AN ORDINANCE OF TETON COUNTY, IDAHO AMENDING TITLE 7, CHAPTER 1, OF THE TETON COUNTY CODE; AMENDING, PURSUANT TO IDAHO STATE STATUTE 67-6526, THE AREA OF CITY IMPACT AGREEMENT WITH THE CITY OF DRIGGS TO ADD ZONING REGULATIONS TO CITY OF DRIGGS, IDAHO ORDINANCE, TITLE 1, CHAPTER 10, RELATED TO THE LIGHT INDUSTRIAL ZONE THAT ARE IN EFFECT WITHIN THE DRIGGS AREA OF CITY IMPACT; CREATING THE AIRPORT OVERLAY ZONE; AMENDING THE ZONING MAP OF THE DRIGGS AREA OF CITY IMPACT TO INCLUDE THE AIRPORT OVERLAY ZONE; AND ALSO AMENDING ORDINANCE 380-17 THE LAND DEVELOPMENT CODE TITLE 9, CHAPTER 9 SECTION 5 TO INCLUDE THE AIRPORT OVERLAY DISTRICTS AND REGULATIONS THAT APPLY IN THE DRIGGS AREA OF IMPACT; INCLUDING REPEALING ALL SECTIONS OF THE DRIGGS CITY CODE, ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Driggs City Council and Teton County Board of County Commissioners have agreed upon the amendments to the Zoning regulations that apply within the Driggs Area of City Impact, following recommendations from their respective Planning and Zoning Commissions; and

WHEREAS, the City of Driggs City Council and Teton County Board of County Commissioners have agreed upon the amended Zoning Map and Airport Overlay Zone Map for the Driggs Area of City Impact;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF TETON, STATE OF IDAHO:

SECTION 1. That the following text shall be amended in the Teton County Code Title 7, Chapter 1 Section 3 – “MAP AND LEGAL DESCRIPTION”:

7-1-3: MAP (LEGAL DESCRIPTION):

A. The boundaries and zoning district classifications of the Driggs area of city impact are shown on the maps (attached as Exhibit A and Exhibit B) entitled “Driggs Area of City Impact Zoning Map” and “Driggs Area of City Impact Airport Overlay Zone Map” dated October 25, 2017, copies of which are on file in the City of Driggs Planning and Zoning office and the Teton County Planning and Zoning office. The maps and all information shown thereon are by reference herein made a part of this chapter.
B. The zoning districts recorded on the maps are the official designations for both the city and the county.

SECTION 2. SECTION 1. That the following text shall be amended in the Teton County Code Title 7, Chapter 1 Section 4 – “APPLICATION OF COMPREHENSIVE PLAN AND ZONING AND SUBDIVISION REGULATIONS; CONFLICTS”:

A. The following plans and regulations shall apply to the land in the Driggs area of city impact:

2. “City of Driggs Zoning Regulations”, (previously known as Title 9 of Driggs City Code, originally adopted by Ord. 281-07 and last amended by Ord. 315-10, 6-15-2010), with the following amendments:

   a. M-1 Zoning amendment: Add the following language to 9-7E-2 Uses Allowed:

      1. “Accessory dwelling units, attached. The dwelling unit must be owner or employee occupied. Subject to the standards in Ch 3 Supplementary Regulations.”

      2. “Hangar”

   b. Supplemental Regulations: Add the following language to 9-3-8-B Accessory Dwelling Units- Scale:

      1. M-1 zone: Accessory dwellings shall not exceed 900 square feet of gross floor area.

      2. Airport Overlay: See Airport Overlay regulations for additional accessory dwelling allowances and restrictions.

   c. Addition of the Airport Overlay in Article 9.5 of the Driggs Land Development Code that is described in Section 3.

and including the City of Driggs Commercial Design Standards and Guidelines, copies of which are on file in the City of Driggs Planning and Zoning office and the Teton County Planning and Zoning office, are by reference herein made a part of this chapter.

3. “Teton County Subdivision Regulations”, (Title 9, Teton County Code), together with the Teton County Wildlife Habitat Overlay, and with the following exceptions and modifications when applied within the Driggs Area of City Impact:

   a. The City of Driggs Subdivision Design Standards (previously known as Title 10, Chapter 4, Driggs City Code, last amended by Ord. 259-05, 10-4-2005) shall replace Section 9-4-1 of Teton County Code.
b. The City of Driggs Subdivision Improvement Requirements (previously known as Title 10, Chapter 5, Driggs City Code, last amended by Ord. 259-05, 10-4-2005) shall replace Section 9-4-2B of Teton County Code.

c. The City of Driggs Planned Unit Development Regulations (previously known as Title 10, Chapter 6, Article A, Driggs City Code, last amended by Ord. 259-05, 10-4-2005) shall replace Chapter 9-5 of Teton County Code.

SECTION 3. That the following text shall be added to the Driggs City Code Title 9, Chapter 9 (last amended by Ord. 380-17, 6-6-17) as Article 5 of the Driggs Land Development Code, in its entirety:

9.5.1: \textbf{PURPOSE:}\ The purpose of the Airport Overlay Districts is to ensure that the uses established in the vicinity of and on the Driggs-Reed Memorial Airport will not be in conflict with the Driggs Comprehensive Plan, Airport Master Plan or Airport Layout Plan; that sensitive or vulnerable uses will be reasonably protected from airport related activities including noises, hazards and similar conditions; and that the airport and airport related activities are reasonably protected from the encroachment of uses incompatible with the operation of the airport.

9.5.2: \textbf{SCOPE AND BOUNDARIES:}\ The provisions of this ordinance shall apply to the land and structures within each of the following overlay districts in the Driggs Area of Impact:

A. \textbf{Aircraft Traffic Pattern Overlay} – shown on the official Driggs Area of Impact Zoning Map and defined as encompassing all land on and around the airport to a distance of 14,000 feet from the runway centerline surface, except on the southeast side, where the boundary is 3,700 feet from the runway centerline surface. This difference accounts for the prescribed turning movements being on the north side of the airport.

B. \textbf{Airspace Protection Overlay} – shown on the official Driggs Area of Impact Zoning Map and defined as the area underneath the Approach and Transitional Surfaces designated on the adopted Driggs-Reed Memorial Airport Layout Plan and also applies to land in the Airport Hazards and Airport Operations Overlays. Generally speaking, the approach surfaces are sloped at 34:1 off the SW end of the runway, 20:1 off the NE end of the runway and 7:1 on each side, starting at the outer boundary of the Object Free Area.

C. \textbf{Airport Hazards Overlay} – shown on the official Driggs Area of Impact Airport Overlay Zoning Map and consisting of and defined by the following areas as established by the adopted Driggs-Reed Memorial Airport Master Plan and Airport Layout Plan.

1. \textbf{Object Free Area} – An area 400ft in width either side of and parallel to the runway centerline. The purpose of the OFA is to enhance the safety of aircraft operations by remaining clear of objects.

2. \textbf{Runway Protection Zone (RPZ)} – An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline.

3. \textbf{Lateral Safety Zone (LSZ)} – An area extending 1,000 feet either side of the runway centerline
4. **Inner Critical Zone (ICZ)** – An area rectangular in shape and centered about the extended runway centerline. The width of the ICZ is 2,000 feet and extends a horizontal distance of 5,000 feet from each end of the runway surface.

5. **Outer Critical Zone (OCZ)** – An area rectangular in shape and centered about the extended runway centerline. The width of the OCZ is 1,000 feet and extends a horizontal distance of 4,000 feet from each end of the ICZ.

D. **Airport Operations Overlay** – shown in approximation on the Driggs Area of Impact Airport Overlay Map and defined as all properties within the airport security fence.

9.5.3: **AIRPORT OVERLAY DISTRICTS PROVISIONS:**

A. **Aircraft Traffic Pattern Overlay**
   
   1. **Avigation Easement Required:** Within the Airport Traffic Pattern Overlay, the execution of an Avigation Easement for the unobstructed passage of aircraft, as specified by the City of Driggs, will be a condition of any subdivision or conditional use permit.

B. **Airspace Protection Overlay**
   
   2. **Structure Height:** No building permit will be issued within the Airspace Protection Overlay without acknowledgement from the FAA that a completed FAA Form 7460-1 has been received and that the proposed construction will either not encroach into the protected airspace or that acceptable mitigation has been agreed to.

C. **Airport Hazards Overlay**
   
   3. **Use Provisions:** The following provisions restrict uses within the Airport Hazards Overlay and are in addition to the use provisions specified for the underlying zone district. Uses not permitted below that existed at the time these regulations were adopted may be continued pursuant to Chapter 3 of the Area of Impact zoning regulations.
      
      i. **Object Free Area:** No structures, storage, equipment or trees shall be located in the OFA except for objects needed for air navigation or aircraft ground maneuvering purposes. The only permitted land uses in the OFA are:
         1. Aircraft runways, taxiways, ramps.
         2. Cropland or open space
      
      ii. **Runway Protection Zone (RPZ):** The only permitted land uses in the RPZ are:
         1. Navigational aids
         2. Cropland or open space
iii. Lateral Safety Zone (LSZ): The allowed and conditionally permitted land uses in the LSZ are those allowed or conditionally permitted in the underlying zoning district, with the exception that the following land uses are not permitted within the LSZ.

1. Residential uses are prohibited, with the exception of the following:
   a. A single family residence associated with an aircraft hangar within the Sweetwater fly-in and Frank Nipple Winkler subdivisions.
   b. A dwelling accessory to a use that is allowed in the Airport Operations Overlay District, provided that the accessory dwelling’s gross floor area does not exceed 20% of the primary structure’s ground floor area up to a maximum of 1250 square feet.

2. Hotel/Motel
3. Civic uses with public assembly (schools, libraries, churches, etc.)
4. Hospital
5. Day care center
6. Playgrounds
7. Indoor recreation, special event facility or retail use with greater than 5,000 square feet of net floor area
8. Outdoor spectator sports seating

iv. Inner Critical Zone (ICZ): The allowed and conditionally permitted land uses in the ICZ are those allowed or conditionally permitted in the underlying zoning district, with the exception that the following land uses are not permitted within the ICZ:

1. Hotel/Motel
2. Civic uses with public assembly (schools, libraries, churches, etc.)
3. Hospital
4. Day care center
5. Recreation, special event facility or retail building larger than 5,000 square feet of net floor area
6. Outdoor spectator sport facilities

v. Outer Critical Zone (OCZ): The allowed and conditionally permitted land uses in the OCZ are those allowed or conditionally permitted in the underlying zoning district with the exception that the following land uses are not permitted within the OCZ:

1. Hotel/Motel
2. Civic uses with public assembly (schools, libraries, churches, etc.)
3. Hospital
4. Day care center
vi. The County may prohibit or require conditions on land use elements that are considered bird attractants, such as ponds and water features or garbage, or that may cause pilot distraction such as light glare, to ensure the safety of aircraft operations in the surrounding airspace.

D. Airport Operations Overlay

1. **Purpose:** The purpose of the Airport Operations Overlay District is to preserve the safety and utility of the airport and the public investment therein by regulating the uses within the airport’s perimeter security fence.

2. **Uses Allowed:** Within the Airport Operations Overlay District, only the following uses are permitted:
   
   - Aircraft runways, taxiways, ramps, parking areas.
   - Aircraft operational facilities including, but not limited to, instrument landing systems, visual navigational aids, and related equipment; communication facilities; weather service offices and equipment.
   - Hangars and buildings which may only be used for the storage or maintenance of aircraft; airport snow removal, sweeping and other aviation or airport maintenance equipment, and other aviation-related or ancillary activities only.
   - Offices and facilities for airport management, air charter, air taxi, crop spraying, aircraft sales or rentals, and air cargo processing facilities.
   - Flight schools, flying clubs and other schools or training facilities relating to aviation or air-related transportation.
   - Offices and facilities for the operation and maintenance of air rescue, emergency and firefighting services.
   - Aircraft or aviation related maintenance, manufacturing, and testing facilities.
   - Offices and facilities of Federal, State and local government entities.
   - Dwelling accessory to a use that is allowed in the Airport Operations Overlay District, provided that the dwelling’s gross floor area does not exceed 20% of the hangar’s ground floor area up to a maximum of 1250 square feet. On Driggs City owned property, an Accessory Dwelling Unit may only be used as crew quarters for occasional overnight and resting periods for flight crew and not as permanent or temporary residences for flight crews, aircraft owners, guests or any other person.

3. **Conditional Uses Permitted:**
   
   - Bulk storage of flammable or hazardous liquid above or below ground.
   - Crop spraying facilities and related facilities.
SECTION 4. All ordinances, resolutions or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 5. This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, TETON COUNTY, IDAHO, this ____ day of _____________, 2017.

Mark Ricks, Chairman of the Board

ATTEST:________________________
Mary Lou Hansen, County Clerk

Attachments:
Exhibit A- Driggs Area of City Impact Zone Map
Exhibit B- Driggs Area of City Impact Airport Overlay Zone Map