



ARTICLE 3: RURAL DISTRICTS

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 3 is to establish the rural districts that are mapped in the county. These zoning districts have lower densities compared to the Areas of Impact and cities. These districts are rural in nature and based on the character of the land.

Applicable County Code Section(s)

Article 3 covers provisions found in the current Teton County Code.

- Title 8: Zoning Regulations (8-2, 8-3, 8-4)
- Title 9: Subdivision Regulations (9-3, 9-4, 9-5)

General Changes/Comments

1. These zoning districts replace the A-2.5 and A-20 zones that are in the current code.
2. The building setbacks and heights are the same as the current code.
3. Open space is now required for all subdivisions. Open Space is only required for Planned Unit Developments in the current code.

Specific Changes/Comments

1. The formatting of the zoning districts is a complete change from the current code. This article includes graphics, setbacks are identified in each zoning district instead of in a separate table for every zone, key assets are identified, development design, and priority open space.
2. In the proposed code, density and minimum lot size are treated differently. The minimum lot size is identified as 1 acre.
3. **STAFF RECOMMENDATION:** Change Div. 3.7.5.B.3 to say “**at least 2,000 square feet contiguous area**” to match the constrained lands language [\[page 3-15\]](#)
 - a. This provision currently requires 5,000 square feet contiguous area. In each district, constrained land is identified as slopes over 25% which are 2,000 sq. ft. or more of contiguous area. These should match so there is less confusion with the requirements.
4. **STAFF RECOMMENDATION:** Add a note to Div. 3.5 that says the Rural Cluster District is for the Area of Impact only – similar to Article 4 and 5.
5. **STAFF RECOMMENDATION:** Add a note to each zoning district referencing the Sensitive Lands setbacks.
6. **CONSIDERATION:** Change lot coverage to a percentage of the property size, and make lot coverage applicable to all building types.
 - a. Lot coverage is currently identified as 10,000 square feet in all of the Rural Districts, except Rural Cluster, where it is “50% max, not to exceed 10,000 square feet”. This may not be the most appropriate lot coverage considering the variety in lot sizes throughout the county. Lot coverage does not currently apply to Agricultural Buildings.
 - b. **CONSIDERATION:** Article 13 says no development is permitted on slopes over 30%. Consider changing Article 3 slopes to 30% or Article 13 slopes to 25% for consistency.
7. **CONSIDERATION:** Remove the One Time Only land split option or change for large parcels only.

- a. With the Land Division option, the One Time Only is redundant because it is factored in as one of the splits allowed. Having a higher density for the One Time Only is also confusing.
- b. These have been comments about allowed large parcel divisions, like 40+ acres. The One Time Only could be converted into that option, so the density may be 1 lot/40 acres.

Goals for Draft Code

1. The Zoning Code is not always clear in regards to the process or the requirements.

- a. This Article clearly identifies the setback, lot size, lot coverage, etc. for each zoning district. Images are also included to help explain these requirements. This is a huge difference from the existing code, which is confusing and contradictory. This Article also includes a table identifying the density requirements for each division option. This is included in one place versus multiple locations in the existing code.

2. The existing Code does not provide usable options for developing or dividing land.

- a. This Article identifies new division options compared to the existing code. A Land Division option was added, which allows up to 4 lots total to be created, depending on the density of the original parcel. The subdivision process has also been split into a short plat and full plat, to distinguish between small scale subdivisions and large scale subdivisions. The densities have also been clearly identified, with different options available based on the amount of open space provided.

3. The new code needs to do a better job of protecting and promoting the resources Teton County has.

- a. This Article identifies key assets for each zoning district based on the character of the land. Priority open space is then identified, which includes land like sensitive areas (i.e. wetlands, floodplain, and steep slopes), natural vegetation and wildlife habitat, and agricultural lands. Open space is also required for the short plat and full plat processes, so these areas have to be protected for the property to be subdivided.

4. The new code should allow for flexibility and creativity in the design.

- a. This Article identifies new densities and minimum lot sizes, which are treated differently than the existing code. Open space priorities, key assets, and development design is also identified. With this criteria, there is a lot of room for creative and flexible design because the developer can choose how many lots they want based on the amount of open space they provide. There is also flexibility with the lot sizes because the minimum lot size and density values are not the same.

5. The new code needs to provide a more useful mechanism for revising existing undeveloped subdivisions.

- a. This Article identifies different densities and open space requirements. An existing development could apply for an amendment, which would allow the developer to redesign the existing layout to include the new requirements.

Public Comments

- 1. Marie Tyler: Written comment related to different density options, rules for development options, and protecting resources.

The Comprehensive Plan identifies different character areas as having low, and in some cases medium, densities. However, there are no numbers identified. The Comp. Plan also identifies having open space. Although this Article allows different density options, I do not think that is in conflict with the Comprehensive Plan. The question would be if the values chosen can be considered "low". Throughout this code, the requirements are very specific and laid out for development. Not all requirements may be applied to every development type, but it is clear when those options are required and what is required for them, such as the open space requirements. Articles 9 and 13

address protecting the resources of the county the most, but Article 3 also aids in this by requiring open space and identifying priority and secondary open space.

2. Suzanne Arden: Written comment related to the number of new lots that could be created with the proposed densities.

The proposed zoning decreases the number of potential lots by almost 50% compared to the existing zoning. The proposed densities would allow a maximum of 17, 379 new lots to be created. This is assuming that every eligible lot went through the full plat process using the maximum density allowed. To obtain this many lots, 124,015 acres of open space would be required to be protected. With the existing zoning, 33,354 new lots could be created, with zero open space required. This is also not including Planned Unit Developments, which would significantly increase the number of lots. The density could be lower to reduce the number of potential lots. Again, the Comp. Plan. Identifies densities as "low" and "medium", so the question of whether or not the proposed densities are considered "low" needs to be answered

3. William Powell: Written comment related to the densities being worse than the existing code.

See comments above to Suzanne Arden's comment.

4. Dennis Murray: Written comment related to existing lots, stating it is irresponsible to allow more lots.

We cannot take away all options to subdivision property. Densities can be adjusted to reduce the number of lots that could be created. The proposed densities decrease the number of potential lots by nearly 50% compared to the existing zoning (see comments above). Open space is also required.

5. Mark Stewart: Written comment about creating a large lot split process, such as 40 acres.

The One Time Only Land Split is somewhat redundant with the Land Division option. The One Time Only could be changed to accommodate large parcel splits, such as 40+ acres.

6. Alice Stevenson: Written comment to reduce the maximum density to 1 lot/15 acres, remove the Land Division option from the ARN zoning district, and get rid of the One Time Only, or use it for large parcel splits only.

The density values can be changed. Again, the question is what is considered low density. The Land Division option could possibly be removed from the ARN zoning district; this is something I would want to discuss with the Prosecuting Attorney first. The One Time Only Land Split is somewhat redundant with the Land Division option. The One Time Only could be changed to accommodate large parcel splits, such as 40+ acres.

7. Sandra and Roy Walters: Written comment about densities, land divisions, and wildlife habitat protection.

The proposed densities are clearly laid out with their requirements. The land division option was added in response to the Comp. Plan identifying more options for dividing land. Article 13 addressed wildlife protection, but Article 3 does require wildlife habitat as a priority open space area.