

## CHAPTER 15

### TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) Overlay District

#### SECTION:

- 10-15-1: Purpose
- 10-15-2: Applicability
- 10-15-3: Application Procedure and Approval Process
- 10-15-4: TND Standards
- 10-15-5: Tables

10-15-1:       **PURPOSE:** This Section recognizes that the suburban development pattern of the late 20<sup>th</sup> Century has produced a separation of land uses, excessive vehicular trip generation, inefficient public transportation, and infrastructure costs that place stress on available resources. It is the intent of this Section to provide options for a development pattern that can reduce trip demand and infrastructure costs, and to create more viable communities, by adapting the land development principles that guided our country's first settlements, towns and cities and suburbs. This ordinance allows the development and redevelopment of land in Victor consistent with the design principles of traditional neighborhoods. A traditional neighborhood:

- A.     Is compact;
- B.     Is designed for the human scale;
- C.     Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
- D.     Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes and incomes;
- E.     Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of the those streets to existing and future developments;
- F.     Retains existing buildings with historical features or architectural features that enhance the visual character of the community.
- G.     Incorporates significant environmental features into the design;

H. Is consistent with the City's comprehensive plan.

10-15-2: **APPLICABILITY:** The traditional neighborhood development (TND) ordinance is an alternative set of standards for development within the City and as defined by the TND overlay map for new development and for infill development of 2 acres or less. The City Council may by resolution establish fees for the administration of this ordinance.

10-15-3: **APPLICATION PROCEDURE AND APPROVAL PROCESS:**

- A. Prior to the issuance of any permits for development within a Traditional Neighborhood Development, the following steps shall be completed according to the procedures outlined in this section:
1. The applicant shall have had an initial conference with the planning staff.
  2. The applicant shall prepare an initial conceptual plan and present it with his/her design representative to the Design Committee for review and discussion.
  3. The applicant will submit a sketch plan review application to the Victor Planning & Zoning Commission.
  4. The applicant will submit the sketch plan review to the Planning & Zoning Commission for a public hearing and preliminary plan recommendation to the city council.
  5. The preliminary plan will be forwarded with recommendations to the city council.
  6. The city council will hold a public hearing to approve, approve with modifications, or deny the application.
  7. The approved preliminary plat will be forwarded for final plat.
- B. Initial conference: Before submitting an application for a Traditional Neighborhood Development project, the applicant shall schedule an appointment and meet with the planning staff to discuss the procedure for approval of a Traditional Neighborhood Development project, including submittal requirements and design standards.
- C. Design Committee Review: A three person Design Review Committee comprised of persons familiar with the principles of Traditional Neighborhood Design shall be appointed by the City Council to perform the functions described below:

1. Following the planning staff's initial conference, and prior to submittal of a sketch plan application, a meeting will be scheduled with the applicant and TND Design Review Committee. This review shall be scheduled as soon as practicable and will include the applicant's design representative and the design committee. A nominal fee may be charged for this service.

2. An initial concept plan presenting the applicant's program should be prepared. The review process will be focused on general site design and compliance with the TND Overlay regulations in general and the TND Design Guidelines in particular. The objective of this review will be to optimize the proposed site and general architectural program for the benefit of the applicant and that of the community.

3. The design committee will offer recommendations and prepare a report for submittal to the planning & zoning commission. The Design Committee will review and approve all subsequent building permits for architectural compliance with the TND Design Guidelines and shall have the right of permit approval.

4. It is strongly recommended that the applicant engage the services of an experienced site design architectural professional in order to prepare the designs for the project application and development process.

D. Sketch Plan Process: Following the initial conference and report of the design review committee, the applicant shall submit a sketch plan to the city planning department together with an application for a zoning map amendment to the Traditional Neighborhood Development Overlay.

1. The developer shall file a request for a sketch plan review with the administrator.

2. The administrator shall place the sketch plan review on the agenda of the next regular commission meeting.

3. The commission shall conduct a sketch plan review. The materials that must be submitted to schedule a sketch plan review will be at a level of detail sufficient for the commission to make an informed decision as to the site design and general architectural style and shall include:

- a. A scaled drawing of the existing property, including buildings, streams, streets, and other existing features; and

- b. Identification of the architectural style(s) of the Traditional Neighborhood Development and the accompanying site design style(s). General site dimensions with building setbacks should be included. The design style of the Traditional Neighborhood Development shall be conveyed with drawings or computer simulation of typical proposed building elevations including dimensions of building height and width and façade and porch/entryway treatments. Where the developer is constructing only part of the proposed site's

vertical improvements, a representative model of typical covenant design type buildings shall be illustrated. These presentations are for the purposes of assisting the commission and council in understanding the overall design and may be in general concept form as final design details would be unknown.

c. A sketch showing proposed connections to adjacent streets;

d. A written report that provides general information about the covenants, conservation easements, or agreements, which will influence the use and maintenance of the proposed development. The report shall also describe the site conditions and the development objectives.

e. At any time within 60 days after the sketch plan review, the developer may file a properly completed application form, the required supporting materials, and the application fee with the administrator. Completion of a public facilities needs study may be required before an application can be filed.

- E. Subdivision Process: Subdivision application process will follow as outlined in 10-18-3: A. 3. of this title.
- F. Regulatory Precedence: If there is a conflict between the Traditional Neighborhood Development overlay standards and the Design Guidelines of this ordinance and the Victor Zoning Ordinances, the provisions of this ordinance apply and take precedence.
- G. Ownership and Maintenance of Public Space: Provisions shall be made for the ownership and maintenance of streets, squares, parks, open space, and other public spaces in a Traditional Neighborhood Development by dedication to the City. Alleyways and similar use lanes may be required to remain in homeowner association ownership and control and maintenance.
- H. Recording of Documents: The following documents need to be filed by the applicant in the County Register of Deeds Office within (10 days) after approval of the document by the City Council: a certified copy of the zoning ordinance amendment designating a tract of land as a Traditional Neighborhood Development.

10-15-4: **TND STANDARDS:** Uses allowed by right under Table 6-A are subject to the following requirements:

- A. Accessory dwelling (attached, separate cottage, or above detached garage). Accessory dwellings are allowed on lots of 5,000 sf and larger and shall be in common ownership with the principle building and shall conform to all of the following standards:

1. Floor Area: Accessory dwellings shall not exceed 800 square feet of floor area, or 50% of the floor area of the primary unit, whichever is less. The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house;

2. Building Code: The structure complies with applicable building codes;

3. One Unit. A maximum of one accessory dwelling unit is allowed per lot;

4. Development Standards. The dwelling shall conform to the lot standards in Table 15-D, except as modified below:

a. The height of a detached accessory dwelling (i.e., not sharing a common wall with the primary dwelling) shall not exceed twenty-eight (28) feet.

b. The dwelling shall be setback not less than twenty (20) feet from the primary structure, and twenty (20) feet from the rear property line, except a four (4) foot setback may be allowed where the property line abuts an alley.

c. In order to maintain a consistent architectural character, similar building materials, architectural design and colors shall be used so that the accessory dwelling blends with the general appearance of the primary dwelling.

d. A parcel containing a primary dwelling unit and an accessory dwelling shall contain a minimum of three (3) off-street parking spaces.

B. Attached Single Family (Townhouses). Attached single family dwellings shall conform to impacts associated with traffic, parking, and design compatibility, and ensure management and maintenance of common walls and shared outside areas:

1. Alley Access Required for Lot Width of Less Than 45 Feet. Subdivisions, or blocks within subdivisions, containing lots with less than 45 feet in width must provide vehicle access from an alley. Alleys must be created at the time of subdivision approval. Where the review authority allows an alley to be continued in a private tract, an access easement and maintenance agreement shall be recorded ensuring that abutting property owners are jointly responsible for maintenance of the alley.

2. Common Areas. Any common areas (e.g., landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas) shall be owned and maintained by a homeowners association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

3. Design Review. Design review approval is required from a City approved design committee.

C. Multiple Family Housing: Multiple family housing including attached townhomes shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with adjacent uses.

1. Design Review. Design Review approval is required from a City approved design committee.

2. Building Separation. Where more than one multifamily building is built on a site, the buildings shall be separated from one another by a landscaped courtyard that is not less than twenty (20) feet wide.

3. Common Open Space. Multiple family developments shall incorporate not less than (10) percent common open space. Common open space shall be provided in accordance with all of the following criteria:

a. The site area is defined as the lot or parcel on which the development is to be located, after subtracting any required dedication of street right-of-way;

b. In meeting the common open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees preserved), play fields, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

c. All common open space areas shall have an average width that is not less than forty (40) feet and an average length that is not less than forty (40) feet;

d. The common open space requirement may be waived for a project that dedicates and improves a new public neighborhood park of not less than 1 – acre for every fifty (50) dwelling units, or a fraction thereof. The park must be located within 400 feet of the subject development.

e. The review authority may reduce the common space requirement for a project containing twenty (20) or fewer dwelling units that is located within 800 feet of a public park, where there is a direct, accessible pedestrian walkway or multi-use pathway connecting the site to the park. If the park is not developed, or only partially developed, the review authority may require the multiple family housing developer to improve park land in an amount comparable to

the open space that he or she would otherwise be required to provide in granting the reduction.

4. Private open space: Private open spaces shall be required for all ground-floor dwellings, and not less than fifty (50) percent of all upper-story dwellings. Private open space shall be a patio, deck or other improved surface of not less than forth-eight (48) square feet.

5. Trash receptacles: Adequate solid waste storage and recycling facilities shall be provided. Trash receptacles shall be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and screened with building materials matching those on the subject multifamily building(s). Receptacles must be accessible to trash pick-up trucks.

D. Duplex: Duplexes are allowed subject to the following standards which are intended to control the overall building volume and compatibility:

1. Floor Area. Total floor area for both dwellings shall not exceed forty (40) percent of lot area. For example, the maximum floor area (excluding garage space) allowed on an 8,000 square foot lot is 3,200 square feet, or 1,600 square feet per dwelling.

2. Corner Lots. On corner lots, the minimum lot size is 9,000 square feet per duplex. On corner lots, each dwelling shall have its primary entrance and garage opening, if any, oriented to a different street. Where vehicular access cannot be taken from two different streets, the review authority may require an alley or shared driveway providing access to both dwellings.

3. Design Review. Design review approval is required.

E. Parking Court Housing: Where a parcel is developed with two or more detached single family dwellings facing a common driveway or entry court the development shall conform to the following standards which are intended to meet fire code requirements and provide light, air, and open space for occupants:

1. Vehicular Access. The furthestmost distance from all dwellings to the closest abutting public street shall be no more than 150 feet, or an approved fire apparatus land may be required to serve the development. Fire suppression sprinklers may be provided in lieu of a fire apparatus land when approved by the Fire Marshal.

2. Central Green. The dwellings shall abut a central open space (driveway/apron) or green of not less than 600 square feet in area per dwelling (2400 square feet for 4 dwellings). The green/open area shall provide landscaping and other amenities for residents and have a width of not less than forty (40) feet. A homeowners or condominium

association shall be responsible for ongoing maintenance of the green and any other common areas (e.g., shared parking).

3. Parking. One parking space is required to be provided for each dwelling. The parking spaces for all dwellings shall be oriented away from the common green. Parking may be provided in parking bays, garages or carports, attached or detached from the cottages. When provided in a parking lot, parking spaces shall be screened from abutting land uses and walkways shall be provided connecting the cottages to parking areas.

4. Utilities. Separate water meters and sewer connections must be provided for each dwelling.

5. Yards. Structures shall be setback at least ten (10) feet from one another and at least ten (10) feet from the perimeter boundary of the cottage development.

6. Design Review. Design Review approval is required for new cottage development, including conversion of existing structures to cottage development. Compliance with all applicable building codes is required.

F. Group Living (Residential Care Homes and Facilities): Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Idaho. They may provide residential care alone, or in conjunction with treatment and/or training, for 6 or fewer individuals (“homes”) or 7 to 15 individuals (“facilities”) who need not be related. Staff persons required to meet State licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following requirements:

1. Licensing. All residential care homes and facilities shall be duly licensed by the State of Idaho.

2. Parking. Parking in accordance with chapter 23 of this title, Parking Performance Standards.

3. Design Review. Design Review approval is required for new structures or the establishment of existing structures for residential care homes or facilities.

G. Home Occupations: The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Home Occupations meeting the standards in subsections 1. thru 7., below, are permitted, providing the owner has signed a Notice of Compliance with all

applicable permit and licensing requirements, and all other uses and structures on the subject property are in conformance with all applicable city codes and requirements. Uses exceeding any of the threshold standards in subsections 1. thru 7. are not considered home occupations and are not allowed in the TND district.

1. Appearance of Residence:

- a. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The existing use or home occupation shall not violate any conditions of land use or design review approval (i.e., prior approvals).
- d. Products and or equipment produced or used by the home occupation must not be displayed or be visible from any other property.

2. Storage:

- a. Outside storage, visible from the public right-of-way or adjacent properties, that exceeds what is customary for a single family residence in the vicinity, is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.

3. Employees:

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than one (1) full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the legal lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.

- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other occupations.
4. Advertising and Signs: Signs shall comply with all applicable sign regulations for residential zones; in no case shall a sign for any home occupation exceed two (2) square feet of surface area on all sides.
5. Vehicles, Parking and Traffic:
- a. One (1) commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation.
- b. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 9:00 p.m. to 7:00 a.m.
- c. There shall be no more than (1) client's or customer's vehicle at any time and no more than eight (8) per day at the home.
- d. Vehicles shall not be parked in any required yard except where a front yard contains an improved driveway.
6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7:00 a.m. to 9:00 p.m. only.
7. Prohibited Home Occupation Uses:
- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line, is prohibited.
- b. Any activity involving on-site retail sales, including garages sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed above.

c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:

1. Ambulance services;
2. Animal hospital, veterinary services, kennels or animal boarding;
3. Auto and other vehicle repair, including auto painting; and
4. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

8. Business License. A current Business License is required.

9. Enforcement: The owner must also sign a Notice of Compliance, as described above, may result in revocation of the home occupation permit.

H. Housing Density: To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new developments in the TND District must conform to minimum and maximum density requirements prescribed in Table 15-C, except as follows:

1. Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard after subtracting required public street rights-of-way. Housing density calculations resulting in fractions of dwelling units may be rounded up to the nearest whole number.

2. Residential care home/facilities are exempt from minimum and maximum density requirements but must be compatible in scale to surrounding structures. Residential accessory units are exempt from density requirements.

3. The review authority may allow density to be transferred within a project site or from a development site to an off-site TND location, where the site contains significant natural resources or physical constraints (e.g., wetlands, unstable soils, steep slopes, etc.). Density transfers from one portion of a site to another portion shall be permitted.

4. The density standards may be averaged over more than one development phase when approved through a master plan. Duplex and multifamily lots shall be so designated on the final subdivision plat and established through deed restrictions on the subject lots.

- I. Housing Variety: The design intent of the requirement for variety centers on the feature of a predominance of smaller street fronting single family detached units. The precise mix of units may be adjusted to site characteristics and proximity to the downtown core as recommended by the Planning Director and Planning & Zoning Commission with approval by the City Council. The central defining feature is the streetscape and its width and scale to the surrounding buildings.
1. Developments greater than 5 acres: Developments over 5 acres shall consist of the following mix of dwelling types:
- a. at least 40 percent of all units shall be single-family detached units on lots of 6,000 sf or smaller with provision for a garage. Construction of the garage is at the option of the buyer.
  - b. at least 20 percent single family detached units on lots greater than 6,000 sf but less than 7,500sf; provision for an optional garage.
2. Additionally, at least (10) percent of two of the following types are required:
- a. single family Cottage cluster units of two bedrooms or larger; optional garage, provision for Cottage unit garage required.
  - b. single family Parking Court units of two bedrooms or larger; required attached garage.
  - c. single family attached ownership – townhome - units with garage.
  - d. multi-family ownership units with garage.
  - e. multi-family rental: mix of 1-3 bedroom units; not greater than 15 percent of dwelling units.
  - f. the balance of units and or uses may be comprised of any uses included in a) thru f) above and Table 6A (except e) above), Use Standards and Table 6C, Development Standards. **These requirements may be altered by the Council according to site requirements or other special circumstances.**
- J. Developments between 5 acres and 2 acres: Developments between 5 acres but greater than or equal to 2 acres shall consist of the following mix of dwelling types:
1. At least 60 percent of all units shall be single-family detached units on lots of 6,000 sf or smaller and/or up to 7500sf with provision for a garage. Construction of the garage is at the option of the buyer.

2. Additionally, at least 15 percent of one of the following type is required:

- a. single family Cluster Cottage units of two bedrooms or larger; optional garage but minimum provision for Cottage unit.
- b. single family Parking Court units of two bedrooms or larger; attached garage required.
- c. single family attached ownership – townhome - units with garage.
- d. multi-family ownership units with garage.
- e. multi-family rental: mix of 1-3 bedroom units; not greater than 15 percent of dwelling units.
- f. the balance of units and or uses may be comprised of any size lots and uses included in Table 15A (except 5) above), Use Standards and Table 15C, Development Standards. **These requirements may be altered by the Council according to site requirements or other special circumstances.**

K. Developments under 2 acres: Generally considered infill development, these lots and units may have setback requirements adjusted in order to conform better to adjacent properties. All other Use and Development Standards, Tables 15A and 15C respectively, are applicable where feasible. Approval preference for these applications shall be given for the provision of single-family unit applications of any type. Site innovation and reasonable compatibility with adjacent properties is encouraged.

L. Affordable Housing Incentive: This code provides incentives for the creation and maintenance of affordable workforce housing. Housing developers may receive density bonuses by providing affordable housing in accordance to the following requirements:

1. Affordable Dwelling Unit Plan. Planned unit developments, preliminary subdivision plats, and multifamily design review applications must specify the number, type, size (number of bedrooms and floor area) and location of proposed affordable dwelling units in accordance with the ratios in Table 15B.

2. The review authority may modify and/or condition the Affordable Dwelling Unit Plan to ensure conformity with the requirements of this code.

3. The review body may require the applicant to enter into a development agreement, record deed restrictions, and/or provide other assurances for the provision of affordable dwelling units in accordance with this code.

4. The Affordable Dwelling Unit Plan must conform to the criteria below, in subsection 1) thru 4):

a. Option #1 (up to 20% density bonus): Deed-Restricted Affordable Dwellings shall be provided on-site where practical (i.e., where the size of the project, proximity to city services, and physical site conditions allow) as follows:

1). Fifteen percent (15%), or more, of the dwelling units on the subject property shall be reserved for qualified buyers or renters with incomes at or below one hundred twenty percent (120%) of Victor area median income; or

2). Ten percent (10%) or more, of the dwelling units on the subject property shall be reserved for qualified buyers or renters with incomes at or below the median income (100%) of Victor area median income; or

3). Five percent (5%) or more, of the dwelling units on the subject property shall be reserved for qualified buyers or renters with incomes at or below eighty percent (80%) of Victor area median income; **AND**

4). Execution of a development agreement to produce the requisite, deed-restricted affordable units, that runs with the land; or transfer title to a sufficient amount of buildable land for development of equivalent number of affordable housing units, as prescribed in subsections 15-B, to the Teton County Housing Authority or a non-profit (IRS 501 c(3)) affordable housing developer for the purpose of complying with the requirements of this code. The land shall be located within the project; if to be transferred, ownership of the land shall be transferred to the affordable housing developer or Development Corporation in accordance with said development agreement.

5). Affordable housing may be provided in lesser quantities with a pro-rated number of bonus units granted. A mix of income categories is permissible as long as the proportional mix equals that of the parent categories.

b. Option #2 (20% density bonus). Where compliance with Option #1 is not practical due to the size of the project, its location, or physical site conditions, and the reviewing authority determines that it is in the public interest to provide affordable housing in a different and more suitable location of the city, the developer shall pay an in-lieu fee to the Teton County Housing Authority. The fee shall be assessed at the time of building permit issuance for the equivalent number of required affordable dwelling units, in accordance with a fee schedule adopted by City Council.

c. Option #3 (10% density bonus). Developer agrees to restrict sale of twenty percent (20%) of ownership units to persons working full-time (defined as 1500 hours per year) in either Teton Counties Idaho or Wyoming and who do not exceed 175 percent of the Teton County, Idaho median income. Developer further agrees to place an acceptable deed restriction on said properties to run for 10 years with each consecutive owner and with the above work and income restrictions. The qualification, supervision of deed restriction and, optionally, subsequent sale of property shall be administered by the Teton County Idaho Housing authority.

M. Criteria: Affordable housing plans must provide a mixture of housing types from each of the following types:

1. Studio or one-bedroom dwellings with at least 600 square feet gross floor area (accessory dwellings may be included) not to exceed 10 percent of housing type mix.

2. Dwellings containing three or more bedrooms and containing at least 1050 square feet floor area -- at least 30 percent of housing type mix, Two-bedroom dwellings with at least 860 square feet gross floor area; at least 50 percent of housing type mix, distributed between 70 percent ownership and optionally up to 30 percent rental. At least one half of ownership units shall be single family detached.

3. Distributed between 70 percent ownership and optionally up to 20 percent rental. At least one half of ownership units shall be single family detached.

4. The total number of affordable dwelling units described in this Section shall be determined by rounding down fractional answers to the nearest whole unit.

5. The Planning Director shall determine the Victor area median income.

6. Housing sales prices for deed-restricted for-sale, affordable dwelling units shall be established so that the household does not pay more than twenty-eight percent (**28%**) of their gross household income on a mortgage, homeowners insurance, property taxes and any other associated expenses used for mortgage qualification, at the time of purchase. This calculation assumes a down payment of (**5%**).

7. Rent rates for deed-restricted affordable dwelling units shall be established so that a household does not pay more than thirty percent (30%) of its gross household income on rent (exclusive of utilities). The schedule of rent rates shall be in proportion to that specified in Section 11. d. 1) and shall run for a period of 20 years with each rental building owner.

8. The housing sales price and rent levels prescribed above shall be at the time of purchase or execution of rental contract, as applicable. Sales prices and rent levels of deed-restricted affordable dwelling units shall be allowed to appreciate or increase over time according to an inflation index as determined by the Planning Director.

9. The selection of applicants and sales process for affordable housing units shall be under the control of the Teton County Housing Authority. An appropriate administrative sales fee may be charged according to the Authority's requirements.

10. Deed Restrictions shall be required with the above ownership units according to the following schedule:

N. Neighborhood Limited Commercial-Mixed Use: A feature of Traditional Neighborhood Design is the encouragement and allowance of neighborhood oriented shops, offices and service activities in appropriate neighborhood locations. Allowed uses in TND's over 2 acres with review and approval of the planning director and planning and zoning commission are:

1. Office<sup>1</sup>: Office uses are allowed in TND's and are to be located on the outside perimeter of the neighborhood, one per block situated at a corner or contiguous to a corner retail/service site. Office uses are limited to the first floor of the principal building and are restricted to 1500 sf and must provide 2.0 assigned parking places per 1000 sf of net office space in addition to the parking requirement for any included dwellings.

2. Limited Retail/Service<sup>2</sup>: Neighborhood oriented retail and service businesses are permitted at the outside perimeter of the neighborhood, one per block situated at a corner or contiguous to a corner office site. So as not to create incompatible nuisances to internal neighborhood residents, retail and food service activities with multiple and substantial delivery activity shall be allowed only in locations adjacent to commercial businesses. Proposed uses that do not conform to the exact activities allowed will be reviewed and approved or disapproved by the Planning and Zoning Commission with recommendation by the Planning Director. The following uses and requirements are:

3. Limited Retail: Limited to 1500 sf and limited to the first floor of the principal building; restricted by 3.0 assigned parking places per 1000 sf. Specific uses are neighborhood grocery stores, florists, stationary and book stores, barber and hair salons dry cleaning outlets; studios and shops of artists and artisans are allowed and may be waived from retail parking requirements.

4. Food Service: Restaurants and coffee shops shall be restricted by 5 assigned parking places per 1000 sf. and limited to 30 seats.

- O. Open Space: Traditional Neighborhood Developments over 2 acres and including fourteen (14) or more dwelling units, without regard to the number of phases within the subdivision, shall set aside or acquire land area within, adjacent to, or in the general vicinity of the subdivision for parks. The provisions of Sections 5.10 Parks provide the guidelines for parks requirements except that the percentage parks requirement may be modified based upon site characteristics and proximity to the business core. The City Council may at their discretion approve and accept cash contributions in-lieu of park land dedications/park improvements.

**10-15-5: Tables:**

<b>Table 15-A—Uses Allowed in Neighborhood Center TND</b>	
<b>Use Categories</b>	
Residential Categories	
Single Family (not attached), Side Yard, Edge Yard	P
Accessory Dwelling	P
Duplex ( 2 dwellings sharing a common wall on one lot)	C
Single Family Attached (2 or more common-wall single family dwellings), each on its own lot	P
Cottage Cluster	P
Parking Court	P
Manufactured Home Park	N
Multifamily (3 or more common wall dwellings on lot)	P
Home Occupation (accessory to an allowed residential use, per Ch 7)	P
<b>Group Living</b>	
Group Care Home (6 or fewer residents)	S
Group Care Facility (6-15 residents)	S

**Key:**

- P = Allowed
- S = Allowed with special use standards
- C = Allowed with Conditional Use Permit
- N = Not allowed

<b>Table 15-A – Commercial Uses Allowed in the TND</b>	
<b>Use Categories</b>	
<b>Commercial Categories</b>	
Drive-UP/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	N
Bed and Breakfast Inn	N
Educational Services: tutoring or similar services not exceeding 500 square feet. Restricted to first floor of principal structure.	S
Entertainment	N
Office <sup>1</sup> : professional or personal service, not exceeding 1500 square feet limited to the first story of the principal building and limited to one per block; parking requirement of 2.0 assigned parking spaces per 1000 sf.	S
Outdoor Recreation, Commercial	N
Vehicle Servicing or Vehicle Repair	N
Retail Sales and Service <sup>2</sup> : not exceeding 1500 square feet limited to the first story of the principal building at corner locations and limited to one per block; parking requirement of 3.0 assigned parking spaces per 1000 sf.	S
Self-Service Storage	N
Short Term Vacation Rental	N
Other commercial categories not listed	S
<b>Industrial Categories</b>	N
<b>Institutional Categories</b>	
Daycare, adult or child (16 or fewer persons); subject to state licensing –does not include family daycare when allowed as a home occupation	C

<b>Table 15-A – Uses Allowed in the TND</b>	
<b>Use Categories</b>	
Parks and Open Space - excluding lighted sports fields - including lighted sports fields	P C
Religious Institutions and Houses of Worship - accessory to an allowed residential use - not accessory to an allowed residential use	P C
Schools	C
Other institutional uses not listed	C
<b>Other Categories</b>	
Accessory Structures – permitted on lots of 5,000sf or larger no taller than 28ft. and no larger than 800 square feet of building footprint taller than 28 ft. or larger than 800 square feet of building footprint, not to exceed primary structure’s floor area	P C
Other uses not listed	N

Key:

- P = Allowed
- S = Allowed with special use standards
- C = Allowed with Conditional Use Permit
- N = Not allowed

**Table 15-B-Affordable Housing Purchase/Sale Restrictions, Neighborhood Center**

<b>Developers' Potential Bonus</b>	<b>Units Required by Developer</b>	<b>Buyers' Maximum Income Level</b>	<b>Restrictions on Owner<sup>1</sup></b>
20 % add. units	15 % (ratio of bonus: affordable, 1:.75)	120% median	10 year restriction to each owner; unit sale restricted to Teton Counties Id./Wy. full-time worker of not more than 120 % of median income; appreciation indexed to area CPI or (3%) at compounded rate.
20 % add. units	10 % (ratio of bonus: affordable, 1:.5)	median	15 year restriction to each owner; unit sale restricted to Teton Counties Id./Wy. full-time worker of not more than median income; appreciation indexed to area CPI (3%) at compounded rate.
20 % add. units	5 % (ratio of bonus: affordable, 1:.25)	80 % med.	20 year restriction to each owner; unit sale restricted to Teton Counties Id/Wy. full-time worker of not more than 80 % of median income; appreciation indexed to area CPI (3%) at compounded rate
10 % add. units	20 % (ratio of bonus: affordable, 1:2)	175 % med.	10 year restriction to each owner; sale restricted to Teton Counties Id/Wy. full-time worker of not more than 175 % of median income; dwelling unit to be sole ownership unit.

<sup>1</sup>income limits to be based on not less than published median, 80% and 120% of median incomes or household size, whichever is greater; actual incomes will fall below maximum in order to insure pool of qualified buyers. Teton County Housing Authority to administer qualification process and subsequent sales. All restrictions to be subordinated to first mortgage holder.

**Table 15-C – Development Standards for Residential Applications  
Neighborhood Center**

Standard	TND Residential
<p><b>Density – Min. and Max. Dwelling Units per Acre , <u>Net Density</u> (all structure type combinations)</b></p> <p><b>Density – Min. for under 1 acre infill<sup>2</sup></b></p>	<p align="center">6 – 17 du/acre</p> <p align="center">3 du/acre</p>
<p><b>Density Bonus for Affordable Workforce Housing (Section_____)</b></p>	<p align="center">Up to 20%</p>
<p><b>Minimum Lot Area* (square feet)</b>            Single Family, not attached, where vehicle access provided from street</p> <p>Single Family, not attached, where vehicle access provided from alley</p> <p>Single Family, attached, where vehicle access provided from street (discouraged, limited to 5% of site)</p> <p>Single Family, attached, where vehicle access provided from alley or service lane</p> <p><b>Maximum Single Family lot size</b></p> <p>Duplex</p> <p>Multiple-Family</p> <p>Accessory Units</p> <p>Neighborhood Commercial Mixed Uses</p> <p><b>* Lot area is subject to min. and max. density/<u>mix of units</u> required.</b></p>	<p align="center">5,000 sf</p> <p align="center">4,000 sf</p> <p align="center">8,000 sf, townhome/condo (2,400sf sub lot for townhome)</p> <p align="center">7,200 sf, townhome/condo (2,400sf sub lot for townhome)</p> <p align="center">10,890 sf</p> <p align="center">7,000 sf</p> <p align="center">10,000 sf for first 3 DU's plus 2,400 sf for each add'l DU</p> <p align="center">permitted on lots of 5,000 sf and larger</p> <p align="center">5,000 sf</p>

Standard	TND Residential
<p><b>Minimum Lot Width*</b></p> <p>Where Vehicle Access to be Provided from Street</p> <p>Where Vehicle Access to be Provided from Alley</p> <p>Width is measured at the front setback line. For flag lots, width is measured at the front setback line on the “flag” portion of the lot. The minimum width on the “pole” position of such lots is 20 feet.</p> <p><b>Minimum Lot Depth*</b></p> <p>*All applicable setbacks, lot area, coverage other standards must be met.</p>	<p>45 ft</p> <p>24 ft</p> <p>Same as width</p>
<p><b>Building/Structure Height</b></p> <p>Standard Maximum Height</p> <p>Accessory Structure Height</p> <p>Fences, Retaining/Garden Walls*</p> <p>Max. Height:</p> <p>Max. Height – Interior Side</p> <p>Max. Height – Rear Yard</p> <p>Max. Height - Street Side or Reverse Frontage Lot (rear)</p> <p>*Retaining walls taller than 4 feet and fences taller than 6 feet require a building permit</p>	<p>35 ft</p> <p>28 ft</p> <p>3-1/2 ft</p> <p>6 ft</p> <p>6 ft</p> <p>3-1/2 ft, or 6 ft with 5 ft landscape buffer between fence/wall and sidewalk</p>

**Table 15-C – Development Standards for Residential Applications**

Standard	TND Residential
<p><b>Side Setbacks</b></p> <p>Building Separation:            2 single story units            1 to 2 story units            2 to 2 story units</p> <p>Zero Lot Line encouraged, also permitted for garages and driveways</p> <p>Accessory Structure</p> <p>Exceptions:            Alley minimum setback            Common Walls where allowed</p>	<p style="text-align: center;">7 1/2 ft min            7 1/2 ft min            7 1/2 ft min</p> <p style="text-align: center;"><b>Requires adjacent properties, driveways to be similarly offset Same as primary structure</b></p> <p style="text-align: center;"><b>4 ft., except 18 ft. where head-on parking is allowed (min.)</b>            0 ft</p>
<p><b>Rear Setbacks</b></p> <p>All homes</p> <p>Ancillary/accessory buildings</p> <p>Garages along alleys</p>	<p style="text-align: center;"><b>15 ft min</b></p> <p style="text-align: center;"><b>May be zero lot line</b></p> <p style="text-align: center;"><b>4 ft min</b></p>
<p><b>Special Setback for Planned Street Improvements</b></p>	<p>Additional setbacks may be required where a structure abuts a street containing less than the standard right-of-way for the subject street classification and required right-of-way width are as indicated by the City's Trans. Plan.</p>
<p><b>Encroachments</b></p> <p><b>Note: Other standards may preclude building at a minimum setback. Be sure to avoid utilities, easements, and clear vision areas.</b></p>	<p>Eaves, chimneys, bay window, overhangs, and similar architectural features may encroach into a setback yard by not more than 36 inches, provided that a setback of not less than thirty-six inches is preserved, all applicable building and fire codes are met, and clear vision standards are met. Porches, decks and similar structures not exceeding thirty inches in height may encroach into setbacks. Walls and fences built on property lines are subject to the height standards above and vision clearance requirements.</p>

**Table 15-C – Development Standards for Residential Applications**

Standard	TND Residential
<p><b>Basic Lot Coverage</b></p> <p>Lot coverage by buildings and structures exceeding 30 inches above grade (ratio of foundation plane area over lot area)</p>	<p><b>60%</b></p>
<p><b>Min. Landscape Area (% of site area)</b></p> <p>Additional usable open space area may be required for multifamily projects</p>	<p>All areas not covered by structures and impervious surfaces; not less than 12% of site.</p>
<p><b>Minimum Setbacks/Build-to Line (feet):</b></p> <p><b>Front/Street Setback/Build-to</b></p> <ul style="list-style-type: none"> <li>Primary Structure (to façade)</li> <li>Garage and Carport Entries</li> <li>Accessory Structure</li> <li>Front Porch, Balcony, Portico, Patio/Garden Wall and similar architectural elements that are less than 50 % enclosed; preferred build-to/setback at minimum</li> </ul>	<p><b>15 ft</b></p> <p><b>see design standards</b></p> <p><b>20 ft set behind primary structure</b></p> <p>7 ft provided the structure does not conflict with vision clearance at intersections, utilities or easements</p>
<p><b>Note: Other standards may preclude building at a minimum setback. Be sure to avoid utilities, easements and clear vision areas. Setbacks/build-to lines may be modified for infill projects in order to be compatible with adjacent properties.</b></p>	