



ARTICLE 11: SITE DEVELOPMENT

FROM: Kristin Owen, Planning Administrator
RE: Summary of Changes, Compliance with Goals, Related Public Comment
Prepared For: Planning & Zoning Commission Public Hearing of October 5, 2016
Report Date: October 1, 2016

Introduction

The purpose of Article 11 is to establish standards for site development, including parking requirements, landscaping and screening, signs, and outdoor lighting.

Applicable County Code Section(s)

Article 11 covers provisions found in the current Teton County Code.

- Title 8: Zoning Regulations (8-2, 8-4, 8-6, 8-9, 8-12)
- Title 9: Subdivision Regulations (9-2, 9-4)

General Changes/Comments

1. Throughout this Article are images and tables to help understand the Site Development standards. This will make it much easier to understand compared to the existing code, which has these standards in several locations, which often contradict themselves.
2. Some of the sections in this Article, like curb and gutter designs, vehicle queuing, and vehicle loading, may not apply to the Rural Districts. However, they have not been removed as they may be applicable to the Areas of Impact. If they are not, they could be removed. This also applies to many of the sign types identified.

Specific Changes/Comments

1. Div. 11.3 Signs is very different from the existing sign ordinance. This is because of a recent Supreme Court decision that deemed standards cannot be established for signs based on their content. This means if your ordinance requires you to read what is on the sign to permit it, your ordinance is not valid. Instead, signs can be regulated by things like size, location, and duration of time they are allowed. Div. 11.3 is intended to bring us into compliance with this Supreme Court decision.
2. In our existing code, signs such as Real Estate and Campaign signs had their own requirements. This is no longer allowed. There are two sections in this Article to address these sign types (unless a sign permit is applied for).
 - a. The first is a Temporary Sign. This allows an 8 sq ft maximum sign to be displayed for 14 consecutive days, 4 times a year.
 - b. The second is an Incidental Sign. This allows one, 6 sq ft maximum, 6 ft tall maximum sign per property.
3. Div. 11.3.6 was added, which addresses signs along the State Highways and Ski Hill Road. This section was added to bring our ordinance into compliance with Federal regulations that control outdoor advertising along scenic byways.
4. **STAFF RECOMMENDATION:** Remove "Off premise, outdoor advertising is prohibited" from Div. 11.3.1.F.1 [\[page 11-23\]](#)
 - a. I have reviewed analyses of the Supreme Court decision, attended webinars and conference sessions on this topic, and there are some materials that would support the continued inclusion of off-premise signs as being prohibited as not being content based. However, most strongly caution doing this as this interpretation could change.

- b. I recommend that this is removed, and we incorporate other measures to address off premise signs that would not be considered content based, such as limiting the number and size of signs by location.
- 5. **STAFF RECOMMENDATION:** Add Location provisions for vacant lots and vacant buildings to Div. 11.3.1.F Location. [page 11-23]
 - a. This is something the City of Driggs also incorporated to avoid having content based regulations related to off-premise signs. I recommend using the same or similar standards. Below is what the City of Driggs used:
 - i. Lots without a building are allowed a maximum of 4 sq ft of total sign area.
 - ii. Lots with vacant buildings are allowed a maximum of 6 sq ft of total sign area.
 - b. **CONSIDERATION:** I interpret the above standards as applicable to signs that require a permit. One incidental sign is currently allowed per property without a permit, which may not exceed 6 sq ft. It may be appropriate to change that size or to increase the size of the above standard.
- 6. **STAFF RECOMMENDATION:** Correct the type error in Div. 11.3.2 [page 11-24]
 - a. This currently reads “F. Any reflective or mirrored sign.treamers.”
 - b. It should read
 - F. Any reflective or mirrored sign.
 - G. Streamers.
 - H. Inflatable signs, including but not limited to...

Goals for Draft Code

- 1. The Zoning Code is not always clear in regards to the process or the requirements.**
 - a. By combining site specific standards into one Article, it will be easier to explain, understand, and utilize the standards. The existing code includes these standards in multiple locations, which are inconsistent and sometimes contradictory.
- 2. The existing Code does not provide usable options for developing or dividing land.**
 - a. This Article provides standards to assist in developing a property.
- 3. The new code needs to do a better job of protecting and promoting the resources Teton County has.**
 - a. This article is intended to protect several resources in Teton County, including the Dark Sky and Scenic Vistas. Site development plays in a key role in community character and resource protection.
- 4. The new code should allow for flexibility and creativity in the design.**
 - a. This Article uses a visual approach to provide examples of different types of design. There are standards related to size and location, but not necessarily the design. It is hoped that this will help those using the code be more creative in their own designs.
- 5. The new code needs to provide a more useful mechanism for revising existing undeveloped subdivisions.**
 - a. This Article does not address this goal.

Public Comments

We have not received any public comment at this time related to Article 11.