



**AN AMENDMENT TO TITLE 8
SECTION 8-9-6: APPEAL OF A SIGN DECISION
and SECTION 8-5-2-C: SCENIC CORRIDOR OVERLAY
REGULATIONS- SIGNS**

Prepared April 29 for the Board of County Commissioners
Public Hearing of May 14, 2011

APPLICANT: Teton County Planning, Building & GIS Department

REQUEST: An Amendment to the Teton County Zoning Ordinance-Title 8:
1) Section 8-9-6: Appeal (of a Sign Permit Application Decision)
2) Section 8-5-2-C: Scenic Corridor Overlay Regulations- add #8 Signs

BACKGROUND: Amend Title 8 to make it clearer to the public and to sign-makers that advertising signs require a sign permit to be approved only by the Planning Administrator and not by the Planning & Zoning Commission, even for those signs within the Scenic Corridor Overlay. Sign permits, if denied may be appealed to the Planning & Zoning Commission, who, acting as the Board of Adjustment, can uphold or overturn the Planning Administrator's decision on a sign permit application.

DESCRIPTION: The recommended text amendments concerning the appeal of the Planning Administrator's decision (Section 8-9-6) is an attachment to this report.

The amendment to clarify the requirements of a sign in the scenic corridor could go under Title 8-9-4-I MISCELLANEOUS, adding section 3. Signs in the Scenic Corridor Overlay, but staff recommends adding it to the scenic corridor section 8-5-2-C. There are no additional design requirements for a sign in the scenic corridor, but setbacks are affected and addressed in the existing Chapter 9.

Section 8-5-2-C would be amended as follows:

- 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 & Zoning Administrator.**

STANDARDS FOR AMENDING THE TETON COUNTY ZONING ORDINANCE

Consistent with purposes. The recommended amendment is consistent with Section 8-1-3 Purposes of Zoning Ordinance .

Consistent with Comprehensive Plan. The recommended amendment is consistent with the Teton County Comprehensive Plan 2004-2010, specifically it supports the policy below:

Policy 2: The scenic corridor is valued and view corridors should be maintained and protected. Guide development along the county's highways so that a sense of open space is protected. It is recognized that views across the valley from the main transportation routes are integral to the rural experience and a sense of open space in Teton Valley. It is desirable to maintain view corridors.

Consistent with other section of the Zoning and Subdivision Ordinance. The recommended amendment is consistent with other provisions of this Teton County Code. The text amendment clarifies that signs do not need to be approved in a public meeting before the Planning & Zoning Commission, even if they are proposed along highways or in the Scenic Corridor Overlay. The two sections of amended code make this more clear and give the Planning Administrator the authority to approve all signs. An appeal of the Administrator's decision is further clarified.

PLANNING COMMISSION ACTIONS:

The Planning & Zoning Commission recommends approval of the two amendments as presented.

Staff suggests the following motion:

Having found that the amended sections 8-9-6 and 8-5-2-C are consistent with the purposes and goals of the Comprehensive Plan and with the County Ordinance's general goals and purposes statements, I recommend approval to the Board of County Commissioners of the proposed text amendment, as proposed by Planning Staff in the this report and its attachment [with the following changes...].

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 TO THE PLANNING AND ZONING COMMISSION:** The sign applicant may appeal the decision of the Planning Administrator, provided the written appeal is filed with the Planning & Building Department within five (5) working days after the decision of the Planning Administrator is made.
- B. COMMISSION ACTION:** The Planning and 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.

8-9-7: VARIANCE PROCEDURE: The Planning Administrator may recommend to the Planning and Zoning Commission, acting as the Board of Adjustment, 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 impractical. Appeals to variance decisions made by the Board of Adjustment are subject to judicial review as provided by Idaho Code Chapter 67, Section 5270.