

# Article 1

# General Provisions

# Article 1 - General Provisions

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### 1.1.1. Title

This document is the “Land Use Development Code for Teton County, Idaho” and may be referred to or cited in this document as “this Code.”

### 1.1.2. Purpose and Intent

A. This Land Use Development Code is adopted for the purpose of guiding development in accordance with the adopted Comprehensive Plan and existing and future needs in order to protect, promote, and improve the public health, safety, and general welfare.

B. This Land Use Development Code is enacted to exercise the full range of authority available under Idaho law to establish standards to regulate and restrict the:

1. Height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures;
2. Percentage of lot occupancy, size of courts, yards, and open spaces;
3. Density of population; and
4. Location and use of buildings and structures.

C. This Land Use Development Code is enacted for the following purposes:

1. To provide a system for the subdividing of lands and the accurate recording of land titles;
2. To encourage the protection of prime agriculture, forestry, and land uses for production of food, fiber and minerals, as well as the economic benefits they provide to the community;
3. To encourage economically sound, orderly, and compatible land development practices in accordance with the currently adopted Comprehensive Plan;
4. To assure the provision of needed open spaces and public facility sites in new land subdivisions

through the dedication or reservation of land for public purposes;

5. To protect life and property in areas subject to natural hazards and disasters;
6. To protect fish, wildlife and recreation resources;
7. To avoid undue water and air pollution; and
8. To ensure that the development on land is commensurate with the physical characteristics of the land.

D. This Land Use Development Code is intended to provide a mechanism for achieving the following goals:

1. Mix of land uses;
2. Create a range of housing opportunities and choices;
3. Foster distinctive, attractive communities with a strong sense of place;
4. Maintain, nurture, and enhance the rural character and heritage of Teton County;
5. Preserve natural resources and a healthy environment, which is essential for creating viable future economic and recreation opportunities for all users;
6. Make development decisions predictable, fair, and cost effective; and
7. Encourage community and stakeholder collaboration in development decisions.
8. Implement Right to Farm Act provisions.

### 1.1.3. Application

#### A. Territorial Application

This Land Use Development Code applies to all land, uses, buildings, and structures within Teton County, Idaho.

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## B. General Application

In their interpretation and application, the provisions of this Land Use Development Code are the minimum requirements necessary to meet the purpose and intent of these regulations.

## C. Required Conformance

All buildings, structures, or land, in whole or in part, must be used or occupied in conformance with this Land Use Development Code. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged, or structurally altered in conformance with this Land Use Development Code. No building or structure shall be built, altered, or used unless it is located on an “eligible parcel” as defined in this Code (Article 15) and is in conformance with the underlying zoning district in which it is located.

## D. Control Over Less Restrictive Private Agreements

This Land Use Development Code does not nullify any private agreement or covenant. However, where this Land Use Development Code is more restrictive than a private agreement or covenant, the Land Use Development Code controls. Teton County will not enforce any private agreement or covenant.

## E. Control Over Less Restrictive Laws and Regulations

If any condition or requirement imposed by this Land Use Development Code is more restrictive than a condition or requirement imposed by any other law, rule, or regulation of any kind, the more restrictive condition or requirement governs.

## F. Conflict

If any condition or requirement imposed by this Land Use Development Code contains an actual, implied, or apparent conflict, the more restrictive condition or requirement controls.

## G. References to Other Laws

Whenever a provision of this Land Use Development Code refers to any other part of the Teton County Code or to any other law, the reference applies to any subsequent amendment of that law.

## H. Text and Graphics

Illustrations, photographs, and graphics are included in this Land Use Development Code to illustrate the intent and requirement of the text. In the case of a conflict between the text and any illustrations, photographs, and graphics, the text controls.

### 1.1.4. Severability

If any section, paragraph, clause, sentence, or provision of this Land Use Development Code is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of the Land Use Development Code. The effect of the judgment is confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

### 1.1.5. Effective Date

This Land Use Development Code was adopted on (TBD) and became effective on (TBD)

### 1.1.6. Enforcement Authority

The Planning Department serves as the administrator of the Land Use Development Code and has primary enforcement authority over of the Land Use Development Code.

The County Public Works Director serves as the Administrator over Article 12- Public Improvements.

### 1.1.7. Procedures for Remediating a Violation

The procedure for investigating and remediating any violation of this code can be found in Title 1 of the Teton County Code.

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In order to implement this Land Use Development Code, Teton County is divided into the following zoning districts as established on the Official Zoning Map in Division 1.3.5. The Special Overlay District maps can be found in Article 9. The Areas of City Impact are also identified in Division 1.4.

### 1.2.1. Rural Districts (Article 3)

- A. RA: Rural Agriculture
- B. LA: Lowland Agriculture
- C. FH: Foothills
- D. ARN: Agricultural Rural Neighborhood
- E. RC: Rural Cluster

### 1.2.2. Residential Districts (Article 4)

- A. RS-16: Residential Single-Family
- B. RS-7: Residential Single-Family & Two-Family
- C. RS-5: Residential Single-Family & Two-Family
- D. RS-3: Residential Single-Family & Two-Family
- E. RM-1: Residential Multi-Family
- F. RM-2: Residential Multi-Family

### 1.2.3. Mixed Use Districts (Article 5)

- A. RX: Residential Mixed Use
- B. NX: Neighborhood Mixed Use
- C. CX: Commercial Mixed Use
- D. DX: Downtown Mixed Use
- E. CC: Commercial Corridor
- F. CH: Commercial Heavy
- G. IX: Industrial Flex

### 1.2.4. Industrial Districts (Article 6)

- A. IL: Light Industrial
- B. IH: Heavy Industrial

### 1.2.5. Civic and Open Space Districts (Article 7)

- A. CIV: Civic and Institutional
- B. REC: Parks and Recreation
- C. PRS: Preservation

### 1.2.6. Special Overlay Districts (Article 9)

- A. Airport Vicinity Overlay
- B. Flood Damage Prevention Overlay
- C. Scenic Corridor Overlay
- D. Transfer of Development Rights Overlay
- E. Workforce Housing Overlay

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### 1.3.1. Zoning Maps Established

- A. The boundaries of the zoning districts within Teton County are shown on the Teton County Official Zoning Map (including the Area of City Impact zoning district boundaries)
- B. Maps may be kept electronically in GIS. Copies published on the web or otherwise portrayed electronically do not constitute originals.
- C. Map originals must be kept on file with Teton County and must indicate the date of the adoption and most recent amendment.
- D. Teton County may make paper copies available to the public for a reasonable fee.
- E. All map amendments must follow the procedures in Div. 14.7.

### 1.3.2. Interpretation of Map Boundaries

Where uncertainty exists with respect to the boundaries of any zoning district on the Official Zoning Map or Area of City Impact Zoning Map, the Planning Administrator is authorized to interpret the boundaries using the following methods.

- A. Where a district boundary line is shown as approximately following the centerline of a street, highway, railroad right-of-way, or waterway, the district boundary is the centerline of that street, highway, railroad right-of-way, or waterway.
- B. Where a district boundary line is shown as running approximately parallel at a distance from the centerline of a street, highway, railroad right-of-way, or waterway, the distance from the centerline is determined by the map scale.
- C. Where a district boundary line is shown as approximately following a lot line or municipal boundary line, the district boundary is the lot line or municipal boundary line.

- D. Where a boundary line is shown and its location is not fixed by any of the rules of this sub-section, its precise location is determined by the map scale.

### 1.3.3. Interpretation of Zoning in Split Zoning Situations

#### A. Non-Subdivision Applications:

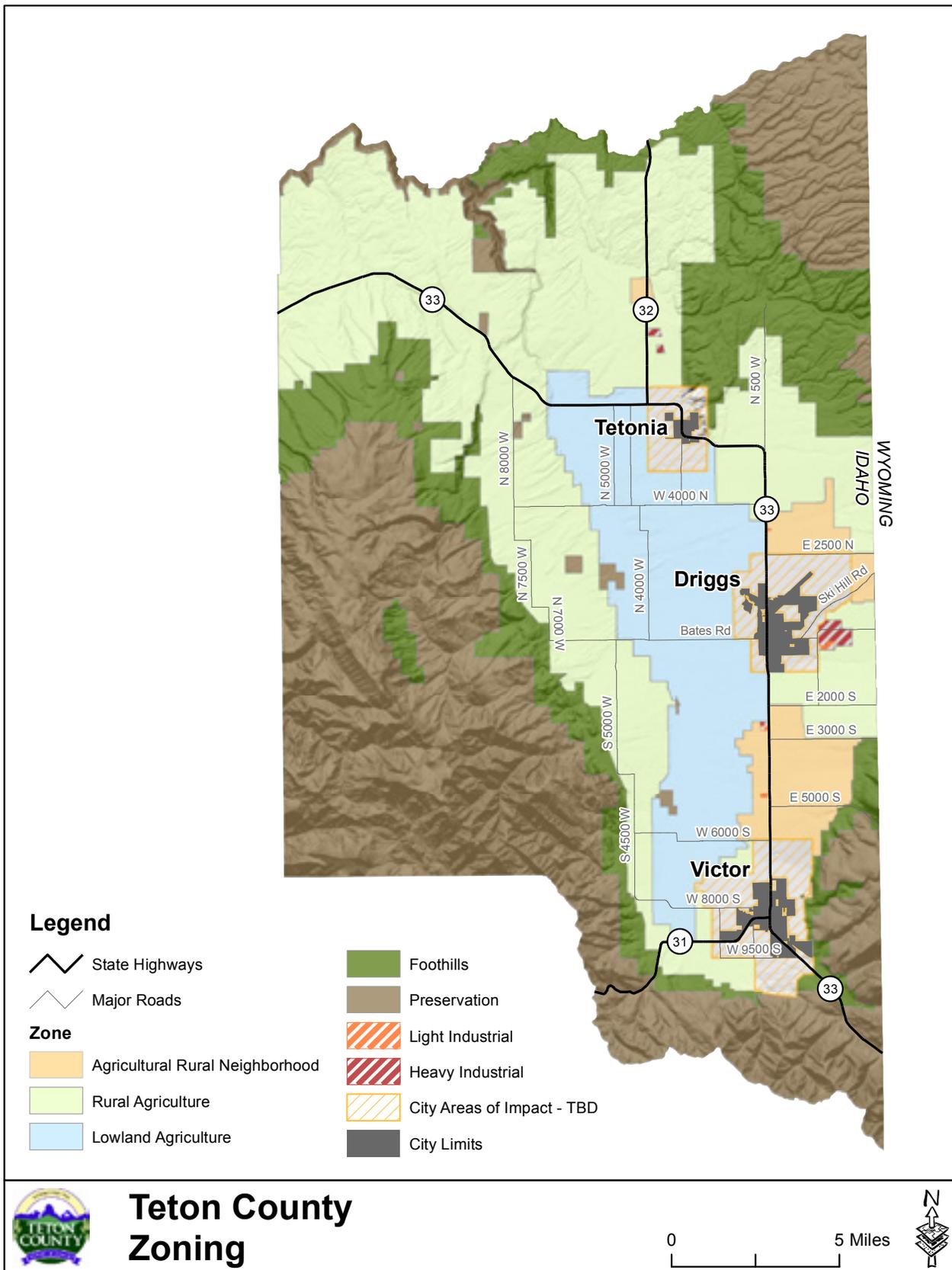
When the boundaries of the district as shown on the Teton County Official Zoning Map are drawn so that a single property has more than one zoning district designation, control of use or control of zoning on the property shall follow the district requirements for each zoning district as drawn on the property.

#### B. Subdivision Applications:

When boundaries of the districts as shown on the Teton County Official Zoning Map are drawn so that a proposed subdivision application 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.

### 1.3.4. 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 the definition in Article 15 of this Code and Idaho Code section 67-6500 et seq. Deviations from the Comprehensive Plan are allowable when justified for public safety, health, and welfare reasons.



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### 1.4.1. Purpose

The purpose and intent of this division is to identify areas surrounding the cities of Driggs, Teton, and Victor that is identified as the Area of City Impact in accordance with Idaho Code 67-6526.

### 1.4.2. Establishment of the Area of City Impact and Associated Regulations

The establishment of the Area of City Impact for each city shall follow the procedure identified in Idaho Code 67-6526.

### 1.4.3. Scope

These areas are identified as areas of future annexation into the cities or areas where the cities have specific concerns about the development in these locations.

### 1.4.4. Process of Review

Unless the specific Area of City Impact Agreement states otherwise, applications received in the Area of City Impact shall be processed according to the table in Div. 14.1; however, the recommendation shall come from the City's Planning and Zoning Commission or staff.

### 1.4.5. Standards and Applicability

Unless the specific Area of City Impact Agreement states otherwise, the standards adopted in this code are applicable in the Area of City Impact.

### 1.4.6. Boundaries

A map defining the boundaries of the Area of City Impact Overlay for each city shall be adopted by ordinance in accordance with Idaho State Code 67-6526.

### 1.4.7. City of Driggs Area of Impact

Reserved for the City of Driggs Area of Impact Agreement and Map.

### 1.4.8. City of Teton Area of Impact

Reserved for the City of Teton Area of Impact Agreement and Map.

### 1.4.9. City of Victor Area of Impact

Reserved for the City of Victor Area of Impact Agreement and Map.