

# **LAND DEVELOPMENT REGULATIONS**

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## **DIVISION 1000 TITLE AND CITATION**

This Ordinance shall be known as the "Town of Jackson Land Development Regulations" and may also be referred to as "The Land Development Regulations" or "these Land Development Regulations."

(Editor's Note: The ordinance adopting the Land Development Regulations was Ordinance 489 Section 2, adopted November 7, 1994)

## **DIVISION 1100 AUTHORITY**

The Town Council of the Town of Jackson (hereinafter "Town") has the authority to adopt these Land Development Regulations pursuant to Article 13, Section 1 of the Wyoming Constitution, Section 15-1-601, et. seq., and Section 9-8-101, et. seq., and Section 34-12-101, et. seq., Wyoming Statutes (1977 Republished Edition as amended), and such other authorities and provisions that are established in the statutory and common law of the State of Wyoming.

## **DIVISION 1200 PURPOSE**

The purpose of these Land Development Regulations is to implement the Comprehensive Plan and to promote the health, safety, and general welfare of the present and future inhabitants of the Town by:

### **A. Land Use Patterns and Community Character**

1. Establishing a rational land use pattern and encouraging the most appropriate use of individual parcels of land, in accordance with the Comprehensive Plan.
2. Dividing the incorporated area of the Town into distinct zoning districts which control future character through the use of land and buildings, the intensity of such use (including bulk and height), and the amount of surrounding open space.
3. Providing suitable transitions between areas of different community character.
4. Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses.
5. Limiting the bulk, scale, and density of new and existing structures to preserve the desired character of the community.

### **B. Natural Resources**

1. Preserving and protecting the Town's natural resources.
2. Avoiding or lessening the hazards of flooding and stormwater accumulation and runoff.
3. Avoiding or lessening the hazards of soil erosion.
4. Preserving and protecting natural habitats for wildlife.
5. Controlling the density and intensity of development, open space, and land use so as to prevent ground and surface water contamination.

### **C. Scenic, Cultural and Agricultural Resources**

1. Protecting the Town's scenic and cultural resources.
2. Protecting scenic vistas and controlling the siting, design, and scale of buildings to retain the scenic qualities and values that promote tourism.
3. Promoting the preservation of historic western architectural styles.
4. Promoting the preservation of agricultural land and the continuation of agriculture.

### **D. Affordable Housing**

1. Ensuring that an adequate supply of housing affordable to those employed in the Town is available.

#### E. Infrastructure

1. Ensuring infrastructure systems that are safe from fire, flood, and other dangers.
2. Encouraging the most effective use of existing and planned infrastructure.
3. Ensuring existing infrastructure does not operate below its appropriate levels of service.
4. Reducing the danger and congestion of traffic on roads and highways by both limiting the number of friction points, such as intersections and driveways, and minimizing other traffic-related hazards.
5. Protecting and enhancing a pattern of streets, highways, transit, and pathways that produce a unified, safe, and efficient system for movement within the Town.
6. Establishing and regulating setback lines along streets and highways, property lines, irrigation, and drainage facilities.

#### F. Preservation of Local Economy and Land Values

1. Protecting the tourism industry that provides most jobs and the majority of the tax revenues by preserving the resources upon which it depends.
2. Protecting and enhancing the values of land and buildings.
3. Minimize adverse impacts on landowners from incompatible neighboring development.

#### G. Administration

1. Defining the powers and duties of officers and bodies necessary to administer these Land Development Regulations.
2. Prescribing penalties for the violation of the provisions of these Land Development Regulations.

Each purpose identified in this Division represents the interests of the general public and of individual landowners. These Land Development Regulations have been developed to strike a balance between all of these objectives, some of which are recognized as competing.

## **DIVISION 1300 APPLICABILITY**

### **SECTION 1310 APPLICATION**

The provisions of these Land Development Regulations shall apply to the development of all land within the Town boundaries, except as expressly and specifically provided in these Land Development Regulations. No development shall be undertaken without prior authorization pursuant to these Land Development Regulations.

### **SECTION 1320 GENERAL**

No development within the Town shall occur without the prior receipt of a permit therefore, pursuant to the provisions of these Land Development Regulations, unless expressly exempted herein.

## **DIVISION 1400 EXEMPTIONS: EFFECT OF THESE LAND DEVELOPMENT REGULATIONS AND AMENDMENTS ON LEGALLY EXISTING DEVELOPMENT**

### **SECTION 1410 EXISTING USES OR STRUCTURES**

All uses or structures legally established and existing on the effective date of these Land Development Regulations that do not comply with these Land Development Regulations shall be considered pre-existing nonconforming uses or structures under the terms of these Land Development Regulations, and shall be permitted to continue to the extent provided in and subject to the provisions of Article VII, Nonconformities.

### **SECTION 1420 LOTS OF RECORD**

No further development permit shall be required for the sale or conveyance of any legally created lot of record existing on the effective date of these Land Development Regulations. Development of any lot of record existing on the effective date of these Land Development Regulations, however, shall be in conformance with all other provisions of these Land Development Regulations.

### **SECTION 1430 EXISTING BUILDING PERMITS, DEVELOPMENT PERMITS, LOT SPLIT PERMITS, SIGN PERMITS, HOME OCCUPATION PERMITS, AND VARIANCES**

A. General. The provisions of these Land Development Regulations shall not affect the validity of any Building Permit, Development Permit, Lot Split Permit, Sign Permit, Home Occupation Permit or Variance issued prior to the effective date of these Land Development Regulations, if the development or Variance approved is commenced and diligently pursued within one (1) year, or within six (6) months in the case of a building permit, and completed without unreasonable interruption, but in all instances completed within two (2) years of the date of issuance of the permit or variance.

B. Modifications. Modifications to any Building Permit, Development Permit, Lot Split Permit, Sign Permit, Home Occupation Permit or Variance approved prior to the effective date of these Land Development Regulations that constitutes a substantial change to such approved development, shall be in conformance with these Land Development Regulations.

### **SECTION 1440 CONDITIONAL USE PERMITS, SUBDIVISIONS AND COMPLETE NEIGHBORHOOD MASTER PLANS**

A. Final approval not affected. The provisions of these Land Development Regulations shall not affect the validity of any Final Plat or final Complete Neighborhood Master Plan formally approved by the Town Council in accordance with any prior regulations of the Town.

B. Conditional Use Permits; Subdivisions or Complete Neighborhood Master Plans in Process. Developments in the Conditional Use Permit, subdivision or Complete Neighborhood Master Plan process for which an application has been received by the 18th day of November, 1994, and deemed by the Planning Director to be complete, in his sole discretion, may continue to be processed and governed by the regulations in effect prior to the adoption of these Land Development Regulations, provided that the approval process is diligently pursued and not delayed for any significant period by the action or inaction of the applicant. All Conditional Use Permits, subdivisions or Complete Neighborhood Master Plan applications which are not

complete by the 18th day of November, 1994, shall, without exception, comply with these Land Development Regulations. Anything in the foregoing notwithstanding, Preliminary Plat and Conditional Use Permit approvals are valid for one (1) year and said approvals shall become void if Final Plat approval is not obtained within one (1) year of the approval date of the Preliminary Plat, or construction or use commenced for a Conditional Use Permit, within one (1) year of the date of its issuance.

C. Modifications. Proposed modifications to any Final Plat or Final Complete Neighborhood Master Plan, or Preliminary Plat approved prior to the effective date of these Land Development Regulations that constitutes a substantial change to such proposed development shall be in conformance with these Land Development Regulations, or shall reduce the level of density or intensity of the development.

#### **SECTION 1450 COMPLIANCE WITH PERMIT CONDITIONS**

All development previously permitted shall be completed in accordance with the terms and conditions of said permits including all terms, conditions, and regulations governing the issuance of the permit. Terms, conditions, and governing regulations of previously approved permits shall be enforced pursuant to Article IX, Enforcement.

#### **SECTION 1460 DEVELOPMENTS NOT IN COMPLIANCE WITH PRIOR REGULATIONS**

Developments or portions of developments not in compliance with or not legally nonconforming under prior land development regulations, and which are not in compliance with these Land Development Regulations shall not be deemed legally nonconforming under these Land Development Regulations. Such developments are subject to enforcement action under the provisions of these Land Development Regulations.

#### **SECTION 1470 VOLUNTARY COMPLIANCE**

Notwithstanding the provisions of this Division, any applicant may request to have an application for development permit reviewed pursuant to the procedures and standards of these Land Development Regulations.

## **DIVISION 1500 REPEALER**

### **SECTION 1510 REPEAL OF TOWN'S PRIOR LAND USE AND DEVELOPMENT REGULATIONS AND SUBDIVISION REGULATIONS**

Except in the case of Section 1430, Existing Building Permits, Development Permits, Lot Split Permits, Sign Permits, Home Occupation Permits, and Variances, and Section 1440, Conditional Use Permits, Subdivisions and Complete Neighborhood Master Plans, or to the extent necessary to enforce compliance with permits issued pursuant thereto or issued prior to adoption of these Land Development Regulations, the Town's Zoning Code (Title 18, Jackson Municipal Code) adopted on April 5, 1967, as amended from time to time, and the Town's Subdivision Ordinance (Title 17, Jackson Municipal Code) adopted on February 3, 1986, and amended from time to time, are hereby repealed on the effective date of these Land Development Regulations. The Mobile Home Park Ordinance of the Town of Jackson (Chapter 5.36, Jackson Municipal Code) is hereby repealed on the effective date of these Land Development Regulations. The repeal of these ordinances does not include the repeal of other ordinances not specified herein.

### **SECTION 1520 NONREVIVAL OF FORMERLY REPEALED ORDINANCE, CODES, AND OTHER REGULATIONS**

The repeal of the Ordinances set forth in Section 1510, Repeal of Town's Prior Land Use and Development Regulations and Subdivision Regulations, does not revive any other provisions, resolutions, ordinance, codes, or other regulations repealed by the aforementioned Ordinances.

## **DIVISION 1600 SEVERABILITY**

If any Division, Section, Subsection, paragraph, clause, provision, or portion of these Land Development Regulations are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these Land Development Regulations shall not be affected. If any application of these Land Development Regulations to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land, or water not specifically included in said judgment.