

STAFF REPORT



Meeting Date:	March 4, 2024	Meeting Title:	Regular Town Council – Ordinance
Submitting Department:	Planning	Presenter:	Tyler Valentine
Agenda Item:	NH-1 Text Amendment – Second Reading of Ordinance P (P23-168).	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is to consider at Second Reading Ordinance P which amends the official text of the NH-1 zoning district in the Land Development Regulation (LDR) Section 2.2.9.

Requested Action.

Request to approve Ordinance P to amend the Official Zoning Text of the LDRs to add a Workforce Housing Incentive to the Neighborhood High Density-1 (NH-1) zoning district by allowing a fourth story and height bonus for sites that meet eight specified criteria. The proposed text amendment would modify the following sections of the LDRs:

- Section 2.2.9.A - Intent
- Section 2.2.9.E – Additional Zone-Specific Standards

Recommendations.

The Planning Director recommends **approval** of Ordinance P as presented in the attachment to this staff report.

Background.

Item P23-168 was originally approved by the Town Council (3-2 vote) on January 8, 2024, which had seven criteria required for a site to be qualified for a fourth story in the NH-1 zone. However, at the January 22, 2024, Town Council meeting, the Council unanimously voted (5-0 vote) to reconsider their original January 8th approval of the Text Amendment. The Town Council later reconsidered and approved (3-2 vote) Item P23-168 on February 5, 2024, choosing Option #1d which increased the acreage for qualified sites from two acres to three acres, and added an eighth criteria, Criteria “h”, requiring that qualified sites also be located adjacent to a Commercial Residential-3 (CR-3) zoned property.

Analysis & Key Policy Questions.

On February 5, 2024, the Council approved an LDR Text Amendment to the NH-1 zone to allow a fourth story and workforce housing height bonus for sites that meet eight specified criteria per Option #1d. Prior to a change in the official zoning text becoming official, three ordinance readings are required. The Town Council approved Ordinance P on First reading at their regularly scheduled meeting on February 26, 2024.

The key issues for this application are whether a zone-wide text amendment is the right approach to allow the intended future development of the Virginian site and whether this approach would create undesired negative impacts on the NH-1 zone as a whole. The Town Council discussed these key issues at the February 5, 2024, Council meeting and found (3-2 vote) that the proposed text amendment was appropriate and would align with the desired future character of the NH-1 zone.

Possible Alternatives.

Potential alternatives to the proposed amendment may include:

1. **Approve Ordinance P with changes.** One potential change could be to increase the 3-acre minimum to something larger such as a 4-acre minimum. Another potential change could be adding or modifying the criteria to address better setting back and stepping down the fourth story.
2. **Not approve Ordinance P and pursue CR-3 Zone with deed restriction to not allow commercial development:** Under this alternative, the Council would pursue a Zoning Map Amendment to change the zoning of the Virginian property from NH-1 to CR-3 and restrict the property to prohibit commercial development/use. This option would take roughly 7-8 months to complete including ordinance readings.
3. **Not approve Ordinance P and pursue creation of new zone for Virginian site.** Under this alternative, Council would direct staff to create a new residential zoning district for the Virginian site that is similar to NH-1 but also allows a 4th story and height bonus for Workforce deed-restricted housing. This option would take roughly one year before it could be brought before the Town Council for review and consideration. The reason this option has a longer timeframe than the option above is staff would need additional time to create a new zone before an application could even be submitted.
4. **Other.**

Comprehensive Plan & Priority Alignment

Below are the factors that the Council considered at its regular meeting on February 5, 2024, and its conclusion for each.

Land Development Regulation Text Amendment (P23-618): Pursuant to Section 8.7.2 of the Town of Jackson Land Development Regulations, the advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. Is consistent with the purposes and organization of the LDRs;

Complies. The primary purpose of the LDRs is to implement the goals expressed in the Comprehensive Plan and promote the health, safety, and general welfare of present and future generations. Staff finds that the text amendment meets numerous Comprehensive Plan goals and objectives. Generally speaking, the fourth story bonus allows more opportunity for deed-restricted housing allowing access to stable housing which protects the welfare of our community. This amendment also allows additional housing to be built in complete neighborhoods near services which reduces single-vehicle trips supporting the goals within two of the major Common Values of Community Character: Ecosystem Stewardship and Growth Management. In addition, the fourth story bonus criteria are consistent with the organization of the LDRs as they provide predictable standards similar to those that are already in place in the LDRs, specifically the CR-3 zoning district.

2. Improves the consistency of the LDRs with other provisions of the LDRs;

Complies. Staff finds that the proposed text amendment improves the consistency with other provisions of the LDRs by allowing incentives that are already allowed in other zones such as CR-3. These incentives are consistent with the various efforts made in the 2018 town-wide rezone that also allowed and

encouraged higher densities and housing bonuses. Since the LDRs already allow similar incentives, staff find that the proposed text amendment is consistent with the current tools available to provide flexibility for building workforce housing.

3. *Provides flexibility for landowners within standards that clearly define desired character;*

Complies. Staff finds that the proposed text amendment provides flexibility for certain landowners who qualify for the specified criteria to build additional workforce-restricted housing. As with any bonus, the proposed amendments would allow owners to develop new projects or develop incrementally within an existing development provided they comply with the NH-1 standards and addition criteria. In addition, since these changes are optional and do not apply to all NH-1 zoned properties, staff does not find that there will be a significant impact on the overall character of the zone. Finally, the criteria applicable to these text amendments are clearly defined and do not conflict with other applicable standards.

4. *Is necessary to address changing conditions, public necessity, and/or state or federal legislation;*

Complies. Staff finds that the proposed text amendment is necessary to address a public necessity. With rising living costs, limited land to develop, and a limited housing supply, the need for stable workforce housing in Jackson is at the forefront of public necessity. The fourth story bonus, which is already active in the CR-3 zone, is just one of many existing incentives in place geared at reducing barriers to housing and encouraging denser workforce housing developments. The fourth story bonus incentive will help address the housing needs sooner rather than later while being built within criteria that are appropriate for the desired character of the area.

5. *Improves implementation of the Comprehensive Plan; and*

Not applicable per WY state statute.

6. *Is consistent with other adopted Town Ordinances.*

Complies. The proposed amendment does not conflict with any other Town Ordinances.

Fiscal Impact.

No fiscal impact at this time. However, once the third Ordinance is approved, there will be a cost to publish the Ordinance in Jackson Hole News and Guide.

Staff Impact.

The time spent preparing this staff report and Ordinance was approximately 6-8 hours.

Attachments or Links.

Ordinance P

First Ordinance Reading Staff Report

SUGGESTED MOTION

I move to approve Ordinance P on Second reading.

ORDINANCE P

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1197 (PART), 1217, 1313, 1316, AND 1343, SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 1074 (PART) AND SECTION 2.2.9.A AND 2.2.9.E OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS REGARDING NEIGHBORHOOD HIGH DENSITY-1 (NH-1) AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 1197 (PART), 1217, 1313, 1316, and 1343; Section 2 of Town of Jackson Ordinance No. 1074 (part) and Section 2.2.9.A and 2.2.9.E of the Land Development Regulations are hereby amended and reenacted to read as follows:

2.2.9. NH-1: Neighborhood High Density 1.

A. Intent.

...

2. **Buildings:** Buildings of three or more attached units can be up to three stories in height. Single or multiple detached buildings, each building with multiple units, on a site is common. Incentives are provided to encourage variety in roof pitch, design, and on certain sites a 4th story workforce housing bonus.

...

- ##### E. Additional Zone-specific Standards.
- The following standards apply in addition to all other standards applicable in the NH-1 zone.

...

2. **Workforce Housing Incentive for Additional Height.** A structure may be 48 feet in height and 4 stories provided the following criteria are met.
 - a. The following standards apply to the amount of additional floor area achieved through the increase in structure height; however, the actual floor area to which the following standards apply may be distributed throughout the structure.
 - i. It shall be deed restricted workforce, affordable, or employee housing with an occupancy restriction.
 - ii. It may have an employment and/or price restriction.
 - iii. It shall be exempt from the calculation of affordable housing required but shall not be used to meet the affordable housing requirement for the project.
 - iv. Fourth story may be used for parking that serves the deed restricted residential units.
 - b. The project shall provide the affordable housing required by Div. 6.3. on site.
 - c. The site shall be at least three (3) contiguous acres to provide opportunity for sufficient setback from and building height step down to small scale development.
 - d. The site shall be served by transit within 1/4 mile.

- e. The site shall be within 1/4 mile walking distance from numerous commercial services routinely needed by residents.
- f. The additional building height shall not increase the floor area allowance or decrease the required open space.
- g. For all street facades, the 4th story shall be stepped back a minimum of 10' for at least 40% of the overall façade width. Roofs above the stepped-back portions may encroach a maximum of 3' into the 10' setback.
- h. The site shall be adjacent to a CR-3 zoned property.

(Ord. _____ § 1, 2024; Ord. 1343 § 1, 2023; Ord. 1316 § 1, 2021; Ord. 1313 § 1, 2022; Ord. 1217 § 1, 2019; Ord. 1197 (part) § 1, 2018; Ord. 1074 § 2, 2016)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

This Ordinance shall become effective after its passage, approval, and publication.

PASSED 1ST READING THE _____ DAY OF _____, 2024.

PASSED 2ND READING THE _____ DAY OF _____, 2024.

PASSED AND APPROVED THE _____ DAY OF _____, 2024.

TOWN OF JACKSON

BY: _____
Hailey Morton Levinson, Mayor

ATTEST:

BY: _____
Riley Taylor, Town Clerk

ATTESTATION OF TOWN CLERK

STAFF REPORT



Meeting Date:	February 26, 2024	Meeting Title:	Regular Town Council
Submitting Department:	Planning	Presenter:	Tyler Valentine
Agenda Item:	NH-1 Text Amendment - First Reading of Ordinance P (P23-168).	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is to consider at First Reading Ordinance P which amends the official text of the NH-1 zoning district in the Land Development Regulation (LDR) Section 2.2.9.

Requested Action.

Request to approve Ordinance P to amend the Official Zoning Text of the LDRs to add a Workforce Housing Incentive to the Neighborhood High Density-1 (NH-1) zoning district by allowing a fourth story and height bonus for sites that meet eight specified criteria. The proposed text amendment would modify the following sections of the LDRs:

- Section 2.2.9.A - Intent
- Section 2.2.9.E – Additional Zone-Specific Standards

Recommendations.

The Planning Director recommends **approval** of Ordinance P as presented in the attachment to this staff report.

Background.

Item P23-168 was originally approved by the Town Council (3-2 vote) on January 8, 2024, which had seven criteria required for a site to be qualified for a fourth story in the NH-1 zone. However, at the January 22, 2024, Town Council meeting, the Council unanimously voted (5-0 vote) to reconsider their original January 8th approval of the Text Amendment. The Town Council later reconsidered and approved (3-2 vote) Item P23-168 on February 5, 2024, choosing Option #1d which increased the acreage for qualified sites from two acres to three acres, and added an eighth criteria, Criteria “h”, requiring that qualified sites also be located adjacent to a Commercial Residential-3 (CR-3) zoned property.

Analysis & Key Policy Questions.

On February 5, 2024, the Council approved an LDR Text Amendment to the NH-1 zone to allow a fourth story and workforce housing height bonus for sites that meet eight specified criteria per Option #1d. Prior to a change in the official zoning text becoming official, three ordinance readings are required.

The key issues for this application are whether a zone-wide text amendment is the right approach to allow the intended future development of the Virginian site and whether this approach would create undesired negative impacts on the NH-1 zone as a whole. The Town Council discussed these key issues at the February 5, 2024, Council meeting and found (3-2 vote) that the proposed text amendment was appropriate and would align with the desired future character of the NH-1 zone.

Possible Alternatives.

Potential alternatives to the proposed amendment may include:

1. **Approve Ordinance P with changes.** One potential change could be to increase the 3-acre minimum to something larger such as a 4-acre minimum. Another potential change could be adding or modifying the criteria to address better setting back and stepping down the fourth story.
2. **Not approve Ordinance P and pursue CR-3 Zone with deed restriction to not allow commercial development:** Under this alternative, the Council would pursue a Zoning Map Amendment to change the zoning of the Virginian property from NH-1 to CR-3 and restrict the property to prohibit commercial development/use. This option would take roughly 7-8 months to complete including ordinance readings.
3. **Not approve Ordinance P and pursue creation of new zone for Virginian site.** Under this alternative, Council would direct staff to create a new residential zoning district for the Virginian site that is similar to NH-1 but also allows a 4th story and height bonus for Workforce deed-restricted housing. This option would take roughly one year before it could be brought before the Town Council for review and consideration. The reason this option has a longer timeframe than the option above is staff would need additional time to create a new zone before an application could even be submitted.
4. **Other.**

Comprehensive Plan & Priority Alignment

Below are the factors that the Council considered at its regular meeting on February 5, 2024, and its conclusion for each.

Land Development Regulation Text Amendment (P23-618): Pursuant to Section 8.7.2 of the Town of Jackson Land Development Regulations, the advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. Is consistent with the purposes and organization of the LDRs;

Complies. The primary purpose of the LDRs is to implement the goals expressed in the Comprehensive Plan and promote the health, safety, and general welfare of present and future generations. Staff finds that the text amendment meets numerous Comprehensive Plan goals and objectives. Generally speaking, the fourth story bonus allows more opportunity for deed-restricted housing allowing access to stable housing which protects the welfare of our community. This amendment also allows additional housing to be built in complete neighborhoods near services which reduces single-vehicle trips supporting the goals within two of the major Common Values of Community Character: Ecosystem Stewardship and Growth Management. In addition, the fourth story bonus criteria are consistent with the organization of the LDRs as they provide predictable standards similar to those that are already in place in the LDRs, specifically the CR-3 zoning district.

2. Improves the consistency of the LDRs with other provisions of the LDRs;

Complies. Staff finds that the proposed text amendment improves the consistency with other provisions of the LDRs by allowing incentives that are already allowed in other zones such as CR-3. These incentives are consistent with the various efforts made in the 2018 town-wide rezone that also allowed and

encouraged higher densities and housing bonuses. Since the LDRs already allow similar incentives, staff find that the proposed text amendment is consistent with the current tools available to provide flexibility for building workforce housing.

3. *Provides flexibility for landowners within standards that clearly define desired character;*

Complies. Staff finds that the proposed text amendment provides flexibility for certain landowners who qualify for the specified criteria to build additional workforce-restricted housing. As with any bonus, the proposed amendments would allow owners to develop new projects or develop incrementally within an existing development provided they comply with the NH-1 standards and addition criteria. In addition, since these changes are optional and do not apply to all NH-1 zoned properties, staff does not find that there will be a significant impact on the overall character of the zone. Finally, the criteria applicable to these text amendments are clearly defined and do not conflict with other applicable standards.

4. *Is necessary to address changing conditions, public necessity, and/or state or federal legislation;*

Complies. Staff finds that the proposed text amendment is necessary to address a public necessity. With rising living costs, limited land to develop, and a limited housing supply, the need for stable workforce housing in Jackson is at the forefront of public necessity. The fourth story bonus, which is already active in the CR-3 zone, is just one of many existing incentives in place geared at reducing barriers to housing and encouraging denser workforce housing developments. The fourth story bonus incentive will help address the housing needs sooner rather than later while being built within criteria that are appropriate for the desired character of the area.

5. *Improves implementation of the Comprehensive Plan; and*

Not applicable per WY state statute.

6. *Is consistent with other adopted Town Ordinances.*

Complies. The proposed amendment does not conflict with any other Town Ordinances.

Fiscal Impact.

Staff is not aware of any current fiscal impacts with this Text Amendment.

Staff Impact.

The time spent preparing this staff report and Ordinance was approximately 6-8 hours.

Attachments or Links.

Ordinance P

Staff report from February 5, 2024, Council meeting

SUGGESTED MOTION

I move to approve Ordinance P on first reading.