

TITLE 9

LAND USE CODE

Chapter 10: Zoning Regulations

Article 02: Zoning Districts

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Article 10: Impact Area & Impact Area Zoning Map

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TITLE 9 LAND USE CODE – CHAPTER 10 ZONING DISTRICTS

CHAPTER 10

ARTICLE 2

ZONING DISTRICTS

- 9-10-02-1: DISTRICTS ESTABLISHED
- 9-10-02-2: PURPOSE AND GENERAL EFFECTS
- 9-10-02-3: UNCERTAINTY OF DISTRICT BOUNDARIES
- 9-10-02-4: ZONING CHANGES UPON ANNEXATION:

9-10-02-1: DISTRICTS ESTABLISHED

The following zoning districts are hereby established. For the interpretation of this Title, the zoning districts have been formulated to realize the general purposes as set forth.

A. AGRICULTURAL DISTRICTS

- A Agriculture: Maximize opportunities for agricultural activities by preserving land for the purposes of cultivating the soil and raising livestock.
- TA Transitional Agriculture: Provides for the transition of agricultural land no longer used for extensive agricultural purposes (large scale farming, dairying, pasturage, cultivation, animal or poultry husbandry) into residential areas, while preserving agricultural uses compatible with residential development.

B. RESIDENTIAL DISTRICTS

- R1 Single-Family Residential: Detached single-family homes on larger lots, providing medium to large landscaped yards, low building heights, ample setbacks and side yards, predominantly off-street parking, low traffic volumes, and low nuisance potentials.
- R2 Medium-Density Residential: Detached single-family homes or two-unit dwellings on smaller lots compatible with medium to small landscaped yards, low building heights, ample setbacks and side yards, predominantly off-street parking, low to medium traffic volumes, and low nuisance potentials.
- R3 High-Density Residential: High-density residential housing typically served by collector and arterial streets and characterized by multiple-unit dwellings, ample off-street parking, higher traffic volumes, common open space and low nuisance potential.
- MU Multiple Use District: A mixture of uses such as residential coupled with limited office and commercial developments. This district is intended to ensure compatibility of new development with existing and future development, and to ensure assemblage of properties in a unified plan, with coordinated and harmonious development subject to specific design standards. Maximum density shall be determined by conditional use permit.

C. OVERLAY DISTRICT

- R2T Township Overlay: Provides for regulation of narrow lots of record established prior to April 7, 2008.

D. OPEN SPACE DISTRICT

- OS Open Space: Provides for parks, walking trails and other recreational activities, conservation of land and natural resources, and historic or scenic site preservation.

E. COMMERCIAL DISTRICTS:

- CD Downtown Commercial: Encourages preservation and redevelopment of the city's historic center and provides a compact commercial space emphasizing pedestrian friendliness and a traditional downtown atmosphere. Business units are relatively small and tightly clustered, in contrast with development that is more adapted to motorized traffic.
- C1 Neighborhood Commercial: Regulated local commercial service needs, primarily at selected places along the perimeter of single-family residential neighborhoods. Restricts uses which may be better located in the community shopping areas due to the size of the shopping center, location within the community, residential neighborhood areas being served and other factors.
- C2 Community Commercial: Commercial uses allowed in neighborhood commercial zones and commercial uses that are more intensive than those permitted in neighborhood commercial zones.
- C3 Highway Business: Areas for travel related services such as hotels, motels, service stations, offices, limited warehousing, commercial services and retail sales. This district is specifically designed in clusters to service the motoring public on major highways.

F. BUSINESS PARK/MANUFACTURING DISTRICTS

- BP Business Park: Provides for technical laboratories, research and development facilities, offices and office complexes, and limited manufacturing including small-scale production, storage, and distribution. Support activities may also be permitted. Business parks shall be free of hazardous or objectionable levels of such elements as noise, odor, dust, smoke, or glare. Work shall be conducted indoors and generate minimal industrial traffic.
- M1 Light Manufacturing: Provides for small scale manufacturing and wholesale establishments, which shall be free of hazardous or objectionable levels of such elements as noise, odor, dust, smoke, or glare, are operated indoors, and generate little industrial traffic. Uses are less intense than in M2 but more intense than in BP. Limited office and commercial development may be permitted as ancillary uses.
- M2 Medium Manufacturing: Provides for medium scale manufacturing, processing, warehousing, and major research and testing. Certain M2 uses are excluded from M1 for reasons of health, safety, or general welfare. Operations shall be free of hazardous or objectionable levels of

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such elements as noise, odor, dust, smoke, or glare. Limited office and commercial development may be permitted as ancillary uses.

9-10-02-2: PURPOSE AND GENERAL EFFECTS

- A. The purpose of this Chapter is to ensure orderly development and land use and balance the interests of the community with those of property owners.
- B. Zoning Map: The boundaries of the zoning districts shall be established and clearly indicated on a zoning map adopted as part of this Title.
- C. Amendments: All amendments to this chapter and the official zoning map shall follow the procedures set forth in this Title.
- D. Buildings and Structures: No building or structure shall be erected, moved onto a lot or structurally altered or used, except in conformity with the regulations of the zoning district in which it is located.
- E. Frontage Required: For the purpose of ensuring orderly development and to provide adequate access for firefighting equipment and other services to all buildings, no residence, commercial building or industrial building shall be erected or moved onto any lot, tract or parcel of land in any district unless said lot, tract or parcel of land has frontage on a public right of way.

9-10-02-3: UNCERTAINTY OF DISTRICT BOUNDARIES

Where uncertainties exist as to the boundaries of any zoning district as shown upon any zoning map or part thereof, the following rules shall apply:

- A. Street, Alley or Public Way: Where any such boundary line is indicated as following a street, alley or public way, it shall be construed as following the center line thereof.
- B. Lot Line: Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be the boundary.
- C. Parallel To Center Lines: Where zoning district boundaries are indicated so that they are approximately parallel to the center lines of streets or highways, such boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official City Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official City Zoning Map.

9-10-02-4: ZONING CHANGES UPON ANNEXATION:

- A. Prior to annexation of an unincorporated area, the planning and zoning commission shall provide to city council a summary of provisions in the comprehensive plan and a recommendation for zone changes as they relate to the area considered for annexation.

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- B. Concurrently or immediately following the adoption of an ordinance of annexation, the city council shall amend the official zoning map. (Ord. 38, 11-5-1984; Ord. 2008-4)

CHAPTER 10

ARTICLE 3

SCENIC CORRIDOR AND NATURAL OPEN SPACE

9-10-03-1: PURPOSE

9-10-03-2: DEFINITIONS

9-10-03-3: OVERLAY AREAS

9-10-03-4: EFFECT OF OTHER PROVISIONS:

9-10-03-5: DESIGN REVIEW REQUIRED

9-10-03-6: SCENIC CORRIDOR OVERLAY STANDARDS

9-10-03-7: NATURAL OPEN SPACE OVERLAY STANDARDS

9-10-03-1: PURPOSE

Standards are set forth to preserve and protect the scenic corridor and natural open space, including waterways, wetlands and wildlife corridors in the city and area of city impact; to further safety and livability in the city and area of city impact, thus promoting the general welfare; implement the Tetonia Comprehensive Plan; preserve the natural landscape; safeguard wildlife habitat; and, provide planning and design guidelines to facilitate orderly development.

9-10-03-2: DEFINITIONS

NATURAL OPEN SPACE:

Undeveloped land that is protected from development, which may be endowed with waterways, woodlands, farmland, grazing pasture, natural wetlands, and wildlife corridors.

RIPARIAN LANDS:

Land directly influenced by permanent water. These areas border a river, stream or body of water.

SCENIC CORRIDOR:

An area visible from a highway, waterway, or a major hiking, biking, or equestrian trail, or publicly accessible right-of-way that provides vistas over water and across expanses of land, such as farmlands, woodlands, mountaintops or ridges.

SCENIC VISTA:

A distinctive setting that is locally and regionally treasured for its natural beauty and unique character.

WETLANDS:

Land inundated or saturated by surface or groundwater and generally include swamps, marshes or sloughs.

WILDLIFE CORRIDOR:

A strip of habitat connecting wildlife populations separated by human activities such as roads or development.

9-10-03-3: OVERLAY AREAS

Overlay areas are established and may be more or less restrictive than the primary zoning district. Where a property is located within an overlay area, it is subject to the provisions of both the primary zoning district and the overlay area. Where the provisions are in conflict, overlay standards govern.

- A. Scenic Corridor: Provides design review procedure and standards to ensure that Highway 33 easterly into Tetonia is sufficiently protected from unsightly and incompatible land uses.
- B. Natural Open Space: Ensures low density development patterns and cluster designs; preserves waterway frontages, riparian areas and wetlands; provides for wildlife habitat; and, protects from encroachment of land uses not suitable to natural open space.
- C. Overlay Map: The boundaries of overlay areas shall be established and clearly indicated on an overlay area map adopted as part of this Title.

9-10-03-4: EFFECT OF OTHER PROVISIONS:

If any provision of this Chapter is found to be in conflict with any other provision of any zoning, building, fire safety or health ordinance or other provision of this code, the provision, which establishes the higher and/or more restrictive standard shall prevail.

9-10-03-5: DESIGN REVIEW REQUIRED

- A. Design Review: All development shall be subject to design review to ensure the location, scale, and appearance of buildings, structures, and development of land shall preserve the rural character, scenic corridor and natural open space.
- B. Documentation Required: The applicant shall submit plans and drawings as part of application for a conditional use permit, building permit, PUD or preliminary plat showing all existing structures, building envelopes for all proposed structures, setbacks from Highway 33, existing and proposed landscaping and fences, existing and proposed off-street parking areas, proposed natural open space, all waterways, wetlands and riparian areas, setbacks from natural open space areas and drawings of exterior elevations of primary structures visible from Highway 33 and natural open space areas.

9-10-03-6: SCENIC CORRIDOR OVERLAY STANDARDS

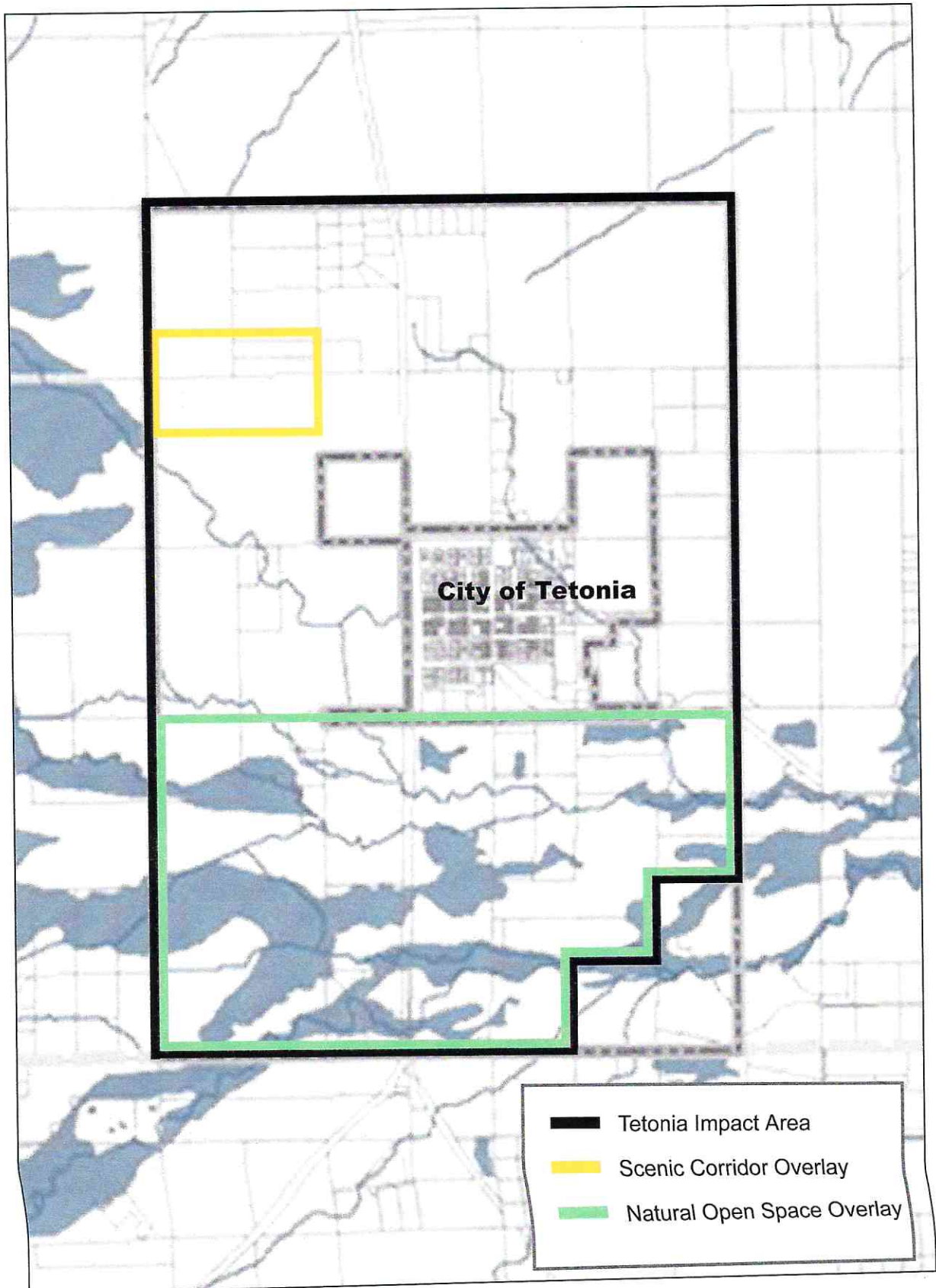
- A. Setbacks: No permanent structure shall be constructed within one hundred (100) feet of the outer edge of Highway 33 road right-of-way.
- B. Building Envelopes: The development shall identify building envelopes for all primary and accessory structures. Building envelopes shall comply with the following requirements:

1. Building envelopes shall be located so that existing topography and natural vegetation, such as ridges, hills, and existing trees, will screen buildings from view from Highway 33 to the maximum extent feasible.
 2. Where existing topography and natural vegetation cannot be used to screen buildings, building envelopes should be located at the rear or side edge of an open meadow or pasture, or at the foot of a hill or ridge, rather than in the middle of a meadow, pasture, or hillside.
 3. Building envelopes shall be located so that no portion of a building up to thirty (30) feet tall shall be visible over the ridge of the hillside on which it is located when viewed from Highway 33. The applicant shall submit a sight line analysis in sufficient detail to confirm that this standard has been met.
- C. Building Materials: See 9-12-4
- D. Access to Highway 33: No direct access shall be allowed on to Highway 33. (See 9-10-6-2-A)
- E. Satellite Dishes: All satellite dishes in the proposed development shall be located to minimize visibility from the Highway 33 and shall use earth tone colors and/or screening to minimize their visual impact.
- F. Screening: Landscaping shall be used to screen the view of any resource extraction sites, outdoor storage areas, outdoor trash collection areas, satellite dishes over two (2) meters in diameter.
- G. Inoperable equipment: No inoperable equipment shall be stored outside of a building.
- H. Re-vegetation: The applicant shall re-vegetate all areas disturbed by grading or cut-and-fill activity with plants similar to those on the remainder of the development site as each stage of grading is completed, and no later than one (1) year after construction.

9-10-03-7: NATURAL OPEN SPACE OVERLAY STANDARDS

- A. Building Envelopes: All building envelopes shall be located at least two hundred (200) feet from the high water mark of the Teton River and at least one hundred (100) feet from the high water mark of other waterways.
1. All building envelopes shall comply with lot frontage, lot size, building setbacks, well, septic, sewer, and health requirements, as determined by this Title, the U.S. Army Corps of Engineers, and Eastern Idaho Public Health Department officials as applicable. (Ord. 2009-1)

SCENIC CORRIDOR AND NATURAL OPEN SPACE OVERLAY AREAS MAP



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CHAPTER 10

ARTICLE 4

LAND USE SCHEDULES

9-10-04-1: DISTRICT SCHEDULE

9-10-04-2: HEIGHT, SETBACK AND AREA REQUIREMENTS SCHEDULE

9-10-04-1: DISTRICT SCHEDULE

AGRICULTURE	A	TA	R1	R2	R3	MU	CD	C1	C2	C3	BP	M1	M2	OS
Agriculture, general	P	P				C								P
Agriculture warehouse	C													
Dairy														
Feedlot														
Gardening, no agriculture related buildings	P	P	P	P	P	C	P							P
Poultry and swine operation														
Roadside stand	P	P					C	C	C	C				
RESIDENTIAL	A	TA	R1	R2	R3	MU	CD	C1	C2	C3	BP	M1	M2	OS
Condominium					P	C								
Maximum units per acre					8	8								
Convalescent home					C			P	P					
Family day care			P	P	P	C	P	P	P					
Home occupation	P	P	P	P	P	C	P	P	P					
Manufactured home park					C									
Manufactured home subdivision					C	C								
Mobile home														
Mobile home park														
Multifamily dwelling					P	C								
Maximum units per acre					12	12								
Noncommercial kennel	P	P	C	C	C	C		C	C	C	C	C		
Planned unit development						C								
Rooming/Boarding house	C	C		C	C		C	C	C					
Shelter home (8 or less)	C	C		C	C									
Single family dwelling	P	P	P	P	C	C		C						
Townhouse					P	C	C	C	C					
Maximum units per acre					8	8								
Two family dwelling			C	P	P	C								
Vertical mixed use					C	C	C	C	C					
<div> <div>P - PERMITTED</div> <div>C- CONDITIONAL USE</div> <div>BLANK- NOT ALLOWED</div> </div>														

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COMMERCIAL	A	TA	R1	R2	R3	MU	CD	C1	C2	C3	BP	M1	M2	OS
Amusement center, indoor						C	C	C	P	C				
Auction establishment	C						C	C	C	P	C			
Automotive body shop										C		P		
Automotive service station									C	P	C	C		
Automotive repair	C	C							C	P		P		
Automotive sales/parts									C	P		P		
Automotive storage	C	C								P		P		
Bakery/bakery good store						C	P	P	P		P	P		
Bank, savings and loan						C	P	P	P		P			
Barber, beauty shop				C	C	C	P	P	P		C			
Bowling alley						C			P	P				
Building supply outlet										P		P	P	
Business, adult													C	
Cabinet shop	C	C									C	P	P	
Car wash						C		C	P	P		P		
Cleaning, dry						C		C	P	C	C			
Commercial kennel	C	C								C	C	C		
Communication facility	C	C	C	C			C					C	C	C
Contractor office	C	C				C	C	C	P	P	P	P	P	
Convenience store with fuel service						C		C	P	P	C	C		
Convenience store with no fuel service						C		P	P	P	C	C		
Dance, music, voice studio	C	C	C	C	C	C		P	P	C	P			
Detention facilities												C	C	
Drive-in restaurant								C	P		C			
Drug store						C	C	C	P	P	C			
Equipment rental/sales	C	C						C	C	C	C	P	P	
Fabrication, light metal	C	C									C	P	P	
Group day care	C	C	C	C	C	C	C	P	P	C	C			
Day care center	C	C				C	C	P	P	C	P			
Farm equipment services	C	C								P	C	P	P	
Food store/delicatessen						C	P	P	P					
Frozen food locker	C	C							C	P	C	P	C	
Furniture repair/refinishing	C	C									P	P	P	
Furniture store						C	C	C	P	P				
Gift/flower shop						C	P	P	P	P				
Health club, spa, weight reduction salon						C		C	P	C	C			
Hotel/Motel									C	P				
Laboratory-medical, dental, optical						C	C	C	P	C	P			
Laundromat, self service						C		C	P					
Laundry, commercial									C	P	P	P		
P - PERMITTED														
C- CONDITIONAL USE														
BLANK- NOT ALLOWED														

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COMMERCIAL	A	TA	R1	R2	R3	MU	CD	C1	C2	C3	BP	M1	M2	OS
Live entertainment event						C								C
Lumber yard, retail									C	P		P		
Medical Clinic			C	C	C	C	P	P	P	P				
Mortuary								P	P	C				
Manufactured office building	C	C				C						P	P	
Massage, tanning salon						C	C	P	P	C	C			
Nursery, plants / flowers	C	C						C	C	C		C	C	
Office, professional						C	P	P	P		P			
Parking facility						C	C	C	P	P	P	P		
Photographic studio	C	C				C	P	P	P	C	P			
Pharmacy						C	P	P	P	P	C			
Preschool	C	C	C	C	C	C	C	P	P		C			
Printer									P	P	P	P		
Restaurant						C	P	P	P					
RV, trailer park	C	C								C				
Sign shop	C	C							C	C	C	P	P	
Storage, enclosed building	C	C									C	P	P	
Storage, fenced area	C	C										C	P	
Theater, indoor						C	C	C	P					
Tire shop, repair and sales									C	P		P	P	
Trailer, sales										P		P	P	
Truck stop										C				
Vet clinic	C	C							C	P	C	P		
Asphalt plant														
MANUFACTURING	A	TA	R1	R2	R3	MU	CD	C1	C2	C3	BP	M1	M2	OS
Beverage bottling plant												P	P	
Chemical storage and manufacturing												C	C	
Cement or clay products													C	
Cold storage plant												P	P	
Concrete batch plant	C												C	
Contractor storage yard	C											C	P	
Dairy products processing												C	C	
Food processing plant												C	C	
Grain elevator	P	P											C	
Grain storage	P	P										P	P	
Junkyard														
Machine shop	C											C	P	
Meat packing plant	C											C	C	
Monument works, stone									C	P	C	P	P	
Petroleum storage													P	
P - PERMITTED C- CONDITIONAL USE BLANK- NOT ALLOWED														

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MANUFACTURING	A	TA	R1	R2	R3	MU	CD	C1	C2	C3	BP	M1	M2	OS
Public utility yard													P	
Railroad yard or shops													P	
Recycling operation	C												C	
Sanitary landfill	C													
Terminal yard, trucking													P	
Truck and tractor repair										C		C	P	
Warehousing, wholesaling										C	C	P	P	
Wood processing plant												C	C	
Wrecking yard													C	
PUBLIC/SEMI-PUBLIC	A	TA	R1	R2	R3	MU	CD	C1	C2	C3	BP	M1	M2	OS
Cemetery	C	C	C	C	C									
Church	C	C	C	C	C	C		C	C	C				
City park	P	P	P	P	P	C	C	P	P	P	C	C	C	P
Golf course	C	C	C	C	C	C								C
Hospital					C	C		C	C	C	C			
Library	C	C		C	C	C	C	C	C	C	C			
Museum	C	C		C	C	C	C	C	C	C	C			
School	C	C	C	C	C	C		C	C	C				
Waste treatment plant	C	C											C	C
Other public and semi- public	C	C	C	C	C	C	C	C	C	C	C	C	C	C
P - PERMITTED					C- CONDITIONAL USE					BLANK- NOT ALLOWED				

All land uses not listed within the Land Use Schedule shall require a Conditional Use Permit.
(Ord. 2008-4)

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9-10-04-2: HEIGHT, SETBACK AND AREA REQUIREMENTS SCHEDULE

A. District Schedule:

Zoning District	Lot Size		Minimum Lot Frontage (feet)	Setback Requirements					Maximum Height (feet)
	Minimum Interior (sq. feet)	Minimum Corner (sq. feet)		Front (feet)	Rear (feet)	Interior Side (feet)	Street Side (feet)	Alley Side (feet)	
A	20 acres	20 acres	140	30	30	20	20	-	35
TA	2.5 acres	2.5 acres	100	30	30	20	20	-	35
R1	9,000	10,000	100	20	20	10	20	5	30
R2	7,000	8,000	70	20	15	10	20	5	30
R2T	6,000	6,000	50	20	15	10	20	5	25
R3	7,000	8,000	70	20	15	5	15	5	35
CD	-	-	25	-	10	-	-	5	35
C1	2,500	2,500	25	-	10	-	-	5	35
C2	-	-	-	-	-	-	-	-	35
C3	-	-	-	50	15	-	20	5	35
BP	7,500	7,500	75	20	-	5	20	5	35
M1	-	-	50	20	-	-	20	5	45
M2	-	-	50	20	-	-	20	5	45
OS	-	-	-	20	20	5	20	5	35

B. Multiple Use District Schedule:

Building Type	Lot Footprint			Minimum Setback Requirements					Maximum Height (feet)
	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Lot Size (square feet)	Front (feet)	Rear (feet)	Interior Side (feet)	Street Side (feet)	Alley Side (feet)	
Single-Family Dwellings	35	50	2,400	15	10	5	15	5	35
Twin Homes	45	70	4,000	15	10	5	15	5	35
Multifamily Dwellings	-	-	-	15	10	5	15	5	35
Vertical Mixed Use	-	-	-	-	-	-	-	-	35
Commercial	-	-	-	-	-	-	-	-	35

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C. Setbacks:

1. All setbacks are to the farthest structural projection of the building from the street right-of-way.
2. Open structures such as porches, canopies, balconies, platforms, covered patios and similar architectural projections shall be considered part of the building to which it is attached and shall not project more than 15 feet into the required rear yard setback.
3. Open porches for residential dwelling units shall not project more than five (5) feet into the required front setback.
4. A multi-story structure shall have an additional five (5) feet per story of front setback in an R1 district.
5. Lots in a cul-de-sac shall have a minimum of 50 feet of public right of way frontage, but not less than the amount of setback required for adjacent lots.

D. Height:

1. Building height shall be measured as the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof line.
2. The maximum height requirement may be increased by a conditional use permit.
3. Building height shall not exceed three stories.

E. Building Per Lot: No two principal buildings may claim or share parts of the same lot area, or width or required yard area for the purpose of compliance with this Title.

F. Lots Of Record: Any single lot or parcel of land, which was of record in the office of the Recorder of Teton County on April 7, 2008, but does not meet the requirements of the zoning district in which it is located for minimum lot width and area, may be utilized under a conditional use permit. (Ord. 2008-4)

CHAPTER 10

ARTICLE 6

REGULATIONS

- 9-10-06-1: GENERAL PURPOSE
- 9-10-06-2: ACCESS TO MINOR ARTERIALS AND MAJOR COLLECTORS
- 9-10-06-3: RESIDENTIAL DWELLING STANDARDS
- 9-10-06-4: ACCESSORY USE STANDARDS
- 9-10-06-5: SUPPLEMENTARY REGULATIONS
- 9-10-06-6: HOME OCCUPATION
- 9-10-06-7: MULTIPLE USE DISTRICT
- 9-10-06-8: ANIMAL REGULATIONS
- 9-10-06-9: COMMUNICATION FACILITY REGULATIONS
- 9-10-06-10: PENALTY

9-10-06-1: GENERAL PURPOSE

The purpose of regulations is to set specific conditions for various uses, to manage development, and protect the public health, safety and welfare.

9-10-06-2: ACCESS TO MINOR ARTERIALS AND MAJOR COLLECTORS

- A. No direct access will be permitted to a minor arterial or a major collector. The developer must plot for home sites, commercial sites or manufacturing sites so that each site will have access to a minor collector or a local street, which opens to a minor arterial or a major collector.
- B. The commission may consider allowing access to a minor arterial or major collector when vehicular approaches to the property are restricted due to the size, shape or location of the property.
 - 1. The applicant shall show that the access is designed as not to impede traffic on public thoroughfares.
 - 2. Special conditions may be assigned by the commission.

9-10-06-3: RESIDENTIAL DWELLING STANDARDS

Residential dwellings shall be subject to the following development standards, architectural requirements and minimum size requirements:

- A. Family residential dwellings shall include conventional site-built single-family dwellings and manufactured homes.
 - 1. The dwellings shall enclose a space of not less than one thousand (1,000) square feet with a width of not less than twenty feet (20').
 - 2. The dwelling shall be placed on an excavated and backfilled permanent foundation.

3. The dwelling shall have a pitched roof with a slope of not less than three feet (3') in height for each twelve feet (12') in width and a minimum of six inches (6") allowed for eaves.
 4. The dwelling shall have an exterior siding that is residential in character, including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles or shakes, or similar material. The siding shall not have a high gloss finish and shall not be composed of smooth, ribbed or corrugated metal or plastic panels.
- B. Manufactured Homes:
1. Manufactured homes that are placed on individual lots shall meet the standards for a family-residential dwelling and the following standards:
 2. The manufactured home shall be multi-sectional and constructed after 1976.
 3. The hitch, axles and wheels must be removed and the foundation facia must be similar in appearance and durability to the masonry foundation of site-built homes.
- C. Manufactured Homes Not Meeting Standards: Manufactured homes not meeting residential dwelling standards are permitted in established and approved manufactured home subdivisions, and manufactured home parks.
1. The manufactured home shall be a minimum of 600 square feet.
 2. A skirting shall be placed around the manufactured home within 30 days after placement.
 3. A separate sanitary sewer hook-up and water hook-up shall be available for the manufactured home.

9-10-06-4: ACCESSORY USE STANDARDS

- A. Accessory Buildings: Accessory structures are permitted in R1, R2 and R3 districts, but they shall not be placed in the front yard or front setback.
1. Accessory buildings shall meet the same interior side and street side requirements as principal buildings. The back setback shall be at least five (5') feet.
 2. An accessory building or group of buildings shall not cover more than twenty percent (20%) of the rear yard (excluding side yards).
 3. Maximum height shall be 20 feet.
- B. Accessory Dwelling Units
1. Only one Accessory Dwelling, either Attached or Detached, is allowed per lot.
 2. One additional off-street parking space must be provided on the lot.
 3. The heated floor area for an attached or detached Accessory Dwelling must not exceed:
 - a. A, TA: 1,200 square feet.
 - b. R1, R2, R3, MU: 1,000 square feet.

- c. CD, C1, C2, C3, BP, M1: 700 square feet.
- 4. In all instances, an Accessory Dwelling Unit must be less than 50% of the heated floor area of the entire dwelling or building (principal plus accessory);
- 5. Entrance to the attached Accessory Dwelling Unit must be from the rear or side;
- 6. In the Light Industrial (M1) district, the Accessory Dwelling must be owner- or employee-occupied; and
- 7. A structure used as a detached Accessory Dwelling, shall meet the following standards:
 - a. Attached to a permanent foundation;
 - b. Serviced by an independent connection to city water and sewer; and
 - c. The maximum height shall be the same as that listed in the District Schedule for the zone in which it is located.
- 8. Accessory Dwelling Units are subject to the water and sewer regulations in Title 7 of the Tetonia City Code.

9-10-06-5: SUPPLEMENTARY REGULATIONS

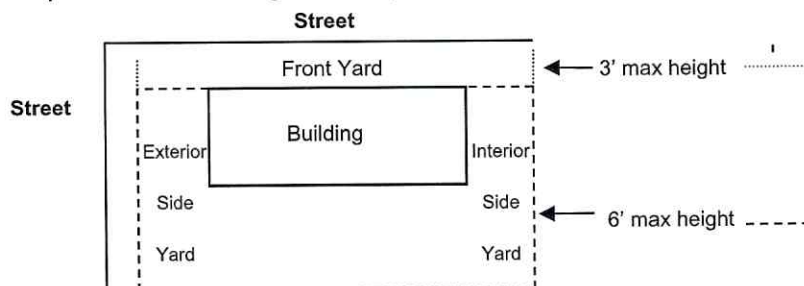
- A. Accessory Buildings: Accessory structures are permitted in R1, R2 and R3 districts, but they shall not be placed in the front yard or front setback.
 - 1. Accessory buildings shall meet the same interior side and street side requirements as principal buildings. The back setback shall be at least five (5') feet.
 - 2. An accessory building or group of buildings shall not cover more than twenty percent (20%) of the rear yard (excluding side yards).
 - 3. Maximum height shall be 20 feet.
- B. Clear View of Intersecting Streets: Clear vision triangle shall be observed in regard to all vegetation. All shade trees planted within vision triangles shall be pruned to a minimum seven feet (7') above the adjacent sidewalk and fourteen feet (14') above the adjacent roadway surface. Shrubs and ground covers planted within the vision triangle shall not exceed forty-two (42") inches height at maturity. The boundaries of the vision triangle are defined by measuring from the intersection of the edges of two (2) adjacent roadways forty feet (40') along each roadway and connecting the two (2) points with a straight line. The sight distance obstruction is also applicable to railroad-highway grade crossings with the vision triangle defined by measuring forty feet (40') along the railroad property line.
- C. Commercial Zones Adjacent To Residential Zone: Where a lot zoned for C1, C2 or C3 use is next to a R1 or R2 zone, as part of any construction on the commercially-zoned property, a shrubbery buffer of not less than four feet (4') high and four feet (4') thick, or a solid fence not less than five feet (5') high, nor more than six feet (6') high shall be

TITLE 9 LAND USE CODE – CHAPTER 10 ZONING REGULATIONS

provided and maintained on the commercial property abutting its side yard and/or rear yard line.

- D. Lots Extending Into More Than One Zoning District: When a lot is located so that it extends into two different zoning districts, the most restrictive requirements of the two zoning districts shall apply.
- E. Outside Storage; Enclosure Required: Persons accumulating, depositing or storing autos or machinery, or items of an unsightly nature within the city, when said accumulating, depositing or storing thereof shall be outside a building, either now stored, deposited or accumulated, or hereafter so deposited, stored or accumulated, shall enclose the object or objects with a solid fence at least six (6') feet high.
- F. Temporary Buildings:
1. Temporary Construction Office: A temporary office building or office shall be permitted for construction purposes only for a period not to exceed one (1) year. A one-year extension may be granted by the city council.
 2. Temporary Dwelling: One (1) temporary structure such as a Recreational Vehicle (RV), seasonal cabin, or yurt that does 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 except as follows:
 - a. One temporary structure or RV may be used as necessary for construction purposes when associated with a residential building permit and for a period not to exceed one (1) year.
- G. Fences, Walls and Hedges: Fences, walls and hedges are permitted in any yard or along the edge of any yard to a height of six feet (6'); provided, that no fence, wall or hedge along the front sides of any front yard shall be over three feet (3') in height. On a corner lot, the fence may be placed along the property line along the exterior side yard of the lot from the back boundary line to the front of the house. No fence, wall or hedge shall be placed within a right-of-way

Corner Lot:

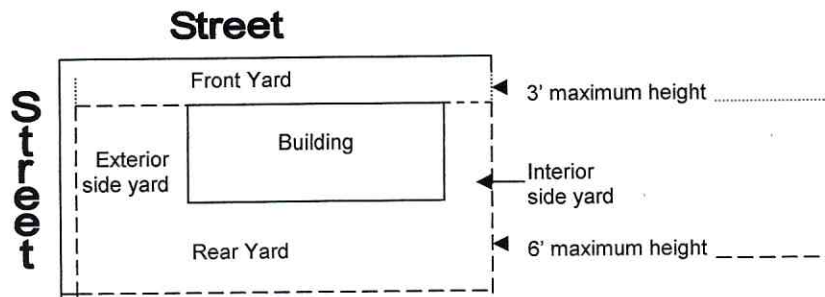


- H. Property Boundaries: The property owner shall be responsible for establishing property lines.

9-10-06-6: HOME OCCUPATION

- D. **Lots Extending Into More Than One Zoning District:** When a lot is located so that it extends into two different zoning districts, the most restrictive requirements of the two zoning districts shall apply.
- E. **Outside Storage; Enclosure Required:** Persons accumulating, depositing or storing autos or machinery, or items of an unsightly nature within the city, when said accumulating, depositing or storing thereof shall be outside a building, either now stored, deposited or accumulated, or hereafter so deposited, stored or accumulated, shall enclose the object or objects with a solid fence at least six (6') feet high.
- F. **Temporary Buildings:** A temporary office building or office shall be permitted for construction purposes only for a period not to exceed one year. A one-year extension may be granted by the city council.
- G. **Fences, Walls and Hedges:** Fences, walls and hedges are permitted in any yard or along the edge of any yard to a height of six feet (6'); provided, that no fence, wall or hedge along the front sides of any front yard shall be over three feet (3') in height. On a corner lot, the fence may be placed along the property line along the exterior side yard of the lot from the back boundary line to the front of the house. No fence, wall or hedge shall be placed within a right-of-way.

Corner Lot:



- H. **Property Boundaries:** The property owner shall be responsible for establishing property lines.

9-10-06-5: HOME OCCUPATION

- A. No more than one person, other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit or any accessory building for a home occupation shall be clearly incidental and subordinate to residential use of the property.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign four square feet.
- D. Retail sales shall be limited to objects made on the premises or those incidental to the service performed.
- E. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the parking requirements as specified in this Title and shall not be located in a required front yard.
- F. No equipment or process shall be used in such home occupation, which creates noise, vibration, fumes or electrical interference detectable to the normal senses off the lot if

TITLE 9 LAND USE CODE – CHAPTER 10 ZONING REGULATIONS

the occupation is in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.

- G. No equipment, vehicles or materials shall be placed in a manner as to create a road hazard.

9-10-06-6: MULTIPLE USE DISTRICT

- A. A multiple use district requires a minimum of one contiguous acre and a maximum of not more than fifty contiguous acres.
- B. When a property is being proposed for a planned unit development in a multiple use district, a development agreement may be utilized in lieu of a conditional use permit, provided the development agreement is presented at a public hearing.

9-10-06-7: ANIMAL REGULATIONS

A. Animal Regulation Schedule:

ANIMAL	DISTRICTS														
	A	TA	R1	R2	R3	MU	CD	C1	C2	C3	BP	M1	M2	OS	
Cat	P	P ₃	P ₂	P ₂	P ₁	C	P ₁	P ₁	P ₁			P ₁	P ₁	C	
Chickens	P	P _a	C			C									
Cows	P	P _a				C								C	
Dog	P	P ₂	P ₂	P ₂	P ₁	C	P ₁	P ₁	P ₁			P ₁	P ₁	C	
Goats	P	P _a	C			C									
Horses	P	P _a				C								C	
Llamas	P	P _a				C								C	
Rabbits	P	P _a	C			C									
Sheep	P	P _a													
Other domestic animals	P	C				C								C	
Non-domestic animals _b	C													C	
<div><div>P – PERMITTED USE</div><div>C – CONDITIONAL USE</div><div>BLANK – NOT PERMITTED</div></div>															
1, 2 or 3 Maximum number of cats and/or dogs allowed per unit or household.															
_a Maximum number of animals allowed per acre in a TA district:															
Chickens and/or rabbits		Accumulative total of 25 penned rabbits and/or chickens													
Cows, horses and/or llamas		Accumulative total of 2 cows, horses and/or llamas and their attendant young													
Goats and/or sheep		Accumulative total of 5 goats and/or sheep													
_b Non-domestic animals include elk, deer and other wildlife.															

B. Transitional Agriculture District:

- Area requirements specified are exclusive of land used for other livestock or other uses such as buildings, gardens and so forth.
- A conditional use permit is required to exceed the maximum number of animals allowed per acre if there is less than five (5) acres.

3. Bona fide agricultural uses on parcels larger than five (5) acres shall not be subject to these regulations.

9-10-06-8: COMMUNICATION FACILITY REGULATIONS

- A. Purpose: The purpose of this Section is to provide regulations for the placement of communication facilities in locations which will allow telecommunications services to be rendered in conformity with the Federal Telecommunications Act of 1996, the Comprehensive Plan and this Title, and to serve and protect the public health, safety, convenience, order, appearance, prosperity, and general welfare.
- B. Intent:
 1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the city.
 2. Minimize adverse visual effects of spires, poles, antennas, steeples, towers, and other such structures through careful design and siting standards.
 3. Avoid potential damage to adjacent properties from spire, pole, antenna, steeple, tower, and other such structures' failure, through structural standards and setback requirements.
 4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.
- C. General Regulations:
 1. On residentially zoned parcels, towers supporting amateur radio antennas shall not be permitted in the front, side or street side yard.
 2. Personal wireless facilities may be allowed on existing buildings, spires and poles by conditional use permit provided the antenna(s) are flush mounted or mounted in a manner to provide minimum visual impact.
 3. Freestanding lattice towers are prohibited in residential, commercial, open space and manufacturing zones. Monopoles are prohibited in residential zones.
- D. Co-location Requirements:
 1. A proposal for a new commercial wireless telecommunication service tower in excess of thirty five feet (35') in height shall not be approved unless the applicant shows that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the following radii of the proposed tower:
 - a. A two mile radius for towers with a height over one hundred ten feet (110').
 - b. A one mile radius for towers with a height over eighty feet but not more than one hundred ten feet.
 - c. A one-half mile radius for towers with a height over fifty feet but not more than eighty feet.
 - d. A one-quarter mile radius for towers with a height over thirty five feet but not more than fifty feet.

2. It shall be the burden of the applicant to demonstrate that the proposed tower or antenna cannot be accommodated on an approved tower or building within the required search radius due to one or more of the following reasons:
 - a. Unwillingness of another tower or facility owner to entertain shared use.
 - b. The proposed collocation of an existing tower or facility would be in violation of any local, state or federal law.
 - c. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - d. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - e. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - f. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building as documented by a qualified and licensed professional engineer, or other professional qualified to provide necessary documentation.
 3. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred ten feet (110') in height, for at least one additional user if the tower is over fifty feet (50') in height.
 4. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
 5. Personal wireless facilities proposed at a location which has an approved conditional use permit (approved after the effective date hereof) for an existing facility, which was required to allow co-location shall not be required to obtain a separate conditional use permit as long as all the requirements of the previously approved conditional use permit will be complied with. Design review, and subsequent building permit, will be required for any such proposal.
- E. Tower and Antenna Design Requirements:
1. All personal wireless facilities shall be required to obtain design review approval prior to construction.
 2. Towers and antennas shall be required to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the federal aviation administration.
 3. Personal wireless facility towers should be of a monopole design unless the city council determines that an alternative design would better blend into the surrounding environment.

4. With the exception of necessary electric and telephone service and connection lines approved by the issuing authority, no part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right of way, public street, highway, sidewalk, or property line.
 5. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons. The climbing pegs within the bottom twenty feet (20') of the tower shall be removed and shall only be used when the tower is being serviced.
 6. Metal towers shall be constructed of, or treated with, corrosive resistant material.
 7. Wood poles shall be impregnated with rot resistant substances.
- F. Tower Setbacks:
1. All components of a tower shall meet the setbacks of the underlying zoning district and not encroach on any easements.
 2. Towers shall not be located between a principal structure and a public street.
- G. Tower Lighting, Signage, and Attachments:
1. No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation, any stationary lights, strobe lights, reflectors, flashers, or other illuminating device, except as specifically required by the federal aviation administration, federal communications commission, or other federal or state authority.
 2. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower if approved by the city.
 3. The use of any portion of a tower for signs, other than warning or equipment information signs, is prohibited.
 4. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.
- H. Amateur Radio Antennas: In accordance with the federal communications commission's preemptive ruling PRB 1, towers erected for the primary purpose of supporting amateur radio antennas may exceed thirty feet (30') in height provided that a determination is made by the city that the proposed tower height is technically necessary to successfully engage in amateur radio communications. A conditional use permit is required for any amateur radio antenna in excess of thirty five feet (35').
- I. Accessory Utility Buildings: All utility buildings and structures accessory to a tower are required to have design review approved by the city prior to construction.
- J. Abandoned or Unused Towers or Portions of Towers:
1. As a condition of approval of any required conditional use permit for personal wireless facilities, all abandoned or unused towers and associated facilities shall be required to be removed within sixty (60) days of cessation of use as a personal wireless facility unless a time extension is granted by the city. A copy of the relevant portions of a signed lease, which requires the applicant to remove the tower and associated facilities upon cessation of the use as a personal wireless facility, shall be

submitted at the time of application. In the event that the tower and associated facilities are not removed within the sixty (60) days, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property.

- K. Additional Application Submittal Requirements: In addition to the information required elsewhere in this code, development applications for personal wireless facilities, shall include the following supplemental information:
1. Documentation from a qualified and licensed professional engineer showing that the proposed facility will be in compliance with the FCC standards regarding radio frequency (RF) emissions.
 2. A report from a qualified and licensed professional engineer which describes the tower height and design (including a cross section and elevation); documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas; describes the tower's capacity, including the number and type of antennas that it can accommodate; documents what steps the applicant will take to avoid interference with established public safety telecommunications; includes an engineer's stamp and registration number; and includes other information necessary to evaluate the request.
 3. For all personal wireless facilities, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower, as required by this code, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
 4. Documentation showing that the proposed tower complies with regulations administered by federal aviation administration.
 5. Written approval of the site location with specific reference to the height of the antenna structure and any lighting issues from the federal aviation administration
 6. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be in the chosen location.
 7. A written analysis demonstrating that the proposed site is the most appropriate site within the immediate area. For the purposes of this subsection, the analysis shall include all properties within the search radii stated above. The analysis shall include, but is not limited to, the following:
 - a. Description of the surrounding area, including topography;
 - b. Natural and manmade impediments that would obstruct adequate cellular telephone transmissions;
 - c. Physical site constraints that would preclude construction of a cellular telephone facility on any other site;
 - d. Technical limitations of the system that limit siting options.
- L. Permits: It shall be unlawful for any person to erect, construct, re-erect, or replace, any tower without first making application to the city and securing a conditional use permit and building permit. (Ord. 2008-4)