Commissioners upon recommendation by the Planning Commission to assist with the technical evaluation of subdivisions, and to make recommendations to the Planning Commission. The membership of the committee shall include, but not be limited to, persons that are engaged in either private or public work with specific knowledge in the following areas:

- A. Road design and construction;
- B. Sewer and water facility design and construction;
- C. Health requirements for water and sewer facilities;
- D. Environmental planning criteria such as: geology, water systems, vegetation and noise;
- E. Solid waste;
- F. Recreational and open space;
- G. Schools;
- H. Law enforcement;
- I. Fire protection.

COMPREHENSIVE PLAN: The plan or any portion thereof, adopted by the Board of County Commissioners, which includes all the land within the jurisdiction of the Board. The plan with maps, charts, and reports shall be based on components outlined in Title 67-6508 of the Land Use Act of the Idaho Code as they may apply to land use regulations, and actions unless the plan specifies reasons why a particular component is unneeded. (amd. 01-16-2002)

CONDITIONAL USE: A special use that may locate in certain zoning districts provided it will not be detrimental to the public health, safety and welfare and will not impair the integrity and character of the zoned district. It is a use for which a conditional use permit is required pursuant to chapter 6 of this title.

CONDOMINIUM: An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof; together with a separate interests in real property, in an interest or interests in real property or in any combination thereof.

COUNCIL: The city council of an incorporated city within the County. (amd. 06-05)

COUNTY RECORDER:	The office of the county recorder.
COUNTY ROAD STANDARDS:	The “Highways and Street Guidelines for Design and Construction” manual for Teton County, Idaho, as adopted. (amd.11-14-2008)
COVENANT:	A written promise or pledge or contract recorded on/ within a public or official document of the county. (amd. 06-05)
CULVERT:	A drain that channels water under a bridge, street, road or driveway.
DEDICATION:	The setting apart of land or interests in land for use by the public by ordinance, resolution or entry in the official minutes; as by the recording of a plat. Dedicated land becomes public land upon the acceptance of the county.
DENSITY:	A unit of measurement for the number of dwelling units per acre of land. This is sometimes expressed in the reciprocal, as in 2.5 or 20 acres per unit.
DENSITY GROSS:	The number of dwelling units per acre of the total land to be developed including land dedicated to public use.
DENSITY NET:	The number of dwelling units per acre of the land devoted to residential uses only and excluding land dedicated to public use.
DEVELOPMENT:	An activity to construct infrastructure, or a structure, or a building for which a building permit is required, or to divide the land into lots and parcels in anticipation of such activities, and specifically including a subdivision or PUD. (amd. 11-14-2008)
DEVELOPER:	The owner or agent of the owner on an application submitted to the county to subdivide land. (Amd. 05-05)
DWELLING:	A building for human habitation which shall not include a mobile living unit such as a motor home or trailer coach, or hotel, dormitory, hospital, rooming house or tent. (amd. 06-05)
EASEMENT PRESCRIPTIVE:	Real property that has become a public right-of-way by prescriptive use by the public for five (5) years or more as defined in Idaho law. (amd. 06-05)
EASEMENT PUBLIC:	Real property that has been granted dedicated or deeded to a governmental jurisdiction for public or special use. (amd. 06-05)

- FAMILY:** One or more persons, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from renters, or group occupying a boarding house, lodging house, hotel, motel or similar establishment. (amd. 06-05)
- FLOOD PLAIN:** The areas of land defined on the Comprehensive Plan Map No. 8 titled. The official 100 Year Flood Plan as required by the Federal Emergency Management Agency of the Department of Homeland Security of the United States Government, as amended. (amd. 06-05)
- FLOODWAY** Regulatory floodway means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. (amd. 08-07)
- FORESTED RIPARIAN HABITAT:** Riparian areas variably composed of willow, aspen or cottonwood alone or in combination and associated native understory species. (amd. 11-14-2008)
- FRONTAGE:** The distance across the front of a lot, which is adjacent to a public road, right-of-way and/or easement.
- HANDICAPPED PERSON:** A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial function limitation in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning mobility, self-sufficiency; and who require a combination or sequence of special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated to allow the person to function in and contribute to, a residential neighborhood.
- HEALTH AUTHORITY:** The Idaho State Department of Health and Welfare and its local district health offices that exercise jurisdictional authority for the state.
- HIGHWATER MARK:** The line where water impresses on the soil by covering it for a period of time to present the growth of terrestrial vegetation (IDAPA 58.01.03 On-site Sewage Disposal Rules) (amd.11-14-2008)
- HIGHWAY:** A street or road designated as a highway by the state or federal government.
- HILLSIDE:** Those areas designated as hillsides on Comprehensive Plan Map 5 or any successor map approved by the Board as being a more accurate representation of hillside lands in the Teton County. (amd. 11-14-2008)

- HILLSIDE SUBDIVISION:** The Hillside Overlay Provision shall be applied to applications for development, as regulated in Title 9. (amd. 06-05; amd. 11-14-08)
- IMPROVEMENT:** Any alteration to the land or other physical construction associated with subdivisions and building site developments.
- INDICATOR SPECIES AND HABITAT:**
- Water Birds: Sandhill Crane, Trumpeter Swan and Palustrine emergent wetlands;
- Songbirds and
Raptors: Forested riparian habitat, Mountain shrublands;
- Columbian Sharp-Tailed
Grouse: Sagebrush-steppe, Mountain shrublands;
- Big Game: Elk, Mule Deer, and Mountain shrublands;
- Trout: Cutthroat Trout, Rainbow Trout, perennial and seasonal trout habitat. (amd. 11-14-2008)
- JUNK:** Old or scrap metal, rope, rags, batteries, paper trash, rubber, debris, waste, dismantled or wrecked vehicles and automobiles or parts thereof, iron steel and other old or scrap ferrous and nonferrous material.
- LOT AREA:** The area of any lots shall be determined exclusive of street, highway, road or other rights of way. (amd. 06-05)
- LOT/PLOT:** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon. (amd. 06-05)
- LOT TYPES:** As used in these regulations, lot types are as follows:
- Corner Lot: A lot located at the intersections of two (2) or more streets;
- Flag Lot: A lot with a long easement on one side that creates the image of a flag;
- Interior Lot: A lot other than a corner lot, with frontage on only one street;
- Through Lot: A lot with frontage on more than one street other than a corner lot.

- MAXIMUM EXTENT FEASIBLE:** All possible efforts to comply with the regulation and to avoid or minimize adverse impacts have been undertaken. Documentation showing that an application has satisfied regulations subject to the “maximum extent feasible” standard shall be presented with the preliminary plat application. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible." (amd. 11-14-2008)
- MITIGATION:** A design, action, or facility offered by an applicant for development approval, or required by Teton County as a condition of development approval, in order to avoid, minimize, or offset negative impacts of Development that would or might otherwise occur. Avoidance of impacts and minimization of impacts are preferable to offsetting mitigation measures. Mitigation shall be conducted onsite unless all efforts to mitigate for development related impacts onsite have been exhausted, in which case offsite mitigation proposals will be considered. (Amd. 11-14-2008)
- MONUMENT:** A survey marker as defined in Idaho Code Section 50-1303.
- MOUNTAIN SHRUBLANDS:** Shrublands variably comprised of serviceberry, chokecherry, sagebrush, (aka Mountain Brush) bitterbrush or snowberry alone or in combination and associated native understory species. (Amd. 11-14-2008)
- NONCONFORMING USE:** A land use or activity, which was lawful prior to the adoption, revision, or amendment of this title but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of this title.
- OPEN SPACE:** Significant tracts of land not under residential, mixed, institutional, commercial or industrial use; however, open space may be held in privately owned large lots of twenty (20) acres or more. Open space may include sensitive environmental areas and productive uses including agriculture or low impact recreation amenities. Open space shall not include features such as streets, parking areas, constructions for habitation, or building envelopes. Open space includes but is not limited to lands set aside as a Community Benefit in a PUD generally in exchange for density higher than that of the underlying zone. (Amd. 11-14-2008)

OVERLAY AREAS:

The boundaries of areas shown on the following maps or any successor maps approved by the Board as a more accurate depiction of the type of land, soil, feature, or risk indicated in the title to the map, or by definition: (Amd.06-05; Amd.11-14-08)

- A. (AV) Airport Vicinity Overlay: Those areas under the horizontal and conical surfaces shown on the Airport Surfaces Map maintained by the City of Driggs.
- B. (FP) Flood Plain Overlay: Those areas shown on Comprehensive Plan Map titled “The Official 100 Year Flood Plain required by FEMA.”
- C. (HS) Hillside Overlay: Those areas designated as hillsides on Comprehensive Plan Map titled “The Critical Overlay Areas of Teton County.”
- D. (SC) Scenic Corridor Overlay includes: All lands lying within three hundred thirty (330) feet of both sides of the rights-of-way for Idaho State Highways 31, 32, 33 and Ski Hill Road from Driggs city limits to the Wyoming stateline.
- E. (WH) Wildlife Habitat Overlay: Those areas designated as wildlife habitat on the Teton County Wildlife Overlay map, as adopted and amended.
- F. (WW) Wetlands and Waterways Overlay: Includes all those lands defined and regulated as wetlands through the federal clean water act as administered by the U.S. Army Corps of Engineers and the streams listed below. Because existing maps do not accurately identify all such areas, the WW will be applied to the following lands and to any other lands notified to the County by the U.S. Army Corps of Engineers. Wetland areas shown on the U.S. Fish and Wildlife National Wetland Inventory Maps unless a jurisdictional determination is secured from the U.S. Army Corps of Engineers indicating the area as uplands; and those areas lying within three hundred (300) feet of the high water mark of the following waterways:

- | | |
|----------------|-------------------|
| Badger Creek | Mahogany Creek |
| Bear Creek | Milk Creek |
| Bitch Creek | Moose Creek |
| Bull Elk Creek | North Leigh Creek |
| Darby Creek | Packsaddle Creek |
| Drake Creek | Patterson Creek |
| Dry Creek | South Leigh Creek |
| Fox Creek | Spring Creek |

Game Creek	Teton Creek
Grouse Creek	Teton River
Grove Creek	Trail Creek
Henderson Creek	Twin Creek
Horseshoe Creek	Warm Creek
Little Pine Creek	(Amd.05-05; amd. 11-14-08)

OWNERSHIP: The individual, firm, association, syndicate, partnership or corporation having any interest in the land to be subdivided.

PALUSTRINE EMERGENT WETLANDS: Those wetlands identified on USFWS National Wetlands Inventory Maps (NWI). (Amd. 11-14-2008)

PARCEL/TRACT: A lot or tract as recorded on any plat or record on file in the office of the county assessor, or any unplatted, contiguous parcel of land held in one ownership and of record at the effective date hereof and its amendments. (amd. 01-16-2002; amd. 06-05; amd 05-26-09.)

PARKING SPACE: Usable space within a public or private parking area or building of not less than two hundred eighty (280) square feet in area and having at least the dimensions of ten feet by twenty feet (10' x 20') exclusive of access drives, aisles or ramps for the storage of one passenger automobile or commercial vehicle.

PASTURE: An area seasonally used for grazing domestic animals.(amd. 11-13-2008)

PERSON: This term applies broadly to include any natural person as well as any organization or entity, including, but not limited to, a partnership, corporation, association, or governmental entity.

PLANNED UNIT DEVELOPMENT (PUD): A development of land consisting of separate residential lots of record where conventional setbacks, lot sizes, or density may be varied with adjacent land held in common, usually as open space, and managed by a private entity or a homeowner's association. Two (2) types of PUDs are available under Title 9 – Rural Reserve PUD and Planned Community PUD – each of which is defined and described in Chapter 5 of Title 9. (Amd. 11-14-2008)

PLANNING COMMISSION: The Planning and Zoning Commission appointed by the Board of County Commissioners.

PLANNING DEPARTMENT: The Planning, Zoning, Building & GIS Department of Teton County, Idaho. (amd. 11-14-2008)

PLAT: The map of a subdivision. A preliminary plat or a final plat. (Amd. 11-13-2008)

PRINCIPAL:	Primary; A separate, complete structure that is the larger/largest of the structures. (amd. 11-14-2008)
PROFESSIONAL ENGINEER:	An engineer registered to practice engineering in the State of Idaho. (amd. 11-14-2008)
PUBLIC HEARING AND NOTICE PROCEDURE:	A complete definition of the public hearing procedure is found in sections 67-6509, 67-6511, 67-6512, and 67-6519 of the Idaho Local Land Use Planning Act of the Idaho Code, Chapter 65, title 67. All public hearings shall be noticed in accordance with these sections.
RESERVE STRIP:	A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street extension or widening.
RIDGE:	The crest, or apparent crest, of a hill or mountain or linear crests of part of a hill or mountain when viewed from the State Highways or Ski Hill Road. (amd. 11-14-2008)
RIDGELINE:	An area including the crest of a hill or slope and a vertical, perpendicular distance in feet on either side of the crest within which development would break the skyline. (amd. 11-14-2008)
RIDGELINE DEVELOPMENT:	Development on or near the crest of a hill or mountain which has the potential to cause skylining when viewed from the State Highways or Ski Hill Road. (amd. 11-14-2008)
RIGHT OF WAY:	A strip of land established by prescriptive use, dedicated, deeded or reserved for use as a public way, which normally includes streets, sidewalks and other public utilities or services areas. (amd. 01-16-2002)
RIPARIAN AREA:	Areas contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent water bodies (rivers, streams, lakes, or drainage ways). Riparian areas generally have distinctly different vegetative species than adjacent areas, or similar species with more robust growth than adjacent areas. Riparian areas are often located between wetland and upland areas. (amd. 11-14-2008)
ROAD:	A right-of-way not less than sixty feet (60') in width which has been dedicated, deeded or has been established by prescriptive use for the public use. The roads in the county are classified by the Idaho Transportation Department as follows: (amd. 01-16-2002; amd. 06-05)
	Private Road: A road or network of roads that has not been dedicated or deeded to the public, however, may be open for public use. These roads are not maintained by any public entity.

Rural Major Collector Road: The road or network of roads that provide movement within the county onto and provide connection to the designated minor arterial roads. These routes are gravel based all-weather roads that may or may not be maintained throughout the year. These roads require a minimum right of way of eighty feet (80').

Rural Minor Collector Road: The road or network of roads that provide movement within the county and onto and provide connection to the designated major collector roads. These roads may be graveled or unimproved and may be maintained but only on a summer-only basis. These roads require a minimum right of way of sixty feet (60'). (amd. 06-05)

State Highway: The road or network of roads that provide corridor movement into and out of the county. The roads are State Highways 31, 32, and 33. (amd. 06-05)

RURAL RESERVE AREA: All those areas of Teton County outside the cities and city areas of impact. (amd. 11-14-2008)

SETBACK: The shortest distance from a building on a lot to any property line, lot line or public road right-of-way adjacent to said lot. (amd. 06-05)

SINGLE AGRICULTURAL LAND PARCEL: The minimum size of an agricultural land parcel is twenty (20) acres. (Amd. 05-05)

SINGLE LAND SPLIT: The division of land as provided for under the "One Time Only Land Split" provisions of Chapter 3 of the Teton County Subdivision Ordinance. (Amd. 05-05)

SINGLE LEGAL PARCEL OF LAND: All contiguous lands described in a single deed. Land that touches only at the corner point, is not contiguous. (Amd. 05-05)

SKYLINE OR NATURAL SKYLINE: The visual line at which the earth or vegetation and the sky appear to meet. The skyline is typically viewed as the top, crest, or peak of a ridge or hillside. (amd. 11-14-2008)

SKYLINING: An outline or silhouette of a structure against the background of the sky. (amd. 11-14-2008)

STANDARD SPECIFICATIONS: The specifications as specified in this title or as officially adopted by the county.

- STREET:** A public street of not less than fifty feet (50') in width with a 24' wide road surface that may or may not have been dedicated or deeded to the public for public use. Within the county, street designations apply within subdivisions and classifications shall not be classified as a road under the definition of this or any other ordinance of the county. Street classifications are as follows: (amd. 06-05)
- Cul-de-Sac:** A minor street with a turnaround space at its terminus. (amd 05-26-09)
- Frontage Street:** A collector street, parallel to and adjacent to, a county road that provides access to abutting properties and shall have a designated right of way of fifty feet (50'). (amd. 06-05)
- Loop:** A minor or collector street with both terminal points on the same street or road of origin. The minimum right of way shall be determined by the classification of the street.
- Minor Street:** A street that carries traffic to a collector street or road system and shall have a designated right of way width of fifty feet (50').
- Partial Street:** A dedicated right of way providing only a portion of the required street width.
- Private Street:** A street that serves a single (1) residence or owner that has not been dedicated or deeded to the public, however, it may be open for public use. These streets are not maintained by any public entity, but shall have a minimum right of way of thirty feet (30') with twenty feet (20') of drivable surface; more right of way may be required depending on the use and location. (amd. 06-05)
- STATE:** The State of Idaho.
- STRUCTURE:** Any assemblage of materials into a finished product that stands above the ground such as a building, fence, wall, billboards, mobile home, etc.
- SUBDIVIDER:** Any legal entity who subdivides a parcel of land may also be referred to as a developer.
- SUBDIVISION:** A deeded tract of land existing on the land records of the county that is divided into two (2) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future. (amd. 06-05; amd 05-26-09)

The following are exempted from the above definition:

- A. Agricultural exemption: A bona fide division or partition of agricultural land for agricultural purposes, which is the division of land into lots/parcels, all of which are twenty (20) acres or larger and maintained as agricultural lands. This exemption does not apply to a division for residential, commercial, or industrial purposes. (amd. 05-26-09)
- B. Sale or transfer of adjacent agricultural land: The conveyance, sale, or transfer of any parcel of land in the zoning districts A-2.5, or A-20 to an adjacent property and landowner for the purpose of increasing the property size without changing the agriculture use. (amd. 02-03)

SUBDIVISION DE FACTO: Three or more residential parcels or lots of deeded land that were established as single parcels or lots through the use of individual land divisions, but are now or may be located next to each other, and in fact now meet the definition of a subdivision because the three lots are contiguous and in reality cannot be distinguished from a three lot subdivision except for the manner in which they were originally divided. (amd. 06-05)

SUBDIVISION MASTER PLAN: A master plan for a particular subdivision/planned unit development (PUD) that provides specific design standards and guidelines regulating development and the use of property within the development that shall be recorded as part of the Master Plan/Development Agreement/Final Plat subdivision process of the county. (amd. 0202)

SURVEYOR: Any person who is licensed in the state as a public land surveyor to do professional surveying.

TECHNICAL ASSISTANCE: Those qualified professionals, individuals or groups appointed to review a subdivision or PUD application pursuant to section 3-2-C-6. (Amd. 11-13-2008)

TRANSFER OF DEVELOPMENT RIGHTS: A process by which development rights may be transferred from one parcel of land to another parcel of land. (amd. 06-05)

UNDUE HARDSHIP: Special conditions depriving the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this title; not merely a matter of convenience or profit.

UTILITIES: Installations for conducting water, sewage, gas, electricity, television, storm water, telephone and similar facilities providing service to and used by the public.

- VARIANCE:** A modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other provision affecting the size or shape of a structure or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing applicability of all of the following:
- A. Undue hardship because of characteristics of the site; and
 - B. that the variance is not in conflict with the public interest; and
 - C. the need for a variance is not arising as a direct result of the applicant's own actions.
- VICINTIY MAP:** A small-scale map showing the location of a tract of land in relation to a larger area. A vicinity map should be clearly labeled with road names and/or other clearly identifiable landmarks or features. (Title 9 as Amd. through 25-2000)
- WIND TURBINE:** An alternative energy device that converts wind energy to mechanical or electrical energy and shall be erected no closer than 50 feet from the property line, and not located in the scenic corridor. No more than one wind turbine shall be allowed per residential lot. County standard height limits shall apply unless a variance in accordance with Title 8, Chapter 8 is approved by the board of adjustment. (Amd. 01-23-2006; amd 05-26-09)
- YARD:** A space on a lot, other than a court, unoccupied and unobstructed by buildings and/or structures from the ground upward, except as otherwise provided herein.
- ZONE/ZONING DISTRICT:** A portion of the unincorporated area of the county shown on the official zoning map and associated with this title, and given formal zoning district designation.

(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000; amd. 2001 Code; amd. 04-22-02; amd. 05-05).

CHAPTER 3

ZONES, DISTRICTS AND BOUNDARIES

SECTION:

- 8-3-1: Zoning Maps
- 8-3-2: Interpretation Of Map Boundaries
- 8-3-3: Consistency With Comprehensive Plan
- 8-3-4: Base Zoning Districts
- 8-3-5: Zoning District Descriptions
- 8-3-6: Application For Change Of Zone

8-3-1: ZONING MAPS: The boundaries of the zoning districts shall be determined and defined by the adopted zoning maps (adopted and incorporated herein by reference) which show the boundaries of both the base zoning districts and the overlay areas. The originals of such maps shall be housed and available to the public at the offices of the Teton County planning and zoning and building department. Amendments and maintenance of this title, official maps and comprehensive plan shall be done in accordance with the requirements set forth in Idaho Code section 67-6500 et seq. (Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

8-3-2: INTERPRETATION OF MAP BOUNDARIES: Whenever any uncertainty exists as to the boundary of any zoning district shown on the zoning maps, the following shall apply:

- A. Where any zoning district boundary line indicated as following a street, road, or public way, it shall be construed as following the centerline thereof. (Amd. 05-05)
- B. Where a zoning district boundary line is indicated as approximately following a lot or property line, such line shall be construed as being on the property line.
- C. Where a zoning district boundary line does not follow a street, road, public way, lot or property line or obvious natural boundary, the location of such boundary shall be located on the zoning map with distances indicated.
(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

8-3-3: CONSISTENCY WITH COMPREHENSIVE PLAN: The classification of land within zoning districts shall be done in a manner consistent with the land uses provided in the comprehensive plan. The comprehensive plan is a guide and should be adhered to in accordance with definition in section 8-2-1 of this title and Idaho Code section 67-6500 et seq. Deviations from the comprehensive plan are allowable when justified for public safety, health, and welfare reasons. (Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

8-3-4: BASE ZONING DISTRICTS: For the purpose of promoting the health, safety and welfare of Teton County, all land in the county shall be designated within one of the following base zoning districts and where appropriate one of the overlay areas listed below:

Agriculture, small increment and rural residential (A/RR – 2.5)
 Agriculture, large increment (A-20)
 Industrial/manufacturing (M-1)
 Residential (R-1)
 Residential, mobile homes (R-2)
 Retail Commercial, (C-1)
 Retail/Wholesale Commercial, (C-2)
 Wholesale/Light Manufacturing Commercial, (C-3)

A change of land use may require a change in base zoning districts designation, which may be requested by the landowner. Unless otherwise provided for in this title, no building or structure shall be built, altered, or used unless it is located on a legally designated “lot” as defined in this title and is in conformance with the base zoning district in which it is located.

(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000, amd. 01-10-05)

8-3-5: ZONING DISTRICT DESCRIPTIONS:

A. A/RR-2.5 AGRICULTURE, SMALL INCREMENT AND RURAL RESIDENTIAL:

1. Purpose: The purpose of this district is to designate and provide opportunity for development of residential land use on marginal agricultural land.
2. Intent: The intent of this district is to be used where small increment agriculture or rural residential activities are the primary use of the land.
3. Minimum Lot Size: The minimum lot size shall be two and one half (2 ½) acres, unless smaller lot sizes are allowed in approved planned unit developments (PUD’s) or other lot splits in this and/or title 9 of this code.
4. The Agriculture small increment and rural residential zoning district (A/RR - 2.5) shall become a grandfathered zone upon the adoption of the amended process for development to establish a density-based method for subdividing land. The grandfathered zone retains all existing rights, characteristics, and obligations and shall never be expanded. The applicant may choose the method for development by using the grandfathered rights or by moving to the new density based process for development. Grandfathered means the zoning district retains all development rights and privileges allowed under this zoning district until the applicant chooses to develop under the new density-based method for subdividing land or is granted another zoning district classification for development. (amd. 05-05)

B. A-20 AGRICULTURE, LARGE INCREMENT:

1. Purpose: The purpose of this district is to control development on the most productive agricultural land in the county.
2. The Agriculture, large increment (A-20) zoning district shall become a grandfathered zone upon the adoption of the amended process for subdividing land. The grandfathered zone retains all existing rights, characteristics, and obligations and shall never be expanded. The applicant may choose the method for development by using the grandfathered rights or by moving to the new density based process for development. Grandfathered means the zone districts retain all development rights and privileges allowed under this zoning district until the applicant chooses to develop under the new density based method for subdividing land or is granted another zoning district classification for development. (amd. 05-05)
3. Intent: The intent of this district is to allow agricultural activity to remain unimpeded in accordance with the right to farm act and other provisions that protect farming in the Idaho Code.
4. Sale of Parcel: The sale of a parcel of land in this zoning district that is twenty (20) or more acres shall be considered for agricultural and not residential use.
5. Submission Of Data/Studies: Prior to recommending development of land in this zoning district the planning and zoning commission shall consider and may require the submission of data/studies on the following:
 - a. Issues such as geography, topography, poor soils, lack of water, and economic viability to determine impact on compatibility and harmony of the agricultural land and proposed development;
 - b. Issues concerning land use patterns in the zone and county and the impact on transportation, water and air quality, and other county services.
6. Subject To Right To Farm Act: Land in the agriculture base zoning districts are subject to provisions of chapter 67-6529 and the right to farm act of the Idaho Code. Parcels of land in these districts may be partitioned and sold for agricultural purposes without being subject to the plotting and review requirement of the county ordinances, and land uses in these districts shall not deprive owners of any privileges of production. Subdivision of land in these districts for the purpose of changing the land use from agriculture to another use shall be subject to the requirements of this and other county ordinances for plotting and review.

C. R-1 RESIDENTIAL DISTRICT:

1. Purpose: The purpose of this district is to provide a low, medium, and high density residential land use opportunities in the area within and adjoining the designated area of city impact and the scenic corridor overlay areas.

2. Intent: This district is intended to provide a buffer or transition area between other zoning districts of the county and the areas of city impact and scenic corridors along Idaho state highways 31, 32, 33 and Ski Hill Road.

3. Uses: The use of PUD's is encouraged in this district, however, single, two (2), and multiple family housing will be allowed.

D. R-2 RESIDENTIAL MOBILE HOME DISTRICT:

1. Purpose: The purpose of this district is to provide medium density residential land use opportunities for "mobile homes" as defined in this title and in the area adjoining the area of city impact.

2. Location: Mobile home districts are to be located in harmony with the surrounding community patterns where adequate community facilities and services exist for this density of development.

E. C-1 RETAIL COMMERCIAL DISTRICT:

1. Purpose: The purpose of this zone is to provide retail shopping for small consumer goods and small-scale professional services that are presented with an application for a specific use.

2. Characteristics: Uses in this zone shall be characterized by harmonious grouping of stores, shops and small-scale professional establishments. The single most defining characteristic of the businesses located in this zone is the dependence on a high volume of walk-in customers. For each business, consideration should be given to adequate parking, sidewalks to accommodate the public, with lawns, trees, and shrubs, all planted and maintained in harmony with the surrounding businesses in this zone and surrounding zoning districts.

3. Uses: Use of this zone should be used only within cities and portion of the cities impact area adjacent to the city unless extraordinary circumstances exist and where appropriate to accommodate the needs of residents in subdivisions or in multiple uses planned developments. (amd. 01-10-05)

F. C-2 RETAIL/WHOLESALE COMMERCIAL DISTRICT:

1. Purpose: The purpose of this zone is to provide space for wholesale merchants or retail merchants dealing in construction products and large consumer goods that are presented with an application for a specific use.

2. Characteristics: Uses in this zone shall be characterized by a harmonious grouping of businesses operating in the wholesale markets or in the retail marketing dealing with large volume items. By way of example only, retail businesses using this zone would be lumber yards, plant nurseries, movie theaters, automobile dealerships, large equipment sales and rentals, hotels and motels, sale of motorized sporting equipment, large office complexes etc. Although businesses located in this zone may have some dependence on walk-in

customers, the defining characteristics of these businesses would be the need for large lots, merchandise located in large warehouses or out-of-doors and the need for large vehicles for pickup and delivery. For each business, consideration should be given to adequate parking, safe and adequate avenues of egress and ingress for pick-up and delivery, with lawns trees, shrubs, berms, setbacks, lighting, etc. to maintain the safety, peace and quiet of surrounding businesses in this zone and surrounding zoning districts.

3. Uses: Use of this zone is encouraged in the portion of the city area of impact adjacent to the county and along the major highways ~~of~~ and by ways of the county, if that use is not appropriate in the areas of impact, where truck traffic and the movement of large quantities of merchandise can be accommodated. (amd. 01-10-05; amd. 03-05; amd. 05-05)

G. C-3 WHOLESALE/LIGHT MANUFACTURING COMMERCIAL*:

1. Purpose: The purpose of this zone is to provide space for wholesale merchants, and wholesale merchants whose business has an assembly or light manufacturing aspect that are presented with an application for a specific use.

2. Characteristics: Uses in this zone shall be characterized by a harmonious grouping of businesses operating in the wholesale markets which are not dependent on a large volume of walk-in traffic and which may have an assembly or light manufacturing aspect associated with the business. By way of example only, businesses utilizing this zone would be pole yards, cabinet shops, small metal fabrication shops, small furniture manufacturing businesses, automotive repair garages, etc. The defining characteristics of these businesses would be the lack of dependence on walk-in traffic, the need for large lots, merchandise or inventory located in large warehouses or out-of-doors, the need for raw materials to be assembled or for light manufacturing, and the need for large vehicles for pickup and delivery. For each business, consideration should be given to abatement of noise, dust, unsightly or unsafe long term storage, safe and adequate avenues of ingress and egress for pickup and delivery, and adequate but non-intrusive lighting, all with lawns, trees, shrubs, berms, setbacks, lighting etc., to maintain the safety, peace and quiet of surrounding businesses in this zone and surrounding zoning districts.

3. Uses: Use of this zone is encouraged adjacent to Industrial/Manufacturing zones, as a buffer to Industrial/Manufacturing zones, and along the major highways and byways of the county where truck traffic and the movements of large quantities of merchandise can be best accommodated. (amd. 01-10-05)

H. M-1 INDUSTRIAL/MANUFACTURING*:

1. Purpose: The purpose of this district is to provide distinct zones encouraging the establishment and grouping together of industrial and manufacturing uses, that are capable of being operated under such standards as to location and appearance of buildings and structures, and treatment of the land, which are not obtrusive and detrimental to the adjacent zoning districts and land uses.

2. Uses: Use of this district is also encouraged within and adjoining the city of impact areas and along the scenic corridor of highway 33 between Tetonia and Victor.
(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000, amd.1-10-05)

8-3-6: APPLICATION FOR CHANGE OF ZONE:

- A. PROCEDURE:** A landowner may apply to the commission for a change of zone by following the application process outlined in the zoning amendments procedures and check list reviewed by the commission and available in the planning and zoning office.
- B. FILING; ACTION; FEES:** The complete application shall be filed with the commission via the administrator or staff and it will be scheduled for public hearing with the commission. The commission shall follow the procedures outlined in sections 67-6509 and 67-6511 of the Idaho Code. The commission shall recommend approval or disapproval to the board. The board shall hold a public hearing following the statute outlined above and shall approve, disapprove or remand the recommendation back to the commission for further action. Fees are due at the time of filing and shall be in accordance with the fee schedule.
- C. CRITERIA FOR RECOMMENDATIONS AND DECISIONS:** Recommendations of the commission and decisions of the board shall be made a matter of public record in accordance with sections 67-6511, 67-6519 and 67-6535 of the Idaho Code. The recommendations and decisions shall specifically find that such changes, modifications and reclassifications of zoning districts meet the following criteria:
1. The approval or denial of the application shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate county ordinances or regulations, and that particular consideration shall be given to the effects of any proposed zone change upon the delivery of public services, including school districts.
 2. The comprehensive plan is considered for compliance and conformance with the goals, policies and objectives as outlined in the plan and other evidence gathered through the public hearing process.
 3. The proposed change will maintain and preserve compatibility of surrounding zoning districts and future development.
 4. The proposed zone change will maintain the purposes and objectives of zoning and secure the public health, safety, and general welfare.
 5. The approval or denial shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant facts relied upon, and explains the rationale for the decision based upon the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

*All the land uses in the C-1, C-2, C-3 and M districts will require a Conditional Use Permit to include a commercial development agreement to insure the public health, safety and general welfare and to preserve the integrity of the particular zoning district and surrounding zoning districts, and to protect the property values in the surrounding areas. In order to accomplish any or all of the above goals this permit shall include a property survey and at the discretion of the Planning Administrator may be required to submit a site plan, which would include special structural or landscape amenities such as, but not limited to: extra-ordinary setbacks, berms, landscaping, fencing, parking, ingress and egress specifications, etc. (As amd. 06-05)

D. PLANNED UNIT DEVELOPMENT: In case of a planned unit development (PUD) a zone change may be required. The zone change application, if required, shall be filed at the concept plat phase of the subdivision process with the application for the PUD and shall be considered concurrently with the concept plan, the preliminary plat, and final plat. The commission shall recommend approval or disapproval and the board shall approve or disapprove the zone change for the PUD. Such approval shall be done concurrently with the decision on the final plat for the subdivision and the PUD.

(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000; amd. 11-24-03)

RESIDENTIAL USES:	A/RR2.5	A-20	R-1	R-2	C-1	C-2	C-3	M
Bed & Breakfast	C	C	C	C	C	C		
Dwelling duplex	C			C				
Dwelling multi-family	C			C				
Dwelling unit, secondary (1 home + 1 guesthouse):	P	P	P	P	P	P	P	P
additional 3 or more dwellings	C	C	C	C	C	C	C	C
Dwelling single-family	P	P	P	P	P	P	P	
Dwelling unit	P	P	P	P	P	P	P	P
Home business	C	C	C	C	C	C	C	C
Home occupation	P	P	P	P	C	C	C	C
Garage, residential private	P	P	P	P	P	P	P	
Manufactured home	P	P	P	P	P	P	P	
Mobile home subdivision	C		C	P				
Mobile home	P	P	P	P	P	P	P	
Pets household	P	P	P	P	P	P	P	P
Planned Unit Development, RCI			P**	P**	C**	C**	C**	C**
Planned Unit Development, Small	P**	P**	P**	C**	C**	C**	C**	C**
Planned Unit Development, Density Based	P**	P**	P**	C**	C**	C**	C**	C**
Wind Turbine (Amd. 06-23-06)	C	C	C	C				
Reserved for expansion of residential uses.								

**Planned as outlined in the PUD process of title 9 of this code.

COMMERCIAL USES:	A/RR2.5	A-20	R-1	R-2	C-1	C-2	C-3	M
Appliance repair shop	C				C	C	C	C
Bakery					C	-		
Bank					C			
Barber / beauty shop	C	C			C			
Book shop					C			
Brewery					C	C	C	C
Building materials sales					C	C	C	C
Cabinet shop						C	C	C
Campground/RV Park	C	C		C		C	C	C
Clothing sales / repair					C			
Department store					C	-		
Driving range	C	C					C	
Dry cleaning shop					C	-		
Florist store				C	C	-		
Fuel storage commercial							C	C
Furniture repair					C	C	C	
Furniture store					C	C		
Garden store	C	C			C	C		
Gasoline station / convenience store					C	C	C	
General contractor	C	C					C	C
Golf course	C	C					C	
Grocery store					C	-		
Hardware store					C	C		
Kennel / boarding of animals	C	C					C	C
Laundry shop					C	C		
Motel / hotel					C	C		
Mortuary				C		C		
Night club / tavern / lounge					C	-		
Office professional / business	C	C		C	C	C	C	C
Parking off street	C	C	C	C	C	C	C	C
Pet shop				C	C	C		
Pharmacy				C	C	-		
Plumbing shop					C	C	C	C
Print shop					C	C	C	C
Private club / lodge	C	C		C		C	C	
Research facilities	C	C				C	C	C
Restaurant					C	C		
Storage units	C	C					C	C
Storage truck and auto							C	C
Storage facility	C	C					C	C
Studio Art / photo / drama / dance	C	C		C	C	C		

Theatre, drive in						C	C	
COMMERCIAL USES:	A/RR2.5	A-20	R-1	R-2	C-1	C-2	C-3	M
Theatre, indoor					C	C		
Truck stop								C
Variety store					C	-		
Vehicle body shop						C		C
Vehicle repair shop						C		C
Vehicle sales lot						C		C
Vehicle wash	C	C			C	C		C
Veterinary clinic / hospital	C	C				C	C	C
Reserved for future expansion of Commercial uses.								

MANUFACTURING USES:	A/RR2.5	A-20	R-1	R-2	C-1	C-2	C-3	M
Airport	C	C					C	C
Airport landing strip	C	C					C	C
Airport repair facilities	C	C					C	C
Gravel pit	C	C						C
Lumber plant	C	C					C	C
Manufacturing plant							C	C
Motorcycle race track / club		C						C
Processing plant for agriculture products	C	C					C	C
Salvage yard								C
Sanitary land fill / garbage disposal site, private		C						
Sheet metal fabrication shop		C					C	C
Welding / machine shop	C	C					C	C
Wholesale outlet						C	C	
Reserved for future expansion of Manufacturing uses.								

UTILITIES AND PUBLIC USES:	A/RR2.5	A-20	R-1	R-2	C-1	C-2	C-3	M
Church	C		C	C	C	C	C	
Commercial communication tower	C	C		C			C	C
Day nursery / child care / preschool	C	C	C	C	C			
Electric substations	C	C				C	C	C
Gas metering station	C	C		C			C	C
Hospital	C		C	C	C			
Irrigation canal	P	P	P	P	P	P	P	P
Medical / dental clinic	C			C	C	C		
Private school	C	C	C	C	C			
Nursing home	C	C	C	C		C		
Residence home for the aged	C	C	C	C		C		
Telephone utilities	P	P	P	P	P	P	P	P
Utility distribution lines	P	P	P	P	P	P	P	
Utility shop, storage and service building	C	C				C	C	C
Water treatment plant	C	C				C	C	C
Sanitary landfill / garbage disposal site, public		C						
Reserved for future expansion of Utilities and Public uses.								

*All the land uses in the C-1, C-2, C-3 and M districts will require a Conditional Use Permit to include a commercial development agreement to insure the public health, safety and general welfare to preserve the integrity of the particular zoning district and surrounding zoning districts, and to protect the property values in the surrounding areas. In order to accomplish any or all of the above mentioned goals this permit shall include a property survey and at the discretion of the Planning Administrator may be required to submit a site plan, which would include special structural or landscape amenities such as, but not limited to: extra-ordinary setbacks, berms, landscaping, fencing, parking, ingress and egress specifications, etc. (As amd. 06-05)

8-4-2: LAND USE SCHEDULE DEFINITIONS:**AGRICULTURAL USES:**

AGRICULTURE: The process of raising field, horticultural or garden crops or produce or raising of domestic animals, fowl or honeybees for the purpose of commercial or home crop production as allowed by the chart contained in section 8-4-1 of this title.

AGRICULTURAL BUILDING: A structure designed and constructed to house automobiles, trucks, farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation, nor shall it be a place used by the public.

BEEKEEPING: May include more than one hive or boxes occupied by bees; this use does not include honey houses, extraction houses, warehouses or appliances. (Amd. 05-05)

BREEDING DOMESTIC ANIMALS: An agriculture establishment where animals are impregnated either naturally or by artificial insemination and whose principle purpose is to propagate the species. (Amd. 05-05)

CROP PRODUCTION COMMERCIAL: The process of raising field, horticultural or garden crops or produce for the purpose of providing food production for sale.

CROP PRODUCTION HOME: The process of raising field, horticultural or garden crops or produce for the purpose of providing production for the owner of the land upon which the crops or produce are raised or for someone designated by the landowner, but not intended for sale.

DAIRY: A commercial establishment set up for the purpose of manufacturing and/or processing of dairy products. This definition shall also include any accessory building related to dairy activities.

DAIRY BUSINESS: The keeping of milk-producing animals, offspring and breeding stock primarily for the production of milk and/or the processing of milk products.

DUDE RANCH: A ranch that provides multi-night accommodations for guests, provides a recreational activity or immediate access to recreational activities, has dining facilities on-site, barns, associated buildings, corrals, pastures, and livestock related to a working ranch and/or the recreational activity available to guests. The guest/dude ranch does not include a commercial

restaurant, café or bar that caters to the general public, nor does it actively solicit nightly accommodations.

FARM / RANCH	An area of land, which is used for the commercial production of crops or the keeping of the usual farm poultry and animals and normal accessory uses for these purposes. (Amd. 05-05)
NURSERY:	A place where young trees and plants are raised for sale.
RIDING ACADEMY:	An establishment where horses are boarded and cared for, and where instruction in riding, jumping and showing is offered. (Amd. 05-05)
RIDING/TRAINING STABLES:	A farm upon which, in addition to other permitted agricultural uses, horses may be stabled for the public for a fee. The farm owner/operator may provide training for a fee for stabled horses and the owners thereof or the stabled horse owner agent.
AGRICULTURE STAND, SEASONAL:	A temporary structure erected for display and sale of agriculture products.
WILDLIFE RESERVE:	An area maintained in a natural state for the preservation of both animals and plant life.
WILDLIFE TRAINING FACILITY:	A place where training of wild birds, mammals, amphibians, or reptiles occur and the animals are trained for educational purposes and are licensed by the state.
<u>RESIDENTIAL USES:</u>	
ACCESSORY BUILDING:	A subordinate building attached or detached and used for a purpose customarily incidental to the main structure on a lot, such as a private garage, offices, storage or repair facilities, etc.
BED AND BREAKFAST ESTABLISHMENT:	A place of lodging that provides eight (8) or fewer rooms for rent, is the owner's residence, and is occupied by the owner during the time of rental.
DWELLING DUPLEX:	A single structure designed and constructed with two (2) dwelling units with a common wall for occupancy by two (2) families on one lot of record. (Amd. 05-05)

- DWELLING,
MULTIPLE-FAMILY:** Any building or portion thereof, which is designed, built, rented, leased, or let to be occupied as three (3) or more dwelling units, which is occupied as a home or place of residence by three (3) or more families living in the independent dwelling units.
- DWELLING, SINGLE-
FAMILY DETACHED:** A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract, having no physical connection to a building on any other lot or tract.
- DWELLING UNIT,
ACCESSORY:** A portion of a building which is arranged, occupied or intended to be occupied as living quarters and includes sanitary, sleeping and food preparation facilities which shall be accessible and available to all occupants of the unit.
- DWELLING UNIT,
SECONDARY:** A building or a subordinate portion of a single-family dwelling unit which is arranged, occupied or intended to occupy as living quarters for a single family or no more than two (2) individuals unrelated blood, marriage or adoption. An accessory dwelling unit shall include sanitary, sleeping and food preparation facilities and shall comply with all applicable health, building and safety code, as well as, all requirements set forth under the issuance of a conditional use permit. (Amd. 05-05)
- GARAGE, PRIVATE:** An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common.
- HOME BUSINESS:** Any use conducted entirely on a homeowner's land and carried on by up to four (4) individuals, related or unrelated and does not change the character of the surrounding neighborhood. All parking and needed facilities for the people are completely and entirely provided on the homeowner's land. There shall be no significant disturbances created by the business. Signage shall be required to comply with Chapter 9 of this ordinance. Home businesses are subject to all licensing, inspection and regulations, as applicable. (Amd. 05-05)
- HOME OCCUPATION:** Any use conducted entirely within a dwelling and carried on by members of the residing family, which is clearly incidental and secondary to the use of the dwelling and does not change the character thereof. There

shall not be any commercial display, nor any significant disturbances created by the occupation, such as noise, parking problems, increased traffic, unsightliness or pollution, etc. Home occupations are subject to all licensing, inspections, laws, and regulations, etc., as any other business.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in a house and kept for company or pleasure (i.e., dogs, cats, small birds, etc.)

MANUFACTURED HOME SUBDIVISION: A parcel of land that has been approved for the placement of manufactured homes for residential use on single lots with private ownership of the lots. (Amd. 05-05)

MANUFACTURED HOUSE: A structure transportable in one or more modules which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation and footing when connected to required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The manufactured house may be permanently attached to an approved foundation and footing. Units manufactured prior to June 1976 not stamped approved by HUD (national mobile home construction and safety standards act of 1974) shall not be considered a “manufactured house” as defined herein. For clarification, this definition excludes mobile homes, trailers, campers, and other similar units as may be defined in this Title and which are permitted in mobile home parks or mobile home subdivisions under the relevant regulations of this and other county ordinances. Manufactured house units shall be designed and constructed to satisfy the provisions of the uniform building code (UBC) and other mandated related codes by state and federal authority.

MOBILE OR TRAILER HOME: A vehicle with or without motive power designed to be used for human habitation. Also, a vehicular portable structure built on a chassis and designed to be used without a permanent foundation for human habitation not taxed as real property by the county and state.

MOBILE HOME SUBDIVISION: A parcel of land under single, unified ownership or control, within which spaces are rented or used by the ownership for occupancy by two (2) or more mobile homes. A mobile home subdivision must follow the provisions set forth in Section 8-3-4 (D) of this ordinance and Title 9, Subdivision Regulations. (Amd. 05-05)

RESIDENTIAL USE: Activities related to residential use allowed by the use charts contained in section 8-4-1 of this title and other provisions of this title.

**SECONDARY RESIDENTIAL
STRUCTURES:**

A subordinate dwelling unit (detached) other than a mobile home.

WIND TURBINE:

An alternative energy device which converts wind energy to mechanical or electrical energy that shall be erected 50 feet from the property line, and not located in the scenic corridor. No more than one wind turbine shall be allowed per residential lot. County standard height limits shall apply unless a variance in accordance with Title 8, Chapter 8 is approved by the board of adjustment. (Amd. 01-23-2006; amd 05-26-09)

COMMERCIAL USES/SERVICES:

**APPLIANCE REPAIR
SHOP:**

A shop where repairs and service are done on appliances and small machines. (Amd. 05-05)

BAKERY:

A bakery in which the production and/or wholesaling of baked goods is provided. It may also include retail dispensing of baked good. (Amd. 05-05)

BANK:

A building with or without a drive-up window for the custody, loan or exchange of money for the extension of credit and for facilitating the transmission of funds. (Amd. 05-05)

**BARBER/BEAUTY
SHOP:**

An establishment where practices of barbering and hairdressing is done. (Amd. 05-05)

BOOK STORE:

A retail establishment that as its primary business engages in the sale, rental or other change for use of books, magazines, newspapers, greeting card, video tapes, computer software or any other printed or electronically conveyed information or media, excluding any adult bookstore. (Amd. 05-05)

BREWERY:

A commercial use that brews ales, beers or similar beverages onsite that manufactures more than stores. It may be operated in conjunction with a bar or restaurant. (Amd. 05-05)

**BUILDING MATERIAL
SALES:**

A business wherein a variety of unrelated building merchandise and services are housed, enclosed and displayed and sold directly to the customer for whom the goods and services are furnished and where lumber is stored for sale. (Amd. 05-05)

CABINET SHOP:	An enclosed space used for the operation of machinery that specializes in the making of furniture and cabinets. (Amd. 05-05)
CAMPGROUND/ PARK:	A parcel of land under single, unified ownership or control, within RV which spaces are rented or used by the ownership for occupancy by two (2) or more recreational vehicles and may include tent sites or cabins for nightly rental. (Amd. 05-05)
COMMERCIAL USES:	Any profit making activity of sales and services as allowed by the land use chart contained in section 8-4-1 of this title. (Amd. 05-05)
DEPARTMENT STORE:	A business wherein a variety of unrelated merchandise and services are housed, enclosed and displayed and sold directly to the customer for whom the goods and services are furnished. (Amd. 05-05)
DRIVING RANGE:	A golfing area equipped with distance markers, clubs, balls and tees. (Amd. 05-05)
DRY CLEANERS:	An establishment, which launders or dry-cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and pickup up but where laundering or cleaning is done offsite. (Amd. 05-05)
FLORIST SHOP:	A retail business whose principle activity is the selling of plants, which are not grown on the site, and conducting business within an enclosed building. (Amd. 05-05)
GARDEN/NURSERY STORE:	The growing, cultivation, storage and sales of garden plants, flowers, trees, and shrubs to the public which may be grown on site in a green house and landscape businesses. (Amd. 05-05)
GAS STATION:	A facility limited to retail sales to the public of motor fuel, motor oil, lubricants, travels aids, and minor automobile accessories, convenience items and sundries. In addition such facility may provide minor vehicle services and repairs.
GOLF COURSE:	A tract of land with at least nine holes for playing the game of golf and improved with tees, greens fairways and hazards. A golf course may include a clubhouse and shelters. (Amd. 05-05)
GROCERY STORE:	A retail store where most of the floor area is devoted to the sale of food products for home preparation and consumption. (Amd. 05-05)

- HARDWARE STORE:** A retail store, which engages primarily in, the sale of basic hardware lines such as: tools, plumbing and electric supplies, paint, household appliances, garden supplies. (Amd. 05-05)
- KENNEL:** Owning keeping or maintaining more than six (6) dogs over the age of three (3) months at the same residence.
- LAUNDRY SHOP:** A facility where patrons wash, dry, or dry clean clothing in machines operated by the patrons. (Amd. 05-05)
- MORTUARY:** A business that prepares human dead for burial and arranging and managing funeral and may include limited caretaker facilities. This definition excludes cemeteries, crematoriums, and columbariums. (Amd. 05-05)
- MOTEL / HOTEL:** Any building or portion thereof containing six (6) or more guest rooms used, designed to be used, let or hired out for occupancy by persons on more or less a temporary basis.
- NIGHTCLUB/LOUNGE:** A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is permitted. (Amd. 05-05)
- OFFICE/ PROFESSIONAL BUSINESS:** Establishment providing direct services to consumers such as insurance agencies, title insurance companies, real estate offices. It does not include medical offices or retail sales. (Amd. 05-05)
- OFF STREET PARKING:** An off street space available for parking of motor vehicles, which conform to the Off Street Parking Schedule in Section 8-4-4 of this ordinance. (Amd. 05-05)
- OUTDOOR RECREATION FACILITY:** Facilities such as golf courses, marinas, shooting ranges, rod and gun clubs, whose use is primarily outdoor rather than indoor recreation for which buildings are incidental and accessory.
- PET SHOP:** A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds and reptiles excluding exotic and farm animals. (Amd. 05-05)
- PHARMACY:** A place where legal drugs and medicines are prepared, dispensed and sold. (Amd. 05-05)
- PLUMBING SHOP:** A business that supplies plumbing fixtures, hardware and accessories to the public or contractors. (Amd. 05-05)

PRINT SHOP:	A shop where prints or graphics are sold and/ or where commercial printing is done. (Amd. 05-05)
PRIVATE CLUB/ LODGE:	Buildings and/or facilities owned or operated under private ownership for social, educational or recreational purposes that may not be for profit. (Amd. 05-05)
RESEARCH FACILITIES:	Laboratories, building complexes, and structures that are for research, development and testing that do not involve the mass manufacturer, fabrication, processing or sale of products. Such uses shall conform to state and federal air and regulations. (Amd. 05-05)
RESTAURANT:	Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation, including, among others, such uses as café, cafeteria, coffee shop, lunchroom, tearoom and dining room.
STORAGE FACILITY:	A building or premises in which goods, merchandise or equipment are stored for eventual distribution. (Amd. 05-05)
STORAGE UNITS:	A structure containing separate individual and private storage spaces of varying sizes, owned leased/rented on individual leases for varying periods of time. The following uses are prohibited: residential, commercial, wholesale or retail sales, or garage sales; the servicing, repairing or fabrication of motor vehicles, boat trailers, lawn mowers, appliances or other similar equipment; operation of power tools, spray painting equipment, welding equipment, kilns, or other similar equipment; the establishment of transfer and storage business; and any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations. (Amd. 05-05)
STORAGE YARD:	The keeping of junk material, merchandise or vehicles in the same location for an extended period of time. (Amd. 05-05)
THEATER:	A building used primarily for the presentation of live stage production, performances or motion pictures.
THEATER, DRIVE IN:	Plot of land used for outdoor motion picture viewing. (Amd. 05-05)
TRUCK STOP:	A restaurant often combined with a fuel station or other facilities, often along a major highway and frequented by truck drivers and travelers.
VARIETY STORE:	A retail establishment for sale of general merchandise. (Amd. 05-05)
VET CLINIC:	An establishment for the care and treatment of small or large animals including livestock, horses and household pets under the direction of a licensed veterinarian. (Amd. 05-05)

MANUFACTURING USES:

- AIR LANDING STRIP:** An area of land designated for use of landing and takeoff of aircraft. (Amd. 05-05)
- AIRPORT:** An area of land designated for use of landing and takeoff of aircraft and any appurtenant areas designated or intended for use by aircraft, for aircraft buildings or other airport facilities, rights-of-way or approach zones, together with all airport buildings and facilities located thereon.
- AIR CRAFT REPAIR BUILDING:** A building for the storage, care or repair of private or commercial aircraft. (Amd. 05-05)
- CHEESE PLANT:** A plant used for processing dairy products into cheese, butter, ice cream and other types of dairy products. (Amd. 05-05)
- GRAVEL PIT:** An open excavation from which gravel or similar material such as rock is obtained by digging. This use may include asphalt and rock crushing operations. (Amd. 05-05)
- INDUSTRIAL USE:** Any production activity of goods and services as defined under **MANUFACTURING** the land use chart contained in section 8-4-1 of this title.
- MINING AND SIMILAR ACTIVITIES:** Any mining or similar activity including gravel and/or sand pits, quarries, oil, gas, and mineral extractions and treatment activities, facilities and operation. Sod farms; land leveling for agricultural purposes and excavation for permitted uses per this title shall not be included in said definition. (Amd. 05-05)
- MOTORCYCLE RACE TRACK CLUB:** A track of land, public or private club, established for the use of racing motorcycles.
- PROCESSING PLANT:** A building used for the collection and processing of material for efficient shipment by means of baling, compacting, crushing, slaughtering of livestock, processing and packaging of agriculture crops. (Amd. 05-05)
- SALVAGE YARD:** Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including scrap metal, other scrap material or for the dismantling, demolition appliances, papers, rags, tires, and bottles, etc., or any parts thereof.

**SANITARY LANDFILL/
GARBAGE DISPOSAL
SITE:**

A public/private operated burial/disposal site for hazardous, non-hazardous waste and garbage from agricultural, residential, commercial, industrial operations in the county that operated in compliance with the federal and state law and regulations.

SHEET METAL

An establishment engaged in primarily the on site production of sheet metal

FABRICATION:

fabrication, roofing products and signs within an enclosed structure. (Amd. 05-05)

VEHICLE BODY SHOP:

A facility, which provides collision repair services including body frame straightening, replacement of damaged parts and painting. (Amd. 05-05)

VEHICLE SALES LOT:

Premises on which new or used passenger automobiles, mobile homes, trailers, or trucks in operating condition are displayed in the open for sale or trade or rental, and where repair of such vehicles is limited to vehicles owned by the sales lot operator and offered for resale. (Amd. 05-05)

VEHICLE WASH:

A place or structure having special equipment for washing automobiles and trucks.

**VEHICLE REPAIR
GARAGE:**

A building, or portion thereof, other than a private garage, designed and used for servicing, repairing, equipping, selling, or storing motor driven vehicles.

**WELDING/
MACHINE SHOP:**

A workshop, in which metal and other substances are cut, shaped, welding, etc., by machinery.

PUBLIC INSTITUTIONS/UTILITIES:

**ASSISTED LIVING
CENTER:**

Residences for the elderly usually configured in three sections consisting of independent living, assisted living and long-term care. The latter must be licensed to provide medical care by local, state and federal agencies as required by law. The center provides rooms, meals, personal care, and self-administered medication. They may provide other services, such as recreation al activities, financial services, and transportation. These centers are usually located on in urban areas close to medical facilities. (Amd. 05-05)

CHURCH:

A permanent building for the purpose of conducting religious services and other activities associated with a religious denomination.

- DAYCARE/
NURSERY SCHOOL:** The use of a building, home, or similar structure to provide care, with or without instruction, for two (2) or more children, unrelated to the provider, on a continuing basis whether for profit or not.
- ELECTRIC SUBSTATION:** An assemblage of equipment for the purpose of electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public. (Amd. 05-05)
- HOSPITAL:** An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients but distinguished from a nursing home by offering primarily short-term rather than long-term care.
- IRRIGATION CANAL:** An excavation dug or place on grade for carrying water for the purpose of irrigation. (Amd. 05-05)
- MEDICAL/DENTAL CLINIC:**
A clinic operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for treatment of patients on an outpatient basis. (Amd. 05-05)
- MUSEUM:** A permanent building for the purpose of storing, preserving and exhibiting historic, artistic or scientific objects.
- PRESCHOOL SCHOOL:** A pre-kindergarten school for two (2) or more children for profit or not.
- PRIVATE SCHOOL:** A privately owned or operated school that provides educational instruction to students. The school may include facilities for recreation activities, boarding facilities and other incidental uses necessary to support the educational instruction and may operate for profit or not.
- PUBLIC UTILITY:** Any person or municipal department duly authorized to furnish to the public under public regulation electricity, gas, steam, telephone, transportation or water.
- PUBLIC UTILITY AND PUBLIC SERVICE FACILITY:** Structures essential to furnishing the public with electric power, gas, water supply, water treatment, and public service including power plants or substations, water treatment plants or fire pumping stations, fire stations or police stations.
- NURSING HOME/
CONVALESCENT HOME:** A home for the aged or infirmed in which two or more persons not of the immediate family are received, kept, or provided with food, shelter, skilled nursing care and related medical services for compensation or not. Such facilities must be licensed and inspected by the appropriate local, state, or federal agencies as required by law.

**TOWER, COMMERCIAL
COMMUNICATION:**

A transmission tower that serves an individual user and is not available to the general public or is privately owned and operated for the purpose of the leasing space to others or for commercial use. (Amd. 05-05)

TELEPHONE UTILITY:

Facilities that provide for the transmission transfer and distribution of telephone service and related utilities. (Amd. 05-05)

**WATER TREATMENT
PLANT:**

The facility within the water supply system, which can alter the physical, chemical or bacterial quality of the water. (Amd. 05-05)

8-4-3: CLASSIFICATION OF NEW AND UNLISTED USES:

- A. APPLICATION:** Requests for a new use or unlisted land uses shall be made to the commission for consideration. Applications for new and unlisted land use will be processed in accordance with the public hearing process outlined in sections 67-6511 and 67-6512 of the Idaho Code, which requires a public hearing by the commission and the board. The application shall concurrently be considered as amendment to the section 8-4-1 of this chapter.
- B. ACTION BY COMMISSION AND BOARD:** The commission shall recommend approval or disapproval and the board shall approve, disapprove, or remand the application back to the commission. Board approval of this application shall be deemed sufficient to amend 8-4-1 of this chapter.
- C. CRITERIA FOR APPROVAL:** The recommendations of the commission and the decisions of the board shall be made a matter of public record in accordance with 67-6511, 67-6519 and 67-6535 of the Idaho Code. The recommendations and decisions shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant facts relied upon, and explains the rationale for the decision based upon the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions and shall find that such additions of new or unlisted land uses meet the following criteria:
1. The approval or denial of the application shall be based upon the standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate county ordinances or regulations, and that particular consideration shall be given to the effects of any proposed addition or deletion on the delivery of public services, including school districts.
 2. The comprehensive plan is considered for compliance and conformance with the goals, policies and objectives as outlined in the plan and that other evidence gathered through the public hearing process are considered.
 3. The proposed land use will maintain and preserve the compatibility of the zoning district in which it is permitted.

4. The proposed land use shall be listed on the land use and where designated shall be conditioned and follow the procedures set forth in chapter 6 of this title.

5. The proposed land use will maintain and preserve the public health, safety and general welfare of the county.

(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000; amd. 11-24-03)

8-4-4: HEIGHT, SETBACK AND LOT SIZE:

**TABLE 2
HEIGHT, SETBACK AND LOT SIZE SCHEDULE**

Description	Zoning Districts					
	A/RR 2.5	A 20	R1	R2	C1 C2 C3	M
Maximum Height	30’**	30’**	30’	30’	45’	45
Minimum Front Yard Setback	30’	30’	30’	20’	0’	0’
Minimum Rear Yard Setback	40’	40’	20’	20’	10’	10’
Minimum Side Yard Setback	30’	30’	10’	10’	10’	10’
Minimum Teton River Setback***	100’	100’	100’	100’	100’	100’
Minimum Stream, Creek Setback***	50’	50’	50’	50’	50’	50’
Minimum Irrigation Ditch/Canal Setback***	15’	15’	15’	15’	15’	15’
Minimum Lot Width	—	—	—	—	75’	70’
Minimum Lot Size*	2.5 acres*	20 acres*	9000 sf*	7000 sf*	-----	-----

(amd. 01-10-05; amd. 05-26-2009)

* Lot sizes of PUD’s shall be determined in accordance with title 9 chapter 5. Minimum lot sizes in PUD’s may be smaller than listed above if central water and/or central sewer systems are provided and approved by the Department of Environmental Quality of the State of Idaho. (Amd. 05-13-2002; amd 05-26-09)

** 60 feet is the maximum height for silos, barns, and granaries in this district.

*** Setbacks are measured from the side of the channel or high water mark whichever is greater. (Amd. 05-05)

A. HEIGHT OF BUILDING: The vertical distance as measured from the highest point of the roof or the building down to at point representative of the average finished grade of the land around the perimeter of the building, except on hillside development, in which case height will be measured from the high side of the foundation, but no further than eight feet (8’) out from the foundation wall.

B. OBSTRUCTION OF VISION: Obstruction of vision on corner lots within thirty feet (30’) of said corner right of way shall not be permitted from two feet (2’) to eight feet (8’) above the finished grade of the road. Trunks of trees, openwork fences at least seventy percent (70%) transparent, light or telephone poles or other small vertical protrusions not more than twelve inches (12”) in diameter shall be permitted within the clear-view areas.

- C. **MINIMUM AREA:** The minimum area to be considered for approval of a mobile home park in any R-2 district shall be three (3) acres.
- D. **FENCES, WALLS AND HEDGES:** Fences, walls, and hedges are permitted in any required yard, edge of yard, or yard property line to a height of six feet (6’); however, no fence, wall, or hedge shall be located in such manner as to obstruct the vision of corner lots as outlined above. (Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000; amd. 05-13-02)

8-4-5: OFF-STREET PARKING:

- A. **MINIMUM REQUIRED:** All uses shall provide the minimum parking spaces in accordance with the off-street parking schedule, as set forth below:

**TABLE 3
OFF-STREET PARKING SCHEDULE**

USE	SPACE REQUIRED
Business/professional offices, retail store, bank, etc.	One (1) space per for each 200 square feet of net retail usable floor space
Church, auditorium, or theater	One (1) space for each five (5) seats in the principle assembly area
Commercial, Industrial, Manufacturing	One (1) space for each 600 square feet of net floor space
Hospital	One (1) space per bed plus one (1) space for each four (4) employees
Hotel, motel, club, lodging house rooms	One (1) space per unit, one (1) space per three (3) beds in dormitory
Multiple-family unit	Two (2) spaces per unit
Nursing home	One (1) space for each four (4) beds plus one (1) space for each employee
Restaurant, dance hall, social hall, nightclub, sports arena or similar establishment	One (1) space per allowable capacity of persons as determined by the county fire marshal
Single-family and two-family dwelling	Two (2) spaces per unit

- B. **SIZE:** A parking space shall be useable space within a public or private parking area or building of not less than two hundred (200) square feet in size, at least ten feet (10’) on center in width and twenty feet (20’) on center in length.
- C. **CHANGE IN USE:** Whenever the use of a building changes to a new use, spaces will be required to meet the new use.
- D. **ACCESS:** Access to parking spaces for commercial and industrial uses shall not be less than twelve feet (12’) on center in width and not more than forty feet (40’) wide at curb lines.

- E. LIGHTING:** Lighting used to illuminate off-street parking shall be directed away from residential properties as referenced in title 9, chapter 4 § K.
(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000; amd. 05-26-09)

CHAPTER 5

OVERLAY AREAS

SECTION

8-5-1: Overlay Area Descriptions

8-5-2: Overlay Regulations

8-5-1: OVERLAY AREA DESCRIPTIONS

An “overlay area” is defined either by 1) an adopted overlay map (adopted and incorporated herein by reference) or, 2) the delineations included in the overlay’s definition or, 3) both a map and the delineations. An “overlay area” overlays one or more zoning districts and requires special regulations and restrictions because of topography and geographical location, natural resource characteristics, health, safety, and general welfare issues. Overlay areas are not zoning districts. The purpose for each of the overlay areas is described below.

- A. (AV) AIRPORT VICINITY OVERLAY:** The purpose of this overlay area is to ensure that the uses established in the vicinity of the Driggs-Reed Memorial Airport will protect adjacent zoning districts from excessive impact of airport related activities, and will protect the airport related activities from encroachment of incompatible uses on airport operations.
- B. (FP) FLOODPLAIN OVERLAY:** The purpose of this overlay is to ensure that development does not occur where it might result in loss of human life or significant property damage due to flooding, and that any permitted development in those areas is located, designed, and constructed to minimize risks to human life and property.
- C. (SC) SCENIC CORRIDOR OVERLAY:** The purpose of this overlay area is to provide a design review procedure to ensure that key roads in Teton County are sufficiently protected from unsightly and incompatible land uses.
- D. (WW) WETLANDS AND WATERWAYS OVERLAY:** The purpose of this overlay area is to ensure that any development that takes place in the wetland areas of Teton County occurs in low-density patterns. It is the intent of this overlay area to make maximum use of cluster designs in residential developments in order to leave critical open space areas intact and protect the important wetland environment. It is also the purpose of this overlay area to ensure that critical waterway frontages and corridors in Teton County are sufficiently protected from encroachment of land uses that would degrade the viability of the waterway.

(ORD.93-1, eff. 7-28-1993, as Amd. through 1-24-2000, as amd.11-14-2008)

8-5-2: OVERLAY REGULATIONS: The following regulations apply within the boundaries of each respective overlay district.

A. AV AIRPORT VICINITY OVERLAY REGULATIONS: All proposed development within the AV Airport Vicinity Overlay District shall be subject to all applicable Federal, State, and local aviation and development regulations. FAA Form 7460-1 shall be completed and submitted to the City of Driggs or to Teton County, as appropriate, for any proposed construction or alteration within the AV Airport Vicinity Overlay District. (amd 11-14-2008)

B. FP FLOODPLAIN OVERLAY REGULATIONS: The provisions of this overlay district shall apply to those lands shown on the FP Floodplain Overlay map, as defined in Chapter 2 of Title 8.

1. Documentation Required: For any proposed development that is located within a floodplain, the developer shall submit an Application for Permit to Develop in a Flood Plain with a development plan of adequate scales and supporting documentation that will show and explain the following: (Amd.06-05)

- a. Location of all planned improvements;
- b. Location of existing structures;
- c. The location of the floodway and the floodway fringe per engineering practice as specified by the Army Corps of Engineers;
- d. Base flood elevation;
- e. Delineated 100-year Floodplain and Floodway;
- f. The location of the present water channel;
- g. Any planned rerouting of waterways;
- h. All major drainage ways;
- i. Areas of frequent flooding;
- j. Means of flood proofing buildings; and
- k. Means of ensuring loans for improvements within the floodplain. (Amd.06-05)

2. Demonstration of No Hazard: Upon determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will alter the flow of water, the developer shall demonstrate conclusively to the Planning Administrator that such development will not present a hazard to life, limb, or property; will not have adverse effects on the safety, use or stability of public way or drainage channel or the natural environment. The applicant's statement shall be prepared and signed by a professional engineer. (Amd.06-05)

3. Increased Flows: No development shall be approved prior to a letter of approval being received from FEMA if the proposed development includes levees, fills, structures or other features that could increase flood flows, heights or damages. If only a part of a proposed development can be safely developed, the Board shall limit development to that part and shall require that the development proceed consistent with that determination. (Amd.06-05)

4. Required Assurances: All development shall be reviewed to assure that:
 - a. Proposals are consistent with the need to minimize flood damages;
 - b. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages and adequate drainage is provided so as to reduce exposure to flood hazards.
 - c. To be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding in accordance with Eastern Idaho Public Health Department policy and regulations and when required by state code or the Department of Environmental Quality. (Amd.06-05)

C. SC SCENIC CORRIDOR OVERLAY REGULATIONS: The SC Scenic Corridor Overlay shall apply to those lands within the boundaries of the SC Scenic Corridor Overlay area (as defined in Chapter 2).

1. Design Review: All development shall be subject to design review to ensure that the location, scale, and appearance of buildings, structures, and development of land shall preserve the rural character of the areas bordering Idaho State Highways and Ski Hill Road and to prevent the construction of buildings that project upward beyond the ridgeline of any hill located within one (1) mile of major roads when viewed from those major roads.
2. Documentation Required: The applicant shall submit plans and drawings showing all existing structures, building envelopes for all proposed structures, setbacks from the closest State Highway or Ski Hill Road, as applicable, existing and proposed landscaping and fences, existing and proposed off-street parking areas, and drawings of exterior elevations of primary structures visible from the closest State Highway or Ski Hill Road. These materials will be submitted with a conditional use or building permit application, and at the preliminary plat stage of a subdivision or PUD application.
3. Design Review Criteria: A development application shall only be approved if the Commission finds that it meets the following criteria:
 - a. **Setbacks:** No permanent structure shall be constructed within fifty (50) feet of the outer edge of the road right-of-way, unless the parcel does not contain any buildable site outside of the setback area, in which case primary structures shall be located as far from the outer edge of the road right-of-way as possible.
 - b. **Building Envelopes:** The development shall identify building envelopes for all primary and accessory structures. Building envelopes shall comply with the following requirements:

i. Building envelopes shall be located so that existing topography and natural vegetation, such as ridges, hills, and existing trees, will screen buildings from view from the State Highways and Ski Hill Road to the maximum extent feasible. (amd. 11-14-2008)

ii. Where existing topography and natural vegetation cannot be used to screen buildings as described in Subsection 1 above, building envelopes should be located at the rear or side edges of an open meadow or pasture, or at the foot of a hill or ridge, rather than in the middle of a meadow, pasture, or hillside. (amd. 11-14-2008)

iii. Notwithstanding Subsections 1 and 2 above, building envelopes shall be located so that no portion of a building up to thirty (30) feet tall shall be visible over the ridge of the hillside on which it is located when viewed from the State Highways and Ski Hill Road, and the applicant shall submit a sight line analysis in sufficient detail to confirm that this standard has been met. (amd. 11-14-2008)

c. **Building Materials:** All non-agricultural buildings shall not be of highly reflective materials according to ASTM C6007, Light Reflectivity Index. (amd. 11-14-2008)

d. **Roads and Driveways:** Roads and driveways shall be designed to eliminate the need to back out onto the State Highways or Ski Hill Road. Existing roads and driveways shall be used where practical. When it is not practical to use existing roads, then new roads and driveways shall be located to skirt the edge of meadows and pastures (i.e. avoid dividing them) to the maximum extent feasible. (amd. 11-14-2008)

4. **Satellite Dishes:** All satellite dishes in the proposed development shall be located to minimize visibility from the State Highways and Ski Hill Road and shall use earth tone colors and/or screening to minimize their visual impact. (amd. 11-14-2008)

5. **Screening:** Landscaping shall be used to screen the view of any resource extraction sites, outdoor storage areas, outdoor trash collection areas, satellite dishes over two (2) meters in diameter, and areas with inoperable equipment or more than four (4) inoperable cars or trucks. Required landscaping should be high altitude, native plant material, trees and shrubs. (amd. 11-14-2008)

6. **Revegetation:** The applicant shall revegetate all areas disturbed by grading or cut-and-fill activity with plants similar to those on the remainder of the development site as each stage of grading is completed, and no later than one (1) year after construction.

7. Utilities: All service utilities (including but not limited to electric and telecommunication lines) shall be placed underground.

D. WW WETLANDS AND WATERWAYS OVERLAY REGULATIONS: The WW Wetlands and Waterways Overlay shall apply to those lands within the boundaries of the WW Wetlands and Waterways Overlay area (as defined in Chapter 2). (amd. 11-14-2008)

1. Wetland Map Information: The County zoning maps do not indicate the designated wetland areas in detail and included in the designated wetland areas are some designated upland areas. An applicant may contact the U.S. Army Corps of Engineers (Corps of Engineers) to obtain detailed mapping information about wetlands on or near the proposed land included in a development application. If the Corps of Engineers provides written site-specific information regarding the location or extent of wetlands on an applicant's property, the County will use that information in its review of the application (in lieu of the more general definition in Chapter 2). (amd. 11-14-2008)

a. Development Criteria:

i. All building envelopes shall be located at least one hundred (100) feet from the high water mark of the Teton River and at least fifty (50) feet from the high water mark of any waterway listed in the definition of the WW area in Chapter 2. (amd. 11-14-2008)

ii. When an application contains "upland" areas, building envelopes may be located in upland areas with the approval of, and subject to any conditions imposed or recommendations made by, the Corps of Engineers. Preservation of open space between upland areas and wetland areas may be required to protect wetland functioning, and to protect fish and wildlife indicator species or habitat identified through the wildlife habitat assessment. (amd. 11-14-2008)

iii. All building envelopes shall comply with lot frontage, lot size, building setbacks, well, septic, sewer, and health requirements, as determined by Teton County, U.S. Army Corps of Engineers, and Eastern Idaho Public Health Department officials as applicable. Building setbacks in Section 8-4-4 shall also apply. (amd. 11-14-2008)

CHAPTER 6

CONDITIONAL USE PERMIT

SECTION:

8-6-1: Conditional Use Permit Procedures

8-6-1: CONDITIONAL USE PERMIT PROCEDURES:

- A. SUBSTITUTION:** For the purpose of this title, the words “conditional use permit” have been substituted for “special use permit” as found in section 67-6512 of the Idaho Code. Section 67-6512 applies to all conditional use permits under the title.
- B. PROCEDURE:** Requests for a conditional use permit shall be submitted to the commission. Applications for conditional use permits shall be considered in accordance with the public hearing process in sections 67-6509 and 67-6512 of the Idaho Code. The commission and board shall each hold a public hearing. The commission shall recommend approval or disapproval and the board shall approve, disapprove or remand the application back to the commission.
1. Application Form: Application and checklist for conditional use permits shall be filed with the commission on forms prescribed by the commission accompanied by such data and information necessary to assure the fullest presentation of facts and evaluation of the requested permit. (Amd. 05-05)
 2. Filing Fee: A filing fee as set by the current fee schedule shall be submitted by the property owner or owner’s representation at the time of filing on application for a conditional use permit. The county shall accept no application or filing fee until the applicant for consideration of the request submits a complete application with required information and data.
 3. List of Property Owners: The applicant shall prepare and provide to the administrator a list including the name and mailing address of all known property owners who own property within three hundred feet (300’) of the exterior boundaries of the proposed conditional use. If any lot in a subdivision falls within this area, all lot owners in the subdivision must be included on the list and must receive notice as provided herein.
 4. Notice of Hearing:
 - a. **Written Notice:** Notice shall be mailed at least fifteen (15) days prior to the public hearing to all such persons identified above. Notice must include the date, time, and place of the public hearing and a summary.

- b. Publication of Notice: The administrator shall cause notice of the public hearing to be published one (1) week in a local newspaper, at least fifteen (15) days prior to the scheduled public hearing setting forth the time, date, and place of hearing together with a summary of the proposed conditional use. (Amd. 02-13-2006)
5. Commission Decision: The commission shall make its decision within forty- five (45) days after all information and studies have been completed and reviewed by the commission and the public hearing has been held.
6. Public Hearing: The board shall schedule a public hearing following the same procedures as the commission. The board shall approve, disapprove, or modify the requested conditional use permit within sixty (60) days of the public hearing.
7. Criteria for Approval: The board, after considering the advice of the commission, may approve a conditional use permit when evidence presented at the hearings is such to establish each of the following:
- a. The location of the proposed use is compatible to other uses in the general neighborhood.
 - b. The proposed use will not place undue burden on existing public services and facilities in the vicinity.
 - c. The site is large enough to accommodate the proposed use and other features as required by this title.
 - d. The proposed use is in compliance with and supports the goals, policies, and objectives of the comprehensive plan.
8. Specifications of Board: Upon granting or denying a conditional use permit, the board shall specify:
- a. The ordinance and standards used in evaluating the application.
 - b. The reasons for the recommended approval or denial.
 - c. The actions, if any, the applicant could take to obtain a permit.

d. Additional Conditions: Upon granting of a conditional use permit, conditions may be attached including, but not limited to, these:

- Controlling the duration of development;
- Assuring that development is maintained properly;
- Designating the exact location and nature of development;
- Requiring the provision for on-site public facilities or services;
- Requiring more restrictive standards than those generally required in this title;
- Minimizing adverse impact on other development;
- Controlling the sequence and timing of development;
- Designating of the number of non-family employees in the home occupation or home business based on the type of business and the location.

e. Commercial Development Agreement for all land uses in the C-1, C-2, C-3, and M zoning designations are required to include the following, as applicable:

- A site plan and/or survey prepared by a professional surveyor to include current and proposed plan.
- A professionally prepared landscaping plan.
- Financial guarantee for public improvements that may include but not be limited to: roads, phone, electric, water, sewer, fire protection, and lighting.
- Professionally prepared final construction drawings. (amd. 06-05)

9. Studies; Transferability: Before granting or denying a conditional use permit, studies may be required on the social, economic, fiscal and environmental effects of the proposed conditional use. A conditional use is not transferable from one parcel of land to another.

10. Record: A record of hearings, findings made and actions taken shall be made.
11. Expiration: A conditional use permit will terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun, unless otherwise specified in the conditions of the approval. The planning and zoning commission and/or the board of county commissioners may review conditional use permits at any time after approval if the conditions or use changes.
12. Appeal: Appeal of the decision of the board is subject to judicial review as provided in Idaho Code.
13. Judicial Review: An applicant denied a conditional use permit or aggrieved by a decision may, within twenty eight (28) days after all remedies have been exhausted under this title, seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.
14. List of Issued Permits; Review: A list and/or files of conditional use permits will be maintained in the planning and zoning office by date of approval by the commission. Conditional use permits will be reviewed at least once every five- (5) years after approval, unless conditions otherwise outlined in this title require review more often.
(Ord. 93-1, eff. 7-28-1993 as amd. through 1-24-2000; amd. 2001 Code)

CHAPTER 7

NONCONFORMING USES

SECTION:

8-7-1: Nonconforming Uses

8-7-1: NONCONFORMING USES: Any uses lawfully occupying a building or land at the effective date hereof, or of subsequent amendments hereto, which do not conform to regulations for the zoning district in which it is located shall be a nonconforming use and may be continued. Nonconforming uses are, therefore, grand fathered under provisions of this title. The following provisions apply to nonconforming uses:

A. REPAIRS; MAINTENANCE: There shall be no limit on repairs of maintenance for nonconforming buildings or uses. Repairs and maintenance shall not increase the degree of nonconformity; other than to meet the provisions of law to accommodate handicap access as required by American Disabilities Act and other federal and state law.

B. CHANGES IN OCCUPANCY: Changes in occupancy may be permitted in a nonconforming use, provided the new occupancy has no greater impact on the land use, traffic, noise generation, parking requirements, and similar factors that existed with the nonconforming land use prior to the change in occupancy.

C. EXPANSION OF NONCONFORMING USE: Nonconforming uses may expand, but only on the lot occupied by the land use on the effective date of the zoning ordinance in effect on March 11, 1996. A building permit must be obtained prior to any expansion. Proof of lot size and existing buildings for the nonconforming use occupied on the adoption date of the zoning ordinance in effect March 11, 1996, must be submitted with the building permit by the applicant.

D. REPLACEMENT: Any nonconforming building may be replaced, but only where the effect of the replacement remains similar to or lessens the adverse impact of the nonconforming land use. Replacement of nonconforming structures requires a building permit.

E. ABANDONMENT; DISCONTINUANCE: Whenever a nonconforming use of land or building has been abandoned or discontinued for a period of eighteen (18) months, the use shall be deemed terminated. Use of the premises thereafter shall be in conformity with the regulations of the zoning district in which it is located.

F. RIGHT: The right to a nonconforming use runs with the land, not with the owner. (Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

CHAPTER 8

VARIANCE

SECTION:

8-8-1: Variance Procedures

8-8-1: VARIANCE PROCEDURES: The following provisions shall apply to variances:

A. DEFINITIONS: A “variance” is a modification of the requirements of this title as to lot or land parcel size, coverage, width, depth, and front, side and rear yard setbacks, parking spaces, height of buildings or other ordinance provisions affecting the size or shape of a structure and the placement of a structure upon the lot or land parcel. A variance does not include a change of authorized land use.

B. UNDUE HARDSHIP: A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest nor the general land or conditions in the vicinity of the application and that the variance will not be a material detriment to public health, safety and welfare nor to neighboring property owners.

C. APPLICATION FORM: Application and checklist for a variance shall be filed with the county on forms prescribed by the county, accompanied by such data and information necessary to assure the fullest presentation of facts and evaluation by the commission on file in the planning and zoning office. (Amd. 05-05)

D. FILING FEE: A filing fee as set by the current fee schedule shall be submitted by the applicant at the time of filing an application for a variance. This fee is nonrefundable.

E. RECORD: A record of hearings, filings made, and actions taken shall be made.

F. PUBLIC HEARING: Before granting or denying a variance the commission, acting as the board of adjustment, shall hold at least one public hearing in accordance with sections 67-6509, 67-6511 and 67-6516 of the Idaho Code, as applicable. The purpose of this hearing is to allow affected persons the opportunity to be heard by the commission (board of adjustment).

G. WRITTEN NOTICE: Notice shall be mailed fifteen (15) days prior to the public hearing to all property owners within three hundred feet (300’) of the exterior boundary. Notice must include the date, time, and place of the public hearing and a summary of the proposed variance. This notice must be prepared and mailed at the expense of the applicant. A list of all property owners notified must be submitted to the administrator within fifteen (15) days of the public hearing.

H. SPECIFICATIONS OF COMMISSION: Upon granting or denying a variance, the commission shall specify findings, in writing, for:

1. The ordinance or ordinances, criteria, and standards used in evaluating the application;
2. The reasons and justification for approval or denial;
3. The actions, if any, which the applicant could take to obtain a permit for the variance.

I. APPEALS: Appeals to variance decision of the commission are subject to judicial review as provided by Idaho Code chapter 67, section 8003. (Ord. 93-1, eff. 7-28-1993 as amd. through 1-24-2000; amd. 2001 Code)

CHAPTER 9

SIGNS:

SECTION:

8-9-1:	Purpose; Intent
8-9-2:	Applicability
8-9-3:	Permit Required
8-9-4:	Design and Construction Standards
8-9-5:	Sign Removal
8-9-6:	Appeal
8-9-7:	Variance Procedure

8-9-1: PURPOSE; INTENT: The purpose of this chapter is to allow the reasonable display of signs to identify homes, public buildings, cultural, professional and business establishments and to advertise products and services for the information and convenience of the people and the flourishing of enterprise. This chapter sets forth uniform standards for the fabrication and placement of signs in the county with the intent of making it easier and less costly for businesses and individuals to have their messages seen while preserving the character of the community as described in the county comprehensive plan. (Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

8-9-2: APPLICABILITY:

A. SIGN DEFINED: For the purposes of this chapter, the term “sign” shall mean a display of letters, numbers, illustrations, symbols, lights or devices erected to attract attention to the subject matter for advertising purposes.

B. SCOPE: This chapter regulates all exterior signs, permanent or temporary, and interior signs intended to be visible from outside the buildings, in which they are installed, within the county, outside the city limits of Victor, Driggs, and Tetonia, with the exception of the types of signs listed in the following subsection.

C. EXEMPTIONS: Signs exempted from regulation are:

1. Official Signs: Traffic signs, guidance signs, welcome signs and official notices placed by a public agency;
2. Private Traffic Signs: Private traffic signs that are similar in design and size to the official signs and do not confuse the intent and operation of the official signs;
3. Individual, Nonprofit Organization Flags: Flags of individuals and nonprofit organizations are allowed, one each per location, provided they are no larger than twenty (20) square feet in area and are not attached to a sign;

4. Historic: Historic site markers, commemorative tablets and signs that name buildings or give their date of construction;
5. Murals; Sculptures: Murals and sculptures displayed as art and not connected with advertising of a business;
6. Time and/or Temperature: Time and/or temperature signs whereon time and temperature are the only changeable copy and the remaining copy is limited to the sponsor's name;
7. Political: Political campaign signs pertaining to a specific election, provided they are displayed no earlier than sixty (60) days before the election and removed within ten (10) days after the election;
8. Owner/Occupant Identification: Owner or occupant identification signs for residential structures, provided they do not exceed one square foot in area (for example, 6" x 24");
9. Private Warning: Private warning signs up to six (6) square feet in area;
10. Sale, Lease, or Rent: Property owner and/or realtor signs for sale, lease or rental if they do not exceed six (6) square feet in area, one sign per street frontage of property where they are displayed on the property owner's real property;
11. Window Display: Window displays of business enterprises;
12. Construction Sites: Construction sites signs up to twenty-four (24) square feet in area, one sign per street frontage at the site;
13. Informative Signs: "Open/closed", "vacancy/no vacancy", business hours and credit card acceptance signs up to three (3) square feet in area, one sign of each type per frontage at each business location;
14. Special Event: Special event signs where the event lasts no longer than five (5) days~~+~~;
15. Signs on Vehicle: Signs on a vehicle, provided the vehicle is not left standing in a conspicuous place for the purpose of advertising for more than seventy-two (72) hours;
16. Temporary Signs or Banners: Temporary signs or banners advertising grand openings (on a one-time basis), sales or events sponsored by nonprofit groups, or garage or yard sales, provided the sign is located entirely on private property and is not supported by structures located on public property. "Temporary" shall mean in place no earlier than fifteen (15) days before the event and removed the day after the event.

17. Flags: Flags of the official United States and Idaho state flags. (Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

8-9-3: PERMIT REQUIRED:

- A. REQUIRED; FEE:** It is unlawful to erect, alter or relocate any sign not exempted in subsection 8-9-2 C from these regulations without first obtaining a sign permit from the office of planning and zoning.
- B. FEE:** The fee for a sign permit is one dollar (\$1.00) per square foot of sign area with a minimum of ten dollars (\$10.00) and a maximum of fifty dollars (\$50.00) per permit and is subject to change without notice.
- C. APPLICATION:** Applications for sign permits must be accompanied by legible plans or designs and specifications stating clearly the dimensions, structure, materials, colors and lighting, if any, and plan of installation stating clearances and setbacks.
- D. AUTHORITY TO APPROVE:** The planning administrator has the authority to approve any sign permit except for variances and matters of spacing. The planning administrator's decision may be appealed to the planning commission.
- E. SEASONAL SIGNS:** Seasonal signs may be removed for the off-season and reinstalled without a new sign permit, provided they are not structurally altered and they otherwise conform to these regulations. Maintenance and repainting of signs shall not require a new permit.
- F. PENALTY:** A fine of one hundred dollars (\$100.00) per month or portion of the month thereafter shall be levied against anyone who erects a sign without a permit as required by this chapter or on nonconforming signs not removed as stated under subsection 8-4H of this chapter. In addition, signs installed without obtaining a permit must be removed within thirty (30) days of the installation.
(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

8-9-4: DESIGN AND CONSTRUCTION STANDARDS:

- A. DEFINITIONS:** The following definitions should be used in interpreting the standards and making permit applications:

AREA: The area of all faces within the perimeter that forms the outside shape of the sign including the frame, but not including the uprights or brackets necessary to support the sign. For the purpose of this chapter, however, a flat sign shall be considered to have the area of one of its faces whether the second face is used or not.

CANOPY SIGN:	A sign attached to or constructed in or on a canopy or marquee over a sidewalk or passageway.
DIRECTIONAL SIGN:	A sign indicating a route to a location.
FREE STANDING SIGN:	A sign erected on a supporting framework that is not attached to any building.
OFF-PREMISES:	Shall be defined as, but not limited to, Idaho Code subsection 40-1910A(2)(a) 1. See also subsection E of this chapter.
ON-PREMISE:	A sign that advertises the goods, services, and activities on the premises on which the sign is located. All other signs will be considered off-premises signs.
PREMISES:	That piece of land.
PROJECTING SIGN:	A sign attached to a building with the sign projecting outward away from the wall.
SETBACK:	The distance from the sign to the nearest property line.
TEMPORARY:	A sign in place no earlier than fifteen (15) days before the event and removed the day after the event.
WALL SIGN:	A sign painted on, attached to or erected against the wall of a building with the signs face parallel to the wall.

B. HEIGHT LIMITS:

1. Freestanding Signs: Freestanding signs may be erected to a height no greater than twenty feet (20') above the ground.
2. Wall Signs: Wall signs may extend beyond the wall on which they are displayed no more than one foot (1') in any direction.
3. Projecting Signs; Canopy Signs: Projecting signs and canopy signs may not be less than seven and one-half feet (7 ½') from the ground above which they are suspended.

C. SETBACK REQUIREMENTS:

1. Freestanding Private Signs: Freestanding private signs shall be permitted to stand in public rights of way.

2. Projecting Signs: Projecting signs must be a minimum of eighteen (18) inches from a line extending vertically from the nearest street curb, or if the curb is absent, from the property line.
3. Obstruction Prohibited: No signs shall be permitted that obstructs a clear view of traffic control devices from the street.
4. Interference Prohibited: No sign shall be permitted that interferes with a fire escape exit, or standpipe or that obstructs an opening for ventilation or light.
5. Overhead Electrical Conductors: Signs shall be located no less than six feet (6') horizontally or twelve feet (12') vertically from overhead electrical conductors that are energized in excess of seven hundred fifty (750) volts unless such conductors are enclosed in an iron pipe or other material of equal strength.

* See subsection E1 of this section for definition of "off-premises outdoor advertising".

6. Setbacks:
 - a. Highways: Setbacks from the highway shall be a minimum of fifty feet (50').
 - b. Other Roads: Setbacks from other roads shall be a minimum of thirty-five feet (35') from the edge of the road.
 - c. Distance from Other Signs: Signs shall not be located any closer than six hundred sixty (660) horizontal feet from any other advertising sign.

D. CONSTRUCTION:

1. Conformance Required: Material and construction of all permanent signs shall conform to the standards of the uniform building code adopted by the county.
2. Wind and Seismic Loads: Signs must withstand the wind loads and seismic loads set forth in the uniform building code. Bracing systems shall be constructed to transfer lateral forces to the foundations. Signs on buildings shall transmit dead weight and lateral loads through the structural frame of the building to the ground in a manner that will not overstress any elements thereof.
3. Colors: Colors shall be normal spectrum colors, including shades of tints thereof, plus gold and silver. Fluorescent, loud and/or gaudy colors are prohibited. Reflective finishes may be used for lettering only.

E. OFF-PREMISES SIGNS:

1. Definition: Idaho Code subsection 40-1910A(2)(a):” Off-premises outdoor advertising” means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform and which is situated in order to be visible from any highway, or other traveled way and which is located on property which is separate from and not adjoining the premises or property on which the advertised activity is carried out.
2. Number Permitted: One off-premises, permanent, non-illuminated sign and one directional sign whether located in the county or its municipalities, per business located and operating in the county and Wyoming which are contiguous to the county and only accessible through the county and located on the west side of Teton Pass, shall be permitted with the permission of the land owners for which the sign is to be located, and the surface areas does not exceed thirty two (32) square feet. Setbacks within the scenic corridor are a minimum of fifty feet (50’); other street locations are thirty-five feet (35’).
3. Directional Signs: Directional signs are not to exceed six (6) square feet.
4. Clustered Signs: Clustered signs advertising two (2) or more businesses per face shall be allowed up to a maximum of forty-eight (48) square feet when advertising.
5. Single Business Signs: Single business signs shall be a maximum of thirty-two (32) square feet.

F. PROHIBITED SIGNS:

1. Wind-Blown Streamers, Pennants, and Balloons: Wind-blown streamers, pennants, and balloons are prohibited except on temporary signs.
2. Rotating, Swinging or Moving: Rotating, swinging or otherwise moving signs or parts are prohibited.
3. Internally Lit Signs: Internally lit signs or signs with moving or flashing lights or other animated decorations are prohibited unless exempted in subsection 8-9-2 C of this chapter.
4. Neon Lighting: Neon lighting, except inside buildings, is prohibited.
5. Portable Signs: Portable signs (signs not attached to the ground or building) are prohibited except in the temporary situations exempted in subsection 8-9-2 C of this chapter.

6. Changeable Copy Signs: Changeable copy signs are prohibited except the following:
 - a. Time/Temperature Signs: Time/Temperature signs exempted in subsection 8-9-2 C of this chapter.
 - b. Theater Marquee Signs: Theater marquee signs for films, plays and other shows;
 - c. Tavern, Café Signs: Tavern and café signs for changing entertainment, one per establishment;
 - d. Fuel Station: Fuel station price signs, two (2) per station.
 - e. All permitted changeable copy signs must conform to the other regulations of this chapter.

G. PERMITTED SIGNS:

1. Outdoor Posters: Outdoor posters up to twelve (12) square feet in area are permitted if displayed in cases permanently attached to a building or other structure.
2. Subdivision Signs: One on-premises, thirty-two (32) square foot, permanent, unlit, identification and directional sign shall be allowed for a subdivision.
3. Occupation Signs: Customary residential, professional, and home occupation signs, not to exceed six (6) square feet in area, may be erected in any districts.
4. Information Signs: One on-premise information sign in conjunction with commercial or industrial uses, provided that the surface area does not exceed thirty-two (32) square feet.
5. Agricultural Businesses: Agricultural businesses are allowed one on-premises sign not larger than thirty-two (32) square feet.
6. Entry Gate: Entry gate sign shall be permitted for ranch and subdivision identification.
7. Posting Notices: Posting notices may be erected anywhere on a parcel of land, as long as they are spaced no closer than the minimum spacing provided by state laws, and the sign face does not exceed two (2) square feet, i.e., “No Trespassing”, etc.
8. Business Not Located in Shopping Center: One on-premise, permanent sign per street frontage for a business not located within a shopping center provided the surface area does not exceed thirty-two (32) square feet, twenty feet (20’) in height, and may be lit upon approval.

9. Signs Located On Building: One permanent sign located on a building for the occupant as listed in Table A. The size of a sign is calculated from the linear feet of the occupant’s share of building frontage on street, sidewalk or parking lot.

TABLE A

Occupant’s Frontage In Linear Feet	Sign Area in Square Feet
60	15-30
70	30-45
80	45-60
90	60-75
100	75-90
125	over 90

H. NONCONFORMING SIGNS:

1. Definition: A nonconforming sign is any sign that was in place prior to December 8, 1997, but does not conform to the requirements of this chapter as it may be amended from time to time.
2. Alteration; Relocation; Destruction: Nonconforming signs that are to be structurally altered as to size and shape, relocated, or destroyed by an act of God, or the business nature and/or ownership has changed shall be made to conform at the time of the change and a permit applied for.
3. Continuance of Existing Signs: Each sign that was physically in place prior to December 8, 1997, and which does not conform to the requirements of this chapter, may be continued for a maximum of three (3) years and no longer, this includes, but is not limited to, all lease signs, off-premises signs, and on-premises signs.
4. Spacing or Minor Physical Nonconformity: Preexisting signs with a spacing or minor physical nonconformity may be dealt with as a variance.

I. MISCELLANEOUS:

1. Business Signs: Any business sign can be either single- or double-faced as long as the same business is displayed on both sides.
2. Permanently Closed Business: If any business is permanently closed, any signs pertaining to that business must be removed within thirty (30) days.
(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

8-9-5: SIGN REMOVAL: Any sign deemed defective or dangerous by the building official shall be repaired or removed by the owner within a time period set by the building official, depending on the perceived danger. If the sign is not removed within the designated time the building official shall have it removed and a one hundred dollar (\$100.00) fine shall be assessed. Any cost incurred in the sign removal that exceeds the fine shall be paid by the owner. Unpaid costs shall be considered a lien against the property. (Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

8-9-6: APPEAL:

- A. RIGHT TO APPEAL:** The sign applicant may appeal the decision of the planning and zoning commission, provided the written appeal is filed with the office of the clerk of the district court within five (5) working days after the decision of the planning and zoning commission.
- B. BOARD ACTION:** The board of county commissioners shall schedule to hear the appeal during their regular meeting. The board of county commissioners shall approve, disapprove, or modify the action of the planning and zoning commission within forty-five (45) days of hearing the appeal.

(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

8-9-7: VARIANCE PROCEDURE: The planning and zoning commission may recommend to the board of county commissioners, as a result of unique circumstances such as topographical – physical limitations, a variance from the provision of this chapter on a finding that undue hardship results from the strict compliance with specific provisions or requirements of this chapter or that application of such provisions or requirements is unpractical.

(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

CHAPTER 10

ADMINISTRATION

SECTION:

- 8-10-1: Enforcement
- 8-10-2: Violation; Penalty

8-10-1: ENFORCEMENT: The enforcement officer shall be appointed by the board of county commissioners and such officer shall be responsible for the enforcement of the provisions of this title.

(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

8-10-2: VIOLATION; PENALTY:

A. MISDEMEANOR: Any person violating any of the provisions of this title shall be deemed guilty of a misdemeanor, and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed or continued.

B. PENALTY: Upon conviction of any violation of provisions contained in this title such person shall be punished as provided in section 1-4-1 of this code.

(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000; amd. 2001 Code)

CHAPTER 11

AMENDMENTS

SECTION:

8-11-1: Zoning Ordinance and Zoning Maps

8-11-2: Supplementary Regulations

8-11-1: ZONING ORDINANCE AND ZONING MAPS:

- A. POWER TO AMEND:** This title, including the adopted zoning maps, may be amended solely by action of the board upon a finding that the amendment is required for public convenience, necessity, health, safety or the general welfare.
- B. WHO MAY PROPOSE OR RECOMMEND AMENDMENT:** The commission, or any resident of the county, may propose and recommend amendments to this title. Applications for amendments shall be filed with the commission on forms prescribed by the fullest presentation of facts.
- C. SIMILAR APPLICATIONS:** Any application substantially similar to one filed and denied within one year from the date of such denial may be summarily denied by the commission.
- D. REQUEST TO AMEND:** A request to amend the comprehensive plan, this title, or zoning maps can be processed simultaneously, as long as the amendments and notice requirements of the state code are complied with.
(Ord. 93-1, eff. 7-28-1993, as amd. through 1-24-2000)

8-11-2: SUPPLEMENTARY REGULATIONS: In all cases of administration and enforcement of this title for which no other specific provisions are made, the commission shall determine and the board approve or disapprove provisions by order, resolution, or adoption of a rule, regulations or bylaws, which shall be in accordance with and consistent with the standards and intent of this title. (Ord. 93-11 eff. 7-28-1993, as amd. through 1-24-2000);(Ord. 93-11 eff. 1993, as amd. through 02-11-2002)

8-11-3: PROCEDURES FOR PROCESSING APPLICATIONS AND PERMITS: Any person desiring to apply for an amendment or permit under the zoning ordinance as herein defined shall submit all necessary applications, checklists, accompanying material to include maps and plans, together with the filing fees, which are non-refundable, to the planning and zoning office. The submission of the application/permit shall follow the procedures in this title. The application/permit shall be submitted on forms reviewed by the Commission. The planning administrator shall review

the application/permit, checklist, and materials for completeness. If the submission is determined by the planning administrator to be complete, a staff report for the Commission will be prepared and the appropriate public hearing shall be scheduled to start the process of review and decision. If the application/permit is found to contain deficiencies by the planning administrator, it will be returned to the applicant with an explanation of the basis for its return and the public hearing shall not be scheduled until the deficiencies are corrected and the application is resubmitted. (Amd. 06-12-2006; amd. 05-26-09)

TETON COUNTY ZONING ORDINANCE
OF TETON COUNTY, IDAHO

EFFECTIVE: 1993 as Teton County Zoning Ordinance

AMENDED:

- March 11, 1996
- January 13, 1997
- February 1, 1999
- June 14, 1999
- January 24, 2000
- February 11, 2002
- April 22, 2002
- May 13, 2002
- November 10, 2003
- December 8, 2003
- January 10, 2005
- May 9, 2005
- June 13, 2005
- January 23, 2006
- February 13, 2006
- June 12, 2006
- November 14, 2008
- May 26, 2009

Approved this the 26 day of May, 2009

Larry Young, Chairman Board of County Commissioners