TITLE 8

ZONING REGULATIONS

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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*.

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.

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.

CHAPTER 2

DEFINITIONS

SECTION:

8-2-1-A: General Definitions
8-2-1-B: Usage
8-2-1-C: Definitions In Another Chapter or No Definition

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

ACCESSORY BUILDING:	A structure not used for human habitation, not greater than 3000 square feet (279 m^2) in floor area, and not over two (2) stories in height, the use of which is customarily accessory to and incidental to that of a dwelling(s) and which is located on the same lot.
ACCESSORY STRUCTURE, DETACHED:	One-story detached accessory structure used as a tool or storage shed, playhouse, or similar use, provided the floor area does not exceed 200 square feet (11m^2).
ACREAGE:	Any tract or parcel of land that has not been subdivided and platted, in common ownership and having an area 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.
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 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.

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.

BERM: A shaped and sloped mound or embankment of earth capable of holding vegetation or ground cover, usually two to six feet high, used to shield or buffer a property from adjoining uses, highways, or noise.

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.

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.

BUFFER: An area of natural vegetation or man-made construction that is intended to provide a dimensional separation between dissimilar land uses. A buffer may secondarily provide a visual screen between land uses.

BUILDING: Any structure with substantial walls and roof securely affixed 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.

BUILDING SITE: An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for buildings.

CC&Rs: Covenants, Conditions, and Restrictions. Also called Protective Covenants or Restrictive Covenants.

CITY: The city having jurisdiction of the parcel of land under consideration.

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.

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.

COMMISSION: The Planning and Zoning Commission of Teton County, Idaho

COMMITTEE: A technical committee may be appointed by the Board 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, 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.

CONDITIONAL USE: A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the county and granting a conditional use approval imposing conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.

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.

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.

COVENANT: A written promise or pledge or contract recorded on/within a public or official document of the County.

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, entry in the official minutes or by the recording of a plat. Dedicated land becomes public land upon the acceptance by 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.

DEVELOPER: The owner or agent of the owner on an application submitted to the county to subdivide land.

DEVELOPMENT SITE: That portion of a property that will be dedicated to a proposed development.

DIRECT IMPACT: Those adverse effects caused by the proposed action and occurring at the same time and place.

DWELLING UNIT: A structure for human habitation which shall not include a mobile living unit such as a motor home or trailer coach, or a hotel, dormitory, hospital, rooming house or tent. A single unit providing complete independent living facilities for one or more persons, including permanent kitchen and sanitation facilities, and provisions for living, sleeping, and eating (see KITCHEN FACILITIES and SANITATION FACILITIES). (amd 2011-05-12)

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 by Idaho Law.

EASEMENT PUBLIC: Real property that has been granted, dedicated or deeded to a governmental jurisdiction for public or special use.

FAMILY: One or more persons, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from renters, or a group occupying a boarding house, lodging house, hotel, motel or similar establishment.

FLOODPLAIN: The National Flood Insurance Program (NFIP) defines a regulatory floodplain as the area adjacent to a watercourse that is inundated by the 100-year discharge, and therefore has a 1% chance of being inundated in any single year. These lands are coarsely depicted on the Comprehensive Plan Map No. 8 titled The Official 100 Year Flood Plan Required by FEMA, as adopted.

FLOODWAY: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base (100-year) flood without cumulatively increasing the water surface elevation more than a designated height (pursuant to Title 12).

FORESTED RIPARIAN HABITAT:	Riparian areas variably composed of native trees and/or shrubs such as: cottonwood, aspen, hawthorn, alder, or willow occurring alone or in combination with associated native understory species.
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.
HIGH WATER MARK:	The line that the water impresses on the soil by covering it for sufficient periods of time to prevent the growth of terrestrial vegetation (IDAPA 58.01.03 Onsite Sewage Disposal Rules). Additional indicators of high water mark that may be present include but are not limited to: top of point bars or depositional areas, break in bank slope, edge of active floodplain, or edge of perennial vegetation.
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, as adopted, or any successor map approved by the Board as being a more accurate representation of hillside lands in Teton County.
HILLSIDE SUBDIVISION:	The Hillside Overlay Provision shall be applied to applications for development, as regulated in Title 9.
IMPROVEMENT:	Any alteration to the land or other physical construction associated with subdivisions and building site developments.
INDICATOR SPECIES AND INDICATOR HABITAT:	**Big Game:** Elk, Mule Deer and mountain shrublands **Columbian Sharp-Tailed Grouse:** Sagebrush-steppe, and mountain shrublands

Songbirds and Raptors: Forested riparian habitat, and mountain shrublands

Trout: Cutthroat Trout, Rainbow Trout and perennial and seasonal surface water (excluding ditches and irrigation water delivery systems)

Water Birds: Sandhill Crane, Trumpeter Swan, and Palustrine emergent wetlands

INDIRECT IMPACT: Those adverse effects caused by the proposed action and occurring later in time or farther removed in distance, but still reasonably foreseeable. Indirect impacts may include effects related to changes in pattern of land use, human presence and population density, and related effects on natural systems and ecosystems.

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.

KITCHEN FACILITIES: A permanently installed means for cooking, such as a range or cook-top, OR a permanently installed kitchen sink with the capacity to wash dishes. (amd 2011-05-12)

LANDSCAPE MATERIAL: Any combination of living plants and non-living materials, such as rock, pebbles, sand, mulch, pavers, berms, walls, and other decorative materials.

LANDSCAPING: The planting and arranging of landscape materials to enhance the aesthetic and functional qualities of a site.

LOT AREA: The area of any lots shall be determined exclusive of street, highway, road or other rights of way.

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.

LOT TYPES:

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.

MANUFACTURED HOME: A structure transportable in one or more modules which is designed and built on a permanent chassis to be used as a dwelling, with a permanent foundation and footing and when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems therein. Units manufactured prior to June 1976 not stamped approved by HUD shall not be considered a "manufactured home" as defined herein. For clarification, this definition excludes mobile homes, trailers, campers, and other similar units as may be defined in this Title. Manufactured home 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.

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."

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.

MONUMENT: A survey marker as defined in Idaho Code Section 50-1303.

MOUNTAIN SHRUBLANDS: Shrublands dominated by serviceberry, chokecherry, sagebrush, bitterbrush, snowberry and/or other native mountain shrub species.

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.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM: NAICS. A standard land use classification system issued by the federal Office of Management and Budget which categorizes establishments by the type of economic activity in which they are engaged.

OFF STREET PARKING: An off street space available for parking of motor vehicles, which conforms to the Off Street Parking Schedule in Section 8-4-4 of this ordinance.

OPAQUE: Impenetrable to view, or so obscuring the view that features, buildings, other structures, and uses become visually indistinguishable.

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 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.

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:

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 TetonCounty."

D. (SC) Scenic Corridor Overlay includes: All lands lying within 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 state line.

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 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 the existing WW Overlay as mapped does not accurately identify all such areas, the WW will be applied to: (1) all wetland areas identified on the U.S. Fish and National Wetland Inventory Maps, unless a jurisdictional determination is secured from the U.S. Army Corps of Engineers (USACE) indicating the area as uplands; (2) all areas delineated as wetlands and verified as such by the USACE; and (3) those areas lying within 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	

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

PALUSTRINE EMERGENT WETLANDS: Wetlands dominated by rooted herbaceous wetland vegetation with less than 30% cover of woody plants (shrubs or trees). These wetlands are coarsely mapped on USFWS National Wetlands Inventory Maps (NWI) and labeled as PEM (e.g., PEMA, PEMC, PEMF).

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.

PARKING SPACE: Usable space within a public or private parking area or building of not less than 280 square feet in area and having at least the dimensions of 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.

PERMITTED WITH CONDITIONS:	A use other than a permitted or conditional use that may be administratively allowed on a land parcel as long as it meets the specified minimum conditions of its permit.
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 subdivision 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.
PLANNING COMMISSION:	The Planning and Zoning Commission appointed by the Board of County Commissioners. Referred to as the Commission.
PLANNING DEPARTMENT:	The Planning, Zoning, Building & GIS Department of Teton County, Idaho.
PLAT:	The map of a subdivision. A preliminary plat or a final plat.
PRINCIPAL:	Primary; A separate, complete structure that is the larger/largest of the structures.
PROFESSIONAL ENGINEER:	An engineer registered to practice engineering in the State of Idaho.
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.
PUBLIC UTILITY:	Any person or municipal department duly authorized to furnish to the public under public regulation electricity, gas, steam, telephone, transportation or water.
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.

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.

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.

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.

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.

ROAD: A right-of-way not less than 60 feet 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:

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 80 feet.

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 60 feet.

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.

RURAL RESERVE AREA: All those areas of Teton County outside the cities and city areas of impact.

SANITATION FACILITIES: A toilet, or other permanent conveyance for sewage as approved by the District 7 Health Department. A detached privy, incinerating toilet, or other alternative approved system shall be considered part of the dwelling unit served. (amd 2011-05-12)

SCENIC CORRIDOR: See "Overlay Areas". See also Chapter 5 of this title.

SCREEN: Natural vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view from one side to the other throughout the year. Screening may consist of any combination of the following:

a. Fencing
b. Masonry or rock wall
c. Plants or natural vegetation
d. Earthen berm

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.

SINGLE AGRICULTURAL LAND PARCEL: The minimum size of an agricultural land parcel is 20 acres.

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.

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

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.

SKYLINING: An outline or silhouette of a structure against the background of the sky.

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

STORAGE YARD: The keeping of junk material, merchandise or vehicles in the same location for an extended period of time.

STREET: A public street of not less than 50 feet in width with a 24 foot 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:

Cul-de-Sac: A minor street with a turnaround space at its terminus.

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 50 feet.

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 50 feet.

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 30 feet with 20 feet of drivable surface; more right of way may be required depending on the use and location.

STATE: The State of Idaho.

STORAGE YARD: The keeping of junk material, merchandise or vehicles in the same location for an extended period of time.

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.

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 20 acres or larger and maintained as agricultural lands. This exemption does not apply to a division for residential, commercial, or industrial purposes.

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.

SUBDIVISION DE FACTO: Three (3) 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.

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.

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.

TECHNICAL STUDY: A study that may be required by the county, including but not limited to engineering, flood, geologic, hydro-geologic, natural features, noise, photometric, traffic, or surface water drainage.

TRANSFER OF DEVELOPMENT RIGHTS: A process by which development rights may be transferred from one parcel of land to another parcel of land.

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.

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.

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.

8-2-1-B USAGE: For the purposes of Title 8, all words and terms used herein are limited to the meanings given to them by this Chapter or as specifically provided in another Chapter of this title. Words and terms that are defined in another Chapter of Title 8 relate specifically to that Chapter. Unless the context clearly indicates to the contrary, the following interpretations apply:

1. Words used in the present tense shall include the future tense
2. Words used in the singular shall include the plural and words used in the plural shall include the singular
3. The word "may" means that an action is encouraged
4. The word "shall" means that an action is mandatory
5. The words "used" or "occupied" shall include the phrases "intended", "designed", or "arranged to be used or occupied".

8-2-1-C DEFINITIONS IN OTHER CHAPTER OR NO DEFINITIONS: If a word or term is not defined in this Chapter but is defined elsewhere in this title, that definition shall be applicable unless the context indicates that a standard dictionary definition is more appropriate. If a word or term is not defined in this title, then a standard dictionary definition applies. If the dictionary definition doesn't apply to the above situations, then the definition found in "A Planner's Dictionary", 2004, by the American Planning Association, PAS Report Number 521/522, or latest edition, is applicable. Where a word or term is defined in this Chapter and also defined elsewhere in this title, the definition contained in this Chapter shall be generally applicable except in the Chapter or Section to which the other definition is applied.

CHAPTER 3

ZONES, DISTRICTS AND BOUNDARIES

SECTION:

8-3-1: Zoning Maps
8-3-2: Interpretation Of Map Boundaries
8-3-3: Interpretation Of Zoning In Split Zoning Situations
8-3-4: Consistency With Comprehensive Plan
8-3-5: Base Zoning Districts
8-3-6: Zoning District Descriptions
8-3-7: 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.

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.

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.

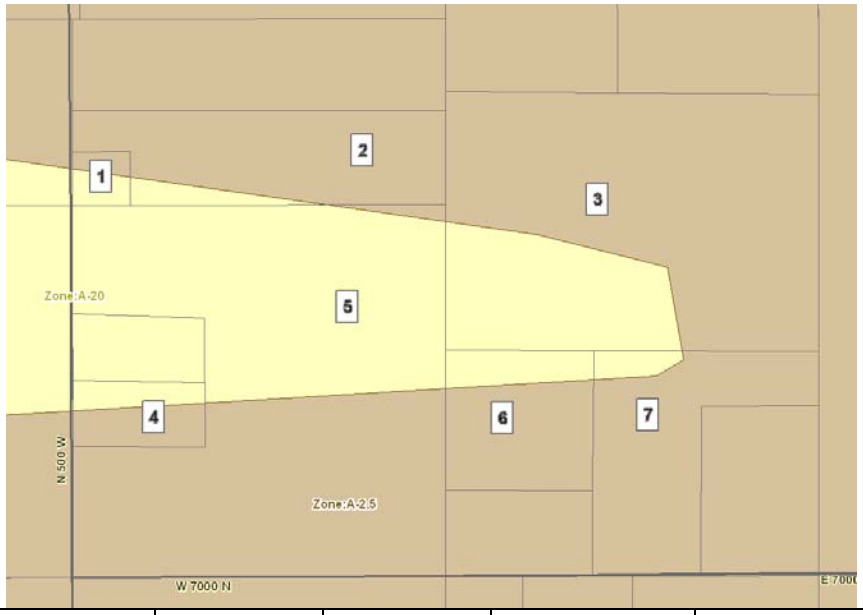
C. Where a zoning district boundary line does not follow a street, road, public way, lot or property line or obvious natural boundary, the location of such boundary shall be located on the zoning map with distances indicated.

8-3-3: INTERPRETATION OF ZONING IN SPLIT ZONING SITUATIONS:

A. Non-PUD or Non-Subdivision Applications: When the boundaries of the district as shown on the "Official Zoning Districts of Teton County" map are drawn so that a single property has more than one zoning district designation, control of use or control of zoning on the property shall follow the district requirements for each zoning district as drawn on the property;

B. PUD and Subdivision Applications: When boundaries of the districts as shown on the official zoning map are drawn so that a proposed PUD or subdivision has more than one zoning district designation, the number of lots per acre shall be calculated by the percentage split among the zoning districts by area. Lot numbers shall be rounded down to the nearest whole number.

Examples:



Lot Number	Total Acres*	Acres A-20	Acres A-2.5	Lots Allowed in A-20	Lots Allowed in A-2.5	Total Lots Allowed
1	0.89	0.54	0.35	0.027	0.14	0
2	9.23	0.80	8.43	0.04	3.37	3
3	27.59	7.12	20.47	0.36	8.19	8
4	2.47	1.02	1.45	0.051	0.58	0
5	34.85	17.12	17.73	0.86	7.09	7
6	5.91	1.45	4.46	0.073	1.78	1
7	8.85	0.63	8.22	0.032	3.29	3

* Area caluclations are approximate

8-3-4: 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.

8-3-5: 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, large increment residential (A-20)
Agriculture, rural residential (A-2.5)
Residential (R-1)
Residential, mobile homes (R-2)
Retail Commercial, (C-1)
Retail - Wholesale Commercial, (C-2)
Wholesale Commercial - Light Manufacturing, (C-3)
Manufacturing - Industrial (M-I)

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.

8-3-6: 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.

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.

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 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:

C-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.

C-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.

C-3. Uses: The use of PUD's is not permitted in the areas of city impact and is discouraged in the adjoining areas. However, single and two-family housing will be allowed.

D. R-2 RESIDENTIAL MOBILE HOME DISTRICT:

D-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.

D-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:

E-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.

E-2. Characteristics: Uses in this zone shall be characterized by the 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.

E-3. Uses: Use of this zone should be only within the city areas of impact directly adjacent to the city limits.

F. C-2 RETAIL/WHOLESALE COMMERCIAL DISTRICT:

F-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.

F-2. Characteristics: Uses in this zone shall be characterized by 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 pick-up 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.

F-3. Uses: Use of this zone is allowed only within the city areas of impact.

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

G-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.

G-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, 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.

G-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.

H. M-1 INDUSTRIAL/MANUFACTURING*:

H-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.

H-2. Uses: Use of this district is allowed only within the city areas of impact.

8-3-7: 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. The application becomes null and void if it is tabled or continued by request of the applicant for more than 90 days.

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.

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.

CHAPTER 4

BASE ZONING REGULATIONS

SECTION:

8-4-1: Zoning Restrictions And Land Use Table
8-4-2: Land Use Schedule Definitions
8-4-3: Classification Of New And Unlisted Uses
8-4-4: Height, Setback, And Lot Size
8-4-5: Off-Street Parking
8-4-6 Outdoor Lighting
8-4-7 Home Occupation

8-4-1: ZONING RESTRICTIONS AND LAND USE TABLE: Land use, height, setback, lot size, off-street parking and sign schedules are described in this chapter and Chapter 5 of this title. Permitted land uses are outlined in the following Land Use Matrix (Table 1), land use schedule for the zoning districts. No other uses shall be permitted without being added to the schedule.

P = Permitted Use C = Conditional Use (May be allowed) PC=Permitted with Conditions □= Not Permitted (Blank)

Title 8, Section 8-4-1

Table 1 **Land Use Matrix**

Zoning Classification	
Permitted by Right	P
Permitted with Conditions	PC
Conditional Use	CU

	A-20	A-2.5	R-1	R-2	C-1	C-2	C-3	M-1
Agriculture								
Agriculture, Commercial	P	P					P	P
Agricultural Processing Plant	PC	CU						
Beekeeping	P	PC				CU	CU	CU
Blacksmith	PC	PC				CU	CU	CU
Commercial Feed Lot	PC	CU						
Dude Ranch	PC	PC						
Plant Nursery / Greenhouse	PC	PC			CU	CU	CU	CU
Riding Academy	PC	PC						PC
Riding / Training Stable	PC	PC			CU	CU	CU	PC
Roadside Stand, Agricultural Products	P	P			P	P	P	
Viticulture	P	P						
Wildlife Facility	PC	PC						
Wind Farm	CU							
Winery	CU	CU						

Title 8, Section 8-4-1

Table 1 **Land Use Matrix**

Zoning Classification	
Permitted by Right	P
Permitted with Conditions	PC
Conditional Use	CU

	A-20	A-2.5	R-1	R-2	C-1	C-2	C-3	M-1
Residential								
Assisted Living Center / Retirement Home			CU			CU		
Convalescent / Nursing Home			CU			CU		
Dwelling, Accessory Unit	PC	PC	P		P	P	P	
Dwelling, Multiple Family			P					
Dwelling, Single-Family Detached	P	P	P	P	P	P	P	
Dwelling, Two-Family			P					
Group Home			CU			CU		
Manufactured Home Park				P				
Mobile Home, Modular Unit, Single-Wide	P	P	P	P	P	P	P	
Wind Energy System	PC	PC			PC	PC	PC	PC
Retail/Services/Office								
Animal Grooming / Training	PC	CU					CU	CU
Appliance/Electronic Repair Service/Shop					CU	CU	CU	P
Automotive Convenience Store (C-store)						CU	CU	
Automotive Service Station					CU	CU	CU	
Retail/Services/Office								
Bakery					CU	CU		
Bar/Tavern/Night Club/Lounge					CU	CU		
Barber/Beauty Shop					CU			
Bed and Breakfast Inn , Boarding/Lodging House			CU		CU	CU		
Bed and Breakfast, Residential	PC	PC	CU		CU	CU		
Book Store					CU			
Campground, RV Park, Travel Trailer Camp	CU	CU					CU	
Clothing Sales/Repair					CU	CU		
Composting Facility	PC	CU						CU
Construction Materials Sales and Services						CU	CU	PC
Copy Shop					CU	CU		
Country Club						CU	CU	
Day Care Center			CU			CU		
Day Care, Residential	CU	CU	CU	CU				
Drug Store					CU	CU		

Title 8, Section 8-4-1

Table 1 **Land Use Matrix**

Zoning Classification	
Permitted by Right	P
Permitted with Conditions	PC
Conditional Use	CU

	A-20	A-2.5	R-1	R-2	C-1	C-2	C-3	M-1
Dry Cleaners					CU			
Florist Shop					CU			
Funeral Home Services						CU		
Furniture and Appliance Store					CU	CU		
Garden Center					CU	CU		
Golf Course							CU	
Golf Driving Range							CU	
Grocery Store					CU	CU		
Hardware Store					CU	CU		
Heavy Equipment Sales Lot						CU	CU	PC
Home Occupation	P	P	P	P				
Hotel / Motel						CU	CU	
Kennel/ Boarding /Pet Daycare	PC	CU					CU	CU
Laundromat				CU	CU	CU		
LP Gas or Fuel Oil Sales							CU	CU
Office/ Professional Business					CU	CU		
Pet Store					CU	CU		
Plumbing/ Heating Equipment Shop					CU	CU	CU	P
Recreation Area	CU	CU						
Recreation Facility						CU	CU	CU
Recreation, Motorized								CU
Restaurant					CU	CU		
Sexually Oriented Business								CU
Storage Units							CU	PC
Studio					CU	CU	CU	
Theater					CU	CU		
Theatre, Drive-In						CU	CU	
Variety Store					CU	CU		
Vehicle Repair Shop						CU	CU	PC
Vehicle Sales Lot						CU	CU	PC
Vehicle Wash						CU	CU	PC
Veterinary Clinic	PC	CU				CU	CU	CU
Waste Material Resale Store	PC							PC

Title 8, Section 8-4-1

Table 1 **Land Use Matrix**

Zoning Classification	
Permitted by Right	P
Permitted with Conditions	PC
Conditional Use	CU

	A-20	A-2.5	R-1	R-2	C-1	C-2	C-3	M-1
Manufacturing								
Aviation Field, Airport/Heliport	CU	CU					CU	CU
Aviation Repair Facility							CU	CU
Brewery					CU	CU	CU	CU
Building Trades Subcontractor	PC	CU					CU	PC
Cabinet Shop							CU	PC
Clothing Manufacture								PC
Concrete Batch Plant/Rock Crushing	CU	CU						CU
Construction/General Contractor	PC	CU					CU	PC
Crematory								CU
Fabricated Metal Products							CU	CU
Food Processing Plant							CU	CU
Fuel Storage, Commercial or Industrial							CU	CU
Furniture/Fixtures manufacture								PC
Landfill/Gravel Pit Reclamation	CU	CU						CU
Landscaping Contractor Business	PC	CU					CU	PC
Lumber Yard						CU	CU	PC
Manufacturing , Industrial								PC
Manufacturing, Light							CU	PC
Mining	CU	CU						CU
Printing or Publishing						CU	CU	CU
Recycling Drop-Off	CU	CU				CU		
Research Facility						CU	CU	CU
Salvage Yard	CU							CU
Sheet Metal Fabrication								PC
Storage Facility							CU	PC
Transfer Station	CU							CU
Truck Stop							CU	CU
Upholstery or Furniture Repair						CU	CU	P
Vehicle Body Shop								PC
Vehicle Storage								PC
Warehouse and Distribution							CU	PC
Welding/Machine Shop							CU	PC
Wood Products								PC

Title 8, Section 8-4-1

Table 1 **Land Use Matrix**

Zoning Classification	
Permitted by Right	P
Permitted with Conditions	PC
Conditional Use	CU

	A-20	A-2.5	R-1	R-2	C-1	C-2	C-3	M-1
Public, Quasi-Public								
Cemetery	P	PC						
Church or Place of Worship	CU	CU	CU	CU	CU	CU	CU	
Correctional / Penal Institution	CU					CU	CU	
Educational Institution	CU	CU				CU	CU	
Emergency Service Station	PC	PC					CU	CU
Hospital						CU	CU	
Irrigation Canal/Pipeline	P	P	P	P	P	P	P	P
Museum					CU	CU		
Playground	PC	PC	PC	PC	PC	PC	PC	
Retreat Center	CU	CU						
Sewage Treatment Facility	CU	CU				CU	CU	CU
Telecommunication Tower	CU					CU	CU	CU
Transportation Terminal	CU	CU					CU	CU
Utility Building and Services	PC	PC				CU	CU	P
Utility Infrastructure/Lines	P	P	P	P	P	P	P	P
Water Supply or Treatment Facility	PC	PC						P

All the land uses in the C-1, C-2, C-3 and M-1 districts shown as a CU 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 that 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.

Permitted with conditions (PC) is a use category other than permitted use or conditional use that may be permitted administratively by meeting and maintaining minimum conditions of approval as listed in the PC permit. (See 8-6-2)

8-4-2: LAND USE SCHEDULE DEFINITIONS:

AGRICULTURE, COMMERCIAL:	The process of raising field, horticultural or garden crops or produce; the raising of domestic animals or fowl; or the planting of tree farms or sod farms for the purpose of commercial production. Includes Agricultural Building and Farm/Ranch.
AGRICULTURAL PROCESSING PLANT:	A facility used for the collection, slaughtering, cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products where agricultural animal material or wild game, or agricultural crops, is changed and packaged for efficient shipment.
ANIMAL GROOMING/ TRAINING:	A place or establishment where small animals/pets are bathed, clipped, or combed for the purpose of enhancing their appearance or health and for which a fee is charged, including day training and related retail sales.
APPLIANCE/ ELECTRONIC REPAIR SERVICE / SHOP:	A shop where repairs and service are performed on appliances, electronics, or small machines.
ASSISTED LIVING CENTER/RETIREMENT HOME:	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, and personal care, but not 24 hour skilled nursing care or related medical services. They may provide other services, such as recreational activities, financial services, and transportation. These centers are usually located in urban areas close to medical facilities.
AUTOMOTIVE CONVENIENCE STATION (C-Store)	A building or premises where gasoline, diesel fuel and oil may be dispensed at retail with no automobile repair facilities. Uses permissible also include the sale of cold drinks, packaged foods, tobacco and similar convenience goods and limited automobile supplies for station customers.
AUTOMOTIVE SERVICE 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.
AVIATION FIELD, AIRPORT/ HELIPORT:	An area of land or water that is used or designed for the landing and take off of aircraft, any appurtenant areas designated or intended for use by aircraft, and including buildings and facilities thereon for the shelter, servicing or repair of aircraft.
AVIATION REPAIR FACILITY:	A building or premises where aircraft servicing or repairs are conducted.

BAKERY:	An establishment in which the production, wholesaling and/or retailing of baked goods occurs.
BAR/TAVERN/ NIGHT CLUB/LOUNGE:	An establishment or place of business primarily engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, from which at least 50% or more of the gross income is derived from the sale of alcoholic beverages, including taverns, bars, cocktail lounges, and similar uses other than a "restaurant," as that term is defined in this Chapter, and/or in which dancing and musical entertainment is permitted.
BARBER/BEAUTY SHOP:	An establishment where barbering and hairdressing are done.
BED & BREAKFAST INN, BOARDING/LODGING HOUSE:	A residence or building that has four or more guest units, exhibits a character of use similar to a motel or hotel, serves food to overnight guests, and is open to the traveling public for stays fewer than 30 consecutive days.
BED & BREAKFAST, RESIDENTIAL:	An establishment or business that is a private, owner-occupied residence with one to three guestrooms, occupied or used as a transient abiding place of individuals or groups of individuals who are lodged for compensation, with or without food service, for a stay of no more than 14 consecutive days.
BEEKEEPING:	The tending of beehives and the production or processing of bee products.
BLACKSMITH:	The premises where a person shapes and forges iron with a hammer and anvil.
BOOK STORE:	A retail establishment that as its primary business engages in the sale, rental or exchange of books, magazines, newspapers, greeting cards, video tapes, computer software or any other printed or electronically conveyed music, information or media, excluding any adult bookstore.
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.
BREWERY:	A commercial use that brews ales, beers or similar beverages onsite. It may be operated in conjunction with a bar or restaurant.

BUILDING TRADES SUBCONTRACTOR:	A person hired by a general contractor to perform a specific task as part of the overall building project, such as, but not limited to, framing, plumbing, electrical, drywall, plastering, masonry, roofing, or painting. A building trades subcontractor's place of business may include a business office and shall not include outside storage of any heavy construction equipment.
CABINET SHOP:	An enclosed space used for the operation of machinery that specializes in the making of furniture and cabinets.
CAMPGROUND, RV PARK OR TRAVEL TRAILER CAMP:	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 recreational vehicles and may include tent sites, cabin sites, or travel trailer sites for nightly or short-term rental.
CEMETERY:	A place used for interment of human or animal remains, including burial land for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof, and its necessary sales and maintenance facilities.
CHURCH OR PLACE: OF WORSHIP:	A permanent building in which religious services and other activities associated with a religious denomination are conducted.
CLOTHING MANUFACTURE:	An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other light industrial processing of clothing but does not include processing from raw materials.
CLOTHING SALES/ REPAIR:	A retail operation that specializes in the sale and/or repair of clothing in which services are provided to individuals/households and not for businesses. Clothing sales may include secondhand merchandise.
COMMERCIAL FEEDLOT:	Commercial feedlots for the raising and selling of farm animals. Also referred to as Concentrated Animal Feeding Operation, or CAFO.
COMPOSTING FACILITY:	A site where decomposition processes are used on solid waste (including leaves, grass, manures, and non-meat food production wastes) to produce compost.
CONCRETE BATCH PLANT/ROCK CRUSHING:	A temporary facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

CONSTRUCTION/ GENERAL CONTRACTOR:	A person engaged in any of the activities commonly referred to as construction and shall include clearing and grubbing, excavation, foundation work, framing, plumbing, heating, wiring, roofing, siding, interior construction or remodeling, insulating, exterior construction, repair, stone/brick work, landscaping, installing pools/hot tubs, demolition, road building, paving, and utility installation, plus maintenance of the above. A contractor's residence may include an on-site storage area, subject to the provisions and restrictions of Table 8-4-1 and Section 8-6 of Title 8. A contractor's outdoor storage area does not include vehicles, junk material, or any equipment not related to the contractor's business.
CONSTRUCTION MATERIALS SALES SERVICES:	Establishments or places of business primarily engaged in the retail or wholesale sale of materials used in the construction of buildings or AND other structures, as well as construction activities and the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses may include lumberyards, building materials or supply stores, tool and equipment rental or sales, building contractors, or home improvement center.
CONVALESCENT/ NURSING 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.
COPY SHOP:	A small-scale facility for the reproduction and copying of printed material, drawings or blueprints, and may include collating and binding of booklets and reports, and includes the service of facsimile sending and receiving. Sale of incidental office supplies is included. This does not include sign shops, printing establishments, or similar large-scale operations.
CORRECTIONAL/PENAL INSTITUTION:	A facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense, including treatment or rehabilitation facilities.
COUNTRY CLUB:	A club with recreation facilities, including incidental accessory uses and structures, for members, their families, and invited guests.
CREMATORY:	A facility intended for use in the act of cremation.
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.

DAY CARE CENTER: A business that receives more than six (6) persons for care for any part of a 24 hour day, without overnight stays.

DAY CARE, RESIDENTIAL: A family home occupied by the day care provider in which family-like care is given to no more than six (6) persons not related to the day care provider, for any part of the 24 hour day, without overnight stays.

DRUG STORE: A business where legal drugs and medicines are prepared, dispensed and sold, and where a variety of unrelated merchandise and services are displayed and sold directly to the customer, also called a variety store with a pharmacy.

DRY CLEANERS: An establishment where articles dropped off directly by the customer are laundered, altered or dry cleaned; or where articles are dropped off, sorted, and pickup up, but laundering or cleaning is done offsite.

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.

DWELLING, ACCESSORY UNIT: A secondary dwelling unit that may be a detached structure on the same parcel as the primary unit, or attached to the primary residential unit but fully separated from the primary unit by means of a wall or floor and using a separate entrance from the primary unit. It must be subordinate in size to the primary unit and have its own kitchen, bathroom facilities, and bedroom. The maximum size of an accessory dwelling unit shall not exceed 50% of the square footage of the primary residence or 900 square feet whichever is greater, not to exceed a total of 1500 square feet. On parcels of five (5) acres or greater in size, this size restriction shall not apply. Only one (1) accessory dwelling unit shall be

allowed per parcel. Accessory dwelling units shall not be permitted on parcels of less than one (1) acre.

DWELLING DUPLEX: See Dwelling, Two-Family.

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 households living in the independent dwelling units.

DWELLING, SINGLE-FAMILY DETACHED: A dwelling designed and constructed for occupancy by one household and located on a lot or separate building tract, having no physical connection to a building on any other lot or tract. This includes manufactured homes.

DWELLING, TWO FAMILY: A single structure designed and constructed with two (2) dwelling units with a common wall for occupancy by two (2) households on one lot of record.

EDUCATIONAL INSTITUTION: Any teaching facility, including instructional and recreational uses and facilities for students, teachers, and employees.

EMERGENCY SERVICE STATION: A facility for public safety and emergency services, including fire or sheriff protection or the provision of rescue or ambulance services, and related administrative and training facilities, but not including incarceration facilities.

FABRICATED METAL PRODUCTS: An establishment where metal-working machines are used to assemble metal parts to produce metal products such as, but not limited to, duct work, tanks, towers, cabinets and enclosures, doors and gates.

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.

FLORIST SHOP: A retail business whose principle activity is the selling of plants, which care not grown on the site, and conducting business within an enclosed building.

FOOD PROCESSING PLANT: A manufacturing establishment producing or processing foods for for human consumption. Rendering plants or facilities that slaughter animals shall not be included.

FUEL STORAGE, COMMERCIAL OR INDUSTRIAL: An open-air facility for the bulk storage of petroleum products in above ground or below grade containers for subsequent resale to distributors or retail dealers or outlets.

FUNERAL HOME SERVICES: An establishment that prepares dead humans or animals for interment, manages funeral services, and may include limited caretaker facilities.

This definition does not include cemetery, crematorium or columbarium.

FURNITURE AND APPLIANCE STORE: A retail establishment specializing in the sale, rent, or lease of home or office furniture and related furnishings directly to the consumer. Usually includes a home delivery option. The sale and/or servicing of major home appliances shall not be included.

FURNITURE/FIXTURES MANUFACTURE: A light-manufacturing establishment engaged in the production of furniture or cabinetry. The milling of wood shall not be included.

GARDEN CENTER: A business that sells garden equipment, garden tools, landscaping materials, fertilizers, soil, seeds, and associated supplies. The garden center may sell plants, flowers, shrubs, and trees if the sales of live plants are minor to the operation.

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.

GOLF DRIVING RANGE: An area on which players drive golf balls from a central driving tee and incidental activities pertaining to this activity, such as chipping and putting green, distance markers, clubs, balls, tees, and pro shop.

GROCERY STORE: A retail store where most of the floor area is devoted to the sale of food products for home preparation.

GROUP HOME: A home for persons with disabilities, including hospice and/or other special care needs; or a residential facility where meals, lodging, supervision and training are provided. Halfway houses and detention facilities are not included in this definition.

HARDWARE STORE: A retail store that engages primarily in the sale of basic hardware lines such as: tools, plumbing and electric supplies, paint, household appliances, garden supplies.

HEAVY EQUIPMENT SALES LOT: The sale, lease or rental of trucks, tractors, construction equipment, trailers, agricultural implements, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships and construction equipment dealerships.

HOME OCCUPATION: An activity conducted in a dwelling unit or accessory building in a residential zone (A-20, A-2.5, R-1, R-2) as an economic enterprise or for financial gain by a member of the household residing therein that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the dwelling or the accessory building or change the residential character of the

neighborhood. See Chapter 4, Section 8-4-7 for Home Occupation requirements and standards.

HOSPITAL: An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients, including a hospice, but distinguished from a nursing home by offering primarily short-term rather than long-term care.

HOTEL/MOTEL: Any building or portion thereof containing guest rooms used, designed to be used, let or hired out for occupancy by persons on more or less a temporary basis.

IRRIGATION CANAL/ PIPELINE: A pipeline or an excavation dug or placed on grade for carrying water for the purpose of irrigation.

KENNEL/BOARDING/ PET DAYCARE: The premises where breeding, buying, selling, sheltering, daily care or boarding of domestic animals takes place, whether for profit or pleasure. Anyone who owns or possesses six or more domestic animals for profit or pleasure, breeding or exhibiting, shall be deemed the operator of a kennel.

LANDFILL/GRAVEL PIT RECLAMATION: The stabilization of an inactive portion of a landfill or borrow pit according to an approved land re-use strategy.

LANDSCAPING CONTRACTOR BUSINESS: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds.

LAUNDROMAT: A facility where patrons wash, dry, or dry clean clothing in machines operated by the patrons.

LP GAS OR FUEL OIL SALES: Sale (retail or wholesale) of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas).

LUMBER YARD: A facility or area where building materials such as lumber, plywood, drywall, paneling, cement blocks, bricks, tiles and other building products are stored and sold at retail. Lumber yards may provide for the sale of associated products such as tools and fasteners. The manufacture or fabrication of lumber products, the storage or sale of firewood or a sawmill are not included.

MANUFACTURED HOME PARK: Any lot or parcel under single ownership on which two (2) or more manufactured homes are to be located or intended to be located for purposes of residential occupancy.

MANUFACTURING, INDUSTRIAL: An establishment at which an economic activity involves the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the

manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. The manufacture of industrial solvents and cleaners shall be included.

MANUFACTURING, LIGHT: A use engaged in the manufacture of finished products or parts predominantly from previously prepared materials, including: processing, fabrication, assembly, treatment and packaging of their products and incidental storage, sales, and distribution of their products. The manufacture of industrial solvents and cleaners shall not be included.

MINING: 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.

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

MUSEUM: A permanent building for the purpose of storing, preserving and exhibiting historic, artistic or scientific objects.

NURSERY: A place where young trees and plants are raised for sale.

OFFICE/PROFESSIONAL BUSINESS: An establishment providing direct services to consumers such as insurance agencies, title insurance companies, real estate offices, and medical or dental clinics. It does not include retail sales.

PET STORE: 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.

PLANT NURSERY/ GREENHOUSE: A place at which occurs the growing, cultivation, storage or sales of plants, flowers, garden stock, trees, or shrubs to the public. The plants may be grown on-site outdoors or in a greenhouse. A nursery may be part of a landscaping business.

PLAYGROUND: The provision of outdoor playground or recreation that is accessory to a subdivision, apartment or condo complex, church or other similar principal use, whether public or private.

PLUMBING/HEATING EQUIPMENT SHOP: A business that sells plumbing fixtures, heating equipment, hardware and accessories to the public or contractors.

PRINTING OR PUBLISHING: A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

RETREAT CENTER: A facility used by small groups of people to congregate temporarily for such purposes as education, meditation, spiritual renewal, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meal or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters as may be approved, but kitchen and dining facilities shall be located in a single centrally located building or buildings.

RECREATION AREA: Facilities for shooting or archery ranges, rod and gun clubs, paintball, nordic skiing, ropes courses, ice skating or other forms of non-motorized outdoor recreation for which buildings are incidental and accessory.

RECREATION FACILITY: An establishment providing sports, fitness, entertainment, or recreation for participants or spectators, but does not include a sexually-oriented business.

RECREATION, MOTORIZED: A track for motorized recreation.

RECYCLING DROP-OFF: A location where mobile bins or drop boxes may be sited as a recyclable material collection point for nearby residents for the temporary storage of recoverable/recyclable materials from normal household operations. No permanent storage or processing of such items shall be allowed. This facility would generally be located in a parking lot in public/quasi-public areas, such as in churches or schools.

RESEARCH FACILITY: Laboratories, building complexes, and structures that are for research, development, and testing that do not involve the mass manufacture, fabrication, processing or sale of products. Such uses shall conform to state and federal air and water regulations.

RESTAURANT: An establishment primarily engaged in preparation of meals for compensation, with kitchen facilities for the preparation of the food sold, where alcoholic beverages may or may not be sold in conjunction with meals only, provided that at least 70% or more of the gross income generated at the restaurant is related to food sales, and including among others, such uses as café, cafeteria, coffee shop, lunchroom, tearoom, dining room, food delivery, and food take-out.

RIDING ACADEMY: An establishment where horses are boarded and cared for, and where instruction in riding, jumping and showing is offered.

RIDING/TRAINING STABLE:	An operation where horses may be stabled for the public for a fee. The owner/operator may provide training for a fee for stabled horses and the owners thereof or the stabled horse owner agent.
ROADSIDE STAND, AGRICULTURAL PRODUCTS:	A temporary structure erected for the display of grown or produced agricultural products, generally on the same premises where produced, with no space for customers within the structure itself.
SALVAGE YARD:	Any location 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.
SEWAGE TREATMENT FACILITY:	A facility for the collection, treatment and disposal of human waste and wastewater for a given service area.
SEXUALLY ORIENTED BUSINESS:	An adult arcade, adult products retail store, adult cabaret, adult live entertainment facility, adult motel, adult motion picture theater, adult theater, escort agency, or sexual encounter center.
SHEET METAL FABRICATION:	An establishment engaged primarily in the on-site production of sheet metal fabrication, roofing products and signs within an enclosed structure.
STORAGE FACILITY:	A building or premises in which goods, merchandise or equipment are stored for eventual distribution.
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.
STUDIO:	A workspace for an artist, artisan or craftsperson, including persons engaged in the application, teaching, or performance of fine arts or crafts, that commonly include visual and performing art forms such as, but not limited to, drawing, painting, sculpture, vocal or instrumental music, dance, theater, photography, printmaking and writing. This use may include incidental sales to consumers of works produced on site.
TELE-	A transmission tower that serves an individual user or is privately owned

COMMUNICATION TOWER:	and operated for the purpose of leasing space to others or for commercial use.
THEATER:	A building used primarily for the presentation of live stage production, performances or motion pictures, excluding drive-in theaters.
THEATER, DRIVE IN:	Facility used for outdoor motion picture viewing, which may include the preparation and sale of food for on-site consumption, as well as the hosting of outdoor events with special permits.
TRANSFER STATION:	A fixed facility at which solid waste collected from any source is temporarily deposited to await transport to another solid waste facility. A transfer station may include a solid and household waste resale store.
TRANSPORTATION TERMINAL:	A facility operated in conjunction with mass transportation for passengers. It may be a building or area where passengers change transportation modes or transfer from one vehicle to another, where transportation vehicles are parked or stored between uses, or where private vehicles are parked for less than 24 hours while the passengers are using the mass transportation system.
TRUCK STOP:	A fuel station often combined with a restaurant or other facilities, usually along a major highway and frequented by truck drivers and travelers.
UPHOLSTERY OR FURNITURE REPAIR:	A business that repairs and replaces upholstery or otherwise repairs household and office furniture. This does not include motor vehicle upholstering.
UTILITY BUILDING AND SERVICES:	The premises and enterprise where electricity, natural gas, telephone, wireless communications, water supply, wastewater treatment, or other services, are provided to customers, and includes substations.
UTILITY INFRASTRUCTURE/ LINES:	Facilities for the transmission of telephone, cable television, or other broadcasting or communication services, drainage, electricity, gas irrigation water, sewage, or water, and including relay, booster, pump, or other station.
VARIETY STORE:	A retail establishment for the sale of general merchandise.
VEHICLE BODY SHOP:	A facility that provides collision repair services including body frame straightening, replacement of damaged parts and painting.
VEHICLE REPAIR SHOP:	A building, or portion thereof, other than a private garage, designed and used for servicing, repairing, equipping, selling, or storing motor driven vehicles.
VEHICLE SALES LOT:	Premises on which new or used passenger automobiles, mobile homes, recreation vehicles, travel trailers, campers, boats, personal watercraft, or

trucks in operating condition are displayed in the open for sale, trade or rental, where repair of such vehicles is limited to vehicles owned by the sales lot operator and offered for resale, and includes incidental storage and maintenance.

VEHICLE STORAGE: An area for long-term parking/storage of operable personal vehicles/equipment such as motor boats, motor homes, camping trailers, RVs, snow machines, etc., rather than parking such vehicles at the owners' residences when they are not in use. No for-sale signs shall be allowed on any of the stored/parked vehicles.

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

VETERINARY 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.

VITICULTURE: The agricultural use of land for the primary purpose of growing, harvesting, producing, or selling of grape or other crops used to produce wine or similar spirits.

WAREHOUSE AND DISTRIBUTION: An establishment primarily engaged in the wholesaling, storage, and handling of materials and equipment other than live animals or plants.

WASTE MATERIAL RESALE STORE: An establishment devoted exclusively to the sale of solid and household wastes, on the same premises as a transfer station that has a valid conditional use permit and meeting the requirements in 8-6-2 B.

WATER SUPPLY OR TREATMENT FACILITY: A facility for the storage and/or treatment of culinary water.

WELDING/ MACHINE SHOP: A workshop in which metal and other substances are cut, shaped, welded, etc., by machinery.

WILDLIFE FACILITY: An establishment and operation for the purpose of breeding, raising, rehabilitating, training, protecting, hunting, or selling wild animals, licensed by the state as necessary.

WIND ENERGY SYSTEM: A conversion system turning wind into electricity consisting of a wind turbine and/or a tower or associated control or conversion technologies with a rated capacity appropriate to the on-site electric usage.

WIND FARM: A network of densely arranged, high speed, wind turbines for generating electricity.

WINERY: An agricultural processing facility or business that ferments and processes wine, fruit, or other plants or vegetables into wine. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions, and warehousing. Retail sales, tasting facilities, the incidental provision of food without compensation, and related promotions are also included as part of a winery.

WOOD PRODUCTS: A use that includes an operation or facility that has, as its predominant purpose, the sawing or planing of logs into rough slabs or dimensional lumber and includes the production of by-products such as wood chips. It also includes an operation where logs are cut into firewood and stored for later distribution.

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

A. APPLICATION: A request for a new use or unlisted land use shall be presented in an application to the Planning Administrator for consideration with regard to the North American Industry Classification System (NAICS). The NAICS manual is the standard code system describing and classifying business establishments on the activities in which they are primarily engaged.

Any use not shown as in a zoning district in Table 8-4-1 is specifically prohibited in that district, unless one of the following two actions occurs:

1. If a use is not listed on Table 8-4-1, the use shall be allowed in a zone district that permits a listed, materially similar use. To determine materially similar uses, the Planning Administrator shall refer to the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 2007 or most recent), hereafter "NAICS". The use shall be considered materially similar if it falls within the same industry group of the NAICS [four (4) digit number given with each use listed]. The Planning Administrator shall notify the commission and the board of the land use determination and process the administrative change into Title 8 within the following 12 months.

2. If the Planning Administrator determines that there is not a use in Table 8-4-1 having the same four digit category number, then the Planning Administrator shall place the application for a new or unlisted use on the agenda of the Planning & Zoning Commission. Said application shall be processed in accordance with the public hearing process as outlined in Sections 67-6511 and 67-6512 of the Idaho Statutes, which requires a public hearing by the commission and the Board of County Commissioners. The application shall concurrently be considered an amendment to Title 8.

B. ACTION BY COMISSION OR 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.

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

TABLE 2
HEIGHT, SETBACK AND LOT SIZE SCHEDULE

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

a 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.

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

c Setbacks are measured from the side of the channel or high water mark whichever is greater.

d Setbacks for a detached accessory structure 200 square feet in size or less shall be a minimum of 12 feet from any property line and easement (A site inspection permit will be required).

e Any structure over 200 square feet in floor area that meets the agricultural exemption status of Title 6 will be required to meet the A-20 setback requirements in the above Table 2.

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 30 feet 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 70% transparent, light or telephone poles or other small vertical protrusions not more than 12 inches 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.

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 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 a 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 200 square feet in size, at least ten feet (10') on center in width and 20 feet 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 12 feet on center in width and not more than 40 feet 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.

8-4-6 OUTDOOR LIGHTING

A. Purpose: This Section requires specific types of light fixtures and lighting levels for commercial, public, and residential lights in Teton County. The purpose is to protect the health, safety, and general welfare of the county residents by providing even, adequate lighting for safety and security that is not excessive, does not interfere with vision because of glare, avoids excessive visual adjustment to varying light levels, permits the viewing of the night sky, and is not obtrusive to homes and public places. This Section also requires the design approach to area lights to be greater in number, lower in height, and lower in lumens, rather than fewer in number, higher in height, and higher in lumens.

B. Compliance: All building and land use applications shall provide information to show compliance with this Section.

1. Proposed projects with outdoor lighting shall provide the proposed location, height, and orientation of lighting fixtures, fixture details, supports, shielding, and lamp specifications.
2. The Lighting Official may require additional technical information for large projects, including but not limited to any or all of the following:
    a. Manufacturer's photometric data, plots of illuminance, product specifications or access to Illuminating Engineering Society of North America (IESNA)-formatted electronic data files for the installation.
    b. Photometric layout showing luminaires and initial and maintained horizontal and vertical illuminance within the site and to 20 feet beyond the property boundary, maxima, minima, and uniformity ratios on a grid no greater than 10 feet by 10 feet.

3. Deviations from requirements of this Section may be requested prior to submittal of an application or at the same time as the application submittal. The Planning and Zoning Commission will review and act on the deviation request at a public meeting. The applicant must demonstrate each of the following:
   a. The proposed deviation is justified by unusual circumstances and appropriate to the location of the lighting and the surrounding neighborhood.
   b. The proposed deviation will not unreasonably diminish the health, safety, or welfare of the surrounding neighborhood uses.
   c. The proposed deviation substantially conforms to these exterior lighting regulations.

C. Requirements. Except as provided in D below, exterior lighting shall use fully shielded fixtures.

1. Color: High-pressure sodium lamps should be used for commercial and public land uses. However, other types of lamps may be used for land use applications, such as retail sales lots, where a need for color rendition necessary to the light's function can be demonstrated. Lamps with a color rating of 3000K or less should be used. The illuminance limits in this Section may be reduced, at the discretion of the Lighting Official, to account for the visual response to lights having a higher content of blue light.
2. Light trespass: All non-residential outdoor lighting fixtures emitting more than 2000 lumens shall be shielded such that the illuminance does not exceed 0.1 foot candles at the property boundary with a residential use or 0.2 foot candles at the property boundary with a non-residential use.

D. Exceptions. These outdoor lighting regulations do not apply to the following applications:

1. Holiday lighting.
2. Temporary emergency lighting needed by the fire, police, or ambulance district/department, or other emergency services.
3. Highway projects constructed or bid by the State Idaho Transportation Department (ITD) or federal government.
4. Lighting of radio, communication and navigation towers provided the landowner demonstrates that the Federal Aviation Administration (FAA) regulations require the use of lighting that does not comply with these regulations.
5. Lighting for flags, provided:
   a. The flag conveys a non-commercial message.
   b. The light is shielded to prevent glare.
   c. The maximum lumen output is one thousand three hundred (1,300) lumens.
   d. Down-lighting of flags is encouraged.

E. Prohibitions. The following applications, unless exempted by **D** above, are prohibited:

1. Flashing, blinking, intermittent lights or other lights that move or give the impression of movement.
2. Searchlights, high intensity floodlights, laser source lights, illusion lights, or any similar high intensity light.

F. Public and commercial Lights:

1. Parking area and other area lights: The height of parking area and other area lights, including wall mounted lights, shall not exceed 20 feet. Such lighting shall not exceed a maximum initial horizontal illuminance of 4.0 foot-candles.

2. Outdoor retail areas: All lights mounted on or within the lower surface of a canopy shall be fully recessed or fully shielded. Shielding provided by the surrounding canopy structure or the edge of the canopy is not sufficient. Approach and driveway lighting shall not exceed a maximum horizontal illuminance of 4.0 foot-candles; pump island or merchandise area lighting - 20 foot-candles; building facade or services area - 5.0 foot-candles.
3. Buildings: Building entrances may have up to 4000 lumens, except entrances/exits at senior care facilities, police stations, fire stations, and emergency rooms or vehicle entrances may have up to 8400 lumens in addition to the foot-candle limits.

4. Signs:
   a. Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign from above without causing glare. Lamps used for illuminating a sign shall be simple in form and should not clutter the building or structure. All light sources should shine only down.
   b. Lights that flash or move in any manner, colored lights, and exterior neon signs are prohibited.
   c. Internally lit signs shall have a dark or opaque background.
5. Street lighting: Streetlights should be high pressure sodium. Streetlights along residential streets shall be limited to a maximum rated lamp lumens of six thousand four hundred (6,400). Streetlights shall have distributions or house side shields that limit lighting of residences, and shall be between 12 feet and 20 feet in height. Streetlights are discouraged in areas that are naturally dark.
6. Athletic facilities. Luminaires for special purpose facilities, including arenas, amphitheaters, or playing field facilities shall be fully shielded, or be designed so as to minimize up-light, light trespass, and glare. Such facilities shall be lighted to the levels recommended by the IESNA Recommended Practice IESNA 06-01 or its successors for Class III or IV facilities as applicable. All recreational lighting shall be turned off within 30 minutes of the completion of the last game, practice, or event. In no case shall recreational lighting occur after 11:00 P.M. except to conclude a specific sporting event that is underway.

G. Residential Lights. Residential fixtures in the A-20, A-2.5, R-l, and R-2 districts shall conform to the following provisions:

1. Exterior lighting on residences brighter than a 60 watt incandescent light, or brighter than a 75 watt incandescent light if controlled by a motion detector, shall be shielded so that no light is projected above the horizontal, and the lamp shall be diffused or shielded so that it cannot be seen from roadways, public areas, or any other property.
2. Floodlights are discouraged. Floodlights on residences with external shielding shall be permitted provided that they are angled so that the centerline of the light beam is directed below a 30° angle measured from the vertical line from the center of the light extended to the ground, and only if the fixture does not cause glare or light to shine on adjacent property or rights-of-way. Motion detector lights are encouraged, but they shall meet the requirements for floodlights.

H. Operation of Lighting. All nonessential exterior commercial and recreational lighting shall be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights that shut off five (5) minutes after activation ceases are encouraged if lights are needed for security purposes.

I. Existing Lighting. All existing exterior lighting in Teton County installed before the effective date of this amendment shall be brought into conformance with this section within the following time periods:

1. All existing exterior lighting located on a property that is part of a building or land use application is required to be brought into conformance with this section before issuance of a certificate of occupancy, final inspection, or final plat recordation, whichever is applicable. For permits, the applicant shall have a maximum of 30 days from date of permit issuance to bring the lighting into conformance.
2. All other existing exterior lighting on property used for residential, commercial, institutional, or any public and semipublic uses that is not in conformance with this article shall be brought into conformance with this article within ten (10) years from the date of adoption of this article.

J. Definitions. The following definitions apply to this Section.

Color temperature. Color characteristics of light (temperatures) measure the appearance of the light from warm (yellows/red) to cool (white). Color temperature is rated in degrees of Kelvin and does not reflect the physical temperature (or heat) of a lamp. Light sources such as incandescent bulbs (2700 degrees Kelvin) and halogen lamps (3000 degrees Kelvin) are at each end of the color spectrum.

Distribution. The pattern of light produced by a lamp or light fixture.

Floodlighting. An indiscriminate way of lighting an area that is usually associated with outdoor security or utility functions. The light is projected in a broad beam. These lights often blend into the landscape of a home.

Foot-candle (fc). The American unit used to measure the total amount of light cast on a surface (illuminance). The unit of illuminance when the foot is taken as the unit of length. Also, it is the illuminance on a surface one square foot in area on which there is uniformly distributed one lumen.

Full cut-off luminaires. An industry recognized term meaning: A luminaire designed and installed such that no light is emitted at or above the horizontal, and limited light (100 candela per thousand lamp lumens) is emitted everywhere between horizontal and 10 degrees below horizontal. A full cut-off luminaire is also fully shielded.

Fully shielded. The luminaire and its mounting, taken as a whole, that allows no direct light above the horizontal. Fully shielded is not necessarily full cut-off.

Glare. Stray light striking the eye that may result in (a) nuisance or annoyance glare such as light shining into a window; (b) discomfort glare such as bright light causing squinting of the eyes; (c) disabling glare such as bright light reducing the ability of the eyes to see into shadows; or (d) reduction of visual performance. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Height (of light). The height shall be measured from finished grade to the lamp center or lens surface, whichever is lower.

Holiday lighting. Strings of individual lamps, where the lamps are at least three inches (3") apart and the output per lamp is not greater than 15 lumens.

House side shield. An internal or external shield on a fixture that limits light in one direction.

IESNA recommended publication. A publication of the Illuminating Engineering Society of North America.

I**lluminance**. The amount of light, measured in foot-candles, falling on any point of a surface. All illuminance values in this title shall be initial values based on new lamps and fixtures. Unless otherwise specified, "illuminance" refers herein to horizontal illuminance, measured at ground level.

Kelvin. A unit of temperature. In this ordinance, it refers to the Correlated Color Temperature (CCT), a measure of the color spectrum of a lamp. A lower CCT indicates a "warmer" or less bluish light source.

Lamp. The generic term for an artificial light source, e.g. bulb, to be distinguished from the whole luminaire.

Light trespass. Light falling on the property of another property or a right-of-way when it is not required to do so.

Lighting official. The person designated by the Board to administer this Section.

Lighting plan. Documents specific to a land use that describe the location and characteristics of all exterior lighting and the light levels on the property and at the property boundaries.

Lumen. A rating; a manufacturer-supplied measure of light emitted from a lamp. All lumens in this Section are initial lumens, that is, the amount emitted by a new lamp after 100 hours of seasoning. Lumens are usually listed on lamp packages as "Light Output". Also, the amount of light a bulb produces or a quantitative unit measuring the amount of light emitted from a light source.

Luminaire. The complete lighting unit, including the lamp, the fixture, and other parts.

Motion detector. A device that activates a luminaire when it senses motion. To meet the exemptions in this Section, motion detectors must sense motion only on the property on which it is installed and must switch the luminaire off within five (5) minutes after detected motion ceases.

8-4-7: HOME OCCUPATIONS:

Purpose. Recognizing the desire of some citizens to use their residence for business activities, Teton County supports low-impact home occupations as an economic development tool to facilitate the economic health of the community. These performance standards are minimum requirements to permit limited business or commercial use and activity in a residential dwelling or allowed accessory building without requiring a zone change or conditional use permit, while assuring that the use or activity does not diminish the overall character of the neighborhood or the general health, welfare, and safety of the County.

Definitions. "Applicant" means the owner of the residence and may or may not also be the operator.

"Home Occupation" means an activity conducted in a dwelling unit or accessory building in a residential zone (A-20, A-2.5, R-1, R-2) as an economic enterprise or for financial gain by a member of the household residing therein that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the dwelling or the accessory building or change the residential character of the neighborhood.

"Operator" means the person conducting the home occupation and may or may not also be the owner of the residence.

"Resident Family Member" means the head of household and all other people in the living quarters.

THE FOLLOWING ARE THE TETON COUNTY HOME OCCUPATION PERFORMANCE STANDARDS:

Acceptable Uses. Any business enterprise may qualify as a home occupation if it is in compliance with all performance standards of this Ordinance, except for the following uses: Sexually-oriented business as defined in Teton County's Title 8, Zoning Regulations.

Advertising Displays. The display of goods, wares, machinery, or other materials used in the home occupation shall not be visible from any private or public road or from adjacent properties.

Certificate of Occupancy. Prior to a home occupation receiving its first Teton County Home Occupation permit, the Building Official will determine whether the dwelling or approved accessory building in which the home occupation will be located has received a Certificate of Occupancy from, or had a final inspection by, Teton County Building Department.

Compliancy. The applicant shall stay in full compliance with this ordinance. If a deficiency is identified during an inspection, the County shall notify the applicant in writing (certified mail, return receipt requested) of the deficiency including explanation. A deficiency shall be corrected within 30 days of notice, providing evidence to the County of the correction. Failure to correct a deficiency within the allotted time may result in suspension or revocation of the Home Occupation permit.

Customers. Customer or client visits to the home occupation are restricted to the hours from 8:00 a.m. to 6:00 p.m. Monday through Saturday.

Deliveries. Deliveries may only occur between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.

Employees. A home occupation may have no more than one (1) employee (full or part-time) working on the premises who is not a resident of the dwelling. There is no restriction on the number of off-site employees, and there is no limit on the number of resident family members who may assist with the operation of the home occupation.

Exception. A home occupation shall not be permitted on a lot or parcel that has two dwelling units, unless the Planning Administrator finds that the occupancy of one of the dwelling units generates less than ten (10) vehicle trips per day. A home occupation shall not be permitted on a lot or parcel that has three or more dwelling units.

Fee. The applicant shall pay a Home Occupation permit fee or a renewal permit fee as part of the application submittal unless all of the following exceptions are met: no on-site client visits, no visible storage, no non-resident employees, and no signage. Required fees are found on the Schedule of Fees for Planning & Zoning Activities in effect at the time of application or renewal application submittal.

Health/Safety Factors. The Planning Administrator may require written documentation from the applicant verifying that the Home Occupation does not create any health or safety concerns.

Inspection. By signing the application or renewal application for a home occupation, the applicant expressly grants permission to Teton County, the Eastern Idaho Public Health District, and the Teton County Fire Protection District to perform physical inspection of the part of the dwelling, the accessory building, and the premises used for the home occupation before issuing a permit as well as to investigate any formal complaint filed with the Planning Department. Teton County will provide no less than five (5) day's notice of an upcoming inspection, unless the County feels a life safety situation requires more immediate inspection.

Lighting. All lighting on the resident property shall conform to the Outdoor Lighting (Dark Sky) requirements of Title 8-4-6.

Manufacturing. The assembly of products with the use of automated manufacturing equipment is prohibited.

Maximum Floor Area. A home occupation may be located within a dwelling and/or an accessory building, and shall not exceed one-third (1/3) the gross floor area of the dwelling or 600 square feet whichever is greater, not to exceed 1,500 square feet.

Modification of Structures. Any modification, either permanent or accessory, that will change the residential appearance or characteristics of the structure is prohibited.

Off-street Parking. Off-street parking shall be provided for all employees and visitors and any vehicles, including trailers, associated with the home occupation. Parking areas shall not change the character of the residential neighborhood.

Other Laws & Regulations. A home occupation is subject to all licensing, inspections, laws, regulations, and state sales and use taxes as any other business.

Outdoor Storage. The storage of any materials, vehicles, or trailers associated with the home occupation shall be either in an enclosed structure compatible in nature with the design characteristics of the neighborhood or within an area that is screened from public view according to Teton County standards.

Permit. A home occupation requires a Teton County Home Occupation permit, subject to the limitations and restrictions of this ordinance. The applicant and the operator must submit a completed application, including all applicable forms and reports, to the Planning Department. The submitted information enables the Planning Administrator to determine if the proposal is in compliance with all required performance standards, and if so, and if the property taxes are paid current on the property, to issue a permit.

Permit Duration and Renewal. A Teton County Home Occupation permit is valid for two (2) years from the date of issuance. A permit may be renewed for an additional two (2) years with the submittal of the renewal application, along with all applicable forms and reports, and the renewal fee in effect at the time of the renewal application to the Planning Department. The renewal application must be signed by the applicant and also include a signed declaration by the operator that all required performance standards are still being met. The Planning Administrator will determine if the home occupation complies with all required performance standards in effect at the time of renewal application, and if property taxes are paid current, to issue the renewal permit. There is no limit on the number of renewal permits requested.

Sales. Retail sales of goods not produced on the premises shall be incidental, accessory and secondary to any services provided by the home occupation. This section does not limit the sale of products or merchandise sold off-premises. A Home occupation may include the sale of a service or services meeting the performance standards in this ordinance.

Signage. Informative signs are exempt under Title 8 (8-9-2-C-13). Occupation and Information signs (8-9-4-G-3 and 4) not to exceed six (6) square feet in area may be displayed on premises**.** Off-premise home occupation signs are prohibited.

Traffic. Vehicle traffic generated by the operation of the home occupation shall not exceed fourteen vehicle trips per day. A vehicle trip is any vehicle either to or from the premises where the home occupation is located that is directly associated with the home occupation, including business-related owner, employee, client, and delivery vehicle trips.

Vehicles. The vehicles used in the operation of the Home Occupation, delivery vehicles to and from the premises where the Home Occupation is located, and employee vehicles parked on the premises shall not have more than two axles, except for parcel delivery vehicles with rated gross vehicle weight of less than 18,500 pounds.

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. **(HS) HILLSIDE OVERLAY**: The purpose of this overlay is to ensure that development does not occur where it might result in excessive erosion or put human lives or property at risk from erosion. (amd 03/17/2011)

D. **(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.

E. **(WH) WILDLIFE HABITAT OVERLAY**: The purpose of this overlay is to ensure that critical wildlife habitat is protected. (amd 03/17/2011)

F. **(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.

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.

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:

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.

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.

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.

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.

C. (HS) HILLSIDE OVERLAY REGULATIONS: The HS Hillside Overlay shall apply to those lands within the boundaries of the HS Hillside Overlay area as defined in Chapter 2. All proposed development on slopes greater than 30% shall comply with the International Building Code as adopted by Teton County in Title 6. Additionally, roads, driveways and building sites shall be designed to minimize erosion and protect steep slopes. (amd 03/17/2011)

D. (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 Planning Commission finds that it meets the following criteria:

a. Setbacks: No permanent structure shall be constructed within 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.

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.

iii. Notwithstanding Subsections 1 and 2 above, building envelopes shall be located so that no portion of a building up to 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.

c. Building Materials: All non-agricultural buildings shall not be of highly reflective materials according to ASTM C6007, Light Reflectivity Index.

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.

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.

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.

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.

8. Signs: Signs within the Scenic Corridor Overlay require a sign permit subject to the provisions in Section 8-9: SIGNS, and the written approval of the Planning Administrator (amd. 2011-05-12)

E. (WH) WILDLIFE HABITAT OVERLAY REGULATIONS: THE WH Wildlife Habitat Overlay shall apply to those lands within the boundary of the WH Wildlife Habitat Overlay area as defined in Chapter 2. Precaution shall be taken to minimize the disturbance to wildlife habitat due to development. Mitigations may include use restrictions, fencing restrictions, storage restrictions or other such mitigations that will decrease the impact of development on wildlife habitat. (amd 03/17/2011)

F. (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).

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 and 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).

a. Development Criteria:

i. All building envelopes shall be located at least 100 feet from the high water mark of the Teton River and at least 50 feet from the high water mark of any waterway listed in the definition of the WW area in Chapter 2.

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.

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.

CHAPTER 6

CONDITIONAL USE PERMIT & PERMITTED WITH CONDITIONS

SECTION:

8-6-1: Conditional Use Permit Procedures
8-6-2: Uses Permitted With Conditions 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 Planning 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 with conditions or denial and the Board shall approve, deny 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.

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 an 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 300 feet 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 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 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.

c. Property Notification Posting.

5. Commission Decision: The Commission shall make its decision within 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, deny, or modify the requested conditional use permit within 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 conditional use permit, conditions may be attached including, but not limited to:

- 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.

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 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 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 Department 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.

8-6-1-C Adopted December 16, 2010

C. REVOCATION AND MODIFICATION OF CONDITIONAL USE PERMITS: The Board of County Commissioners may revoke or modify any conditional use permit granted in accordance with the terms of this Chapter.

1. Grounds for Revocation or Modification: The Board of County Commissioners may revoke or modify any conditional use permit granted in accordance with the terms of this Chapter for any one or more of the following reasons:

a. There was a misrepresentation in the original application or hearing.

b. One or more of the terms, conditions or uses upon which such permit was granted has been violated or altered.

c. The use for which the permit was granted has become detrimental to the public health, safety, or welfare and such was not the condition at the time of approval.

2. Initiation of Action**:** A hearing to revoke or modify a permit may be initiated by the Planning Administrator, or at the request of the Planning Commission or the Board of County Commissioners setting forth the reasons for review.

3. Procedure**:** Any hearing to revoke or modify a permit shall be conducted in accordance with the public hearing process found 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 modification or revocation or that no action be taken and the board shall modify, revoke, take no action or remand to the commission.

4. Public Hearing and Notice: Public hearing and notice shall follow the same provisions as outlined in Sections B-4 – B-6 of this Chapter.

8-6-2: USES PERMITTED WITH CONDITIONS PROCEDURES:

A. PROCEDURE: Applicants for a use permitted with conditions (PC) are required to have a pre-application conference with the planning administrator or his/her designee. Requests for a PC shall be submitted on the prescribed application form to the planning administrator who shall approve or deny the application. In the case where an application is denied, the applicant may choose to apply for a conditional use permit following the procedures in 8-6-1 above.

1. Application Form: Application and checklist for a PC permit shall be filed with the Planning Department 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.

2. Filing Fee: A filing fee as set by the current fee schedule shall be submitted by the property owner or owner's representative at the time of filing on application for a PC 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. Criteria for Approval: The standard conditions below are applicable to any proposed PC use in the identified zone district. These standard conditions are considered minimum conditions. Conditions other than the standard conditions are listed in Section B below for each PC use. Administrative conditions may be placed on the applicant prior to permit issuance and may be included in the PC permit by the planning administrator, when determined necessary from site evaluations, or as determined by Table 8-6-2.

a. Buffer: Buffers not less than 20 feet in width from all property lines shall be provided and maintained, unless otherwise specified.
b. Screening: Screening from adjacent uses or developments, including across a county road from such a use or development, shall be provided and maintained. Screening shall be accomplished by landscaping at least six (6) feet high and should be high altitude, native plant material, trees and shrubs or existing vegetation.
c. Lighting: Outdoor lighting, current and future, shall comply with the Outdoor Lighting provisions of this Title, Section 8-4-6.
d. Parking: The parking requirements of Title 8, Table 3 shall be met and the Americans with Disabilities Act (ADA) required handicap parking spaces provided. In lieu of the above, a parking plan prepared by a professional in the field shall be submitted to the planning administrator for consideration.
e. Hours of Operation: Hours of operation shall be from 6:00 a.m. to 10:00 p.m. Monday through Saturday, unless otherwise specified in Title 8 or in the PC permit.
f. Signage: Signage shall comply with the Title 8, Chapter 9 sign requirements.

g. Outside Storage: Where outside storage is permitted, such use shall be located in the rear yard and a sight proof fence or natural screening shall be provided and maintained around the storage area at least one foot higher than the stored material.
h. Building Height: Maximum height is 45 feet in the C-1, C-2, C-3, and M-1 districts, and 30 feet in all other districts, unless specified in Title 8.
i. Technical Studies: For those uses identified by the planning administrator at the pre-application conference as needing technical studies, said studies shall be provided to the planning administrator along with the application for a Use Permitted with Conditions.
j. Onsite Inspection: The planning administrator may determine that there is a need for an inspection at any time.

4. Expiration: A PC permit will terminate 12 months from the date of permit issuance if commencement of the authorized activity has not begun, unless otherwise specified in the permit. The planning and zoning commission and/or the board of county commissioners may review uses permitted with conditions at any time after permit issuance to determine whether the use has changed or the conditions are not being followed.

5. Appeal: The decision of the planning administrator can only be appealed by filing an application for a conditional use permit according to Teton County Code, Title 8-6-1. Also, if a condition or conditions of a specified PC use as listed cannot be met by the proposal, an applicant may apply and follow the procedure for a conditional use permit.

6. Revocation: The Board may revoke a PC permit at any time when a condition or conditions of the permit are not being met.

7. List of Uses Permitted with Conditions: Files of uses permitted with conditions will be maintained in the Planning Department. PC permits will be reviewed at least once every year after approval, unless conditions otherwise outlined in this title require a review more often.

8. Site Plan Required: Whenever a condition listed in B below requires the submittal of a site plan, the proposed operation shall not commence until the site plan has been approved by the Planning Administrator and all required conditions have been met.

9. Building Permits: Any proposed structure must acquire a building permit before work on the structure may commence.

Table 8-6-2 Standard PC Conditions. A use in a listed zone district below shall comply with all conditions checked by an X for that use.	**Buffer**	**Screening**	**Lighting**	**Parking**	**Hours of Operation**	**Signage**	**Outside Storage**	**Building Height**	**Technical Studies**	**Additional Inspections**	**Additional Comments**
Agriculture											
Agricultural Processing Plant (A-20)	X		X		X		X				X
Beekeeping (A-2.5)	X						X				
Blacksmith (A-20, A-2.5)					X		X				
Commercial Feed Lot (A-20)	X	X					X		X	X	X
Dude Ranch (A-20, A-2.5)			X	X	X		X				
Plant Nursery/Greenhouse (A-20, A-2.5)	X	X	X	X	X	X	X	X			
Riding Academy (A-20, A-2.5, M-1)	X		X	X	X	X		X			
Riding/Training Stable (A-20, A-2.5, M-1)	X	X	X	X	X	X	X	X		X	
Wildlife Facility (A-20, A-2.5)				X	X	X	X				
Residential											
Dwelling, Accessory Unit (A-20, A-2.5)				X							
Wind Energy System (A-20, A-2.5, C-1, C-2, C-3, M-1)	X		X					X	X		X
Retail/Services/Office											
Animal Grooming / Training (A-20)				X	X	X					
Bed and Breakfast Residential (A-20, A-2.5)	X			X		X					
Composting Facility (A-20)	X							X	X	X	
Construction Materials Sales and Services (M-1)			X				X			X	
Heavy Equipment Sales Lot (M-1)	X	X	X	X	X	X	X				
Kennel/Animal Boarding, Pet Daycare (A-20)	X	X	X	X		X	X		X	X	
Storage Units (M-1)		X	X		X	X	X				
Vehicle Repair Shop (M-1)	X	X	X	X	X	X	X				
Vehicle Sales Lot (M-1)	X	X	X	X	X	X	X				
Vehicle Wash (M-1)	X	X	X		X						
Veterinary Clinic (A-20)		X	X	X		X					
Waste Material Resale Store (A-20, M-1)	X	X			X		X				

Table 8-6-2 Standard PC Conditions. A use in a listed zone district below shall comply with all conditions checked by an X for that use. --continued--	**Buffer**	**Screening**	**Lighting**	**Parking**	**Hours of Operation**	**Signage**	**Outside Storage**	**Building Height**	**Technical Studies**	**Additional Inspections**	**Additional Comments**
Manufacturing											
Building Trades Subcontractor (A-20, M-1)		X	X	X		X	X				
Cabinet Shop (M-1)							X				X
Clothing Manufacture (M-1)				X	X	X					
Construction/General Contractor (A-20, M-1)	X	X	X	X	X		X			X	
Furniture/Fixtures Manufacture (M-1)	X	X	X	X	X	X	X			X	
Landscaping Contractor Business (A-20, M-1)		X	X	X	X	X	X				
Lumber Yard (M-1)	X	X	X	X	X	X	X				
Manufacturing, Industrial (M-1)	X	X	X	X	X	X	X				
Manufacturing, Light (M-1)	X	X	X	X	X	X	X				
Sheet Metal Fabrication (M-1)		X			X		X			X	
Storage Facility (M-1)	X		X								
Vehicle Body Shop (M-1)	X	X	X	X	X	X	X				
Vehicle Storage (M-1)	X	X	X	X	X	X	X				
Warehouse and Distribution (M-1)					X		X		X		X
Welding / Machine Shop (M-1)					X		X				X
Wood Products (M-1)	X	X	X	X	X	X	X			X	
Public/ Quasi-Public											
Cemetery (A-2.5)	X	X	X	X	X	X	X	X		X	
Emergency Service Station (A-20, A-2.5)		X	X			X		X			
Playground (A-20, A-2.5, R-1, R-2, C-1, C-2, C-3)			X	X	X	X					
Utility Building and Services (A-20, A-2.5)		X	X	X			X	X		X	
Water Supply or Treatment Facility (A-20, A-2.5)	X	X					X	X			

B. PERMITTED WITH CONDITIONS - RESTRICTIONS

Uses Permitted with Conditions are allowed by permit in the listed zoning district when certain supplementary conditions are met, as described below.

1. Agricultural Processing Plant (A-20)
    a. There shall be no retail sales on the premises;
    b. The facility shall not be open to the public;
    c. Health regulations shall be followed at all times;
    d. All activities shall be conducted within an enclosed building;
    e. Noise shall not exceed 60 decibels at the property boundaries; and
    f. Odors and fumes shall not be detectable beyond the walls of the building in which the use is conducted.

2. Animal Grooming / Training (A-20)
    a. Hours of operation shall be limited to the hours of 7:00 am to 6:00 pm Monday through Saturday;
    b. The sale of pet and veterinary products shall be incidental to the operation;
    c. All animals shall be kept in an enclosed structure except for walking, outdoor exercise, or training when accompanied and controlled by an employee of the business;
    d. An employee, or the owner, shall always be on-site when there is an animal at the facility;
    e. Signage shall not exceed six (6) square feet;
    f. The sales and breeding of animals are prohibited;
    g. There shall be no more than three (3) animals outdoors at one time;
    h. When outdoors, animals shall be leashed, except for training exercises;
    i. Animal runs and exercise areas shall not be located in the front yard or within 50 feet of a property boundary;
    j. All applicable local and state operational requirements shall be met;
    k. There shall be a minimum of one (1) parking space for every employee; and
    l. No vehicles shall be parked in any landscaped area on the property or within a road right-of-way.

3. Bed and Breakfast, Residential (A-20 and A-2.5)
    a. If located in an existing residence, the exterior residential appearance of the dwelling shall be maintained. If an addition is to be made to an existing residence or a new structure is to be constructed, building elevations shall be submitted for approval, and a residential appearance shall be maintained.
    b. The maximum number of guest rooms shall be three (3).
    c. Parking areas shall be located on the side or rear of the property and shall be screened from adjacent residential properties by a solid screen fence or a wall.
    d. A minimum of a 30 foot buffer shall be required on all sides of the premises where a residential structure is within 200 feet of the Bed and Breakfast residence. If there is an existing residential structure within 200 feet of the Bed and Breakfast residence, a 30 foot buffer shall be required.

e. Signage for the Bed and Breakfast shall be limited to one (1) entrance sign not to exceed the requirements of Chapter 9 of this Title.
f. Food service may be provided to guest rooms. No cooking or food preparation is allowed in guest rooms. Approval for food service must be received from the appropriate Idaho Public Health District and the Teton County Fire Marshal.
g. The Bed and Breakfast shall comply with all requirements of the Planning Department, the local fire district, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.
h. The Fire District, Public Health District, and Teton County Planning Department shall be permitted to perform inspections as in any other business.
i. No person shall be a guest of a Bed and Breakfast for more than 14 consecutive days.
j. If the Planning Administrator does not approve a Permitted with Conditions application for a Bed and Breakfast, the applicant may choose to have said application forwarded to the Commission and the Board for a decision via a CUP. In determining whether a bed and breakfast is an appropriate use in the proposed location, the Commission and the Board may consider the following:
    i. Whether the use is appropriate in view of the use, development, and zoning of adjacent and nearby property;
    ii. Whether the use will adversely affect the existing use or usability of adjacent or nearby property;
    iii. Whether the use is in conformity with the policy and implementation statements of the County's comprehensive plan; and
    iv. Whether there are existing or changing conditions affecting the use or development of the property that give supporting grounds for either approval or denial of the proposed use.

4. <u>Beekeeping</u> (A-20)
    a. The minimum parcel size shall be one (1) acre;
    b. There shall be a maximum of eight (8) colonies per parcel regardless of parcel size;
    c. Colonies shall be set back a minimum of 75 feet from property lines;
    d. A constant fresh water source shall be located or provided on the property designed to allow bees to access water by landing on a hard surface. A water supply is not required during inactive months;
    e. A four (4) to six (6) foot high barrier shall enclose the hive(s) no closer than ten (10) feet from the hive(s). The barrier may be vegetative, wall, fence, or combination thereof;
    f. Combs and other discarded hive materials shall be promptly disposed of in a sealed container or placed in a building or other bee-proof enclosure;
    g. Any colony exhibiting aggressive unprovoked behavior shall immediately be destroyed and re-queened with a queen bred for gentleness and non-swarming characteristics;
    h. Colonies shall be kept in hives with removable frames with adequate space and management to prevent overcrowding and swarming; and
    i. Hives shall be actively maintained in usable condition or promptly disassembled.

5. Blacksmith (A-20, A-2.5)
    a. All activities shall be conducted within an enclosed building;
    b. Outdoor storage is prohibited;
    c. Hours of operation is limited to 7:00 am to 6:00 pm, Monday through Saturday;
    d. Noise shall not exceed 60 decibels at the property boundaries;
    e. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted; and
    f. The operation shall comply with all applicable local, state and federal requirements, including fire protection.

6. Building Trades Subcontractor (A-20, M-1)
    a. All storage of machinery or equipment shall be placed in the rear or side yards of the building and screened from road views according to Chapter 12 and of sufficient height to hide the storage area;
    b. Storage areas not readily visible from any road need not provide the screening required in "a" above; and
    c. If located in an A-20 zoning district, the subcontractor shall be a resident of the premises.

7. Cabinet Shop (M-1)
    a. All activities shall be conducted within an enclosed building;
    b. Noise shall not exceed 60 decibels at the property boundaries; and
    c. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.

8. Cemetery (A-2.5)
    a. All State and Federal regulations and requirements shall be met;
    b. The height of structures shall not exceed 35 feet;
    c. Structures shall not be closer than 100 feet to any property boundary. An above-ground mausoleum shall provide 50 feet of vegetative screening along the property lines adjoining other parcels, according to the screening standards in Chapter 12;
    d. The minimum lot size for a cemetery is 15 acres and the minimum lot size for a mausoleum without a cemetery is five (5) acres;
    e. Vehicles are prohibited from parking on an access road or drive, and one (1) parking space is required per 400 square feet of sales or office area. Temporary parking on interior drives is permitted for grave site ceremonies;
    f. Hours of operation are from dawn to dusk; and
    g. Access shall be via a county or State maintained road.

9. Clothing Manufacture (M-1)
    a. All activities shall be conducted within an enclosed building;
    b. There shall be no retail sales on the premises;
    c. Noise shall not exceed 60 decibels at the property boundaries; and
    d. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.

10. Commercial Feedlot (A-20)
    a. Any agriculture-related feeding or disposal activity as defined in Chapter 2 shall obtain the proper National Pollutant Discharge Elimination System (NPDES) permit (construction permit and operation permit) when required;
    b. All livestock and poultry shall be kept confined to the premises by erection and maintenance of a stock-tight fence and necessary cattle guards;
    c. Pens, buildings, corrals, and yards other than open pastures shall not be closer than 100 feet to any road, highway, or existing residential structure; and
    d. The Confined Animal Feeding Operation (CAFO) shall be a minimum of 1,000 feet from a sinkhole, water supply well or reservoir or losing reach of a stream listed as a waterway in Title 9, 9-2-2.

11. Composting Facility (A-20)
    a. A site plan shall be submitted containing the following information:
        i. Property boundaries;
        ii. Dimensions of the area to be used for the operation;
        iii. Location of the compost piles;
        iv. Location of any existing structures in the operating area;
        v. Location of any proposed structures;
        vi. Distance to the property boundaries for the operation and all structures to be used for the operation;
        vii. All rights-of-way and easements on the property;
        viii. Structures off-site that are less than 200 feet from the property; and
        ix. Existing and proposed access to the operation
    b. The minimum lot size for a composting operation is two (2) acres;
    c. The operation of the facility is restricted to the hours between 7:00 am and 6:00 pm Monday through Saturday;
    d. Access through a private subdivision is prohibited;
    e. All access points to a county road or State highway shall be marked and signed to warn traffic to/from the compost facility;
    f. When an existing residential dwelling is located within 200 feet of the operating area, a 100 foot buffer shall be maintained;
    g. Where no residential dwelling is located within 200 feet of the operating area, a 50 foot buffer shall be maintained;
    h. Screening, according to Chapter 12, shall be required when an existing residential dwelling is located within 100 feet of the operating area; and
    i. The county engineer shall determine if erosion and sedimentation controls are needed.

12. Construction/General Contractor (A-20, M-1)
    a. All storage of machinery or equipment shall be placed in the rear or side yards of the building and screened from road views according to Chapter 12 and of sufficient height to hide the storage area;
    b. Storage areas not readily visible from any road need not provide the screening required in “a” above; and

c. If located in an A-20 zoning district, the contractor shall be resident of the premises.

13. Construction Materials Sales and Service (M-1)
    a. Storage of materials outdoors shall be located to the rear or in the side yards of the building and fully screened from road views according to Chapter 12 and of sufficient height to hide the storage area.
    b. Seasonal sales materials may be stored outdoors in front of the building provided that:
        i. Such materials shall be limited to placement adjacent to the front wall and outside of any drive, walkway, or parking area;
        ii. A six (6) foot minimum width walkway separate the materials from any paved drive or parking area;
        iii. Seasonal materials shall not be displayed, stored, or sold in the open for longer than 90 days in any calendar year;
    c. The operation shall not involve the use of external speakers.

14. Dwelling, Accessory Unit (A-20, A-2.5)
    a. An accessory dwelling unit shall be a completely separated and independent additional living unit;
    b. It shall have its own kitchen, bathroom facilities, and sleeping area;
    c. If detached from the primary residential unit, its appearance shall be that of the primary unit or of the same character of the neighborhood and meet the setbacks of the zoning district in which it is located; and
    d. Two (2) off-street parking spaces shall be provided for the accessory unit.

15. Dude Ranch (A-20, A-2.5)
    a. A dude ranch shall be located on a parcel of at least 20 acres;
    b. The maximum number of guests shall be limited to one-half (.5) guests per acre;
    c. Where activities require the use of public lands, the dude ranch shall abut these lands or have access to them by a recorded access agreement or easement across intervening lands or by a public road;
    d. Use of public lands for the activities provided by the dude ranch shall have permission from the appropriate agency;
    e. Central dining facilities shall be provided for guests;
    f. Guest units shall not have cooking or eating facilities;
    g. Up to six (6) one day events may be held per year for guests who want to visit but not stay overnight;
    h. Intense recreational facilities such as a golf course or campground shall not be provided;
    i. The sale of meals to persons who are not overnight guests of the dude ranch shall be prohibited, except for special events;
    j. Guest units shall not be rented or sold for a dwelling unit;
    k. A site plan shall be submitted that addresses the use of motorized vehicles to, from, and within the site, including description of the types of vehicles and road and trail locations;

l. Employee and guest parking shall be located entirely on-site;
m. The site plan shall also show that a minimum of 60% of the property remains as open areas; and
n. All dude ranch facilities shall be clustered to not exceed two (2) percent of the total site area and shall not be closer than 200 feet to any property boundary or county road.

16. Emergency Service Station (A-20, A-2.5)
    a. A site plan shall be submitted that shows there is sufficient area for buildings, required setbacks, and off street parking;
    b. The site shall be in an appropriate geographical location to its service area;
    c. Access is adequate to and from principal roads; and
    d. Low impact screening according to Chapter 12 shall be provided and maintained along the side and rear property boundaries.

17. Furniture / Fixtures Manufacture (M-1)
    a. All activities shall be conducted within an enclosed building;
    b. There shall be no retail sales on the premises;
    c. Noise shall not exceed 60 decibels at the property boundaries; and
    d. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.

18. Heavy Equipment Sales Lot (M-1)
    a. Vehicles shall be stored within an enclosed building except as provided below;
    b. All outdoor storage shall secure behind six (6) to eight (8) foot high screening, incorporating landscape berms wherever possible;
    c. Side and rear property boundaries shall be screened;
    d. Equipment or materials stored outdoors shall not protrude above the screening;
    e. Security lighting of outdoor storage areas shall be provided, such lighting meeting the requirements of Section 8-4-6;
    f. The site shall include an adequate off-street loading/unloading area;
    g. Equipment stored on-site shall be contained in a paved or gravel area separate from the required parking spaces;
    h. No equipment shall be parked in any landscaped screening area on the property or within a road right-of-way;
    i. Driveways, parking lots, and loading/unloading areas shall be paved;
    j. Boats shall not be repaired on the site;
    k. All maintenance services shall be conducted entirely within an enclosed building;
    l. Maintenance facilities or doors shall be oriented so that the doors do not face a public road right-of-way or a residential use unless there is an intervening building or a minimum 30 foot landscape screening according to Chapter 12;
    m. No gasoline or fuel of any kind shall be sold or dispensed on the site;
    n. The site shall be maintained in a safe, sanitary, orderly condition which does not constitute a public nuisance or adversely affect adjoining properties;
    o. All inoperable, dismantled, or damaged equipment shall be located entirely within an enclosed building at all times;

p. The site shall be attended on days of operation; and
q. The use of loud speakers or other exterior amplification devices shall be prohibited.

19. Kennel / Boarding / Pet Daycare (A-20)
    a. A site plan shall be submitted along with the application for a Permitted with Conditions permit and shall contain:
        i. Property boundaries;
        ii. Dimensions of the area to be used for the kennel operation;
        iii. Location of the kennels and runs;
        iv. Location of any existing structures in the kennel area;
        v. Location of any proposed structures;
        vi. Distance to the property boundaries for the kennels and runs and all structures to be used for the operation;
        vii. All rights-of-way and easements on the property;
        viii. Structures off-site that are less than 200 feet from the property; and
        ix. Existing and proposed access to the kennel operation;
    b. The minimum lot size for a kennel operation shall be two and one-half (2 ½) acres;
    c. The maximum number of adult animals (over six months of age) kept on the property at any time shall be six (6)**;**
    d. The outdoor runs and boarding areas may operate 24 hours per day, seven days a week;
    e. Where indoor grooming is performed and/or pet supplies are being sold, the structure containing this part of the operation shall be limited to being open between the hours of 7:00 am and 6:00 pm Monday through Saturday;
    f. The sale of pet or veterinary products shall be incidental to the kennel business;
    g. Veterinary care shall be incidental to the kennel operation;
    h. An employee or the owner shall always be on-site when there is an animal at the facility;
    i. When outside an enclosed building, coop, or run, animals shall be accompanied and controlled by an employee of the kennel;
    j. Access through a private subdivision is prohibited;
    k. When an existing residential dwelling is located within 200 feet of the kennel operating area, a 100 foot buffer shall be maintained;
    l. Where no residential dwelling is located within 200 feet of the operating area, a 50 foot buffer shall be maintained;
    m. Screening, according to Chapter 12, shall be required when an existing residential dwelling is located within 100 feet of the kennel operating area;
    n. All county and State permits shall be displayed on the site; and
    o. Animal waste shall be picked up on a daily basis and disposed of in a proper manner following Idaho Code Title 39 if applicable.

20. Landscaping Contractor/Business (A-20, M-1)
    a. All storage of machinery or equipment shall be placed in the rear or side yards of the building and screened from road views according to Chapter 12 and of sufficient height to hide the storage area;

b. Storage areas not readily visible from any road need not provide the screening required in "a" above; and
c. If located in an A-20 zoning district, the contractor shall be a resident of the premises.

21. Lumber Yard (M-1)
    a. All storage of materials outdoors shall be located to the rear or side yards of the building and fully screened from road views according to Chapter 12 and of sufficient height to hide the storage area;
    b. There shall be provided and maintained a minimum six (6) foot high opaque fence with low impact screening according to Chapter 12 along the side and rear property boundaries;
    c. There shall be no manufacture or fabrication of lumber products or sawmill operations;
    d. There shall be no storage or sale of firewood; and
    e. The operation shall not involve the use of external speakers.

22. Manufacturing, Industrial (M-1)
    a. All activities shall be conducted within an enclosed building;
    b. There shall be no retail sales on the premises;
    c. Noise shall not exceed 60 decibels at the property boundaries; and
    d. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.

23. Manufacturing, Light (M-1)
    a. All activities shall be conducted within an enclosed building;
    b. There shall be no retail sales on the premises;
    c. Noise shall not exceed 60 decibels at the property boundaries; and
    d. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.

24. Plant Nursery / Greenhouse (A-20, A-2.5)
    a. Customer parking shall be provided and paved with either asphalt or concrete;
    b. Employee parking shall be either paved or gravel;
    c. Vehicles, nursery product, and other materials shall not be located in the road right-of-way;
    d. Structures shall be in compliance with Building Codes;
    e. Greenhouses shall be located a minimum of 50 feet from road rights-of-way and from any property zoned or used for residential purposes;
    f. Storage of materials, except plants, shrubs, and trees, shall be located to the rear or in the side yards of a building (if applicable) and screened from road views.

25. Riding Academy (A-20, A-2.5, M-1)
    a. There shall be no more than six (6) special events per year associated with the riding academy, including shows, clinics, or contests;

b. All piles of feed or bedding shall be located at a minimum of 50 feet from any county or State maintained right-of-way or any adjacent property boundary in order to minimize odor and nuisance problems;
c. Manure piles:
    i. Shall be stored for removal within an enclosure a minimum of 60 cubic feet in size;
    ii. Shall be removed from the premises at least one (1) time per week and/or applied to, or harrowed into, an agricultural field meeting all local, State, and Federal requirements for land application;
    iii. May be composted if the operation meets all local, state, and federal requirements for composting; and
    iv. Shall be stored no closer than 200 feet to any parcel boundary or county or State maintained right-of-way.
d. Bathroom facilities shall be provided meeting the requirements of the State of Idaho;
e. Customer visits and deliveries to the property shall be limited to the hours of 7:00 am to 8:00 pm daily;
f. All parking shall be off-street and on-site, spaces screened from view of neighboring properties following Chapter 12, and customers shall not be allowed to park in the front yard;
g. The number of horses boarded on the site shall be limited to three (3) per acre of the riding academy area;
h. All applicable local, state, and federal requirements shall be met, including health and fire protection;
i. There shall be no permanent outside speakers or sound systems; and
j. All lighting illuminating the outdoor riding area shall be turned off no later than 8:00 pm and comply with 8-4-6 of this Title.

26. Riding / Training Stable (A-20, A-2.5, M-1)
a. The minimum parcel or lot area shall be two and one-half (2 ½) acres, which includes two animal units, and two (2) acres for each additional animal unit;
b. All piles of feed or bedding shall be located at a minimum of 50 feet from any county or State maintained right-of-way or any adjacent property boundary in order to minimize odor and nuisance problems;
c. Manure piles:
    i. Shall be stored for removal within an enclosure a minimum of 60 cubic feet in size;
    ii. Shall be removed from the premises at least one (1) time per week and/or applied to, or harrowed into, an agricultural field meeting all local, State, and Federal requirements for land application;
    iii. May be composted if the operation meets all local, state, and federal requirements for composting; and
    iv. Shall be stored no closer than 200 feet to any parcel boundary or county or State maintained right-of-way.

d. All points on the perimeter of any stable building and/or corral shall be at least 50 feet from the nearest parcel boundary line or right-of-way line of the parcel on which it is located; and
e. There shall be no more than one (1) such stable operation/facility allowed per parcel.

27. Sheet Metal Fabrication Shop (M-1)
    a. All activities shall be conducted within an enclosed building;
    b. Noise shall not exceed 60 decibels at the property boundaries; and
    c. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.
    d. The operation shall comply with all applicable local, state and federal requirements, including fire protection.

28. Storage Facility (M-1)
    a. A site plan shall be submitted that includes detailed information on access, driveways, parking spaces, storage areas, screening, and loading and unloading areas;
    b. The activity shall be conducted entirely within a non-combustible building or area surrounded on all sides by a fence, wall, or approved alternative;
    c. Any such fence or wall shall:
        i. Have a height adequate to obscure all parts, supplies, or other items from normal view of the public;
        ii. Have a height of at least eight (8) feet;
        iii. Have a uniform height, texture, color, and be generally consistent with the character of the neighborhood; and
        iv. Be maintained so as to ensure the health, safety, and welfare of the public are preserved.
    d. Existing site features that provide complete visual screening may be an alternative to constructing a new fence or wall;
    e. Storage shall not exceed the height of the approved fence or wall; and
    f. Materials (boats, equipment, goods) shall not be stored, loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, wall, or alternative screening, or within a road right-of-way.

29. Storage Units (M-1)
    a. The use shall be conducted entirely within a non-combustible building or area screened on all sides;
    b. Any such screening shall:
        i. Have a height adequate to obscure all materials, parts, supplies, or other items from normal view of the public;
        ii. Have a height of at least eight (8) feet;
        iii. Have a uniform height, texture, color, and be generally consistent with the character of the neighborhood;
        iv. Be maintained so as to ensure the health, safety, and welfare of the public are preserved;

c. Existing site features that provide complete visual screening may be used;
d. Storage shall not:
    i. Exceed the height of the screening;
    ii. Be loaded, unloaded, or otherwise placed either temporarily or permanently outside of the enclosed building or screened area, or within a road right-of-way;
e. The site shall include an adequate off-street loading/unloading area;
f. Storage on the site must be contained in a paved or gravel area separate from required parking spaces;
g. No vehicles shall be parked in any landscape area on the property or within the road right-of-way; and
h. Driveways, parking lots, and loading/unloading areas shall be paved.

30. Utility Building and Services (A-20, A-2.5)
    a. The building or premises shall be enclosed and the appearance shall be in keeping with the neighborhood.
    b. Screening according to Chapter 12 shall be provided and maintained.

31. Vehicle Body Shop (M-1)
    a. Vehicles shall be set back 30 feet from all property lines or in compliance with the district's or development agreement's setback requirements, whichever are more restrictive;
    b. No fencing is permitted in the area forward of the main building, or if there is no building on the premises, within the front yard setback;
    c. Any storage areas shall be paved;
    d. The shop station shall be located within 500 feet of a county classified principal or major collector road;
    e. All activities shall be conducted within an enclosed building or fully screened area;
        i. Medium impact screening from an adjacent residentially zoned property or from an existing residential use shall be required on-site, according to Chapter 12 of this ordinance. No screening shall be required when facing a road;
    f. Noise shall not exceed 60 decibels at the property boundaries;
    g. Shop buildings shall be adequately vented;
    h. Odors or fumes shall not be detectable beyond the walls of the building where the repair services are conducted;
    i. Overhead doors facing an adjacent existing residential use are to remain closed when repairs are being made; and
    j. Hours of operation shall be limited to 7 am to 7 pm, Monday – Saturday.

32. Vehicle Repair Shop (M-1)
    a. Vehicles shall be set back 30 feet from all property lines or in compliance with the district's or development agreement's setback requirements, whichever are more restrictive;
    b. No fencing is permitted in the area forward of the main building, or if there is no building on the premises, within the front yard setback;

c. Any display or storage area shall be paved and the vehicles arranged in an orderly manner with at least three (3) feet separation between each vehicle.
d. The shop/service station shall be located within 500 feet of a county classified principal or major collector road;
e. All activities shall be conducted within an enclosed building or fully screened area;
    i. Medium impact screening from an adjacent residentially zoned property or from an existing residential use shall be required on-site, according to Chapter 12 of this ordinance. No screening shall be required when facing a road.
f. Noise shall not exceed 60 decibels at the property boundaries;
g. Odors or fumes shall not be detectable beyond the walls of the building where the repair services are conducted;
h. Overhead doors facing an adjacent existing residential use are to remain closed when repairs are being made; and
i. Hours of operation shall be limited to 7 am to 7 pm, Monday – Saturday.

33. Vehicle Sales Lot (M-1)
    a. The site shall include an adequate off-street loading/unloading area;
    b. Any display or storage area shall be paved and the vehicles arranged in an orderly manner with at least three (3) feet separation between each vehicle;
    c. All vehicles on the sales lot shall be in operational condition at all times;
    d. Vehicles stored on-site shall be contained in an appropriately paved or gravel area separate from the required parking spaces;
    e. No vehicles shall be parked in any landscaped screening area on the property or within a road right-of-way;
    f. Driveways, parking lots, and loading/unloading areas shall be paved;
    g. All maintenance services shall be conducted entirely within an enclosed building;
    h. Maintenance facilities or doors shall be oriented so that the doors do not face a public road right-of-way or a residential use unless there is an intervening building or a minimum 30 foot landscape screening according to Chapter 12;
    i. No gasoline or fuel of any kind shall be sold or dispensed on the site;
    j. All applicable local, State, and Federal regulations and requirements shall be met;
    k. All dismantled or damaged vehicles shall be located entirely within an enclosed building at all times;
    l. The site shall be attended on days of operation; and
    m. The use of loud speakers or other exterior amplification devices shall be prohibited.

34. Vehicle Storage (M-1)
    a. Vehicles shall be stored within an enclosed building except as provided below;
    b. All outdoor storage shall be secure behind a six (6) to eight (8) foot high screening, incorporating landscape berms wherever possible;
    c. Side and rear property boundaries shall be screened;
    d. Vehicles or materials stored outdoors shall not protrude above the screening;
    e. Security lighting of outdoor storage areas shall be provided, such lighting meeting the requirements of Section 8-4-6;

f. The site shall include an adequate off-street loading/unloading area;
g. Vehicles stored on-site shall be contained in an appropriately paved or gravel area separate from the required parking spaces;
h. No vehicles shall be parked in any landscaped screening area on the property or within a road right-of-way;
i. Driveways, parking lots, and loading/unloading areas shall be paved;
j. Boats and recreation vehicles may be maintained on site, but shall not be repaired on site;
k. All maintenance services shall be conducted entirely within an enclosed building;
l. Maintenance facilities or bays shall be oriented so the access doors for vehicles do not face a public road right-of-way or a residential use unless there is an intervening building or a minimum of a 30 foot landscape buffer;
m. No gasoline or fuel of any kind shall be sold or dispensed on the site;
n. The site shall be maintained in a safe, sanitary, orderly condition which does not constitute a public nuisance or adversely affect adjoining properties;
o. All inoperable, dismantled, or damaged vehicles shall be located entirely within a building at all times;
p. The site shall be attended on days of operation; and
q. The use of loud speakers or other exterior amplification devices shall be prohibited.

35. Vehicle Wash (M-1)
    a. There shall be no outdoor overnight parking or storage of vehicles, equipment, or materials;
    b. No queuing of vehicles shall be allowed in a road right-of-way;
    c. Vehicles shall not be parked on any road;
    d. Drives shall be paved;
    e. There shall be no body work or repairs conducted at the facility;
    f. Convenient and accessible trash enclosures shall be provided;
    g. Dumpsters shall be screened by an enclosure so as not to be seen from a road;
    h. The facility shall be connected to a sanitary sewer;
    i. Noise shall not exceed 60 decibels at the property boundaries; and
    j. The premises shall be kept free of weeds, trash, and debris.

36. Veterinary Clinic (A-20)
    a. Animal runs and exercise areas shall not be located in the front yard or within 50 feet of a property boundary;
    b. All applicable local and state operational requirements shall be met;
    c. There shall be a minimum of one (1) parking space for every employee; and
    d. No vehicles shall be parked in any landscaped area on the property or within a road right-of-way.

37. Warehouse and Distribution (M-1)
    a. There shall be no retail sales on the premises;

b. The main warehouse and distribution building shall not exceed 35,000 square feet; and
c. A traffic plan approved by the Planning Administrator shall be required.

38. Waste Material Resale Store (A-20, M-1)
    a. The use shall be conducted entirely within a non-combustible building or area surrounded on all sides by a fence, wall, or complete visual screening;
    b. The fence, wall or screening shall:
        i. Have a height adequate to obscure all materials, parts, supplies, or other items from normal view of the public;
        ii. Have a height of at least eight (8) feet;
        iii. Have a uniform height, texture, color, and be generally consistent with the character of the neighborhood; and
        iv. Be maintained so as to ensure the health, safety, and welfare of the public are preserved.
    c. Buildings shall be set back 100 feet from all property lines;
    d. Waste resale materials shall not be stored, loaded, unloaded, or otherwise placed either temporarily or permanently outside of the enclosed building, fence, wall, screening, or within road rights-of-way;
    e. A site plan shall be submitted that details information on access, driveways, parking spaces, storage areas, screening, and loading and unloading areas;
    f. Waste resale materials must be contained in a paved or gravel area separate from the parking, driveway , loading, or unloading spaces;
    g. Vehicles shall not be parked in any landscape or screening on the property or within a road right-of-way;
    h. The site shall be maintained in a safe, sanitary, and orderly condition that does not constitute a public nuisance or adversely affect adjoining properties;
    i. The site shall be attended on days of operation;
    j. The use of loud speakers or other amplification device shall be prohibited;
    k. The hours of operation shall be limited to the hours of operation of the transfer station; and
    l. Steps shall be taken to ensure materials are not carried onto adjoining properties by the wind or rain.

39. Water Supply or Treatment Facility (A-20, A-2.5)
    a. The site shall be in an appropriate geographical location to its service area; and
    b. Low impact screening according to Chapter 12 shall be provided and maintained along the side and rear property boundaries where above-ground facilities are within 100 feet of the property boundary.

40. Welding/Machine Shop (M-1)
    a. All activities shall be conducted within an enclosed building that provides shielding of sparks and welding light from public view;
    b. Outdoor storage is prohibited;
    c. Hours of operation is limited to 7:00 am to 7:00 pm, Monday through Saturday;
    d. No recharging of welding tanks shall be allowed on site;

e. The operation is limited to welding and metal fabrication;
f. Noise shall not exceed 60 decibels at the property boundaries;
g. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted; and
h. The operation shall comply with all applicable local, state and federal requirements, including fire protection.

41. Wildlife Facility (A-20, A-2.5)
    a. The minimum parcel or lot area shall be two and one-half (2 ½) acres;
    b. All piles of feed or bedding shall be located at a minimum of 50 feet from any road right-of-way or any adjacent property boundary in order to minimize odor and nuisance problems;
    c. Manure piles:
        i. Shall be stored for removal within an enclosure a minimum of 40 cubic feet in size;
        ii. Shall be removed from the premises at least one (1) time per week and/or applied to an agricultural field meeting all local, State, and Federal requirements for land application;
        iii. May be composted if approved by the Soil and Water Conservation District and is in compliance with this Title; and
        iv. Shall be stored no closer than 200 feet to any parcel boundary or county or State maintained right-of-way.
    d. All buildings and pens shall be at least 50 feet from the nearest parcel boundary line or right-of-way line; and
    e. There shall be no more than one (1) such wildlife game farm operation/facility allowed per parcel.

42. Wind Energy System (A-20, A-2.5, C-1, C-2, C-3, M-1)
    a. A site plan shall be submitted that details the site conditions, topography, and proposed system location including setbacks from property boundaries, road rights-of-way, and easements;
    b. An architectural rendering looking from the nearest county road and state highway shall be submitted;
    c. Standard engineering drawings of the wind turbine structure and stamped engineering drawings of the tower, base, footings, and/or foundation, as provided by the manufacturer, shall be submitted;
    d. The wind energy system shall be certified under the small wind certification program recognized by the American Wind Energy Association;
    e. The system shall be set back a minimum of the tower height plus the length of one blade (i.e. the turbine's total height) from a property boundary, utility line, or road right-of-way;
    f. Sound produced by the turbine under normal operation conditions shall not exceed 60 decibels at the property boundary (sound levels may be exceeded during short-term events such as utility outages or severe windstorms);
    g. Tower supports (i.e. guy anchors), if any, shall be at least ten (10) feet from any property boundary;

h. The system shall not be located where a portion of the system is visible above a ridgeline from the nearest county road or state highway. Where a system is not located on a ridgeline and will be visible from the nearest county road or state highway, the tower (pole) shall not be taller than 60 feet determined from the grade of the fixed portion of the tower, excluding the turbine;
i. Commercial markings, messages, or banners on the turbine or tower (pole) are prohibited;
j. The turbine or tower shall not be illuminated;
k. The entire system shall be all one neutral non-reflective color;
l. Evidence shall be provided that the utility company has been informed of the customer's intent to install an interconnected system. The utility company has 30 days to comment from the sent date, prior to permit issuance by the county. Off-grid systems are exempt from this requirement (should the utility company have concerns that cannot be addressed to the satisfaction of the Planning Administrator, the application will need to be processed as a conditional use request);
m. All other local and State permits shall be secured prior to issuance of a Permitted with Conditions permit, including an electrical permit from the Division of Building Safety and a building permit from the County's Planning Department;
n. There shall be no more than one (1) wind energy system per parcel; and
o. Minimum parcel size shall be 2.5 acres.

44. Wood Products (M-1)
    a. Storage of materials outdoors shall be located to the rear or in the side yards of the building and fully screened from road views according to Chapter 12 and of sufficient height to hide the storage area; and
    b. Seasonal materials may be stored outdoors in front of the building provided that:
        i. Such materials shall be limited to placement adjacent to the front wall and outside of any drive, walkway, or parking area;
        ii. A six (6) foot minimum width walkway separate the materials from any paved drive or parking area;
        iii. Seasonal materials shall not be displayed, stored, or sold in the open for longer than 90 days in any calendar year.

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 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.

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.

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 15 days prior to the public hearing to all property owners within 300 feet 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 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 5270.

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 is 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.

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 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 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 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 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 15 days before the event and removed the day after the event.

17. Flags: Flags of the official United States and Idaho state flags.

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 $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 $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 30 days of the installation.

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 40-191OA(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 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 20 feet above the ground.

2. Wall Signs: Wall signs may extend beyond the wall on which they are displayed no more than one foot (12”) in any direction.

3. Projecting Signs; Canopy Signs: Projecting signs and canopy signs may not be less than seven and one-half feet (90”) 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 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 (72") horizontally or 12 feet vertically from overhead electrical conductors that are energized in excess of 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 50 feet.

b. Other Roads: Setbacks from other roads shall be a minimum of 35 feet from the edge of the road.

c. Distance from Other Signs: Signs shall not be located any closer than 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 32 square feet. Setbacks within the scenic corridor are a minimum of 50 feet; other street locations are 35 feet.

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 48 square feet when advertising.

5. Single Business Signs: Single business signs shall be a maximum of 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 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, 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 32 square feet.

5. Agricultural Businesses: Agricultural businesses are allowed one on-premises sign not larger than 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 32 square 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 30 days.

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 $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.

8-9-6: APPEAL:

A. RIGHT TO APPEAL: The sign applicant may appeal the decision of the Planning Administrator, provided the written appeal is filed with Planning Department within five (5) working days after the decision of the Planning Administrator is made. (amd. 2011-05-12)

B. COMMISSION ACTION: The Planning & Zoning Commission, acting as the Board of Adjustment, shall schedule to hear the appeal during their next available regular meeting, but no later than 45 days after the appeal request is received. The Board of Adjustment shall approve, disapprove, or modify the action of the Planning Administrator. (amd. 2011-05-12)

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.

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.

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.

CHAPTER 11

AMENDMENTS

SECTION:

8-11-1: Zoning Ordinance and Zoning Maps
8-11-2: Supplementary Regulations
8-11-3: Procedures for Processing Applications and Permits

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.

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.

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.

CHAPTER 12

SCREENING STANDARDS

SECTION:

8-12-1: Where Screen Required

8-12-1: WHERE SCREEN REQUIRED: The following provisions shall apply to screens:

A. APPLICATION: A screen between developments of differing land uses adjoining one another, or separated from one another by only a private street or county road, shall comply with the standards below. The intensity of the screen is established according to the intensity of the abutting land uses. A recreation facility adjacent to or across the street from a single-family residential use or development requires more intense screening than would a retail development adjacent to or across the street from a recreation facility. Single-family residential developments with similar average lot sizes adjacent to one another do not require screening.

B. MINIMUM SCREEN STANDARDS: Minimum required screening shall conform to the intensity identified in Table 8-12-1 below. Structures shall meet the height required when installed; planted trees and shrubs shall meet the expected opacity within two (2) growing seasons. Screening options include: six (6) foot rock or masonry wall; six (6) foot opaque vinyl or wood fence or similar; earth berm; planted trees and shrubs; or, any combination thereof that provides the expected opacity a minimum of six (6) feet in height. Every required screen shall be located in a recorded landscape easement and shall be maintained by the owner of the property where the screen is located to provide the visual screen at the opacity identified in this Section. The recorded document number shall be submitted to the Planning Department.

Table 8-12-1 Screen Intensity

	A-20	A 2.5	R-1	R-2	C-1	C-2	C-3	M
A-20		*	*	L	M	M	H	H
A 2.5	*		*	L	M	M	H	H
R-1	*	*		*	M	M	H	H
R-2	L	L	*		L	M	H	H
C-1	M	M	M	L		L	M	H
C-2	M	M	M	M	L		M	M
C-3	H	H	H	H	M	M		
M	H	H	H	H	H	M		

H – High Impact Screening M – Medium Impact Screening L – Low Impact Screening

*Where the average lot size of a proposed development is two-fifths or less than that of the adjacent existing development, a low impact screen shall be provided.

C. TYPICAL REQUIRED IMPACT SCREENS: The following types of impact screens are required between uses in the zoning district identified above where the proposed development is located adjacent to or across the street from an existing development.

1. High Impact Screening (H): A 100% opaque screen between land uses that are dissimilar in character. A high impact screen shall have both of the following installed:

   a. A six foot high wall or fence;
   b. Low impact screening shall be planted on the exterior side of the wall or fence.

2. Medium Impact Screening (M): A 70% semi-opaque screen between land uses that are usually dissimilar in character. Semi-opaque screening should partially block views from adjacent land uses. A medium impact screen shall be a minimum of either a landscape screen or a fence, meeting one of the following options:

Screen A

Shade Trees	1/500 sf
Ornamental Trees	1/750 sf
Evergreen Trees	1/300 sf
Shrubs	1/200 sf

Screen B

Shade Trees	1/1,000 sf
Ornamental Trees	1/500 sf
Evergreen Trees	1/300 sf
Shrubs	1/200 sf

Screen C

Shade Trees	1/750 sf
Ornamental Trees	1/750 sf
Evergreen Trees	1/250 sf
Shrubs	1/200 sf

3. Low Impact Screening (L): An open screen between relatively similar land uses. Open screening shall provide an attractive separation and must portray one of the following screening options.

Screen A

Shade Trees	1/500 sf
Ornamental Trees	1/750 sf
Evergreen Trees	1/500 sf
Shrubs	1/500 sf

Screen B

Shade Trees	1/1,000 sf
Ornamental Trees	1/500 sf
Evergreen Trees	1/500 sf
Shrubs	1/500 sf

Screen C

Shade Trees	1/750 sf
Ornamental Trees	1/750 sf
Evergreen Trees	1/750 sf
Shrubs	1/200 sf

D. WIDTH OF SCREEN: A screen required along a side or rear lot line shall be no less than 20 feet wide or as approved by the Planning Administrator. The screen may be reduced to ten (10) feet in width when a non-residential use abuts another non-residential use.

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
September 16, 2010
December 16, 2010
March 17, 2011
May 12, 2011

Approved this the 17 day of March, 2011

Kathryn M. Rinaldi

Kathryn Rinaldi, Chairman Board of County Commissioners