TETON COUNTY, IDAHO ORDINANCE NO. 2026-04-27

AN ORDINANCE OF TETON COUNTY IDAHO; AMENDING THE TETON COUNTY LAND DEVELOPMENT CODE TO ADD A DRIVE-IN THEATER USE; AMENDING SECTION 3-2-2 OF THE TETON COUNTY LAND DEVELOPMENT CODE; ADDING A DRIVE-IN THEATER USE TO THE USE TABLE THEREIN; RE-NUMBERING SECTIONS 3-6-7 THROUGH 3-6-14 OF THE TETON COUNTY LAND DEVELOPMENT CODE TO INCREASE THE NUMBER OF EACH SECTION BY ONE; ENACTING A NEW SECTION 3-6-7 OF THE TETON COUNTY LAND DEVELOPMENT CODE; ALLOWING AND PROVIDING STANDARDS FOR DRIVE-IN THEATER USES; PROVIDING METHODOLOGY; PRESERVING PRIOR ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Teton County, in accordance with Idaho Code and the provisions of the Teton County Land Development Code, has received a request to add a drive-in theater as a new principal use of land;

WHEREAS, a drive-in theater use represents a use historically allowed in Teton County, but never formally included as a listed use or included in the Teton County Land Development Code, and which has been supported by the community; and

WHEREAS, after considering the recommendation of Teton County Planning and Zoning Commission and after a public hearing by the Teton County Board of County Commissioners, the County has taken into account all of the public input in regard to this proposed use.:

NOW, THEREFORE, BE IT ORDAINED BY THE TETON COUNTY, IDAHO, BOARD OF COUNTY COMMISSIONERS:

Section 1: Amendment of Section 3-2-2 of the Teton County Land Development Code. Section 3-2-2 of the Teton County Land Development Code, and specifically the Use Table, also referred to as Table 2, is hereby amended to add "Drive-In Theater" under the heading of "Principal Commercial Uses" (in alphabetical order), to read as follows:

Use Category/Specific Use	R-A 35	L-A-35	FH-10	FH-20	RR-20	RN-5	IR	AOI2.5, AOI-20	Definition/Standards
Key: P=Permitted L= Limited Use S=Special Use A= Permitted Accessory Use --= Use Not Permitted									
Drive-In Theater	--	--	--	--	--	S	S	--	Section 3-6-7

Section 2: Amendment of Sections 3-6-7 through 3-6-14 and Section 3-2-2 of the Teton County Land Development Code.

Section 2(A): Sections 3-6-7 through 3-6-14 of the Teton County Land Development Code are hereby amended to increase their number by one; thus, Section 3-6-7 hereafter becomes Section 3-6-8, Section 3-6-8 hereafter becomes Section 3-6-9, and so forth, through Section 3-6-14, which hereafter becomes Section 3-6-15.

Section 2(B): Section 3-2-2 of the Teton County Land Development Code, and specifically the Use Table, also referred to as Table 2, is hereby amended to change the referenced "Definition/Standards" for each item referencing Sections 3-6-7 through 3-6-14, the reference to each section number shall be increased by one in accordance with Section 2(A), above, so that the current reference to Section 3-6-7 hereafter references Section 3-6-8, the current reference to Section 3-6-8 hereafter references Section 3-6-9, and so forth, through the reference to Section 3-6-14, which hereafter references Section 3-6-15.

Section 3: Enactment of a new Section 3-6-7 of the Teton County Land Development Code. A new Section 3-6-7 of the Teton County Land Development Code is hereby enacted, to read as follows:

3-6-7 Drive-In Theater

A. Defined

An open-air theater facility for presenting, showing, or performing films, motion pictures, movies, or other entertainment, including, but not limited to, live or recorded theatrical or musical performances, to patrons primarily seated in motor vehicles or other vehicles. A drive-in theater use may include a screen tower, a projection room/facility, ticketing booths, concession facilities, a restaurant with dining, administrative and office spaces, and employee housing. A bona fide drive-in theater generally open to the public and operating with consistent commercially reasonable business hours may also be used as a special event facility, the parameters of which are to be determined as part of the Special Use Permit.

B. Special Use Standards

1. Minimum lot size of three (3) acres.

2. Connection to, and service from, a public wastewater treatment facility owned and controlled by a municipality or a public utility provider is required.

3. Any screen tower for the display of films, motion pictures, movies, or other entertainment must be located at least 75 feet from all street right-of-

way lines, and screen towers may be constructed at a height of up to 60 feet in any zoning district.

4. The viewing projection surface of any screen tower for the display of films, motion pictures, movies, or other entertainment shall be oriented away from the primary public right-of-way.

5. Hours of open operations shall be established in the Special Use Permit review.

6. All lighting and illumination of outdoor facilities, including any screen tower, shall be turned off when the drive-in theater is not actively in use and open for operation.

7. Amplified sound systems are permitted, but shall be designed, constructed, and maintained to minimize off-site noise.

8. Notwithstanding anything to the contrary in this LDC, parking lot landscaping, parking lot lighting, parking lot buffer, and driveway access standards shall not apply.

9. The Scenic Corridor overlay development standards and review process are not applicable.

10. With the exception of vehicle and pedestrian entrances and exits, the perimeter of a drive-in theater facility must be fully enclosed with code-compliant fencing.

11. Parking minimums apply, but there shall be no limit on the maximum number of parking spaces or lot coverage.

12. If applicable, any commercial kitchen facility requires additional review and approval from EIPH prior to operation.

13. Notwithstanding anything to the contrary in this LDC, digital marquee signage is permitted on the back side of any screen(s) erected for the display of films, motion pictures, movies, provided that such signage shall not have scrolling, flashing, or moving messages. The height, sign area, and dimensions of such digital marquee signage may be constructed in excess of any applicable standards with written approval from the planning administrator in connection with the sign permitting requirements and procedures.

14. Buffering and screening shall be required for adjacent residential parcels or parcels with a lower intensity of use as determined in the Special Use Permit.

Section 4: Methodology. Text that is underlined in the preceding sections means new text added to the former Ordinance or County Code Section, and text that is stricken through means text that is being deleted from the former Ordinance or Code Section. Text that is moved from one location in the former Ordinance or Code Section to another location is similarly shown as underlined text, being stricken through in its prior position.

Section 5: Preservation of Prior Ordinance. The sections of the Teton County Code repealed and/or amended by this Ordinance shall be preserved to the extent necessary to allow the arrest, prosecution, punishment, and indebtedness of any person who violates such provisions prior to the effective date hereof.

Section 6: Severability. If any section, subsection, sentence, clause, or phrase of this title is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title and they shall remain in full force and effect.

Section 7: Effective Date. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED and APPROVED by the Teton County Board of County Commissioners on this _____ day of _____, 2026.

_____
Board of County Commissioners, Chair

Attest by:

_____ _____
CLERK Signature Date