



AGENDA
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
December 13, 2016
STARTING AT 5:00 PM

Amended on
12-5-2016

LOCATION: 150 Courthouse Dr., Driggs, ID
Commissioners' Chamber – First Floor (lower level, SW Entrance)

1. Elect new Chair/Vice Chair
2. Approve Available Minutes
3. Chairman Business
4. Administrator Business

5:00PM - PUBLIC HEARING: Amendment to Title 8, Teton County Zoning Ordinance – Proposing amendments to Title 8 to amend a definition in Chapter 4, Section 2, amend all of Chapter 6, Section 3: Temporary Uses, and amend all of Chapter 9: Signs. This amendment is intended to change the definition of a Bed & Breakfast Inn to allow serving food as an option instead of a requirement, to clearly identify temporary uses and establish a clear and comprehensive process for approving Temporary Use Permits, and this amendment is also intended to update the existing sign ordinance to bring Title 8 into compliance after a recent U.S. Supreme Court decision (Reed v. Town of Gilbert) changed how signs may be regulated.

5:30 PM – WORK SESSION: Joint with the Board of County Commissioners – Discussion of the Draft Land Use Development Code.

6:00 PM – SCENIC CORRIDOR REVIEW: Amber Winegar – Amber Winegar is requesting to place a single-wide, manufactured home on her family's property south of Felt, located along Highway 32 at 4035 W 10000 N. The property is entirely in the Scenic Corridor Overlay.

Legal Description: RP06N45E070010, TAX #6633 SEC 7 T6N R45E

ADJOURN

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- **Written comments received by 5:00 pm, December 6, 2016 will be incorporated into the packet of materials provided to the Planning & Zoning Commission prior to the hearing. Comments received after this date will not be included at the public hearing.**
 - Information on the above application(s) is available for public viewing in the Teton County Planning and Zoning Office at the Courthouse between the hours of 9am and 5pm Monday through Friday.
 - The application(s) and related documents are posted, at www.tetoncountyidaho.gov. To view these items, select the Planning & Zoning Commission department page, then select the Public Hearing of December 13, 2016 item in the Additional Information Side Bar.
 - Comments may be emailed to pz@co.teton.id.us. Written comments may be mailed or dropped off at: Teton County Planning & Building Department, 150 Courthouse Drive, Room 107, Driggs, Idaho 83422. Faxed comments may be sent to (208) 354-8410.
 - Public comments at this hearing are welcome.

Any person needing special accommodations to participate in the above noticed meeting should contact the Board of County Commissioners' office 2 business days prior to the meeting at 208-354-8775.

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from October 5, 2016
Teton High School Auditorium, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Bruce Arnold, Mr. Chris Larson, Mr. Pete Moyer, Ms. Sarah Johnston, Ms. Marlene Robson, Mr. Cleve Booker, and Mr. David Breckenridge.

COUNTY STAFF PRESENT: Ms. Kristin Owen, Planning Administrator, Ms. Sharon Fox, Planning Services Assistant, Ms. Kathy Spitzer, County Attorney, and Mr. Bill Leake, Board Chairman.

The meeting was called to order at 5:10 pm.

COMMISSIONERS SWEARING IN: Mr. Bill Leake, Board of County Commissioners Chairman, swore in Ms. Robson, Mr. Arnold, Mr. Breckenridge, Mr. Booker and Mr. Moyer for their new terms.

WRITTEN DECISION APPROVAL:

MOTION: Mr. Arnold moved to approve the Written Decision for Mountain Legends Subdivision Concept approval. Mr. Booker seconded the motion.

VOTE: The motion was unanimously approved with Mr. Moyer, Ms. Robson and Ms. Johnston abstaining.

APPROVAL OF MINUTES:

The August 2, 2016 meeting minutes were not reviewed because the wrong document was included in the packet for the Commissioners. It was decided the August 2, 2016 meeting minutes would be reviewed for approval at the next available meeting.

MOTION: Mr. Arnold moved to approve the Minutes from August 16, 2016, as amended. Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved.

CHAIRMAN BUSINESS:

There was no Chairman business.

ADMINISTRATIVE BUSINESS:

There was no Administrative business.

5:00 PM - ITEM #1 – PUBLIC HEARING: A new Land Use Development Code is proposed for Teton County after working in conjunction with the City of Driggs and the City of Victor in order to re-format the existing Zoning, Subdivision, and Floodplain Codes to be more user-friendly, graphic based, offer greater flexibility in design, and support the Comprehensive Plan.

The text of the proposed Land Use Development Code is divided into 15 Articles. All Articles have been reviewed by the Planning & Zoning Commission during work sessions. On October 5, the Commission will hold its 1st public hearing to take public comment on **Articles 1-15 and the Zoning Map. This hearing will be continued to October 10 for deliberation, when the Commission may make a recommendation to the Board of County Commissioners.**

Article 1- General Provisions
Article 2- Measurements & Exceptions
Article 3- Rural Districts
Article 4- Residential Districts
Article 5- Mixed Use Districts
Article 6- Industrial District
Article 7- Civic/Open Space Districts
Article 8- Building Types
Article 9- Special Overlay Districts
Article 10- Use Provisions
Article 11- Site Development
Article 12- Streets & Public Improvements
Article 13- Property Development Plan
Article 14- Administration
Article 15- Definitions

STAFF PRESENTATION: Ms. Owen presented a comparative analysis of each Article in the draft code and how it pertains to the goals in the Comp Plan. She provided suggestions and clarifications in the language based on comments received from the public (see attached article analyses).

The Commission took a 15 minute break at 6:40 PM.

PUBLIC COMMENT:

Mr. Hensel explained the process to be used for public comment and the order people will be called on to comment.

Mr. Gordon Hansen, Tetonia resident, commented he did not want anyone to tell him how many cows he can run on his ground.

Mr. Roger Brink, Tetonia resident, expressed concern about the timing for approval of the draft code. He felt the public should have more time to understand it due to the size of the document and more time to be able to compare it to the old ordinances and the Comp Plan. He was concerned with the effect the new zoning would have on his 30 acre property in Tetonia since it would allow fewer lots than the existing code would.

Mrs. Ida Hansen, Cache Townsite property owner, was concerned with growth restrictions and the effect they have on the economy. She stated she feels zoning is catered to the wealthy. She was also against open space because of the weeds that grow on these vacant parcels. She felt the lack of code enforcement and the cost of enforcement made requiring open space a waste of time and tax payer money. She was against the 75% open space requirement and wanted it reduced to 25%.

Mr. Harley Wilcox, Victor resident, commented on light industrial zoning being undersupplied. He wanted to have more designated light industrial zoning that would accommodate future growth. Because of changes recommended by staff, he wanted to see the draft code redone. He also expressed concern with certain uses not allowed in the county and uses that weren't clearly explained in his opinion.

Ms. Linda Unland, a Driggs resident, commented she was having a hard time reading the code and comparing it to the Comp Plan. She was also concerned with the zombie subdivisions existing in the valley and the option in the ARN zone that allows 2.5 acre lots if open space is provided. Ms. Unland wanted to see future subdivision development put on hold until more of the vacant lots in existing subdivisions are built on. She also wanted to see wildlife habitat preservation become a priority.

Ms. Alice Stevenson, Fox Creek area resident, thanked the staff and the Commission for their work on the draft code. She was concerned with the approval process going too fast and wanted to have an outside consultant review the draft code before it is adopted by the Commission. Ms. Stevenson commented she would prefer to see 1 lot per 15 acres rather than 1 per 10 acres and does not want the One Time Only land split option to be retained. She felt that land divisions should be limited to three parcels.

Mr. Lang King, BYU Idaho Student Activities Director, talked about their outdoor learning center in Tetonia and the vision of the Comp Plan to preserve natural resources and provide viable economic and recreational opportunities for all users. He wanted to be certain that uses like the Outdoor Learning Center would continue to be options for educating youth about the outdoors and potential careers in outdoor recreation.

Mr. Jason Thornton, BYU Idaho outdoor Learning Center Manager, commented on the history of the uses at the site and encouraged the Commission to continue to support the promotion of outdoor recreational uses throughout the county.

Mr. Mark Ricks, Tetonia resident, believed the code goes farther than the land use planning laws intended. He was concerned with the Right to Farm Act being overruled by the draft code and did not want regulations to extend all the way out to rural areas of the county. Mr. Ricks also objected to the 30' height restrictions on structures and felt that the public needed more time to absorb the information and review the changes proposed at the beginning of the meeting by staff.

Mr. Brad Nelson's comment was read into the record. He objected to a two month review period for adoption.

Ms. Kay Fullmer's comment was also read into record. Ms. Fullmer did not feel the draft code supported the Comp Plan and did not feel regulating the fencing on the highway was going to improve public safety, health or welfare. She also wanted more flexibility in the code.

Mr. Raymond Nethercott, Victor resident, believed the code is unconstitutional because you cannot take 75% of someone's property. He also objected to the requirement to put farming equipment in sheds.

Shawn Hill, representing VARD, thanked the Commission for their efforts. He stated that they did not feel there was adequate time to review the code and wanted to see the public more involved in the process. Mr. Hill also commented they felt there are too many subdivision options and that the densities proposed did not reflect the intent of the Comp Plan. He was concerned that the regulations are unclear regarding the studies required in the subdivision process. Mr. Hill also expressed concerns over the lack of tools to address zombie subdivisions.

Mr. Todd Dustin, Cedron resident, thanked the Commission for their efforts. He stated he thinks the draft code is too restrictive and devalues his property. Mr. Dustin also objected to the subdivision open space requirements because he doesn't want to have to give up 75% of his property for open space.

Mr. Dennie Arnold, Felt resident, was not happy with the draft code or the amount of time the public had to review the document. He commented he did not like the restrictions in the Rural Ag zone and was not in favor of the Foothills designation or the requirement to put farming equipment in sheds. Mr. Arnold objected to regulations regarding things like driveway parking, porch limits, and acceptable fencing materials. He also wanted to have family lot splits in the plan.

Mr. Ken Dunn, Alta resident, commented on Division 10.8 Agricultural Use Defined, specifically the Livestock Keeping definition. He was worried about restrictions on livestock being confined, especially during the winter months. Mr. Dunn also voiced concern with the public review process and felt that the public should have more time to read and understand the code.

Ms. Linda Kneff, Victor resident, objected to the staff presentation before the public could speak. She did not think that was appropriate and felt that the public should be able to speak at every meeting. Ms. Knapp also objected to the 75% open space being taken from property owners who want to subdivide the land that has been in their family for several generations. Ms. Kneff also wanted to see some kind of employee housing options allowed without subdividing.

Mr. Nick Ricks, Newdale resident with family land in Teton County, stated he wants to protect farmer's rights and felt that there are too many regulations in the code. He stated he doesn't want to house farming equipment and doesn't want to have to adhere to a wildlife overlay. He felt the code was making it more difficult for rural ag farmers to succeed and maintain their farms and family heritage.

Mr. Randy Thomas, Victor resident who works in Tetonia, commented he felt there were things that don't make sense in the code regarding restrictions on parking and decks. He stated that people don't want to be told how to build on their property. He felt that the county was over regulating.

Mr. Jeremy Arnold's letter was read into the record. He was opposed to Article 3 pertaining to the Rural Agriculture and Foothills zoning. He felt the code was too cumbersome and had too much oversight with not enough density.

Ms. Kellie Hansen's comment was read into record. She was concerned with grandfathered rights in Division 14.9.2 that are lost if abandoned for 180 days or more. She wanted to see the duration increased to one year to accommodate seasonal uses.

Mr. Carl Jordan, Victor resident, spoke about the outdoor lighting section. He would like to work with the county on increasing lighting requirements based on his experience working with other agencies on the same issue. He also wanted sign regulations redone to be more restrictive.

Ms. Glade Hanssen's comment was read into the record. She was concerned that the draft code could limit building rights for parcels created between 1999 and 2003. She wanted the code changed so that it is consistent with the policy adopted by the County Commissioners.

Ms. Sierra Furniss' comment was read into the record. She believed the code to be too invasive to the rural area and people's lives. She did not want to be told what she can do with her own property.

Mr. Jason Nethercott's comment was read into the record. He did not want to keep his farm equipment stored inside a building. He wanted the county to either abort or pay property taxes themselves if they think they are entitled to 75% of his property. He was also against being forced to locate his garage in the rear of the home.

Mr. Denny Arnold, Felt resident, commented on wildlife. He stated he does not want wildlife habitat restrictions forced upon him. He believed that wildlife is increasing on its own and he did not want to be forced to protect it on his property.

Mr. Stacy Lerwill, Tetonia resident, felt with the open space requirements for subdividing and the overlays involved throughout the valley, the county is asking for are too much land from property owners. Mr. Lerwill was not in favor of wildlife protection and did not want to have to build buildings to put farm equipment in so no one can see it.

Mr. Phill Hansen, Tetonia land owner, was concerned that land owners who lived out of the county weren't adequately notified about the meeting. He felt the draft code was way over reaching and wanted to stick with the existing laws. Mr. Hansen stated he was not in favor of protecting wildlife on his property because it is a farm, not a refuge.

Ms. Alice Stevenson commented she wanted to recommend the Board of County Commissioners break up the draft code into chunks and do a little at a time in order to allow sufficient time for the public to absorb the information and ask questions.

Mr. Mark Ricks commented the biggest ag challenge facing the valley is getting kids to come back and run the family farms. He believes kids do not want to stay and farm in the valley anymore because of the over regulation by the county.

STAFF REBUTTAL:

Ms. Owen explained that the livestock keeping restrictions in Article 10.8.8 are for the cities' Area of Impact zones and that it is an allowed use in rural zones. She addressed the comments on tandem parking pointing out that it is allowed except in certain multi-family zone districts, and that garages do not have to be in the back of the house unless the lot is one acre or less in size.

Regarding the 75% open space requirement for maximum density when requesting a subdivision, Ms. Owen explained that this is a voluntary process, not a taking, and that there are other options available that require less open space. Ms. Owen also discussed the comments on putting farm

equipment inside a building and was not sure where that came from because that is not what the draft code says. Reference was made to 10.9.11 Outdoor Storage, which deals with commercial uses, not farming equipment.

Ms. Owen commented on the 180 day non-conforming time limit and felt that could be changed if the Commission would like to look at that again and stated she will research the lighting ordinance in Driggs.

Public Comment was closed at 8:25 pm.

MOTION: Mr. Arnold moved to continue the meeting to October 5th at 5:00 pm at the courthouse in the Commissioner's chambers. Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved.

MOTION: Ms. Johnson moved to adjourn. Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved.

Respectfully submitted,
Sharon Fox, Scribe

Dave Hensel, Chairman

Sharon Fox, Scribe

Attachments:

1. PZC October 5, 2016 Meeting Packet
2. October 5, 2016 Public Comments

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from October 6, 2016
County Commissioners Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Bruce Arnold, Mr. Chris Larson, Mr. Pete Moyer, Ms. Sarah Johnston, Ms. Marlene Robson, Mr. Cleve Booker, and Mr. David Breckenridge.

COUNTY STAFF PRESENT: Ms. Kristin Owen, Planning Administrator, Ms. Sharon Fox, Planning Services Assistant, and Ms. Kathy Spitzer, County Attorney.

The meeting was called to order at 5:00 pm.

5:00 PM - ITEM #1 – PUBLIC HEARING: A new Land Use Development Code (Continued) is proposed for Teton County after working in conjunction with the City of Driggs and the City of Victor in order to re-format the existing Zoning, Subdivision, and Floodplain Codes to be more user-friendly, graphic based, offer greater flexibility in design, and support the Comprehensive Plan. The text of the proposed Land Use Development Code is divided into 15 Articles. All Articles have been reviewed by the Planning & Zoning Commission during work sessions.

Mr. Hensel asked the Commission for a consensus on moving the draft Land Use Code on to the BoCC or giving the public more time to review and comment, which would involve more public hearings.

Mr. Breckenridge commented he felt the public doesn't seem to understand the language in the draft code or they are having trouble finding specific information they are interested in.

Mr. Moyer addressed the numerous comments from residents objecting to providing open space when they want to subdivide their land. He suggested a forth subdivision option that doesn't require open space but has larger lot requirements. He felt that might satisfy a portion of the public concerns regarding subdivision requirements. Mr. Moyer stated there are lot of good things contained in the draft code, but there were also a lot of objections from the public.

Mr. Larson commented he thinks the Commission should move forward with approving the draft code and felt it was an improvement from the existing code, even if it is passed on to the BoCC with recommended changes.

Mr. Booker commented he felt the public hearings could have been handled better and thought some of the audience left before commenting because the first part of the meeting was the staff presentation. He stated he did want to move forward, and did not think another public hearing was necessary. He wanted to fix the issues that have been brought up before it goes to the BoCC. He thought it would help if there was a way to make the information easier to find without reading the whole document

Mr. Arnold commented he was not disappointed with the draft code or the public comments expressed at the first public hearing meeting. He was concerned it was going too fast and that the draft code needed more work. He commented he wanted the document to be more user friendly and did not believe the residents of the valley will ever agree on the zone densities. He felt it was important that the work be done before the draft code is passed on to the BoCC regardless of how much time it takes.

Ms. Robson felt the draft code should move forward, but felt it needed more work and that will take more time. She wanted to make changes based on the public comment received and felt that Article 8 is too restrictive for the county. Ms. Robson also wanted to go through the recommended changes presented by Ms. Owen the night before and then change the document where necessary and give the

public a chance to review it again and make more comments. She also commented on the 7,000 lots for sale stating she did not believe that number was accurate. She said that according to local realtors there are only 467 lots available for sale right now and 35 lots are under contract. That is a lot less than the 7,000 lots people say are available. She felt Article 10 needed more clarification and wanted to work on the home occupation section again as well.

Mr. Breckenridge commented he didn't think that there was a lot of people that believe the code is bad since only 50 or 60 people came out to comment. He felt the document was on the right track.

Mr. Larson commented that from a policy perspective he felt it was time to pass the code on to the BoCC with recommendations for changes or things for them to look at because they will be making the final decision.

Mr. Moyer commented he agreed with Ms. Robson that the public should have another look at the document after the Commission has responded to the public comments.

Mr. Hensel commented that at least half of the public comments weren't useful because they were referring to a document handed out at the meeting which wasn't accurate. He suggested the Commission go through the article analysis document that Ms. Owen presented the night before and make decisions on those proposed changes and then decide whether or not to move forward with the draft code. The Commission agreed to go through each staff recommendation to try and achieve a consensus as to make the change or disregard.

Article 1

1. Correct the Table of Contents for Div. 1.4.2. It currently says "Definitions", but the section is actually titled "Establishment of the Area of City Impact and Associated Regulations".
2. Copy the existing Area of City Impact agreements in Title 7 to Div. 1.4.7, Div. 1.4.8, and Div. 1.4.9 instead of the "Reserved" language.
3. Change the zoning on the parcels north of the Transfer Station to Rural Agriculture. Make the Teton County parcels Preservation. Mr. Booker asked about the term "Preservation". He had heard comments about confusion between "preservation" and "conservation". All preservation lands are not under conservation easements so he felt it should be clear that there is a difference. Mr. Hensel commented that the letter from Teton Land Trust expressed a concern using the word "conservation easement" because they use that word and they actually do things with conservation easements. He suggested finding another term other than "preservation" or "conservation" to distinguish between a zoning designation and an active conservation easement. Mr. Robson was concerned rezoning a gravel pit as Rural Agriculture. The majority of the Commission agreed to the zone change to Rural Agriculture and asked Ms. Owen to research another word for "preservation".
4. Create a "pop out" with the zoning map to show the small parcels zoned as Light Industrial and Heavy Industrial.

Article 2

1. Clarify Setback Encroachments (Div. 2.4) to exclude Sensitive Lands Setbacks.
2. Include impervious surfaces, including gravel, in the definition of Lot Coverage.

Article 3

1. 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].
2. 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.
3. Add a note to each zoning district referencing the Sensitive Lands setbacks.
4. Change slopes percentage to 30% (from 25%) to be consistent with Article 13.
5. *RECOMMENDATION FOR FURTHER RESEARCH:* Mr. Hensel was concerned with using 10,000 sq. ft. in all zones and treating all lots the same regardless of the size. Mr. Moyer pointed out a large parcel could easily have 10,000 sq. ft. in a driveway alone. Mr. Breckenridge suggested using a percentage of the lot size rather than strictly 10,000 sq. ft. Mr. Moyer felt that would be a more realistic approach, especially in the rural ag zone. Ms. Johnston was concerned with using a straight percentage because on large lots there can be terraces, patios, swimming pools, etc. She did feel that ag operations should have an exemption, but for residential zones with large houses and heated driveways she wanted to see a cap on the percentage. Mr. Larson suggested recommending to staff to come up with some type of combination of sq. ft. and a percentage.

Article 4

No recommended changes.

Article 5

No recommended changes.

Article 6

1. Change the minimum lot size for Light Industrial and Heavy Industrial to 5 acres. The Commission agreed to discuss smaller lot sizes in the Areas of Impact when that area is being considered.

Article 7

No recommended changes

Article 8

1. Create a clear definition for an Agricultural Building.
 - a. A building for a bona fide agricultural operation that is not considered a dwelling unit, i.e. it can't include all 3 - a bathroom, kitchen, and living space

Article 9

No recommended changes.

Article 10

1. Make the following changes to Div. 10.2 Use Table
 - a. Add “as listed below” to “Wind Energy System” and remove dashes under Residential and Mixed Use Districts. It would read as: Wind Energy System, as listed below. [page 10-7]
 - b. Add “as listed below” to “All Wireless Telecommunication Facility”, remove “All”, and remove dashes under Residential and Mixed Use Districts. It would read as: Wireless Telecommunication Facility, as listed below. [page 10-8]
 - c. Identify zoning districts for Indoor Recreation
 - i. Not allowed. Reserve for AOI zones.
 - d. Identify zoning districts for Outdoor Recreation
 - i. Allow Racetrack in Rural Agriculture with a Conditional Use Permit
 - ii. Allow Golf Driving Range in the Rural Agriculture with a Conditional Use Permit
 - iii. All other Outdoor Recreation uses, that were not broken out separately, are not allowed. Reserved for the AOI zones.
 - e. Change “Accessory uses not otherwise listed below, as determined by the Planning Administrator” to “Accessory Uses, as listed below”. It would read as: Accessory Uses, as listed below. [page 10-9]
 - f. Add Special Event Facility to the REC District with a Conditional Use Permit. [page 10-6]
2. ***RECOMMENDATION FOR FURTHER REVIEW:*** Mr. Haddox received a verbal comment at one of the Open Houses that this section did not meet Idaho Code. The comment was not written down, so I am assuming that person was referencing 55-2904. Amateur Radio Operator Tower is identified as a Limited use in the RA, LA, FH, and ARN zoning districts. The standards that apply for this use include height, setbacks, one tower per lot, and requiring a copy of a valid Amateur Radio Operators License with the building permit application. The Commission agreed to leave this section as is and ask the county attorney to review for compliance with state laws.
3. Add “Golf Course” and “Park, Recreation Field” to the list in Div. 10.7.3.A as #9 and #10 [page 10-37]
4. Add Div. 10.9.15 Sleeping Unit to Accessory Uses – Permitted in the Rural Zones
 - a. Sleeping Units may have a living space and bathroom, living space and kitchen, or only living space. It was agreed that as long as these are used for personal use and not rented, there should not be a limit. If they are rented out or used as a business, the Campground or Overnight Lodging uses would be triggered.
5. Add additional standards to Div. 10.10.4 Temporary Structures as Living Quarters.
 - a. This includes language that a registration is required. Add language that temporary structures could last longer than 180 days if requirements are met, i.e. building code.

- b. These can only be lived in for 180 days, but they can be stored on a property after that.
6. Increase the number of rooms in a Bed & Breakfast to 5 (from 4), which will also change the number of rooms for a Boutique Hotel to “6 to 30 rooms” (from 5 to 30).
7. Identify standards for Div. 10.9.14 Residential Solar Systems, Wind Turbines, Rainwater Collection Systems.
 - a. At a minimum, they must meet the minimum setback requirements, except encroachments as identified in Article 2.

Article 11

1. Remove “Off premise, outdoor advertising is prohibited” from Div. 11.3.1.F.1 [page 11-23]
2. Add Location provisions for vacant lots and vacant buildings to Div. 11.3.1.F Location. [page 11-23]
 - a. Lots without a building are allowed a maximum of 6 sq. ft. of total sign area.
3. Lots with vacant buildings are allowed a maximum of 6 sq. ft. of total sign area.
4. Correct the type error in Div. 11.3.2 [page 11-24]
 - a. It should read
 - F. Any reflective or mirrored sign.
 - G. Streamers.
 - H. Inflatable signs, including but not limited to...

Article 12

1. No recommended changes.
2. **CONSIDERATION FOR DISCUSSION:** Requiring Flag Lots instead of using Access Easements.
 - a. Div. 12.2.6 Lots was adjusted throughout the review process to remove the requirements of having a Flag Lot, which would require a certain amount of lot frontage to a street that would be a part of that lot and owned by the owner for access. Instead, access easements can be used so the property owner would not own the land they would use to access from.
 - b. Access easement issues is a problem we hear about consistently. Easements may not have been recorded properly or they’re not used properly. These are typically civil issues, but most property owners can’t afford to or don’t want to pursue civil action. By requiring Flag Lots, the access easement issue would hopefully be alleviated for any new lots being created.

Article 13

1. Correct the typos in the table in Div. 13.2.2
2. Wildlife Habitat should be listed as “P” for Site Development, Conditional Use Permits, One Time Only, Land Division, Short Plat, and Full Plat. The requirements that trigger this study are listed in Div. 13.3.8.
3. Public Services/Fiscal Impact should be listed as “P” for Conditional Use Permits.
4. Make Fire a “P” for Land Division
5. Correct the typo in the table in 13.3.19.
6. Parking should be listed as “R” for Full Plats.
7. Add expiration dates to the studies/plans identified in this Article.
8. Make these 3 years for all studies.
9. Study would only be required for all Full Plats using the maximum density.
10. Study could be required for grading permits if a certain area of land is disturbed, such as 1 acre
11. Div. 13.3.8.: Make the Wildlife Habitat Map the entire county. The map that is currently proposed is from an Idaho Fish and Game Report for Teton County, although Fish and Game does not support the map usage. The map does not have digital map layers. It is similar to the existing Wildlife Habitat Overlay, but the existing Overlay also includes migration corridors and protects more habitat areas. Mr. Booker commented that eliminating the map would put the burden on all property owners to do a basic study to determine if they are in a wildlife habitat area, but it would also eliminate the need for any further consideration if it is determined they are not impacting any wildlife habitat. Mr. Hensel felt it was appropriate to use the county map because everyone would be treated the same and if the basic study shows no wildlife habitat is being disturbed there is no further action required. Ms. Owen commented the study is not required for a building permit, variance or a zone change. It is required if requesting a density of 1 per 25 or higher in the rural districts and in the ag rural neighborhood it is 1 per 5 acres before triggering the requirement. It was the consensus of the Commission to use the map of the entire county to designate the wildlife habitat area that will need a study only when requesting maximum densities.

Article 14

1. Remove Planning Administrator Recommendations in the table in Div. 14.1 and throughout Article 14 for all Quasi-Judicial Applications. The Idaho State Code enables the Planning Commission to make recommendations.
2. Add a Division for Condominium and Townhome Plats.

NOTE: Board should consider number of meetings required for subdivision approvals.

Article 15

1. Add all of the definitions for the Airport Vicinity Overlay in Article 9.

2. Add an ACRONYMS section to include all acronyms found in the document.
3. Create a clear definition for an Agricultural Building.
 - a. A building for a bona fide agricultural operation that is not considered a dwelling unit, i.e. it can't include all 3 - a bathroom, kitchen, and living space
4. The definitions for parcels of land should be clarified and condensed.

NOTE: If the recommendation has to be more specific than this, staff will work on updating this and make it a staff recommendation for the BoCC.
5. Underline/italicize defined words throughout the code. Create a “pop up” info box for each definition.

The Commission discussed the upcoming meeting on October 10th to go over the public comments received throughout the process and the public comments voiced at the meeting on October 5th. Mr. Hensel briefly discussed the decision options for the end of the hearing on October 10th to decided to continue the meeting, vote on the draft code, or hold another public hearing. Mr. Breckenridge felt it would help if the public could be informed about the discussion and changes made at this meeting. Ms. Owen explained that there isn't enough time to produce a new red lined document before Monday's hearing because of the need to work on staff reports for applications to be heard at the public hearing to be held in November. Mr. Hensel commented he would be willing to work on a short summary on the changes made during the meeting and review them briefly at the beginning of the meeting on October 10th.

MOTION: Mr. Booker moved to continue the hearing until October 10, 2016 at 5:00 PM at the high school auditorium. Mr. Arnold seconded the motion.

VOTE: The motion was unanimously approved.

MOTION: Mr. Arnold moved to adjourn. Mr. Booker seconded the motion.

VOTE: The motion was unanimously approved.

The meeting was adjourned at 9:30 pm.

Respectfully submitted,
Sharon Fox, Scribe

Dave Hensel, Chairman

Sharon Fox, Scribe

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from October 10, 2016
Teton High School Auditorium, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Bruce Arnold, Mr. Chris Larson, Mr. Pete Moyer, Ms. Sarah Johnston, Ms. Marlene Robson, Mr. Cleve Booker, and Mr. David Breckenridge.

COUNTY STAFF PRESENT: Ms. Kristin Owen, Planning Administrator, Ms. Sharon Fox, Planning Services Assistant, and Ms. Kathy Spitzer, County Attorney

The meeting was called to order at 5:08 pm. This meeting is a continuation of the October 6, 2016 meeting held at the County Commissioners Meeting Room in the Courthouse, which was a continuation of the October 5, 2016 public hearing for a new Land Use Development Code, which was held at the Teton High School auditorium. Public comment was closed on October 5.

5:00 PM - ITEM #1 – PUBLIC HEARING: A new Land Use Development Code (Continued) is proposed for Teton County after working in conjunction with the City of Driggs and the City of Victor in order to re-format the existing Zoning, Subdivision, and Floodplain Codes to be more user-friendly, graphic based, offer greater flexibility in design, and support the Comprehensive Plan. The text of the proposed Land Use Development Code is divided into 15 Articles. All Articles have been reviewed by the Planning & Zoning Commission during work sessions.

Mr. Hensel opened the meeting to continue the discussion of the public comments received during the October 5, 2016 public hearing. He began the discussion with the comments regarding density calculations. Mr. Hensel commented that he was comfortable with the densities that have been proposed in the draft code and felt that the different options for achieving a density higher than one lot per ten acres provided enough flexibility.

Mr. Larson was in favor of leaving the density as is and letting the BoCC work it out if they felt it should be changed. Mr. Arnold agreed with Mr. Larson on leaving the density as is. He believed the density should be based on the difference in topography throughout the valley and the different wetland issues. Mr. Breckenridge commented he believed the density zones established were a good compromise.

Ms. Robson asked if a lot in an ag zone would still have the density of A 2.5. Mr. Hensel commented that in the rural ag zones in order to achieve the 2.5 acre density you have to provide a percentage of open space. The zones were designed based on the constraints of the land with open space tradeoff options for increased density. Mr. Robson commented she felt the proposed draft code was telling people what they could do with their property and felt that it is unfair to land owners to tell them they have to give up land for open space. She wanted more land owners to be able to voice their opinions on the draft code before passing it on to the BoCC. Ms. Robson felt they Commissioners should make their changes to the draft code based on the public comment received and then give the public a chance to review and comment again at another public hearing before passing it on to the BoCC. She was concerned with the densities proposed.

Mr. Moyer commented he was concerned with the amount of studies required in order to subdivide a parcel and the expense involved. He understood the one time only land split and the two lot land splits do not require additional studies, but was worried about large land owners being forced to spend money on expensive studies. Mr. Moyer was in favor of the densities proposed in the new draft code but he wanted to see a “no open space required” option for subdividing large parcels. Mr. Arnold asked him what acreage size he was considering. Mr. Moyer commented he thought 40 acre pieces or larger should qualify. Mr. Hensel commented on the need for a development agreement to protect and manage the open space provided and a mechanism to preserve it other than using the land trust option. Mr. Arnold liked the 40+ acre parcel division option with no open space required. Ms. Owen commented they could add it as a subdivision option.

The next topic discussed was zombie subdivisions. Mr. Arnold commented he did not hear any public comment on how to fix the issue. He pointed out the staff is working on subdivisions that have not had improvements completed and that the county cannot simply take over a subdivision because it isn't sold out. Ms. Robson commented that there are only roughly 500 lots currently listed for sale and felt the free market should take care of the zombie subdivision issue on its own. Mr. Larson commented it would better to be proactive for future subdivision approvals but felt the draft code was not a document that would fix the problem with existing subdivisions that were never completed. Mr. Moyer commented some subdivisions might not have a lot of houses built but may still have sold some or all of the lots, so most of them cannot be vacated. He did not feel the county should force development owners to vacate their development rights with no way to compensate them for the land. Mr. Hensel felt they did not have any appropriate tools to deal with zombie subdivisions at this time and that it should not hold up approval of the draft code.

Next discussed were the comments about specific uses not being allowed in a zone such as a place of worship, which could be allowed with a zone change. Mr. Hensel commented that one of the goals of the Comp Plan is to stop using CUPs because they are hard to manage. He also talked about the goal of the Comp Plan to keep commercial and industrial land within the city limits and area of impact rather than allowing it to be spread throughout the county. Mr. Moyer commented the CUPs make it hard to sell a parcel land in the future. Mr. Larson commented there is zoning that would allow community centers that could have a place of worship and other locations with options that would allow a place of worship.

Mr. Larson talked about the livestock keeping comments and stated he believed all rural zones were allowed non-commercial livestock keeping. Mr. Hensel felt the comments came from a misunderstanding of the table information. Ms. Owen commented that livestock keeping was like urban gardening in areas of impact and within the cities and that it was allowed in rural zones. She suggested adding the word “urban” to change it to Urban Livestock Keeping which would be allowed ARN & RC zones. The Commission also discussed how many cows should be allowed and how much space was necessary for winter feeding. The consensus of the Commission was to leave it as written.

The Commission took a break at 7:00 pm for 15 minutes.

Mr. Breckenridge commented on the issue of commercial feedlots used for quick weight gain and how they were defined. Mr. Arnold suggested using the state definition for commercial feedlots. Mr. Breckenridge suggested having the county attorney find appropriate language to address the problem. The Commission agreed to direct the county attorney to research the commercial feedlot issue.

Mr. Larson commented on page 10-16, Animal Care (Outdoor). He thought the restriction for animals to be kept indoors from 11pm to 6am was too restrictive for horses or large animals in the care of a vet. Mr. Booker commented that most vets use outdoor stalls for large animals and have no way to bring them indoors. It was the consensus of the commission to strike the restrictions on time regarding animal care outdoors and have staff find better language.

Mr. Arnold asked about page 9.28 regarding fencing in the scenic corridor. He didn't agree with the type of fences not allowed. Ms. Robson agreed it was wrong to tell people what their fences have to look like or what materials they can use. Mr. Moyer commented they recently approved a scenic corridor improvement with white vinyl fence and it looks fine. Mr. Arnold wanted to see the sentence end at rural character. The Commission agreed with Mr. Arnold's suggestion.

Mr. Breckenridge asked about the farm machinery being required to be stored inside a building. Ms. Owen commented that the storage referred to in 10.9.11 on page 10-47 involves the use of outdoor storage for commercial businesses not farm equipment. She agreed to try and clarify the wording for that issue.

Mr. Larson had to leave at 8:00 PM and recommended to the Commission to pass the draft code on to the BoCC with suggestions.

Mr. Breckenridge commented about the requirement to have open space in a large parcel of land be contiguous, as stated in 3.7.4 C. Mr. Arnold commented it said open space can be grouped, not that it has to be. Ms. Johnston commented there was public comment that stated there should be contiguous open space when it was required. Mr. Hensel did not want to make it an absolute and felt each situation should be evaluated on its own merits. Mr. Hensel commented on 3.7.3 #2 about a Land Conservancy or Land Trust easement for open space and the comments from the Land Trust regarding management. Ms. Johnston felt the Land Trust should be involved in open space ownership and management. Mr. Breckenridge commented it is his understanding that they did not want to get involved. The Commission agreed to take out 3.7.3 #2. Ms. Robson was concerned about open space belonging to a single entity. Mr. Hensel explained the open space has to be deeded to someone who would be responsible for management and maintenance of the open space.

Ms. Robson asked about Article 6 where it talks about light industrial and the comment that there should be more light industrial throughout the county. Ms. Johnston did not want to see spot zoning in the county to allow more industrial because she felt it was more appropriate in the cities or areas of impact and it was unclear how much is really needed. Mr. Hensel did not want to encourage light industrial in the county because of the existing areas in the cities. Mr. Arnold commented it does not prevent someone from asking for a zone change if they have an appropriate industrial use proposed in the county.

Ms. Robson asked if ag buildings can be in open space. Ms. Owen commented you could allow ag buildings to be an exemption if it is approved through the subdivision process. Ms. Robson was concerned with the Planning Commission making the final determination on which land must be protected as required open space. Ms. Johnston agreed that it should not be judged on a case by case basis. She wanted clear language regarding open space requirements. Mr. Booker commented he was in favor of contiguous open space, but felt it can be discussed during the application process if there is a problem and allowances could be made. It was the consensus of the Commission to take out 3.7.5 A. Planning & Zoning Commission Authority.

Ms. Robson asked about Personal Services listed in the Allowed Use table and was concerned with uses that aren't allowed. Mr. Hensel pointed out that the home occupation section covers additional allowed uses. Ms. Johnston commented there is a lack of clarity regarding allowed uses.

Ms. Robson wanted to go on the record as objecting to wildlife studies being required everywhere.

Mr. Hensel asked what the Commission wants to do regarding approval of the draft code. He suggested submitting the draft code document to the BoCC with changes that can be approved at the hearing on October 18th or to redline the document and have more public comment hearings. The Commission discussed the subject at length. Mr. Larson, Mr. Hensel and Ms. Johnston wanted to move forward. Mr. Moyer, Mr. Arnold, Mr. Breckenridge and Ms. Robson wanted to have more public comment opportunities. Mr. Booker was undecided at the time.

MOTION: Mr. Booker moved to continue the hearing to October 18, 2016 to continue the discussion of the draft code. Mr. Arnold seconded the motion.

VOTE: The motion was approved 5 – 2 with Mr. Breckenridge & Ms. Robson opposed.

MOTION: Mr. Arnold moved to adjourn the meeting. Mr. Breckenridge seconded the motion.

VOTE: The motion was unanimously approved.

The meeting was adjourned at 10:00 pm.

Respectfully submitted,
Sharon Fox, Scribe

Dave Hensel, Chairman

Sharon Fox, Scribe



AMENDMENT TO TITLE 8, TETON COUNTY ZONING ORDINANCE

AMENDING: 8-4-2 (B&B INN DEFINITION), 8-6-3 (TEMPORARY USES), AND 8-9 (SIGNS)

PREPARED FOR: Planning & Zoning Commission, Public Hearing of December 13, 2016

APPLICANT: Teton County Planning Department

REQUEST: Staff is proposing three amendments to the Zoning Ordinance: 1) amend the definition of a Bed & Breakfast Inn to allow serving food as an option instead of a requirement, 2) amend the Temporary Use section to clarify temporary uses and temporary use permits, as well as to identify a thorough process for permit review, and 3) amend the sign ordinance to come into compliance with a recent US Supreme Court decision.

APPLICABLE CODE: Idaho State Code 67-6511 Zoning Ordinance & Teton County Zoning Ordinance, Title 8-11 Amendment Procedure

APPLICABILITY: County wide, all zoning districts

AMENDMENT DESCRIPTIONS:

There are three proposed amendments to Title 8.

8-4-2 Amendment: This proposed amendment changes the definition of a Bed & Breakfast Inn. Title 8 identifies two types of bed & breakfasts, Bed & Breakfast Residential and Bed & Breakfast Inn. For a Residential B&B, serving food to guests is allowed, but it is not a requirement. For a B&B Inn, serving food to guests is a requirement. The proposed amendment changes the definition of a B&B Inn so that serving food will be an option.

See Attachment 1 for the redlined version of this proposed amendment.

BACKGROUND: There were several discussions related to bed & breakfasts throughout 2016 while working on the Draft Code. It was during this time that staff noticed that serving food was not a requirement for both types of B&Bs. There is no apparent reason why serving food must be required for a B&B Inn. The intent of this change is to create a fair definition for a B&B Inn that allows the owner some flexibility with the use.

8-6-3 Amendment: This proposed amendment rewrites the Temporary Use section to clearly address temporary structures as living quarters and identify a permitting process that incorporates appropriate reviews and safety requirements to ensure temporary events are properly managed.

See Attachment 2 for the redlined version of this proposed amendment. See Attachment 3 for the complete Chapter 6, including the redlined version of this amendment.

BACKGROUND: This section was rewritten for the Draft Land Use Development Code, with the help of Teton County Emergency Management. Staff felt the existing temporary use review process was not adequate to address large events. Emergency Management had created a mass gathering permit template a few years ago that had not been implemented, so both staffs worked together to combine the two processes.

The original plan was to allow this amendment to be processed as part of the Draft Code. However, due to the delay in the Draft Code process and in anticipation of the total eclipse that will be visible throughout Teton County in August 2017, staff felt it was necessary to move forward with an amendment to Title 8 to adopt this new process as soon as possible. Eclipse planning has been going on for several weeks, and one goal was to release permitting information to the public around January 2017. There is potential for several large events anticipated and potential for and thousands of visitors; there have also been several inquiries about holding large events and/or large camping areas. Because of this, it is imperative that a process be in place for these events to be reviewed by all necessary agencies, and it is also important to have a clear process identified as soon as possible, so the public can be properly educated on preparing for the eclipse.

This process will also be useable for other large scale events or small events. As well, this amendment removes the requirement that temporary structures as living quarters must have a temporary use permit. This was not an enforceable requirement and it has rarely been followed. The Building Code limits these structures to 180 days on a property, and a building permit may be required depending on what the structure is. Having an additional permit and fee through the Planning Department seems unnecessary, as the Building Department should be enforcing these through the Building Code.

8-9 Amendment: This proposed amendment rewrites Chapter 9 to update the existing sign ordinance. **See Attachment 4 for the redlined version of this proposed amendment. See Attachment 5 for a “clean” version of this amendment, without markup (this version is easier to read).**

BACKGROUND: In 2015, the U.S. Supreme Court made a ruling related to signs that changed how signs could be regulated (*Reed v. Town of Gilbert*). This section of the code was completely rewritten for the Draft Code (Div. 11.3). Staff had discussed proposing an amendment to Title 8 several months ago to update this section; however, it was decided to hold off and let the amendment be adopted with the Draft Code. However, because the Draft Code process has been delayed and an amendment was being proposed for Temporary Uses, staff felt this amendment should also be considered now.

The existing sign ordinance is not legal and cannot be enforced, so it is important the County make this amendment to bring the code into compliance. The US Supreme Court decision ruled that sign ordinances must be content neutral. This essentially means that if you have to read what is on the sign to know how to permit it, your ordinance is not valid. Instead, signs can be regulated by things like size, location, and duration of time they are allowed.

There may be some exceptions for signs necessary for safety, like traffic signs. However, it is important that we are as content neutral as possible because signs are subject to strict scrutiny. If signs are content based and a Court reviews the regulation under Strict Scrutiny, the County will have to show that there is a compelling government interest and the means used are narrowly tailored to accomplish that government interest.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE:

Idaho Code, Title 67; Sections 67-6509 and 67-6511. This hearing was properly noticed in the Teton Valley News.

PUBLIC COMMENTS:

No public comments were received by the December 6 deadline.

CRITERIA OF APPROVAL & STAFF COMMENTS:

1. Idaho State Statute 67-6511 states:

The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan.

It is staff's opinion that the proposed amendments are not in conflict with the comprehensive plan, A Vision and Framework 2012-2030. In addition, these amendments support several goals, including but not limited to:

Goal ED 1: Develop a coordinated and collaborative economic development strategy that encourages, promotes and supports locally-owned businesses and creates a hospitable and attractive environment for businesses and tourists.

Goal ED 1, Policy 1.3: Encourage and support local commerce.

Goal ED 1, Policy 1.6: Encourage and pursue economic diversity, innovation and creativity to keep our economy stable

Goal ED 1, Policy 1.7: Support the expansion of recreational, cultural, and entertainment options that would improve the visitor experience and boost economic development.

Goal ED 3: Recognize that tourism and lifestyle are fundamental components of our economy and are dependent on healthy natural resources.

Goal ED 4, Policy 4.7: Encourage creative economic solutions such as live-work opportunities and appropriate home businesses.

2. Teton County Title 8-11-1 states:

This title, including the adopted zoning maps, may be amended solely by action of the board upon a finding that the amendment is required for public convenience, necessity, health, safety or the general welfare.

It is staff's opinion that the proposed amendments are required for public convenience, necessity, health, safety or the general welfare. The 8-4-2 and 8-6-3 amendments allow more flexibility for the public, additional options, and additional review to address public safety. The 8-9 amendment is required for the protection of the public's free speech, as well as providing rules for signs for aesthetics and safety.

POSSIBLE MOTIONS

The following motions could provide a reasoned statement if a Commissioner wanted to recommend approval or denial of the application:

RECOMMENDING APPROVAL

Having found that the proposed amendments to Title 8 are in compliance with state statute and are not in conflict with the Comprehensive Plan or other Teton County ordinances, for the following reasons _____, I move to recommend approval to the Board of County Commissioners the amendments as presented and as attached to this staff report [with the following changes].

RECOMMENDING DENIAL

Having found that the proposed amendments to Title 8 are not in compliance with state statute and/or are in conflict with the Comprehensive Plan or other Teton County ordinances, for the following reasons _____, I move to recommend denial to the Board of County Commissioners the amendments as presented and as attached to this staff report.

Prepared by Kristin Owen

Attachments:

1. 8-4-2 Proposed Amendment (Redlined)
2. 8-6-3 Proposed Amendment (Redlined – TUP section only)
3. 8-6-3 Proposed Amendment (Redlined – Complete Chapter)
4. 8-9 Proposed Amendment (Redlined)
5. 8-9 Proposed Amendment (No markup)

End of Staff Report

8-4-2

BAKERY:	An establishment in which the production, wholesaling and/or retailing of baked goods occurs.
BAR/TAVERN/ NIGHT CLUB/LOUNGE:	An establishment or place of business primarily engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, from which at least 50% or more of the gross income is derived from the sale of alcoholic beverages, including taverns, bars, cocktail lounges, and similar uses other than a “restaurant,” as that term is defined in this Chapter, and/or in which dancing and musical entertainment is permitted.
BARBER/BEAUTY SHOP:	An establishment where barbering and hairdressing are done.
BED & BREAKFAST INN, BOARDING/LODGING HOUSE:	A residence or building that has four or more guest units, exhibits a character of use similar to a motel or hotel, serves food may be served to guests, and is open to the traveling public for stays fewer than 30 overnight consecutive days.
BED & BREAKFAST, RESIDENTIAL:	An establishment or business that is a private, owner-occupied residence with one to three guestrooms, occupied or used as a transient abiding place of individuals or groups of individuals who are lodged for compensation, with or without food service, for a stay of no more than 14 consecutive days.
BEEKEEPING:	The tending of beehives and the production or processing of bee products.
BLACKSMITH:	The premises where a person shapes and forges iron with a hammer and anvil.
BOOK STORE:	A retail establishment that as its primary business engages in the sale, rental or exchange of books, magazines, newspapers, greeting cards, video tapes, computer software or any other printed or electronically conveyed music, information or media, excluding any adult bookstore.
BREEDING DOMESTIC ANIMALS:	An agriculture establishment where animals are impregnated either naturally or by artificial insemination and whose principle purpose is to propagate the species.
BREWERY:	A commercial use that brews ales, beers or similar beverages onsite. It may be operated in conjunction with a bar or restaurant.

8-6-3

8-6-3: **TEMPORARY USES:**

- A. APPLICABILITY:** This subsection shall apply to all temporary/seasonal uses, structures, special events and activities, collectively referred to as “temporary uses” that take place **in the unincorporated areas of Teton County.** ~~on private property.~~
- B. INTENT:** **The intent of this section is to provide for the regulation and permitting of all Temporary Uses/Events and Temporary Structures** ~~The requirements of this subsection are intended to provide for the regulation and permitting of all non-exempt temporary/seasonal uses, structures, special events, and activities that take place on private property. These uses have only a temporary duration and are not so recurring in nature as to constitute a permanent use. These requirements are not intended to regulate temporary uses on public property, such as schools, parks, or county roads. Temporary uses or special events on private or public land that may impact travel on Teton County public right-of-ways or property may be subject to obtaining separate authorizations from Teton County Road and Bridge Department, Idaho Department of Transportation, Eastern Idaho Public Health Department, or the Teton County Sheriff’s Office. Sponsors of special events taking place in public rights-of-way should check with these agencies.~~
- C. TYPES OF TEMPORARY USES:** ~~The three categories of Temporary Uses (TUP) are: Major, Minor and Exempt Temporary Uses. The Planning and Zoning Administrator shall determine whether a particular use is an exempt temporary use, a minor temporary use, a major temporary use, or if the proposed use is not listed below, whether it is similar in impacts to a listed use. The Planning and Zoning Administrator may approve other unlisted temporary uses, structures, or activities if he/she determines that such use can comply with the Review Criteria for Temporary Use Permits and would not otherwise jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the temporary use.~~
1. Exempt Temporary Uses: The following uses shall not require a temporary use permit:
 - a. Any event sponsored in whole or in part by Teton County.
 - b. Estate or real estate sales involving the property or items from the property where the sale is held.
 - c. Garage, yard, rummage or small scale summer produce sales provided the sales event is on a residentially zoned property and it last no longer than three (3) consecutive days. No more than six (6) garage sale events are allowed on the same residential property within a single calendar year.
 - d. Special events such as weddings, purely social parties, or similar family events where the function or event involves the owner or lessor of the property and where no monetary consideration or fees for such use of the property or attendance is involved. These exempted special events may include those events taking place upon the grounds of a private residence or upon the common areas of a subdivision or multifamily residential development for which no admission or rental fee or other charge is assessed.

2. Temporary Portable Storage Containers: A container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods that does not contain a foundation or wheels for movement.
 - a. Use Standards
 - i. Containers are permitted for a maximum of 30 consecutive days, once per calendar year.
 - ii. No more than 2 containers are permitted at any one time.
 - iii. No container may be more than 10 feet in height, or more than 200 ft².
 - iv. Containers cannot be stacked on top of each other.
 - v. Containers cannot be located in any required setback and must be located completely on the owner's lot, and no part of any container may be located in the public right-of-way.
 - b. Permit Requirements:
 - i. Containers meeting the use standards stated above in 8-6-3(C-b-ii) will not require a permit.
 - ii. Any person wishing to utilize a container longer than 30 calendar days may apply for a building permit to make the container a permanent, accessory building.
 - iii. This would require a Type 3 Setting Permit through the Building Department.
3. Temporary Structures as Living Quarters: Temporary structures such as yurts, RVs, park models, and seasonal cabins that do not meet the building code requirements for habitable space are not considered to be permanent residential structures, and therefore are not allowed as living quarters for more than 180 days in a single calendar year.
 - a. Permit Requirements
 - i. Temporary Structures as Living Quarters may require a Temporary Structure Permit, as required by the International Building Code, through the Building Department. Uses should contact the Building Official before use begins to determine if a permit is required.
4. Temporary Uses/Events: Temporary Uses are uses that have a temporary duration which are not so recurring in nature as to constitute a permanent use.
 - a. Type 1 Temporary Uses
 - i. Any temporary use that is not considered an Exempt Temporary Use, a Temporary Portable Storage Container, or Temporary Structures as Living

Quarters. This does not include temporary uses on public property, such as schools, parks, or county roads.

b. Type 2 Temporary Uses

i. A Type 2 Temporary Use is any Type 1 Use that proposes any of the following:

1. Road closures or detours
2. Food or alcohol vending
3. Medical or security presence will be provided
4. 250 more expected attendees

c. Type 1 and Type 2 Temporary Uses require a Temporary Use Permit, see 8-6-3(D) through 8-6-3(M).

~~a. Weddings and similar events are also exempt from obtaining a permit when these types of events take place on commercial properties that are specifically authorized for these uses.~~

~~b. Any organized activities conducted at permanent facilities typically intended and used for such activities, and/or on a site for which a zoning permit has been granted specifically allowing the special event activity, and the operation of the event complies with all permit conditions. Examples of such exempt activities include, but are not necessarily limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at reception halls or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at places of worship.~~

~~2. Minor Temporary Uses: Minor temporary uses may occur on either developed or undeveloped property and typically take place for limited time periods, or occur seasonally. Minor temporary uses are typified by a relatively low level of impacts to the neighborhood or the environment. Minor temporary uses produce very limited noise levels to adjacent properties, and do not create substantial traffic and/or public safety concerns. Minor Temporary uses include, but are not limited to the following:~~

~~a. Farm Stands may be seasonally permitted with a temporary use permit or the use can otherwise be permitted as a permanent use in the A-20, A2.5, C-1, C-2, C-3 Zoning Districts;~~

~~b. Real estate sales offices and model homes within approved development projects;~~

~~c. Weddings, receptions, or other social events where the function or event involves the owner or lessor of the property and where a monetary consideration or fees for such use of the property or attendance is involved and a total of no more than one~~

~~hundred (100) attendees are expected;~~

- ~~d. Contractors' construction yards, trailers, coaches or mobile homes that are used as a temporary residence during construction of a dwelling;~~
 - ~~e. Christmas tree and pumpkin sales lots and seasonal sale of agricultural products that are sold from properties that do not have a legally established commercial retail authorization;~~
 - ~~f. Short term workshops, retreats, or classes held at residences for the purpose of art, handicraft, music, or educational instruction.~~
- ~~3. Major Temporary Uses: Major temporary uses take place for a limited time period, or occur seasonally, and the potential impacts have a higher possibility to create health, safety or environmental problems, or the use is expected to create high levels of noise offsite and/or produce traffic problems, and/or could potentially disrupt the neighborhood. Major Temporary uses include, but are not limited to the following:~~
- ~~a. Concerts that have a duration of one (1) day to no more than three (3) days in a thirty (30) day period and are limited to two (2) events per year on the same property.~~
 - ~~b. Fairs and festivals that have a duration of one (1) day to no more than three (3) days in a thirty (30) day period and are limited to three (3) events per year on the same property.~~
 - ~~e. Outdoor temporary swap meets or auctions (limited to three (3) events per calendar year, four (4) days each).~~
 - ~~d. Short term, temporary industrial type operations related to car crushing/metal recycling where portable equipment is brought in to crush and process vehicles and prepare the metal for recycling.~~
 - ~~e. Weddings, receptions, or other social events where the function or event involves the owner, lessor, or lessee of the property and where monetary consideration or fees for such use of the property or attendance is involved.~~

~~**D. TEMPORARY USE PERMIT REVIEW PROCEDURES:** Applicants for a Temporary Use Permit are required to have a pre-application conference with the Planning Administrator or his/her designee. A checklist of submittal items shall be provided to the applicant. If the Planning Administrator determines that the proposed use is a Major Temporary use, as defined above, then a list of property owners within 300 feet of the subject property shall be generated and provided to the applicant. Notification to land owners may exceed the 300 foot distance at the discretion of the planning administrator. A County letter shall be provided to the applicant, and the letter shall state that the applicant intends to apply for a temporary use permit, and the letter shall provide a brief description of the proposed event or temporary use, its location and proposed times. The letter shall provide the Planning Administrators contact information and solicit comments from the~~

~~notified property owners. The applicant shall complete the mailing and obtain a USPS Certificate of Mailing of these letters before an application is submitted or accepted as complete~~

~~**E.** Application Process: An application for a Temporary Use Permit shall be filed with the Planning Department on the prescribed forms accompanied by the submittal items identified on the Planning Administrator's checklist supplied at the pre-application meeting. Applications for Major Temporary Uses Permits shall include a U.S. Postal Service certification of mailing to all land owners within 300 feet of the subject property. The Planning Administrator shall make a written determination if the application is either complete or insufficient for review within seven (7) days of receipt.~~

~~Application Review: The Planning Administrator may send the application materials to Eastern Idaho Public Health District, the County Engineer, the Sheriff's Office, the Fire Protection District, and/or any other public agencies, homeowners associations or other entities that may provide comment on the application materials. Within fourteen (14) days of determining an application complete, the Planning Administrator shall review the application materials and may approve or deny the Temporary Use application. In the case where an application is denied, the applicant may resubmit a substantially revised application or may appeal the Planning Administrator's decision to the Planning and Zoning Commission, who shall hold a Public Hearing and consider the appeal. (amd 2012 12 13)~~

~~**F.D.**~~

1. A completed application form, site plan, and required fees shall be submitted to the Planning Department at least sixty (60) days prior to the event.
2. Upon determination of a complete application, the Planning Administrator will promptly distribute the application for review by internal County departments and external agencies. Anything regulated in the Teton County Code will be reviewed for compliance.
3. If a proposed Temporary Use crosses multiple jurisdictions, the Planning Administrator will invite the other jurisdictions to review the application(s) together to ensure approvals do not conflict.
4. If the Temporary Use is considered a Type 2 Temporary Use, a DRC Meeting must be scheduled.

a. Development Review Committee (DRC) Meeting

- i. This meeting is to begin the discussion about the proposal and is not a forum for final decisions or for accepting comments concerning public support or opposition. No minutes of the meeting are required to be taken or provided at future meetings. Planning Department staff will take notes to summarize the findings from this meeting.
- ii. For Type 2 Temporary Use Permits, the following departments/agencies will always be invited to the DRC meeting:

1. Teton County Planning

2. Teton County Public Works/Engineer
 3. Teton County Sheriff
 4. Teton County Prosecuting Attorney
 5. Teton County Risk Manager
 6. Teton County Fire District
 7. Teton County Emergency Management
 8. Teton County Ambulance Service District
 9. Eastern Idaho Public Health, District 7
- iii. For Type 2 Temporary Use Permits, the following departments/agencies may be invited to the DRC meeting:
1. Other County Departments
 2. State and Federal Agencies
 3. Service/Utility Providers
 4. Neighboring Communities
5. If after the internal and external review and any necessary revisions to the application, the Planning Administrator finds that the application meets all applicable requirements of the Teton County Code, the Planning Administrator will approve or deny the application. A decision will be made within thirty (30) days of receiving a complete application. This time period may be extended if both the applicant and the Planning Administrator agree on an extension.
 6. If the Planning Administrator finds that the application does not meet all the applicable requirements of the Teton County Code, the Planning Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the application.
 7. Approval or denial of the application is based on whether or not the submittal meets or fails to meet the applicable requirements of the Teton County Code. The Planning Administrator may not modify a standard in the Teton County Code unless the requested modification is allowed.
 8. Filing Fee: A filing fee as set by the current fee schedule shall be submitted by the property owner or owner's representative at the time of filing an application. The County shall accept no application or filing fee until the applicant for consideration of the request submits a complete application with required information and data.

E. HOURS OF OPERATION AND SOUND LEVELS RESTRICTED

1. Hours of Operation:

- a. Temporary Uses are limited to hours of operation between the hours of 6:00 AM and 12:00 AM (midnight).

2. Sound Level:

- a. The use of amplified sound shall be regulated in such a manner that it shall not interfere with normal usage of any neighboring school, church, residence, or other permanent place of human habitation. A sound level in excess of one-hundred (100) decibels between 9:00 AM and 8:00 PM, in excess of eighty-five (85) decibels between 8:00 PM and 10:00 PM, and in excess of seventy (70) decibels between 6:00 AM and 9:00 AM and 10:00 PM and 12:00 AM (midnight) shall constitute interference, as measured by the Planning Administrator or Teton County Sheriff from an adjacent property.

3. A deviation from these standards may be obtained from the Planning Administrator if appropriate mitigation measures are taken.

F. CASH DEPOSIT OR BOND

1. The County may, as it deems necessary to comply with these standards and applicable permit review criteria, require a bond and damage or clean-up deposit, or other financial guarantee to provide that the site is restored to its former condition and any damages are repaired.

~~1~~a. Additional Services Required

- ~~2~~i. If an event requires the use of County or Emergency personnel and/or equipment (such as police, fire protection, medical services, etc.) in excess of services customarily supplied, the applicant shall pay those costs.
- ii. The deposit or its balance shall be returned when the Planning Administrator certifies that no damage has been done, the County did not incur additional expenses due to the event, or that the cost of additional services described above has been paid by the applicant.

G. LIABILITY INSURANCE

1. The applicant may be required to provide evidence of liability insurance providing for a minimum of one hundred thousand dollars (\$100,000.00) bodily injury coverage per person, three hundred thousand dollars (\$300,000.00) bodily injury coverage per occurrence, and one hundred thousand dollars (\$100,000.00) property damage coverage, naming the County as an additional insured.

H. ADDITIONAL PLANS, PERMITS, AND APPROVALS REQUIRED: The following plans, permits, and approvals will be required, as applicable, for any proposed Temporary Use with 250 or more expected attendees. These may be required for smaller events, as determined by the Planning Administrator.

1. Public Safety: A plan addressing the public safety, including medical services, fire protection, traffic safety, animal control, and crowd control. There may be additional fees for these services.
 - a. This may involve approval from the Teton County Sheriff, Teton County Ambulance District, Teton County Fire District, Teton County Public Works, and Idaho Transportation Department.
 - b. If an event will include the use of open flames, fireworks, or the sale of fireworks, an inspection and approval must be obtained from the Teton County Fire District.
 - c. For any event providing shuttle or valet parking, a parking plan will be required.
 - d. If any road closures, sidewalk closures, or restricted access is proposed, approval must be granted by Teton County Public Works and/or Idaho Transportation Department. A traffic plan including proposed closures and/or equipment being used may be required.
2. Sanitary and Waste Related Facilities:
 - a. A plan for sanitary facilities including the type, number, and location or proposed location of all toilets, washing facilities, and water supply facilities.
 - b. A plan for the use and placement of garbage and recycling containers. Any approval or permits required by the County's service provider shall be included in the application materials.
3. Food Vendors:
 - a. If food is to be served as part of the event, a Temporary Food Establishment License from Eastern Idaho Public Health, District 7 must be obtained and included in the application materials.
 - b. A plan may also be required that shows the type, number and location or proposed location of all food preparation and food service facilities.
4. Alcoholic Beverages
 - a. If alcohol beverages will be served and/or sold, an Alcohol License must be obtained from the State of Idaho and Teton County. These licenses must be included in the application materials. An alcohol management plan may also be required.
5. Signs:
 - a. Signage may be required for any life safety concerns.

- b. Any signs associated with a Temporary Use Permit must comply with the requirements of Chapter 9 of this Title.

6. Public Notice/Neighborhood Meeting:

- a. Public Notice in the form of a newspaper advertisement, published at least 15 days prior to the event, will be required at the expense of the applicant. A neighborhood meeting may be required by the Planning Administrator.
- ~~G~~.b. For smaller events, the Planning Administrator may require a newspaper notice, mailed notices to adjacent property owners within 300 feet, or on site postings. If the Temporary Use involves a routed activity, such as a bike race, the location of the event will be based on start/finish locations and any gathering points throughout the route that may have an impact (i.e. river access points if the event would transfer from the road to the river).

~~1. — Permit Conditions of Approval: Reasonable conditions may be required in connection with the approval of any temporary use permit which are deemed necessary to protect the public health, safety and welfare and the social and economic well being of those who will use the temporary use, residents and landowners immediately adjacent to the proposed use, and the community as a whole. Any condition imposed must be clearly specified in writing on the temporary use permit.~~

~~2. — Term of Permit: A temporary use permit issued pursuant to this section shall be limited to a maximum duration of 180 consecutive days per year, unless otherwise specifically authorized in the terms of the Temporary Use Permit or as otherwise provided in this section.~~

~~3. — Bond and Clean Up Deposit: In its approval of a Temporary Use Permit for a special event, the county may as it deems necessary to comply with these standards and applicable permit review criteria require provision for a bond and damage or clean up deposit, or other financial guarantee to provide that the site is restored to its former condition and any damages are repaired.~~

~~4. — Revocation: The Planning Administrator may revoke a Temporary Use Permit at any time when a condition or conditions of the permit is not being met and/or the public health, safety, or welfare is being compromised by the continued operations of the temporary permit or special event. The Planning Administrator shall issue a cease and desist order in order to revoke the permit.~~

~~H. — REVIEW APPROVAL CRITERIA USED FOR TEMPORARY USE PERMITS:~~

~~The review criteria of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.~~

I.

- 1. The design complies with the specific standards of this Code, without the granting of any variance.
- 2. All necessary permits and/or written approvals from other agencies have been obtained.
- ~~1.~~—Uses of land and structures that require installation of permanent water, sewer or electrical facilities, regardless of their seasonal or intermittent use or character are regulated as permanent uses of land and are not eligible for a Temporary Use Permit under this section.

8-6-3

3.

~~2.~~—The proposed site shall be adequately served by streets or highways and has sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.

4.

~~3.~~—The temporary use will have no significant adverse effect on nearby properties or jeopardize public health, safety, and general welfare.

5.

~~4.~~—Adequate parking will be provided to accommodate the vehicular traffic to be reasonably generated by such use. Parking will be available either on-site or at approved alternate locations.

6.

~~5.~~—Adequate sanitation facilities will be available on the site.

7.

~~6.~~—Permanent signs are prohibited. All temporary signs associated with the temporary use shall be erected no more than 14 days prior to the start of the event and shall be removed within 2 days after the activity ends.

~~7.~~~~8.~~The owner or operator of a temporary use shall be responsible for the storage and removal of all trash, refuse, and debris occurring on the site. Furthermore, all trash storage areas shall be screened from view of adjacent rights-of-way and the site must be maintained in a clean and safe manner.

~~8.~~~~9.~~No temporary use shall be established that is intended to be a permanent use on the site.

~~9.~~~~10.~~ The temporary use regulations of this subsection do not exempt the applicant or operator from any other required permits, such as health department permits.

11. The temporary use or special event has adequate security measures, according to the Teton County Sherriff's Office, to ensure public safety. Additional fees may be assessed by the Sheriff's Office.

12. The temporary use or special event has adequate fire protection and medical service measures, according to the Teton County Fire District and Ambulance District, to ensure public safety. Additional fees may be assessed by the Fire District or Ambulance District.

J. LENGTH TEMPORARY USE PERMIT APPROVAL IS VALID

1. A Temporary Use Permit issued pursuant to this division shall be limited to a maximum duration of 180 consecutive days per year, unless otherwise specifically authorized in the terms of the Temporary Use Permit or as otherwise provided in this division.

K. INSPECTIONS

1. By signing the application for a Temporary Use Permit, the applicant expressly grants permission to Teton County, Eastern Idaho Public Health, and the Teton County Fire Protection District to perform physical inspection of the premises used for the Temporary Use before issuing a permit, as well as to investigate any formal complaint filed with the Planning Department or Teton County Sheriff.

L. REVOCATION

1. The Planning Administrator or the Teton County Sheriff may revoke a Temporary Use Permit at any time when a condition or conditions of the permit are not being met and/or the public health, safety, or welfare is being compromised by the continued operations of the temporary use. The Planning Administrator shall issue a cease and desist order to revoke the permit.
2. The revocation of a Temporary Use Permit may result in the immediate cancellation of the Temporary Use Permit, denial of future Temporary Use Permits, and/or criminal prosecution.

M. APPEAL: Any affected person unsatisfied with an administrative decision on a Temporary Use Permit application that is related to a requirement in this Code can file an appeal.

1. Appeal Submittal:

- a. To begin the appeal process, submit a complete application form, along with the required application fees, to the County. The appeal application must be filed within 14 days of the date of decision.
- b. An official denial letter must be provided to the applicant prior to the application of an appeal.

2. Appeal Review:

- a. Appeal of the Planning Administrator's decision
 - i. Any appeal received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Commission for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.
 - ii. The Commission will, during a regularly scheduled public meeting, make findings and render a decision within 30 days after the public meeting on the administrative appeal.
- b. Appeal of the Commission's' decision

- i. Any appeal received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Board for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.
 - ii. The Board will, during a regularly scheduled public meeting, make findings and render a decision within 30 days after the public meeting on the administrative appeal.
 - c. Appeal of the Board's decision
 - i. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the Board.
 - ii. Any reconsideration request received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Board for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.
 - iii. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

3. Pursuit of Other Approvals While Appeal is Pending:

- a. The filing of an appeal means you can no longer move forward with any other approvals related to your development project until a decision has been made related to the appeal.

4. Criteria for Appeal Review:

- ~~10.~~a. The criteria for approving or denying the request are the same used for the original decision by the Planning Administrator. The Commission may affirm or reverse the Planning Administrator's decision based on the applicable standards in this Code.

CHAPTER 6

LAND USE PERMITS

SECTION:

- 8-6-1: Conditional Use Permit Procedures
- 8-6-2: Uses Permitted With Conditions Procedures
- 8-6-3 Temporary Uses
- 8-6-4 Home Occupation Permits

8-6-1: CONDITIONAL USE PERMIT PROCEDURES:

- A. SUBSTITUTION:** For the purpose of this title, the words “conditional use permit” have been substituted for “special use permit” as found in section 67-6512 of the Idaho Code. Section 67-6512 applies to all conditional use permits under the title.
- B. PROCEDURE:** Requests for a conditional use permit shall be submitted to the Planning Commission. Applications for conditional use permits shall be considered in accordance with the public hearing process in sections 67-6509 and 67-6512 of the Idaho Code. The Commission and Board shall each hold a public hearing. The Commission shall recommend approval with conditions or denial and the Board shall approve, deny or remand the application back to the Commission.
 1. Application Form: Application and checklist for conditional use permits shall be filed with the Commission on forms prescribed by the Commission accompanied by such data and information necessary to assure the fullest presentation of facts and evaluation of the requested permit.
 2. Filing Fee: A filing fee as set by the current fee schedule shall be submitted by the property owner or owner’s representation at the time of filing an application for a conditional use permit. The County shall accept no application or filing fee until the applicant for consideration of the request submits a complete application with required information and data.
 3. List of Property Owners: The applicant shall prepare and provide to the administrator a list including the name and mailing address of all known property owners who own property within 300 feet of the exterior boundaries of the proposed conditional use. If any lot in a subdivision falls within this area, all lot owners in the subdivision must be included on the list and must receive notice as provided herein.
 4. Notice of Hearing:
 - a. **Written Notice:** Notice shall be mailed at least 15 days prior to the public hearing to all such persons identified above. Notice must include the date, time, and place of the public hearing and a summary.

- b. **Publication of Notice:** The administrator shall cause notice of the public hearing to be published one (1) week in a local newspaper, at least 15 days prior to the scheduled public hearing setting forth the time, date, and place of hearing together with a summary of the proposed conditional use.
 - c. **Property Notification Posting.**
5. **Commission Decision:** The Commission shall make its decision within 45 days after all information and studies have been completed and reviewed by the Commission and the public hearing has been held.
6. **Public Hearing:** The Board shall schedule a public hearing following the same procedures as the Commission. The Board shall approve, deny, or modify the requested conditional use permit within 60 days of the public hearing.
7. **Criteria for Approval:** The Board, after considering the advice of the Commission, may approve a conditional use permit when evidence presented at the hearings is such to establish each of the following:
 - a. The location of the proposed use is compatible to other uses in the general neighborhood.
 - b. The proposed use will not place undue burden on existing public services and facilities in the vicinity.
 - c. The site is large enough to accommodate the proposed use and other features as required by this title.
 - d. The proposed use is in compliance with and supports the goals, policies, and objectives of the comprehensive plan.
8. **Specifications of Board:** Upon granting or denying a conditional use permit, the Board shall specify:
 - a. The ordinance and standards used in evaluating the application.
 - b. The reasons for the recommended approval or denial.
 - c. The actions, if any, the applicant could take to obtain a permit.
 - d. **Additional Conditions:** Upon granting of conditional use permit, conditions may be attached including, but not limited to:

- Controlling the duration of development;
- Assuring that development is maintained properly;
- Designating the exact location and nature of development;
- Requiring the provision for on-site public facilities or services;
- Requiring more restrictive standards than those generally required in this title;
- Minimizing adverse impact on other development;
- Controlling the sequence and timing of development;
- Designating of the number of non-family employees in the home occupation or home business based on the type of business and the location.

e. Commercial Development Agreement for all land uses in the C-1, C-2, C-3, and M zoning designations are required to include the following, as applicable:

- A site plan and/or survey prepared by a professional surveyor to include current and proposed plan.
- A professionally prepared landscaping plan.
- Financial guarantee for public improvements that may include but not be limited to: roads, phone, electric, water, sewer, fire protection, and lighting.
- Professionally prepared final construction drawings.

9. Studies; Transferability: Before granting or denying a conditional use permit, studies may be required on the social, economic, fiscal and environmental effects of the proposed conditional use. A conditional use is not transferable from one parcel of land to another.

10. Record: A record of hearings, findings made and actions taken shall be made.

11. Expiration: A conditional use permit will terminate 12 months from the date of authorization if commencement of authorized activity has not begun, unless otherwise specified in the conditions of the approval. The planning and zoning commission and/or the board of county commissioners may review conditional use permits at any time after approval if the conditions or use changes.

12. Appeal: Appeal of the decision of the board is subject to judicial review as provided in Idaho Code.

13. Judicial Review: An applicant denied a conditional use permit or aggrieved by a decision may, within 28 days after all remedies have been exhausted under this title, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

14. List of Issued Permits; Review: A list and/or files of conditional use permits will be maintained in the Planning Department by the Commission. Conditional use permits will be reviewed at least once every five (5) years after approval, unless conditions otherwise outlined in this title require review more often.

8-6-1-C Adopted December 16, 2010

C. REVOCATION AND MODIFICATION OF CONDITIONAL USE PERMITS: The Board of County Commissioners may revoke or modify any conditional use permit granted in accordance with the terms of this Chapter.

1. Grounds for Revocation or Modification: The Board of County Commissioners may revoke or modify any conditional use permit granted in accordance with the terms of this Chapter for any one or more of the following reasons:

a. There was a misrepresentation in the original application or hearing.

b. One or more of the terms, conditions or uses upon which such permit was granted has been violated or altered.

c. The use for which the permit was granted has become detrimental to the public health, safety, or welfare and such was not the condition at the time of approval.

2. Initiation of Action: A hearing to revoke or modify a permit may be initiated by the Planning Administrator, or at the request of the Planning Commission or the Board of County Commissioners setting forth the reasons for review.

3. Procedure: Any hearing to revoke or modify a permit shall be conducted in accordance with the public hearing process found in Sections 67-6509 and 67-6512 of the Idaho Code. The commission and board shall each hold a public hearing. The commission shall recommend modification or revocation or that no action be taken and the board shall modify, revoke, take no action or remand to the commission.

4. Public Hearing and Notice: Public hearing and notice shall follow the same provisions as outlined in Sections B-4 – B-6 of this Chapter.

8-6-2: USES PERMITTED WITH CONDITIONS PROCEDURES:

A. PROCEDURE: Applicants for a use permitted with conditions (PC) are required to have a pre-application conference with the planning administrator or his/her designee. Requests for a PC shall be submitted on the prescribed application form to the planning administrator who shall approve or deny the application. In the case where an application is denied, the applicant may choose to apply for a conditional use permit following the procedures in 8-6-1 above.

1. Application Form: Application and checklist for a PC permit shall be filed with the Planning Department on forms prescribed by the Commission accompanied by such data and information necessary to assure the fullest presentation of facts and evaluation of the requested permit.

2. Filing Fee: A filing fee as set by the current fee schedule shall be submitted by the property owner or owner's representative at the time of filing on application for a PC permit. The County shall accept no application or filing fee until the applicant for consideration of the request submits a complete application with required information and data.

3. Criteria for Approval: The standard conditions below are applicable to any proposed PC use in the identified zone district. These standard conditions are considered minimum conditions. Conditions other than the standard conditions are listed in Section B below for each PC use. Administrative conditions may be placed on the applicant prior to permit issuance and may be included in the PC permit by the planning administrator, when determined necessary from site evaluations, or as determined by Table 8-6-2.

- a. **Buffer:** Buffers not less than 20 feet in width from all property lines shall be provided and maintained, unless otherwise specified.
- b. **Screening:** Screening from adjacent uses or developments, including across a county road from such a use or development, shall be provided and maintained. Screening shall be accomplished by landscaping at least six (6) feet high and should be high altitude, native plant material, trees and shrubs or existing vegetation.
- c. **Lighting:** Outdoor lighting, current and future, shall comply with the Outdoor Lighting provisions of this Title, Section 8-4-6.
- d. **Parking:** The parking requirements of Title 8, Table 3 shall be met and the Americans with Disabilities Act (ADA) required handicap parking spaces provided. In lieu of the above, a parking plan prepared by a professional in the field shall be submitted to the planning administrator for consideration.
- e. **Hours of Operation:** Hours of operation shall be from 6:00 a.m. to 10:00 p.m. Monday through Saturday, unless otherwise specified in Title 8 or in the PC permit.
- f. **Signage:** Signage shall comply with the Title 8, Chapter 9 sign requirements.
- g. **Outside Storage:** Where outside storage is permitted, such use shall be located in the rear yard and a sight proof fence or natural screening shall be provided and maintained around the storage area at least one foot higher than the stored material.
- h. **Building Height:** Maximum height is 45 feet in the C-1, C-2, C-3, and M-1 districts, and 30 feet in all other districts, unless specified in Title 8.

- i. **Technical Studies:** For those uses identified by the planning administrator at the pre-application conference as needing technical studies, said studies shall be provided to the planning administrator along with the application for a Use Permitted with Conditions.
 - j. **Onsite Inspection:** The planning administrator may determine that there is a need for an inspection at any time.
4. **Expiration:** A PC permit will terminate 12 months from the date of permit issuance if commencement of the authorized activity has not begun, unless otherwise specified in the permit. The planning and zoning commission and/or the board of county commissioners may review uses permitted with conditions at any time after permit issuance to determine whether the use has changed or the conditions are not being followed.
5. **Appeal:** The decision of the planning administrator can only be appealed by filing an application for a conditional use permit according to Teton County Code, Title 8-6-1. Also, if a condition or conditions of a specified PC use as listed cannot be met by the proposal, an applicant may apply and follow the procedure for a conditional use permit.
6. **Revocation:** The Board may revoke a PC permit at any time when a condition or conditions of the permit are not being met.
7. **List of Uses Permitted with Conditions:** Files of uses permitted with conditions will be maintained in the Planning Department. PC permits will be reviewed at least once every year after approval, unless conditions otherwise outlined in this title require a review more often.
8. **Site Plan Required:** Whenever a condition listed in B below requires the submittal of a site plan, the proposed operation shall not commence until the site plan has been approved by the Planning Administrator and all required conditions have been met.
9. **Building Permits:** Any proposed structure must acquire a building permit before work on the structure may commence.

8-6-2-A

Table 8-6-2 Standard PC Conditions. A use in a listed zone district below shall comply with all conditions checked by an X for that use.	Buffer	Screening	Lighting	Parking	Hours of Operation	Signage	Outside Storage	Building Height	Technical Studies	Additional Inspections	Additional Comments
Agriculture											
Agricultural Processing Plant (A-20)	X		X		X		X				X
Beekeeping (A-2.5)	X						X				
Blacksmith (A-20, A-2.5)					X		X				
Commercial Feed Lot (A-20)	X	X					X		X	X	X
Dude Ranch (A-20, A-2.5)			X	X	X		X				
Plant Nursery/Greenhouse (A-20, A-2.5)	X	X	X	X	X	X	X	X			
Riding Academy (A-20, A-2.5, M-1)	X		X	X	X	X		X			
Riding/Training Stable (A-20, A-2.5, M-1)	X	X	X	X	X	X	X	X		X	
Wildlife Facility (A-20, A-2.5)				X	X	X	X				
Residential (amd. 2011-08-11)											
Day Care Facility, Group (A-20, A-2.5, R-1, C-2)				X	X	X				X	X
Dwelling, Accessory Unit (A-20, A-2.5)				X							
Wind Energy System (A-20, A-2.5, C-1, C-2, C-3, M-1)	X		X					X	X		X
Retail/Services/Office											
Animal Grooming / Training (A-20)				X	X	X					
Bed and Breakfast Residential (A-20, A-2.5)	X			X		X					
Composting Facility (A-20)	X							X	X	X	
Construction Materials Sales and Services (M-1)			X				X			X	
Heavy Equipment Sales Lot (M-1)	X	X	X	X	X	X	X				
Kennel/Animal Boarding, Pet Daycare (A-20)	X	X	X	X		X	X		X	X	
Storage Units (M-1)		X	X		X	X	X				
Vehicle Repair Shop (M-1)	X	X	X	X	X	X	X				
Vehicle Sales Lot (M-1)	X	X	X	X	X	X	X				
Vehicle Wash (M-1)	X	X	X		X						
Veterinary Clinic (A-20)		X	X	X		X					
Waste Material Resale Store (A-20, M-1)	X	X			X		X				

8-6-2-A

Table 8-6-2 Standard PC Conditions. A use in a listed zone district below shall comply with all conditions checked by an X for that use. --continued--	Buffer	Screening	Lighting	Parking	Hours of Operation	Signage	Outside Storage	Building Height	Technical Studies	Additional Inspections	Additional Comments
Manufacturing											
Building Trades Subcontractor (A-20, M-1)		X	X	X		X	X				
Cabinet Shop (M-1)							X				X
Clothing Manufacture (M-1)				X	X	X					
Construction/General Contractor (A-20, M-1)	X	X	X	X	X		X			X	
Furniture/Fixtures Manufacture (M-1)	X	X	X	X	X	X	X			X	
Landscaping Contractor Business (A-20, M-1)		X	X	X	X	X	X				
Lumber Yard (M-1)	X	X	X	X	X	X	X				
Manufacturing, Industrial (M-1)	X	X	X	X	X	X	X				
Manufacturing, Light (M-1)	X	X	X	X	X	X	X				
Sheet Metal Fabrication (M-1)		X			X		X			X	
Storage Facility (M-1)	X		X								
Storage Yard (A-20, C-1, C-2, C-3, M-1)	X	X					X				
Vehicle Body Shop (M-1)	X	X	X	X	X	X	X				
Vehicle Storage (M-1)	X	X	X	X	X	X	X				
Warehouse and Distribution (M-1)					X		X		X		X
Welding / Machine Shop (M-1)					X		X				X
Wood Products (M-1)	X	X	X	X	X	X	X			X	
Public/ Quasi-Public											
Cemetery (A-2.5)	X	X	X	X	X	X	X	X		X	
Emergency Service Station (A-20, A-2.5)		X	X			X		X			
Playground (A-20, A-2.5, R-1, R-2, C-1, C-2, C-3)			X	X	X	X					
Utility Building and Services (A-20, A-2.5)		X	X	X			X	X		X	
Water Supply or Treatment Facility (A-20, A-2.5)	X	X					X	X			

(amd 04-11-2013)

B. PERMITTED WITH CONDITIONS - RESTRICTIONS

Uses Permitted with Conditions are allowed by permit in the listed zoning district when certain supplementary conditions are met, as described below.

1. Agricultural Processing Plant (A-20)
 - a. There shall be no retail sales on the premises;
 - b. The facility shall not be open to the public;
 - c. Health regulations shall be followed at all times;
 - d. All activities shall be conducted within an enclosed building;
 - e. Noise shall not exceed 60 decibels at the property boundaries; and
 - f. Odors and fumes shall not be detectable beyond the walls of the building in which the use is conducted.

2. Animal Grooming / Training (A-20)
 - a. Hours of operation shall be limited to the hours of 7:00 am to 6:00 pm Monday through Saturday;
 - b. The sale of pet and veterinary products shall be incidental to the operation;
 - c. All animals shall be kept in an enclosed structure except for walking, outdoor exercise, or training when accompanied and controlled by an employee of the business;
 - d. An employee, or the owner, shall always be on-site when there is an animal at the facility;
 - e. Signage shall not exceed six (6) square feet;
 - f. The sales and breeding of animals are prohibited;
 - g. There shall be no more than three (3) animals outdoors at one time;
 - h. When outdoors, animals shall be leashed, except for training exercises;
 - i. Animal runs and exercise areas shall not be located in the front yard or within 50 feet of a property boundary;
 - j. All applicable local and state operational requirements shall be met;
 - k. There shall be a minimum of one (1) parking space for every employee; and
 - l. No vehicles shall be parked in any landscaped area on the property or within a road right-of-way.

3. Bed and Breakfast, Residential (A-20 and A-2.5)
 - a. If located in an existing residence, the exterior residential appearance of the dwelling shall be maintained. If an addition is to be made to an existing residence or a new structure is to be constructed, building elevations shall be submitted for approval, and a residential appearance shall be maintained.
 - b. The maximum number of guest rooms shall be three (3).
 - c. Parking areas shall be located on the side or rear of the property and shall be screened from adjacent residential properties by a solid screen fence or a wall.
 - d. A minimum of a 30 foot buffer shall be required on all sides of the premises where a residential structure is within 200 feet of the Bed and Breakfast residence. If there is an existing residential structure within 200 feet of the Bed and Breakfast residence, a 30 foot buffer shall be required.

- e. Signage for the Bed and Breakfast shall be limited to one (1) entrance sign not to exceed the requirements of Chapter 9 of this Title.
 - f. Food service may be provided to guest rooms. No cooking or food preparation is allowed in guest rooms. Approval for food service must be received from the appropriate Idaho Public Health District and the Teton County Fire Marshal.
 - g. The Bed and Breakfast shall comply with all requirements of the Planning Department, the local fire district, the state health department, and other public agencies exercising jurisdiction over the establishment or operation.
 - h. The Fire District, Public Health District, and Teton County Planning Department shall be permitted to perform inspections as in any other business.
 - i. No person shall be a guest of a Bed and Breakfast for more than 14 consecutive days.
 - j. If the Planning Administrator does not approve a Permitted with Conditions application for a Bed and Breakfast, the applicant may choose to have said application forwarded to the Commission and the Board for a decision via a CUP. In determining whether a bed and breakfast is an appropriate use in the proposed location, the Commission and the Board may consider the following:
 - i. Whether the use is appropriate in view of the use, development, and zoning of adjacent and nearby property;
 - ii. Whether the use will adversely affect the existing use or usability of adjacent or nearby property;
 - iii. Whether the use is in conformity with the policy and implementation statements of the County's comprehensive plan; and
 - iv. Whether there are existing or changing conditions affecting the use or development of the property that give supporting grounds for either approval or denial of the proposed use.
4. Beekeeping (A-20)
- a. The minimum parcel size shall be one (1) acre;
 - b. There shall be a maximum of eight (8) colonies per parcel regardless of parcel size;
 - c. Colonies shall be set back a minimum of 75 feet from property lines;
 - d. A constant fresh water source shall be located or provided on the property designed to allow bees to access water by landing on a hard surface. A water supply is not required during inactive months;
 - e. A four (4) to six (6) foot high barrier shall enclose the hive(s) no closer than ten (10) feet from the hive(s). The barrier may be vegetative, wall, fence, or combination thereof;
 - f. Combs and other discarded hive materials shall be promptly disposed of in a sealed container or placed in a building or other bee-proof enclosure;
 - g. Any colony exhibiting aggressive unprovoked behavior shall immediately be destroyed and re-queened with a queen bred for gentleness and non-swarming characteristics;
 - h. Colonies shall be kept in hives with removable frames with adequate space and management to prevent overcrowding and swarming; and
 - i. Hives shall be actively maintained in usable condition or promptly disassembled.

5. Blacksmith (A-20, A-2.5)
 - a. All activities shall be conducted within an enclosed building;
 - b. Outdoor storage is prohibited;
 - c. Hours of operation is limited to 7:00 am to 6:00 pm, Monday through Saturday;
 - d. Noise shall not exceed 60 decibels at the property boundaries;
 - e. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted; and
 - f. The operation shall comply with all applicable local, state and federal requirements, including fire protection.

6. Building Trades Subcontractor (A-20, M-1)
 - a. All storage of machinery or equipment shall be placed in the rear or side yards of the building and screened from road views according to Chapter 12 and of sufficient height to hide the storage area;
 - b. Storage areas not readily visible from any road need not provide the screening required in “a” above; and
 - c. If located in an A-20 zoning district, the subcontractor shall be a resident of the premises.

7. Cabinet Shop (M-1)
 - a. All activities shall be conducted within an enclosed building;
 - b. Noise shall not exceed 60 decibels at the property boundaries; and
 - c. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.

8. Cemetery (A-2.5)
 - a. All State and Federal regulations and requirements shall be met;
 - b. The height of structures shall not exceed 35 feet;
 - c. Structures shall not be closer than 100 feet to any property boundary. An above-ground mausoleum shall provide 50 feet of vegetative screening along the property lines adjoining other parcels, according to the screening standards in Chapter 12;
 - d. The minimum lot size for a cemetery is 15 acres and the minimum lot size for a mausoleum without a cemetery is five (5) acres;
 - e. Vehicles are prohibited from parking on an access road or drive, and one (1) parking space is required per 400 square feet of sales or office area. Temporary parking on interior drives is permitted for grave site ceremonies;
 - f. Hours of operation are from dawn to dusk; and
 - g. Access shall be via a county or State maintained road.

9. Clothing Manufacture (M-1)
 - a. All activities shall be conducted within an enclosed building;
 - b. There shall be no retail sales on the premises;
 - c. Noise shall not exceed 60 decibels at the property boundaries; and
 - d. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.

10. Commercial Feedlot (A-20)

- a. Any agriculture-related feeding or disposal activity as defined in Chapter 2 shall obtain the proper National Pollutant Discharge Elimination System (NPDES) permit (construction permit and operation permit) when required;
- b. All livestock and poultry shall be kept confined to the premises by erection and maintenance of a stock-tight fence and necessary cattle guards;
- c. Pens, buildings, corrals, and yards other than open pastures shall not be closer than 100 feet to any road, highway, or existing residential structure; and
- d. The Confined Animal Feeding Operation (CAFO) shall be a minimum of 1,000 feet from a sinkhole, water supply well or reservoir or losing reach of a stream listed as a waterway in Title 9, 9-2-2.

11. Composting Facility (A-20)

- a. A site plan shall be submitted containing the following information:
 - i. Property boundaries;
 - ii. Dimensions of the area to be used for the operation;
 - iii. Location of the compost piles;
 - iv. Location of any existing structures in the operating area;
 - v. Location of any proposed structures;
 - vi. Distance to the property boundaries for the operation and all structures to be used for the operation;
 - vii. All rights-of-way and easements on the property;
 - viii. Structures off-site that are less than 200 feet from the property; and
 - ix. Existing and proposed access to the operation
- b. The minimum lot size for a composting operation is two (2) acres;
- c. The operation of the facility is restricted to the hours between 7:00 am and 6:00 pm Monday through Saturday;
- d. Access through a private subdivision is prohibited;
- e. All access points to a county road or State highway shall be marked and signed to warn traffic to/from the compost facility;
- f. When an existing residential dwelling is located within 200 feet of the operating area, a 100 foot buffer shall be maintained;
- g. Where no residential dwelling is located within 200 feet of the operating area, a 50 foot buffer shall be maintained;
- h. Screening, according to Chapter 12, shall be required when an existing residential dwelling is located within 100 feet of the operating area; and
- i. The county engineer shall determine if erosion and sedimentation controls are needed.

12. Construction/General Contractor (A-20, M-1)

- a. All storage of machinery or equipment shall be placed in the rear or side yards of the building and screened from road views according to Chapter 12 and of sufficient height to hide the storage area;
- b. Storage areas not readily visible from any road need not provide the screening required in “a” above; and
- c. If located in an A-20 zoning district, the contractor shall be resident of the premises.

13. Construction Materials Sales and Service (M-1)

- a. Storage of materials outdoors shall be located to the rear or in the side yards of the building and fully screened from road views according to Chapter 12 and of sufficient height to hide the storage area.
- b. Seasonal sales materials may be stored outdoors in front of the building provided that:
 - i. Such materials shall be limited to placement adjacent to the front wall and outside of any drive, walkway, or parking area;
 - ii. A six (6) foot minimum width walkway separate the materials from any paved drive or parking area;
 - iii. Seasonal materials shall not be displayed, stored, or sold in the open for longer than 90 days in any calendar year;
- c. The operation shall not involve the use of external speakers.

14. Day Care Facility, Group (A-20, A-2.5, R-1, C-2) (amd. 2011-08-11)

- a. All Group Day Care facilities shall be licensed by the State Prior to providing daycare for more than 6 children and shall maintain all licensure requirements.
- b. A parking and/or drop-off area shall be designed entirely within the property and shall not depend upon the use of public or private roadways for parking or drop-offs. The drop-off parking area should accommodate three vehicles at one time, not including the vehicles of the residents.
- c. Roadway and traffic impacts to private subdivision and/or public roads are possible and may require some proportionate mitigation as recommended by the County Engineer.
- d. Group Day Care facilities located in the A-20, A-2.5 and R-1 residential districts shall have no sign larger than six (6) square feet, in accordance with Permitted Signs, 8-9-4 (G-3).
- e. Group Day Care facilities are subject to inspections by regulatory state and local agencies, including Teton County Planning Department to ensure compliance with all applicable regulations.
- f. Regular hours of operation are limited to twelve hours per day.

15. Dwelling, Accessory Unit (A-20, A-2.5)

- a. An accessory dwelling unit shall be a completely separated and independent additional living unit;
- b. It shall have its own kitchen, bathroom facilities, and sleeping area;
- c. If detached from the primary residential unit, its appearance shall be that of the primary unit or of the same character of the neighborhood and meet the setbacks of the zoning district in which it is located; and
- d. Two (2) off-street parking spaces shall be provided for the accessory unit.

16. Dude Ranch (A-20, A-2.5)

- a. A dude ranch shall be located on a parcel of at least 20 acres;
- b. The maximum number of guests shall be limited to one-half (.5) guests per acre;
- c. Where activities require the use of public lands, the dude ranch shall abut these lands or have access to them by a recorded access agreement or easement across intervening lands or by a public road;

- d. Use of public lands for the activities provided by the dude ranch shall have permission from the appropriate agency;
 - e. Central dining facilities shall be provided for guests;
 - f. Guest units shall not have cooking or eating facilities;
 - g. Up to six (6) one day events may be held per year for guests who want to visit but not stay overnight;
 - h. Intense recreational facilities such as a golf course or campground shall not be provided;
 - i. The sale of meals to persons who are not overnight guests of the dude ranch shall be prohibited, except for special events;
 - j. Guest units shall not be rented or sold for a dwelling unit;
 - k. A site plan shall be submitted that addresses the use of motorized vehicles to, from, and within the site, including description of the types of vehicles and road and trail locations;
 - l. Employee and guest parking shall be located entirely on-site;
 - m. The site plan shall also show that a minimum of 60% of the property remains as open areas; and
 - n. All dude ranch facilities shall be clustered to not exceed two (2) percent of the total site area and shall not be closer than 200 feet to any property boundary or county road.
17. Emergency Service Station (A-20, A-2.5)
- a. A site plan shall be submitted that shows there is sufficient area for buildings, required setbacks, and off street parking;
 - b. The site shall be in an appropriate geographical location to its service area;
 - c. Access is adequate to and from principal roads; and
 - d. Low impact screening according to Chapter 12 shall be provided and maintained along the side and rear property boundaries.
18. Furniture / Fixtures Manufacture (M-1)
- a. All activities shall be conducted within an enclosed building;
 - b. There shall be no retail sales on the premises;
 - c. Noise shall not exceed 60 decibels at the property boundaries; and
 - d. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.
19. Heavy Equipment Sales Lot (M-1)
- a. Vehicles shall be stored within an enclosed building except as provided below;
 - b. All outdoor storage shall secure behind six (6) to eight (8) foot high screening, incorporating landscape berms wherever possible;
 - c. Side and rear property boundaries shall be screened;
 - d. Equipment or materials stored outdoors shall not protrude above the screening;
 - e. Security lighting of outdoor storage areas shall be provided, such lighting meeting the requirements of Section 8-4-6;
 - f. The site shall include an adequate off-street loading/unloading area;

- g. Equipment stored on-site shall be contained in a paved or gravel area separate from the required parking spaces;
- h. No equipment shall be parked in any landscaped screening area on the property or within a road right-of-way;
- i. Driveways, parking lots, and loading/unloading areas shall be paved;
- j. Boats shall not be repaired on the site;
- k. All maintenance services shall be conducted entirely within an enclosed building;
- l. Maintenance facilities or doors shall be oriented so that the doors do not face a public road right-of-way or a residential use unless there is an intervening building or a minimum 30 foot landscape screening according to Chapter 12;
- m. No gasoline or fuel of any kind shall be sold or dispensed on the site;
- n. The site shall be maintained in a safe, sanitary, orderly condition which does not constitute a public nuisance or adversely affect adjoining properties;
- o. All inoperable, dismantled, or damaged equipment shall be located entirely within an enclosed building at all times;
- p. The site shall be attended on days of operation; and
- q. The use of loud speakers or other exterior amplification devices shall be prohibited.

20. Kennel / Boarding / Pet Daycare (A-20)

- a. A site plan shall be submitted along with the application for a Permitted with Conditions permit and shall contain:
 - i. Property boundaries;
 - ii. Dimensions of the area to be used for the kennel operation;
 - iii. Location of the kennels and runs;
 - iv. Location of any existing structures in the kennel area;
 - v. Location of any proposed structures;
 - vi. Distance to the property boundaries for the kennels and runs and all structures to be used for the operation;
 - vii. All rights-of-way and easements on the property;
 - viii. Structures off-site that are less than 200 feet from the property; and
 - ix. Existing and proposed access to the kennel operation;
- b. The minimum lot size for a kennel operation shall be two and one-half (2 ½) acres;
- c. The maximum number of adult animals (over six months of age) kept on the property at any time shall be six (6);
- d. The outdoor runs and boarding areas may operate 24 hours per day, seven days a week;
- e. Where indoor grooming is performed and/or pet supplies are being sold, the structure containing this part of the operation shall be limited to being open between the hours of 7:00 am and 6:00 pm Monday through Saturday;
- f. The sale of pet or veterinary products shall be incidental to the kennel business;
- g. Veterinary care shall be incidental to the kennel operation;
- h. An employee or the owner shall always be on-site when there is an animal at the facility

- i. When outside an enclosed building, coop, or run, animals shall be accompanied and controlled by an employee of the kennel;
- j. Access through a private subdivision is prohibited;
- k. When an existing residential dwelling is located within 200 feet of the kennel operating area, a 100 foot buffer shall be maintained;
- l. Where no residential dwelling is located within 200 feet of the operating area, a 50 foot buffer shall be maintained;
- m. Screening, according to Chapter 12, shall be required when an existing residential dwelling is located within 100 feet of the kennel operating area;
- n. All county and State permits shall be displayed on the site; and
- o. Animal waste shall be picked up on a daily basis and disposed of in a proper manner following Idaho Code Title 39 if applicable.

21. Landscaping Contractor/Business (A-20, M-1)

- a. All storage of machinery or equipment shall be placed in the rear or side yards of the building and screened from road views according to Chapter 12 and of sufficient height to hide the storage area;
- b. Storage areas not readily visible from any road need not provide the screening required in “a” above; and
- c. If located in an A-20 zoning district, the contractor shall be a resident of the premises.

22. Lumber Yard (M-1)

- a. All storage of materials outdoors shall be located to the rear or side yards of the building and fully screened from road views according to Chapter 12 and of sufficient height to hide the storage area;
- b. There shall be provided and maintained a minimum six (6) foot high opaque fence with low impact screening according to Chapter 12 along the side and rear property boundaries;
- c. There shall be no manufacture or fabrication of lumber products or sawmill operations;
- d. There shall be no storage or sale of firewood; and
- e. The operation shall not involve the use of external speakers.

23. Manufacturing, Industrial (M-1)

- a. All activities shall be conducted within an enclosed building;
- b. There shall be no retail sales on the premises;
- c. Noise shall not exceed 60 decibels at the property boundaries; and
- d. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.

24. Manufacturing, Light (M-1)

- a. All activities shall be conducted within an enclosed building;
- b. There shall be no retail sales on the premises;
- c. Noise shall not exceed 60 decibels at the property boundaries; and
- d. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted;

25. Plant Nursery / Greenhouse (A-20, A-2.5)

- a. Customer parking shall be provided and paved with either asphalt or concrete;
- b. Employee parking shall be either paved or gravel;
- c. Vehicles, nursery product, and other materials shall not be located in the road right-of-way;
- d. Structures shall be in compliance with Building Codes;
- e. Greenhouses shall be located a minimum of 50 feet from road rights-of-way and from any property zoned or used for residential purposes;
- f. Storage of materials, except plants, shrubs, and trees, shall be located to the rear or in the side yards of a building (if applicable) and screened from road views.

26. Riding Academy (A-20, A-2.5, M-1)

- a. There shall be no more than six (6) special events per year associated with the riding academy, including shows, clinics, or contests;
- b. All piles of feed or bedding shall be located at a minimum of 50 feet from any county or State maintained right-of-way or any adjacent property boundary in order to minimize odor and nuisance problems;
- c. Manure piles:
 - i. Shall be stored for removal within an enclosure a minimum of 60 cubic feet in size;
 - ii. Shall be removed from the premises at least one (1) time per week and/or applied to, or harrowed into, an agricultural field meeting all local, State, and Federal requirements for land application;
 - iii. May be composted if the operation meets all local, state, and federal requirements for composting; and
 - iv. Shall be stored no closer than 200 feet to any parcel boundary or county or State maintained right-of-way.
- d. Bathroom facilities shall be provided meeting the requirements of the State of Idaho;
- e. Customer visits and deliveries to the property shall be limited to the hours of 7:00 am to 8:00 pm daily;
- f. All parking shall be off-street and on-site, spaces screened from view of neighboring properties following Chapter 12, and customers shall not be allowed to park in the front yard;
- g. The number of horses boarded on the site shall be limited to three (3) per acre of the riding academy area;
- h. All applicable local, state, and federal requirements shall be met, including health and fire protection;
- i. There shall be no permanent outside speakers or sound systems; and
- j. All lighting illuminating the outdoor riding area shall be turned off no later than 8:00 pm and comply with 8-4-6 of this Title.

27. Riding / Training Stable (A-20, A-2.5, M-1)

- a. The minimum parcel or lot area shall be two and one-half (2 ½) acres, which includes two animal units, and two (2) acres for each additional animal unit;

- b. All piles of feed or bedding shall be located at a minimum of 50 feet from any county or State maintained right-of-way or any adjacent property boundary in order to minimize odor and nuisance problems;
- c. Manure piles:
 - i. Shall be stored for removal within an enclosure a minimum of 60 cubic feet in size;
 - ii. Shall be removed from the premises at least one (1) time per week and/or applied to, or harrowed into, an agricultural field meeting all local, State, and Federal requirements for land application;
 - iii. May be composted if the operation meets all local, state, and federal requirements for composting; and
 - iv. Shall be stored no closer than 200 feet to any parcel boundary or county or State maintained right-of-way.
- d. All points on the perimeter of any stable building and/or corral shall be at least 50 feet from the nearest parcel boundary line or right-of-way line of the parcel on which it is located; and
- e. There shall be no more than one (1) such stable operation/facility allowed per parcel.

28. Sheet Metal Fabrication Shop (M-1)

- a. All activities shall be conducted within an enclosed building;
- b. Noise shall not exceed 60 decibels at the property boundaries; and
- c. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted.
- d. The operation shall comply with all applicable local, state and federal requirements, including fire protection.

29. Storage Facility (M-1)

- a. A site plan shall be submitted that includes detailed information on access, driveways, parking spaces, storage areas, screening, and loading and unloading areas;
- b. The activity shall be conducted entirely within a non-combustible building or area surrounded on all sides by a fence, wall, or approved alternative;
- c. Any such fence or wall shall:
 - i. Have a height adequate to obscure all parts, supplies, or other items from normal view of the public;
 - ii. Have a height of at least eight (8) feet;
 - iii. Have a uniform height, texture, color, and be generally consistent with the character of the neighborhood; and
 - iv. Be maintained so as to ensure the health, safety, and welfare of the public are preserved.
- d. Existing site features that provide complete visual screening may be an alternative to constructing a new fence or wall;
- e. Storage shall not exceed the height of the approved fence or wall; and
- f. Materials (boats, equipment, goods) shall not be stored, loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, wall, or alternative screening, or within a road right-of-way.

30. Storage Units (M-1)

- a. The use shall be conducted entirely within a non-combustible building or area screened on all sides;
- b. Any such screening shall:
 - i. Have a height adequate to obscure all materials, parts, supplies, or other items from normal view of the public;
 - ii. Have a height of at least eight (8) feet;
 - iii. Have a uniform height, texture, color, and be generally consistent with the character of the neighborhood;
 - iv. Be maintained so as to ensure the health, safety, and welfare of the public are preserved;
- c. Existing site features that provide complete visual screening may be used;
- d. Storage shall not:
 - i. Exceed the height of the screening;
 - ii. Be loaded, unloaded, or otherwise placed either temporarily or permanently outside of the enclosed building or screened area, or within a road right-of-way;
- e. The site shall include an adequate off-street loading/unloading area;
- f. Storage on the site must be contained in a paved or gravel area separate from required parking spaces;
- g. No vehicles shall be parked in any landscape area on the property or within the road right-of-way; and
- h. Driveways, parking lots, and loading/unloading areas shall be paved.

31. Storage Yard (A-20, C-1, C-2, C-3, M-1) (amd 04-11-2013)

- a. Where the actual or proposed storage of materials meets the technical definition of a storage yard, as determined in writing by the Planning Administrator, all storage of machinery, equipment, scrap material, or other items shall be reasonably screened year round from public roads, including subdivision roads, and from abutting residential structures. The screening shall also be of sufficient height to hide the storage materials. Depending on the type and amount of materials being stored, and the proximity to nearby residences, the Planning Administrator may require that the screening standards in Chapter 12 of Title 8 be applied to a given storage yard.
- b. In the A-20 District only, storage yards not readily visible from any road or residential lot need not provide the screening required in “a” above.
- c. The types of materials being stored are subject to review and inspection to determine if there are risks they might cause ground water contamination, fugitive dust, odors, fumes, or pose a fire hazard. Consultation and approval by the Fire District and/ or Idaho Department of Environmental Quality may be a condition of issuance of a permit for a storage yard.
- d. No storage of uncovered items are permitted that might reasonably be blown away by the wind.
- e. The square footage of area that the storage yard may occupy is subject to restrictions based on the site-specific characteristics of the location, the screening and proximity to residential lots.

32. Utility Building and Services (A-20, A-2.5)

- a. The building or premises shall be enclosed and the appearance shall be in keeping with the neighborhood.
- b. Screening according to Chapter 12 shall be provided and maintained.

33. Vehicle Body Shop (M-1)

- a. Vehicles shall be set back 30 feet from all property lines or in compliance with the district's or development agreement's setback requirements, whichever are more restrictive;
- b. No fencing is permitted in the area forward of the main building, or if there is no building on the premises, within the front yard setback;
- c. Any storage areas shall be paved;
- d. The shop station shall be located within 500 feet of a county classified principal or major collector road;
- e. All activities shall be conducted within an enclosed building or fully screened area;
 - i. Medium impact screening from an adjacent residentially zoned property or from an existing residential use shall be required on-site, according to Chapter 12 of this ordinance. No screening shall be required when facing a road;
- f. Noise shall not exceed 60 decibels at the property boundaries;
- g. Shop buildings shall be adequately vented;
- h. Odors or fumes shall not be detectable beyond the walls of the building where the repair services are conducted;
- i. Overhead doors facing an adjacent existing residential use are to remain closed when repairs are being made; and
- j. Hours of operation shall be limited to 7 am to 7 pm, Monday – Saturday.

34. Vehicle Repair Shop (M-1)

- a. Vehicles shall be set back 30 feet from all property lines or in compliance with the district's or development agreement's setback requirements, whichever are more restrictive;
- b. No fencing is permitted in the area forward of the main building, or if there is no building on the premises, within the front yard setback;
- c. Any display or storage area shall be paved and the vehicles arranged in an orderly manner with at least three (3) feet separation between each vehicle.
- d. The shop/service station shall be located within 500 feet of a county classified principal or major collector road;
- e. All activities shall be conducted within an enclosed building or fully screened area;
 - i. Medium impact screening from an adjacent residentially zoned property or from an existing residential use shall be required on-site, according to Chapter 12 of this ordinance. No screening shall be required when facing a road.
- f. Noise shall not exceed 60 decibels at the property boundaries;
- g. Odors or fumes shall not be detectable beyond the walls of the building where the repair services are conducted;

- h. Overhead doors facing an adjacent existing residential use are to remain closed when repairs are being made; and
- i. Hours of operation shall be limited to 7 am to 7 pm, Monday – Saturday.

35. Vehicle Sales Lot (M-1)

- a. The site shall include an adequate off-street loading/unloading area;
- b. Any display or storage area shall be paved and the vehicles arranged in an orderly manner with at least three (3) feet separation between each vehicle;
- c. All vehicles on the sales lot shall be in operational condition at all times;
- d. Vehicles stored on-site shall be contained in an appropriately paved or gravel area separate from the required parking spaces;
- e. No vehicles shall be parked in any landscaped screening area on the property or within a road right-of-way;
- f. Driveways, parking lots, and loading/unloading areas shall be paved;
- g. All maintenance services shall be conducted entirely within an enclosed building;
- h. Maintenance facilities or doors shall be oriented so that the doors do not face a public road right-of-way or a residential use unless there is an intervening building or a minimum 30 foot landscape screening according to Chapter 12;
- i. No gasoline or fuel of any kind shall be sold or dispensed on the site;
- j. All applicable local, State, and Federal regulations and requirements shall be met;
- k. All dismantled or damaged vehicles shall be located entirely within an enclosed building at all times;
- l. The site shall be attended on days of operation; and
- m. The use of loud speakers or other exterior amplification devices shall be prohibited.

36. Vehicle Storage (M-1)

- a. Vehicles shall be stored within an enclosed building except as provided below;
- b. All outdoor storage shall be secure behind a six (6) to eight (8) foot high screening, incorporating landscape berms wherever possible;
- c. Side and rear property boundaries shall be screened;
- d. Vehicles or materials stored outdoors shall not protrude above the screening;
- e. Security lighting of outdoor storage areas shall be provided, such lighting meeting the requirements of Section 8-4-6;
- f. The site shall include an adequate off-street loading/unloading area;
- g. Vehicles stored on-site shall be contained in an appropriately paved or gravel area separate from the required parking spaces;
- h. No vehicles shall be parked in any landscaped screening area on the property or within a road right-of-way;
- i. Driveways, parking lots, and loading/unloading areas shall be paved;
- j. Boats and recreation vehicles may be maintained on site, but shall not be repaired on site;
- k. All maintenance services shall be conducted entirely within an enclosed building;

- l. Maintenance facilities or bays shall be oriented so the access doors for vehicles do not face a public road right-of-way or a residential use unless there is an intervening building or a minimum of a 30 foot landscape buffer;
- m. No gasoline or fuel of any kind shall be sold or dispensed on the site;
- n. The site shall be maintained in a safe, sanitary, orderly condition which does not constitute a public nuisance or adversely affect adjoining properties;
- o. All inoperable, dismantled, or damaged vehicles shall be located entirely within a building at all times;
- p. The site shall be attended on days of operation; and
- q. The use of loud speakers or other exterior amplification devices shall be prohibited.

37. Vehicle Wash (M-1)

- a. There shall be no outdoor overnight parking or storage of vehicles, equipment, or materials;
- b. No queuing of vehicles shall be allowed in a road right-of-way;
- c. Vehicles shall not be parked on any road;
- d. Drives shall be paved;
- e. There shall be no body work or repairs conducted at the facility;
- f. Convenient and accessible trash enclosures shall be provided;
- g. Dumpsters shall be screened by an enclosure so as not to be seen from a road;
- h. The facility shall be connected to a sanitary sewer;
- i. Noise shall not exceed 60 decibels at the property boundaries; and
- j. The premises shall be kept free of weeds, trash, and debris.

38. Veterinary Clinic (A-20)

- a. Animal runs and exercise areas shall not be located in the front yard or within 50 feet of a property boundary;
- b. All applicable local and state operational requirements shall be met;
- c. There shall be a minimum of one (1) parking space for every employee; and
- d. No vehicles shall be parked in any landscaped area on the property or within a road right-of-way.

39. Warehouse and Distribution (M-1)

- a. There shall be no retail sales on the premises;
- b. The main warehouse and distribution building shall not exceed 35,000 square feet; and
- c. A traffic plan approved by the Planning Administrator shall be required.

40. Waste Material Resale Store (A-20, M-1)

- a. The use shall be conducted entirely within a non-combustible building or area surrounded on all sides by a fence, wall, or complete visual screening;
- b. The fence, wall or screening shall:
 - i. Have a height adequate to obscure all materials, parts, supplies, or other items from normal view of the public;
 - ii. Have a height of at least eight (8) feet;

- iii. Have a uniform height, texture, color, and be generally consistent with the character of the neighborhood; and
- iv. Be maintained so as to ensure the health, safety, and welfare of the public are preserved.
- c. Buildings shall be set back 100 feet from all property lines;
- d. Waste resale materials shall not be stored, loaded, unloaded, or otherwise placed either temporarily or permanently outside of the enclosed building, fence, wall, screening, or within road rights-of-way;
- e. A site plan shall be submitted that details information on access, driveways, parking spaces, storage areas, screening, and loading and unloading areas;
- f. Waste resale materials must be contained in a paved or gravel area separate from the parking, driveway, loading, or unloading spaces;
- g. Vehicles shall not be parked in any landscape or screening on the property or within a road right-of-way;
- h. The site shall be maintained in a safe, sanitary, and orderly condition that does not constitute a public nuisance or adversely affect adjoining properties;
- i. The site shall be attended on days of operation;
- j. The use of loud speakers or other amplification device shall be prohibited;
- k. The hours of operation shall be limited to the hours of operation of the transfer station; and
- l. Steps shall be taken to ensure materials are not carried onto adjoining properties by the wind or rain.

41. Water Supply or Treatment Facility (A-20, A-2.5)

- a. The site shall be in an appropriate geographical location to its service area; and
- b. Low impact screening according to Chapter 12 shall be provided and maintained along the side and rear property boundaries where above-ground facilities are within 100 feet of the property boundary.

42. Welding/Machine Shop (M-1)

- a. All activities shall be conducted within an enclosed building that provides shielding of sparks and welding light from public view;
- b. Outdoor storage is prohibited;
- c. Hours of operation is limited to 7:00 am to 7:00 pm, Monday through Saturday;
- d. No recharging of welding tanks shall be allowed on site;
- e. The operation is limited to welding and metal fabrication;
- f. Noise shall not exceed 60 decibels at the property boundaries;
- g. Odors or fumes shall not be detectable beyond the walls of the building in which the use is conducted; and
- h. The operation shall comply with all applicable local, state and federal requirements, including fire protection.

43. Wildlife Facility (A-20, A-2.5)

- a. The minimum parcel or lot area shall be two and one-half (2 ½) acres;
- b. All piles of feed or bedding shall be located at a minimum of 50 feet from any road right-of-way or any adjacent property boundary in order to minimize odor and nuisance problems;
- c. Manure piles:

- i. Shall be stored for removal within an enclosure a minimum of 40 cubic feet in size;
 - ii. Shall be removed from the premises at least one (1) time per week and/or applied to an agricultural field meeting all local, State, and Federal requirements for land application;
 - iii. May be composted if approved by the Soil and Water Conservation District and is in compliance with this Title; and
 - iv. Shall be stored no closer than 200 feet to any parcel boundary or county or State maintained right-of-way.
 - d. All buildings and pens shall be at least 50 feet from the nearest parcel boundary line or right-of-way line; and
 - e. There shall be no more than one (1) such wildlife game farm operation/facility allowed per parcel.
44. Wind Energy System (A-20, A-2.5, C-1, C-2, C-3, M-1)
- a. A site plan shall be submitted that details the site conditions, topography, and proposed system location including setbacks from property boundaries, road rights-of-way, and easements;
 - b. An architectural rendering looking from the nearest county road and state highway shall be submitted;
 - c. Standard engineering drawings of the wind turbine structure and stamped engineering drawings of the tower, base, footings, and/or foundation, as provided by the manufacturer, shall be submitted;
 - d. The wind energy system shall be certified under the small wind certification program recognized by the American Wind Energy Association;
 - e. The system shall be set back a minimum of the tower height plus the length of one blade (i.e. the turbine's total height) from a property boundary, utility line, or road right-of-way;
 - f. Sound produced by the turbine under normal operation conditions shall not exceed 60 decibels at the property boundary (sound levels may be exceeded during short-term events such as utility outages or severe windstorms);
 - g. Tower supports (i.e. guy anchors), if any, shall be at least ten (10) feet from any property boundary;
 - h. The system shall not be located where a portion of the system is visible above a ridgeline from the nearest county road or state highway. Where a system is not located on a ridgeline and will be visible from the nearest county road or state highway, the tower (pole) shall not be taller than 60 feet determined from the grade of the fixed portion of the tower, excluding the turbine;
 - i. Commercial markings, messages, or banners on the turbine or tower (pole) are prohibited;
 - j. The turbine or tower shall not be illuminated;
 - k. The entire system shall be all one neutral non-reflective color;
 - l. Evidence shall be provided that the utility company has been informed of the customer's intent to install an interconnected system. The utility company has 30 days to comment from the sent date, prior to permit issuance by the county. Off-grid systems are exempt from this requirement (should the utility company have concerns that cannot be addressed to the satisfaction of the Planning

Administrator, the application will need to be processed as a conditional use request);

- m. All other local and State permits shall be secured prior to issuance of a Permitted with Conditions permit, including an electrical permit from the Division of Building Safety and a building permit from the County's Planning Department;
- n. There shall be no more than one (1) wind energy system per parcel; and
- o. Minimum parcel size shall be 2.5 acres.

45. Wood Products (M-1)

- a. Storage of materials outdoors shall be located to the rear or in the side yards of the building and fully screened from road views according to Chapter 12 and of sufficient height to hide the storage area; and
- b. Seasonal materials may be stored outdoors in front of the building provided that:
 - i. Such materials shall be limited to placement adjacent to the front wall and outside of any drive, walkway, or parking area;
 - ii. A six (6) foot minimum width walkway separate the materials from any paved drive or parking area;
 - iii. Seasonal materials shall not be displayed, stored, or sold in the open for longer than 90 days in any calendar year.

8-6-3

8-6-3: **TEMPORARY USES:**

- A. APPLICABILITY:** This subsection shall apply to all temporary/seasonal uses, structures, special events and activities, collectively referred to as “temporary uses” that take place **in the unincorporated areas of Teton County.** ~~on private property.~~
- B. INTENT:** **The intent of this section is to provide for the regulation and permitting of all Temporary Uses/Events and Temporary Structures** ~~The requirements of this subsection are intended to provide for the regulation and permitting of all non-exempt temporary/seasonal uses, structures, special events, and activities that take place on private property. These uses have only a temporary duration and are not so recurring in nature as to constitute a permanent use. These requirements are not intended to regulate temporary uses on public property, such as schools, parks, or county roads. Temporary uses or special events on private or public land that may impact travel on Teton County public right-of-ways or property may be subject to obtaining separate authorizations from Teton County Road and Bridge Department, Idaho Department of Transportation, Eastern Idaho Public Health Department, or the Teton County Sheriff’s Office. Sponsors of special events taking place in public rights-of-way should check with these agencies.~~
- C. TYPES OF TEMPORARY USES:** ~~The three categories of Temporary Uses (TUP) are: Major, Minor and Exempt Temporary Uses. The Planning and Zoning Administrator shall determine whether a particular use is an exempt temporary use, a minor temporary use, a major temporary use, or if the proposed use is not listed below, whether it is similar in impacts to a listed use. The Planning and Zoning Administrator may approve other unlisted temporary uses, structures, or activities if he/she determines that such use can comply with the Review Criteria for Temporary Use Permits and would not otherwise jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the temporary use.~~
1. Exempt Temporary Uses: The following uses shall not require a temporary use permit:
 - a. Any event sponsored in whole or in part by Teton County.
 - b. Estate or real estate sales involving the property or items from the property where the sale is held.
 - c. Garage, yard, rummage or small scale summer produce sales provided the sales event is on a residentially zoned property and it last no longer than three (3) consecutive days. No more than six (6) garage sale events are allowed on the same residential property within a single calendar year.
 - d. Special events such as weddings, purely social parties, or similar family events where the function or event involves the owner or lessor of the property and where no monetary consideration or fees for such use of the property or attendance is involved. These exempted special events may include those events taking place upon the grounds of a private residence or upon the common areas of a subdivision or multifamily residential development for which no admission or rental fee or other charge is assessed.

2. Temporary Portable Storage Containers: A container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods that does not contain a foundation or wheels for movement.
 - a. Use Standards
 - i. Containers are permitted for a maximum of 30 consecutive days, once per calendar year.
 - ii. No more than 2 containers are permitted at any one time.
 - iii. No container may be more than 10 feet in height, or more than 200 ft².
 - iv. Containers cannot be stacked on top of each other.
 - v. Containers cannot be located in any required setback and must be located completely on the owner's lot, and no part of any container may be located in the public right-of-way.
 - b. Permit Requirements:
 - i. Containers meeting the use standards stated above in 8-6-3(C-b-ii) will not require a permit.
 - ii. Any person wishing to utilize a container longer than 30 calendar days may apply for a building permit to make the container a permanent, accessory building.
 - iii. This would require a Type 3 Setting Permit through the Building Department.
3. Temporary Structures as Living Quarters: Temporary structures such as yurts, RVs, park models, and seasonal cabins that do not meet the building code requirements for habitable space are not considered to be permanent residential structures, and therefore are not allowed as living quarters for more than 180 days in a single calendar year.
 - a. Permit Requirements
 - i. Temporary Structures as Living Quarters may require a Temporary Structure Permit, as required by the International Building Code, through the Building Department. Uses should contact the Building Official before use begins to determine if a permit is required.
4. Temporary Uses/Events: Temporary Uses are uses that have a temporary duration which are not so recurring in nature as to constitute a permanent use.
 - a. Type 1 Temporary Uses
 - i. Any temporary use that is not considered an Exempt Temporary Use, a Temporary Portable Storage Container, or Temporary Structures as Living

Quarters. This does not include temporary uses on public property, such as schools, parks, or county roads.

b. Type 2 Temporary Uses

i. A Type 2 Temporary Use is any Type 1 Use that proposes any of the following:

1. Road closures or detours
2. Food or alcohol vending
3. Medical or security presence will be provided
4. 250 more expected attendees

c. Type 1 and Type 2 Temporary Uses require a Temporary Use Permit, see 8-6-3(D) through 8-6-3(M).

~~a. Weddings and similar events are also exempt from obtaining a permit when these types of events take place on commercial properties that are specifically authorized for these uses.~~

~~b. Any organized activities conducted at permanent facilities typically intended and used for such activities, and/or on a site for which a zoning permit has been granted specifically allowing the special event activity, and the operation of the event complies with all permit conditions. Examples of such exempt activities include, but are not necessarily limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at reception halls or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at places of worship.~~

~~2. Minor Temporary Uses: Minor temporary uses may occur on either developed or undeveloped property and typically take place for limited time periods, or occur seasonally. Minor temporary uses are typified by a relatively low level of impacts to the neighborhood or the environment. Minor temporary uses produce very limited noise levels to adjacent properties, and do not create substantial traffic and/or public safety concerns. Minor Temporary uses include, but are not limited to the following:~~

~~a. Farm Stands may be seasonally permitted with a temporary use permit or the use can otherwise be permitted as a permanent use in the A-20, A2.5, C-1, C-2, C-3 Zoning Districts;~~

~~b. Real estate sales offices and model homes within approved development projects;~~

~~c. Weddings, receptions, or other social events where the function or event involves the owner or lessor of the property and where a monetary consideration or fees for such use of the property or attendance is involved and a total of no more than one~~

~~hundred (100) attendees are expected;~~

- ~~d. Contractors' construction yards, trailers, coaches or mobile homes that are used as a temporary residence during construction of a dwelling;~~
 - ~~e. Christmas tree and pumpkin sales lots and seasonal sale of agricultural products that are sold from properties that do not have a legally established commercial retail authorization;~~
 - ~~f. Short term workshops, retreats, or classes held at residences for the purpose of art, handicraft, music, or educational instruction.~~
- ~~3. Major Temporary Uses: Major temporary uses take place for a limited time period, or occur seasonally, and the potential impacts have a higher possibility to create health, safety or environmental problems, or the use is expected to create high levels of noise offsite and/or produce traffic problems, and/or could potentially disrupt the neighborhood. Major Temporary uses include, but are not limited to the following:~~
- ~~a. Concerts that have a duration of one (1) day to no more than three (3) days in a thirty (30) day period and are limited to two (2) events per year on the same property.~~
 - ~~b. Fairs and festivals that have a duration of one (1) day to no more than three (3) days in a thirty (30) day period and are limited to three (3) events per year on the same property.~~
 - ~~e. Outdoor temporary swap meets or auctions (limited to three (3) events per calendar year, four (4) days each).~~
 - ~~d. Short term, temporary industrial type operations related to car crushing/metal recycling where portable equipment is brought in to crush and process vehicles and prepare the metal for recycling.~~
 - ~~e. Weddings, receptions, or other social events where the function or event involves the owner, lessor, or lessee of the property and where monetary consideration or fees for such use of the property or attendance is involved.~~

~~**D. TEMPORARY USE PERMIT REVIEW PROCEDURES:** Applicants for a Temporary Use Permit are required to have a pre-application conference with the Planning Administrator or his/her designee. A checklist of submittal items shall be provided to the applicant. If the Planning Administrator determines that the proposed use is a Major Temporary use, as defined above, then a list of property owners within 300 feet of the subject property shall be generated and provided to the applicant. Notification to land owners may exceed the 300 foot distance at the discretion of the planning administrator. A County letter shall be provided to the applicant, and the letter shall state that the applicant intends to apply for a temporary use permit, and the letter shall provide a brief description of the proposed event or temporary use, its location and proposed times. The letter shall provide the Planning Administrators contact information and solicit comments from the~~

~~notified property owners. The applicant shall complete the mailing and obtain a USPS Certificate of Mailing of these letters before an application is submitted or accepted as complete~~

~~**E.** Application Process: An application for a Temporary Use Permit shall be filed with the Planning Department on the prescribed forms accompanied by the submittal items identified on the Planning Administrator's checklist supplied at the pre-application meeting. Applications for Major Temporary Uses Permits shall include a U.S. Postal Service certification of mailing to all land owners within 300 feet of the subject property. The Planning Administrator shall make a written determination if the application is either complete or insufficient for review within seven (7) days of receipt.~~

~~Application Review: The Planning Administrator may send the application materials to Eastern Idaho Public Health District, the County Engineer, the Sheriff's Office, the Fire Protection District, and/or any other public agencies, homeowners associations or other entities that may provide comment on the application materials. Within fourteen (14) days of determining an application complete, the Planning Administrator shall review the application materials and may approve or deny the Temporary Use application. In the case where an application is denied, the applicant may resubmit a substantially revised application or may appeal the Planning Administrator's decision to the Planning and Zoning Commission, who shall hold a Public Hearing and consider the appeal. (amd 2012 12 13)~~

F.D.

1. A completed application form, site plan, and required fees shall be submitted to the Planning Department at least sixty (60) days prior to the event.
2. Upon determination of a complete application, the Planning Administrator will promptly distribute the application for review by internal County departments and external agencies. Anything regulated in the Teton County Code will be reviewed for compliance.
3. If a proposed Temporary Use crosses multiple jurisdictions, the Planning Administrator will invite the other jurisdictions to review the application(s) together to ensure approvals do not conflict.
4. If the Temporary Use is considered a Type 2 Temporary Use, a DRC Meeting must be scheduled.

a. Development Review Committee (DRC) Meeting

- i. This meeting is to begin the discussion about the proposal and is not a forum for final decisions or for accepting comments concerning public support or opposition. No minutes of the meeting are required to be taken or provided at future meetings. Planning Department staff will take notes to summarize the findings from this meeting.
- ii. For Type 2 Temporary Use Permits, the following departments/agencies will always be invited to the DRC meeting:

1. Teton County Planning

2. Teton County Public Works/Engineer
 3. Teton County Sheriff
 4. Teton County Prosecuting Attorney
 5. Teton County Risk Manager
 6. Teton County Fire District
 7. Teton County Emergency Management
 8. Teton County Ambulance Service District
 9. Eastern Idaho Public Health, District 7
- iii. For Type 2 Temporary Use Permits, the following departments/agencies may be invited to the DRC meeting:
1. Other County Departments
 2. State and Federal Agencies
 3. Service/Utility Providers
 4. Neighboring Communities
5. If after the internal and external review and any necessary revisions to the application, the Planning Administrator finds that the application meets all applicable requirements of the Teton County Code, the Planning Administrator will approve or deny the application. A decision will be made within thirty (30) days of receiving a complete application. This time period may be extended if both the applicant and the Planning Administrator agree on an extension.
 6. If the Planning Administrator finds that the application does not meet all the applicable requirements of the Teton County Code, the Planning Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the application.
 7. Approval or denial of the application is based on whether or not the submittal meets or fails to meet the applicable requirements of the Teton County Code. The Planning Administrator may not modify a standard in the Teton County Code unless the requested modification is allowed.
 8. Filing Fee: A filing fee as set by the current fee schedule shall be submitted by the property owner or owner's representative at the time of filing an application. The County shall accept no application or filing fee until the applicant for consideration of the request submits a complete application with required information and data.

E. HOURS OF OPERATION AND SOUND LEVELS RESTRICTED

1. Hours of Operation:

- a. Temporary Uses are limited to hours of operation between the hours of 6:00 AM and 12:00 AM (midnight).

2. Sound Level:

- a. The use of amplified sound shall be regulated in such a manner that it shall not interfere with normal usage of any neighboring school, church, residence, or other permanent place of human habitation. A sound level in excess of one-hundred (100) decibels between 9:00 AM and 8:00 PM, in excess of eighty-five (85) decibels between 8:00 PM and 10:00 PM, and in excess of seventy (70) decibels between 6:00 AM and 9:00 AM and 10:00 PM and 12:00 AM (midnight) shall constitute interference, as measured by the Planning Administrator or Teton County Sheriff from an adjacent property.

3. A deviation from these standards may be obtained from the Planning Administrator if appropriate mitigation measures are taken.

F. CASH DEPOSIT OR BOND

1. The County may, as it deems necessary to comply with these standards and applicable permit review criteria, require a bond and damage or clean-up deposit, or other financial guarantee to provide that the site is restored to its former condition and any damages are repaired.

~~1~~a. Additional Services Required

- ~~2~~i. If an event requires the use of County or Emergency personnel and/or equipment (such as police, fire protection, medical services, etc.) in excess of services customarily supplied, the applicant shall pay those costs.
- ii. The deposit or its balance shall be returned when the Planning Administrator certifies that no damage has been done, the County did not incur additional expenses due to the event, or that the cost of additional services described above has been paid by the applicant.

G. LIABILITY INSURANCE

1. The applicant may be required to provide evidence of liability insurance providing for a minimum of one hundred thousand dollars (\$100,000.00) bodily injury coverage per person, three hundred thousand dollars (\$300,000.00) bodily injury coverage per occurrence, and one hundred thousand dollars (\$100,000.00) property damage coverage, naming the County as an additional insured.

H. ADDITIONAL PLANS, PERMITS, AND APPROVALS REQUIRED: The following plans, permits, and approvals will be required, as applicable, for any proposed Temporary Use with 250 or more expected attendees. These may be required for smaller events, as determined by the Planning Administrator.

1. Public Safety: A plan addressing the public safety, including medical services, fire protection, traffic safety, animal control, and crowd control. There may be additional fees for these services.
 - a. This may involve approval from the Teton County Sheriff, Teton County Ambulance District, Teton County Fire District, Teton County Public Works, and Idaho Transportation Department.
 - b. If an event will include the use of open flames, fireworks, or the sale of fireworks, an inspection and approval must be obtained from the Teton County Fire District.
 - c. For any event providing shuttle or valet parking, a parking plan will be required.
 - d. If any road closures, sidewalk closures, or restricted access is proposed, approval must be granted by Teton County Public Works and/or Idaho Transportation Department. A traffic plan including proposed closures and/or equipment being used may be required.
2. Sanitary and Waste Related Facilities:
 - a. A plan for sanitary facilities including the type, number, and location or proposed location of all toilets, washing facilities, and water supply facilities.
 - b. A plan for the use and placement of garbage and recycling containers. Any approval or permits required by the County's service provider shall be included in the application materials.
3. Food Vendors:
 - a. If food is to be served as part of the event, a Temporary Food Establishment License from Eastern Idaho Public Health, District 7 must be obtained and included in the application materials.
 - b. A plan may also be required that shows the type, number and location or proposed location of all food preparation and food service facilities.
4. Alcoholic Beverages
 - a. If alcohol beverages will be served and/or sold, an Alcohol License must be obtained from the State of Idaho and Teton County. These licenses must be included in the application materials. An alcohol management plan may also be required.
5. Signs:
 - a. Signage may be required for any life safety concerns.

- b. Any signs associated with a Temporary Use Permit must comply with the requirements of Chapter 9 of this Title.

6. Public Notice/Neighborhood Meeting:

- a. Public Notice in the form of a newspaper advertisement, published at least 15 days prior to the event, will be required at the expense of the applicant. A neighborhood meeting may be required by the Planning Administrator.
- G.b. For smaller events, the Planning Administrator may require a newspaper notice, mailed notices to adjacent property owners within 300 feet, or on site postings. If the Temporary Use involves a routed activity, such as a bike race, the location of the event will be based on start/finish locations and any gathering points throughout the route that may have an impact (i.e. river access points if the event would transfer from the road to the river).

~~1. — Permit Conditions of Approval: Reasonable conditions may be required in connection with the approval of any temporary use permit which are deemed necessary to protect the public health, safety and welfare and the social and economic well being of those who will use the temporary use, residents and landowners immediately adjacent to the proposed use, and the community as a whole. Any condition imposed must be clearly specified in writing on the temporary use permit.~~

~~2. — Term of Permit: A temporary use permit issued pursuant to this section shall be limited to a maximum duration of 180 consecutive days per year, unless otherwise specifically authorized in the terms of the Temporary Use Permit or as otherwise provided in this section.~~

~~3. — Bond and Clean Up Deposit: In its approval of a Temporary Use Permit for a special event, the county may as it deems necessary to comply with these standards and applicable permit review criteria require provision for a bond and damage or clean up deposit, or other financial guarantee to provide that the site is restored to its former condition and any damages are repaired.~~

~~4. — Revocation: The Planning Administrator may revoke a Temporary Use Permit at any time when a condition or conditions of the permit is not being met and/or the public health, safety, or welfare is being compromised by the continued operations of the temporary permit or special event. The Planning Administrator shall issue a cease and desist order in order to revoke the permit.~~

~~**H. — REVIEW APPROVAL CRITERIA USED FOR TEMPORARY USE PERMITS:**
The review criteria of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.~~

I.

- 1. The design complies with the specific standards of this Code, without the granting of any variance.
- 2. All necessary permits and/or written approvals from other agencies have been obtained.
- ~~1. — Uses of land and structures that require installation of permanent water, sewer or electrical facilities, regardless of their seasonal or intermittent use or character are regulated as permanent uses of land and are not eligible for a Temporary Use Permit under this section.~~

8-6-3

3.

~~2.~~—The proposed site shall be adequately served by streets or highways and has sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.

4.

~~3.~~—The temporary use will have no significant adverse effect on nearby properties or jeopardize public health, safety, and general welfare.

5.

~~4.~~—Adequate parking will be provided to accommodate the vehicular traffic to be reasonably generated by such use. Parking will be available either on-site or at approved alternate locations.

6.

~~5.~~—Adequate sanitation facilities will be available on the site.

7.

~~6.~~—Permanent signs are prohibited. All temporary signs associated with the temporary use shall be erected no more than 14 days prior to the start of the event and shall be removed within 2 days after the activity ends.

~~7.~~~~8.~~The owner or operator of a temporary use shall be responsible for the storage and removal of all trash, refuse, and debris occurring on the site. Furthermore, all trash storage areas shall be screened from view of adjacent rights-of-way and the site must be maintained in a clean and safe manner.

~~8.~~~~9.~~No temporary use shall be established that is intended to be a permanent use on the site.

~~9.~~~~10.~~ The temporary use regulations of this subsection do not exempt the applicant or operator from any other required permits, such as health department permits.

11. The temporary use or special event has adequate security measures, according to the Teton County Sherriff's Office, to ensure public safety. Additional fees may be assessed by the Sheriff's Office.

12. The temporary use or special event has adequate fire protection and medical service measures, according to the Teton County Fire District and Ambulance District, to ensure public safety. Additional fees may be assessed by the Fire District or Ambulance District.

J. LENGTH TEMPORARY USE PERMIT APPROVAL IS VALID

1. A Temporary Use Permit issued pursuant to this division shall be limited to a maximum duration of 180 consecutive days per year, unless otherwise specifically authorized in the terms of the Temporary Use Permit or as otherwise provided in this division.

K. INSPECTIONS

1. By signing the application for a Temporary Use Permit, the applicant expressly grants permission to Teton County, Eastern Idaho Public Health, and the Teton County Fire Protection District to perform physical inspection of the premises used for the Temporary Use before issuing a permit, as well as to investigate any formal complaint filed with the Planning Department or Teton County Sheriff.

L. REVOCATION

1. The Planning Administrator or the Teton County Sheriff may revoke a Temporary Use Permit at any time when a condition or conditions of the permit are not being met and/or the public health, safety, or welfare is being compromised by the continued operations of the temporary use. The Planning Administrator shall issue a cease and desist order to revoke the permit.
2. The revocation of a Temporary Use Permit may result in the immediate cancellation of the Temporary Use Permit, denial of future Temporary Use Permits, and/or criminal prosecution.

M. APPEAL: Any affected person unsatisfied with an administrative decision on a Temporary Use Permit application that is related to a requirement in this Code can file an appeal.

1. Appeal Submittal:

- a. To begin the appeal process, submit a complete application form, along with the required application fees, to the County. The appeal application must be filed within 14 days of the date of decision.
- b. An official denial letter must be provided to the applicant prior to the application of an appeal.

2. Appeal Review:

- a. Appeal of the Planning Administrator's decision
 - i. Any appeal received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Commission for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.
 - ii. The Commission will, during a regularly scheduled public meeting, make findings and render a decision within 30 days after the public meeting on the administrative appeal.
- b. Appeal of the Commission's' decision

- i. Any appeal received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Board for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.
 - ii. The Board will, during a regularly scheduled public meeting, make findings and render a decision within 30 days after the public meeting on the administrative appeal.
 - c. Appeal of the Board's decision
 - i. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the Board.
 - ii. Any reconsideration request received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Board for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.
 - iii. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

3. Pursuit of Other Approvals While Appeal is Pending:

- a. The filing of an appeal means you can no longer move forward with any other approvals related to your development project until a decision has been made related to the appeal.

4. Criteria for Appeal Review:

- ~~10.~~a. The criteria for approving or denying the request are the same used for the original decision by the Planning Administrator. The Commission may affirm or reverse the Planning Administrator's decision based on the applicable standards in this Code.

8-6-4

8-6-4 **HOME OCCUPATIONS:**

Purpose. Recognizing the desire of some citizens to use their residence for business activities, Teton County supports low-impact home occupations as an economic development tool to facilitate the economic health of the community. These performance standards are minimum requirements to permit limited business or commercial use and activity in a residential dwelling or allowed accessory building without requiring a zone change or conditional use permit, while assuring that the use or activity does not diminish the overall character of the neighborhood or the general health, welfare, and safety of the County.

Definitions. “Applicant” means the owner of the residence and may or may not also be the operator.

“Home Occupation” means an activity conducted in a dwelling unit or accessory building in a residential zone (A-20, A-2.5, R-1, R-2) as an economic enterprise or for financial gain by a member of the household residing therein that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the dwelling or the accessory building or change the residential character of the neighborhood.

“Operator” means the person conducting the home occupation and may or may not also be the owner of the residence.

“Resident Family Member” means the head of household and all other people in the living quarters.

THE FOLLOWING ARE THE TETON COUNTY HOME OCCUPATION PERFORMANCE STANDARDS:

Acceptable Use Any business enterprise may qualify as a home occupation if it is in compliance with all performance standards of this Ordinance, except for the following uses: Sexually-oriented business as defined in Teton County’s Title 8, Zoning Regulations.

Advertising Displays. The display of goods, wares, machinery, or other materials used in the home occupation shall not be visible from any private or public road or from adjacent properties.

Certificate of Occupancy. Prior to a home occupation receiving its first Teton County Home Occupation permit, the Building Official will determine whether the dwelling or approved accessory building in which the home occupation will be located has received a Certificate of Occupancy from, or had a final inspection by, Teton County Building Department.

Compliance. The applicant shall stay in full compliance with this ordinance. If a deficiency is identified during an inspection, the County shall notify the applicant in writing (certified mail, return receipt requested) of the deficiency including explanation. A

deficiency shall be corrected within 30 days of notice, providing evidence to the County of the correction. Failure to correct a deficiency within the allotted time may result in suspension or revocation of the Home Occupation permit.

Customers. Customer or client visits to the home occupation are restricted to the hours from 8:00 a.m. to 6:00 p.m. Monday through Saturday.

Deliveries. Deliveries may only occur between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.

Employees. A home occupation may have no more than one (1) employee (full or part-time) working on the premises who is not a resident of the dwelling. There is no restriction on the number of off-site employees, and there is no limit on the number of resident family members who may assist with the operation of the home occupation.

Exception. A home occupation shall not be permitted on a lot or parcel that has two dwelling units, unless the Planning Administrator finds that the occupancy of one of the dwelling units generates less than ten (10) vehicle trips per day. A home occupation shall not be permitted on a lot or parcel that has three or more dwelling units.

Fee. The applicant shall pay a Home Occupation permit fee or a renewal permit fee as part of the application submittal unless all of the following exceptions are met: no on-site client visits, no visible storage, no non-resident employees, and no signage. Required fees are found on the Schedule of Fees for Planning & Zoning Activities in effect at the time of application or renewal application submittal.

Health/Safety Factors. The Planning Administrator may require written documentation from the applicant verifying that the Home Occupation does not create any health or safety concerns.

Inspection. By signing the application or renewal application for a home occupation, the applicant expressly grants permission to Teton County, the Eastern Idaho Public Health District, and the Teton County Fire Protection District to perform physical inspection of the part of the dwelling, the accessory building, and the premises used for the home occupation before issuing a permit as well as to investigate any formal complaint filed with the Planning Department. Teton County will provide no less than five (5) day's notice of an upcoming inspection, unless the County feels a life safety situation requires more immediate inspection.

Lighting. All lighting on the resident property shall conform to the Outdoor Lighting (Dark Sky) requirements of Title 8-4-6.

Manufacturing. The assembly of products with the use of automated manufacturing equipment is prohibited.

Maximum Floor Area. A home occupation may be located within a dwelling and/or an accessory building, and shall not exceed one-third (1/3) the gross floor area of the dwelling or 600

square feet whichever is greater, not to exceed 1,500 square feet.

Modification of Structures. Any modification, either permanent or accessory, that will change the residential appearance or characteristics of the structure is prohibited.

Off-street Parking. Off-street parking shall be provided for all employees and visitors and any vehicles, including trailers, associated with the home occupation. Parking areas shall not change the character of the residential neighborhood.

Other Laws & Regulations. A home occupation is subject to all licensing, inspections, laws, regulations, and state sales and use taxes as any other business.

Outdoor Storage. The storage of any materials, vehicles, or trailers associated with the home occupation shall be either in an enclosed structure compatible in nature with the design characteristics of the neighborhood or within an area that is screened from public view according to Teton County standards.

Permit. A home occupation requires a Teton County Home Occupation permit, subject to the limitations and restrictions of this ordinance. The applicant and the operator must submit a completed application, including all applicable forms and reports, to the Planning Department. The submitted information enables the Planning Administrator to determine if the proposal is in compliance with all required performance standards, and if so, and if the property taxes are paid current on the property, to issue a permit.

Permit Duration and Renewal. A Teton County Home Occupation permit is valid for two (2) years from the date of issuance. A permit may be renewed for an additional two (2) years with the submittal of the renewal application, along with all applicable forms and reports, and the renewal fee in effect at the time of the renewal application to the Planning Department. The renewal application must be signed by the applicant and also include a signed declaration by the operator that all required performance standards are still being met. The Planning Administrator will determine if the home occupation complies with all required performance standards in effect at the time of renewal application, and if property taxes are paid current, to issue the renewal permit. There is no limit on the number of renewal permits requested.

Sales. Retail sales of goods not produced on the premises shall be incidental, accessory and secondary to any services provided by the home occupation. This section does not limit the sale of products or merchandise sold off-premises. A Home occupation may include the sale of a service or services meeting the performance standards in this ordinance.

Signage. Informative signs are exempt under Title 8 (8-9-2-C-13). Occupation and Information signs (8-9-4-G-3 and 4) not to exceed six (6) square feet in area may be displayed on premises. Off-premise home occupation signs are prohibited.

Traffic. Vehicle traffic generated by the operation of the home occupation shall not exceed fourteen vehicle trips per day. A vehicle trip is any vehicle either to or from the

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premises where the home occupation is located that is directly associated with the home occupation, including business-related owner, employee, client, and delivery vehicle trips.

Vehicles. The vehicles used in the operation of the Home Occupation, delivery vehicles to and from the premises where the Home Occupation is located, and employee vehicles parked on the premises shall not have more than two axles, except for parcel delivery vehicles with rated gross vehicle weight of less than 18,500 pounds.

CHAPTER 9

SIGNS:

SECTION:

8-9-1:	Purpose <u>General Provisions</u> ; Intent
8-9-2:	Applicability <u>Signs not Allowed</u>
8-9-3:	Permit Required <u>Heritage Signs</u>
8-9-4:	Design and Construction Standards <u>Temporary Signs</u>
8-9-5:	Sign Removals <u>Allowed without a Permit</u>
8-9-6:	Appeal <u>Signs Along State Highways and Ski Hill Road</u>
8-9-7:	Variance Procedure <u>Signs Requiring a Permit</u>
<u>8-9-8:</u>	<u>Sign Types and Standards</u>
<u>8-9-9:</u>	<u>Appeals</u>

8-9-1: ——— GENERAL PROVISIONS

A. PURPOSE; INTENT: The purpose of this chapter is to provide comprehensive regulations for signs within Teton County and to eliminate confusing, distracting, and unsafe signs while assuring the reasonably efficient transfer of information and enhancing the visual environment of the County. It is declared that the regulation of signs within Teton County is necessary and in the public interest and also relates to the following goals:

- i. To provide a pleasing overall environmental setting and community appearance which is deemed vital to tourism and the continued economic attractiveness of the County;
- ii. To improve the legibility and effectiveness of signs;
- iii. To allow signs appropriate to the planned character of each zoning district;
- iv. To promote the public safety, welfare, convenience, and enjoyment of the unique rural character of the County;

~~——— to allow the reasonable display of signs to identify homes, public buildings, cultural, professional and business establishments and to advertise products and services for the information and convenience of the people and the flourishing of enterprise. This chapter sets forth uniform standards for the fabrication and placement of signs in the county with the intent of making it easier and less costly for businesses and individuals to have their messages seen while preserving the character of the community as described in the county comprehensive plan.~~

~~8-9-2: APPLICABILITY:~~

B. No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Code except in accordance with the requirements of this Chapter.

~~A. Sign Defined: For the purposes of this chapter, the term "sign" shall mean a display of letters, numbers, illustrations, symbols, lights or devices erected to attract attention to the subject matter for advertising purposes.~~

~~B. Scope: This chapter regulates all exterior signs, permanent or temporary, and interior signs intended to be visible from outside the buildings, in which they are installed, within the county, outside the city limits of Victor, Driggs, and Teton, with the exception of the types of signs listed in the following subsection.~~

~~C. Exemptions: Signs exempted from regulation are:~~

~~1. Official Signs: Traffic signs, guidance signs, welcome signs and official notices placed by a public agency;~~

~~2. Private Traffic Signs: Private traffic signs that are similar in design and size to the official signs and do not confuse the intent and operation of the official signs;~~

~~3. Individual, Nonprofit Organization Flags: Flags of individuals and nonprofit organizations are allowed, one each per location, provided they are no larger than 20 square feet in area and are not attached to a sign;~~

~~4. Historic: Historic site markers, commemorative tablets and signs that name buildings or give their date of construction;~~

~~5. Murals; Sculptures: Murals and sculptures displayed as art and not connected with advertising of a business;~~

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~~6. — Time and/or Temperature: Time and/or temperature signs whereon time and temperature are the only changeable copy and the remaining copy is limited to the sponsor's name;~~

~~7. — Political: Political campaign signs pertaining to a specific election, provided they are displayed no earlier than 60 days before the election and removed within ten (10) days after the election;~~

~~8. — Owner/Occupant Identification: Owner or occupant identification signs for residential structures, provided they do not exceed one square foot in area (for example, 6" x 24");~~

~~9. — Private Warning: Private warning signs up to six (6) square feet in area;~~

~~10. — Sale, Lease, or Rent: Property owner and/or realtor signs for sale, lease or rental if they do not exceed six (6) square feet in area, one sign per street frontage of property where they are displayed on the property owner's real property; in addition, one directional sign will be allowed for each property noticed for sale. (amended 12/13/2012)~~

~~11. — Window Display: Window displays of business enterprises;~~

~~12. — Construction Sites: Construction sites signs up to 24 square feet in area, one sign per street frontage at the site;~~

~~13. — Informative Signs: "Open/closed", "vacancy/no vacancy", business hours and credit card acceptance signs up to three (3) square feet in area, one sign of each type per frontage at each business location;~~

~~14. — Special Event: Special event signs where the event lasts no longer than five (5) days;~~

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~~15. — Signs on Vehicle: Signs on a vehicle, provided the vehicle is not left standing in a conspicuous place for the purpose of advertising for more than 72 hours;~~

~~16. — Temporary Signs or Banners: Temporary signs or banners advertising grand openings (on a one-time basis), sales or events sponsored by nonprofit groups, or garage or yard sales, provided the sign is located entirely on private property and is not supported by structures located on public property. “Temporary” shall mean in place no earlier than 15 days before the event and removed the day after the event.~~

~~—17. — Flags: Flags of the official United States and Idaho state flags.~~

C. 8-9-3: — SIGN PERMIT REQUIRED

~~— (Amd. 11/15/2012):~~

~~i. All sign types described in 8-9-7 require a sign permit before they may be installed, constructed, reconstructed, altered, or relocated. Signs described in 8-9-5 do not require a sign permit, but must follow applicable standards.~~

~~ii. The following alteration and maintenance activities do not require a sign permit:~~

~~a. Painting, cleaning, or other normal maintenance and repair of a sign, provided that no change is made to any structural or electronic component of the sign.~~

~~b. Changing the message of an existing changeable copy of sign, provided that no change is made to any structural or electronic component of the sign.~~

~~— Any sign that encroaches upon or over a public right-of-way requires an encroachment permit.~~

~~iii. _____~~

~~A. — **REQUIRED; FEE:** It is unlawful to erect, alter or relocate any sign not exempted in subsection 8-9-2 C from these regulations without first obtaining a sign permit from the office of planning and zoning.~~

~~B. — **FEE:** The fee for a sign permit is one dollar (\$1.00) per square foot of sign area with a minimum of ten dollars (\$10.00) and a maximum of \$50.00 per permit and is subject to change without notice.~~

~~C. — APPLICATION: Applications for sign permits must be accompanied by legible plans or designs and specifications stating clearly the dimensions, structure, materials, colors and lighting, if any, and plan of installation stating clearances and setbacks.~~

~~D. — AUTHORITY TO APPROVE: The planning administrator has the authority to approve any sign permit except for variances and matters of spacing. The planning administrator's decision may be appealed to the planning commission.~~

~~E. — SEASONAL SIGNS: Seasonal signs may be removed for the off-season and reinstalled without a new sign permit, provided they are not structurally altered and they otherwise conform to these regulations. Maintenance and repainting of signs shall not require a new permit.~~

~~D. 8-9-4: — PERMIT APPLICATION PROCESS~~

- ~~i. All sign applications shall be submitted to and reviewed by Teton County for compliance with this Chapter. A sign application must include the appropriate fee plus the following items:~~
- ~~ii. A completed application using the form supplied by the County;~~
- ~~iii. For building signs: A building elevation drawn to scale which specifies the location of the proposed new sign, as well as the location and size of any other sign of the same type on the building;~~
- ~~iv. For freestanding signs, portable signs, and entry feature signs: A site plan drawn to scale which specifies the location of the new sign structure with respect to adjacent structures and property lines;~~
- ~~v. A scaled drawing of the sign including dimensions of all sign faces, descriptions and colors of materials to be used for sign faces and support structures, including detailed specifications for any footers, posts, and hardware, and a detailed sign lighting plan which clearly indicates the location, type, and illumination strength (lumens) of all sign lighting fixtures;~~
- ~~vi. Tenants of buildings with multiple occupants must include a copy of the approved overall sign plan and indicate how their proposed sign(s) fit(s) into the approved plan. If the new sign does not conform with the approved sign plan, then the applicant must include an amended sign plan with the building owner's signature;~~

vii. Any other information deemed necessary by the Administrator.

E. NONCONFORMING SIGNS

- i. All nonconforming signs in existence before the effective date of this Code may continue to be used provided they are maintained in a safe manner and are kept in good repair. Minor repair and maintenance of a nonconforming sign is allowed.
- ii. Nonconforming signs may stay in place until one of the following occurs (except to bring the sign out if its nonconforming condition and into compliance with the requirements of this Chapter):
 - a. The sign has damage exceeding 50% of its value immediately prior to the event causing the damage or destruction;
 - b. The deterioration of the sign makes it a hazard;
- iii. The Administrator will not approve a permit for a nonconforming sign to be:
 - a. Relocated in any manner;
 - b. Structurally altered; or
 - c. For more than 50% of the sign face to be permanently altered.
- iv. For the purpose of this Chapter, structural alteration of sign modifies the sign dimensions, height, lighting, or support structure.
- v. If determined by the Planning Administrator that a nonconforming sign meets the criteria of 8-9-1(E-ii), the Planning Administrator will give the owner 30 working days written notice to bring the sign into conformance or the sign will be removed at the owner's expense. In the case where winter weather conditions hinder the removal of said sign, the Planning Administrator will issue a follow up date for the sign to be removed by.
- vi. Temporary signs (including sidewalk signs) cannot be considered nonconforming and are subject to the requirements of this Chapter on or after the effective date of this Code.

F. LOCATION

- i. No sign, other than signs placed by agencies of government or a sign whose placement is authorized by such agencies, may be erected or placed on public property, including streets and the public right of way.
- ii. No sign shall be located so as to conflict with the clear and obvious appearance of public devices controlling traffic or so as to impede clear vision between a height of three feet and ten feet above the centerline grades of intersecting streets through

the area created by drawing an imaginary line between points 30 feet back from where the curb lines of the intersection meet nor shall a sign obstruct the free use, of any public right-of-way, intersection, ingress or egress point, transit stop, parking space, drive aisle, driveway, sidewalk, building entrance, fire escape, or accessibility ramp.

- iii. No sign may be placed so as to obstruct any door.
- iv. Signs must be located so that they do not cover architectural features of a building or structure, including, but not limited to, transoms, insignias, or any other architectural feature.
- v. Signs cannot be painted on or attached to a telephone or utility pole, tree, or traffic sign.

G. CONSTRUCTION

- i. Signs must be constructed of permanent materials and be permanently affixed to the ground or a structure, except for allowed temporary signs (including sidewalk signs).
- ii. If a raceway is necessary, it must not extend in width or height beyond the area of the sign. A raceway must be finished to match the background surface to which it is attached, or integrated into the overall design of the sign.
- iii. Signs that have structural components exceeding 6 feet in height must obtain a Building Permit when they obtain a Sign Permit. The structure will be subject to a plan review as well as any inspections required by the Building Official and appropriate fees applied.

H. MAINTENANCE

- i. Signs must be maintained in good condition at all times and must be kept free of cracked or peeling paint, or missing or damaged components.
- ii. The Planning Administrator may cause to be removed after due notice any sign which shows gross neglect, becomes dilapidated.
- iii. The Planning Administrator will give the owner 10 working days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the Planning Administrator will have the sign removed at the owner's expense.

I. Multi-Tenant Building and Multi-Business Complexes

- i. A sign plan is required for all multi-tenant buildings and multi-business complexes. The plan must indicate the size and location of all projecting, wall, freestanding, directory, and other signs. Individual tenants of a multi-tenant building or multi-

business complex must subsequently receive permits for their individual signs which must conform to the overall sign plan.

~~DESIGN AND CONSTRUCTION STANDARDS:~~

~~A. — DEFINITIONS: The following definitions should be used in interpreting the standards and making permit applications:~~

~~AREA: — The area of all faces within the perimeter that forms the outside shape of the sign including the frame, but not including the uprights or brackets necessary to support the sign. For the purpose of this chapter, however, a flat sign shall be considered to have the area of one of its faces whether the second face is used or not.~~

~~CANOPY SIGN: — A sign attached to or constructed in or on a canopy or marquee over a sidewalk or passageway.~~

~~DIRECTIONAL SIGN: — A sign indicating a route to a location.~~

~~FREE STANDING SIGN: — A sign erected on a supporting framework that is not attached to any building.~~

~~OFF-PREMISES: — Shall be defined as, but not limited to, Idaho Code subsection 40-1910A(2)(a) 1. See also subsection E of this chapter.~~

~~ON PREMISE: — A sign that advertises the goods, services, and activities on the premises on which the sign is located. All other signs will be considered off-premises signs.~~

~~PREMISES: — That piece of land.~~

~~PROJECTING SIGN: — A sign attached to a building with the sign projecting outward away from the wall.~~

~~SETBACK: The distance from the sign to the nearest property line.~~

~~TEMPORARY: A sign in place no earlier than 15 days before the event and removed the day after the event.~~

~~WALL SIGN: A sign painted on, attached to or erected against the wall of a building with the signs face parallel to the wall.~~

B. HEIGHT LIMITS:

~~1. Freestanding Signs: Freestanding signs may be erected to a height no greater than 20 feet above the ground.~~

~~2. Wall Signs: Wall signs may extend beyond the wall on which they are displayed no more than one foot (12") in any direction.~~

~~3. Projecting Signs; Canopy Signs: Projecting signs and canopy signs may not be less than seven and one half feet (90") from the ground above which they are suspended.~~

C. SETBACK REQUIREMENTS:

~~1. Freestanding Private Signs: Freestanding private signs shall be permitted to stand in public rights of way.~~

~~2. Projecting Signs: Projecting signs must be a minimum of 18 inches from a line extending vertically from the nearest street curb, or if the curb is absent, from the property line.~~

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3. — Obstruction Prohibited: No signs shall be permitted that obstructs a clear view of traffic control devices from the street.

4. — Interference Prohibited: No sign shall be permitted that interferes with a fire escape exit, or standpipe or that obstructs an opening for ventilation or light.

5. — Overhead Electrical Conductors: Signs shall be located no less than six feet (72") horizontally or 12 feet vertically from overhead electrical conductors that are energized in excess of 750 volts unless such conductors are enclosed in an iron pipe or other material of equal strength.

* See subsection E1 of this section for definition of "off-premises outdoor advertising".

6. — Setbacks:

a. Highways: Setbacks from the highway shall be a minimum of 50 feet.

b. Other Roads: Setbacks from other roads shall be a minimum of 35 feet from the edge of the road.

c. Distance from Other Signs: Signs shall not be located any closer than 660 horizontal feet from any other advertising sign.

D. — CONSTRUCTION:

1. — Conformance Required: Material and construction of all permanent signs shall conform to the standards of the uniform building code adopted by the county.

2. — Wind and Seismic Loads: Signs must withstand the wind loads and seismic loads set forth in the uniform building code. Bracing systems shall be constructed to transfer lateral forces to the foundations. Signs on buildings shall transmit dead weight and lateral loads through the structural frame of the building to the ground in a manner that will not overstress any elements thereof.

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3. Colors: Colors shall be normal spectrum colors, including shades of tints thereof, plus gold and silver. Fluorescent, loud and/or gaudy colors are prohibited. Reflective finishes may be used for lettering only.

E. OFF-PREMISES SIGNS (amended 12/13/2012):

1. Definition: Idaho Code subsection 40-1910A(2)(a): "Off-premises outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform and which is situated in order to be visible from any highway, or other traveled way and which is located on property which is separate from and not adjoining the premises or property on which the advertised activity is carried out.

2. Off Premise Outdoor Advertising Signs: As of January 1, 2013, Teton County sign permits will not be issued for new off-premise outdoor advertising signs along the State of Idaho designated Scenic Byway routes, which include Highways 31, 32, and 33 and Ski Hill Road. The following exceptions apply:

a. State Approved Single Business Off Premise Outdoor Advertising Signs that meet State of Idaho Transportation Department dimensional and design standards. These signs are located in the state highway right-of-way and must be approved by the State and also require a Teton County sign permit. These signs are the Idaho Transportation Department Business Panel type signs, which are oriented to the needs of tourists.

			
E10-3 (120x48) 542910344	E10-4 (120x30) 542910443 E10-4A (VARx36) 542910047	E10-5A GAS (60x36) 610000000 Business Panel	E10-5A FOOD (60x36) 610000000 Business Panel
			
E10-5A LODGING (60x36) 610000000 Business Panel	E10-5A CAMPING (60x36) 610000000 Business Panel	E10-5A ATTRACTION (60x36) 610000000 Business Panel	

b. ~~State Approved Multi business Signs: Multiple businesses signs advertising two (2) or more off premise businesses may be permitted within the rights of way of Highway 31, 32, or 33. The dimensional and design standards of the State shall apply. A sign permit issued by Teton County and approved by the State is required. These signs may include the Idaho Transportation Department Multi-Panel type signs shown below, which are oriented to the needs of tourists.~~

<p>D6-4 (permit required) (VARxVAR) 544764608 Symbols (12)</p>	<p>D6-5 (permit required) (VARx12) 544965601 Symbols (12)</p>	<p>Example TODS Trailblazers : USE D9-15 in size (24x30)</p>

3. ~~State Approved Tourist Oriented Directional Signs, as defined by the Idaho Transportation Department, may obtain a permit and be approved by the Idaho Department of Transportation. These signs are legally placed within the state highway right of way and shall require a sign permit issued by Teton County as well as the State.~~

<p>D6-4 (permit required) (VARxVAR) 544764608 Symbols (12)</p>	<p>D6-5 (permit required) (VARx12) 544965601 Symbols (12)</p>	<p>Example TODS Trailblazers : USE D9-15 in size (24x30)</p>

F. PROHIBITED SIGNS:

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1. ~~Wind Blown Streamers, Pennants, and Balloons:~~ Wind-blown streamers, pennants, and balloons are prohibited except on temporary signs.

2. ~~Rotating, Swinging or Moving:~~ Rotating, swinging or otherwise moving signs or parts are prohibited.

3. ~~Internally Lit Signs:~~ Internally lit signs or signs with moving or flashing lights or other animated decorations are prohibited unless exempted in subsection 8-9-2-C of this chapter.

4. ~~Neon Lighting:~~ Neon lighting, except inside buildings, is prohibited.

5. ~~Portable Signs:~~ Portable signs (signs not attached to the ground or building) are prohibited except in the temporary situations exempted in subsection 8-9-2-C of this chapter.

6. ~~Changeable Copy Signs:~~ Changeable copy signs are prohibited except the following:

a. ~~Time/Temperature Signs:~~ Time/Temperature signs exempted in subsection 8-9-2-C of this chapter.

b. ~~Theater Marquee Signs:~~ Theater marquee signs for films, plays and other shows;

c. ~~Tavern, Café Signs:~~ Tavern and café signs for changing entertainment, one per establishment;

d. ~~Fuel Station:~~ Fuel station price signs, two (2) per station.

e. ~~All permitted changeable copy signs must conform to the other regulations of this chapter.~~

G. ~~PERMITTED SIGNS:~~

1. ~~Outdoor Posters:~~ Outdoor posters up to 12 square feet in area are permitted if displayed in cases permanently attached to a building or other structure.
 2. ~~Subdivision Signs:~~ One on premises, 32 square foot, permanent, unlit, identification and directional sign shall be allowed for a subdivision.
 3. ~~Occupation Signs:~~ Customary residential, professional, and home occupation signs, not to exceed six (6) square feet in area, may be erected in any districts.
 4. ~~Information Signs:~~ One on premise information sign in conjunction with commercial or industrial uses, provided that the surface area does not exceed 32 square feet.
 5. ~~Agricultural Businesses:~~ Agricultural businesses are allowed one on premises sign not larger than 32 square feet.
 6. ~~Entry Gate:~~ Entry gate sign shall be permitted for ranch and subdivision identification.
 7. ~~Posting Notices:~~ Posting notices may be erected anywhere on a parcel of land, as long as they are spaced no closer than the minimum spacing provided by state laws, and the sign face does not exceed two (2) square feet, i.e., "No Trespassing", etc.
 8. ~~Business Not Located in Shopping Center:~~ One on premise, permanent sign per street frontage for a business not located within a shopping center provided the surface area does not exceed 32 square feet, 20 in height, and may be lit upon approval.
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9. ~~Signs Located On Building: One permanent sign located on a building for the occupant as listed in Table A. The size of a sign is calculated from the linear feet of the occupant's share of building frontage on street, sidewalk or parking lot.~~

TABLE A

Occupant's Frontage In Linear Feet	Sign Area in Square Feet
60	15-30
70	30-45
80	45-60
90	60-75
100	75-90
125	over 90

H. ~~NONCONFORMING SIGNS:~~

1. ~~Definition: A nonconforming sign is any sign that was in place prior to December 8, 1997, but does not conform to the requirements of this chapter as it may be amended from time to time.~~

2. ~~Alteration; Relocation; Destruction: Nonconforming signs that are to be structurally altered as to size and shape, relocated, or destroyed by an act of God, or the business nature and/or ownership has changed shall be made to conform at the time of the change and a permit applied for.~~

3. ~~Continuance of Existing Signs: Each sign that was physically in place prior to December 8, 1997, and which does not conform to the requirements of this chapter, may be continued for a maximum of three (3) years and no longer, this includes, but is not limited to, all lease signs, off-premises signs, and on-premises signs.~~

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~~4. Spacing or Minor Physical Nonconformity: Preexisting signs with a spacing or minor physical nonconformity may be dealt with as a variance.~~

~~I. MISCELLANEOUS:~~

~~1. Business Signs: Any business sign can be either single or double faced as long as the same business is displayed on both sides.~~

~~2. Permanently Closed Business: If any business is permanently closed, any signs pertaining to that business must be removed within 30 days.~~

8-9-25: SIGNS NOT ALLOWED:

All signs not expressly allowed by this Chapter are deemed not allowed. Signs not allowed include, but are not limited to, the following.

- i. Rotating, moving, or animated signs involving motion or sound, except for clocks.
- ii. Any sign with audio speakers or any form of pyrotechnics.
- iii. Flashing, blinking, or varying light intensity signs.
- iv. Signs that have a scrolling, flashing, or moving message, except those signs constructed by a governmental entity.
- v. Signs that contain or are an imitation of an official traffic sign or signal or other government sign.
- vi. Any reflective or mirrored sign.
- vii. Streamers.
- viii. Inflatable signs, including but not limited to balloons, gas inflated signs, or similar inflated devices.
- ix. Search lights and beacons.
- x. Outdoor image projections (signs projected from an external light source onto a building or structure) or any other similar devices.

xi. Any sign attached to the roof of a building.

xii. Any abandoned signs.

~~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.~~

xiii.

8-9-3: HERITAGE SIGNS

A sign having historical significance, and which advertises an establishment or product no longer in existence or a product no longer being offered, may be designated as a heritage sign.

In order for a sign to be designated a heritage sign, the Planning and Zoning Commission must make written findings that the sign is at least 50 years old, and meets at least one of the following criteria:

- i. The sign has historic character, interest, or value as part of the development, heritage, or cultural characteristics of Teton County.
- ii. The sign is significant as evidence of the history of the product, business, or service advertised.
- iii. The sign embodies elements of design, detailing, materials, or craftsmanship that make it significant or innovative.
- iv. The sign has a unique location or contains singular physical characteristics that make it an established or familiar visual feature within the community.

8-9-4: TEMPORARY SIGNS

The following temporary signs do not require a sign permit but must follow applicable standards.

- i. Temporary signs must be located on private property with the property owner's consent.
- ii. Temporary signs cannot be located within the public right-of-way.
- iii. Temporary signs cannot be illuminated.
- iv. Specific requirements for temporary signs are listed below.
- v. No premises may display more than 4 temporary signs per year.
- vi. Temporary signs shall have the first date of display affixed to the sign (front or back) at the beginning of each 14 day period

<u>Zoning District</u>	<u>Duration</u>	<u>Size (max)</u>
<u>A-2.5, A-20, R-1, R-2</u>	<u>Allowed 14 days</u>	<u>8 sf per allowed sign</u>
<u>C-1, C-2, C-3, M-1</u>	<u>Allowed 14 days</u>	<u>8 sf per allowed sign</u>

8-9-5: SIGNS ALLOWED WITHOUT A PERMIT

The following signs are allowed and are exempt from 8-9-7 but must follow applicable standards.

- i. All signs erected in a public right of way by a public agency.
- ii. Official notices issued by any court, public agency, or officer.
- iii. Flags.
 - a. A maximum of 2 flags are allowed per street frontage.
 - b. An individual flag cannot exceed 30 square feet in area.
 - c. The maximum height of a flagpole is 30 feet, measured from the highest point of the flagpole.
- iv. Signs designated by the Planning and Zoning Commission as being Heritage Signs;
- v. A sign installed inside a window for the purposes of viewing from outside the premises. Such signs cannot exceed 10% of the total window area;

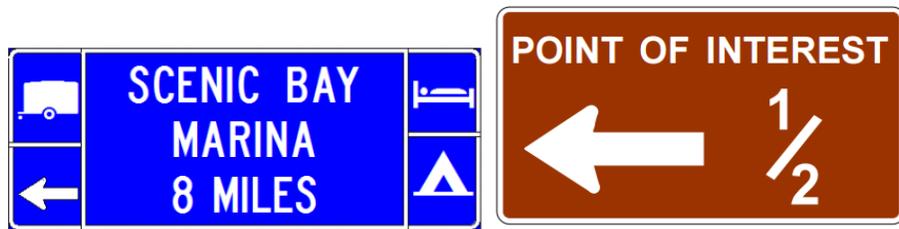
8-9-57

- vi. Any government sign, meaning any sign put up by a government agency either required by law or in sponsorship of a government function (a building permit may still be required for the construction of these signs);
- vii. Any directional sign. Parking lot directional signs shall not project higher than 7 feet above the existing grade;
- viii. One Incidental sign per property that does not exceed 6 square feet and does not exceed 6 feet in height.
- ix. Any sign that replaces an equivalent sign within a multi-tenant freestanding sign, so long as it complies with the overall multi-tenant sign plan.

8-9-6: SIGNS ALONG STATE HIGHWAYS AND SKI HILL ROAD

The following regulations apply to signs along State Highways 31, 32, and 33 and Ski Hill Road. The Teton Scenic Byway passes through Teton County. There are Federal regulations that control outdoor advertising along these byways (Title 23, Section 131 of the United States Code).

- i. Existing signs may remain in accordance with 8-9-1(E).
- ii. No new outdoor advertising signs shall be constructed within 650 feet of the right of way of these roads, which is visible from these roads.
- iii. Only State Approved Single Business Off-Premise Outdoor Advertising Signs, State Approved Multi-Business Signs, State Approved Point of Interest Signs, and State Approved Tourist Oriented Directional Signs are permitted. These are signs that meet State of Idaho Transportation Department dimensional and design standards, are located in the state highway right-of-way, approved by ITD, and must be supplied/installed by ITD. Teton County should be notified when an application is made to ITD.



8-9-7: SIGNS REQUIRING A PERMIT

A. SIGN TYPES:

The following signs are allowed following the issuance of a sign permit.

<u>Sign Descriptions</u>	
<u>Specific Sign Types</u>	<u>Illustration</u>
<u>Building Signs</u>	
<p><u>Wall Sign. A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.</u></p>	
<p><u>Awning Sign. A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.</u></p>	
<p><u>Canopy Sign. A building sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.</u></p>	
<p><u>Projecting Sign. A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.</u></p>	
<p><u>Hanging Sign. A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.</u></p>	

<u>Sign Descriptions</u>	
<u>Specific Sign Types</u>	<u>Illustration</u>
<u>Freestanding Signs</u>	
<p><u>Monument Sign. A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.</u></p>	
<p><u>Double Post Sign. A freestanding sign where the primary support is supplied by two posts positioned no more than 2 inches from the outer edge of the sign face.</u></p>	
<p><u>Single Post Sign. A freestanding sign where the primary support is supplied by a single post and where the sign hangs from a bracket or support.</u></p>	
<u>Other</u>	
<p><u>Entry Feature Sign. A sign permanently affixed to the ground which is wholly independent of a building for support, is located at the entry of a subdivision, and is approved with the subdivision.</u></p>	
<p><u>Sidewalk Sign. A movable sign not secured or attached to the ground or surface upon which it is located.</u></p>	

B. SIGN TYPES ALLOWED BY ZONING DISTRICT

Signs are allowed by district. Specific requirements for each sign are shown on the following pages.

	<u>A-2.5</u>	<u>A-20</u>	<u>R-1</u>	<u>R-2</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>M-1</u>
<u>Building Signs</u>								
<u>Wall Sign</u>	--	--	--	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Awning Sign</u>	--	--	--	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Canopy Sign</u>	--	--	--	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Projecting Sign</u>	--	--	--	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Hanging Sign</u>	--	--	--	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Freestanding Signs</u>								
<u>Monument Sign</u>	--	--	--	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Double Post Sign</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Single Post Sign</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Other Signs</u>								
<u>Entry Feature Sign</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Sidewalk Sign</u>	--	--	--	--	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>P = sign type allowed -- = sign type not allowed</u>								

- a. The maximum total sign area may be allocated among the permitted signs in each district, provided that each sign conforms to the applicable regulations of the district in which the sign is located and the applicable regulations for the sign type.
- b. In no case may the total area of all signs on a particular site exceed the maximum total sign area given for a site in a particular zoning district.
- c. Heritage signs do not count toward the maximum total sign area or the maximum number of permitted signs.

C. ALLOCATION OF SIGN AREA

- a. The maximum sign area for each sign type is determined by district and is established below. There must be a building on the property to increase the size
- b. Building frontage is determined by measuring the total length of each street-facing building facade that runs approximately parallel with the street the sign is intended to be viewed from. Non street-facing building facades are not allocated sign area, however, sign area allocated to a street-facing building facade may be

used on a non-street-facing building facade. Sign allocation from one street-facing building facade cannot be transferred to another street-facing building facade.

- c. Street frontage is that portion of a lot that abuts a public or private street. A lot that abuts one street has one street frontage, a lot that abuts 2 streets has 2 street frontages, a lot that abuts 3 streets has 3 street frontages, and a lot that abuts 4 streets has 4 street frontages.

D. SIGN DESIGN STANDARDS FOR NON-TEMPORARY SIGNS

a. All Zoning Districts

- i. All signs shall be made of durable materials such as wood and metal or others deemed similar in appearance

b. Rural and Residential Zoning Districts (A-2.5, A-20, R-1, R-2)

- i. Signs shall feature muted colors consisting of warm earth tones
- ii. No fluorescent colors or reflective surfaces shall be permitted

8-9-8: SIGN TYPES AND STANDARDS

A. Wall Sign



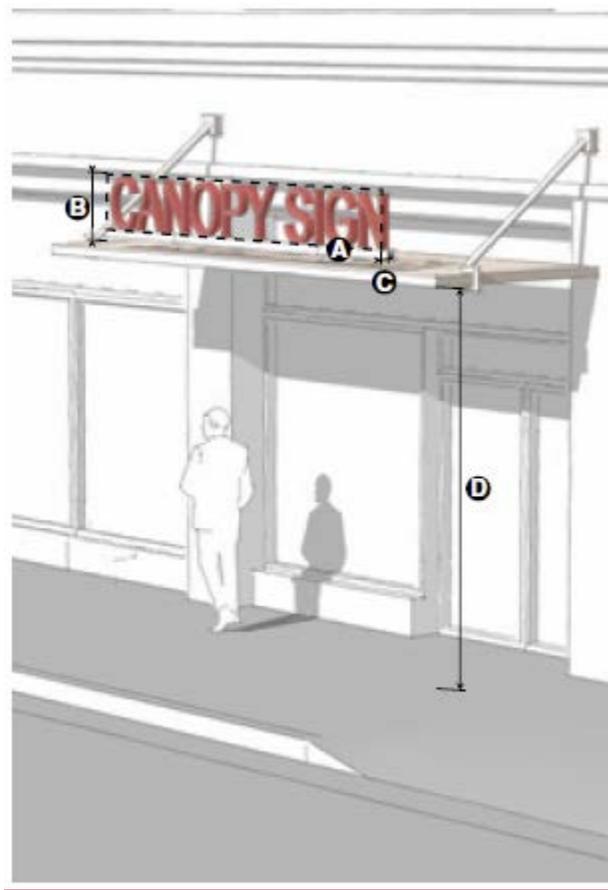
<u>Description</u>	<u>Dimensions</u>	
<p><u>A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.</u></p>	<p><u>Allocation of sign area</u></p>	<p><u>see 8-9-7(C)</u></p>
<u>General Provisions</u>	<u>Size</u>	
<ul style="list-style-type: none"> <u>A wall sign must be placed no higher than 18 feet above the sidewalk.</u> 	<p><u>M-1</u></p>	<p><u>40 sf max</u></p>
<ul style="list-style-type: none"> <u>No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.</u> 	<p><u>Projection - measured from building facade</u></p>	<p><u>1' max</u></p>
<ul style="list-style-type: none"> <u>A wall sign cannot cover windows or architectural details.</u> 	<u>Right of Way Encroachment</u>	
<ul style="list-style-type: none"> <u>A wall sign may be externally or internally illuminated in accordance with 8-9-8(L).</u> 	<p><u>May encroach over the public sidewalk but not over any public street or alley.</u></p>	

B. Awning Sign



Description	Dimensions	
<p><u>A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.</u></p>	<p><u>Allocation of sign area</u></p>	<p><u>see 8-9-7(C)</u></p>
<p><u>General Provisions</u></p>	<p><u>Size</u></p>	
<ul style="list-style-type: none"> ● <u>An awning sign cannot extend outside the awning.</u> 	<p><u>M-1</u></p>	<p><u>20 sf max</u></p>
	<p><u>Height</u></p>	<p><u>1' max</u></p>
<ul style="list-style-type: none"> ● <u>Only awnings over ground story doors or windows may contain signs.</u> ● <u>One sign is allowed per awning. A sign may be on either the front or side valance (but no on both).</u> ● <u>Signs are not allowed on the sloping face of an awning.</u> ● <u>An awning sign cannot be illuminated.</u> 	<p><u>Right of Way Encroachment</u></p>	
	<p><u>May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.</u></p>	

C. Canopy Sign



Description

A building sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.

Dimensions

<u>Allocation of sign area</u>	see 8-9-7(C)
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General Provisions

- A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.
- A maximum of one sign is allowed per canopy.
- A canopy sign may be externally or internally illuminated in accordance with 8-9-8(L).

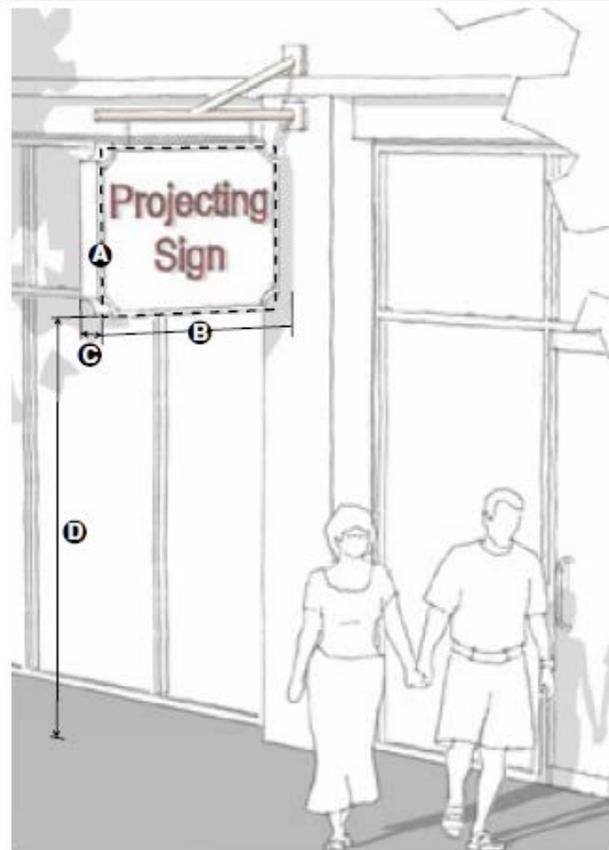
Size

<u>M-1</u>	32 sf max
<u>Height</u>	2' max
<u>Depth</u>	1' max
<u>Clear height</u>	
<u>above sidewalk</u>	9' min
<u>above parking area or driveway</u>	14' min

Right of Way Encroachment

May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.

D. Projecting Sign



Description

A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.

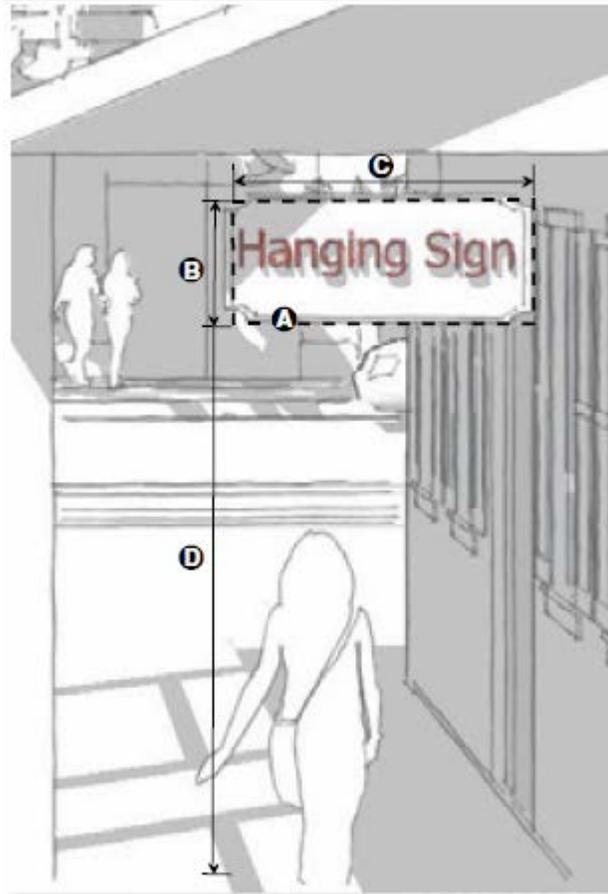
Dimensions

<u>Allocation of sign area</u>	see 8-9-7(C)
<u>Size</u>	
<u>M-1</u>	20 sf max
<u>Projection - measured from building facade</u>	4' max
<u>Width</u>	1' max
<u>Clear height</u>	
<u>above sidewalk</u>	9' min
<u>above parking area or driveway</u>	14 min'
<u>Right of Way Encroachment</u>	
May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.	

General Provisions

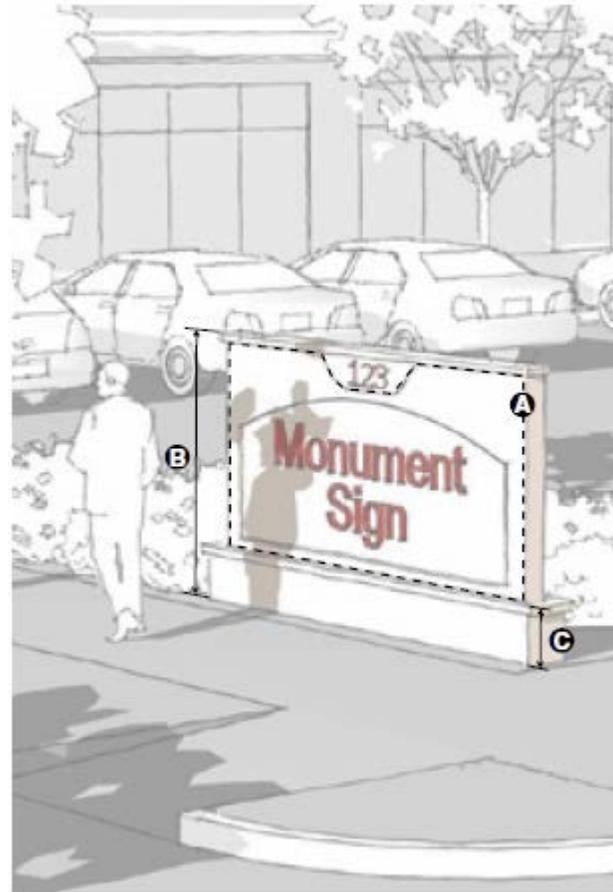
- A projecting sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.
- Only one projecting sign is allowed per tenant per street frontage.
- A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both frontages may be used.
- A projecting sign may only be externally illuminated in accordance with 8-9-8(L).

E. Hanging Sign



Description	Dimensions	
<p><u>A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.</u></p>	<p><u>Allocation of sign area</u></p>	<p><u>see 8-9-7(C)</u></p>
<p><u>General Provisions</u></p>	<p><u>Size</u></p>	<p><u>3 sf max</u></p>
<ul style="list-style-type: none"> <u>A hanging sign must be located within 5 feet of an accessible building entrance.</u> 	<p><u>Height</u></p>	<p><u>2' max</u></p>
<ul style="list-style-type: none"> <u>A hanging sign cannot be illuminated.</u> 	<p><u>Width</u></p>	<p><u>3' max</u></p>
	<p><u>Clear height</u></p>	<p><u>above sidewalk</u> <u>9' min</u></p>
	<p><u>above parking area or driveway</u></p>	<p><u>14 min'</u></p>
	<p><u>Right of Way Encroachment</u></p>	
	<p><u>May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.</u></p>	

F. Monument Sign



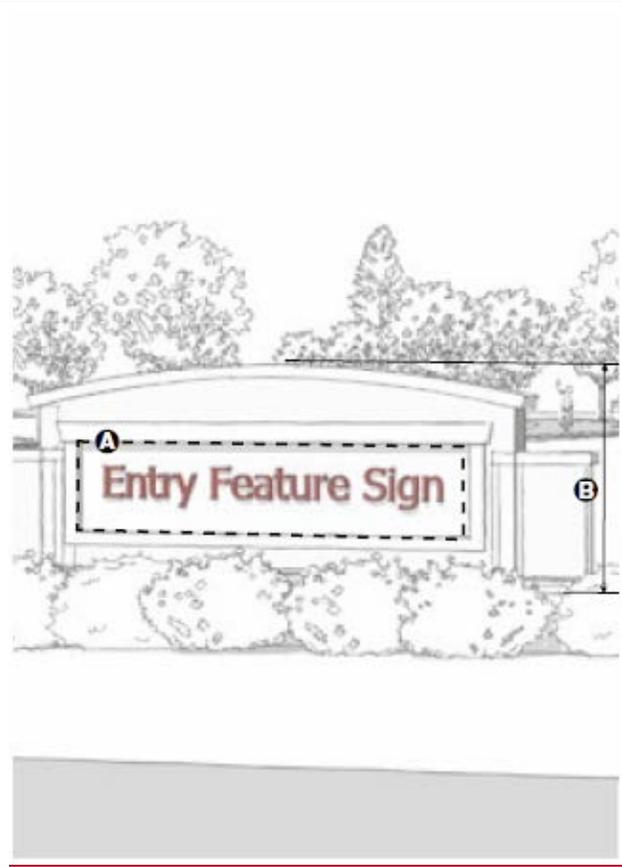
Description	Dimensions	
<p>A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.</p>	<p>Allocation of sign area</p>	<p>see below</p>
<p><u>General Provisions</u></p>	<p><u>Size (by number of tenants)</u></p>	
<ul style="list-style-type: none"> Only one freestanding sign is allowed per street frontage, except that one additional freestanding sign is allowed for properties with 500 feet or more of street frontage. 	<p>1 tenant</p>	<p>24 sf max</p>
<ul style="list-style-type: none"> Monument signs must display the street address of the property. If the area of the address is 5 square feet or less, the area does not count towards the allocation of sign area. 	<p>2 to 3 tenants</p>	<p>32 sf max</p>
<ul style="list-style-type: none"> A monument sign must be set back at least 10 feet from the primary or side street lot line and 15 feet from a side lot line. 	<p>5 or more tenants</p>	<p>40 sf max</p>
<ul style="list-style-type: none"> A monument sign may be externally or internally illuminated in accordance with 8-9-8(L). 	<p><u>Height</u></p>	
	<p>M-1</p>	<p>10' max</p>
	<p><u>Base height</u></p>	
	<p>M-1</p>	<p>2' min</p>
	<p><u>Right of Way Encroachment</u></p>	
	<p>Not allowed.</p>	

G. Double Post Sign



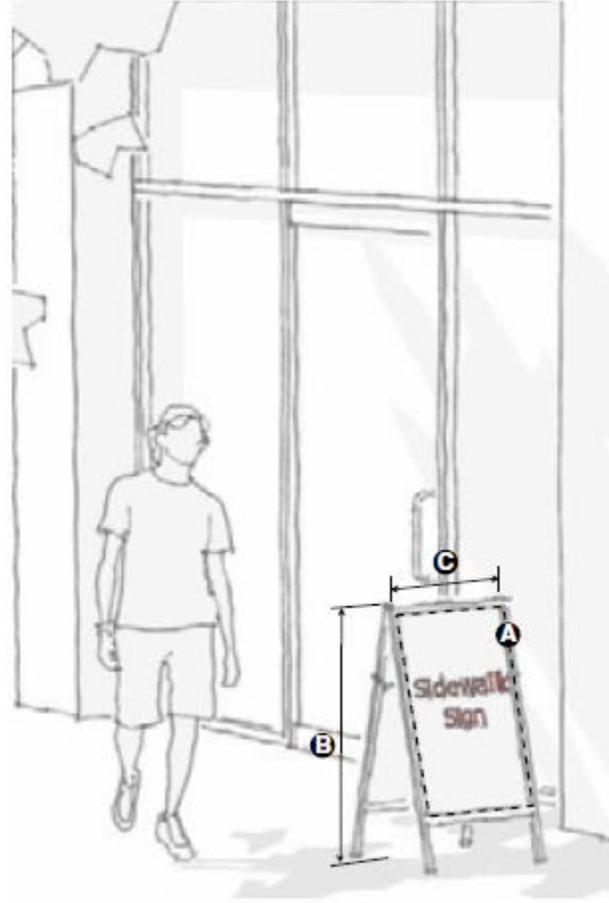
<u>Description</u>	<u>Dimensions</u>	
<p>A freestanding sign where the primary support is supplied by two posts positioned no more than 2 inches from the outer edge of the sign face.</p>	<u>Allocation of sign area</u>	see below
<u>General Provisions</u>	<u>Size</u>	16 sf max
<ul style="list-style-type: none"> Only one freestanding sign is allowed per street frontage, except that one additional freestanding sign is allowed for properties with 500 feet or more of street frontage. A double post sign must be set back at least 10 feet from the front lot line and 15 feet from a side lot line. A double post sign must display the street address of the property. If the area of the address is 5 square feet or less, the area does not count towards the allocation of sign area. A double post sign may only be externally illuminated in accordance with 8-9-8(L). 	<u>Height</u>	4' max
	<u>Right of Way Encroachment</u>	
	Not allowed.	

I. Entry Feature Sign



<u>Description</u>		<u>Dimensions</u>	
<p><u>A feature permanently affixed to the ground which is wholly independent of a building for support, is located at the entry of a subdivision and is approved with the subdivision.</u></p>	<u>Allocation of sign area</u>	<u>see below</u>	
	<u>General Provisions</u>	<u>Size</u>	<u>24 sf max</u>
<ul style="list-style-type: none"> <u>One entry feature sign is allowed per street frontage.</u> <u>An entry feature sign must be set back at least 15 feet from the front property line and 15 feet from a side property line.</u> <u>An entry feature sign may only be externally illuminated in accordance with 8-9-8(L).</u> 	<u>Height</u>	<u>8' max</u>	
	<u>Right of Way Encroachment</u>		
	<u>Not allowed.</u>		

J. Sidewalk Sign



Description	Dimensions	
<p><u>A movable sign not secured or attached to the ground or surface upon which it is located.</u></p>	<p><u>Allocation of sign area</u></p>	<p><u>see below</u></p>
<p><u>General Provisions</u></p>	<p><u>Size</u></p>	<p><u>9 sf max</u></p>
<ul style="list-style-type: none"> • <u>Each ground floor tenant may have one sidewalk sign located adjacent to the primary facade with the principal customer entrance, or up to 8 feet from that facade.</u> 	<p><u>Height</u></p>	<p><u>4' max</u></p>
<ul style="list-style-type: none"> • <u>A sidewalk sign must be removed and placed indoors at the close of business each day.</u> 	<p><u>Width</u></p>	<p><u>3' max</u></p>
<ul style="list-style-type: none"> • <u>A sidewalk sign cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility. A minimum sidewalk clearance of 6 feet in width must be maintained.</u> 	<p><u>Right of Way Encroachment</u></p>	
<ul style="list-style-type: none"> • <u>A sidewalk sign must have a locking arm or other device to stabilize the structure.</u> 	<p><u>May encroach on a public sidewalk but not over a public street or alley. The sign cannot obstruct vehicular, bicycle or pedestrian traffic and it must comply with ADA clearance and accessibility. A minimum sidewalk clearance of 6 feet in width must be maintained.</u></p>	
<ul style="list-style-type: none"> • <u>A sidewalk sign cannot be illuminated.</u> 		

K. SIGN MEASUREMENTS

a. Sign Area

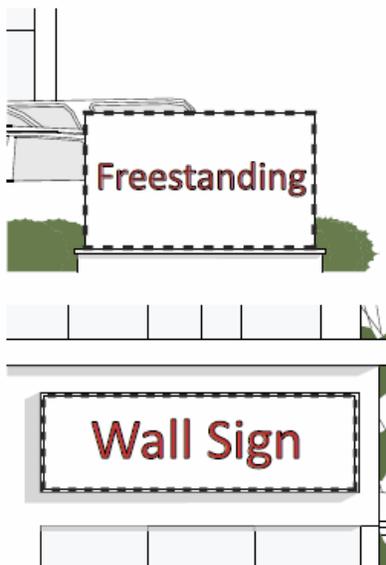
i. Sign area includes the area of the smallest enclosing circle, half-circle, parallelogram, or triangle that encloses all of the letters, figures or symbols that comprise the sign message.



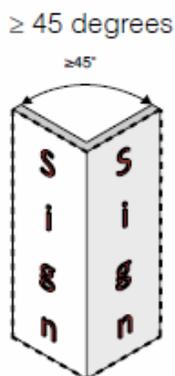
ii. Irregular shapes are calculated by up to a maximum of 3 connected shapes.



iii. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign and the background used to differentiate the sign from the structure on which it is mounted.

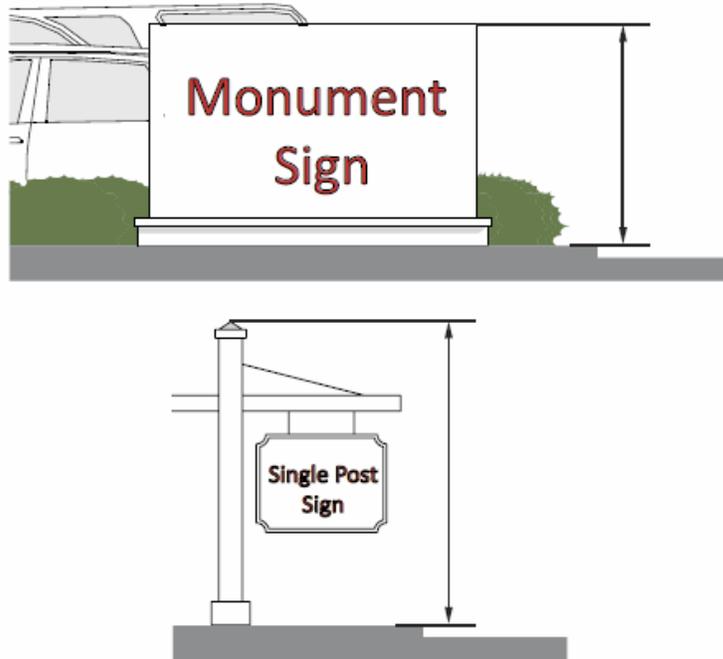


- iv. Sign area does not include any structure supporting the sign unless the support structure forms a part of the message being displayed.
- v. The area for a sign with more than one face is computed by adding together the area of all sign faces greater than 45 degrees; if the sign face angle is less than 45 degrees, only the area of the largest sign face is computed as part of the sign area.



b. Sign Height

- i. The total height of a ground sign is measured from the highest point of the sign or supporting structure to the finished grade directly below it.
- ii. The height may not be artificially increased by the use of mounding.



L. ILLUMINATION

Illumination of signs must be in accordance with the following requirements.

a. Illumination Permitted by Sign Type

	<u>Internal</u>	<u>External</u>
<u>Building Signs</u>		
<u>Wall Sign</u>	<u>Allowed</u>	<u>Allowed</u>
<u>Awning Sign</u>	<u>Not allowed</u>	<u>Not allowed</u>
<u>Canopy Sign</u>	<u>Allowed</u>	<u>Allowed</u>
<u>Projecting Sign</u>	<u>Not allowed</u>	<u>Allowed</u>
<u>Hanging Sign</u>	<u>Not allowed</u>	<u>Not allowed</u>
<u>Freestanding Signs</u>		
<u>Monument Sign</u>	<u>Allowed</u>	<u>Allowed</u>
<u>Double Post Sign</u>	<u>Not allowed</u>	<u>Allowed</u>
<u>Single Post Sign</u>	<u>Not allowed</u>	<u>Allowed</u>
<u>Other Signs</u>		
<u>Entry Feature Sign</u>	<u>Not allowed</u>	<u>Allowed</u>
<u>Sidewalk Sign</u>	<u>Not allowed</u>	<u>Not allowed</u>

b. Prohibited Light Sources

- i. Blinking, flashing, and chasing.
- ii. Bare bulb illumination.
- iii. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
- iv. Direct reflected light that creates a hazard to operators of motor vehicles.
- v. Lights that outline property lines, sales areas, roof lines, doors, windows, or similar area are not allowed, except for seasonal lighting.
- vi. Lamps that exceed a color temperature of 3200K.

c. Externally Illuminated Signs

- i. An externally illuminated sign is characterized by the use of artificial light reflecting off its surface.
- ii. Illumination must be by top-mounted fixtures aimed downward, and they cannot exceed 200 lamp lumens per square foot of sign face.
- iii. Illumination shall be incorporated into the sign bracket when possible

d. Internally Illuminated Signs

- i. An internally illuminated sign is characterized by the use of artificial light projecting through its surface.
- ii. All lamps intended for internal illumination must be fully concealed from view.
- iii. Internal illumination cannot exceed 300 lamp lumens per square foot of sign area.
- iv. For internally illuminated signs on a background, no more than 50% of the sign area may be composed of lighter-colored surfaces (white, off-white, gray, cream, or pale shades of other colors), as opposed to opaque, darker-colored, or back-lit surfaces.
- v. Exposed neon is not allowed, except one window sign stating “open” that is not greater than 5 square feet in area and does not exceed 30% of the window area, limited to one per establishment.

e. Illumination Curfew

- i. The illumination of signs is prohibited between the hours of 11 p.m. or the time of closing of the related business, whichever is later, and 30 minutes prior to the time of reopening.

M. CHANGEABLE COPY

a. Types of Changeable Copy

i. Manual Changeable Copy

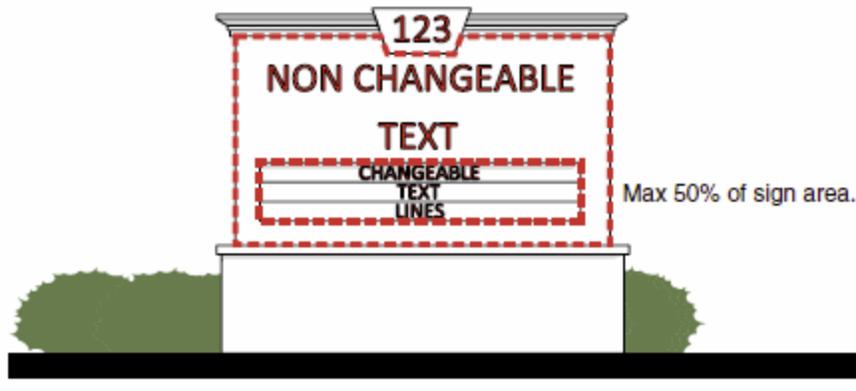
1. A sign or portion of a sign that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and is changed or re-arranged manually or mechanically with characters, letters, or illustrations that may be changed or rearranged without altering the face or the surface of the sign, such as a marquee sign.

ii. Digital Changeable Copy

1. A sign or portion of a sign that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the sign.

b. Signs Allowing Manual Changeable Copy

- i. Manual changeable copy is allowed in conjunction with an allowed wall or monument sign provided the changeable copy portion is no greater than 50% of the sign area.



c. Signs Allowing Digital Changeable Copy

- i. Digital changeable copy is allowed in conjunction with an allowed wall or monument sign.
- ii. Digital changeable copy is not allowed in Scenic Corridor Design Review Overlay.
- iii. Any image or message or portion of the image or message must have a static display for minimum duration of 24 hours, except for the display of time or temperature, which must have a minimum duration of 8 seconds.
- iv. No portion of the image or message may flash, scroll, twirl, change color or in any manner imitate movement.
- v. The sign must not exceed a maximum illumination of 300 lumens during daylight hours and a maximum illumination of 50 lumens between dusk to dawn as measured from the sign's face at maximum brightness.

8-9-9: APPEAL:

Any affected person unsatisfied with an administrative decision on a Sign Permit application that is related to a requirement in this Code can file an appeal.

A. Appeal Submittal:

- a. To begin the appeal process, submit a complete application form, along with the required application fees, to the County. The appeal application must be filed within 14 days of the date of decision.
- b. An official denial letter must be provided to the applicant prior to the application of an appeal.

B. Appeal Review:

- a. Appeal of the Planning Administrator's decision
 - i. Any appeal received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Commission for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.
 - ii. The Commission will, during a regularly scheduled public meeting, make findings and render a decision within 30 days after the public meeting on the administrative appeal.
- b. Appeal of the Commission's' decision
 - i. Any appeal received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Board for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.
 - ii. The Board will, during a regularly scheduled public meeting, make findings and render a decision within 30 days after the public meeting on the administrative appeal.
- c. Appeal of the Board's decision
 - i. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the Board.
 - ii. Any reconsideration request received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator

to the Board for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.

iii. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

C. Pursuit of Other Approvals While Appeal is Pending:

a. The filing of an appeal means you can no longer move forward with any other approvals related to your development project until a decision has been made related to the appeal.

D. Criteria for Appeal Review:

a. The criteria for approving or denying the request are the same used for the original decision by the Planning Administrator. The Commission may affirm or reverse the Planning Administrator's decision based on the applicable standards in this Code.

~~A.—— RIGHT TO APPEAL: The sign applicant may appeal the decision of the Planning Administrator, provided the written appeal is filed with Planning Department within five (5) working days after the decision of the Planning Administrator is made. (amd. 2011-05-12)~~

~~B.—— COMMISSION ACTION: The Planning & Zoning Commission 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 Planning and Zoning Commission shall approve, disapprove, or modify the action of the Planning Administrator. (amd 2013-04-11; amd. 2011-05-12)~~

~~8-9-7:—— VARIANCE PROCEDURE: The planning and zoning commission may recommend to the board of county commissioners, 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 unpractical.~~

CHAPTER 9

SIGNS:

SECTION:

8-9-1:	General Provisions
8-9-2:	Signs not Allowed
8-9-3:	Heritage Signs
8-9-4:	Temporary Signs
8-9-5:	Signs Allowed without a Permit
8-9-6:	Signs Along State Highways and Ski Hill Road
8-9-7:	Signs Requiring a Permit
8-9-8:	Sign Types and Standards
8-9-9:	Appeals

8-9-1: GENERAL PROVISIONS

A. PURPOSE: The purpose of this chapter is to provide comprehensive regulations for signs within Teton County and to eliminate confusing, distracting, and unsafe signs while assuring the reasonably efficient transfer of information and enhancing the visual environment of the County. It is declared that the regulation of signs within Teton County is necessary and in the public interest and also relates to the following goals:

- i. To provide a pleasing overall environmental setting and community appearance which is deemed vital to tourism and the continued economic attractiveness of the County;
- ii. To improve the legibility and effectiveness of signs;
- iii. To allow signs appropriate to the planned character of each zoning district;
- iv. To promote the public safety, welfare, convenience, and enjoyment of the unique rural character of the County;

B. APPLICABILITY: No sign may be erected, altered, refurbished or otherwise modified after the effective date of this Code except in accordance with the requirements of this Chapter.

C. SIGN PERMIT REQUIRED

- i. All sign types described in 8-9-7 require a sign permit before they may be installed, constructed, reconstructed, altered, or relocated. Signs described in 8-9-5 do not require a sign permit, but must follow applicable standards.

- ii. The following alteration and maintenance activities do not require a sign permit:
 - a. Painting, cleaning, or other normal maintenance and repair of a sign, provided that no change is made to any structural or electronic component of the sign.
 - b. Changing the message of an existing changeable copy of sign, provided that no change is made to any structural or electronic component of the sign.
- iii. Any sign that encroaches upon or over a public right-of-way requires an encroachment permit.

D. PERMIT APPLICATION PROCESS

- i. All sign applications shall be submitted to and reviewed by Teton County for compliance with this Chapter. A sign application must include the appropriate fee plus the following items:
- ii. A completed application using the form supplied by the County;
- iii. For building signs: A building elevation drawn to scale which specifies the location of the proposed new sign, as well as the location and size of any other sign of the same type on the building;
- iv. For freestanding signs, portable signs, and entry feature signs: A site plan drawn to scale which specifies the location of the new sign structure with respect to adjacent structures and property lines;
- v. A scaled drawing of the sign including dimensions of all sign faces, descriptions and colors of materials to be used for sign faces and support structures, including detailed specifications for any footers, posts, and hardware, and a detailed sign lighting plan which clearly indicates the location, type, and illumination strength (lumens) of all sign lighting fixtures;
- vi. Tenants of buildings with multiple occupants must include a copy of the approved overall sign plan and indicate how their proposed sign(s) fit(s) into the approved plan. If the new sign does not conform with the approved sign plan, then the applicant must include an amended sign plan with the building owner's signature;
- vii. Any other information deemed necessary by the Administrator.

E. NONCONFORMING SIGNS

- i. All nonconforming signs in existence before the effective date of this Code may continue to be used provided they are maintained in a safe manner and are kept in good repair. Minor repair and maintenance of a nonconforming sign is allowed.

- ii. Nonconforming signs may stay in place until one of the following occurs (except to bring the sign out if its nonconforming condition and into compliance with the requirements of this Chapter):
 - a. The sign has damage exceeding 50% of its value immediately prior to the event causing the damage or destruction;
 - b. The deterioration of the sign makes it a hazard;
- iii. The Administrator will not approve a permit for a nonconforming sign to be:
 - a. Relocated in any manner;
 - b. Structurally altered; or
 - c. For more than 50% of the sign face to be permanently altered.
- iv. For the purpose of this Chapter, structural alteration of sign modifies the sign dimensions, height, lighting, or support structure.
- v. If determined by the Planning Administrator that a nonconforming sign meets the criteria of 8-9-1(E-ii), the Planning Administrator will give the owner 30 working days written notice to bring the sign into conformance or the sign will be removed at the owner's expense. In the case where winter weather conditions hinder the removal of said sign, the Planning Administrator will issue a follow up date for the sign to be removed by.
- vi. Temporary signs (including sidewalk signs) cannot be considered nonconforming and are subject to the requirements of this Chapter on or after the effective date of this Code.

F. LOCATION

- i. No sign, other than signs placed by agencies of government or a sign whose placement is authorized by such agencies, may be erected or placed on public property, including streets and the public right of way.
- ii. No sign shall be located so as to conflict with the clear and obvious appearance of public devices controlling traffic or so as to impede clear vision between a height of three feet and ten feet above the centerline grades of intersecting streets through the area created by drawing an imaginary line between points 30 feet back from where the curb lines of the intersection meet nor shall a sign obstruct the free use, of any public right-of-way, intersection, ingress or egress point, transit stop, parking space, drive aisle, driveway, sidewalk, building entrance, fire escape, or accessibility ramp.
- iii. No sign may be placed so as to obstruct any door.

- iv. Signs must be located so that they do not cover architectural features of a building or structure, including, but not limited to, transoms, insignias, or any other architectural feature.
- v. Signs cannot be painted on or attached to a telephone or utility pole, tree, or traffic sign.

G. CONSTRUCTION

- i. Signs must be constructed of permanent materials and be permanently affixed to the ground or a structure, except for allowed temporary signs (including sidewalk signs).
- ii. If a raceway is necessary, it must not extend in width or height beyond the area of the sign. A raceway must be finished to match the background surface to which it is attached, or integrated into the overall design of the sign.
- iii. Signs that have structural components exceeding 6 feet in height must obtain a Building Permit when they obtain a Sign Permit. The structure will be subject to a plan review as well as any inspections required by the Building Official and appropriate fees applied.

H. MAINTENANCE

- i. Signs must be maintained in good condition at all times and must be kept free of cracked or peeling paint, or missing or damaged components.
- ii. The Planning Administrator may cause to be removed after due notice any sign which shows gross neglect, becomes dilapidated.
- iii. The Planning Administrator will give the owner 10 working days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the Planning Administrator will have the sign removed at the owner's expense.

I. Multi-Tenant Building and Multi-Business Complexes

- i. A sign plan is required for all multi-tenant buildings and multi-business complexes. The plan must indicate the size and location of all projecting, wall, freestanding, directory, and other signs. Individual tenants of a multi-tenant building or multi-business complex must subsequently receive permits for their individual signs which must conform to the overall sign plan.

8-9-2: SIGNS NOT ALLOWED:

All signs not expressly allowed by this Chapter are deemed not allowed. Signs not allowed include, but are not limited to, the following.

- i. Rotating, moving, or animated signs involving motion or sound, except for clocks.
- ii. Any sign with audio speakers or any form of pyrotechnics.
- iii. Flashing, blinking, or varying light intensity signs.
- iv. Signs that have a scrolling, flashing, or moving message, except those signs constructed by a governmental entity.
- v. Signs that contain or are an imitation of an official traffic sign or signal or other government sign.
- vi. Any reflective or mirrored sign.
- vii. Streamers.
- viii. Inflatable signs, including but not limited to balloons, gas inflated signs, or similar inflated devices.
- ix. Search lights and beacons.
- x. Outdoor image projections (signs projected from an external light source onto a building or structure) or any other similar devices.
- xi. Any sign attached to the roof of a building.
- xii. Any abandoned signs.

xiii. 8-9-3: HERITAGE SIGNS

A sign having historical significance, and which advertises an establishment or product no longer in existence or a product no longer being offered, may be designated as a heritage sign.

In order for a sign to be designated a heritage sign, the Planning and Zoning Commission must make written findings that the sign is at least 50 years old, and meets at least one of the following criteria:

- i. The sign has historic character, interest, or value as part of the development, heritage, or cultural characteristics of Teton County.
- ii. The sign is significant as evidence of the history of the product, business, or service advertised.
- iii. The sign embodies elements of design, detailing, materials, or craftsmanship that make it significant or innovative.
- iv. The sign has a unique location or contains singular physical characteristics that make it an established or familiar visual feature within the community.

8-9-4

8-9-4: TEMPORARY SIGNS

The following temporary signs do not require a sign permit but must follow applicable standards.

- i. Temporary signs must be located on private property with the property owner's consent.
- ii. Temporary signs cannot be located within the public right-of-way.
- iii. Temporary signs cannot be illuminated.
- iv. Specific requirements for temporary signs are listed below.
- v. No premises may display more than 4 temporary signs per year.
- vi. Temporary signs shall have the first date of display affixed to the sign (front or back) at the beginning of each 14 day period

Zoning District	Duration	Size (max)
A-2.5, A-20, R-1, R-2	Allowed 14 days	8 sf per allowed sign
C-1, C-2, C-3, M-1	Allowed 14 days	8 sf per allowed sign

8-9-5: SIGNS ALLOWED WITHOUT A PERMIT

The following signs are allowed and are exempt from 8-9-7 but must follow applicable standards.

- i. All signs erected in a public right of way by a public agency.
- ii. Official notices issued by any court, public agency, or officer.
- iii. Flags.
 - a. A maximum of 2 flags are allowed per street frontage.
 - b. An individual flag cannot exceed 30 square feet in area.
 - c. The maximum height of a flagpole is 30 feet, measured from the highest point of the flagpole.
- iv. Signs designated by the Planning and Zoning Commission as being Heritage Signs;
- v. A sign installed inside a window for the purposes of viewing from outside the premises. Such signs cannot exceed 10% of the total window area;

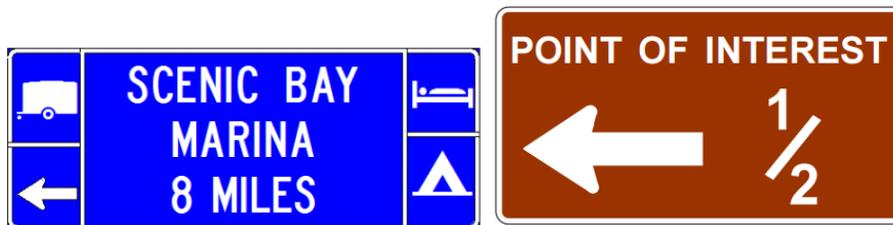
8-9-5

- vi. Any government sign, meaning any sign put up by a government agency either required by law or in sponsorship of a government function (a building permit may still be required for the construction of these signs);
- vii. Any directional sign. Parking lot directional signs shall not project higher than 7 feet above the existing grade;
- viii. One Incidental sign per property that does not exceed 6 square feet and does not exceed 6 feet in height,
- ix. Any sign that replaces an equivalent sign within a multi-tenant freestanding sign, so long as it complies with the overall multi-tenant sign plan.

8-9-6: SIGNS ALONG STATE HIGHWAYS AND SKI HILL ROAD

The following regulations apply to signs along State Highways 31, 32, and 33 and Ski Hill Road. The Teton Scenic Byway passes through Teton County. There are Federal regulations that control outdoor advertising along these byways (Title 23, Section 131 of the United States Code).

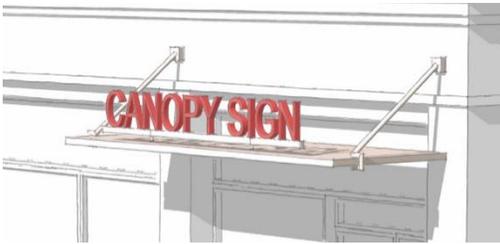
- i. Existing signs may remain in accordance with 8-9-1(E).
- ii. No new outdoor advertising signs shall be constructed within 650 feet of the right of way of these roads, which is visible from these roads.
- iii. Only State Approved Single Business Off-Premise Outdoor Advertising Signs, State Approved Multi-Business Signs, State Approved Point of Interest Signs, and State Approved Tourist Oriented Directional Signs are permitted. These are signs that meet State of Idaho Transportation Department dimensional and design standards, are located in the state highway right-of-way, approved by ITD, and must be supplied/installed by ITD. Teton County should be notified when an application is made to ITD.



8-9-7: SIGNS REQUIRING A PERMIT

A. SIGN TYPES:

The following signs are allowed following the issuance of a sign permit.

Sign Descriptions	
Specific Sign Types	Illustration
Building Signs	
<p>Wall Sign. A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.</p>	
<p>Awning Sign. A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.</p>	
<p>Canopy Sign. A building sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.</p>	
<p>Projecting Sign. A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.</p>	
<p>Hanging Sign. A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.</p>	

Sign Descriptions	
Specific Sign Types	Illustration
Freestanding Signs	
<p>Monument Sign. A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.</p>	
<p>Double Post Sign. A freestanding sign where the primary support is supplied by two posts positioned no more than 2 inches from the outer edge of the sign face.</p>	
<p>Single Post Sign. A freestanding sign where the primary support is supplied by a single post and where the sign hangs from a bracket or support.</p>	
Other	
<p>Entry Feature Sign. A sign permanently affixed to the ground which is wholly independent of a building for support, is located at the entry of a subdivision, and is approved with the subdivision.</p>	
<p>Sidewalk Sign. A movable sign not secured or attached to the ground or surface upon which it is located.</p>	

B. SIGN TYPES ALLOWED BY ZONING DISTRICT

Signs are allowed by district. Specific requirements for each sign are shown on the following pages.

	A-2.5	A-20	R-1	R-2	C-1	C-2	C-3	M-1
Building Signs								
Wall Sign	--	--	--	--	P	P	P	P
Awning Sign	--	--	--	--	P	P	P	P
Canopy Sign	--	--	--	--	P	P	P	P
Projecting Sign	--	--	--	--	P	P	P	P
Hanging Sign	--	--	--	--	P	P	P	P
Freestanding Signs								
Monument Sign	--	--	--	--	P	P	P	P
Double Post Sign	P	P	P	P	P	P	P	P
Single Post Sign	P	P	P	P	P	P	P	P
Other Signs								
Entry Feature Sign	P	P	P	P	P	P	P	P
Sidewalk Sign	--	--	--	--	P	P	P	P
P = sign type allowed -- = sign type not allowed								

- a. The maximum total sign area may be allocated among the permitted signs in each district, provided that each sign conforms to the applicable regulations of the district in which the sign is located and the applicable regulations for the sign type.
- b. In no case may the total area of all signs on a particular site exceed the maximum total sign area given for a site in a particular zoning district.
- c. Heritage signs do not count toward the maximum total sign area or the maximum number of permitted signs.

C. ALLOCATION OF SIGN AREA

- a. The maximum sign area for each sign type is determined by district and is established below. There must be a building on the property to increase the size
- b. Building frontage is determined by measuring the total length of each street-facing building facade that runs approximately parallel with the street the sign is intended to be viewed from. Non street-facing building facades are not allocated sign area, however, sign area allocated to a street-facing building facade may be

used on a non-street-facing building facade. Sign allocation from one street-facing building facade cannot be transferred to another street-facing building facade.

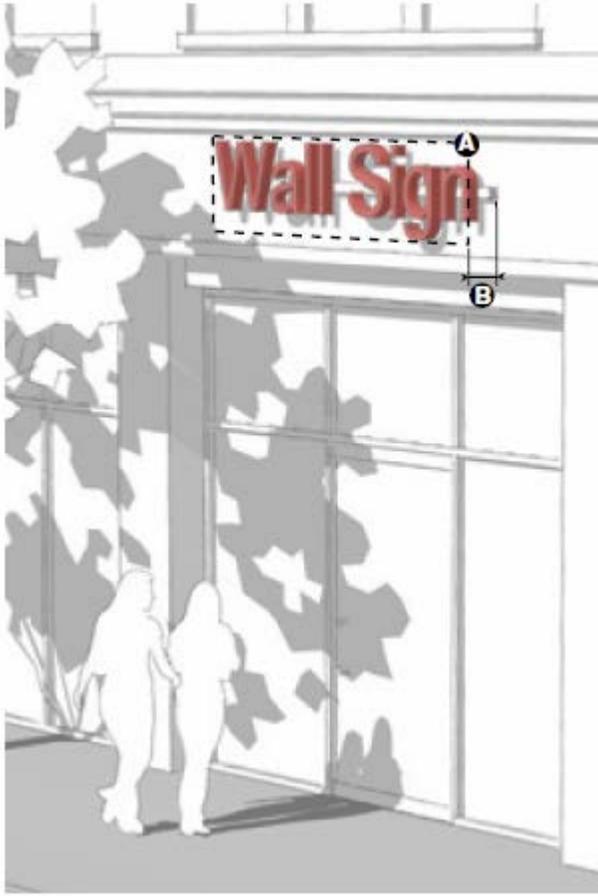
- c. Street frontage is that portion of a lot that abuts a public or private street. A lot that abuts one street has one street frontage, a lot that abuts 2 streets has 2 street frontages, a lot that abuts 3 streets has 3 street frontages, and a lot that abuts 4 streets has 4 street frontages.

D. SIGN DESIGN STANDARDS FOR NON-TEMPORARY SIGNS

- a. All Zoning Districts
 - i. All signs shall be made of durable materials such as wood and metal or others deemed similar in appearance
- b. Rural and Residential Zoning Districts (A-2.5, A-20, R-1, R-2)
 - i. Signs shall feature muted colors consisting of warm earth tones
 - ii. No fluorescent colors or reflective surfaces shall be permitted

8-9-8

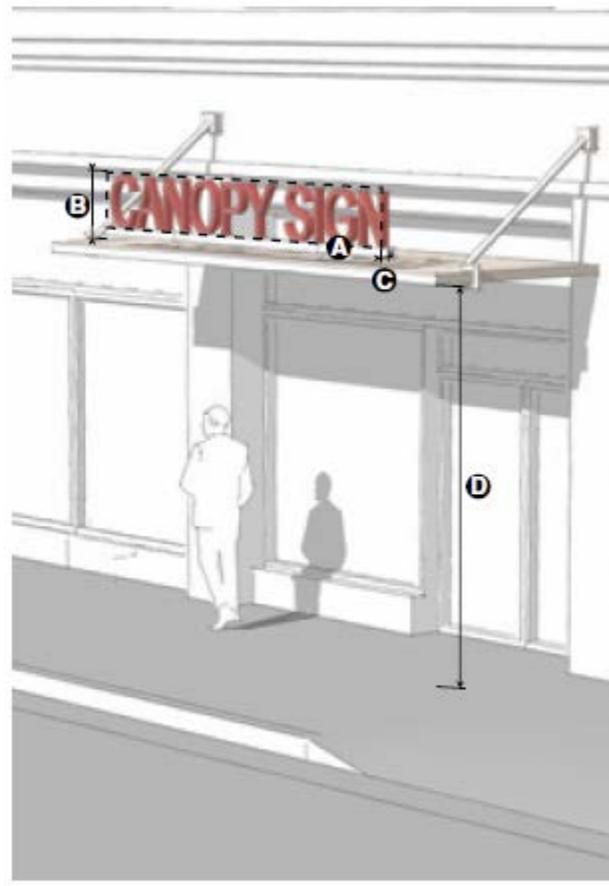
8-9-8: SIGN TYPES AND STANDARDS

A. Wall Sign		
 		
Description	Dimensions	
<p>A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.</p>	<p>Allocation of sign area</p>	<p>see 8-9-7(C)</p>
General Provisions	Size	
<ul style="list-style-type: none"> • A wall sign must be placed no higher than 18 feet above the sidewalk. • No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof. • A wall sign cannot cover windows or architectural details. • A wall sign may be externally or internally illuminated in accordance with 8-9-8(L). 	<p>M-1</p> <p>Projection - measured from building facade</p>	<p>40 sf max</p> <p>1' max</p>
	Right of Way Encroachment	
	<p>May encroach over the public sidewalk but not over any public street or alley.</p>	

8-9-8

B. Awning Sign		
		
		
Description	Dimensions	
<p>A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.</p>	Allocation of sign area	see 8-9-7(C)
General Provisions	Size	
<ul style="list-style-type: none"> • An awning sign cannot extend outside the awning. • Only awnings over ground story doors or windows may contain signs. • One sign is allowed per awning. A sign may be on either the front or side valance (but no on both). • Signs are not allowed on the sloping face of an awning. • An awning sign cannot be illuminated. 	M-1	20 sf max
	Height	1' max
	Right of Way Encroachment	
	<p>May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.</p>	

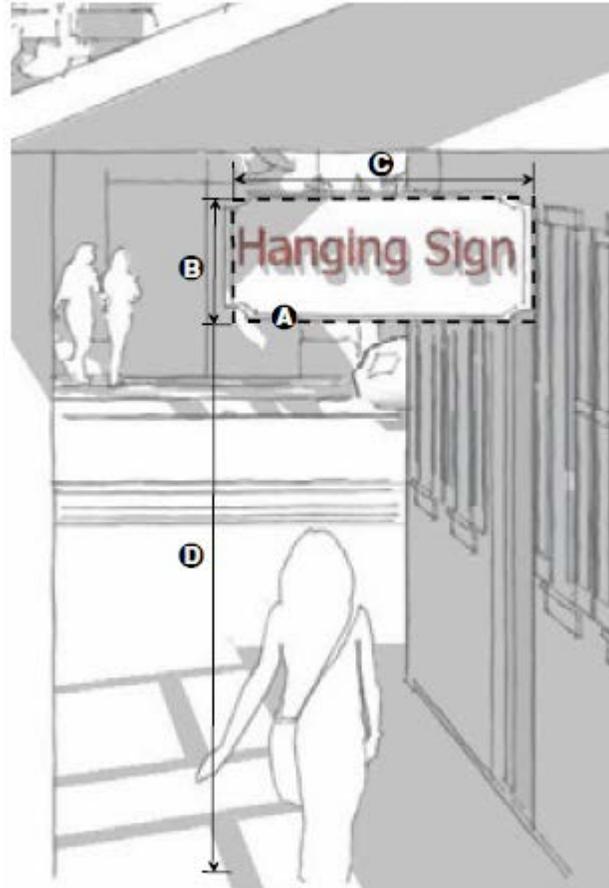
C. Canopy Sign



Description	Dimensions		
A building sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.	Allocation of sign area	see 8-9-7(C)	
General Provisions	Size		
<ul style="list-style-type: none"> • A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy. • A maximum of one sign is allowed per canopy. • A canopy sign may be externally or internally illuminated in accordance with 8-9-8(L). 	M-1	32 sf max	
	Height	2' max	
	Depth	1' max	
	Clear height		
	above sidewalk	9' min	14' min
Right of Way Encroachment			
May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.			

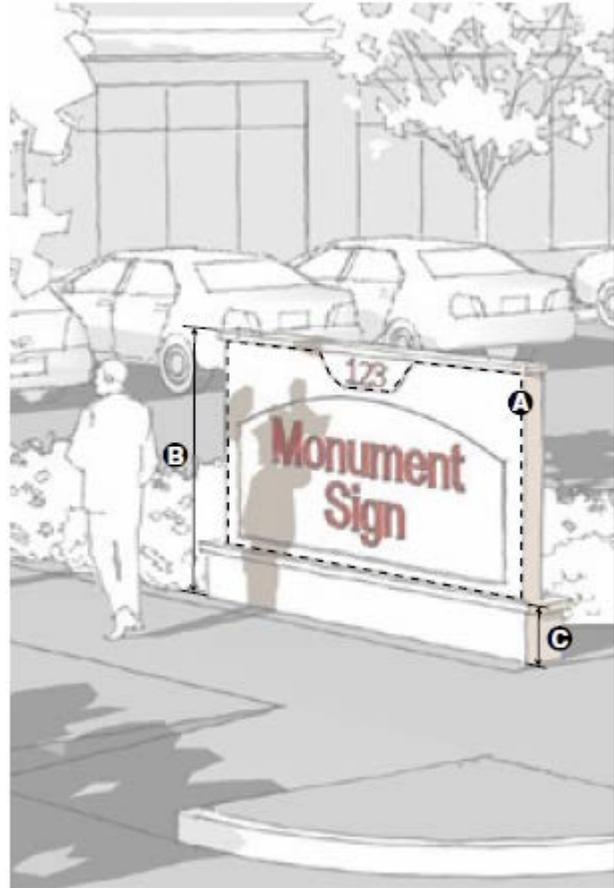
D. Projecting Sign		
 		
Description	Dimensions	
A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.	Allocation of sign area	see 8-9-7(C)
General Provisions	Size	
<ul style="list-style-type: none"> A projecting sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building. Only one projecting sign is allowed per tenant per street frontage. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both frontages may be used. A projecting sign may only be externally illuminated in accordance with 8-9-8(L). 	M-1	20 sf max
	Projection - measured from building facade	4' max
	Width	1' max
	Clear height	
	above sidewalk	9' min
	above parking area or driveway	14 min'
	Right of Way Encroachment	
May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.		

E. Hanging Sign



Description		Dimensions	
A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.		Allocation of sign area	see 8-9-7(C)
General Provisions		Size	3 sf max
<ul style="list-style-type: none"> A hanging sign must be located within 5 feet of an accessible building entrance. A hanging sign cannot be illuminated. 	Height	2' max	
	Width	3' max	
	Clear height		
	above sidewalk	9' min	
	above parking area or driveway	14 min'	
		Right of Way Encroachment	
		May encroach over public sidewalk but not over a public street or alley. Sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.	

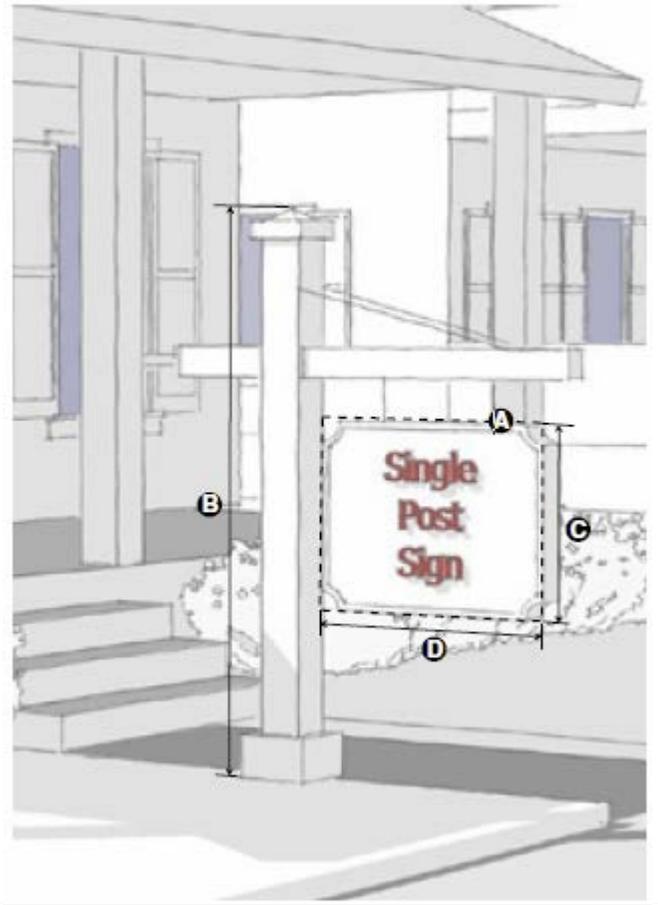
F. Monument Sign



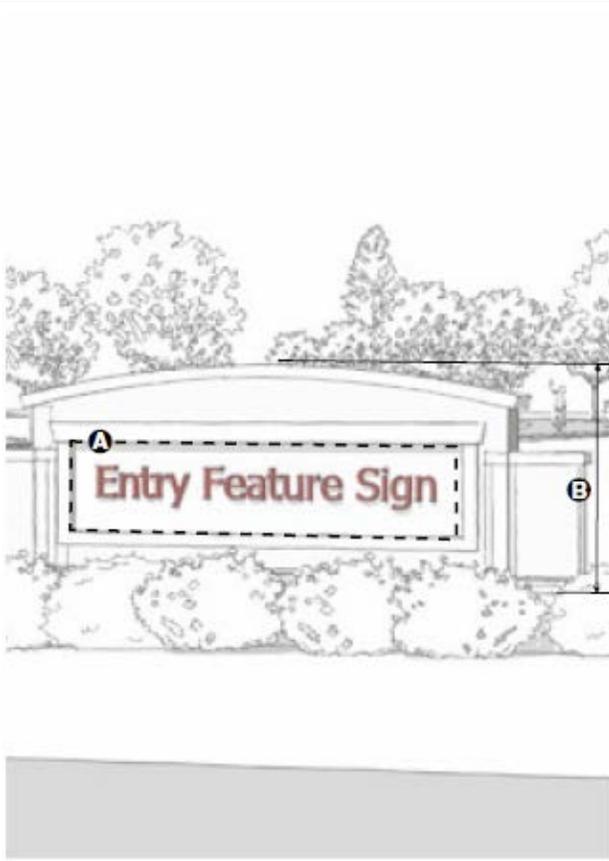
Description	Dimensions	
A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.	Allocation of sign area	see below
General Provisions	Size (by number of tenants)	
<ul style="list-style-type: none"> Only one freestanding sign is allowed per street frontage, except that one additional freestanding sign is allowed for properties with 500 feet or more of street frontage. 	1 tenant	24 sf max
	2 to 3 tenants	32 sf max
	5 or more tenants	40 sf max
<ul style="list-style-type: none"> Monument signs must display the street address of the property. If the area of the address is 5 square feet or less, the area does not count towards the allocation of sign area. 	Height	
	M-1	10' max
<ul style="list-style-type: none"> A monument sign must be set back at least 10 feet from the primary or side street lot line and 15 feet from a side lot line. 	Base height	
	M-1	2' min
<ul style="list-style-type: none"> A monument sign may be externally or internally illuminated in accordance with 8-9-8(L). 	Right of Way Encroachment	
	Not allowed.	

G. Double Post Sign		
		
Description	Dimensions	
A freestanding sign where the primary support is supplied by two posts positioned no more than 2 inches from the outer edge of the sign face.	Allocation of sign area	see below
General Provisions	Size	16 sf max
<ul style="list-style-type: none"> Only one freestanding sign is allowed per street frontage, except that one additional freestanding sign is allowed for properties with 500 feet or more of street frontage. A double post sign must be set back at least 10 feet from the front lot line and 15 feet from a side lot line. A double post sign must display the street address of the property. If the area of the address is 5 square feet or less, the area does not count towards the allocation of sign area. A double post sign may only be externally illuminated in accordance with 8-9-8(L). 	Height	4' max
	Right of Way Encroachment	
	Not allowed.	

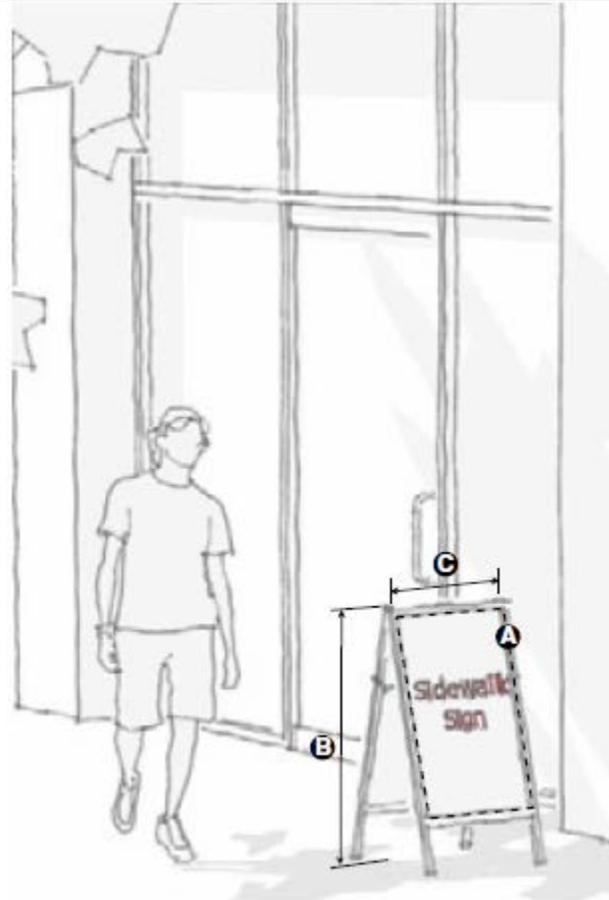
H. Single Post Sign



Description	Dimensions	
A freestanding sign where the primary support is supplied by a single post and where the sign hangs from a bracket or support.	Allocation of sign area	see below
General Provisions	Size	16 sf max
<ul style="list-style-type: none"> The hanging bracket must be an integral part of the sign design. 	Height	6' max
<ul style="list-style-type: none"> Only one freestanding sign is allowed per street frontage, except that one additional freestanding sign is allowed for properties with 500 feet or more of street frontage. 	Length	4' max
<ul style="list-style-type: none"> A single post sign must be set back at least 10 feet from the front lot line and 10 feet from a side lot line. 	Width	4' max
<ul style="list-style-type: none"> A single post sign may only be externally illuminated in accordance with 8-9-8(L). 	Right of Way Encroachment	
	Not allowed.	

I. Entry Feature Sign		
 		
Description	Dimensions	
<p>A feature permanently affixed to the ground which is wholly independent of a building for support, is located at the entry of a subdivision and is approved with the subdivision.</p>	<p>Allocation of sign area</p>	<p>see below</p>
General Provisions	<p>Size</p>	<p>24 sf max</p>
<ul style="list-style-type: none"> • One entry feature sign is allowed per street frontage. • An entry feature sign must be set back at least 15 feet from the front property line and 15 feet from a side property line. • An entry feature sign may only be externally illuminated in accordance with 8-9-8(L). 	<p>Height</p>	<p>8' max</p>
	Right of Way Encroachment	
<p>Not allowed.</p>		

J. Sidewalk Sign



Description	Dimensions	
A movable sign not secured or attached to the ground or surface upon which it is located.	Allocation of sign area	see below
General Provisions	Size	9 sf max
<ul style="list-style-type: none"> • Each ground floor tenant may have one sidewalk sign located adjacent to the primary facade with the principal customer entrance, or up to 8 feet from that facade. • A sidewalk sign must be removed and placed indoors at the close of business each day. • A sidewalk sign cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility. A minimum sidewalk clearance of 6 feet in width must be maintained. • A sidewalk sign must have a locking arm or other device to stabilize the structure. • A sidewalk sign cannot be illuminated. 	Height	4' max
	Width	3' max
	Right of Way Encroachment	
	<p>May encroach on a public sidewalk but not over a public street or alley. The sign cannot obstruct vehicular, bicycle or pedestrian traffic and it must comply with ADA clearance and accessibility. A minimum sidewalk clearance of 6 feet in width must be maintained.</p>	

K. SIGN MEASUREMENTS

a. Sign Area

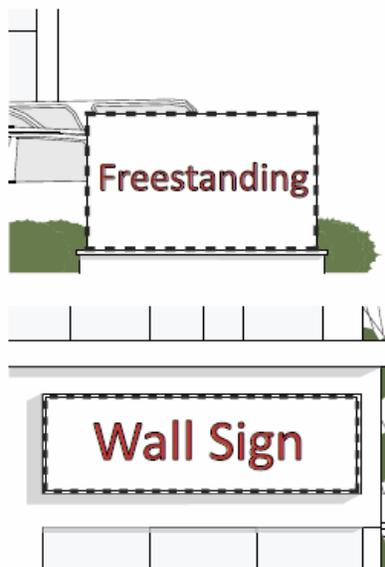
- i. Sign area includes the area of the smallest enclosing circle, half-circle, parallelogram, or triangle that encloses all of the letters, figures or symbols that comprise the sign message.



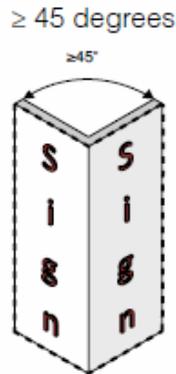
- ii. Irregular shapes are calculated by up to a maximum of 3 connected shapes.



- iii. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign and the background used to differentiate the sign from the structure on which it is mounted.

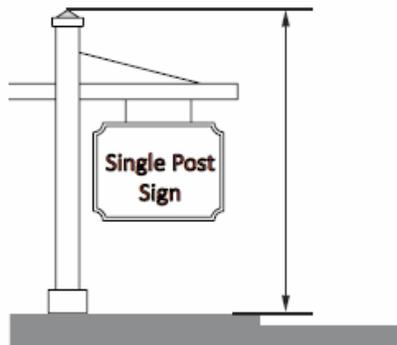


- iv. Sign area does not include any structure supporting the sign unless the support structure forms a part of the message being displayed.
- v. The area for a sign with more than one face is computed by adding together the area of all sign faces greater than 45 degrees; if the sign face angle is less than 45 degrees, only the area of the largest sign face is computed as part of the sign area.



b. Sign Height

- i. The total height of a ground sign is measured from the highest point of the sign or supporting structure to the finished grade directly below it.
- ii. The height may not be artificially increased by the use of mounding.



L. ILLUMINATION

Illumination of signs must be in accordance with the following requirements.

a. Illumination Permitted by Sign Type

	Internal	External
Building Signs		
Wall Sign	Allowed	Allowed
Awning Sign	Not allowed	Not allowed
Canopy Sign	Allowed	Allowed
Projecting Sign	Not allowed	Allowed
Hanging Sign	Not allowed	Not allowed
Freestanding Signs		
Monument Sign	Allowed	Allowed
Double Post Sign	Not allowed	Allowed
Single Post Sign	Not allowed	Allowed
Other Signs		
Entry Feature Sign	Not allowed	Allowed
Sidewalk Sign	Not allowed	Not allowed

b. Prohibited Light Sources

- i. Blinking, flashing, and chasing.
- ii. Bare bulb illumination.
- iii. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
- iv. Direct reflected light that creates a hazard to operators of motor vehicles.
- v. Lights that outline property lines, sales areas, roof lines, doors, windows, or similar area are not allowed, except for seasonal lighting.
- vi. Lamps that exceed a color temperature of 3200K.

c. Externally Illuminated Signs

- i. An externally illuminated sign is characterized by the use of artificial light reflecting off its surface.

- ii. Illumination must be by top-mounted fixtures aimed downward, and they cannot exceed 200 lamp lumens per square foot of sign face.
- iii. Illumination shall be incorporated into the sign bracket when possible

d. Internally Illuminated Signs

- i. An internally illuminated sign is characterized by the use of artificial light projecting through its surface.
- ii. All lamps intended for internal illumination must be fully concealed from view.
- iii. Internal illumination cannot exceed 300 lamp lumens per square foot of sign area.
- iv. For internally illuminated signs on a background, no more than 50% of the sign area may be composed of lighter-colored surfaces (white, off-white, gray, cream, or pale shades of other colors), as opposed to opaque, darker-colored, or back-lit surfaces.
- v. Exposed neon is not allowed, except one window sign stating “open” that is not greater than 5 square feet in area and does not exceed 30% of the window area, limited to one per establishment.

e. Illumination Curfew

- i. The illumination of signs is prohibited between the hours of 11 p.m. or the time of closing of the related business, whichever is later, and 30 minutes prior to the time of reopening,

M. CHANGEABLE COPY

a. Types of Changeable Copy

i. Manual Changeable Copy

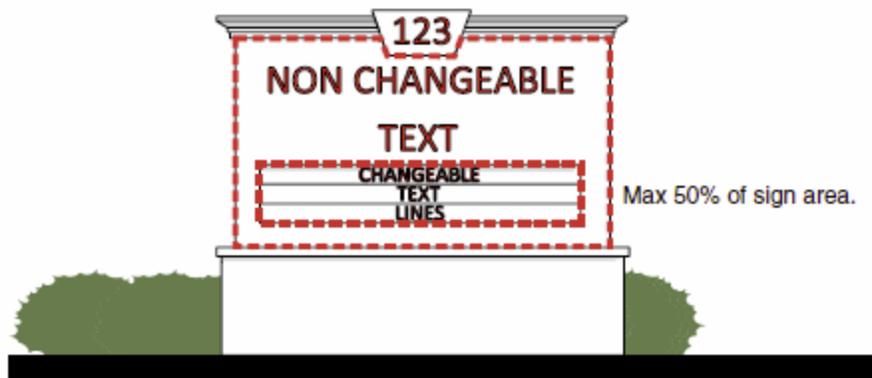
- 1. A sign or portion of a sign that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and is changed or re-arranged manually or mechanically with characters, letters, or illustrations that may be changed or rearranged without altering the face or the surface of the sign, such as a marquee sign.

ii. Digital Changeable Copy

1. A sign or portion of a sign that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the sign.

b. Signs Allowing Manual Changeable Copy

- i. Manual changeable copy is allowed in conjunction with an allowed wall or monument sign provided the changeable copy portion is no greater than 50% of the sign area.



c. Signs Allowing Digital Changeable Copy

- i. Digital changeable copy is allowed in conjunction with an allowed wall or monument sign.
- ii. Digital changeable copy is not allowed in Scenic Corridor Design Review Overlay.
- iii. Any image or message or portion of the image or message must have a static display for minimum duration of 24 hours, except for the display of time or temperature, which must have a minimum duration of 8 seconds.
- iv. No portion of the image or message may flash, scroll, twirl, change color or in any manner imitate movement.
- v. The sign must not exceed a maximum illumination of 300 lumens during daylight hours and a maximum illumination of 50 lumens between dusk to dawn as measured from the sign's face at maximum brightness.

8-9-9

8-9-9: APPEAL:

Any affected person unsatisfied with an administrative decision on a Sign Permit application that is related to a requirement in this Code can file an appeal.

A. Appeal Submittal:

- a. To begin the appeal process, submit a complete application form, along with the required application fees, to the County. The appeal application must be filed within 14 days of the date of decision.
- b. An official denial letter must be provided to the applicant prior to the application of an appeal.

B. Appeal Review:

- a. Appeal of the Planning Administrator's decision
 - i. Any appeal received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Commission for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.
 - ii. The Commission will, during a regularly scheduled public meeting, make findings and render a decision within 30 days after the public meeting on the administrative appeal.
- b. Appeal of the Commission's' decision
 - i. Any appeal received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Board for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.
 - ii. The Board will, during a regularly scheduled public meeting, make findings and render a decision within 30 days after the public meeting on the administrative appeal.
- c. Appeal of the Board's decision
 - i. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the Board.
 - ii. Any reconsideration request received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Board for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.

- iii. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

C. Pursuit of Other Approvals While Appeal is Pending:

- a. The filing of an appeal means you can no longer move forward with any other approvals related to your development project until a decision has been made related to the appeal.

D. Criteria for Appeal Review:

- a. The criteria for approving or denying the request are the same used for the original decision by the Planning Administrator. The Commission may affirm or reverse the Planning Administrator's decision based on the applicable standards in this Code.



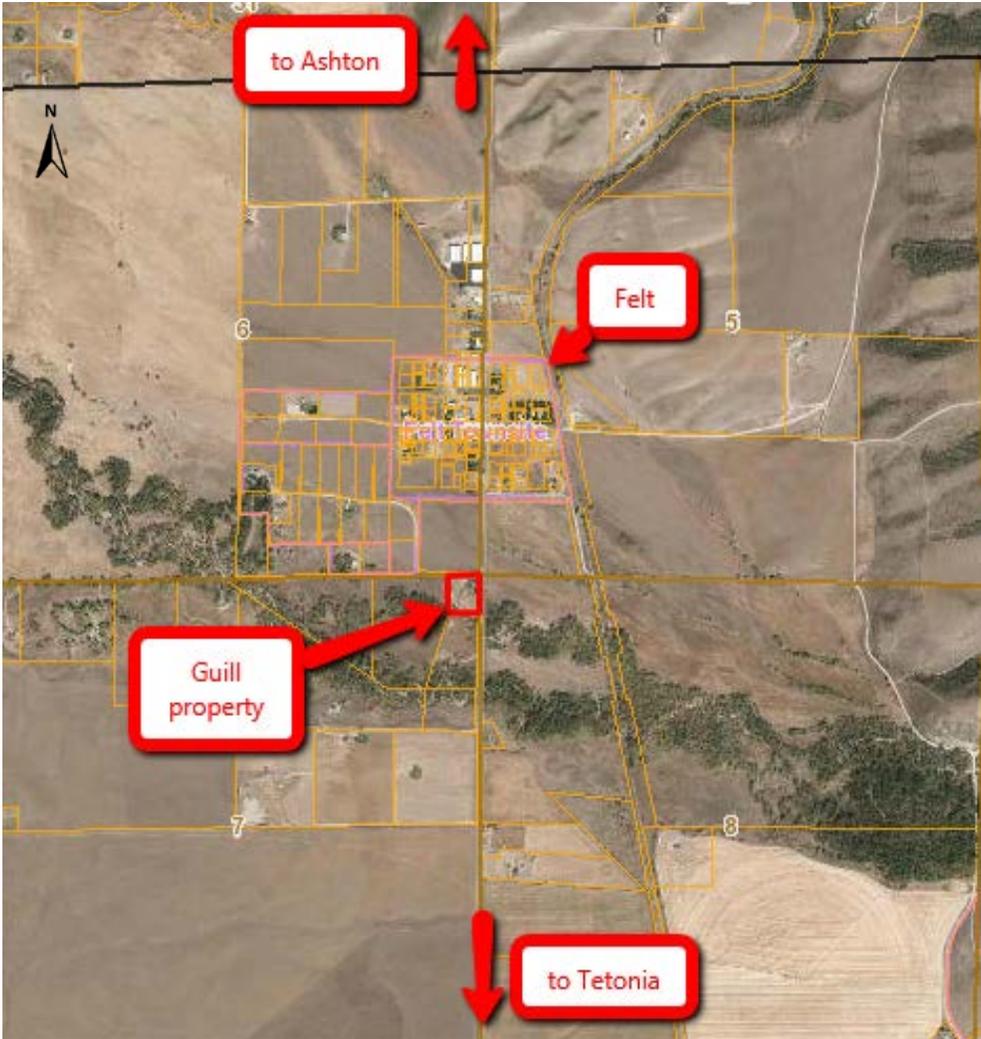
SCENIC CORRIDOR REVIEW for: Amber Winegar
WHERE: 4035 W 10000 N (Felt)
Prepared for the Planning & Zoning Commission
December 13, 2016

APPLICANT: Amber Winegar
LANDOWNER: Delie G. Guill

APPLICABLE COUNTY CODE: Teton County Zoning Ordinance Section 8-5-2-D (SC) Scenic Corridor Overlay Regulations.

REQUEST: Amber Winegar is requesting to place a single-wide, manufactured home on her family's property south of Felt, located along Highway 32 at 4035 W 10000 N. The property is entirely in the Scenic Corridor Overlay.

LEGAL DESCRIPTION: RP06N45E070010, TAX #6633 SEC 7 T6N R45E
LOCATION: 4035 W 10000 N
ZONING DISTRICT: A-2.5
PROPERTY SIZE: 3.08 acres
VICINITY MAP:



AERIAL IMAGE OF PROPERTY



PROJECT BACKGROUND: Amber Winegar and her husband submitted a completed scenic corridor design review application on December 1, 2016 (attachment 1), and they also submitted a building permit application. Before the building permit can be approved, a scenic corridor design review must occur and be approved for the structure. The proposed single-wide, manufactured home will be approximately 280 feet from the outer edge of Highway 32's right of way, and this proposal complies with all required setbacks. There are three existing homes on the property that are not livable and will be marked as "condemned" by the Building Official. One of these homes will be removed and replaced by the proposed home (see attachments 4 and 5).

This property is currently zoned A-2.5. The entire property is in the scenic corridor. The building location was chosen because it is replacing one of the existing homes. See attachment 6 for photos of the proposed home.

OVERVIEW OF SCENIC CORRIDOR REVIEW:

8-2-1-A. GENERAL DEFINITIONS: Scenic Corridor Overlay includes all lands lying within 330 feet of both sides of the rights-of-way for Idaho State Highways 31, 32, 33 and Ski Hill Road from Driggs City limits to the Wyoming state line.

8-5-1-D. PURPOSE: The purpose of this overlay area is to provide a design review procedure to ensure that key roads in Teton County are sufficiently protected from unsightly and incompatible land uses.

8-5-2-D (1) DESIGN REVIEW: All development shall be subject to design review to ensure that the location, scale, and appearance of buildings, structures, and development of land shall preserve the rural character of the areas bordering Idaho State Highways and Ski Hill Road and to prevent the construction of buildings that project upward beyond the ridgeline of any hill located within one (1) mile of major roads when viewed from those major roads.

Title 8 of the Teton County Code authorizes the Planning & Zoning Commission to make a final determination on scenic corridor applications. A development application shall only be approved if the Planning Commission finds that it meets the design review criteria.

8-5-2-D (3). DESIGN REVIEW CRITERIA:		STAFF COMMENTS:
SETBACKS	No permanent structures may be built within 50 feet of the outer edge of the road right of way, unless the parcel does not contain any buildable sites outside of the setback.	<i>The proposed structure will be located over 50 feet from the outer edge of Highway 32's right of way. A-2.5 requires front and side setbacks of 30' and rear setbacks of 40'. The existing home is not currently meeting the 40' setback; however, the new home will have to meet all setbacks.</i>
BUILDING ENVELOPE	1. Building envelopes shall be located so that existing topography and natural vegetation will screen buildings from view from the State Highways and Ski Hill Road to the maximum extent feasible.	<i>There is some existing vegetation on the property but none that could screen the proposed building entirely.</i>
	2. Where existing topography and natural vegetation cannot be used to screen buildings, building envelopes should be located at the rear or side edges of an open meadow or pasture, or at the foot of a hill or ridge, rather than in the middle of a meadow, pasture, or hillside.	<i>The location for the proposed structure was chosen because it is replacing an existing structure. The building will be visible from the highway. There's minimal vegetation on the property that could be used to screen the structure.</i>
	3. Building envelopes shall be located so that no portion of a building up to 30 feet tall shall be visible over the ridge of the hillside on which it is located when viewed from the State Highways and Ski Hill Road.	<i>The proposed building will not be located on a ridge or hillside.</i>
BUILDING MATERIALS	All non-agricultural buildings shall not be of highly reflective materials according to ASTM C6007, Light Reflectivity Index.	<i>The proposed structure has white siding, as shown in attachment 6. The materials will not be highly reflective.</i>
ROADS & DRIVEWAYS	Roads and driveways shall be designed to eliminate the need to back out onto the State Highways or Ski Hill Road. Existing roads and driveways shall be used where practical. When it is not practical to use existing roads, then new roads and driveways shall be located to skirt the edge of meadows and pastures (i.e. avoid dividing them) to the maximum extent feasible	<i>This property is accessed from 10000 N, so there should not be an issue with vehicles backing out onto Highway 32.</i>
SCREENING	Landscaping shall be used to screen the view of any resource extraction sites, outdoor storage areas, outdoor trash collection areas, satellite dishes over two (2) meters in diameter, and areas with inoperable equipment or more than four (4) inoperable cars or trucks. Required landscaping should be high altitude, native plant material, trees and shrubs	<i>There are no resource extraction sites, outdoor storage areas, outdoor trash collection areas, satellite dishes proposed with this application that would need to be screened. There is existing outdoor storage.</i>
THERE ARE ADDITIONAL PROVISIONS FOR SATELLITE DISHES, REVEGETATION, UTILITIES, AND SIGNS.		<i>The applicant is not proposing a satellite dish, utilities, or signs. Disturbance will be minimal for construction.</i>

POSSIBLE CONDITIONS OF APPROVAL:

1. Must comply with all federal, state, and local regulations.
2. All structures require a Teton County Building Permit and must comply with the Teton County Building Code.
3. If outdoor lighting is desired, it must comply with Teton County Code lighting requirements.
4. Building materials shall not be highly reflective materials.
5. If a satellite dish is installed, it must be located to minimize visibility from Highway 32, as per Title 8-5-2-D-4.

POSSIBLE PLANNING & ZONING COMMISSION ACTIONS:

- A. Approve the scenic corridor permit request with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approve the scenic corridor permit request, with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Deny the scenic corridor permit request and provide the reasons and justifications for the denial.
- D. Continue to a future PZC Meeting with reasons given as to the continuation or need for additional information.

POSSIBLE MOTIONS:

The following motions could provide a reasoned statement if a Commissioner wanted to approve or deny the application:

Approval

Having found that the proposed development for Amber Winegar is consistent with the Teton County development ordinances, specifically Title 8-5-2-D, and Idaho State Statute, I move to approve the scenic corridor permit with the following conditions of approval:

1. *Must comply with all federal, state, and local regulations.*
2. *All structures require a Teton County Building Permit and must comply with the Teton County Building Code.*
3. *If outdoor lighting is desired, it must comply with Teton County Code lighting requirements.*
4. *Building materials shall not be highly reflective materials.*
5. *If a satellite dish is installed, it must be located to minimize visibility from Highway 32, as per Title 8-5-2-D-4.*

Denial

Having found that the proposed development for Amber Winegar is not consistent with the Teton County development ordinances, specifically Title 8-5-2-D, and Idaho State Statute, I move to deny the scenic corridor permit. The following could have been done to obtain approval...

1. ...

Prepared by Kristin Owen

Attachments:

- | | | |
|--------------------------|-----------------------|--------------------------------|
| 1. Application (2 pages) | 4. Site Plan (1 page) | 6. Building Photos (6 pages) |
| 2. Deed (3 pages) | 5. Aerial Image with | 7. Google Earth image (1 page) |
| 3. Narrative (1 page) | Setbacks (1 page) | |

End of Staff Report

*Must be submitted by 12/2 to be on the 12/13 agenda. Otherwise will have to wait until at least the January meeting w/ Planning Commission.

RECEIVED
12-1-16



SCENIC CORRIDOR OVERLAY APPLICATION

Teton County, Idaho

The Planning Staff will review this request for completeness. The Planning and Zoning Commission will make the final decision at their regularly scheduled meeting. The applicant is encouraged to discuss this application with the Planning Staff prior to submittal.

To expedite the review of your application, please be sure to address each of the following items.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Delia "Gay" Guell
Applicant: Amber Winegar E-mail: zoozieg87@yahoo.com
Phone: (208) 346-1290 Mailing Address: 4035 W 10,000 N
City: Tetonia State: ID Zip Code: 83452

Location and Zoning District:
Address: 4035 W 10,000 N Parcel Number: 1P06N45E070010
Section: 7 Township: 6N Range: 45E Total Acreage: 308

- Latest recorded deed to the property
- Fees in accordance with current fee schedule \$200.00
- Affidavit of Legal Interest - see attached for documentation required

I, the undersigned, understand that the items listed below are required for my application to be considered complete and for it to be scheduled on the agenda for the Planning and Zoning Commission public meeting.

• Applicant Signature: [Signature] Date: 12-30-16

I, the undersigned, am the owner of the referenced property and do hereby give my permission to Amber Winegar to be my agent and represent me in the matters of this application. I have read the attached information regarding the application and property and find it to be correct.

• Owner Signature: Delia "Gay" Guell Date: 11-30-16

Fees are non-refundable.

RECEIVED
12-1-16



*MUST be submitted by 12/2 to be on the 12/13 agenda. Otherwise will have to wait until at least the January meeting w/ Planning Commission!

SCENIC CORRIDOR OVERLAY APPLICATION

Teton County, Idaho

The Planning Staff will review this request for completeness. The Planning and Zoning Commission will make the final decision at their regularly scheduled meeting. The applicant is encouraged to discuss this application with the Planning Staff prior to submittal.

To expedite the review of your application, please be sure to address each of the following items.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Walter "Gay" Guell
Applicant: Amber Winegar E-mail: zoozie987@yahoo.com
Phone: (208) 346-1290 Mailing Address: 4035 W 10,000 N
City: Tetonia State: ID Zip Code: 83452

Location and Zoning District:
Address: 4035 W 10,000 N Parcel Number: 1P06N45E070010
Section: 7 Township: 6N Range: 45E Total Acreage: 3.08

- Latest recorded deed to the property
- Fees in accordance with current fee schedule \$200.00
- Affidavit of Legal Interest
- see attached for documentation required

I, the undersigned, understand that the items listed below are required for my application to be considered complete and for it to be scheduled on the agenda for the Planning and Zoning Commission public meeting.

Applicant Signature: [Signature] Date: 11-20-16

I, the applicant

RECEIPT NUMBER
DATE: 12-1-16
RECEIVED FROM: Amber Winegar
ADDRESS: _____
FOR: Scenic Corridor Application DOLLARS \$ 200.00
BY: Sharon Fox

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID		CHECK	<u>X</u>
BALANCE DUE		MONEY ORDER	

© REDIFORM Cabonites • StreetViewCL Triplate

Instrument # 234339

TETON COUNTY, IDAHO
10-30-2014 12:57:00 PM No. of Pages: 3
Recorded for : NELSON ENGINEERING
MARY LOU HANSEN Fee: 16.00
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY

1

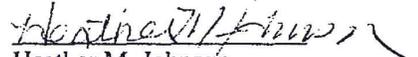
QUITCLAIM DEED

For Value Received, Garret T. Johnson and Heather M. Johnson, and Delie G. Guill, heinafter called the **GRANTORS**, hereby quitclaim and release any and all right, title and interest unto Delie G. Guill, hereinafter called the, **GRANTEE**, whose current address is **4035 W. 10000 N. Felt, Idaho, 83452**, the following described premises, situated in **Teton County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this reference incorporated herein.

TO HAVE AND TO HOLD the said premises, unto the said grantee(s) that their heirs and assigns forever together with their appurtenance and any hereinafter acquired title.


Garret T. Johnson


Heather M. Johnson

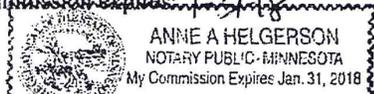

Delie G. Guill

STATE OF MN)
) ss.
COUNTY OF Dakota

On this 24 day of Sept, 2014 before me, a Notary Public in and for said State, personally appeared **Garret T. Johnson** and **Heather M. Johnson**, known to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS my hand and official seal.


Notary Public of MN
My commission expires: Jan 31, 2018



(Notary acknowledgment of Delie G. Guill on following page)

EXHIBIT A**Legal Description****Parcel B**

Parcel easterly of existing fence combined with adjacent parcel Instrument Nos. 129634 and 129635, all described as follows:

A Tract of Land located in the NE1/4 NE1/4 Section 7, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho, being that portion of Parcel 2 as shown on that Record of Survey Instrument No. 119354 lying easterly of the existing fenceline as described herein together with that Parcel described and conveyed in Instruments Nos. 129634 and 129635, records of Teton County, and being more particularly described as follows:

That Parcel described and conveyed in Instruments Nos. 129634 and 129635, records of Teton County and *described in Said Instruments* as:

Beginning at the northeast corner of the northeast quarter of Section 7, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho; running thence WEST 325 feet; thence SOUTH 390 feet; thence EAST 325 Feet; thence NORTH 390 Feet to the Point of Beginning.

TOGETHER WITH

That Portion of Parcel 2 as shown on Record of Survey Instrument No. 119354 lying easterly of the existing fenceline near the easterly boundary line of Said Parcel 2 and more particularly described as:

Beginning at a Point on the North line of Said Section 7 which lies S89°04'15"W, 325.15 feet from the Northeast Corner of Said Section 7 where is found a steel reinforcing bar with Cap inscribed AW Eng 2860; Thence S00°20'17"E, 390.40 feet to a steel reinforcing bar with Cap inscribed AW Eng 2860;

Thence S17°29'06"W, 10.37 feet to an existing fence;

Thence along said fence, N77°43'17"W, 19.89 feet to an angle point in said fence;

Thence along said fence, N01°13'57"W, 84.58 feet;

Thence continuing along said fence, N01°03'19"E, 311.27 to the prolongation of said fence with the North line of Said Section 7;

Thence along the North line of Said Section 7. N89°04'15" E, 16.34 feet to the Point of Beginning.

Said combined Parcel contains 3.11 acres, more or less, and is subject to easements, rights-of-way, reservations, and restrictions, of sight and/or of record, including an easement for County Road 10000 North comprising approximately the northerly 15 feet of the Parcel described herein.

We are just going to move the single wide 14x70 trailer home from back of the property and replacing it with a newer 14x70 trailer home. We will not be adding or taking any trees or plants. We will within the next few months get internet and cabel so we will have the Statelight dishes attached to the house. The new one will be in the exact place the one we are moving is.

Thank you
Dwight Winegar



Replacing
↓ this
trailer

RPO6N45E070010
GUILLEBERT

10000 N

trailer will be
demo'd

ATTACHMENT 5















996 996 ID-32



Exit Street View

