

LAND DEVELOPMENT REGULATIONS

Article V ADMINISTRATION

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DIVISION 5000 DUTIES AND RESPONSIBILITIES OF DECISION- MAKING AND ADMINISTRATIVE BODIES

The following decision-making and administrative bodies shall have the following duties and responsibilities in the administration of these Land Development Regulations in the Town.

SECTION 5010 TOWN COUNCIL

A. Powers and duties. In addition to any authority granted the Town Council by general or special law, the Town Council shall have the following powers and duties under the provisions of these Land Development Regulations:

1. Adopt Comprehensive Plan. To adopt a Comprehensive Plan.
2. Amendments to the Comprehensive Plan. To initiate, hear, consider, and approve or disapprove amendments to the Comprehensive Plan.
3. Amendment to text of these Land Development Regulations. To initiate, hear, consider and approve or disapprove applications to amend the text of these Land Development Regulations;
4. Amendment to Official Zoning District Map. To initiate, hear, consider and approve or disapprove applications to amend the Official Zoning District Map of these Land Development Regulations;
5. Joint review by the Town of Jackson and Teton County. To coordinate review and comment of a Planned Resort.
6. Other Applications for Development. To hear, consider, and approve, approve with conditions, or disapprove applications for Conditional uses, Special uses, Final Plats, and Development Plans and to hear, consider and comment on sketch plans, and Preliminary Master Plans for PUD's.
7. Beneficial Use Determinations. To hear, consider and approve, approve with conditions or disapprove Appeals for Beneficial Use Determinations;
8. Appoint Hearing Officers. To designate and appoint Hearing Officers to make decisions as the Town Council may deem appropriate;
9. Other action. To take such other action not delegated to the Town's Planning and Zoning Commission/Board of Adjustment, Hearing Officer or heads of Town departments, as the Town Council may deem desirable and necessary to implement the provisions of the Comprehensive Plan and these Land Development Regulations

SECTION 5020 PLANNING AND ZONING COMMISSION/BOARD OF ADJUSTMENT

- A. Establishment and purpose.** There is hereby established a Town of Jackson Planning and Zoning Commission/Board of Adjustment, pursuant to Section 15-1-502, Wyoming Statutes (1977).
- B. Powers and duties.** The Planning and Zoning Commission/Board of Adjustment shall have the powers and duties established under the provisions of these Land Development Regulations. The Planning and Zoning Commission/ Board of Adjustment is hereby appointed to serve as the Planning and Zoning Commission pursuant to 15-1-502, Wyoming Statutes, the Zoning Commission pursuant to 15-1-604, Wyoming Statutes, and the Town of Jackson Board of Adjustment pursuant to 15-1-605, Wyoming Statutes.
- 1. Planning and Zoning Commission.** The Planning and Zoning Commission/Board of Adjustment sitting as the Planning and Zoning Commission shall have the following powers and duties:
 - a. Prepare Comprehensive Plan.** To prepare or cause to be prepared the Comprehensive Plan, or any element or portion thereof, and adopt the Comprehensive Plan by a majority vote and certify the Comprehensive Plan to the Town Council;
 - b. Recommend amendments to Comprehensive Plan.** To initiate, review, hear, consider and make recommendations to the Town Council to approve or disapprove amendments to the Comprehensive Plan;
 - c. Make expertise available.** To make its special knowledge and expertise available upon written request and authorization of the Town Council to any official, department, board, commission or agency of the Town, State or Federal governments;
 - d. Make additional studies.** To make studies of the resources, possibilities and needs of the Town and to report its findings and recommendations, with reference thereto, from time to time, to the Town Council.
 - e. Prepare these Land Development Regulations.** To prepare or cause to be prepared implementing regulations for the Comprehensive Plan which is recommended for adoption by the Town Council.
 - 2. Planning and Zoning Commission/Board of Adjustment sitting as Zoning Commission.** The Planning and Zoning Commission/Board of Adjustment sitting as the Zoning Commission shall have the following powers and duties under the provisions of these Land Development Regulations.
 - a. Recommend amendments to text of these Land Development Regulations.** To initiate, review, hear, consider, and make recommendations to the Town Council to approve or disapprove applications to amend the text of these Land Development Regulations;
 - b. Recommend amendments to Official Zoning District Map.** To initiate, review, hear, consider, and make recommendations to the Town Council to approve or disapprove applications to amend the Official Zoning District Map of these Land Development Regulations;

- c. **Joint review by the Town of Jackson and Teton County.** To coordinate review and comment of a Planned Resort.
 - d. **Recommend on Development Plans.** To hear, review, consider, and make recommendations to the Town Council to approve, approve with conditions, or disapprove applications for Development Plans.
 - e. **Conditional and Special Use.** To hear, review, consider, and recommend to the Town Council to approve, approve with conditions, or disapprove applications for Conditional and Special uses.
- 3. Planning and Zoning Commission/Board of Adjustment sitting as Board of Adjustment.** The Planning and Zoning Commission/Board of Adjustment sitting as the Board of Adjustment shall have the following powers and duties under the provisions of these Land Development Regulations.
- a. **Variances.** To hear, review, consider and approve, approve with conditions, or disapprove applications for development permits for Variances;
 - b. **Decision of Town Administrator.** To hear, consider, and affirm, modify or reverse any unclear requirement, decision or determination of the Town Administrator arising under these Land Development Regulations.
 - c. **Adopt rules of procedure.** To adopt rules of procedure not inconsistent with this section and in accordance with the Wyoming Administrative Procedures Act to govern the Board of Adjustment's proceedings; and
 - d. **Other Matters.** To hear and decide on such other matters as may be required pursuant to any other ordinance of the Town.

C. Membership

- 1. **Qualifications.** Members of the Planning and Zoning Commission/Board of Adjustment shall be residents of and qualified electors of the Town for a minimum of two (2) years prior to appointment. No member of the Town Council or Town employee shall serve on the Planning and Zoning Commission/Board of Adjustment. Although no specific experience requirements shall be necessary as a prerequisite to appointment, special consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.
- 2. **Appointment.** The Planning and Zoning Commission/Board of Adjustment shall be composed of seven (7) members, to be appointed by the Mayor with the consent of the Town Council.

- D. Terms of Office.** All members serving on the Planning and Zoning Commission/Board of Adjustment on the effective date of these Land Development Regulations shall complete their terms according to their prior appointments. The term of office of each member appointed under these Land Development Regulations shall be for three (3) years. There shall be no limit on the number of terms a person may serve on the Planning and Zoning Commission/Board of Adjustment. When a person is appointed to fill out the term of a departing member, that person's term shall end at the time the departing member's term would have ended.

E. Removal from office

- 1. General.** In the event that any member is no longer a qualified elector of the Town or is convicted of a felony, or an offense involving moral turpitude while in office, the Town Council may terminate the appointment of such person as a member of the Planning and Zoning Commission/Board of Adjustment after a public hearing, and the Mayor shall appoint a new member with the consent of the Town Council.
- 2. Attendance.** If any member of the Planning and Zoning Commission/Board of Adjustment fails to attend four (4) regular Planning and Zoning Commission/Board of Adjustment meetings without cause over a six (6) month period, the Chairman of the Planning and Zoning Commission/Board of Adjustment shall notify the Town Council, who may after a public hearing, declare the member's seat vacant. If the seat is declared vacant, the Mayor shall appoint a new member with the consent of the Town Council.

F. Vacancy. Whenever a vacancy occurs on the Planning and Zoning Commission/Board of Adjustment, the Mayor shall within thirty (30) calendar days of the vacancy, appoint a new member with the consent of the Town Council.

G. Officers; quorum; rules of procedure

- 1. Chairperson and vice-person.** At an annual organizational meeting, the members of the Planning and Zoning Commission/Board of Adjustment shall elect a Chairperson and Vice-Chairperson from among its members. The Chairperson and Vice-Chairperson's term shall be for one (1) year. No member shall serve as Chairperson for more than two (2) consecutive terms. The Chairperson shall administer oaths and compel the attendance of witnesses and shall be in charge of all proceedings before the Planning and Zoning Commission/Board of Adjustment and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Planning and Zoning Commission/Board of Adjustment. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson.
- 2. Secretary.** The Planning Director shall serve as Secretary of the Planning and Zoning Commission/Board of Adjustment. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceeding before the Planning and Zoning Commission/Board of Adjustment, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the Planning and Zoning Commission/Board of Adjustment members voting. In addition, the Secretary shall maintain all records of Planning and Zoning Commission/Board of Adjustment meetings, hearing, proceedings, and the correspondence of the Planning and Zoning Commission/Board of Adjustment.
- 3. Staff.** The Planning Department shall be available to provide professional assistance to the Planning and Zoning Commission/Board of Adjustment, at the direction of the Town Administrator.

- 4. Quorum and voting.** The presence of four (4) or more members of the Planning and Zoning Commission/Board of Adjustment shall constitute a quorum of the Planning and Zoning Commission/ Board of Adjustment necessary to take action and transact business. All actions shall require a simple majority of the quorum present, except that four (4) affirmative votes shall be necessary in order for any Variance to be adopted or for an order, requirement, decision, or determination of the Town Administrator or Town Planning Director to be overturned or modified in any way.

H. Meetings

- 1. General.** Meetings of the Planning and Zoning Commission/Board of Adjustment shall be held on the first and third Wednesday of each month to deal with matters properly before the Planning and Zoning Commission/Board of Adjustment.
 - 2. Special meetings.** A special meeting may be called by the Chairperson by giving notice to each member and to each newspaper, radio, or television station requesting a notice. The notice shall specify the time, place and business to be transacted, and no other business shall be conducted.
 - 3. Location.** The location of all Planning and Zoning Commission/Board of Adjustment meetings shall be held in the Town Hall, or such other place within the Town of Jackson accessible to the public, as designated by the Chairperson pursuant to the notice requirements for a special meeting.
 - 4. Meetings open to public.** All meetings and public hearings of the Planning and Zoning Commission/Board of Adjustment shall be open to the public in a place accessible to the public.
 - 5. Notice.** Public hearings shall be set for a time certain after due public notice pursuant to Section 5120.E., **Notice of Public Hearings.**
- I. Compensation.** The members of the Planning and Zoning Commission/Board of Adjustment shall serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the Town Council.

SECTION 5030 HEARING OFFICER

- A. Creation and appointment.** The Town Council may appoint one (1) or more Hearing Officers to hear Appeals for Beneficial Use Determinations, may appoint one (1) or more Hearing Officers to conduct hearings on Abatement, and may appoint one (1) or more Hearing Officers to hear and consider such matters as may be required under any provision of these Land Development Regulations or as may be determined to be appropriate by the Town Council from time to time. Such Hearing Officers shall serve at the pleasure of the Town Council for such period as is determined by the Town Council. Such Hearing Officers shall be compensated at a rate to be determined by the Town Council, which amount shall be reimbursed to the Town by the applicant. Whoever shall accept an appointment as a Hearing

Officer shall, for a period of one (1) year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application or other matter before any decision-making body of the Town in any matter involving land that was the subject of a proceeding which was pending during the time served as a Hearing Officer.

B. Minimum qualifications. A Hearing Officer shall have the following minimum qualifications:

- 1. Administration, environmental, and land use law.** Hearing Officers hearing Appeals for Beneficial Use Determinations shall demonstrate knowledge of administrative, environmental and land use planning and law and procedures;
- 2. Familiarity with Land Development Regulations.** Familiarity with these Land Development Regulations; and
- 3. Hold no appointive or elective office.** Hold no other appointive or elective public office or position in the Town government during the period of appointment.

C. Duties. A Hearing Officer shall have the following duties:

- 1. Hearings on Beneficial Use Determinations.** To conduct hearings on Appeals for Beneficial Use Determinations and recommend approval, approval with conditions, or disapproval to the Town Council;
- 2. Hearings on Abatement.** To conduct hearings on Abatement actions, and recommend Abatement to the Town Council;
- 3. Conduct other hearings requested by Town Council.** To conduct fact-finding hearings on such matters as may be requested by the Town Council;
- 4. Written reports.** To render to the Town Council a written report containing a summary of the statements and information given and findings and recommendations regarding the specific standards applicable to the particular matter; and
- 5. Other tasks assigned by Town Council.** To perform such other tasks as the Town Council may assign.

SECTION 5040 TOWN PLANNING DIRECTOR

A. Creation and appointment. The Planning Director shall be the agency head of the Planning Department and shall be appointed by and serve at the pleasure of the Town Administrator.

B. Jurisdiction, authority, and duties. In addition to the jurisdiction, authority, and duties which may be conferred upon the Planning Director by other provisions of the Jackson Municipal Code, and the Town Council, the Planning Director shall have the following jurisdiction, authorities, and duties under these Land Development Regulations:

1. **Interpretation.** To review, consider and render interpretations of the text of these Land Development Regulations or the Official Zoning District Map;
2. **Decide upon certain applications.** To hear, consider and approve, or disapprove applications for Zoning Compliance Verification, Minor Development, and Sign Permit;
3. **Day to day administration.** To undertake the day to day administration of these Land Development Regulations;
4. **Process applications.** To receive applications for development permits for processing pursuant to the terms of these Land Development Regulations;
5. **Secretary to Planning and Zoning Commission/Board of Adjustment.** To serve as the Secretary to the Planning and Zoning Commission/Board of Adjustment pursuant to the terms of these Land Development Regulations;
6. **Ensure adequate public notice.** To ensure that adequate public notice is provided for public hearings on applications for development permits pursuant to the terms of these Land Development Regulations;
7. **Revocations of Permits.** To initiate actions to revoke permits where development is not in compliance with the terms and conditions of the permit.
8. **Request Town Attorney to proceed against violators of these Land Development Regulations.** To initiate requests to the Town Attorney to institute proceedings against the violators of these Land Development Regulations;
9. **Undertake Comprehensive Planning.** To provide assistance, advice, and consultation to the Town in undertaking the current and long range comprehensive planning responsibilities of the Town;
10. **Review Comprehensive Plan.** To review as necessary but at least every two (2) years the Comprehensive Plan and these Land Development Regulations and recommend amendments to the Planning and Zoning Commission/Board of Adjustment and Town Council;
11. **Coordinate planning processes.** To coordinate with other local, regional, state, and federal agencies in the planning and permitting processes affecting development in the Town and to serve as liaison to such local, regional, state, and federal planning agencies having jurisdiction over development in the Town.
12. **Other action provided in Land Development Regulations.** To take such other action and perform such other duties as may be provided for in these Land Development Regulations.

SECTION 5050 TOWN ENGINEER

In addition to the jurisdiction, authority, and duties, which may be conferred upon the Town Engineer by other provisions of the Jackson Municipal Code, the Town Engineer shall have the following authority and duties under these Land Development Regulations:

- A. Advise Town officials and boards.** To advise and provide technical assistance to the Town Administrator, Planning Director, Planning and Zoning Commission/Board of Adjustment, and Town Council in regard to the engineering issues which may arise during implementation of the Comprehensive Plan and these Land Development Regulations;
- B. Enforcement of grading and erosion control regulations.** To review all grading and erosion control statements and plans, to approve, or deny as appropriate, the issuance of all Grading and Erosion Control Permits, and to enforce the conditions of approval of such permits and to otherwise enforce all provisions of these Land Development Regulations relating to grading and erosion control;
- C. Preparation of public improvements standards.** To prepare, promulgate, and, as necessary, periodically revise standard drawings and details for public improvements within the Town of Jackson.

SECTION 5060 TOWN ATTORNEY

In addition to the jurisdiction, authority and duties which may be conferred upon the Town Attorney by law, the Town Attorney shall have the following authority and duties under these Land Development Regulations:

- A. Preparing findings of fact and conclusions of law.** To prepare all written findings of fact and conclusions of law in connection with any requirement of these Land Development Regulations;
- B. Review all legal instruments.** To review and approve as to form all proposed new regulations or amendments to these Land Development Regulations, all Development Agreements, easements, declarations of covenants, letters of credit, performance guarantees or other such documentation in connection with any requirement of these Land Development Regulations; and
- C. Advise Town officials and boards.** To advise the Town Administrator, Planning Director, Planning and Zoning Commission/Board of Adjustment, and Town Council in regard to the legal issues which may arise during implementation of the Comprehensive Plan and these Land Development Regulations.
- D. Enforcement of these Land Development Regulations.** To enforce the provisions of these Land Development Regulations.

SECTION 5070. DESIGN REVIEW COMMITTEE

A. Establishment and Purpose. There is hereby established a Design Review Committee, hereinafter known as the Committee, for the Town of Jackson, consisting of members who are qualified by experience and training to advise and provide technical assistance to the Planning Director, Planning and Zoning Commission/Board of Adjustment, and Town Council in regards to design review pursuant to Division 4500. Nonresidential Standards of these Land Development Regulations.

B. Powers and duties.

1. **Design Review Committee.** The Design Review Committee shall have the powers and duties established under the provisions of these Land Development Regulations.
2. **Prepare Design Review Guidelines.** The Design Review Committee shall prepare or cause to be prepared the Design Review Guidelines which is recommended for adoption by the Town Council;
3. **Recommend on Development Plans.** To hear, review, consider, and make recommendations to the Planning Director, the Planning and Zoning Commission/Board of Adjustment, and the Town Council to approve, approve with conditions, or disapprove applications for Development Plans;
4. **Make expertise available.** To make special knowledge and expertise available upon written request and authorization of the Town Council to any official, department, board, commission or agency of the Town, State or Federal governments; and
5. **Make additional studies.** To make studies of the resources, possibilities and needs for the Town and to report its findings and recommendations, with reference thereto, from time to time, to the Town Council.

C. Membership

1. **Qualifications.** Members of the Committee shall be residents of the Town of Jackson or Teton County. No member of the Town Council, Planning and Zoning Commission/Board of Adjustment, or Town Employees shall serve as a member of the Committee. Although no certification is required for appointment, applicants shall be experienced or educated in the architecture, landscape architecture, planning, and other design related fields. A diversity of members is encouraged from all professions and from a variety of design firms.
2. **Appointment.** The Committee shall be composed of seven (7) members, to be appointed by the Mayor with the consent of the Town Council.

D. Terms of office. All members serving on the Committee shall be appointed for a term of two (2) years, after the initial Committee has been appointed. Initial appointments shall be three (3) for one (1) year and four (4) for two (2) years. There shall be no limit on the number of terms a person may serve on the Committee. When a person is appointed to fill out the term of a departing member, that person's term shall end at the time the departing member's term would have ended.

E. **Removal from office.** The Town Council may terminate the appointment of each person as member of the Committee after a public hearing.

1. **General.** In the event that any member is no longer a qualified appointee of the Town, or is convicted of a felony, or an offense involving moral turpitude while in office, the Town Council may terminate the appointment of such person as a member of the Committee after a public hearing, and the Mayor shall appoint a new member with the consent of the Town Council.
2. **Attendance.** If any member of the Committee fails to attend four (4) regular meetings without cause over a six (6) month period, the Chairperson of the Committee shall notify the Town Council who may, after a public hearing, declare the seat vacant. If the seat is declared vacant, the Mayor shall appoint a new member with the consent of the Town Council.

F. **Vacancy.** Whenever a vacancy occurs on the Design Review Committee, the Mayor shall within thirty (30) calendar days of the vacancy, appoint a new member with the consent of the Town Council.

G. **Officers; quorum; rules of procedures.**

1. **Chairperson and Vice-Person.** At an annual organizational meeting, the members of the Committee shall elect a Chairperson and Vice-Chairperson from among its members. The Chairperson and Vice-Chairperson's term shall be for one (1) year. No member shall serve as Chairperson for more than two (2) consecutive terms. The Chairperson shall administer oaths and compel the attendance of witnesses and shall be in charge of all proceedings before the Committee and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Committee. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson.
2. **Secretary.** The Planning Director or designee shall serve as secretary of the Committee. The Secretary shall keep a stenographic or electronic record of all proceedings before the Committee, which shall include the vote of all members upon every question, and be attested to by the Secretary. In addition, the Secretary shall maintain all records of the Committee meetings, hearings, proceedings and the correspondence of the Committee.
3. **Staff.** The Planning Department shall be available to provide professional assistance to the Committee, at the direction of the Town Administrator.
4. **Quorum and Voting.** The presence of four (4) or more members of the Committee shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of affirmative votes of the quorum present.

H. Meetings

1. **General.** Meetings of the Committee shall be held at least once monthly, set at a consistent time and date, to deal with matters properly before the Committee. More meetings shall be called as needed.
 2. **Special Meetings.** A special meeting may be called by the Chairperson by giving notice to each member and to the official advertising newspaper of the Town of Jackson. The notice shall specify the time, place and business to be transacted, and no other business shall be conducted.
 3. **Location.** The location of all Design Review Committee meetings shall be held in the Town Hall, or such other place within the Town of Jackson accessible to the public, as designated by the Chairperson pursuant to the notice requirements for a special meeting.
 4. **Meetings Open to the Public.** All meetings of the Committee shall be open to the public in a place accessible to the public.
- I. **Compensation.** The members of the Committee shall serve without compensation, but may be reimbursed for such travel, mileage, and/or per diem expenses as may be authorized by the Town Council.

Ord. 788 § 2, 2004; Ord. 779 § 2, 2004; Ord. 736 § 1, 2003

DIVISION 5100 COMMON PROCEDURES

SECTION 5110 GENERAL

A. Purpose. The purpose of **Division 5100, Common Procedures**, is to establish uniform procedures for all administrative functions of these Land Development Regulations for the Town.

B. Common Review Procedures. **Table 5110 B.1, Common Review Procedures**, indicates all steps that any application for development permit is required follow in the Town.

Ord 788, § 3, 2004; Ord. 779 § 3, 2004; Ord. 736 §, 2003

**Table 5110 B.1
COMMON REVIEW PROCEDURES**

| | Interpretation | Conditional Use and Special Use | Map & Text Amendment | Planned Resort District | Subdivision Final Plat | Development Plan | | | Planned Unit Development | Zoning Compliance Verification | Variance | Appeal | Beneficial Use | Sign Permit | Grading Permit |
|--|----------------|---------------------------------|----------------------|-------------------------|------------------------|------------------|--------------|-------|--------------------------|--------------------------------|----------|--------|----------------|-------------|----------------|
| | | | | | | Minor | Intermediate | Major | | | | | | | |
| Application Completion Review | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x |
| Fee Payment | | x | x | x | x | x | x | x | x | x | x | x | x | x | x |
| Staff Review and Recommendation | | o | o | o | o | o | o | o | o | o | | | o | o | |
| Planning Director | A | o | o | o | | A | o | o | o | A | o | | o | A | o |
| Town Engineer | | o | o | o | o | o | o | o | o | | | | | | A |
| Hearing Officer | | x | | | | | | | | | | | o | | |
| Advertisement | | x | x | x | x | | x | x | x | | x | x | | | |
| Public Hearing | | x | x | x | x | | x | x | x | | x | x | | | |
| Design Review Committee | | | | | | o | o | o | | | | | | | |
| Planning Commission/Board of Adjustment | | o | o | o ¹ | | | o | o | o | | A | A | | | |
| Town Council | | A | A | A ² | A | | A | A | A | | | | A | | |
| <p>Key: x = Required o = Review and Recommendation A = Final Action ¹ = Review and recommendation by Teton County Planning Commission ² = Review and recommendation by Teton County Board of County Commissioners (Ord 981 §1, 2010; Ord 788 §3, 2004; Ord 779 §3, 2004; Ord. 736 § 1, 2003; Ord. 580 §11, 1997)</p> | | | | | | | | | | | | | | | |

SECTION 5120 PROVISIONS OF GENERAL APPLICABILITY

- A. Application forms.** All applications for development permits shall be on the specific Town forms and are to be made available to the public by the Planning Director. The Planning Director shall develop a checklist which shall be distributed to the public indicating all information that must be presented in order for the Planning Director to evaluate the application. No application shall be accepted for consideration unless the information required in the form and checklist is found by the Planning Director to be in sufficient detail to evaluate the application to determine whether it complies with the appropriate substantive requirements of these Land Development Regulations.
- B. Fees.** All applications shall be accompanied by the applicable fee required by the Town fee schedule. The Town fee schedule shall be established by ordinance, and may be revised in a like manner, from time to time, by the Town Council. Its purpose shall be to defray the costs of processing applications. The Town fee schedule shall be available for review in the Town Planning Department during normal business hours. (Ord. 939 § 1, 2010, Ord. 716, 2002; Ord. 628 § 1, 1999)
- C. Preapplication conference**
- 1. General Overview.** A Pre-application Conference shall be held prior to submission of an application for Development Plan except for Minor Development Plan applications, which shall be exempt from this provision. A Pre-application Conference may be requested prior to any application. The purpose of the Pre-application Conference is for the applicant to obtain information regarding the applicable provisions of these Land Development Regulations required to permit the development proposed. (Ord. 982 § 1, 2010.)
 - 2. Initiation of Preapplication Conference.** An applicant shall initiate the request for a preapplication conference with the Planning Director. Along with the request for the preapplication conference, the applicant shall submit to the Planning Director on a form provided to the public by the Planning Director a description of the character, location, and magnitude of the proposed development and the type of permit sought.
 - 3. Scheduling of Preapplication Conference.** Upon receipt of a request for a preapplication conference, the Planning Director shall schedule the preapplication conference. The preapplication conference shall be held within thirty (30) days of receipt of the request for such a conference. An applicant may request that the preapplication conference be held with the Planning and Zoning Commission/Board of Adjustment and/or Town Council in which case the preapplication conference shall occur within sixty (60) days of receipt of the request. The Planning Director shall notify the applicant of the time, date, and place of the preapplication conference.
 - 4. Preapplication Conference issues.** At the preapplication conference, the applicant and the Planning Director, and/or the Planning and Zoning Commission/Board of Adjustment and/or Town Council, shall discuss the proposed development, and based upon the information provided by the applicant and the provisions of these Land Development

Regulations, ascertain what provisions of these Land Development Regulations apply to the proposed development.

5. **Written Summary.** The Planning Director shall mail to the applicant a written summary of the preapplication conference, within fourteen (14) working days of the completion of the preapplication conference.

D. Common procedure for review of applications. Unless otherwise stated in this Article, the submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of public hearings on all applications for development permits, including development permits for a change of use to convert existing dwelling units to condominiums or townhomes, shall comply with the procedures of this subsection.

1. **Initiation.** Applications for development permits shall be submitted to the Planning Director by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.
2. **Submission of application.** An application for a development permit shall be submitted to the Planning Director along with a fee established pursuant to **Section 5120.B, Fees.**
3. **Required contents of application.** Minimum requirements for the contents of each type of application shall be established by the Planning Director.
4. **Determination of sufficiency.** Within fourteen (14) days of the submittal of an application, the Planning Director shall determine if the application contains the required items from the checklist and any items agreed upon in the pre-application conference, in sufficient detail to allow a review and evaluation of the application.
 - a. **Determined insufficient.** If the Planning Director determines that the application is not sufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the application shall be considered withdrawn. If the Planning Director fails to mail written notice of any deficiencies to the applicant within twenty-one (21) calendar days of submission of the application, the application shall be deemed sufficient.
 - b. **Determined sufficient.** When the application is determined sufficient, the Planning Director shall notify the applicant, in writing, of the application's sufficiency, and, if known at that time and if applicable, the date set for the first public hearing for the application, which shall in any event be scheduled no more than sixty (60) calendar days following the submission of a sufficient application.

(Ord. 791 § 2, 2005)

5. Action by Planning Director

- a. **Planning Director as final action.** Within thirty (30) calendar days after determining an application upon which the Planning Director has final action, as indicated on Table 5110.B.1, Common Review Procedures, is sufficient, the Planning Director shall review the application and render a decision. For all applications except single-family homes, prior to rendering a decision, the Planning Director shall notify neighboring property-owners regarding the application in accordance with **Section 5120.E.2, Required Notice**, and prepare a Staff Report on whether the application complies with all appropriate standards of these Land Development Regulations

(LDRs). A copy of the Staff Report shall be provided to the applicant. If the Planning Director finds that the application complies with the applicable standards of these LDRs, the proper permit shall be issued. If the Planning Director finds the application does not comply with the applicable standards of these LDRs, the applicant shall be notified and have thirty (30) calendar days to submit a corrected application. If a corrected application is received, the Planning Director shall approve or disapprove the application, based on the standards of the applicable sections in these LDRs. If the application is not resubmitted within thirty (30) calendar days, the application shall be considered withdrawn. If the Planning Director fails to render a decision within the thirty (30) calendar days, the application shall be deemed approved and the proper permit shall be issued.

b. Planning Director recommendation for public hearing. Within thirty (30) calendar days after mailing of notice that an application, for which a public hearing is required, is determined to be sufficient, the Planning Director shall review the application and prepare a Staff Report. The Staff Report shall be mailed to the applicant and made available to the public no later than five (5) calendar days before the scheduled public hearing on the application. The Staff Report shall report whether the application complies with all appropriate standards of these Land Development Regulations; it shall also recommend any changes in the development, as submitted, and the conditions for approval, if any, necessary to bring the development into compliance with the appropriate review standards, or denial. Conditions for approval may also be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the proposed development.

6. Scheduling of Public Hearing(s). The initial public hearing, if required on the application shall be scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the body reviewing the application, within 120 calendar days of the submission of a sufficient application, and by which time a Staff Report can be prepared, the application can be fully considered at the meeting of the appropriate body, and by which time the public notice requirements can be satisfied pursuant to **Section 5120.E, Notice of Public Hearings**. The applicant may waive the 120 day time limit upon written notice to the appropriate body reviewing the application. The applicant may agree to hold the public hearing at such time as is mutually agreed upon between the applicant and the Planning Director, as long as it complies with **Section 5120.E, Notice of Public Hearings**.

(Ord. 913 § 1, 2009.)

E. Notice of public hearings

1. General. All applications for development permits requiring a public hearing shall follow the provisions of this Subsection with regard to public notice and the conduct of such

public hearing. The Planning Director shall be responsible for ensuring compliance with the Notice in Newspaper and Mailed Notice.

2. **Required Notice.** An application for development permit requiring a public hearing shall be advertised in a newspaper of general circulation in the Town. Such notice shall appear no less than fifteen (15) calendar days prior to the date of the public hearing, and shall be sent by mail to all landowners within two hundred (200) feet of the land subject to the application no less than ten (10) calendar days before the public hearing. The notice shall contain the following information.
 - a. **Type of application.** The type of application sought: i.e. Conditional use, Variance, amendment to the Official Zoning District Map, amendment to the text of these Land Development Regulations, Subdivision.
 - b. **Description of action.** A short description of the proposed action requested.
 - c. **Description of property.** The address of the land subject to the application, a general legal description of the land, and a description of the area of the land.
 - d. **Location, date, time.** The location, address, date, and time of the public hearing.
 - e. **Where information may be obtained.** Information on where the full details of the application may be obtained including the location, hours, and phone number.

F. Public hearing procedure. A public hearing held pursuant to these Land Development Regulations shall comply with the following procedures:

1. **Examination and copying of application and other documents.** At any time upon reasonable request, and during normal business hours, any person may examine any application and materials submitted in support of or in opposition to an application at the office of the Town Planning Department, and the Staff Report, if available. Copies of such materials shall be made available at cost and upon reasonable notice.
2. **Request for mailing of notification of public hearing.** Notification of all public hearings shall be provided by the Planning Director to any person who requests notification in writing from the Planning Director, and pays the costs of the processing and mailing of the notification.
3. **Staff Report.** A staff report shall be provided to the applicant and the public at least five (5) calendar days prior to the public hearing. It shall address each factor required to be considered by these Land Development Regulations prior to approval of the application.
4. **Conduct of public hearing before Town Council and Planning and Zoning Commission/ Board of Adjustment.** The conduct of public hearings shall comply with the following procedures.
 - a. **Rights of all persons.** Any interested person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Upon request of the Chairman, anyone representing an organization shall present written evidence of their authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears at a public hearing shall be

identified, state an address, and if appearing on behalf of an organization, state the name and mailing address of the organization.

- b. Order of proceedings.** The Chairperson conducting the public hearing may exclude statements or information that the Chairperson finds to be irrelevant, immaterial or unduly repetitious. The order of the proceedings shall be as follows:
 - (1) Narrative and graphic description.** The Planning Director shall present a narrative and/or graphic description of the matter to be heard.
 - (2) Staff Report presented.** The Planning Director shall present a Staff Report.
 - (3) Applicant presentation.** The applicant shall present any information the applicant deems appropriate.
 - (4) Public statements.** Public statements shall be heard, first in favor of the proposal, then in opposition to it.
 - (5) Applicant response.** The applicant may respond to any statements or information presented by the public.
 - (6) Town Staff response.** The Planning Director, or Planning Department staff, the Town Attorney, and any other Town staff may respond to any statement made by the applicant or any public comment.
- c. Offer of Proof.** In the event any statements or information is excluded as irrelevant, immaterial or unduly repetitious, the person offering such statements or information shall have an opportunity to make an offer of proof in regard to such statements or information for the record. Such offer shall be made at the public hearing.
- d. Continuance of public hearing.** The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place. In the event the applicant demands in writing that action be taken on an application continued or tabled, the decision making body that continued or tabled the matter shall complete the public hearing and take action on the application within thirty (30) calendar days after receipt of such written demand by the applicant. An applicant shall have the right to request and be granted one (1) continuance. All subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown. If the body conducting the public hearing continues the application so that the applicant can provide additional information, and the applicant fails to respond to the request within sixty (60) calendar days, the application for development permit shall be considered withdrawn. The running of all established time periods between stages of the review process shall be tolled during any continuance.
- e. Withdrawal of application.** An applicant shall have the right to withdraw an application at any time prior to the action on the application by the decision-making body.

f. Record

- (1) Recording of public hearing.** The body conducting the public hearing shall record the public hearing by any appropriate means, including transcription or audio-recording. A copy of the public hearing record may be acquired by any person upon application to the Planning Director and payment of a fee to cover the cost of duplication of the record.
- (2) The record.** The written or taped record of oral proceedings, including testimony and statements of personal opinions, the minutes of the Secretary, all applications, exhibits and papers submitted in any proceeding before the decision-making body, the Staff Report and the decision of the decision-making body shall constitute the record.

g. Actions by decision-making and administrative bodies

- (1) General.** All decision-making bodies and persons shall act in accord with the time limits established in these Land Development Regulations, which shall be tolled during any continuance. Action shall be taken as promptly as possible in consideration of the interests of the citizens of the Town.
- (2) Findings and decisions.** All decisions shall be in writing and shall include a clear statement of required findings of fact and conclusions of law referring to the relevant standards relied upon as set forth in these Land Development Regulations, and a clear statement of approval, approval with conditions, or disapproval.

h. Notification. Notification of a decision-making body's decision shall be provided by the Planning Director to the applicant within fourteen (14) calendar days by mail. A copy of the decision shall also be made available to the applicant at the offices of the Town Planning Department, during normal business hours, within fourteen (14) calendar days after the decision.

i. Conduct of public hearing before Board of Adjustment. The conduct of required public hearings before the Board of Adjustment shall be in accordance with Rules Governing Contests adopted pursuant to the Wyoming Administrative Procedures Act, a copy of which rules are on file in the office of the County Clerk, and is also available for inspection or purchase in the office of the Planning Director.

G. Successive applications. Unless otherwise stated in this Section, whenever any application is denied for failure to meet the substantive requirements of these Land Development Regulations (except for a Zoning Compliance Verification), no application for the same or a similar development proposal shall be accepted or considered for all or a part of the same or substantially the same land for a period of one (1) year after the date of denial, unless the applicant can demonstrate a change of circumstances or conditions, or unless a majority of the membership of the decision-making body that made the final decision on the application determines that the prior disapproval was based on a material mistake of fact. The decision-making body charged with conducting the public hearing under a successive application shall

resolve any question concerning a change of circumstances or conditions, or a mistake of material fact.

H. Consolidation. The land development review process is intended to encourage efficient processing of applications for development permits. Applicants are encouraged to request, and the Planning Director shall consolidate the review of more than one (1) application for development permit for the same land. The Planning Director is authorized to waive any overlapping application requirements in the consolidated submission.

SECTION 5130 INTERPRETATIONS

A. General. The Planning Director shall be responsible for interpreting these Land Development Regulations, based upon the legislative intent of the Town Council in its adoption.

B. Findings to be considered in rendering interpretations. In making interpretations to these Land Development Regulations, the Planning Director shall consider the following:

- 1. Public purpose.** Before any interpretation is made, there must be an identification of the purposes for which the regulation was initially imposed by the Town Council.
- 2. Flexibility if objectives are met.** Flexibility in the application of these Land Development Regulations is encouraged if it does not lower the protection afforded. An interpretation which permits increased flexibility is to be encouraged, while one which lowers the level of protection, as provided by the standards in these Land Development Regulations, shall be prohibited. An interpretation which provides a greater degree of flexibility to establish a permitted development is allowed by these Land Development Regulations. An interpretation which provides for any of the following is prohibited: (a) a new or not previously permitted development, except under the similar use determination; (b) enlargement of a nonconforming development or (c) an intensity increase in the development beyond the degree specified in these Land Development Regulations.
- 3. Prevent the sacrifice of legitimate goals or adverse impact on property rights.** These Land Development Regulations have been carefully designed by the Town to avoid regulations that either sacrifice legitimate public goals, including the protection of adjoining landowners, or require undue limitations on the ability of landowners to use their land in a manner consistent with the goals of the Comprehensive Plan. Great care has been taken to both balance the rights of competing groups and achieve maximum protection with flexibility and a range of use options. In interpreting these Land Development Regulations, the Planning Director's judgment should not be substituted for the legislative intent of the Town Council.

C. Procedure

- 1. Initiation.** An interpretation may be requested by any landowner with respect to the application of these Land Development Regulations to their land, or by any person that

has submitted or intends to submit an application for development permit to the Town pursuant to the procedures and standards of these Land Development Regulations.

2. **Submission of request for interpretation.** Before an interpretation shall be provided by the Planning Director, a Request for Interpretation shall be submitted to the Planning Director.
3. **Rendering of interpretation.** Within thirty (30) calendar days, the Planning Director shall evaluate the request in light of the Comprehensive Plan, these Land Development Regulations, and the Official Zoning District Map, whichever is appropriate, consult with the Town Attorney and the Teton County Planning Director, and then render an interpretation. The interpretation shall be in writing and shall be sent to the applicant by mail.

D. Appeal. The interpretation of the Planning Director may be appealed to the Board of Adjustment within thirty (30) calendar days of the date of mailing of the interpretation by submitting a written appeal to the Planning Director pursuant to **Section 5180, Appeals on Decisions of Planning Director or Town Engineer.**

E. Official record. The Planning Director shall maintain a record of all interpretations rendered. This record shall be available for public inspection in the Town Planning Department during normal business hours.

SECTION 5140 CONDITIONAL AND SPECIAL USES

Conditional uses are those uses that are generally compatible with the other uses permitted in a zoning district but require individual review of their location, design, configuration, density and nature and intensity of use, structures, and may require the imposition of appropriate conditions in order to ensure the compatibility of the use at a particular location, and mitigate any potentially adverse effect on surrounding lands. All Conditional uses shall meet the standards set forth in this Section.

Special uses are those uses that are inherently incompatible with other common land uses throughout the Town, but are essential to the community. Therefore some provision must be made for their existence and operation. Special uses require specified locations due to common neighborhood opposition. These locations shall be determined by a comprehensive county-wide selection process designed to identify locations that best serve the Special use while minimizing the negative impacts and obtrusiveness to the county residents and visitors, and the wildlife and scenic resources. Special uses also require individual review of their design, configuration, density of structures, intensity of use and operational procedures, and may require the imposition of appropriate conditions in order to mitigate potential adverse impacts on surrounding lands. All Special uses shall meet the standards set forth in this Section.

A. Procedure. All Conditional and Special uses shall be processed according to the procedure set forth in **Section 51200, Development Plan.**

B. Conditional Use Standards. The issuance of a Conditional use permit shall be dependent upon findings that the proposed use, as conditioned, fully complies with these Land Development Regulations. A Conditional use not involving a new or remodeled structure may be issued on a temporary or term basis in order to determine and demonstrate the nature and extent of any adverse effects of the Conditional use. The Town Council may also attach any other conditions deemed appropriate, including conformity to a specific site plan, to ensure compliance with the following standards.

- 1. Consistent with Comprehensive Plan.** The proposed Conditional use shall be consistent with the goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;
- 2. Compatibility.** The proposed Conditional use shall be compatible with the scale and character of the immediate vicinity of the land proposed for development;
- 3. Minimizes adverse impact.** The design, development, and operation of the proposed Conditional use shall minimize or mitigate adverse effects, including visual impact of the proposed use on adjacent lands;
- 4. Minimizes adverse environmental impact.** The development and operation of the proposed Conditional use shall minimize adverse environmental impacts.
- 5. Impact on Public Facilities.** The proposed Conditional use shall not have a significant adverse impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMT facilities.
- 6. Other relevant standards of these Land Development Regulations.** The development and operation of the proposed Conditional use shall comply with all standards imposed on it by all other applicable provisions of these Land Development Regulations for use, layout, and general development characteristics.

C. Special Use Standards. The issuance of a Special use permit shall be dependent upon findings that the proposed use, as conditioned, fully complies with these Land Development Regulations. The Town Council may attach any other conditions deemed appropriate, including conformity to a specific site plan, to ensure compliance with the following standards.

- 1. Consistent with Comprehensive Plan.** The proposed Special use shall be consistent with the goals, objectives, policies, and maps of the Comprehensive Plan, including standards for building and structural intensities and intensities of use;
- 2. No Substantial Hazard.** The design, development, and operation of the proposed Special use shall not constitute a substantial physical hazard to a neighboring dwelling unit, school, church, hospital, commercial or industrial building, public road, or other public property;

3. **Operation Impacts on Neighbors.** Longer hours of operation than specified in **Section 231200, Gravel Extraction and/or Processing**, shall be permitted only if:
 - a. the surrounding neighborhood is not predominantly residential, and
 - b. there is no Institutional use within one thousand (1,000) feet that is typically used on weekends, such as a church.
4. **Impacts on Public Lands.** The proposed Special use does not have a significant adverse effect on the purposes of a publicly-owned park, publicly-owned forest, or publicly-owned recreation area;
5. **Minimizes adverse environmental and visual impacts.** The development and operation of the proposed Special use shall minimize adverse environmental and visual impacts to the extent possible considering the nature and essential existence of the proposed Special use;
6. **No Damage to Water Supply Sources.** The proposed Special use does not potentially damage or contaminate any public, private, residential, or agricultural water supply source.
7. **Other relevant standards of these Land Development Regulations.** The development and operation of the proposed Special use shall comply with all standards imposed on it by all other applicable provisions of these Land Development Regulations for use, layout, and general development characteristics. Exceptions shall be made for environmental performance standards as enumerated in **Division 49300, Other Environmental Performance Standards**, only if the Best Available Technology is unable to meet the standard; and
8. **Other agency permits.** The development and operation of the proposed Special use shall comply with all standards imposed on it by all other applicable regulatory agencies including, but not limited to, the Wyoming Department of Environmental Quality, the Wyoming Game and Fish Department, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.

D. Conditions and restrictions

1. **Authority.** The Town Council may, in approving a permit for any Conditional or Special use, impose such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required to comply with the foregoing standards to meet the general purposes, goals, and objectives of the Comprehensive Plan and these Land Development Regulations, and to minimize the adverse effects from the proposed use and development on other lands in the neighborhood and on the general health, safety, and welfare of the Town.
2. **Conditions set forth in permit.** All conditions imposed in any permit for a Conditional or Special use, with the exception of conditions made applicable to such approval by the

express terms of these Land Development Regulations, shall be expressly set forth in the permit.

E. Performance bond. As a condition for granting a Conditional or Special use permit, the applicant may be required to post a performance bond in an amount sufficient to insure completion of the required improvements, including landscaping or any required off-site improvements. In such case, the applicant shall file with the Town Clerk a surety or cash bond, letter of credit, or other collateral suitable to the Town Council, in an amount specified by the Town Council to insure the actual construction of such required improvements within such period of time as may be determined by the Town Council. Upon completion of the required improvements, the applicant shall obtain certification from a professional Engineer licensed by the State of Wyoming that the improvements have been constructed in accordance with the approved plans. Upon receipt of an acceptable certification, the Town Clerk shall release the security within seven (7) calendar days.

F. Effect of issuance of a development order for a conditional or special use permit. All permits for a Conditional or Special Use shall expire unless one of the following events occurs prior to the expiration date:

1. Single Phase Development

- a.** A building permit for the entire development plan has been issued to establish the use authorized within thirty-six (36) months from the date of Town Council approval of the Final Development Plan.
- b.** Upon issuance of the building permit, the application shall have three (3) years to complete the project and be issued a certificate of occupancy.

2. Multiple Phase Development

- a.** A building permit for the first phase when a phasing plan is part of the development plan has been issued to establish the use authorized within thirty-six (36) months from the date of Town Council approval of the Final Development Plan.
- b.** Upon issuance of the building permit, the application shall have three (3) years to complete the applicable phase of the project and be issued a certificate of occupancy.
- c.** All subsequent phases of development must be in compliance with the approved phasing plan and/or demonstrate that substantial and continuous progress has been maintained for three (3) consecutive years. Upon issuance of subsequent building permits, each application shall have three (3) years to complete the applicable phase of the project and be issued a certificate of occupancy.

3. Conventional Subdivision, Planned Unit Developments, and Planned Residential Developments

- a.** Final Plat and associated Subdivision Improvement Agreement(s) or Development Agreement(s) have been recorded in the Office of the Teton County Clerk.

Upon expiration, approval of a conditional or special use permit and all unvested and all unexercised rights that are established by the conditional or special use permit shall lapse and the lands shall thereafter be subject to the then applicable Land Development Regulations. Such time period will not be extended by transfer of ownership.
(Ord. 962 § 1, 2010; Ord. 819 § 2, 2005; Ord. 815 § 2, 2005)

G. Additional permits. Development of the Conditional or Special use shall not be carried out until the applicant has secured all other permits required by these Land Development Regulations. A permit for a Conditional or Special use shall not ensure that the development approved as a Conditional or Special use shall receive subsequent approval for other applications for development unless the relevant and applicable portions of these Land Development Regulations are met.

H. Minor deviations. Minor deviations from a Conditional or Special use permit shall be approved by the Planning Director. Minor deviations that are authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development and that are not reasonably anticipated during the initial approval process, as long as they comply with the standards of these Land Development Regulations. Minor deviations shall not include reductions in the amount of required open space or required resource protection, or increases in the amount of proposed building square footage. All changes not qualifying

as minor deviations shall be considered amendments, and shall be subject to **Section 5140.I, Amendment to Development Permit for Conditional or Special use.**

I. Amendment to development permit for Conditional or Special use. A Conditional or Special use permit may be amended, extended, varied or altered only pursuant to the standards and procedures for the approval of the original Conditional or Special use pursuant to this Section.

SECTION 5150 AMENDMENTS TO THE TEXT OF THESE LAND DEVELOPMENT REGULATIONS OR THE OFFICIAL ZONING DISTRICT MAP

All amendments to the text of these Land Development Regulations or amendments to the Official Zoning District Map shall meet the standards set forth in this Section.

A. Purpose. The purpose of this Section is to provide a means for changing the boundaries of the Official Zoning District Map or the text of these Land Development Regulations. In determining whether to grant a requested amendment, the Town Council shall consider, in addition to the factors set forth in this Section, the consistency of the proposed amendment with the purposes, goals, and policies of the Comprehensive Plan.

B. Initiation

1. Amendment to Official Zoning District Map. An amendment to the Official Zoning District Map may be proposed by the Town Council, the Planning and Zoning Commission/Board of Adjustment, the Planning Director, or the owner or another person having a recognized interest in land affected by a proposed amendment, or their authorized agent.

- 2. Amendment to text of these Land Development Regulations.** An application for an amendment to the text of these Land Development Regulations may be proposed by the Town Council, the Planning Director, or the Planning and Zoning Commission/Board of Adjustment. Any citizen of the Town may propose in writing an amendment to the text of these Land Development Regulations.

C. Procedure

- 1. Review of Applications.** The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of public a hearing for an application for amendment to the Official Zoning District Map or the text of these Land Development Regulations shall comply with the procedures established in **Section 5120.D. Common Procedure for Review of Applications.**
- 2. Review and recommendation of Planning and Zoning Commission/Board of Adjustment.** The Planning and Zoning Commission/Board of Adjustment shall conduct a public hearing on an application for amendment to the Official Zoning District Map or the text of these Land Development Regulations. At the public hearing, the Planning and Zoning Commission/Board of Adjustment shall consider the application, the relevant support materials, the Staff Report, and the public statements given at the public hearing. No later than thirty (30) calendar days after the close of the public hearing, the Planning and Zoning Commission/Board of Adjustment shall recommend to the Town Council either to approve or disapprove the application based on the standards in Section 5150.D-F.
- 3. Action by Town Council.** After the recommendation of the Planning and Zoning Commission/Board of Adjustment, the Town Council shall conduct a public hearing on the application. At the public hearing, the Town Council shall consider the application, the relevant support materials, the Staff Report, the Planning and Zoning Commission/Board of Adjustment recommendation, and the public statements given at the public hearing. No later than thirty (30) calendar days after the close of the public hearing, or such other period of time as the applicant may agree, the Town Council shall either approve or disapprove the application based on the standards set forth in this Section by a simple majority vote, except that if there is a protest against an application for an amendment to the Official Zoning District Map signed by the owners of twenty (20) percent or more of the area of land considered in the application, or twenty (20) percent of the landowners within a distance of one hundred forty (140) feet, the application must be approved by an affirmative vote of four (4) members of the Town Council. In determining the one hundred forty (140) feet, the width of any intervening street or alley shall not be included.

D. General standards. Amendments to the text of these Land Development Regulations or a general amendment to the Official Zoning District Map shall be consistent with the following:

- 1. Consistent with purposes.** Amendments shall be consistent with the purposes of these Land Development Regulations.

2. **Consistent with Comprehensive Plan.** Amendments shall be consistent with the Comprehensive Plan.
 3. **Consistent with Land Development Regulations.** Amendments shall be consistent with other provisions of these Land Development Regulations.
 4. **Consistent with other Town Codes.** Amendments shall be consistent with other adopted codes, ordinances, and/or resolutions of the Town.
- E. Standards for review of amendments to the Official Zoning District Map.** Amendments to the Official Zoning District Map shall be approved only if the amendments are consistent with the Comprehensive Plan, and are compatible with surrounding land uses in the immediate neighborhood unless there is compelling evidence that there would be a threat to the public health and, safety, or one of the following conditions exist:
1. **Mistake.** There is a mistake in the Comprehensive Plan. That is, the assumptions about the land or other factors were in error and, thus, the amendment is justified.
 2. **Changes.** There have been changes in road locations, other infrastructure, population trends, land committed to development, or other changes that justify the amendment to the Official Zoning District Map.
- F. Standards for review of Amendments to the text of these Land Development Regulations.** Amendments to the text of these Land Development Regulations may be approved for reasons including but not limited to the following:
1. **Implements Comprehensive Plan.** The amendment to the text would implement a portion of the Comprehensive Plan.
 2. **Better achieve Comprehensive Plan goals and objectives.** The amendment to the text would implement and better achieve the goals and objectives of the Comprehensive Plan that have proved difficult to achieve under the existing provisions of these Land Development Regulations.
 3. **Existing Land Development Regulations unreasonable.** The provisions of these Land Development Regulations were inconsistent or unreasonable in light of standards for similar uses.
 4. **Responds to State or Federal legislation rendering Land Development Regulations obsolete.** The amendment to the text is necessary in order to respond to State and/or Federal legislation.
 5. **Additional flexibility.** The amendment to the text provides additional flexibility in meeting the objectives of these Land Development Regulations.

SECTION 5160 VARIANCES

This Section sets forth the procedures and conditions for a Variance from the standards of these Land Development Regulations. Variances are deviations from the terms of these Land Development Regulations that would not be contrary to the public interest when, owing to special circumstances or conditions, the literal enforcement of the provisions of these Land Development Regulations would result in undue and unnecessary hardship. (Ord. 522§ 1, 1995.)

A. Procedure

- 1. Review of applications.** The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing for an application for development permit for Variance shall comply with the procedures established in **Section 5120.D, Common Procedure for Review of Applications.**
- 2. Decision of Planning and Zoning Commission/Board of Adjustment.** The Planning and Zoning Commission/Board of Adjustment shall conduct a public hearing on an application for a Variance. At the public hearing, the Planning and Zoning Commission/Board of Adjustment shall consider the application, the relevant support materials, the Staff Report, and the public statements given at the public hearing. No later than thirty (30) calendar days after the public hearing, or such other period of time as the applicant may agree, the Planning and Zoning Commission/Board of Adjustment shall render a decision either to approve, approve with conditions, or disapprove a Variance based on the standards in **Section 5160.B, Standards.**

B. Standards. In order to authorize a Variance, the Planning and Zoning Commission/Board of Adjustment must find that:

- 1. Special conditions and circumstances exist.** There are special circumstances or conditions which are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the neighborhood; and
- 2. Not result of applicant.** The special circumstances and conditions have not resulted from any act of the applicant subsequent to the adoption of these Land Development Regulations; and
- 3. Strict application deprives reasonable use.** The special circumstances and conditions are such that the strict application of the provisions of these Land Development Regulations would deprive the applicant of reasonable use of the land or building; and
- 4. Variance is necessary to provide reasonable use.** The granting of the Variance is necessary to provide the applicant a reasonable use of the land or building; and
- 5. Minimum Variance.** The granting of the variance is the minimum necessary to make possible the reasonable use of the land or building; and
- 6. Not injurious to neighborhood.** The granting of the Variance will not be injurious to the neighborhood surrounding the land where the Variance is proposed, and is otherwise not detrimental to the public welfare; and

7. **Harmony with LDRs.** The granting of the Variance is consistent with the general purposes and intent of these Land Development Regulations.

C. Conditions and restrictions

1. **Conditions and restrictions.** The Planning and Zoning Commission/Board of Adjustment may, in approving the Variance, impose such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required by the general purposes, goals, and objectives of the Comprehensive Plan, and these Land Development Regulations, to prevent or minimize adverse effects from the proposed Variance on other lands in the neighborhood and on the general health, safety, and welfare of the Town.
2. **Conditions in permit.** All conditions imposed upon any Variance, with the exception of conditions made applicable to such approval by the express terms of these Land Development Regulations, shall be expressly set forth in the granting of such permit for the Variance.

D. Effect of issuance of a permit for a Variance. All permits for a Variance shall expire unless one of the following events occurs prior to the expiration date:

1. **Single Phase Development**
 - a. A building permit for the entire development plan has been issued to establish the use authorized within thirty-six (36) months from the date of Town Council approval of the Final Development Plan.
 - b. Upon issuance of the building permit, the application shall have three (3) years to complete the project and be issued a certificate of occupancy.
2. **Multiple Phase Development**
 - a. A building permit for the first phase when a phasing plan is part of the development plan has been issued to establish the use authorized within thirty-six (36) months from the date of Town Council approval of the Final Development Plan.
 - b. Upon issuance of the building permit, the application shall have three (3) years to complete the applicable phase of the project and be issued a certificate of occupancy.
 - c. All subsequent phases of development must be in compliance with the approved phasing plan and/or demonstrate that substantial and continuous progress has been maintained for three (3) consecutive years. Upon issuance of subsequent building permits, each application shall have three (3) years to complete the applicable phase of the project and be issued a certificate of occupancy.
3. **Conventional Subdivision, Planned Unit Developments, and Planned Residential Developments**
 - a. Final Plat and associated Subdivision Improvement Agreement(s) or Development Agreement(s) have been recorded in the Office of the Teton County Clerk.

If the Variance does not require a building permit, development plan or plat, the Variance shall continue if the use of the property is established, ongoing, and in operation. Upon expiration, approval of a Variance and all unvested and all unexercised rights that are established by the Variance shall lapse and the lands shall thereafter be subject to the then applicable Land Development Regulations. Such time period will not be extended by transfer of ownership.

(Ord. 963 § 1, 2010; Ord. 815 § 2, 2005.)

- E. Subsequent permits.** The development for which the Variance was granted shall not be carried out until the applicant has secured all other permits required by these Land Development Regulations. A permit for a Variance shall not ensure that the development approved as a Variance shall receive subsequent approval for other applications for development unless the relevant and applicable portions of these Land Development Regulations are met.
- F. Amendment to permit for variance.** A permit for a Variance may be amended, varied or altered only pursuant to the standards and procedures for the original approval of a Variance pursuant to this Section. (Ord 522 § 1, 1995.)

SECTION 5170 ZONING COMPLIANCE VERIFICATION

- A. Purpose.** The purpose of a Zoning Compliance Verification is to ensure that proposed development complies with the standards in these Land Development Regulations.
- B. Applicability.** A Zoning Compliance Verification shall be required prior to making a change in use, prior to issuance of a development permit, or prior to any other land disturbance.
- C. General.** **An application for a Zoning Compliance Verification shall be reviewed and approved, or disapproved by the Planning Director pursuant to the procedures and standards of this Section.**
- D. Procedure.** The submission of an application for, determination of sufficiency for, and action by the Planning Director on, an application for a Zoning Compliance Verification shall comply with the procedures established in **Section 5120.D, Common Procedure for Review of Applications.**
- E. Standards.** Prior to approval of a Zoning Compliance Verification, the Planning Director shall find that the application complies with all standards of these Land Development Regulations.
- F. Effect of zoning compliance verification.** Issuance of a Zoning Compliance Verification shall mean that the proposed development is in compliance with the procedures and standards of these Land Development Regulations.

G. Time limitations. A Zoning Compliance Verification shall expire at the end of one (1) year after the date of its initial approval if an application for a building permit has not been approved, or if the development does not require a building permit, the development is not established, ongoing and in operation. Such time period will not be extended by transfer of ownership. In developments that consist of multiple phases that will require building permits to be issued over several years, only the initial building permit needs to be approved within one (1) year to preserve the Zoning Compliance Verification. Only one (1) extension, up to one (1) year in length shall be granted for a Zoning Compliance Verification by the Planning Director, upon written application to the Planning Director, and a showing of good cause. No request for an extension shall be considered unless a written application requesting the extension is received by the Planning Director no later than thirty (30) calendar days prior to the date the Zoning Compliance Verification is to expire. The Zoning Compliance Verification shall be deemed extended until the Planning Director has acted upon the request for extension.

Failure to act within the time limits established by this section shall render null and void the Zoning Compliance Verification.

SECTION 5180 APPEALS ON DECISIONS OF PLANNING DIRECTOR OR TOWN ENGINEER

An appeal may be taken by any person aggrieved by a decision of the Planning Director or Town Engineer to the Planning and Zoning Commission/ Board of Adjustment. For the purposes of this Section, a person aggrieved shall be the person who has submitted the application or requested an interpretation which has been acted upon by the Planning Director or Town Engineer.

A. Procedure

- 1. Initiation.** The appeal shall be in writing and filed with the Planning Director, acting as Secretary of the Planning and Zoning Commission/Board of Adjustment, within thirty (30) calendar days of the date of mailing of written notice of the decision.
- 2. Contents of Appeal.** The appeal shall include a statement of the decision appealed from, the date of that decision, and all supporting materials related to the appeal, as well as the basis of the appeal.
- 3. Scheduling of hearing.** The Planning and Zoning Commission/Board of Adjustment shall consider the appeal at the next available regularly scheduled meeting, but in no case shall the appeal be scheduled more than ninety (90) calendar days following the receipt of written notice of appeal by the Planning Director.
- 4. Action by Planning and Zoning Commission/Board of Adjustment.** At such meeting the appellant or the appellant's agent may state the grounds for the appeal, and provide any information to support the appeal. The Planning Director, Town Engineer and any other Town employee shall be provided the opportunity to respond, as well as any other persons the Planning and Zoning Commission/Board of Adjustment deems necessary.

The Planning and Zoning Commission/Board of Adjustment shall either affirm, affirm with modifications, or reverse the decision of the Planning Director or Town Engineer, within thirty (30) calendar days of the appeal meeting.

- B. Stay.** An appeal shall stay all further action of the appellant or proceedings by the Town relating to the subject appeal, unless a stay would cause imminent peril to life or property.

SECTION 5190 BENEFICIAL USE DETERMINATION

If after the submission and decision on the appropriate applications for development permits for a plan for development of land, a landowner in the Town is of the opinion that an economically beneficial use of that landowner's land has been denied by the application of these Land Development Regulations, then the procedures of this Section shall be used prior to seeking relief from the courts in order that any denial of economically beneficial use of land may be remedied through a non-judicial forum.

- A. Purpose.** The purpose and intent of the Town Council is that every landowner in the Town enjoy an economically beneficial use of land. It is also the purpose and intent of this Section to provide for relief to the landowner, where appropriate, from application of these Land Development Regulations. The procedures set forth in this Section are intended to permit landowners who believe they have been deprived of economically beneficial use of their land to apply to the Town for relief sufficient to provide an economically beneficial use of the land.

B. Procedure

- 1. Application for an Appeal for Beneficial Use Determination.** An Appeal for a Beneficial Use Determination may be made by a landowner at any time to the Planning Director, by filing an appropriate application along with an application fee established pursuant to **Section 5120.B, Fees**. The Planning Director shall date stamp the application.
- 2. Contents of application.** The application shall be submitted in a form established by the Planning Director and made available to the public, and shall include the following:
 - a. Name and address.** The landowner's name and address.
 - b. Legal description.** A legal description and the street address (when a street address is available) of the land.
 - c. Date of purchase and offers to purchase.** Documentation of the date of purchase and the purchase price of the land, and any offers to purchase the land made by any person, corporation, or association, within the last three (3) years.
 - d. Description of land.** A description of the physical features present on the land, the land's total acreage, and the present use of the land and the use of the land at the time of the adoption of these Land Development Regulations.
 - e. Improvements to land.** Evidence of any investments made by the landowner to improve the land, the date the improvements were made, and the costs of the improvements.

5190.D, Granting of Relief. The Hearing Officer's recommended findings of facts and proposed order shall be in writing and shall state in detail the basis of the conclusions from the record of the hearing.

7. **Action by Town Council.** The Town Council shall schedule a hearing on the application within thirty (30) days of the date the Hearing Officer issues the recommended findings of fact and proposed order. The Planning Director shall provide the applicant and all landowners within five hundred (500) feet of the land subject to the Appeal for Beneficial Use Determination, at least twenty (20) calendar days notice of the hearing by mail. At the hearing, the Town Council shall approve the findings of fact and proposed order of the Hearing Officer, or may attach conditions, modify, or reverse the findings of fact or proposed order of the Hearing Officer, based on the standards of **Sections 5190.C, Beneficial Use Standards, and 5190.D, Granting of Relief**, whichever is appropriate. If the Town Council attaches conditions, modifies or reverses the findings of fact or proposed order, it shall do so only where the record of the hearing indicates that the Hearing Officer is unsupported by the record, or that the proposed order is not in conformance with the standards of **Sections 5190.C, Beneficial Use Standards or 5190.D, Granting of Relief**.

C. **Beneficial use standards.** In determining if a landowner has been deprived of an economically beneficial use of land the Hearing Officer and the Town Council shall take into account the following factors:

1. **Economically viable use.** Whether the land is provided an economically viable use. In making this determination the Hearing Officer/Town Council shall first evaluate the uses of the land as provided by these Land Development Regulations, and the uses of land in relation to the uses provided similarly situated lands. For the purposes of this Section, economically viable use means the opportunity to make a return equivalent to that which would have been received from a conservative financial investment. Transitory economic issues shall not be relevant to this determination.
2. **Diminution in value.** The market value of the land, as established by the comparable sales approach, prior to adoption of these Land Development Regulations which caused the landowner to apply for relief shall be compared to the market value of the land, as established by the comparable sales approach, with the regulations as applied. Market value of the land prior to the adoption of the Land Development Regulations shall constitute its highest and best use on March 11, 1991, or the date of purchase of the land, whichever is later, and any other land value/appraisal information that the applicant would like to be considered. All appraisals shall be proposed by qualified licensed appraisers, and shall follow the best professional practices as established by the profession. A mere diminution in market value is not sufficient to support a determination of denial of economically beneficial use; the diminution must be so substantial that it effectively deprives the landowner of any material use or enjoyment of the land commensurate with any reasonable investment backed expectations, if any.
3. **External costs**

- a. **Subsidy.** The amount or nature of any subsidy that may be required by the Town of Jackson, neighbors, purchasers, tenants, or the public at large if the uses allowed under these Land Development Regulations are modified.
 - b. **Other adverse effects.** Any other adverse effects on the Town and its residents.
- 4. **Current state of the law.** The state of the law established by the United States Supreme Court, the 10th Circuit Federal Court of Appeals, and the Wyoming Supreme Court relevant to these standards.

D. Granting of relief

- 1. **General.** If the finding is that a landowner has been deprived economically beneficial use of land or is otherwise entitled to relief pursuant to the standards of this Section, relief shall be granted.
- 2. **Minimum increase.** In granting relief, the landowner shall be given the minimum increase in use intensity or other possible concessions from the Land Development Regulations in order to permit an economically viable use of the land, or a use that is determined to be required by law. The highest use, or even an average or generally reasonable expectation, is not required or intended as the appropriate remedy. The following guidelines shall be used for determining the minimum economically viable use of land and, therefore, the amount of relief to be granted a landowner in order to reach that minimum.
 - a. **No governmental subsidy.** A minimum economically viable use of the land should be one that does not have any governmental subsidy attached to the long-term safe occupation of the land. If such a subsidy is needed, then that should be reflected by lowering the use intensity that is considered a minimum economically viable use on a market valuation basis.
 - b. **Common use.** A use common to the Town, although it may not involve further development of the land, is considered an economically viable use. Attention shall also be given to land uses that are considered to be the lowest intensity in the Town but which uses still provide for occupation and living within the Town. These land uses, as well, shall be considered economically viable uses.
 - c. **Actual condition of land considered.** The actual condition of the land shall be considered. The reality of limited development potential, given the natural condition of the land, shall not be attributed to the regulations applied to the land. If the land is such that it cannot safely accommodate development with normal grading and clearing practices, this fact shall lower the intensity of use that is considered a minimum economically viable use.
 - d. **Potential for damages.** The potential for damages to either residents or land shall be assessed in determining economically viable use. The need for a governmental subsidy to future landowners shall be considered, and the cost of such subsidies shall be deducted from the otherwise established minimum economically viable use.

- e. **Only investment backed expectations considered.** Expectations shall, in general, not be considered. Only reasonable expectations backed by investments as recognized by the current state of the law shall be considered.
- f. **Current state of law.** The current state of law established by the United States Supreme Court, the 10th Circuit Federal Court of Appeals, and the Wyoming Supreme Court, relevant to the granting of relief.

SECTION 51100 RESERVED

SECTION 51200 DEVELOPMENT PLAN

A. Purpose and objectives. The purpose of this section is to institute a uniform public review and decision making process to ensure that all aspects of a proposed development comply with these Land Development Regulations. The general objectives to be achieved through this process are:

1. **Protect public health, safety and welfare.** Protect the public health, safety, and welfare of the residents of the Town;
2. **Organize land records.** Assure well organized and uniform land records to facilitate the transfer, development and devolution of land;
3. **Protect environment.** Protect the Town's unique environmental qualities and scenic beauty;
4. **Maintain human environment.** Maintain and enrich the human environment for Town residents and visitors;
5. **Ensure conformance with public improvement plan.** Ensure conformance and coordination of land development with the public improvement plans of the Town;
6. **Minimize damage to wildlife habitat.** Provide for well-planned developments by establishing standards ensuring lot and building locations that minimize damage to wildlife habitat, scenic views and vistas, and other natural features; and

7. **Safeguard interests.** Safeguard the interests of the public, landowner, and developer.
(Ord.941 § 1, 2009; Ord. 914 § 1, 2009.)

B. Applicability

1. **Permitted uses.** Any development allowed as a permitted use according to **Table 2200, Use Schedule**, shall require a Sketch Plan, as applicable, and a Final Development Plan pursuant to subsection **Section 51200.C.4, Thresholds for Development Plans** as defined below, unless exempted by these LDR.

2. **Conditional and Special uses.** Any development requiring a conditional or special use review according to **Table 2200, Use Schedule**, shall require a Sketch Plan, as applicable, and a Final Development Plan as either an intermediate or a major development as defined below in **Section 51200.C.4, Thresholds for Development Plans**, unless exempted by these LDR.
3. **Subdivision.** No person shall subdivide any land or structure which is located in the incorporated Town, or within one mile thereof, except in conformance with this Section, these Land Development Regulations and **Article VI, Platting and Land Records**. Notwithstanding, any land division expressly exempted by Section 18-5-303, Wyoming Statutes, as amended, minor boundary adjustments, and certain vacations or modifications to filed plats that are identified in Article VI, **Section 6030, Exemptions**, are exempt from this Section.

(Ord.941 § 1, 2009; Ord. 914 § 1, 2009.)

C. Procedure

1. **Submission and scheduling of applications.** The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of public hearings on applications for Sketch Plan and Final Development Plan shall comply with the procedures in **Section 5120.D. Common Procedure for Review of Applications** and **Section 5120.E, Notice of Public Hearings**. The Planning Director shall develop and distribute a checklist indicating the procedures and information necessary for each level of development plan.
2. **Multiple applications.** Conditional use applications, platting applications, and any other applications reasonably combined with a Development Plan application shall be consolidated for a combined review.
3. **Development Plan Review.** The Development Plan process shall consist of five (5) review steps; six (6) steps are required if the development is to be platted. Each public hearing, as described below, shall be noticed pursuant to **Section 5120.E, Notice of Public Hearings** and each public hearing shall be conducted pursuant to **Section 5120.F, Public Hearing Procedure**.
 - a. **Preapplication conference.** A preapplication conference is mandatory for all applicants, except those proposing a single-family home, prior to submission of an application for Development Plan. The preapplication conference shall be conducted in conformance with the provisions of **Section 5120 C., Preapplication Conference**.
 - b. **Sketch Plan.** The Sketch Plan is a written and graphic representation of a development concept. The purpose of the Sketch Plan is to represent a proposed development at a preliminary, conceptual level of detail in order to determine general compliance with the Jackson-Teton County Comprehensive Plan and these Land development Regulations. Furthermore, it is the purpose of the Sketch Plan, through its preparation by the applicant and subsequent review by the Town, to identify planning and growth and development-related issues which must be addressed in

greater detail prior to or concurrently with the Final Development Plan. (Ord. 506 § 1, 1995.)

- (1) Sketch Plan review and recommendation by Planning and Zoning Commission.** The Planning and Zoning Commission shall conduct a public hearing on the Sketch Plan, at which the Planning and Zoning Commission may confer with the developer on changes deemed advisable and the kind and extent of such improvements. Within thirty (30) calendar days of the public hearing, the Planning and Zoning Commission shall recommend to the Town Council, approval, approval with conditions, or disapproval of the Sketch Plan based upon a finding that the application complies or fails to comply with the standards of these Land Development Regulations
- (2) Sketch Plan action by Town Council.** The Town Council shall hold a public hearing on the Sketch Plan after the conclusion of the review of the application by the Planning and Zoning Commission. At the public hearing on the Sketch Plan, the Town Council shall consider the application, the relevant support materials, the Staff Report, the Planning and Zoning Commission recommendation, and the public testimony given at the public hearing. Within thirty (30) calendar days of the public hearing, the Town Council shall either approve, approve with conditions or disapprove the application for Sketch Plan based on a finding that the application complies or fails to comply with the standards of these Land Development Regulations.
- (3) Effect of Sketch Plan Approval.** A Sketch Plan shall expire two (2) years from the date of Town Council approval unless an application for a Final Development Plan is submitted prior to the expiration date. (Ord. 983 § 1, 2010)

c. Final Development Plan. The Final Development Plan is a highly detailed written and graphic representation of a proposed development. The purpose of the Final Development Plan is to depict a proposed development with sufficient detail to clearly determine compliance with the Jackson-Teton County Comprehensive Plan, and compliance with specific standards and criteria of these Land Development Regulations. It is the intent of this section that the Final Development Plan be of such detail and contain sufficient information that upon its approval by the Town Council, the applicant may apply for building permit(s) or file for Final Plat approval as applicable. (Ord. 506 § 2, 1995.)

- (1) Final Development Plan review and recommendation by Planning and Zoning Commission.** The Planning and Zoning Commission shall conduct a public hearing on the application for Final Development Plan, at which the Planning and Zoning Commission may confer with the developer on changes deemed advisable and the kind and extent of such improvements. Within thirty (30) calendar days of the public hearing, the Planning and Zoning Commission shall recommend approval, approval with conditions, or disapproval of the Final Development Plan based upon a finding that the application complies or fails to comply with the standards of this Section.

- (2) **Final Development Plan action by Town Council.** The Town Council shall hold a public hearing on the application for Final Development Plan, after the conclusion of the review of the application by the Planning and Zoning Commission. At the public hearing on the proposed Final Development Plan, the Town Council shall consider the application, the relevant support materials, the Staff Report, the Planning and Zoning Commission recommendation, and the public testimony given at the public hearing. Within thirty (30) calendar days the public hearing, the Town Council shall either approve, approve with conditions or disapprove the application for Final Development Plan based on a finding that the application complies or fails to comply with the standards of these Land Development Regulations. If the Final Development Plan is disapproved by the Town Council, such disapproval shall state in writing the reasons for the disapproval. An applicant may resubmit an application for Final Development Plan within six (6) months, provided that all deficiencies causing the original application to be disapproved have been substantially corrected.
- d. **Final plat action by the Town Council.** The Town Council shall hold a public hearing on the application for Final Plat, after the Final Development Plan application is approved, pursuant to **Division 6100, Final Plat**.
4. **Thresholds for Development Plans.** The review procedure for Development Plans is designed to be commensurate with the magnitude of the project, as follows:
- a. **Minor Development Plans.** Minor developments shall be exempt from the Sketch Plan review and the Final Development Plan review by the Planning and Zoning Commission and the Town Council. Single-family homes classified as minor developments shall also be exempt from the pre-application conference requirement. Within sixty (60) days of the Finding of Sufficiency, the Planning Director shall approve, approve with conditions, or deny the Final Development Plan based upon a finding that the application complies or fails to comply with the standards of these Land Development Regulations. The application for minor development plan shall contain the items listed below in Subsection D, Application Requirements for Development Plans, unless waived by the Planning Director. No Conditional or Special use shall be considered a minor development. The following are minor developments:
- (1) **Residential.** Any residential development of four (4) or less dwelling units.
 - (2) **Nonresidential.** Any nonresidential development containing 5,000 square feet or less of total gross floor area or, if no structure is proposed, containing an activity that will occupy land area of 6,000 square feet or less. (Ord. 792 § 2, 2005)
 - (3) **Change of use.** Any change of use, including the conversion of existing dwelling units to condominiums or townhomes, when no other development is proposed.
 - (4) **Agricultural employee housing.** Agricultural employee housing meeting the standards in Section 2310, Agricultural Employee Housing.
 - (5) **Temporary gravel extraction and processing.** Temporary gravel extraction and processing meeting the standards in Section 231300.D, Gravel Extraction and Processing.

- (6) **Design Review Procedures.** All non-residential development shall be subject to Design Review set forth in Division 4500. Non-Residential Standards (Ord. 780 § 2, 2004; Ord. 736 §1, 2003)
- (7) **Reclassification.** The Planning Director may reclassify a minor development application to be an intermediate development application, thereby subjecting it to a Final Development Plan review by the Planning and Zoning Commission and Town Council, if the development will have a major local or community impact that warrants public review. (Ord. 736 § 1, 2003)
- b. Intermediate Development Plan.** Intermediate developments shall be exempt from the Sketch Plan review by the Planning and Zoning Commission and the Town Council, and may proceed directly to a Final Development Plan after a pre-application conference. The application for Intermediate Development Plan shall contain the items listed below in Subsection D, Application Requirements for Development Plan, unless waived by the Planning Director at the pre-application conference. The following are intermediate developments:
(Ord. 736 § 1, 2003)
- (1) **Residential.** Any residential development of over four (4) but less than or equal to ten (10) units; platting of residential developments that are ten (10) or less lots/units but excluding platting of residential developments only to convert existing dwelling units to condominiums or townhomes when no other development is proposed.
- (2) **Nonresidential.** Any nonresidential development containing over 5,000 square feet of gross floor area but less than or equal to 15,000 square feet of gross floor area or, if no structure is proposed, containing an activity that will occupy land area over 6,000 square feet; platting of nonresidential developments that are ten (10) or less lots/units. (Ord. 792 § 2, 2005)
- (3) **Conditional or Special uses.** Any Conditional or Special Use proposal containing 15,000 square feet or less of gross floor area or, any Conditional or Special use proposal in which no structures are proposed. (Ord. 792 § 2, 2005)
- (4) **Design Review Procedures.** All non-residential development shall be subject to Design Review set forth in Division 4500. Non-Residential Standards. (Ord. 780 § 3, 2004; Ord. 736 § 1, 2003)
- c. Major Development Plan.** Major developments shall be subject to the entire Development Plan review procedure as described above in Subsection C.3, Development Plan Review. The application for major development plan shall contain the items listed below in Subsection D, Application Requirements for Development Plans, unless waived by the Planning Director at the pre-application conference. The following are major developments:
- (1) **Residential.** Any residential development of more than ten (10) units, or platting of residential developments of more than ten (10) lots/units but excluding platting of residential developments only to convert existing dwelling units to condominiums or townhomes when no other development is proposed.

(2) Nonresidential. Any nonresidential development containing over 15,000 square feet of gross floor area, or platting of nonresidential developments of more than ten (10) lots/units.

(Ord. 792 § 2, 2005)

(3) Design Review Procedures. All non-residential development shall be subject to Design Review set forth in Division 4500. Non-Residential Standards.

(Ord. 780 § 4, 2004; Ord. 736 § 1, 2003)

(4) Conditional or Special uses. Any Conditional or Special use proposal containing more than 15,000 square feet of gross floor area. (If no structures are proposed, see intermediate development plan.)

(Ord.792 § 2, 2005)

(Ord.941 § 1, 2009; Ord. 914 § 1, 2009.)

D. Application requirements for Development Plans. An application for a Development Plan shall contain the information described below, unless a waiver of said requirements, or portions thereof, is granted by the Planning Director for good cause shown. The Planning Director shall ensure that only pertinent information is required from the applicant, commensurate with the magnitude of the project.

- 1. Substantive requirements on the plan.** The actual sketch plan and final development plan shall clearly represent the site upon which the proposed development is located and provide the information described below.
 - a. Scale, date, north arrow.** The plan shall be drawn to a scale of no less than one (1) inch equals fifty (50) feet. The date of preparation, all dates of revisions, north arrow, and scale shall be shown as well as the source(s) of survey and contour information and the date of the survey or mapping from which the information shown was derived.
 - b. Title block.** A title block, in the lower right hand corner of the sheet(s), showing the name of the proposed development plan and its location by aliquot part and Section, Township, and Range, and if applicable, the lot, block and subdivision name.
 - c. Vicinity map.** A vicinity map, showing the location of the proposed development, and the Section, Township, and Range; existing and platted or public roads and highways within two hundred (200) feet of the development, along with their names; the name(s) of adjoining subdivision(s) and adjoining land owner(s), and other pertinent information. The vicinity map may be on a separate sheet.
 - d. Owner/developer addresses and phone numbers.** The names, addresses, and phone numbers of the owner, and developer if other than the owner, the developer's representative, if any, and the person or firm preparing the plan.
 - e. Legend.** Symbols and differing line types used for boundaries, easements, rights-of-way, and other features shall be described in a legend.
 - f. Project boundary.** The boundary of the proposed development, accurately related to at least two (2) corners of the Public Land Survey System (section, quarter, or 1/16 corner). The boundary of the development and these ties shall be to a standard of accuracy of at least one (1) part in ten thousand (10,000).
 - g. Total acreage.** The total acreage of the project and all adjoining land owned by, or under the control of, the developer or owner. Where the proposed development covers only a portion of the land owned by the developer or property-owner, a sketch of the prospective road and infrastructure system for the entire holding shall be shown and its relation to existing or proposed infrastructure or transportation elements of the Town, County, or adjoining subdivision or political entities.

- h. Adjacent properties.** The boundary lines of adjacent parcels of land showing ownership information, land uses, locations of buildings, parking areas, landscaping, access drives, easements and zoning. Section lines and incorporation limits within or adjacent to the proposed development shall also be shown.
- i. Zoning district boundaries.** The boundaries and identification of the zoning district, or zoning districts, within which the proposed development is located.
- j. Existing uses or parcels.** The location of any existing uses, structures, or parcels and the identification of any nonconforming uses or parcels within the proposed development.
- k. Streams and rivers.** The names and locations of all streams, rivers, or other water bodies within or adjacent to the development, along with all applicable setback lines associated with those water bodies.
- l. Contours.** Contours, existing and proposed (finished), at appropriate vertical intervals. In areas where the average vertical land gradient is less than twenty-five (25) percent, the interval shall be not more than two (2) feet. In areas where the natural slope is greater than twenty-five (25) percent, five (5) foot intervals shall be provided. High water levels, and areas subject to flooding as shown on FIRM maps, and base flood elevation data, shall be indicated in the same datum as for the contour elevations.
- m. Existing agricultural water rights.** Where applicable, a listing of existing agricultural water rights and any ditches conveying water through the land for agricultural purposes and associated setback lines.
- n. Easements.** Existing and proposed easements and rights-of-way for utilities, pathways, drainage, public or private access, or other purposes.
- o. Roads and traffic control.** The location, easement or right-of-way width, road surface width, and functional class for all roads, existing and proposed within 200 feet of the development; roads shall be identified by existing or proposed name and numbers. All existing and/or proposed entrance and exit curb cuts, deceleration and acceleration lanes, traffic islands and other traffic control devices. Location of crosswalks, curbs, gutters, pathways, and sidewalks existing or proposed to be built within the development.
- p. Areas dedicated to the public.** Accurate boundaries and legal descriptions of any areas or roads dedicated to the public or for public use, and a notation with the purpose of the dedication indicated therein. Any areas reserved by deed or covenant for the common use of the landowners, or restricted by covenant or dedication, shall be appropriately identified and noted.
- q. Lot lines or buildings, areas, dimensions, and numbering.** Lot lines or buildings, building envelopes, maximum height, setback lines, or other lines delineating areas in

which restrictions of development are to be imposed, and area in acres or square feet, for each lot or building. Identification of all lots, blocks, buildings, streets, and other areas; lots or buildings shall be numbered progressively in accordance with Section 34-12-102, Wyoming Statutes, 1977, as amended. On the Final Development Plan, accurate angular and lineal dimensions for all lines, angles, and curves used to describe boundaries, streets or alleys, easements or other areas or important features. Also radii, internal angles, arc lengths, chords, and chord bearings, shall be given for all arcs.

- r. **Underground utilities.** The location of all existing sewers, water mains, manholes, storm drains, culverts, and other underground facilities within the proposed development and for a distance of at least one hundred (100) feet beyond the boundaries of the development, indicating pipe sizes and grades.
- s. **Water distribution system.** The location of the water distribution system within the proposed development and its connection to the Town of Jackson system.
- t. **Sanitary sewer collection.** The location of the sanitary sewer collection system within the proposed development and its connection to the Town of Jackson system.
- u. **Coordinates.** For the Final Development Plan, Wyoming State Plane Coordinates, NAD 1983, on at least two (2) boundary points of the development, and a note indicating the monument(s) used to derive this information. A base bearing shall be derived from this system;
- v. **Monuments.** For the Final Development Plan, the accurate location of all monuments, found or set, within or adjacent to the development, including bench marks or triangulation stations. Each lot corner and road easement corner shall be monumented or witnessed as required by Wyoming Statutes and the regulations of the State Board of Registration for professional Engineers and Land Surveyors. Descriptions of all monuments, found or set, shall be shown by legend or separate description.
- w. **Developments within two (2) miles of Airport.** Developments within, or partially within, a two (2) mile area measured from any point on the centerline of the Jackson Hole Airport runway shall be annotated: "THIS DEVELOPMENT LIES IN THE IMMEDIATE PROXIMITY TO THE JACKSON HOLE AIRPORT."

2. Drawings, Statements, and Other Data to Accompany the Plan

- a. **Land development program.** Complete land development program to include gross acreage, net acreage (as applicable), gross floor area by use, FAR and residential densities as appropriate, lot coverage, LSR, and required and proposed parking. Other pertinent data may be required by the Planning Director.

- b. Natural resources.** A composite map, if applicable, indicating the location and extent of natural resources identified in **Article III, Natural, Scenic, Agricultural and Tourism Resources Protection**.
- c. Approval of street location.** When streets are proposed to be constructed on land controlled by a public agency or utility company, approval of the location, improvement, and maintenance of such streets shall be obtained and recorded as deemed appropriate by the Town Attorney.
- d. Analysis of street intersections.** An analysis of street intersection locations relative to other intersections, sight distance, road speed, and pedestrian movements as well as the number of trips generated by the proposed development and the capacity of the existing road system serving the proposed development. The Planning Director may require a traffic impact study in order to determine the need for acceleration, deceleration, or turning lanes, signalization, or improvements on roads affected by the proposed development.
- e. Design of water distribution and sanitary sewer collection systems.** Preliminary design for the water distribution and sanitary sewer collection systems and their connections to the Town systems.
- f. Copies of agreements.** Copies of any agreements with adjacent or other land owners relevant to the proposed development.
- g. Covenants or restrictions.** With the Final Development Plan, copies of any covenants or restrictions proposed to be filed with the development, which may govern the use of the buildings or lots, or may be used to administer the development and facilities.
- h. Cross-sections, profiles and gradients of streets.** Typical cross-sections, profiles, and proposed gradients of all proposed streets within or accessing the proposed development shall be provided which are designed to comply with Town requirements. These drawings should provide sufficient detail to evaluate the practicality of design, cut and fill extent, "visual impact" and conformance with Town of Jackson and Fire Department standards of all proposed roads.
- i. Subsurface soils and geologic investigation.** Once the street and lot or building layout is established, a subsurface soils and geologic investigation report shall be prepared by an engineer registered in the State of Wyoming. The report shall address the soil suitability of all areas where improvements are planned.
- j. Stormwater runoff management.** A statement of the method by which the applicant proposes to handle stormwater and snowmelt drainage, including provisions for erosion control, illustrated by appropriate plans and drawings.
- k. Agricultural water rights.** A statement of the applicant's intent with respect to water rights on the subject land, and evidence that the proposed development will not

interfere with existing water rights on other lands, shall be provided. The applicant shall provide assurance adequate to the appropriate governing and reviewing body that any proposed water uses on the land will not adversely impact other lands, either by denying other lands access to water or by artificially raising the groundwater or surface water levels on other lands.

- 1. Landscaping plan required.** With the Final Development Plan, a landscape plan pursuant to **Division 4100, Landscaping Standards**.
 - m. Building plans and elevations.** With the Final Development Plan, building plans and elevations shall be submitted for all proposed buildings in the project.
 - n. Lighting.** With the Final Development Plan, location, type, and height of outdoor lighting fixtures.
 - o. Parking areas.** Location and dimensions of all parking areas, number of parking stalls, and all driving or maneuvering lanes. (Typical parking stalls may be indicated to eliminate repetition of all stalls.)
 - p. Signs.** With the Final Development Plan, location of signs, with appropriate dimensional information, including the height, length and area.
 - q. Pathways.** Location of off-site pathways within two hundred (200) feet of the project, along with a depiction of the internal pathway system and proposed method of connection and/or access to the nearest off-site system.
 - r. Phasing plan/construction schedule.** Proposed development phasing plan and construction schedule, identifying specific portions of the development and target dates for completion.
 - s. Existing permits and variances.** A statement identifying any active development permits for the property and any variances obtained for development of the property.
 - t. Additional materials.** Such additional material as the Planning Director may determine to be necessary during the preapplication conference and/or the applicant may choose to submit pertinent to the application.
- 3. Required review.** The following reviews shall be conducted and review letters obtained by the Planning Director during the course of the Planning Department review of a Sketch Plan or Final Development Plan.
- a. Town Engineer.** A review letter shall be obtained from the Town Engineer addressing the sanitary sewer collection system, the water distribution system, drainage, stormwater management, erosion control, street lighting, signage, pathways, street system designs, and any other infrastructure improvements or construction practices.

- b. Wyoming Department of Environmental Quality.** A review letter shall be obtained from the Wyoming Department of Environmental Quality (DEQ) addressing sanitary sewer collection systems and/or water distribution systems for which a DEQ permit is required.
- c. Fire Department.** A review letter from the Fire Department concerning compliance with the Fire Code, and a statement from the applicant describing how the requirements of the Fire Department will be met.
- d. Other reviews and referrals.** Police Department, Park and Recreation, School District, Public Works Department, Wyoming Department of Transportation, Design Review Committee, and any other agencies as requested by the Planning Director. (Ord. 780 § 5, 2004; Ord. 736 § 1, 2003)

4. Design standards

- a. Lot or building numbering.** All lots or buildings shall be numbered in a logical order and all lots intended to be platted shall be numbered progressively in accordance with Section 34-12-102, Wyoming Statutes, 1977, as amended.
- b. Road names.** New road names shall neither duplicate nor closely resemble existing road names.
- c. Suitable development locations.** Buildings or building sites shall not be located on a landslide or bedrock slump, on talus slopes or rockfall slopes, on colluvium, or in an avalanche path.
- d. Lot/building configuration.** The configuration of lots or buildings within a development shall provide each lot or building a suitable construction site when taking into consideration the topography of the site, any other natural resource features located in the area, and existing and probable future public improvements to the area.
- e. Limitation of access to arterial streets and highways.** Where a proposed development abuts a major local collector, arterial road or highway, direct access to such road or highway from individual lots or buildings is prohibited. On lots, or buildings, which abut such a road or highway, the development plan shall indicate a "NO VEHICULAR ACCESS" restriction.

(Ord.941 § 1, 2009;)

E. Standards. Approval of a Sketch Plan or Final Development Plan shall be dependent upon findings that the proposed use, as conditioned, fully complies with all the standards of these Land Development Regulations. The Town Council may also attach any other conditions deemed appropriate, including conformity to a specific site plan, to ensure compliance with the following standards.

- 1. Consistent with Comprehensive Plan.** The proposed Development Plan shall be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan,

including standards for building and structural intensities and densities, and intensities of use;

2. **Impact on Public Facilities.** The proposed Development Plan shall not have a significant adverse impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMT facilities.
3. **NRO/SRO.** Any proposed Development Plan involving lands within the NRO or SRO shall achieve the standards and objectives of both the NRO, pursuant to **Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District**, and the SRO, pursuant to **Division 3300, Scenic Resources Overlay (SRO) District**.
4. **Other relevant standards of these Land Development Regulations.** The proposed Development Plan shall comply with all standards imposed on it by all other applicable provisions of these Land Development Regulations for use, layout, and general development characteristics.
5. **Conditional and special uses.** The proposed Development Plan shall comply with the conditional or special use standards, as applicable, pursuant to **Section 5140.B, Conditional Use Standards** or **Section 5140.C, Special Use Standards**, if the proposed use is specified as a Conditional or Special use in **Table 2200, Use Schedule**.

(Ord.941 § 1, 2009)

F. Conditions and restrictions

1. **Authority.** The Town Council may, in approving a Development Plan, impose restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required to comply with the foregoing standards to meet the general purposes, goals, and objectives of the Comprehensive Plan and these Land Development Regulations, and to minimize the adverse effects from the proposed use and development on other lands in the neighborhood and on the general health, safety, and welfare of the Town. (Ord.941 § 1, 2009)
2. **Conditions set forth in permit.** All conditions imposed in any permit for a Development Plan, with the exception of conditions made applicable to such approval by the express terms of these Land Development Regulations, shall be expressly set forth in the permit.

G. Performance bond. As a condition for granting a Development Plan permit, the applicant may be required to post a performance bond in an amount sufficient to insure completion of the required improvements, including landscaping or any required off-site improvements. In such case, the applicant shall file with the Town Clerk a surety or cash bond, letter of credit, or other collateral suitable to the Town Council, in an amount specified by the Town Council to insure the actual construction of such required improvements within such period of time as may be determined by the Town Council. Upon completion of the required improvements, the applicant shall obtain certification from a professional Engineer licensed by the State of Wyoming that the improvements have been constructed in accordance with the approved

plans. Upon receipt of an acceptable certification, the Town Engineer shall release the security within seven (7) calendar days. (Ord.941 § 1, 2009)

H. Effect of issuance of a Development Plan permit. All permits for a Development Plan shall expire unless one of the following events occurs prior to the expiration date:

1. Single Phase Development

- a.** A building permit for the entire development plan has been issued to establish the use authorized within thirty-six (36) months from the date of Town Council approval of the Final Development Plan.
- b.** Upon issuance of the building permit, the application shall have three (3) years to complete the project and be issued a certificate of occupancy.

2. Multiple Phase Development

- a.** A building permit for the first phase when a phasing plan is part of the Development Plan has been issued to establish the use authorized within thirty-six (36) months from the date of Town Council approval.
- b.** Upon issuance of the building permit, the application shall have three (3) years to complete the applicable phase of the project and be issued a certificate of occupancy.
- c.** All subsequent phases of development must be in compliance with the approved phasing plan and/or demonstrate that substantial and continuous progress has been maintained for three (3) consecutive years. Upon issuance of subsequent building permits, each application shall have three (3) years to complete the applicable phase of the project and be issued a certificate of occupancy.

3. Conventional Subdivision, Planned Unit Developments, and Planned Residential Developments

- a.** Final Plat and associated Subdivision Improvement Agreement(s) or Development Agreement(s) have been recorded in the Office of the Teton County Clerk.

Upon expiration, approval of a Development Plan and all unvested and all unexercised rights that are established by the plan shall lapse and the lands shall thereafter be subject to the then applicable Land Development Regulations. Such time period will not be extended by transfer of ownership.

(Ord. 964 § 1, 2010; Ord. 941 § 1, 2009; Ord. 815 § 2, 2005.)

I. Additional permits. The applicant shall secure all other permits required by these Land Development Regulations prior to commencing construction of the development permitted by the approval of a Development Plan. A permit for a Development Plan shall not ensure that the development approved as a Development Plan shall receive subsequent approvals for other applications for development unless the relevant and applicable portions of these Land Development Regulations are met. (Ord. 941 § 1, 2009.)

J. Minor deviations. Minor deviations from a Development Plan permit shall be approved by the Planning Director. Minor deviations that are authorized are those that appear necessary in

light of technical or engineering considerations first discovered during actual development and that are not reasonably anticipated during the initial approval process, provided they comply with the standards of these Land Development Regulations. Minor deviations shall not include reductions in the amount of required open space or required resource protection, or increases in the amount of proposed building floor area. All changes not qualifying as minor deviations shall be considered amendments, and shall be subject to **Section 51200.K, Amendment to a Development Plan Permit**. (Ord. 941 § 1, 2009.)

K. Amendment to a Development Plan permit. A Development Plan permit may be amended, varied or altered only pursuant to the standards and procedures for the approval of the original Development Plan pursuant to this Section, except for minor deviations pursuant to **Section 51200.J, Minor Deviations** (Ord. 941 § 1, 2009.)

DIVISION 5200 RESERVED