



**AN AMENDMENT TO TITLE 8 TO ADD A NEW
SECTION:
TEMPORARY USES**

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Public Meeting of May 12, 2011

APPLICANT: Teton County Planning Department

APPLICABLE CODE: Title 8 Teton County Zoning Ordinance

- REQUESTS:**
1. Add Section 8-6-3 Temporary Uses to Title 8
 2. Amend Section 8-2-1 Definitions to include a new definition: *Temporary Uses*
 3. Amend Section 8-4-2 Land Use Schedule Definitions to include a new definition: *Farm Stand*
 4. Change the name for Chapter 6, Title 8 Conditional Use to *Land Use Permits* and list the Section 8-6-(1 2, 3 and 4)
 5. Move, rename, and re-number Section 8-4-7 Home Occupations to Chapter 6 Land Use Permits and renumber the section as 8-6-4 *Home Occupation Permits*

APPLICABILITY: County wide, all zoning districts

BACKGROUND: Presently Teton County does not have a prescribed procedure to make consistent decisions about land uses or special events that are temporary in nature. After receiving input from the Planning and Zoning Commission at their Public Hearing of April 12th, Planning Staff drafted a set of Temporary Use regulations and definitions that should help citizens, businesses, and event sponsor have more clarity about what land uses are allowed without a permit, what land use activities do require a permit, and what criteria will be used to evaluate a specific temporary use proposal.

In the absence of some procedures and rules to follow, a business would have no certainty about their proposed land use activity. With an administrative review, the basic characteristics of the use are evaluated and possibly modified in order to ensure that the public safety and welfare are not unacceptably compromised.

The Temporary Use regulations basically ask the following type of questions:

- Is the proposed use going to be a permanent use or will the use discontinue at a specific point in time?

- Will the use take place in a location that does not cause unreasonable safety concerns? Some of these considerations are:
 - Do any associated structures block road sight –distances?
 - Do the access points, uses, or structures cause a hazard for motorist?
 - Is there a reasonable concern that there will be harm to the environment, such as run-off, chemicals, excess noise, smoke, or glare?
- Is there a need to have some additional oversight by Eastern Idaho Public Health District, Teton County Road & Bridge Department, or the Fire Protection District?
 - Is there a need to have Eastern Idaho Public Health District evaluate the food or beverage service?
 - Is there a need to provide sanitary facilities?
 - Is there a particular fire hazard or other consideration the Fire District should be aware of?
- Is the event large and significant enough that adjacent landowners should be notified?

The Planning & Zoning Commission briefly considered the subject of shipping containers, “Zircons” and similar non-permanent structures that are used by businesses and residences. This type of structures and the potentially complicated set of regulations about them have been separated from this set of proposed regulations. Planning Staff believes that the shipping container discussion could be more productive if it were taken up separately at a later date.

Communities that have a clear set of procedures and standards for reviewing temporary uses and events provide greater predictability to organizations, citizens, and businesses about holding special events or conducting commercial activities that are of limited time duration.

AMENDMENTS TO TITLE 8 TETON COUNTY ZONING ORDINANCE

1. Section 8-6-3 Temporary Uses and Structures is attached to this report.
2. The following definition is proposed to be added to Section 8-2-1 Definitions:

Temporary Use: A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure.

The definition above was drawn from the Planners Dictionary, which is referenced in the Teton County Zoning Ordinance. This particular definition was drawn from the Monroe County Indiana code

3. The following definition is proposed to be added Section 8-4-2 Land Use Schedule Definitions:

Farm Stand: A building, structure, or vehicle used for retail sales of fresh fruits, vegetables, flowers, herbs, or plants. May also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and homemade handicrafts. No commercially processed or packaged foodstuffs shall be sold at a roadside stand.

The definition above was drawn from the Planners Dictionary, which is referenced in the Teton County Zoning Ordinance. This particular definition was drawn from the Gorham, Maine code.

4. Section Chapter 6 of Title 8 Conditional Uses Permit: Rename the chapter: Land Use Permits

5. Section 8-4-7 Home Occupations would be eliminated from Chapter 4 Base Zoning Regulations and placed in the new Land Use Permits chapter as 8-6-4 Home Occupation Permits.

No changes to the Home Occupation section are proposed.

STANDARDS FOR AMENDMENTS TO THE TEXT OF THE COUNTY ORDINANCE:

Consistent with purposes. The proposed Temporary Use regulations and associated text changes are consistent with Section 8-1-3 Purposes of Zoning Ordinance and with 9-1-3 Purposes and Scope of Title 9 of the Teton County Subdivision Ordinance.

Consistent with Comprehensive Plan. The proposed Temporary Use regulations are consistent with the Teton County Comprehensive Plan 2004-2010 and any trends that are apparent in the on-going comp plan surveys.

Consistent with other sections of the Zoning and Subdivision Ordinance. The proposed amendment is consistent with other provisions of the Teton County Code such as the Sanitation standards of Eastern Idaho Public Health Department.

Additional flexibility. The proposed amendment to the text could provide additional flexibility in meeting the objectives of Title 8 the Teton County Zoning.