

# Article 10 Use Provisions

# Article 10 - Use Provisions

<b>Div. 10.1. Use Classification</b>	<b>10-3</b>	<b>Div. 10.6. Industrial Uses</b>	<b>10-18</b>
10.1.1. Classification of Uses .....	10-3	10.6.1. Airport Field, Airport Heliport .....	10-18
10.1.2. Use Table Key .....	10-4	10.6.2. Building Trades Related Business .....	10-18
<b>Div. 10.2. Allowed Use Table</b>	<b>10-5</b>	10.6.3. Heavy Industrial.....	10-18
<b>Div. 10.3. Residential Uses</b>	<b>10-10</b>	10.6.4. Light Industrial.....	10-18
10.3.1. Group Home.....	10-10	10.6.5. Mineral Resource Development.....	10-19
10.3.2. Group Living.....	10-10	10.6.6. Research and Development.....	10-22
10.3.3. Household Living.....	10-10	10.6.7. Solar Energy System .....	10-22
10.3.4. Manufactured Housing Community.....	10-10	10.6.8. Vehicle Service and Repair .....	10-27
10.3.5. Social Services .....	10-10	10.6.9. Warehouse, Storage, and Distribution.....	10-28
<b>Div. 10.4. Public/Institutional Uses</b>	<b>10-11</b>	10.6.10. Waste-Related Service .....	10-28
10.4.1. Civic.....	10-11	10.6.11. Wind Energy System.....	10-28
10.4.2. Civic Open Space .....	10-11	10.6.12. Wireless Telecommunication Facility.....	10-34
10.4.3. Transportation Terminal .....	10-12	10.6.13. Wireless TC Facility, Emergency .....	10-36
10.4.4. Utilities .....	10-12	<b>Div. 10.7. Recreational Uses</b>	<b>10-37</b>
<b>Div. 10.5. Commercial Uses</b>	<b>10-13</b>	10.7.1. Indoor Recreation.....	10-37
10.5.1. Day Care .....	10-13	10.7.2. Guest/Dude Ranch.....	10-37
10.5.2. Medical.....	10-13	10.7.3. Outdoor Recreation .....	10-37
10.5.3. Office.....	10-13	10.7.4. Retreat Center .....	10-38
10.5.4. Overnight Lodging .....	10-14	<b>Div. 10.8. Agricultural Uses</b>	<b>10-39</b>
10.5.5. Parking .....	10-15	10.8.1. Agricultural Use Defined .....	10-39
10.5.6. Personal Service.....	10-15	10.8.2. Agricultural Auction .....	10-39
10.5.7. Restaurant .....	10-16	10.8.3. Agricultural Commercial.....	10-39
10.5.8. Retail Sales.....	10-16	10.8.4. Agricultural Crops Processing .....	10-39
10.5.9. Special Event Facility .....	10-17	10.8.5. Beekeeping .....	10-39
10.5.10. Vehicle Sales/Rental.....	10-17	10.8.6. Commercial Feed Lot.....	10-40
		10.8.7. Community Garden .....	10-40
		10.8.8. Livestock Keeping.....	10-41
		10.8.9. Nursery.....	10-42
		10.8.10. Urban Farm .....	10-42

# PZC Public Review Draft - August 2016

<b>Div. 10.9. Accessory Uses</b>	<b>10-43</b>
10.9.1. Accessory Apartment, Attached .....	10-43
10.9.2. Backyard Cottage .....	10-43
10.9.3. Drive-Thru Facility.....	10-43
10.9.4. Garden .....	10-44
10.9.5. Greenhouse.....	10-44
10.9.6. Home Business .....	10-44
10.9.7. Home Industry .....	10-45
10.9.8. Home Occupation .....	10-45
10.9.9. Outdoor Dining .....	10-46
10.9.10. Outdoor Display .....	10-46
10.9.11. Outdoor Storage.....	10-47
10.9.12. Parking, On-Site .....	10-48
10.9.13. Private Burial Ground .....	10-48
10.9.14. Residential Solar Systems, Wind Turbines, Rainwater Collection Systems.....	10-49
<b>Div. 10.10. Temporary Uses</b>	<b>10-50</b>
10.10.1. Exempt Temporary Uses.....	10-50
10.10.2. Temporary Events.....	10-50
10.10.3. Temporary Portable Storage Containers....	10-50
10.10.4. Temporary Structures as Living Quarters...	10-51

## PZC Public Review Draft - August 2016

### 10.1.1. Classification of Uses

#### A. Principal Uses

1. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use categories provide a systematic basis for assigning uses to appropriate categories with other, similar uses. Use categories classify principal uses and activities based on common functional, product, or physical characteristics.
2. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Administrator has the responsibility for categorizing all uses.
3. The allowed use table in Div. 10.2 establishes permitted uses by district. No building or lot may be used except for a purpose permitted in the district in which it is located.
4. Use definitions and limited use standards for principal uses are specified in Div. 10.3 through Div. 10.9.

#### B. Accessory Uses

1. An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with a permitted principal use located on the same lot.
2. The allowed use table in Div. 10.2 establishes permitted accessory uses by district. Standards for allowed accessory uses are specified in Div. 10.9.

#### C. Temporary Uses

1. A temporary use is a use that is in place for a limited period of time only.
2. Temporary uses are specified in Div 10.10.

#### D. Principal Uses Not Listed

1. A principal use not specifically listed is prohibited, unless the Administrator determines the use to be part of a use category as described below.
2. The Administrator is responsible for categorizing all principal uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Administrator may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Administrator must consider the following criteria:
  - a. The actual or projected characteristics of the proposed use;
  - b. The relative amount of site area or floor area and equipment devoted to the proposed use;
  - c. Retail sales;
  - d. The customer type;
  - e. The relative number of employees;
  - f. Hours of operation;
  - g. Building and site arrangement;
  - h. Types of vehicles used and their parking requirements;
  - i. The number of vehicle trips generated;
  - j. How the proposed use is advertised;
  - k. The likely impact on surrounding properties;
  - l. Whether the activity is likely to be found independent of the other activities on the site; and
  - m. Where a use not listed is found by the Administrator not to be similar to any other permitted use, the use is only permitted following a text amendment (see Div. 14.4).

# PZC Public Review Draft - August 2016

## E. Accessory Uses Not Listed

An accessory use not specifically listed is prohibited unless the Administrator determines the accessory use:

1. Is clearly incidental to and customarily found in connection with an allowed principal use;
2. Is subordinate to and serving an allowed principal use;
3. Is subordinate in area, extent, and purpose to the principal use served;
4. Contributes to the comfort, convenience, or needs of occupants, business, or industry in the principal use served; and
5. Is located on the same lot as the principal use served.

## D. Use Not Permitted (--)

Indicates that a use is not permitted in the respective district.

## 10.1.2. Use Table Key

### A. Permitted Use (P)

Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of this Land Use Development Code.

### B. Limited Use (L)

Indicates a use is permitted in the respective district, subject to a use standard found in the right-hand column of the use table. The use is also subject to all other applicable requirements of this Land Use Development Code.

### C. Conditional Use (C)

Indicates a use may be permitted in the respective district only after a public hearing and approval by the Planning & Zoning Commission (see Div. 14.4). Conditional uses are subject to all other applicable requirements of this Land Use Development Code, including any applicable use standards, except where the use standards are expressly modified as part of the approval process.

## PZC Public Review Draft - August 2016

Use Category Specific Use	RA	LA	FH	ARN	RC	Residential Districts	Mixed Use Districts	IL	IH	CIV	REC	PRS	Definition/ Standards
<b>Residential Uses</b>													Div. 10.3.
Group home (up to 8 residents)	P	P	P	P	P	--	--	--	--	--	--	--	Div. 10.3.1.
Group living (9 or more residents)	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.3.2.
Household living	P	P	P	P	P	--	--	--	--	--	--	--	Div. 10.3.3.
Manufactured housing community	--	--	--	P	P	--	--	--	--	--	--	--	Div. 10.3.4.
All social service	--	--	--	--	--	--	--	C	--	--	--	--	Div. 10.3.5.
<b>Public/Institutional Uses</b>													Div. 10.4.
All civic, as listed below:													Div. 10.4.1.A.
Community college, university	--	--	--	--	--	--	--	--	--	P	--	--	Div. 10.4.1.B.
Club or lodge	--	--	--	--	--	--	--	--	--	P	--	--	Div. 10.4.1.C.
Museum, library	--	--	--	--	--	--	--	--	--	P	P	--	Div. 10.4.1.D.
Place of worship	--	--	--	--	--	--	--	--	--	P	--	--	Div. 10.4.1.E.
Public use	--	--	--	--	--	--	--	P	P	P	P	--	Div. 10.4.1.F.
Trade or technical school	--	--	--	--	--	--	--	P	--	P	--	--	Div. 10.4.1.G.
School (K-12)	--	--	--	--	--	--	--	--	--	P	--	--	Div. 10.4.1.H.
All civic open space, as listed below:													Div. 10.4.2.A.
Cemetery	--	--	--	--	--	--	--	--	--	P	P	--	Div. 10.4.2.B.
Conservation area	P	P	P	P	P	--	--	P	--	P	P	P	Div. 10.4.2.C.
Transportation terminal	--	--	--	--	--	--	--	C	C	--	--	--	Div. 10.4.3.
All utilities, as listed below:													Div. 10.4.4.A.
Minor utilities	P	P	P	P	P	--	--	P	P	P	P	--	Div. 10.4.4.A.1.
Major utilities	--	--	--	--	--	--	--	C	P	--	--	--	Div. 10.4.4.A.2.
<b>Commercial Uses</b>													Div. 10.5.
All day care, as listed below:													Div. 10.5.1.A.
Family day care home (up to 6)	L	L	L	L	L	--	--	--	--	--	--	--	Div. 10.5.1.B/E.
Group day care facility (7 to 12)	--	--	--	C	C	--	--	--	--	L	--	--	Div. 10.5.1.C/E.
Day care center (13 or more)	--	--	--	C	C	--	--	--	--	L	--	--	Div. 10.5.1.D/E.
All medical, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.2.A.
Hospital	--	--	--	--	--	--	--	--	--	P	--	--	Div. 10.5.2.B.

Key: P = Permitted Use L = Limited Use C = Conditional Use -- = Use Not Permitted

# PZC Public Review Draft - August 2016

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<b>Commercial Uses cont.</b>													Div. 10.5.
All Office, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.3.A.
Bail Bonds	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.3.B.
Call Center	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.3.C.
All Overnight Lodging, as listed below:													Div. 10.5.4.A.
Bed and breakfast (up to 4 rooms)	L	L	L	L	L	--	--	--	--	--	--	--	Div. 10.5.4.B.
Boutique hotel/motel (5 to 30 rooms)	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.4.C.
Hotel/motel (more than 30 rooms)	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.4.D.
Transient Rentals (dwelling unit)	L	L	L	L	L	--	--	--	--	--	--	--	Div. 10.5.4.E.
All Parking, as listed below:													Div. 10.5.5.A.
Commercial parking	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.5.B.
Remote parking	--	--	--	--	--	--	--	L	L	--	--	--	Div. 10.5.5.C.
All Personal Service, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.6.A.
Animal care (indoor)	P	P	P	--	--	--	--	P	--	--	--	--	Div. 10.5.6.B.
Animal care (outdoor)	L	L	L	--	--	--	--	L	--	--	--	--	Div. 10.5.6.C.
All Restaurants	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.7.
All Retail Sales, as listed below:													Div. 10.5.8.A.
Retail establishment (up to 5,000 SF)	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.8.A.
Retail establishment (5,001 - 15,000 SF)	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.8.A.
Retail establishment (15,001 - 50,000 SF)	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.8.A.
Retail establishment over (50,000 SF)	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.8.A.
Business services	--	--	--	--	--	--	--	P	P	--	--	--	Div. 10.5.8.B.
Convenience store with gas pumps	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.8.C.
Convenience store without gas pumps	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.5.8.D.
Special Event Facility	C	C	C	C	C	--	--	--	--	P	--	--	Div. 10.5.9.
All Vehicle Sales/Rental, as listed below:													Div. 10.5.10.A.
Light vehicle/equipment	--	--	--	--	--	--	--	L	L	--	--	--	Div. 10.5.10.B/D.
Heavy vehicle/equipment	--	--	--	--	--	--	--	L	L	--	--	--	Div. 10.5.10.C/D.

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# PZC Public Review Draft - August 2016

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<b>Industrial Uses</b>													Div. 10.6.
Aviation Field, Airport/ Heliport	--	--	--	--	--	--	--	--	C	--	--	--	Div. 10.6.1.
Building Trades Related Business (landscaping, general contractor, etc.)	L	L	L	L	--	--	--	P	P	--	--	--	Div. 10.6.2.
All Heavy Industrial	--	--	--	--	--	--	--	--	C	--	--	--	Div. 10.6.3.
All Light Industrial except as listed below:	--	--	--	--	--	--	--	P	P	--	--	--	Div. 10.6.4.A.
Craft shop	C	C	C	C	C	--	--	P	P	--	--	--	Div. 10.6.4.B.
Food and beverage processing, boutique (less than 3,000 SF)	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.6.4.C.
Food and beverage processing, boutique (3,000 SF or more)	--	--	--	--	--	--	--	L	--	--	--	--	Div. 10.6.4.C.
Food and beverage processing, industrial	--	--	--	--	--	--	--	--	C	--	--	--	Div. 10.6.4.D.
All Mineral Resource Development	--	--	--	--	--	--	--	--	C	--	--	--	Div. 10.6.5.
All Research and Development	--	--	--	--	--	--	--	P	P	--	--	--	Div. 10.6.6.
Solar Energy System						--	--						Div. 10.6.7.
Medium Scale, Ground Mounted Solar	C	C	C	--	--	--	--	C	C	--	--	--	Div. 10.6.7.A.
Large Scale, Solar	--	--	--	--	--	--	--	--	C	--	--	--	Div. 10.6.7.B.
All Vehicle Service and Repair, as listed below:													Div. 10.6.8.A.
Car wash	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.6.8.B.
Vehicle repair, minor	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.6.8.C.
Vehicle repair, major	--	--	--	--	--	--	--	C	L	--	--	--	Div. 10.6.8.D.
Vehicle repair, commercial vehicle	--	--	--	--	--	--	--	C	L	--	--	--	Div. 10.6.8.E.
All Warehouse, Storage and Distribution, as listed below:													Div. 10.6.9.
Enclosed storage	--	--	--	--	--	--	--	L	L	--	--	--	Div. 10.6.9.A/B.
Self-service storage, mini-warehouse	--	--	--	--	--	--	--	L	L	--	--	--	Div. 10.6.9.A/B.
All Waste-Related Service	--	--	--	--	--	--	--	--	C	--	--	--	Div. 10.6.10.
Wind Energy System						--	--						Div. 10.6.11.
Small-Medium Scale System	C	C	C	--	--	--	--	C	C	--	--	--	Div. 10.6.11.A.
Large Scale System	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.6.11.B.

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# PZC Public Review Draft - August 2016

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<b>Industrial Uses cont.</b>													Div. 10.6.
All Wireless Telecommu- nication Facility:						--	--						Div. 10.6.12.A.
Amateur Radio Operator Tower	L	L	L	L	--	--	--	P	P	--	--	--	Div. 10.6.12.B.
Wireless Telecommuni- cation Tower	C	--	C	--	--	--	--	C	C	--	--	--	Div. 10.6.12.C.
Building-Mounted Wireless TC Facility	L	L	L	L	--	--	--	P	P	--	--	--	Div. 10.6.12.D.
Emergency TC Tower	C	--	C	--	--	--	--	P	P	--	--	--	Div. 10.6.13.
<b>Recreational Uses</b>													Div. 10.7.
All Indoor Recreation, except as listed below:													Div. 10.7.1.A.
Dance, marital arts, music studio or classroom	--	--	--	--	--	--	--	--	--	C	C	--	Div. 10.7.1.B.
Gym, health spa, yoga studio	--	--	--	--	--	--	--	--	--	C	C	--	Div. 10.7.1.C.
Shooting Range	--	--	--	--	--	--	--	P	P	--	--	--	Div. 10.7.1.D.
Guest/Dude Ranch	L	L	L	--	--	--	--	--	--	--	L	--	Div. 10.7.2.
All Outdoor Recreation, except as listed below:													Div. 10.7.3.A.
Golf course	C	--	--	C	--	--	--	--	--	--	C	--	Div. 10.7.3.B.
Park recreation field	C	C	C	C	--	--	--	--	--	--	P	--	Div. 10.7.3.C.
Campground, travel trailer park, RV park	C	C	C	C	--	--	--	--	--	--	C	--	Div. 10.7.3.D.
Horse stable, riding academy, equestrian center	L	L	L	L	--	--	--	--	--	--	P	--	Div. 10.7.3.E.
Shooting range	C	C	C	--	--	--	--	--	--	--	C	--	Div. 10.7.3.F.
Retreat Center	L	L	L	--	--	--	--	--	--	--	L	--	Div. 10.7.4.
<b>Agricultural Uses</b>													Div. 10.8.
All Agriculture, as listed below:													Div. 10.8.1.
Agricultural auction	P	P	P	--	--	--	--	--	P	--	--	--	Div. 10.8.2.
Agricultural commercial	P	P	P	P	--	--	--	P	P	--	--	P	Div. 10.8.3.
Agricultural crops processing	P	P	P	--	--	--	--	P	P	--	--	--	Div. 10.8.4.
Beekeeping						--	--						Div. 10.8.5.
Accessory	P	P	P	P	--	--	--	--	--	--	--	--	Div. 10.8.5.A.
Commercial	P	P	P	--	--	--	--	--	--	--	--	--	Div. 10.8.5.B.
Commercial Feed Lot	C	--	--	--	--	--	--	--	C	--	--	--	Div. 10.8.6.

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# PZC Public Review Draft - August 2016

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<b>Agricultural Uses cont.</b>													Div. 10.8.
Community garden	P	P	P	P	P	--	--	--	--	L	L	--	Div. 10.8.7.
Livestock keeping	--	--	--	--	L	--	--	--	--	L	--	--	Div. 10.8.8.
Nursery	P	P	P	--	--	--	--	--	--	--	--	--	Div. 10.8.9.
Urban farm	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.8.10.
<b>Accessory Uses</b>													Div. 10.9.
Accessory uses not otherwise listed below, as determined by the Planning Administrator:													Div. 10.9.
Accessory apartment, attached	L	L	L	L	L	--	--	L	L	--	--	--	Div. 10.9.1.
Backyard cottage	L	L	L	L	L	--	--	--	--	--	--	--	Div. 10.9.2.
Drive-thru facility	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.9.3.
Garden	P	P	P	P	P	--	--	--	--	P	P	P	Div. 10.9.4.
Greenhouse	P	P	P	P	P	--	--	--	--	P	P	--	Div. 10.9.5.
Home business	L	L	L	L	L	--	--	--	--	--	--	--	Div. 10.9.6.
Home industry	L	L	L	--	--	--	--	--	--	--	--	--	Div. 10.9.7.
Home occupation	L	L	L	L	L	--	--	--	--	--	--	--	Div. 10.9.8.
Outdoor dining	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.9.9.
Outdoor display	--	--	--	--	--	--	--	--	--	--	--	--	Div. 10.9.10.
Outdoor storage as listed below:													Div. 10.9.11.
Low-impact	--	--	--	--	--	--	--	L	L	--	--	--	Div. 10.9.11.A.
High-impact	--	--	--	--	--	--	--	--	C	--	--	--	Div. 10.9.11.B.
Parking, on-site	P	P	P	P	P	--	--	P	P	P	P	--	Div. 10.9.12.
Private Burial Ground	L	L	L	--	--	--	--	--	--	--	--	--	Div. 10.9.13.
Residential solar systems, wind turbines, rainwater collection systems	P	P	P	P	P	--	--	P	P	P	P	--	Div. 10.9.14.
<b>Temporary Uses</b>													Div. 10.10
Exempt Temporary Uses	P	P	P	P	P	--	--	P	P	P	P	L	Div. 10.10.1.
Temporary Uses/Events	L	L	L	L	L	--	--	L	L	L	L	L	Div. 10.10.2.
Temporary Portable Storage Containers	L	L	L	L	L	--	--	L	L	L	--	--	Div. 10.10.3.
Temporary Structures as Living Quarters	L	L	L	L	L	--	--	L	L	--	--	--	Div. 10.10.4.

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## PZC Public Review Draft - August 2016

### 10.3.1. Group Home

#### 1. Defined

- a. A dwelling unit containing up to eight (8) unrelated persons who are mentally or physically impaired who are protected under the Fair Housing Act, along with support or supervisory personnel or family members who may reside at the facility.
- b. The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness.
- c. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered mental or physically impaired under the Fair Housing Act.
- d. The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

### 10.3.2. Group Living

#### A. Defined

Residential occupancy of a structure by nine (9) or more people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following.

1. Assisted living facility.
2. Boarding house, rooming house, lodging house.
3. Congregate care facility.
4. Dormitory.
5. Hospice.
6. Monastery, convent.
7. Nursing or care home.
8. Independent living facility.
9. Skilled nursing care facility.

### 10.3.3. Household Living

#### A. Defined

Residential occupancy of a dwelling unit by a household. Household living includes the following.

1. Single-family detached, two-family, single-family attached, multi-family.
2. Manufactured home.

### 10.3.4. Manufactured Housing Community

- A. Any site, lot, or tract of land upon which ten (10) or more manufactured homes may be sited. The manufactured housing community may feature either fee simple land sales or land leased or rented by the homeowner. The maximum density for a Manufactured Housing Community is 6 units/acre, with a minimum project size of 3 acres.

### 10.3.5. Social Services

#### A. Defined

A facility that provides treatment for persons not protected under the Fair Housing Act or who present a direct threat to the persons or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Also includes facilities that provide transient housing related to post-incarceration and social service programs.

## PZC Public Review Draft - August 2016

### 10.4.1. Civic

#### A. Defined

Places of public assembly that provide ongoing governmental, life safety, educational, and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following.

1. Community college, university.
2. Club or lodge.
3. Museum, library.
4. Place of worship.
5. Public use.
6. Trade or technical school.
7. School (K-12).

#### B. Community College, University

A facility of higher education having authority to award associate and higher degrees.

#### C. Club or Lodge

A facility used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include Elks, Veterans of Foreign Wars, or Lions.

#### D. Museum, Library

A facility having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of books, natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public, with or without an admission fee.

#### E. Place of Worship

A facility that by design and construction is primarily intended for conducting organized religious services.

#### F. Public Use

Any building, structure, or use owned or operated by the federal government, State, County, City, or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, including but not limited to, government administrative buildings, post offices, police, fire and EMS stations, public health facilities, public works facilities, community centers, and jails and correctional facilities.

#### G. Trade or Technical School

A facility having a curriculum devoted primarily to industry, trade, or other vocational-technical instruction.

#### H. School (K-12)

A facility for students in grades pre-kindergarten through 12.

### 10.4.2. Civic Open Space

#### A. Defined

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. Civic open space includes the following.

1. Cemetery.
2. Conservation area.

#### B. Cemetery

The use of property as a burial place.

## C. Conservation Area

A tract of land that is protected in order to ensure that natural features, cultural heritage, or biota are preserved. May include recreation trails, greenways, and nature preserves.

### 10.4.3. Transportation Terminal

A facility where passengers or freight is gathered or dispersed. This does not include a bus stop or park and ride, but would include a bus terminal.

### 10.4.4. Utilities

#### A. Defined

Public or private infrastructure serving a limited area with no on-site personnel (minor utility) or serving the general community with on-site personnel (major utility). Utilities includes the following.

1. Minor utilities, including on-site stormwater retention or detention facility, neighborhood-serving telephone exchange/switching center, water/gas/electric/telephone/cable transmission lines or ditches, water and wastewater pump station or lift station, gas gates, reservoir, control structure, drainage well, water supply water well, and minor water treatment plant (serves 150 or fewer connections).
2. Major utilities, including aeration facility, electrical substation, electric or gas generation plant, filter bed, transmission towers, waste treatment plant, water pumping facility, water tower or tank.

## PZC Public Review Draft - August 2016

### 10.5.1. Day Care

#### A. Defined

A facility providing care and supervision for compensation during part of a 24 hour day, for a child/adult or children/adults not related by blood, marriage, or legal guardianship to the person or persons providing the care, in a place other than the child's or children's own home or homes. Day care includes the following.

1. Family Day Care Home (up to 6 )
2. Group Day Care Facility (7 to 12)
3. Day Care Center (13 or more)

#### B. Family Day Care Home (up to 6)

A home, place, or facility providing day care for six (6) or fewer children or adults.

#### C. Group Day Care Facility (7 to 12)

A home, place, or facility providing day care for seven (7) to twelve (12) children or adults.

#### D. Day Care Center (13 or more)

A place or facility providing day care for thirteen (13) or more children or adults.

#### E. Use Standards

Where day care is allowed as a limited or conditional use, the day care must be licensed with the Idaho Department of Health and Welfare, in conjunction with the Teton County Fire District and Eastern Idaho Public Health, District 7.

### 10.5.2. Medical

#### A. Defined

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical includes the following:

1. Ambulatory surgical center.
2. Blood plasma donation center, medical or dental laboratory.
3. Hospital.
4. Medical, dental office or chiropractor, osteopath, physician, medical practitioner.
5. Medical clinic.
6. Urgent care, emergency medical office.

#### B. Hospital

A facility providing health services primarily for the sick or injured and offering inpatient medical and/or surgical care.

### 10.5.3. Office

#### A. Defined

A facility used for activities conducted in an office setting and generally focusing on business, professional, or financial services. Office includes the following.

1. Services including, but not limited to, advertising, business management consulting, computer or data processing, graphic design, commercial art, or employment agency.
2. Professional services including, but not limited to, lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator, or security system services.
3. Financial services including, but no limited to, lender, investment or brokerage house, bank,

# PZC Public Review Draft - August 2016

call center, bail bonds, insurance adjuster, real estate or insurance agent, mortgage agent, or collection agency.

4. Counseling in an office setting.
5. Radio, TV station, recording studio.

## B. Bail Bonds

A facility with a bail bond agent, or bondsman, that provides surety and pledges money or property as bail for the appearance of persons accused in court.

## C. Call Center

A facility used for the purpose of receiving or transmitting a large volume of telephone calls.

## 10.5.4. Overnight Lodging

### A. Defined

Accommodations arranged for short term stays. Overnight lodging includes the following.

1. Bed and breakfast (up to 4 rooms).
2. Boutique hotel (5 to 30 rooms).
3. Hotel/motel (more than 30 rooms).
4. Transient Rentals (dwelling unit)

### B. Bed and Breakfast (up to 4 rooms)

A facility where overnight accommodations not exceeding four (4) rooms are provided for compensation, with or without a morning meal, and which may include an afternoon or evening meal for guests, and where the operators of the facility live on the premises.

### C. Boutique Hotel/Motel (5 to 30 rooms)

A facility where overnight accommodations not exceeding thirty (30) rooms are provided for compensation.

### D. Hotel/Motel (more than 30 rooms)

A facility where more than thirty (30) rooms are provided for overnight accommodations.

### E. Transient Rentals (dwelling unit)

#### 1. Defined

Transient rental means the use of a dwelling, or some part thereof, for rental or occupancy for sleeping or lodging for terms of 30 consecutive days or less, in exchange for a fee or other similar consideration.

#### 2. Use Standards

- a. A transient rental shall not adversely affect neighboring properties or diminish the character of the neighborhood in which it is located.
- b. Outdoor storage is allowed in accordance with Div. 10.9.11.
- c. A sign must be posted in a conspicuous place with a contact person's or agent's name and phone number where a neighbor can easily see it. This contact person must be located within Teton County, be identified on the application, available by phone, and able to respond if there is a problem during the dwelling's use as a transient rental.
- d. Off-street parking must be provided in compliance with Div. 11.1.3.
- e. Smoke detectors, carbon monoxide detectors, and fire extinguishers must be installed, tested, and maintained.
- f. Occupancy load and an emergency exit map must be posted inside the front door, including the property address, phone number (if applicable), and general access directions for the property.

# PZC Public Review Draft - August 2016

- g. Idaho State Tax Commission Registration must be provided. If using a contract rental agency, the tax registration number for the rental agency must be provided.
- h. Teton County, the Eastern Idaho Public Health District, and the Teton County Fire Protection District may perform physical inspections of the dwelling prior to issuing a permit or to investigate any formal complaint filed with the Planning Department. Teton County will provide no less than five (5) days' notice of an upcoming inspection, unless Teton County, the Eastern Idaho Public Health District, or the Teton County Fire Protection District feels a life safety situation requires more immediate inspection.

### 3. Permit Required

All transient rentals require a Transient Rental Registration with the Planning Department to verify the use standards have been met prior to the use being approved.

## 10.5.5. Parking

### A. Defined

A facility that provides parking as a principal use. Parking includes the following:

- 1. Commercial parking.
- 2. Remote parking.

### B. Commercial Parking

- 1. A facility that provides parking as a principal use where a fee is charged.
- 2. Where commercial parking is allowed as a conditional use, it may be permitted subject to the standards below:

- a. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use;
- b. All surface parking areas must be landscaped in accordance with Div. 11.2.3.

### C. Remote Parking

- 1. A facility that provides parking as a principal use where a fee is not charged.
- 2. Where remote parking is allowed as a limited use, it is subject to the following:
  - a. The remote parking facility must be located within the same or more intense zoning district as the principal use served;
  - b. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use; and
  - c. All surface parking areas must be landscaped in accordance with Div. 11.2.3.

## 10.5.6. Personal Service

### A. Defined

A facility involved in providing personal or repair services to the general public. Personal service includes the following.

- 1. Animal care.
- 2. Beauty, hair or nail salon.
- 3. Catering establishment.
- 4. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
- 5. Copy center, printing, binding, photocopying, blueprinting, mailing service.
- 6. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium.
- 7. Locksmith.

# PZC Public Review Draft - August 2016

8. Optometrist.
9. Palmist, psychic, medium, fortune telling.
10. Repair of appliances, bicycles, canvas product, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, watch, or similar items.
11. Tailor, milliner, or upholsterer.
12. Tattoo parlor or body piercing.
13. Taxidermist.
14. Tutoring.
15. Wedding chapel.

## B. Animal Care (Indoor)

A facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with care of animals is allowed.

Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel, and doggy day care.

## C. Animal Care (Outdoor)

1. A facility designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel and doggy day care.
2. Where outdoor animal care is allowed as a limited use, it is subject to the following:
  - a. All outdoor exercise areas and runs must be fenced for the safe confinement of animals;
  - b. A Type A or B buffer (see Div. 11.2.2) must be established along any outside areas used to exercise, walk, or keep animals that abuts a ground floor residential use; and

- c. No animal may be kept outdoors between 11 PM and 6 AM.

## 10.5.7. Restaurant

### A. Defined

A facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant includes the following.

1. Bar, tavern, pub.
2. Brewpub.
3. Cafe.
4. Coffee or tea shop.
5. Restaurant, take out or pizza delivery facility.
6. Restaurant, fast-food.
7. Restaurant, sit down
8. Yogurt or ice cream shop.

## 10.5.8. Retail Sales

### A. Defined

A facility involved in the sale, lease, or rental of new or used products. Retail sales includes the following:

1. Business services.
2. Antiques, appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronics, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, phones, photo finishing, picture frames, plants, pottery, printed materials, produce, seafood, shoes, souvenirs, sporting goods, stationery,

# PZC Public Review Draft - August 2016

tobacco, toys, vehicle parts and accessories, videos, video games, and related products.

3. Convenience store with fuel pumps or gas station.
4. Convenience store without fuel pumps.

## B. Business Services

A facility providing other businesses with services including maintenance, repair and service, testing, rental, includes: business equipment repair services, document storage, document destruction, soils and materials testing laboratories.

## C. Convenience Store with Fuel Pumps

1. A facility with a floor area less than 5,000 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store with fuel pumps may sell vehicle fuel but cannot have any type of vehicle repair or service.
2. Where a convenience store with fuel pumps is allowed as a limited use, it is subject to the following:
  - a. All fuel pumps must be located at least 25 feet from any public right-of-way or lot line, and all buildings and appurtenances must be located at least 100 feet from all lot lines abutting a residential use;
  - b. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a residential use; and
  - c. All fuel must be stored underground outside of any public right-of-way.

## D. Convenience Store without Fuel Pumps

1. A facility with a floor area less than 5,000 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store without fuel pumps cannot sell vehicle fuel or have any type of automotive service.

2. Where a convenience store without fuel pumps is allowed as a limited use, the use must be within or attached to a multi-tenant building, cannot be located in a standalone building.

## 10.5.9. Special Event Facility

A facility or assembly hall available for lease by private parties or special events, such as weddings.

## 10.5.10. Vehicle Sales/Rental

### A. Defined

A facility that sells, rents, or leases passenger vehicles, light and medium trucks, and other consumer vehicles such as motorcycles, boats, and recreational vehicles.

### B. Light Vehicle/Equipment

Sales, rental, or leasing of passenger vehicles, motorcycles, boats.

### C. Heavy Vehicle/Equipment

Sales, rental, or leasing of commercial vehicles, heavy equipment and manufactured homes. Includes recreational vehicles, 18-wheelers, commercial box trucks, high-lifts, construction, heavy earthmoving equipment, and manufactured homes.

### D. Use Standards

Where vehicle sales/rental is allowed as a limited use, it is subject to the following:

1. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use;
2. All surface parking areas must be landscaped in accordance with Div. 11.2.3;
3. Vehicle display areas may not be artificially elevated above the general topography of the site; and
4. Parked or stored vehicles may not encroach upon any public right-of-way or sidewalk.

## PZC Public Review Draft - August 2016

### 10.6.1. Airport Field, Airport Heliport

An area of land or water that is used or designed for the landing and takeoff of aircraft, any appurtenant areas designated or intended for use by aircraft, and including buildings and facilities thereon for the shelter, servicing, or repair of aircraft.

### 10.6.2. Building Trades Related Business (landscaping, general contractor, subcontractor, etc.)

1. A person who earns an income from any of the activities commonly referred to as construction and shall include clearing and grubbing, excavation, foundation work, framing, finish carpentry, hardwood flooring, dry wall, painting, cabinets, plumbing, heating, wiring, roofing, siding, interior construction or remodeling, insulating, exterior construction repair, concrete, tile, log work, stone/brick work, landscaping, installing pools/hot tubs, demolition, road building, paving, and utility installation, plus maintenance of the above.
2. A contractor's outdoor storage area shall not include inoperable vehicles, junk, or any equipment not related to the contractor's business and should be screened.

### 10.6.3. Heavy Industrial

#### A. Defined

A facility that involves dangerous, noxious, or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation, or any other likely cause. Heavy industrial includes the following.

1. Animal processing, packing, treating, and storage.

2. Bottling plant.
3. Bulk fuel sales.
4. Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers, and abrasive products.
5. Concrete batch plant.
6. Detention center, jail, prison (private).
7. Laundry, dry-cleaning, and carpet cleaning plant.
8. Primary metal manufacturing.
9. Sawmill, log production facility, lumberyard.

### 10.6.4. Light Industrial

#### A. Defined

A facility conducting light industrial operations within a fully-enclosed building. Light industrial includes the following.

1. Brewery, distillery, and winery.
2. Clothing, textile, or apparel manufacturing.
3. Craft shop.
4. Food and beverage processing, boutique.
5. Food and beverage processing, industrial.
6. Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments, or timing instruments.
7. Pharmaceutical or medical supply manufacturing.
8. Recreational equipment manufacturing.

# PZC Public Review Draft - August 2016

9. Sheet metal, welding, machine shop, tool repair.
10. Stone, clay, glass, or concrete products.
11. Woodworking, cabinet makers, or furniture manufacturing.

## B. Craft Shop

1. A facility devoted solely to the arts and crafts that produces or makes items that by their nature, are designed or made by an artist or craftsman by using hand skills.
2. Where a craft shop is allowed as a limited use, it is subject to the following:
  - a. May have no more than 5 employees.
  - b. No more dust, fumes, gases, odors, smoke, or vapors escape from the premises than that which is usual in the neighborhood is allowed.
  - c. All by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution other than that which is usual in the neighborhood.
  - d. No noise or disturbance of adjoining premises takes place other than that which is usual in the neighborhood.
  - e. All equipment and material storage is kept in an enclosed structure.

## C. Food and Beverage Processing, Boutique

1. A facility in which food, beverages and alcohol are processed or otherwise prepared and distributed for eventual human consumption. The facility may, in addition to its processing operation and exclusive of the processing, bottling, storage floor area limitation, have a restaurant, offer related and unrelated retail

sales, and on-site consumption of free samples when permitted by the State.

2. Where food and beverage processing, boutique is allowed as a limited use, it is subject to the following.
  - a. Ground floor area used for processing/ bottling/storage does not exceed 3,000 square feet, unless otherwise permitted through a Conditional Use Permit.
  - b. The use is conducted in a fashion that does not generate continuous, frequent, or repetitive noises or vibrations than that which is usual in the neighborhood.

## D. Food and Beverage Processing, Industrial

1. A facility in which food, beverage, and alcohol are processed, or otherwise prepared and distributed for eventual human consumption. The establishment may, as a subordinate use, offer retail sales and on-site consumption of free samples with no associated seating area, when permitted by the State, of only products produced or processed by the principal use on site.
2. Where food and beverage processing, industrial is allowed as a limited use, it requires a Conditional Use Permit if located within 300 feet from an existing residence or residentially-zoned property (measured from the residential lot line to the lot line of the food and beverage facility).

## 10.6.5. Mineral Resource Development

### A. Definition and Purpose

Mineral resource development is any land use related to the excavation, crushing, washing, sizing and screening, asphalt batching, cement and concrete processing, other processing, and surface stockpiling (excavated on site) of topsoil, peat, sand, gravel, rock, clay, aggregate, metallic,

# PZC Public Review Draft - August 2016

non-metallic and industrial minerals, gemstones, or other mineral resource. The purpose of this Division is to regulate the operation of these developments to minimize their impact on surrounding property and to provide definitions and standards to existing mineral resource developments, new mineral resource developments, and exempt uses of mineral resources.

## B. Existing Mineral Resource Developments

All existing mineral resource developments with or without current Conditional Use Permits that do not meet the exemptions set forth in Div. 10.6.4.D shall be registered within one year of adoption of this ordinance, (and thereafter annually) with the Planning Department. Existing developments are those which have been actively operated as demonstrated by visual evidence or other records. Any registered existing mineral resource development that does not have a Conditional Use Permit shall be considered a non-conforming use and shall be subject Div. 14.9 of this ordinance. No existing mineral resource development shall be permitted to continue active excavation or processing until the annual registration has been received by the Planning Department. Failure to register the development annually will result in the forfeiture of classification as an existing development.

The following are requirements for operation of registered developments:

1. Hours of operation are limited to 9 AM to 6 PM daily. An operator may vary from this requirement by applying for a Conditional Use Permit under the provisions of Div. 14.7.10 of this ordinance.
2. Written verification of compliance with the Idaho Surface Mining Act, including filing of any reclamation plan required by the Idaho Surface Mining Act.
3. The excavation site, any overburden and stockpiles, and a 50 foot buffer strip surrounding these areas shall be maintained so that they are continuously free of all noxious weeds as determined by the Teton County Weed Superintendent.
4. The operator shall provide, by certified mail, written notification to all residences within one mile of any blasting and the Teton County Planning Department. The notification shall be distributed and in the possession of the occupants of these residences at least 72 hours prior to any blasting. The notification shall give the date and time of the planned blast.
5. Blasting shall be restricted to the hours of 9:30 AM to 4:30 PM, Monday through Friday. No blasting shall occur on Saturdays, Sundays, or all Federal holidays.
6. An owner or operator may request, and the Public Works Director may grant, an exception to provide for additional hours of operation for a mineral resource development when additional hours of operation are needed to alleviate a public emergency. Public emergencies include the following:
  - a. Damage to public roads or structures that require immediate repair.
  - b. Road construction or repair that is scheduled during nighttime hours to reduce traffic conflicts.
7. Signs, upon approval of the signs by the Planning Department, warning of truck entrances shall be posted within one-quarter (1/4) mile of the site's entrance onto a public road.
8. The mineral resource development shall be marked by warning signs posted 200 feet from mine operations.

# PZC Public Review Draft - August 2016

9. A plan to retain storm water runoff within the mineral resource development boundaries in compliance with Article 13.

## C. New Mineral Resource Developments

Any mineral development which is not registered as an existing development or does not qualify to be registered as an existing development, not exempt as per Div. 10.6.4.D of this ordinance, or does not have an existing Conditional Use Permit, shall be considered a new development. Prior to operation, all new developments must obtain a Conditional Use Permit under the provisions of Div. 14.7.10 of this ordinance. In addition, the Commission shall, as a minimum, place the requirements of Div. 10.6.4.B upon any newly permitted mineral development, unless making specific findings supporting the omission or alteration of the requirements of Div. 10.6.4.B. New mineral resource developments shall be exempt from the provisions of Div. 14.7.10.C of this ordinance. The following are requirements for operation of all new mineral resource developments:

1. Activity associated with a mineral resource development shall be at least 1,000 feet from any home existing at the time of application for conditional use permit, unless a lesser distance is approved by the Commission. A lesser distance shall not be approved unless the applicant submits a signed notarized form, approved by the Planning Department, from all owners of record of any residential building within 1000 feet of the development consenting to the location of the mineral resource development. Each form shall be recorded in the Teton County Recorder's Office by the Planning Department. Approval of a distance less than 1000 feet shall be within the discretion of the Commission, even if all owners of residential buildings within 1000 feet approve of the location of the development.
2. The operator of a mineral resource development must provide at least a 75 foot undisturbed or natural buffer on the perimeter of mineral resource development operations. The buffer and the area of mineral resource development operations shall be maintained so that they are continuously free of all noxious weeds as determined by the Teton County Noxious Weed Extension Educator. Frontage on a public road does not require a buffer. Activities associated with a mineral resource development shall not be allowed within the 75 foot buffer area. Location and specifications for access road(s) shall be determined by the Commission.
3. To protect aquatic and terrestrial habitat and other biological resources, all mineral resource developments and mineral resource development operations shall meet the riparian setbacks in Div. 13.3.1; except for stream crossings that are regulated by a state or federal regulatory system and those activities permitted under the Idaho Placer and Dredge Mining Protection Act from the Idaho Department of Lands, a Stream Channel Alteration Permit from the Idaho Department of Water Resources, a Dredge and Fill Permit from the U.S. Army Corps of Engineers, a Floodplain Development Permit from the Teton County Planning Department, and/or a National Pollution Discharge Elimination System permit from the U.S. Environmental Protection Agency. Applicable permit documentation shall be provided to the Administrator prior to onset of mineral resource development.
4. The applicant shall prepare and submit a Property Development Plan, as required in Article 13, with the application for a conditional use permit.

# PZC Public Review Draft - August 2016

## D. Uses Exempt From Conditional Use Permits

Mineral resources excavated from or stockpiled on the parcel by the property owner for construction uses, excavation for residential and accessory building construction for which a valid building permit has been issued; construction and maintenance of driveways, roadways, and rights-of-way; grading; landscaping; leveling; ponds and shallow water areas for wildlife; and cemetery operations are exempt from conditional use permits under this section, provided one of the following applies. (No product produced by an exempt use may be sold, bartered, or traded.)

1. The mineral resource is less than 1,000 feet from adjacent property boundary, use of the mineral resource disturbs one acre or less, and the mineral resource and associated use are located on the same parcel or adjacent parcels under the same ownership. Blasting, crushing, or any other processing is not allowed on-site.
2. The mineral resource is greater than 1,000 feet but less than one mile from adjacent property boundary or structures on state or federal lands (when applicable), and use of the mineral resource disturbs one acre or less. The mineral resource may be transported for use off-site to a different parcel owned by the same landowner. Blasting, crushing, or any other processing is not allowed on-site.
3. The mineral resource is greater than one mile from adjacent property boundary and the mineral resource development disturbs less than five acres. The mineral resource may be transported for use off-site to a different parcel owned by the same landowner. Blasting, crushing, and processing are allowed on-site.

## 10.6.6. Research and Development

### A. Defined

A facility focused primarily on the research and development of new products. Research and development includes the following.

1. Laboratories, offices, and other facilities used for research and development by or for any individual, organization, or concern, whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

## 10.6.7. Solar Energy System

### A. Small-Medium Scale, Ground Mounted Solar System

An Active Solar Energy System with a generating capacity of not more than 25 kilowatts (kW).

#### 1. Permit Required

Medium scale, ground-mounted, Active Solar Energy Systems shall undergo Site Plan Review prior to construction, installation, or modification as provided in this division.

#### 2. Plan Document Requirements

Pursuant to the Site Plan Review process, the project proponent shall provide the following documents, as deemed applicable by the Administrator:

##### a. A site plan showing:

- i. Property lines and physical features, including roads, for the project site;

# PZC Public Review Draft - August 2016

- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
  - b. Blueprints or drawings of the solar energy system signed by a Professional Engineer licensed to practice in the State of Idaho showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;
  - c. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all compliant disconnects and overcurrent devices;
  - d. Documentation of the major system components to be used, including the panels, mounting system, and inverter;
  - e. Name, address, and contact information for proposed system installer;
  - f. Name, address, phone number, and signature of the project proponent, as well as all co-proponents or property owners, if any;
  - g. The name, contact information, and signature of any agents representing the project proponent
  - h. Documentation of actual or prospective access and control of the project site
  - i. An operation and maintenance plan
3. Site Plan Review Design and Operation Standards
- a. Utility Notification

No grid-intertie photovoltaic system shall be installed until evidence has been given to Teton County that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
  - b. Utility Connections

Reasonable efforts, as determined by the Commission, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
  - c. Safety

The medium-scale ground-mounted solar energy system owner or operator shall provide a copy of the Site Plan Review application to the Teton County Fire District. All means of shutting down the solar installation shall be clearly marked.
  - d. Visual Impact

Reasonable efforts, as determined the Commission, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
  - e. Land Clearing, Soil Erosion, and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of

# PZC Public Review Draft - August 2016

ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and bylaws/ordinances, and subject to existing easements, restrictions and conditions of record. A Property Development Plan, as required in Article 13, must be provided.

## B. Large Scale, Solar Energy System

An Active Solar Energy System with a generating capacity of more than 25 kilowatts (kW) but no more than 100 kW.

### 1. Permit Required

No large scale solar energy system shall be erected, constructed, installed, or modified as provided in this division without first obtaining Site Plan approval and a building permit from Teton County. All such solar energy systems shall be constructed and operated in a manner that, where economically feasible, minimizes adverse visual, safety, and environmental impacts.

### 2. Applicability

Large-scale ground-mounted solar energy systems shall undergo Site Plan Review prior to construction, installation or modification as provided in this division.

### 3. Site Plan Document Requirements

Pursuant to the Site Plan Review process, the project proponent shall provide the following documents, as deemed applicable by the Administrator:

#### a. A site plan showing:

- i. Property lines and physical features, including roads, for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing

and planting, exterior lighting, screening vegetation or structures;

- b. Blueprints or drawings of the solar energy system signed by a Professional Engineer licensed to practice in the State of Idaho showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;
- c. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all compliant disconnects and overcurrent devices;
- d. Documentation of the major system components to be used, including the panels, mounting system, and inverter;
- e. Name, address, and contact information for proposed system installer; Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- f. The name, contact information and signature of any agents representing the project proponent;
- g. Documentation of actual or prospective access and control of the project site;
- h. An operation and maintenance plan;
- i. Proof of liability insurance; and
- j. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required Site Plan Review notification procedures

# PZC Public Review Draft - August 2016

and otherwise inform abutters and the community

## 4. Site Plan Review Design and Operation Standards

### a. Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.

### b. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar energy system, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

### c. Utility Notification

No grid-intertie photovoltaic system shall be installed until evidence has been given to the Administrator that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

### d. Lighting

Lighting of large-scale ground-mounted solar energy systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded

from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.

### e. Signage

Signs on large-scale ground-mounted solar energy systems shall comply with Div. 11.3. A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.

### f. Utility Connections

Reasonable efforts, as determined by the Administrator, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

### g. Emergency Services

The large-scale ground-mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for

# PZC Public Review Draft - August 2016

public inquiries throughout the life of the installation.

## h. Land Clearing, Soil Erosion, and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of solar energy system or otherwise prescribed by applicable laws, regulations, and bylaws/ordinances, and subject to existing easements, restrictions and conditions of record. A Property Development Plan, as required in Article 13, must be provided.

## 5. Monitoring and Maintenance Conditions

The large-scale ground-mounted solar energy system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Teton County Fire District, Emergency Management Coordinator, and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road(s), unless accepted as a public way.

## 6. Modifications

All material modifications to a large-scale ground mounted solar energy system made after issuance of the required building permit shall require approval by Teton County

## 7. Abandonment or Decommissioning

Any large-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the

date of discontinued operations. The owner or operator shall notify Teton County by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of:

- a. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. Teton County may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

## 8. Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of Teton County. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the County retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

# PZC Public Review Draft - August 2016

## 10.6.8. Vehicle Service and Repair

### A. Defined

Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Vehicle service includes the following.

1. Car wash.
2. Vehicle repair (minor).
3. Vehicle repair (major).
4. Vehicle repair (commercial vehicle).

### B. Car Wash

1. A facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles.
2. Where a car wash is allowed as a limited use, it is subject to the following.
  - a. No car wash is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the lot line of the car wash facility).
  - b. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
  - c. When abutting a ground floor residential use, the car wash facility cannot operate before 6 AM or after 11 PM.

### C. Vehicle Repair (Minor)

1. A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, emissions testing, bed-liner installation, and glass repair or replacement.

2. Where minor vehicle repair is allowed as a limited use, it is subject to the following.

- a. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
- b. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

### D. Vehicle Repair (Major)

1. A facility where general vehicle repair is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops.
2. Where major vehicle repair is allowed as a limited use, it is subject to the following.
  - a. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
  - b. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

### E. Vehicle Repair (Commercial Vehicle)

1. A facility conducting repair, service, washing, or accessory installation for commercial vehicles, including box trucks, 18-wheelers, and construction or other heavy equipment.
  - a. A Type A or B buffer (see Div. 11.2.2) must be established along all lot lines abutting a ground floor residential use.
  - b. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

# PZC Public Review Draft - August 2016

## 10.6.9. Warehouse, Storage, and Distribution

### A. Defined

A facility involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse, storage, and distribution includes the following.

1. Enclosed storage (includes bulk storage, cold storage plants, frozen food lockers, household moving, and general freight storage).
2. Self-service storage, mini-warehouse.

### B. Use Standards

Where warehouse, storage, and distribution is allowed as a limited use, outdoor storage areas are allowed in accordance with in Div. 10.9.11.

## 10.6.10. Waste-Related Service

### A. Defined

A facility that processes and stores waste material. Waste-related service includes the following.

1. Automobile dismantlers and recyclers, junk yard, wrecking yard, salvage yard.
2. Landfill.
3. Recycling and recovery facility, including recyclable material storage, including construction material.
4. Scrap metal processors, secondary materials dealer.

## 10.6.11. Wind Energy System

### A. Medium Scale, Wind Energy System

#### 1. Wind Energy System

All equipment, machinery, and structures utilized in connection with the conversion of kinetic energy of wind into electrical power. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which have a total rated nameplate capacity of not more than 100kW/ 0.1MW, not for commercial use.

#### 2. Permit Required

No medium scale wind energy system shall be erected, constructed, installed, or modified as provided in this division without first obtaining Site Plan approval and a building permit from Teton County. All such wind energy systems shall be constructed and operated in a manner that, where economically feasible, minimizes adverse visual, safety, and environmental impacts.

#### 3. Compliance with Laws, Ordinances and Regulations

The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications, and aviation requirements.

#### 4. Proof of Liability Insurance

The applicant shall be required to provide evidence of liability insurance in an amount, and for a duration, sufficient to cover loss or damage to persons and property occasioned by the failure of the facility.

# PZC Public Review Draft - August 2016

## 5. Site Control

At the time of its application for a conditional use or building permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation, or inconsistent or interfering use, within the setback areas.

## 6. Utility Notification

No site plan for the installation of a wind energy facility shall be approved until evidence has been given that the electric utility company that operates the electrical grid where the facility is to be located has been informed of the customer's intent to install an interconnected customer-owned generator, and copies of site plans showing the proposed location have been submitted to the utility for review. No installation of a wind energy facility should commence and no interconnection shall take place until an Interconnection Agreement pursuant to applicable tariff and consistent with the requirements for other generation has been executed with the utility. Off-grid systems shall be exempt from this requirement, unless they are proposed to be located within setback distance from the sideline of an existing utility right of way.

## 7. Height

Wind turbines shall be no higher than 120 feet above the current grade of the land, as measured at the uppermost point of the rotor's swept area.

## 8. Setbacks

A wind turbine may not be sited within:

- a. A distance equal to one and one-half (1.5) times the maximum tip height of the wind turbine from buildings, critical infrastructure—including Critical Electric Infrastructure and above-ground natural gas distribution infrastructure—or private or public ways that are not part of the wind energy facility;
- b. A distance equal to three (3.0) times the maximum tip height of the turbine from the nearest existing residential or commercial structure; or
- c. A distance equal to one and one-half (1.5) times the maximum tip height of the turbine from the nearest property line, and private or public way.

## 9. Application Process & Requirements

A building permit shall be required for the installation of a medium scale wind energy system.

## 10. General Required Documents

- a. The building permit application shall be accompanied by deliverables including the following:
  - i. A site plan showing:
    - a. Property lines and physical dimensions of the subject property within 500 feet of the wind turbine from the proposed tower location.
    - b. Location, dimensions, and types of existing major structures on the property.

# PZC Public Review Draft - August 2016

- c. Location of the proposed wind system tower, foundations, guy anchors, and associated equipment.
  - d. The right-of-way of any public road that is contiguous with the property;
  - e. Location of all existing above ground or overhead gas or electric infrastructure, including Critical Electric Infrastructure, and utility rights of way and easements, whether fully cleared of vegetation or only partially cleared, within 500 feet of the site parcel;
  - f. Location and approximate height of tree cover;
- b. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed)
  - c. One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all National Electrical Code (NEC) compliant disconnects and overcurrent devices.
  - d. Foundation blueprints or drawings signed by a Professional Engineer licensed in the State of Idaho.
  - e. A Wind Resource Assessment.
    - i. The assessment should determine the feasibility of the project. It requires the installation of meteorological instruments to gather a minimum of twelve months of wind data near the proposed wind turbine site.
  - f. Desktop Studies should be done for the prospective area before and/or during the year-long on-site wind resource assessment. The study shall consult federal laws to identify habitats and known migration corridors and breeding areas for threatened, endangered, and other vulnerable species that have no legal protection but may also be present.
- g. Name, address, phone number, and signature of the applicant, as well as all co-applicants or property owners, if any.
  - h. The name, contact information, and signature of any agents representing the applicant.
  - i. A plan for maintenance of the medium scale wind energy facility.
11. Fees
- a. The application for a building permit for a wind energy system must be accompanied by the fee required for a building permit..
12. Design Standards
- a. Appearance, Color, and Finish
    - i. Federal Aviation Administration (FAA) safety consideration on color and appearance should be respected. Where applicant is seeking a non-standard color in an area not regulated by the FAA, the Commission has authority to regulate color of the turbine.
  - b. Lighting
    - Wind turbines shall be lighted only if required by the FAA. Lighting of other parts of the wind energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

# PZC Public Review Draft - August 2016

## c. Signage

Signs on the wind energy facility shall comply with the requirements of the county's sign regulations, and shall be limited to:

- i. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.
- ii. Educational signs providing information about the facility and the benefits of renewable energy.

## d. Advertising

Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

## e. Utility Connections

Reasonable efforts, as determined by the Commission, shall be made to place all developer-owned utility connections from the wind energy facility underground, depending on appropriate soil conditions, shape, and topography of the site, and any requirements of the utility provider. Utility owned electrical equipment required for utility interconnections may be above ground, if required by the utility provider.

## f. Appurtenant Structures

All appurtenant structures to wind energy facilities shall be subject to applicable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking, and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each

other and shall be contained within the turbine tower whenever technically and economically feasible. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

## g. Emergency Services

The applicant shall provide a copy of the project summary, electrical schematic, and site plan to the local emergency services entity, as designated by Teton County, as well as the local electrical utility company. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the wind energy facility shall be clearly marked. The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

## h. Unauthorized Access

Wind turbines or other structures part of a wind energy facility shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or other climbing means readily accessible to the public for a minimum height of 8 feet above the ground. Electrical equipment shall be locked where possible.

## i. Shadow/Flicker

Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.

# PZC Public Review Draft - August 2016

## j. Sound

The wind facility and associated equipment shall conform with the following provisions:

- i. The broadband sound level is not increased by more than 10 dB(A) above ambient,
- ii. Produces a pure tone condition – an octave band center frequency sound pressure level may not exceed the two adjacent center frequency sound pressure levels by 3 decibels or more. These criteria are measured both at the property line and at the nearest inhabited structure. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. An analysis prepared by a qualified engineer licensed in the State of Idaho shall be presented to demonstrate compliance with these noise standards.  
.Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility and is otherwise prescribed by applicable laws, regulations, and ordinances, and subject to existing easements, restrictions and conditions of record. A Property Development Plan, as required in Article 13, must be provided.

## 13. Facility Conditions

The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, emergency braking (stopping) and integrity of security measures. Site access shall

be maintained to a level acceptable to the Teton County Fire District and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind energy facility and any access road(s), unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

## 14. Modifications

All material modifications to a wind energy facility made after issuance of the permit shall require approval by Teton County.

## 15. Removal Requirements

Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind energy facility is scheduled to be decommissioned, the applicant shall notify the County by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:

- a. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. Teton County may allow the owner to leave landscaping or designated below-grade

# PZC Public Review Draft - August 2016

foundations in order to minimize erosion and disruption to vegetation

## 16. Abandonment

Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of Teton County. Teton County shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind energy facility in accordance with the requirements of this division within 150 days of abandonment or the proposed date of decommissioning, the County retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

## 17. Financial Surety

Applicants for utility-scale wind energy facilities shall provide a form of surety, either through escrow account, bond, or otherwise, to cover the cost of removal or failure to maintain, in the event the County must maintain or remove the facility and remediate the landscape, in an amount and form determined to be reasonable by Teton County, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer licensed in the State of Idaho. The amount shall include a mechanism

for calculating increased removal costs due to inflation.

## 18. Expiration

A permit issued pursuant to this Land Use Development Code shall expire if:

- a. The wind energy facility is not installed and functioning within 48-months from the date the permit is issued; or,
- b. The wind energy facility is abandoned.

## 19. Violations

It is unlawful for any person to construct, install, or operate a wind energy system that is not in compliance with this Land Use Development Code or with any condition contained in a permit issued pursuant to this Land Use Development Code.

## B. Large Scale, Wind Energy System Equipment

1. Machinery and structures utilized in connection with the conversion of kinetic energy of wind into electrical power with a rated output of electrical power production equipment of greater than 100kW/0.1MW.
2. Due to the sensitive habitat, views, and community character these facilities are not permitted in Teton County.

# PZC Public Review Draft - August 2016

## 10.6.12. Wireless Telecommunication Facility

### A. Defined

A facility for the provision of radio waves or wireless service. Wireless telecommunication facility includes the following.

1. Amateur radio operator tower.
2. Wireless telecommunication tower.
3. Building-mounted wireless telecommunication facility.

### B. Amateur Radio Operator Tower

#### 1. Defined

A facility used for personal, non-commercial radio licensed by the Federal Communications Commission.

#### 2. Standards

Where an amateur radio operator tower is allowed as a limited use, it is subject to the following:

- a. An amateur radio operator tower may not exceed 65 feet in height. Additional height may be granted through the conditional use process (See Div. 14.4).
- b. The tower must be located so that no part of the antenna or its elements encroaches within the required side or rear setbacks or within 10 feet of any easement for overhead electric distribution or transmission lines.
- c. Maximum tower height is measured to the tallest point of the supporting tower and does not include the antenna mast or antenna elements affixed to the tower.
- d. No more than one tower is allowed on a lot.

- e. A request for a building permit must be accompanied by a copy of a valid Amateur Radio Operators licensed issued by the Federal Communications Commission for the location being requested.

### C. Wireless Telecommunication Tower

#### 1. Defined

Any mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas.

#### 2. Standards

Where a wireless telecommunication tower is allowed as a conditional use, it may be permitted subject to Div. 14.4 and the standards below:

##### a. Necessary to Erect Tower

- i. It must be demonstrated that it is necessary to erect the tower at the proposed location and due to one or more of the following reasons:
  - a. The planned equipment would exceed the structural capacity of existing or approved structure, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
  - b. The planned equipment would result in technical or physical interference with or from other existing or planned equipment, and the interference cannot be prevented at a reasonable cost.
  - c. There is no appropriate existing or pending structure to accommodate the planned equipment.

# PZC Public Review Draft - August 2016

- d. Other technical reasons that make it impractical to place equipment planned by the applicant on existing or approved structures.

**b. Height**

Building height restrictions do not apply to wireless communication towers. Wireless communication tower height may not exceed the standards established in the table below.

Zoning District	Tower Height (max)
Rural Districts	65 ft.
Residential Districts	45 ft.
Mixed Use Districts	65 ft.
Industrial Districts	75 ft.
Civic/Open Space Districts	75 ft.

**c. Setbacks for Ground Equipment**

The setbacks for ground equipment are governed by the applicable setbacks for the district.

**d. Setbacks for Towers**

Towers must be set back 1 foot from the property line for every foot of height.

**e. Co-Location**

- i. No wireless telecommunication tower or equipment owner or lessee or employee can exclude or attempt to exclude any other wireless telecommunication provider from using the same building, structure or location. Wireless telecommunication facility owners or lessees or employees must cooperate in good faith to achieve co-location of wireless telecommunication facilities and equipment with other wireless telecommunication providers.

- ii. All new telecommunications towers must be constructed with excess capacity for co-location. Any owner of a telecommunications tower must allow other telecommunications providers to install or co-locate antennae or facilities on their towers. Co-location is subject to mutually agreeable terms and conditions negotiated between the parties.

**f. Screening**

Wireless telecommunication towers may require extensive landscaping/screening due to the unique nature of such facilities. Landscaping may be required to achieve a total screening effect at the base of the facility to screen the mechanical characteristics. A heavy emphasis on coniferous plants or other approved materials for year-round screening may be required.

**g. Lighting**

No signals, lights, or illumination is allowed on a tower or telecommunication facility unless required by the Federal Aviation Administration or other applicable authority.

**h. Abandoned Tower**

- i. The Administrator will require removal of any abandoned or unused tower by the tower owner/operator within 30 days after notice from the Administrator. A tower is considered abandoned if use has been discontinued for 180 consecutive days.
- ii. Where a tower is abandoned but not removed within the specified time frame, Teton County will remove the facility and place a lien on the

# PZC Public Review Draft - August 2016

property. Towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision.

- iii. Where a tower is removed by an owner, the owner must restore the area to the condition existing prior to the placement of the tower.

## D. Building-Mounted Wireless Telecommunication Facility

### 1. Defined

Any antenna attached or affixed to a building or roof or other type of structure not originally intended to house such a facility.

### 2. Standards

Where a building-mounted wireless telecommunication facility is allowed as a limited use, it shall be subject to the standards below:

- a. A building-mounted wireless telecommunication facility must be painted or camouflaged to match as closely as possible the color and texture of the wall, building, roof, or surrounding built environment. Muted colors, earth tones, and subdued colors must be used.
- b. A building-mounted wireless telecommunication facility mounted to the wall of a building or structure, must be mounted in a configuration as flush to the wall as technically possible and must not project above the wall on which it is mounted.
- c. A building-mounted wireless telecommunication facility mounted to a roof must be located as far from the edge of the roof as possible.

- d. A building-mounted wireless telecommunication facility is not subject to the screening requirements of .Div. 11.2.4.

## 10.6.13. Wireless Telecommunication Facility, Emergency

Any pole, spire, tower, structure, or combination thereof, including supporting lines, cables, wire, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna and/or radio transmitter to receive and transmit emergency communications for public safety entities. These towers shall meet the same standards found in .Div. 10.6.10.C

## PZC Public Review Draft - August 2016

### 10.7.1. Indoor Recreation

#### A. Defined

A commercial facility providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following.

1. Amusement center, game/video arcade.
2. Assembly hall, auditorium, meeting hall.
3. Billiard hall, pool hall.
4. Bowling alley.
5. Dance, martial arts, music studio or classroom
6. Extreme sports facility such as BMX, skateboarding, or roller blading.
7. Gym, health spa, or yoga studio.
8. Ice or roller skating rink.
9. Indoor sports facility.
10. Inflatable playground, indoor trampolines
11. Miniature golf facility.
12. Motor track.
13. Movie theater or other indoor theater.
14. Shooting range.

#### B. Dance, Martial Arts, Music Studio or Classroom

A facility that offers or provides instruction to more than 2 students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.

#### C. Gym, Health Spa, Yoga, Studio

A facility which for profit or gain provides as one of its primary purposes, services, or facilities which assist patrons improve their physical condition or appearance. Not included within this definition

are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility.

#### D. Shooting Range

A facility with an enclosed firing range with targets for archery, rifle, or handgun practice.

### 10.7.2. Guest/Dude Ranch

A ranch that provides multi-night accommodations for guests, provides a recreational/agricultural activity or immediate access to recreational/agricultural activities, has dining facilities on-site, barns, associated buildings, corrals, pastures, and livestock related to a working ranch, working farm and/or the recreational activity available to guests. The guest/dude ranch does not include a commercial restaurant, café, or bar that caters to the general public, nor does it actively solicit nightly accommodations. A guest/dude ranch may have limited availability for special activities such as a wedding or social gathering.

### 10.7.3. Outdoor Recreation

#### A. Defined

A commercial facility, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation includes the following.

1. Drive-in theater.
2. Campground, travel trailer park, RV park.
3. Extreme sports facility such as BMX, skateboarding, or roller blading.
4. Horse stable, riding academy, equestrian center.

# PZC Public Review Draft - August 2016

5. Outdoor amusements such as batting cage, golf driving range, amusement park, miniature golf facility, or water park.
6. Outdoor theater.
7. Shooting range.
8. Racetrack.

## B. Golf Course

A tract of land laid out with at least 9 holes for playing golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, shelters, and a driving range as accessory uses.

## C. Park, Recreation Field

An area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ballfields, soccer fields, basketball courts, swimming pools, and tennis courts. May include both passive and active recreation.

## D. Campground, Travel Trailer Park, RV Park or Recreational Residence Park

A facility used for 2 or more tent, cabin, or recreational vehicle campsites for nightly or short-term rental. Does not include sites for manufactured homes.

## E. Horse Stable, Riding Academy, Equestrian Center

1. A facility used primarily for the care, breeding, boarding, rental, riding or training of horses or for the teaching of equestrian skills.
2. Where a horse stable, riding academy, or equestrian center is allowed as a limited use, no part of any building, structure, or run in which animals are housed can be closer than 50 feet from any property line, except property owned

or occupied by an owner or operator of the facility.

## F. Shooting Range

A facility with an outdoor firing range with targets for archery, rifle, or handgun practice.

## 10.7.4. Retreat Center

A facility used by small groups of people to congregate temporarily for such purposes as education, meditation, spiritual renewal, meetings, conferences, social gatherings, seminars, or weddings and which may provide meals, services, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meal or overnight accommodations

## PZC Public Review Draft - August 2016

### 10.8.1. Agricultural Use Defined

The production of crops, livestock, or poultry. Agriculture may include the following.

1. Agricultural auction.
2. Agricultural Commercial
3. Agricultural Processing
4. Beekeeping
5. Commercial Feed Lots
6. Community garden.
7. Nursery.
8. Urban farm.
9. Livestock Keeping.
10. Winery.

### 10.8.2. Agricultural Auction

A sales establishment at which farm-related merchandise or livestock is sold to the highest bidder on a monthly (or more regular) basis.

### 10.8.3. Agricultural Commercial

The process of raising field, horticultural or garden crops or produce; the raising of domestic animals or fowl; or the planting of tree farms or sod farms for the purpose of commercial or personal production.

### 10.8.4. Agricultural Crops Processing

A facility used for the collection, cooking, dehydrating, and refining, bottling, canning, or other treatment, where agricultural crops are changed and packaged for efficient shipment. (See: Div. 10.6.3 for Animal Processing)

### 10.8.5. Beekeeping

The tending of beehives and the production or processing of bee products.

#### A. Accessory Beekeeping

1. Beekeeping, and the honey produced from beekeeping, shall be for personal use only.
2. Minimum lot size of 1 acre (43,560 square feet), with a maximum of 2 colonies per acre.
3. Limited to a maximum of 10 colonies
4. No colony shall be permitted within a front yard setback.
5. All colonies must be setback at least 30' from any rear or side yard lot line.
6. All colonies within 100' of an adjoining home shall require a flyway barrier with a 6' minimum height.
7. Notification shall be sent by permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the Planning Department. Any property owner who receives notification shall have 14 calendar days from the postmarked date to send written objection to the Planning Department. If any such objection is received, no colony shall be located within 100' of the adjoining home of objecting property owner.

#### B. Commercial Beekeeping

1. Beekeeping and the honey produced from beekeeping can be used for commercial uses.
2. Required proof of registration with the Idaho State Department of Agriculture.
3. Minimum lot size of 20 acre.

# PZC Public Review Draft - August 2016

4. No colony shall be permitted within a front yard setback.
5. All colonies must be setback at least 100" from any rear or side yard lot line.
6. All colonies within 500' of an adjoining home shall require a flyway barrier with a 6' minimum height.
7. Notification shall be sent by permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the Planning Department. Any property owner who receives notification shall have 14 calendar days from the postmarked date to send written objection to the Planning Department. If any such objection is received, no colony shall be located within 500' of the adjoining home of objecting property owners.

## 10.8.6. Commercial Feed Lot

Feedlots, animal husbandry, and all of the uses normally associated with the raising, feeding, and selling of livestock, dairies, continuous confined animal management operations, or other types of similar facilities with more than 250 animal units.

- A. Any containment of animals must be situated at least 35 feet from any perennial stream shown on a USGS 7.5 minute map.
- B. At the time of application, the applicant shall show proof that plans and permits for water, nutrient management, and odor management will be approved by the relevant regulatory or permitting agency such as the Idaho Department of Water Resources, the Idaho Department of Agriculture, and/or the Idaho Department of Environmental Quality, and shall name the agency and contact person, or the applicant shall show proof that no such permit is required. Copies of these permit approvals must be provided to the Planning

Department prior to any commencement of activities on the permitted property. The Board may request a review as per Idaho Code Section 67- 6529E, the results of which shall be in the possession of the County prior to the public hearing being held.

- C. Anyone, regardless of their property's distance from the site of the permit or regardless of whether they own property, may testify at the required public hearings.

## 10.8.7. Community Garden

- A. An area of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption, or donation. On-site sales may be permitted upon approval of a Conditional Use Permit under Div. 14.7.10. A Community Garden may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by the group.
- B. Where a community garden is allowed as a limited use, it is subject to the following:
  1. A community garden must be primarily used for growing and harvesting food and ornamental crops for consumption or donation or for sale off-site;
  2. Only mechanical equipment designed for household use may be used.
  3. On-site sales may be permitted upon approval of a Conditional Use Permit Div. 14.7.10. Sales are restricted to horticultural and agricultural products produced on the premises;
  4. Livestock keeping may be allowed as an accessory use subject to Div. 10.2.

# PZC Public Review Draft - August 2016

## 10.8.8. Livestock Keeping

### A. Defined

Livestock includes any animals of the equine, swine or bovine class, including goats, sheep, mules, cattle, hogs, pigs, and other grazing animals, and all ratites, including, but not limited to, ostriches, emus and rheas.

### B. Use Standards

Where livestock keeping is allowed as a limited use, it is subject to the following:

#### 1. Prohibited

- a. The keeping of any animal other than dogs, cats and other household domestic animals and those specifically allowed below is prohibited.
- b. Allowing any farm animal to roam freely on or onto public property or private property without the property owner's permission is prohibited.
- c. Roosters are not allowed.

#### 2. Rabbits, Turkeys, Ducks, and Chickens

- a. One rabbit, turkey, duck, or chicken is allowed per 1,500 square feet of lot area, provided that no more than 7 rabbits, ducks, or chickens, and no more than 3 turkeys are located on a single parcel.
- b. Up to 25 rabbits, turkeys, ducks, or chickens may be allowed upon approval of a Conditional Use Permit under Div. 14.7.10
- c. An area of at least 20 square feet or at least 4 square feet for each rabbit, turkey, duck, or chicken, whichever is larger, must be provided. The area must be adequately fenced, cannot be located in a front yard, be at least 25 feet from any dwelling on an

abutting lot, and be at least 15 feet from any side or rear lot line.

- d. Coops or cages cannot exceed 8 feet in height.

#### 3. Alpacas, Llamas, Goats and Sheep

- a. A lot least 1/2 acre in size is allowed 1 alpaca, llama, goat, or sheep per 10,000 square feet of lot area.
- b. Up to 2 alpaca, llama, goat, or sheep per 10,000 square feet of lot area may be allowed upon approval of a Conditional Use Permit under Div. 14.7.10.
- c. An area of at least 500 square feet or at least 250 square feet for each alpaca, llama, goat, or sheep, whichever is larger, must be provided.
- d. The containment area must be adequately fenced, cannot be located in a front yard, and must be at least 15 feet from any side or rear lot line.

#### 4. Horses and Cows

- a. One horse or cow is allowed per 1 acre of lot area.
- b. An area of at least 5,000 square feet must be provided per horse or cow provided that a corral measuring at least 500 square feet per horse or cow may be used to confine the horse or cow in wet seasons.
- c. The containment area must be adequately fenced, cannot be located in a front yard, and must be at least 100 feet from any dwelling on an abutting lot.

# PZC Public Review Draft - August 2016

## 5. Slaughtering of Animals

Rabbits, chickens, ducks, and turkeys may be slaughtered on site. No other farm animal may be slaughtered on site.

## 6. Sales

The sale of animals and/or animal by-products is allowed if conducted in conformance Div. 10.9.8.

### 10.8.9. Nursery

The sale of plants and plant materials grown on- or off-site.

### 10.8.10. Urban Farm

- A. The raising and harvesting of crops and nonfood ornamental crops for commercial use. An urban farm may be owned by an individual, group or organization and may include large-scale farm equipment.
- B. Where an urban farm is allowed as a limited use, livestock keeping may be allowed as an accessory use subject to Div. 10.2.

## PZC Public Review Draft - August 2016

### 10.9.1. Accessory Apartment, Attached

#### A. Defined

A second dwelling unit within or attached to an existing detached house, for use as a complete, independent living facility, with provisions for cooking, sanitation, and sleeping. This use is not considered a duplex.

#### B. Use Standards

Where an attached accessory apartment is allowed as a limited use, it is subject to the following:

1. Only one attached accessory apartment is allowed per lot. Where a backyard cottage is proposed or exists, an attached accessory apartment is not allowed to be associated with the same detached house;
2. One additional off-street parking space must be provided on the lot;
3. The maximum size for an attached accessory apartment must not exceed:
  - a. Rural Districts: 900 square feet
  - b. RS-16: 1,000 square feet.
  - c. RS-7, RS-5: 800 square feet.
  - d. RS-3, RM-1, RM-2, RX, NX: 700 square feet
  - e. Industrial Districts: 900 square feet
4. In all instances, an attached accessory apartment must be less than or equal to 50% of the square footage of the entire dwelling (principal plus accessory); and
5. Entrance to the attached accessory apartment must be from the rear or side and must not face the street to which the detached house is oriented.

### 10.9.2. Backyard Cottage

#### A. Defined

A small, self-contained accessory dwelling unit located on the same lot as a detached house but physically separated for use as a complete, independent living facility, with provisions for cooking, sanitation, and sleeping.

#### B. Use Standards

Where a backyard cottage is allowed as a limited use, it is subject to the following:

1. Only one backyard cottage is allowed per lot. Where an attached accessory apartment is proposed or exists, a backyard cottage is not allowed to be associated with the same detached house;
2. One additional parking space must be provided on the lot; and
3. The maximum size for an attached accessory apartment cannot exceed:
  - a. Rural Districts: 1,500 square feet. On lots 5 acres or larger, this size restriction does not apply.
  - b. RS-16: 1,000 square feet.
  - c. RS-7, RS-5: 800 square feet.
  - d. RS-3, RM-1, RM-2, RX, NX: 700 square feet.
4. A backyard cottage must also meet the requirements of Div. 8.3.

### 10.9.3. Drive-Thru Facility

#### A. Defined

A facility at which the customer is served while sitting in a vehicle, typically associated with drive-thru restaurants, banks, and pharmacies.

# PZC Public Review Draft - August 2016

## B. Use Standards

Where a drive-thru is allowed as a limited use, it is subject to the following:

1. No drive-thru window, lane, or order box is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the drive-thru lane);
2. In CX, all drive-thru areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru, must be located to the side or rear of the building. Drive-thru windows and lanes may not be placed between a public street (not including an alley) and the associated building; and
3. Queuing and screening requirements are specified in Div. 11.1.6.

### 10.9.4. Garden

#### A. Defined

A plot of ground where herbs, fruits, flowers, or vegetables are cultivated for personal or group use, consumption or donation. Includes a rooftop garden or green roof.

### 10.9.5. Greenhouse

#### A. Defined

A glass accessory building in which herbs, fruits, flowers, or vegetables that need protection from the weather are cultivated for personal or group use, consumption or donation.

### 10.9.6. Home Business

#### A. Defined

A home business provides a service or product that is conducted wholly within a dwelling that requires employees, customers, clients, or patrons to visit the

dwelling, such as services where the customer is present or employees assist in the business. A home business does not include Bed and Breakfast (see Div. 10.5.5.B), Home Industry (see Div. 10.9.7), Home Occupation (see Div. 10.9.8), or Day Care (see Div. 10.5.1).

## B. Use Standards

Where a home business is allowed as a conditional use, it may be permitted subject to Div. 14.4 and the standards below. Where a home business is allowed as a limited use, it is subject to the following:

1. The use of the dwelling unit for a home business must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the building.
2. No business, storage, or warehousing of material, supplies, or equipment is allowed outside.
3. No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
4. No display of products may be visible from the street.
5. The home business must be conducted by a person residing on the premises and may employ no more than two people not living on the premises.
6. No more than two vehicles may be used in the conduct of the home business, and the vehicles must be parked on-site.
7. Storage space and the operation of the business inside the dwelling cannot exceed 25% of the total floor area of the building (including any accessory structures on the lot).

# PZC Public Review Draft - August 2016

8. Not more than 6 clients a day are permitted to visit the home business.
9. The delivery of materials may not exceed more than 2 deliveries per day. No delivery may be by a vehicle larger than typical delivery van.
10. Retail sales of goods must be entirely accessory to any service provided on the site (such as hair care products sold as an accessory to hair cutting).
11. No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.
12. Signs advertising the home business are limited to one unlit wall sign no larger than 3 square feet in area.

## 10.9.7. Home Industry

### A. Defined

An industrial use conducted within a residential district that must be clearly incidental and subordinate to the primary, residential use. Uses include activities related to agriculture, trucking operations, small automotive repair shops, well and septic tank system service, carpentry, upholstery, woodworking, and other similar uses.

### B. Use Standards

Where home industry is allowed as a limited use, it is subject to the following:

1. Up to 4 employees may be employed in addition to family members.
2. No more dust, fumes, gases, odors, smoke, or vapors escape from the premises than that which is usual in the neighborhood.
3. All by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution other than that which is usual in the neighborhood; and

4. All non-personal vehicles and/or equipment associated with use must be screened in an enclosed structure.
5. Low impact outdoor storage is allowed in as specified in Div.10.9.11.

## 10.9.8. Home Occupation

### A. Defined

A home occupation provides a service or product that is conducted wholly within a dwelling unit, such as telecommunication work, online business, or where the business owner travels off site for the work. Customers and employees coming to the dwelling to conduct business are not allowed. A home occupation does not include Bed and Breakfast (see Div. 10.5.5.B), Home Business (see Div. 10.9.6), Home Industry (see Div. 10.9.7), or Day Care (see Div. 10.5.1).

### B. Use Standards

Where a home occupation is allowed as a limited use, it is subject to the following:

1. The use of the dwelling unit for a home occupation must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the building.
2. No business, storage, or warehousing of material, supplies, or equipment is allowed outside.
3. No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
4. No display of products may be visible from the street.

# PZC Public Review Draft - August 2016

5. No persons other than members of the family residing on the premises may be engaged in the home occupation.
6. No more than one vehicle may be used in the conduct of the home occupation, and it must be parked on-site.
7. Storage space and the operation of the business cannot exceed 25% of the total floor area of the dwelling (including any accessory structures on the lot).
8. Customers and employees are not allowed.
9. The delivery of materials may not exceed more than 2 deliveries per day. No delivery may be by a vehicle larger than typical delivery van.
10. No signs advertising the home occupation are allowed.

## 10.9.9. Outdoor Dining

### A. Defined

A seating area specifically designed for the consumption of food or drink, typically associated with a restaurant or coffee shop and which is either:

1. Located entirely outside the walls of a building,
2. Enclosed on two sides or less by walls, with or without a solid roof cover, or
3. Enclosed on three sides by walls without a solid roof cover.

### B. Use Standards

Where outdoor dining is allowed as a limited use, it is subject to the following.

1. The outdoor dining area must not interfere with the circulation of bike, pedestrian, or vehicular traffic.

2. The hours of operation for the outdoor dining area may be no greater than that of the principal use.
3. The outdoor dining area must be maintained in a clean, neat, and orderly condition. All debris and litter must be removed daily.
4. Outdoor dining is not allowed in the public right-of-way without first obtaining an encroachment license.

## 10.9.10. Outdoor Display

### A. Defined

1. The outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink or similar vending machines is considered outdoor display.
2. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (see Div. 10.9.11).
3. Where allowed, the outdoor sale or rental of vehicles equipment as part of a properly permitted use is not considered outdoor display (see Div. 10.5.10).

### B. Use Standards

Where outdoor display is allowed as a limited use, it is subject to the following:

1. Outdoor display is only allowed with a permitted nonresidential use;
2. Outdoor display must abut the primary facade with the principal customer entrance, and may not extend more than 6 feet from the facade or occupy more than 25% of the horizontal length of the facade;
3. Outdoor display may not exceed 6 feet in height;

# PZC Public Review Draft - August 2016

4. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day, except propane gas storage racks, ice storage bins, soft drink or similar vending machines may remain outside overnight; and
5. Outdoor display may not encroach upon any public right-of-way or sidewalk. Outdoor display may not impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.

## 10.9.11. Outdoor Storage

### A. Low-Impact

#### 1. Defined

Low-impact outdoor storage includes, but is not limited to:

- a. The overnight outdoor storage of vehicles awaiting repair;
- b. The outdoor storage of merchandise or material in boxes, in crates, on pallets, or other kinds of shipping containers;
- c. Outdoor sale areas for sheds, building supplies, garden supplies, plants, lawn mowers, barbecues, and other similar items; and
- d. The outdoor storage of vehicles, boats, recreational vehicles, or other similar vehicles at a self-service storage, mini-warehouse facility.

#### 2. Use Standards

Where low-impact outdoor storage is allowed as a limited use, it is subject to the following:

- a. All material stored outdoors cannot be located in a required setback;

- b. All material stored outdoors may not be more than 12 feet in height;
- c. All material stored outdoors must be fully screened from view from the public right-of-way and abutting properties using a Type A or B buffer (see Div. 11.2.2); and
- d. Vehicles awaiting repair may only be stored up to 14 days within the screened storage area.

### B. High-Impact

#### 1. Defined

High-impact outdoor storage includes, but is not limited to:

- a. The outdoor storage of contractor equipment, lumber, pipe, steel or wood;
- b. The outdoor storage of salvage, recycled materials, or scrap metal;
- c. The outdoor storage of impounded or inoperable vehicles;
- d. The outdoor storage or loading yard for vehicles, trailers, or equipment.
- e. The outdoor storage of construction material; and
- f. The outdoor storage of domestic or construction waste or debris.

#### 2. Use Standards

Where high-impact outdoor storage is allowed as a limited or conditional use (see Div. 14.4), it is subject to the following:

- a. All material stored outdoors cannot be located in a required setback and must be located at least 15 feet from the public right-of-way; and

# PZC Public Review Draft - August 2016

- b. All material stored outdoors must be fully screened from view from the public right-of-way and abutting properties using a Type C or D buffer (see Div. 11.2.2).

## 10.9.12. Parking, On-Site

### A. Defined

Parking provided on-site to serve a principal use of the site.

## 10.9.13. Private Burial Ground

### A. Purpose

The State of Idaho has declared that the maintaining, improving, and beautifying of cemeteries for the human dead is one of the first considerations of a civilized people, and that it is a public benefit, use, and purpose. Because there are citizens of Teton County who desire to maintain the remains of their loved ones on their own property and not in a public cemetery, it is also a public benefit, use, and purpose to provide a method to maintain, improve, and beautify private burial grounds.

### B. Composition

Private burial grounds shall consist of a lot or portion thereof, containing a burial plot for earth interments, a mausoleum for vault or crypt interments, or a columbarium for interments of cremated remains, or any combination of one or more of the above. No private burial ground is to be used for any purpose other than as a repository for human remains, for religious observances, or for contemplation and reflection. Private burial grounds are not deemed to be equivalent to rural cemeteries as defined in I.C. Title 27 Chapter 2.

### C. Recording and Notice Requirements

Private burial grounds shall be laid out and described specifically, by metes and bounds, so as to give appropriate notice to lien holders, successors

in title, and the public at large, on the deed of record for any lot containing a private burial grounds. The owner of the lot or parcel containing the private burial grounds shall record such deed prior to any interment of human remains thereon. If a lot or parcel containing private burial grounds is sold, the seller of the property must disclose to the buyer the existence of the private burial grounds.

### D. Responsibility

The owner of any property which contains part or all of a private burial ground has the responsibility for maintaining the property in a manner that is respectful of the memory of the persons whose remains are interred thereon. The responsibility to maintain the private burial grounds runs with the land, and the owner may not be relieved of that responsibility until and unless the private burial ground is disestablished. The responsibility to maintain the private burial grounds extend to successors in title regardless of whether the existence of the private burial grounds was recorded, so long as human remains are interred thereon.

### E. Setbacks and Code Requirements

All private burial grounds shall meet the following requirements, prior to the time that any human remains shall be buried or placed therein:

1. No private burial grounds shall be laid out within the required setback areas of the underlying zoning district, including the riparian setback required in Div. 13.3.1.
2. No private burial grounds shall be laid out within fifty (50') feet of any existing well providing water for either human or animal consumption, or within fifty (50') feet of an existing septic tank or drainfield.
3. No private burial grounds shall be within one hundred (100') feet of any building.

# PZC Public Review Draft - August 2016

4. Construction of a mausoleum, columbarium, or any monument or other grave marker on a private burial ground shall comply with all applicable building code requirements.
5. All uses made of a private burial grounds shall comply with all state requirements, including but not limited to I.C. Sections 39-260 (registrations of deaths), 39-268 (final disposition of dead bodies), and 39-269 (disinterment), and I.C. Title 54, Chapter 11 (Morticians, funeral directors, and embalmers), and the relevant sections of the Idaho Administrative Code (IDAPA).

## F. Standards for Interment and Removal

Each interment or removal of human remains in a private burial grounds shall meet the following standards:

1. No interment or removal of human remains in a private burial ground may occur except under the direction of a licensed mortician and pursuant to the requirements of I.C. Title 54, Chapter 11.
2. Non-cremated human remains buried beneath the surface of the ground may not be buried in a manner so that any portion of the outside surface of the container of the remains is less than thirty-two (32") inches below the surface of the ground (Teton County frost depth).
3. Each container of human remains buried beneath the surface of the ground shall be indicated by a permanent visible marker or monument. The marker or monument should be placed as soon as practicable after the remains are interred, but placement may be delayed for a reasonable length of time for religious reasons.

## G. Disestablishment of Private Burial Grounds

A private burial ground, once established, may be disestablished by the owner of the property. To

disestablish a private burial grounds, the owner must do all of the following:

1. Arrange to remove and properly re-inter any human remains interred in the private burial grounds.
2. Remove any markers or monuments that indicate the presence of human remains.
3. Remove, demolish, or convert to another permitted use any mausoleum or columbarium, constructed on the private burial grounds.
4. File a new deed of record indicating that the private burial ground has been disestablished.

## H. Penalties

Pursuant to I.C. Section 19-5304, the court may order a prior owner of land who did not record the existence of a private burial grounds on that the land and who did not disclose the existence of the private burial grounds to the buyer of the land prior to selling the land, to pay reasonable costs of disinterment and reinterment of any human remains thereon.

## 10.9.14. Residential Solar Systems, Wind Turbines, Rainwater Collection Systems

### A. Defined

Renewable energy systems such as solar panels, solar thermal systems, and wind turbines, along with rainwater collection systems such as rain barrels and cisterns. See Div. 2.5.2. for height requirements.

## PZC Public Review Draft - August 2016

The intent of this division is to define temporary uses and provide for the regulation and permitting of all non-exempt temporary/seasonal uses, structures, special events, and activities that take place on private property.

### 10.10.1. Exempt Temporary Uses

The following uses shall not require a temporary use permit:

- A. Any event sponsored in whole or in part by Teton County.
- B. Estate or real estate sales involving the property or items from the property where the sale is held.
- C. Garage, yard, rummage, or small scale seasonal produce sales provided the sales event is on a Rural/Residential zoned property and it last no longer than three (3) consecutive days. No more than six (6) sales events are allowed on the same residential property within a single calendar year.
- D. Special events such as weddings, purely social parties, or similar family events where the function or event involves the owner of the property and where no monetary consideration or fees for such use of the property or attendance is involved. These exempted special events may include those events taking place upon the grounds of a private residence or upon the common areas of a subdivision or multifamily residential development for which no admission or rental fee or other charge is assessed.

### 10.10.2. Temporary Uses/Events

Temporary Uses are uses that have a temporary duration which are not so recurring in nature as to constitute a permanent use.

#### A. Type 1 Temporary Uses

Any temporary use that is not considered an Exempt Temporary Use, a Temporary Portable Storage Container, or Temporary Structures as Living Quarters. This does not include temporary uses on

public property, such as schools, parks, or county roads.

#### B. Type 2 Temporary Uses

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

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

Type 1 and Type 2 Temporary Uses require a Temporary Use Permit, as outlined in Div. 14.6.11.

### 10.10.3. Temporary Portable Storage Containers

#### A. Defined

A container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods that does not contain a foundation or wheels for movement.

#### B. Use Standards

1. Containers are permitted for a maximum of 30 consecutive days, once per calendar year.
2. No more than 2 containers are permitted at any one time.
3. No container may be more than 10 feet in height, or more than 200 ft<sup>2</sup>.
4. Any person wishing to utilize a container longer than 30 calendar days may apply for a building permit to make the container a permanent, accessory building. See Div. 8.18
5. Containers cannot be stacked on top of each other.

# PZC Public Review Draft - August 2016

6. Containers cannot be located in any required setback and must be located completely on the owner's lot, and no part of any container may be located in the public right-of-way.

## 10.10.4. Temporary Structures as Living Quarters

Temporary (non-winterized) structures such as yurts, RVs, park models, and seasonal cabins that do not meet the building code requirements for habitable space are not considered to be permanent residential structures, and therefore are not allowed as living quarters for more than 180 days in a single calendar year.