



## **ARTICLE 2: MEASUREMENTS AND EXCEPTIONS**

FROM: Kristin Owen, Planning Administrator  
RE: Summary of Changes, Compliance with Goals, Related Public Comment  
Prepared For: Planning & Zoning Commission Public Hearing of October 5, 2016  
Report Date: October 1, 2016

---

### **Introduction**

The purpose of Article 2 is to establish how measurements are made in regards to the requirements identified through the Land Use Development Code, including lot dimensions, building height, and setbacks.

### **Applicable County Code Section(s)**

Article 2 covers provisions found in the current Teton County Code.

- Title 8: Zoning Regulations (8-2, 8-4)
- Title 9: Subdivision Regulations (9-2)
- Title 12: Flood Damage Prevention (12-2)

### **General Changes/Comments**

1. This section is separated out to clarify how setbacks and heights will be measured, as opposed to be included in other portions of the code that identify what the measurements are. This will allow for ease of use because all of the measurements and interpretations are found in one place.
2. There are new measurements that are included (Setback Averaging, Lot Coverage, Build to Zone, Ground Floor Elevation, Story Height, Transparency, Blank Wall Area, and Height Plane). Some of these measurements will not be applicable in the Rural Zoning Districts; however, it will be important to define them if they are used in any of the other zoning districts (i.e. Areas of City Impact). If any of these end up not being used anywhere in the County or Area of Impact agreements, the code could be amended to remove them.
3. There are visual explanations of how the measurements are made with numerous diagrams (Setbacks, Build to Zone, Building Height, etc.)

### **Specific Changes/Comments**

1. Additional sensitive lands setbacks were incorporated into this code, included a setback from wetlands, floodplain, and lakes/ponds.
  - a. There are several reasons for this addition, including protection of a property owner's investment and protection of natural resources. Flood events have a way of changing the "look" and function of the land. By being setback from the river, streams, canals, wetlands, and floodplain, it is less likely that a flood event would have an impact on the structure.
  - b. Recent federal legislation has changed the rates of floodplain insurance. These changes will increase the rates property owners pay for flood insurance on their property. One of the ways Teton County can help offset the costs of these changes is by adopting floodplain management policies that exceed the minimum standards. Utilizing a floodplain setback is a higher standard.
    - i. These setback standards will not make a property "unbuildable". If a property does not have an area to build on while meeting these setbacks, Article 14 outlines a variance process which would allow property owners to develop within the setback.
2. **STAFF RECOMMENDATION:** Clarify Setback Encroachments (Div. 2.4) to exclude Sensitive Lands Setbacks.

- a. There are some encroachments permitted in a setback, such as fences, driveways, landscaping, porches, etc. It is unclear if this applies only to Standard Setbacks or Sensitive Lands Setbacks too. One of the main reasons for the sensitive lands setbacks is to protect the property owner. By allowing encroachments, we are no longer protecting them. This could also affect floodplain insurance rates if part of the structure, like a porch, is in the setback.
- 3. **CONSIDERATION:** Lot Coverage is defined to include structures, paved surfaces and other features, such as swimming pools, uncovered decks, etc. This definition could be expanded to include all impervious surfaces, so it is clear that they are all included if there is one that was missed in the current definition. It could also be expanded to specify that paved surfaces also includes gravel surfaces.

### **Goals for Draft Code**

- 1. The Zoning Code is not always clear in regards to the process or the requirements.**
  - a. This Article makes it clear how measurements are made and interpreted. One of the frustrations we have heard from applicants is lack of clarity in how setbacks are measured. We have also had complaints about how numbers are currently rounded because not all quarter sections are 40 acres. This section works to make sure the measurements can be made and understood by the property owners and staff.
- 2. The existing Code does not provide usable options for developing or dividing land.**
  - a. This Article does not address this goal.
- 3. The new code needs to do a better job of protecting and promoting the resources Teton County has.**
  - a. The addition of setbacks from sensitive areas (floodplain, wetlands, and lake/ponds) is aimed to help preserve the sensitive vegetation and habitat we have in the County. The existing setbacks from streams/creeks and the Teton River were also increased to assist with this.
- 4. The new code should allow for flexibility and creativity in the design.**
  - a. This Article establishes a clear measurement and interpretation so that design can be flexible with clear parameters. Without clear parameters, the approval of projects would be more subjective, causing delays and frustrations for the applicant and staff.
- 5. The new code needs to provide a more useful mechanism for revising existing undeveloped subdivisions.**
  - a. This Article does not address this goal.

### **Public Comments**

We have not received any public comments at this time specifically related to Article 2.