



**AN AMENDMENT TO TITLE 9 TO ADD SECTION
8-3-3 Interpretation of Zoning in Split Zoning Situations**

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

APPLICANT: Teton County Planning, Building & GIS Department

APPLICABLE CODES: Title 8 Teton County Zoning Ordinance, Chapter 3 Zones, Districts and Boundaries

REQUEST: Amend Title 8 to include a new section of text to address split zoning situations. Such a section presently does not exist and therefore adding it would provide greater clarity to citizens, consultants, and staff about the applicable zoning, and procedures on parcels where more than one zone is drawn.

DESCRIPTION: The recommended text that would be added as “Section 8-3-3: Interpretation of Zoning in Split Zoning Situations” is attached to this report.

BACKGROUND: The current zoning code does not address situations in which a single parcel has more than one zoning designation (split zone situations). This amendment to Title 8 would add a section to Chapter 8-3: Zones, Districts and Boundaries. This section would provide guidance for determining the zoning regulations if more than one zone was drawn on a single parcel.

DETAILS:

- The recommended amendment would change Title 8, Chapters 3.
- The recommended amendment treats applications for subdivisions and PUDs differently than other zoning and planning applications (i.e. CUPs).
- The recommended amendment proposes that in split zone situations, the allowable uses as determined by the land use table would be dependent on the location on the parcel of the proposed use. The zone drawn in the area that would be affected would be the effective zone for that use.
- The recommended amendment proposes that one-time-only lot splits and other such subdivision processes would follow the zoning as drawn on the particular area of a split zone parcel.
- The recommended amendment would rename sections 8-3-3 through 8-3-6, 8-3-4 through 8-3-7, respectively.

STANDARDS FOR AMENDMENTS TO THE TEXT OF THE COUNTY CODE

Consistent with purposes. The recommended amendment is consistent with the Zoning Ordinance in Section 8-1-3 Purposes of Zoning Ordinance F: *To provide the manner and form for preparing and processing applications for modification of and variances from zoning regulations.*

Consistent with other section of the Zoning and Subdivision Ordinance. The recommended amendment is consistent with other provisions of this Teton County Code.

PLANNING COMMISSION ACTIONS:

The Planning Commission recommends approval of this amendment as presented.

Staff suggests the following motion:

Having found that Section 8-3-3 Interpretation of Zoning in Split Zoning Situations is consistent with the purposes and goals of the Comprehensive Plan and with the County Ordinance's general goals and purposes statements, I move to approve the recommended amendment to Title 8 as presented by Planning Staff in the attachment entitled Section 8-3-3 Interpretation of Zoning in Split Zoning Situations [with the following changes...].

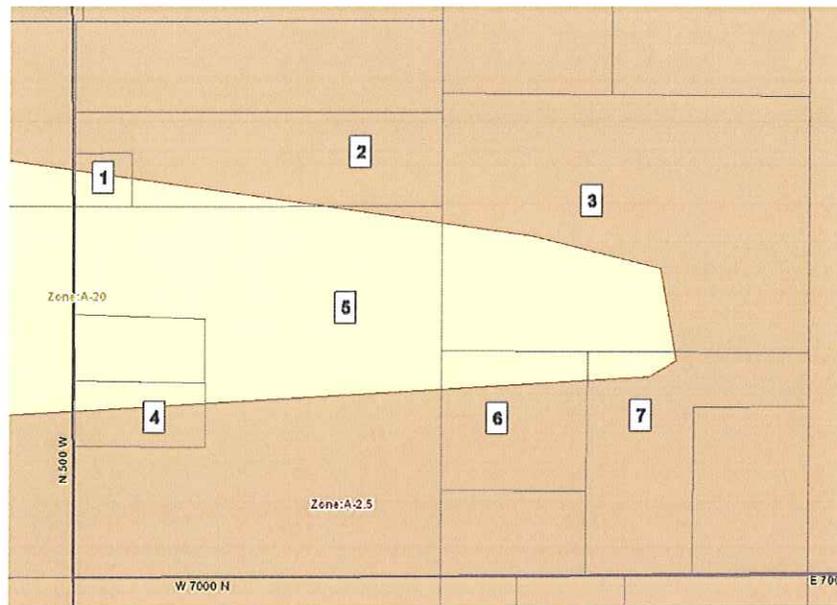
Attachments: Recommended language to amend Title 8 Section 8-3-3

Inserted into Section 8-3 as section 8-3-3, and renumber the current 8-3-3 to 8-3-4 and so on throughout the document such that there would be seven sections in the chapter.

8-3-3: Interpretation of Zoning in Split Zoning Situations:

- A. Non-PUD or 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 calculations are approximate