

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
TUESDAY, FEBRUARY 25, 2014  
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

**AGENDA**

1. Call to Order by Chair Justin Lundvall
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the February 11, 2014 –Regular Meeting
6. TABLED ITEMS:  
Approval of Minutes of the January 28, 2014 –Regular Meeting
7. NEW BUSINESS:
  - A. Zoning Ordinance Amendment—Accessory Dwelling Units.  
Review draft ordinance amending City of Cody Code 11-1-1, Definitions, and adding a new section 10-11-2, Accessory Dwelling Units.
  - B. Board and Staff review of Draft Master Plan  
Review materials (particularly maps) and discuss in preparation for upcoming public hearings on March 4, 2014.
8. APPROVED SIGN APPLICATIONS:
  - A. Hanger Clinic at 1732 Sheridan Avenue (Freestanding sign).
9. P&Z Board Matters (announcements, comments, etc.)
10. Council Update: Steve Miller
11. Staff Items:
12. Adjourn

The public is invited to attend all Planning, Zoning and Adjustment Board meetings. If you need special accommodations to participate in the meeting, please call the City office at (307) 527-7511 at least 24 hours in advance of the meeting.

**City of Cody**  
**Planning, Zoning and Adjustment Board**  
**Tuesday, February 11, 2014**

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of City Hall in Cody, Wyoming on Tuesday, February 11, 2014 at 12:00 PM

Present: Justin Lundvall, Chairperson; Justin Ness, Vice Chairperson; Buzzy Hassrick; Kim Borer; Bob Senitte; Mark Musser, Steve Miller, Council Liaison; Sandra Kitchen, Deputy City Attorney; Todd Stowell, City Planner; Utana Dye, Certified Engineering Technician II.

Absent: Brad Payne

Chairperson Justin Lundvall called the meeting to order at 12:00PM, followed by the pledge of allegiance.

Mark Musser made a motion seconded Justin Ness to approve the agenda. Vote on the motion was unanimous, motion carried.

Kim Borer made a motion seconded by Buzzy Hassrick to table the minutes until the corrections are made for the January 28, 2014 meeting. Vote on the motion was unanimous, motion carried.

**PRESENTATION OF COMMUNICATIONS:**

Justin Ness recused himself from the following application.

Todd Stowell presented the staff report outlining the proposal by Cody Land Development Company for the Final Plat of the CDLC Major Subdivision located on 2AB. The property is approximately 119 acres in size and located along both sides of Road 2AB. With the exception of the hillside area on what is now Lot 5, which is zoned Industrial "E", all of the subdivision is zoned Heavy Industrial.

The final plat is slightly different from the approved version of the preliminary plat in the following ways:

- A. One lot has been eliminated: What were Lots 3 and 4 is now Lot 4, and Lot 10 was relabeled as Lot 3.
- B. Lot boundaries north of the Harris Trucking lot have been rearranged (Lot 5 now contains the hillside in that area).
- C. A new 10' natural gas easement is provided behind the 10' utility easement on the north side of 2AB (the natural gas line route is now planned along 2AB).
- D. The 40-foot access and utility easement (Easement 2) has been removed from the area west of the access road to the City water tower; the remaining 40-foot access and utility easement is now entirely south of the 20-foot Rocky Mountain Power easement (it was north of the power line).

Additional differences simply relate to identification and labeling of easements and the conditions of preliminary plat approval.

Kim Borer made a motion seconded by Mark Musser to approve the modifications to the preliminary plat of the CLDC subdivision on Road 2AB.

Vote on the motion was unanimous, motion carried.

Kim Borer made a motion second by Buzzy Hassrick to recommend approval of the final plat for the CDLC Subdivision on Road 2AB to the City Council and have the Planning and Zoning Board chairman sign the final plat mylar, subject to the following conditions:

1. Add a note to the final plat reflecting the utility situations—something to the following effect:  
*At the time of recording of this subdivision, all lots except Lot 5 have water services and all lots except Lots 3 and 5 have sewer services. It is the responsibility of the developer to provide a water service and sewer service to Lot 5. Installation of the services must occur prior to, or in conjunction with, development of Lot 5. A variance was granted for no sewer service line for Lot 3. No natural gas services have been provided. It is the responsibility of the developer to complete the gas main and gas service installations as determined by Energy West. Installation of electrical power services is explained in Variance #5.*
2. Payment of a minimum ¾" water tap fee for Lot 5, in the amount of \$1,000.00, must be made prior to the mayor signing the final plat.
3. Payment of the electrical estimate in the amount of \$15,006.84 must be made prior to the mayor signing the final plat.
4. The vacation of the unused city water line easement must occur prior to the plat being recorded as is; or, the plat needs to reflect the easement as existing.

Vote on the motion was unanimous, motion carried.

Justin Ness rejoined the meeting.

Todd Stowell presented the staff report outlining the site plan review for Tractor Supply Company located at what has been 324 and 330 Yellowstone Avenue.

Dave Schultz and Brian Hedrick from Sage Civil Engineering were present to discuss the site plan. They discussed the irrigation plan. They can't speak for the types of the trees that go along the eastside of the building. They will go back and suggest to the client evergreens or something that would stay green all year around. There will be another entity that will be submitting the signage for the Tractor Supply.

Todd responded to a question about the headlight screen mentioned in the staff report, indicating that the headlight glare from the vehicles in the north parking area could cause inconvenience and confusion for people exiting the east Walmart exit. It is something for the board to discuss.

Kim Borer made a motion seconded by Buzzy Hassrick to approve the site plan as submitted by Tractor Supply Company with the following conditions:

1. Provide an updated site plan that contains all clarifications and modifications noted in the staff report, including: parking space length, ADA stall width, adjusting the water valves and manhole to finished grade, stop signs, sleeves for taking irrigation water to the landscaped areas, seeding the disturbed hillside with native grasses, and showing the building entryways.
2. Coordinate dumpster numbers and locations with the sanitation division.
3. The landscaped areas must be provided with an automatic watering system and maintained in a healthy manner.
4. Combine the parcels through the County Assessor's office prior to issuance of the building permit.
5. The project must otherwise comply with the site plan and applicable building, fire, and electrical codes.

6. The storm water facilities are to be inspected and certified by the applicant's engineer that they were completed according to approved plans, prior to issuance of a certificate of occupancy.
7. The board is not approving the sign above the door on the building.
8. The freestanding sign is 25' feet in height.
9. That evergreen trees be added to the eastside of the building.

Buzzy Hassrick, Kim Borer, Mark Musser, Justin Lundvall, and Bob Senitte were in favor. Justin Ness opposed. Vote on the motion carried.

P&Z Board Matters- Justin Ness asked for a landscape ordinance to be drafted.

Council Update by Steve Miller-Will get the landscape ordinance going.

Staff Items:

The updated draft Master Plan will out for review by the end of the day or tomorrow. The Master Plan can be viewed on the website and copies will be made available for the public. There will be two public meetings on Tuesday, March 4<sup>th</sup> in the Council Chambers. The times for those meetings will be at 12:00 PM and 7:00PM.

Introduce Draft Accessory Dwelling Ordinance- this ordinance pertains to accessory apartments. Todd will provide copies to the Board, and asks that they review the ordinance for future discussion.

Rain Barrel Project by the Nature Conservancy. The Nature Conservancy is working with business owners to place hand-painted rain barrels at six commercial locations around town. They are being used to water small gardens. There won't be any placed on the Sheridan Avenue sidewalk. Todd just want to inform the board of the project. This is not something the board has to review.

Mark Musser made a motion seconded by Justin Ness to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the board, Chairperson Justin Lundvall adjourned the meeting at 1:08PM.

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Utana L. Dye  
Certified Engineering Technician II

**City of Cody**  
**Planning, Zoning and Adjustment Board**  
**Tuesday, January 28, 2014**

A regular meeting of the Cody Planning, Zoning and Adjustment Board was held in Council Chambers of City Hall in Cody, Wyoming on Tuesday, January 28, 2014 at 12:00 PM

Present: Justin Lundvall, Buzzy Hassrick; Brad Payne; Kim Borer; Bob Senitte; Steve Miller, Council Liaison; Sandra Kitchen, Deputy City Attorney; Todd Stowell, City Planner; Utana Dye, Certified Engineering Technician II;

Absent: Mark Musser, Justin Ness

Chairperson Justin Lundvall called the meeting to order at 12:01PM, followed by the pledge of allegiance.

Kim Borer made a motion seconded Bob Senitte to approve the agenda. Vote on the motion was unanimous, motion carried.

Buzzy Hassrick made a motion seconded by Bob Senitte to approve the minutes of the January 14, 2014. Vote on the motion was unanimous, motion carried.

**PRESENTATION OF COMMUNICATIONS:**

Todd Stowell presented the staff report outlining the sign plan for Zapata's Restaurants located at 1362 Sheridan Avenue, within the downtown sign district. He discussed the sign types, locations, and sizes meet the requirements for the downtown sign district in which the property is located. The total size of all proposed Zapata's signage is about 38.7 square feet. The downtown sign district permits 50 square feet of awning signage, with no individual sign larger than 25 square feet. The awning and signs are of professional quality and represent an upgrade to the weathered existing awning.

Bob Senitte made a motion seconded by Kim Borer to approve the sign plan as submitted by Zapata's Restaurant located 1362 Sheridan Avenue. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the sign plan for The Hatch located at 1390 Sheridan Avenue, in the downtown sign district. He discussed the type, location and size of each sign meets the requirements for the downtown sign district in which the property is located. The total size of all attached wall signs would be about 50 square feet where 285 square feet is allowed. The total proposed size of the freestanding sign is less than 40 square feet per face where 240 square feet is allowed.

Bob Senitte made a motion seconded by Kim Borer to approve the sign plan as submitted by The Hatch located at 1390 Sheridan Avenue. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the sign plan by Buffalos Bill's Cody Motor Lodge located at 1455 Sheridan Avenue, in the downtown sign district. The proposed sign, being 56 square feet in size on each side, is well within the 240 square feet that may be permitted. It is also smaller than the existing sign. The main panel of the sign is professionally designed and contains the Buffalo Bill logo, which with the rustic brown background adds western character to the sign.

The electronic message board sign is subject to the specific requirements of the ordinance, which was reviewed. Because the sign will overhang the right-of-way, an encroachment permit is needed from WYDOT before the sign can be installed.

Kim Borer made a motion seconded by Bob Senitte to approve the sign plan located at 1455 Sheridan Avenue subject to WYDOT encroachment permit approval. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the proposal by Jerry Thiel & Sons Construction for the proposed Final Plat of the J and K Major Subdivision. The construction plans have been reviewed by public works, electrical, and planning staff and appear to meet City standards and conditions of the preliminary plat approval. The final plat drawing appears to contain all items required by the subdivision ordinance and to be filed with the county clerk. The water and sewer plans have been approved by WY Dept. of Environmental Quality (DEQ).

David Bergh of GDA Engineers answered questions from the board regarding the clarification of Lots 11 and 12 containing duplexes and the other lots single-family homes. Also, that along 29<sup>th</sup> Street only living trees that are not in the way of construction will remain.

Kim Borer made a motion seconded by Bob Senitte to approve the final plat as presented with the conditions as stated for J&K Final plat on the east side of 29<sup>th</sup> Street.

Kim Borer amended her motion to include approval of the maintenance agreement by the City Attorney. The motion was seconded by Bob Senitte. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the exception for a nonconforming building or use that has existed 5+ years Residence at 808 Aspen Drive (24.7' setback where 25' minimum required.) In effect, the property owner and the lender need assurance that the existing situation will not be subject to enforcement action by the City, and that it may continue as is.

Kim Borer made a motion seconded by Buzzy Hassrick to grant the "exception and variance" to permit the 808 Aspen existing house to remain where it is with a 24.7 setback. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the exception for a nonconforming building or use that has existed 5+ years—the Moose Creek Lodge Annex at 1014 10<sup>th</sup> Street (D-2 use in D-1 zone). In effect, the property owner and the lender need assurance that the use of the building as a hotel may continue. An encroachment issue on the Park county title property was noted and it was recognized that the Board approval would be limited to zoning authorization only—not building code, fire code, or issues pertaining to encroachment.

Ira Fellows Moose creek lodge and suites owner explained how the encroachment came about and stated that no one has had issues with the 7' encroachment.

Bob Senitte made a motion seconded by Kim Borer to approve the application for the use of the building for the Moose Creek Lodge Annex at 1014 10<sup>th</sup> Street to be used as a hotel unit. Buzzy Hassrick opposed the motion; Kim Borer, Justin Lundvall, Brad Payne, and Bob Senitte were for. Vote on the motion carried.

Tabled item:

Brad Payne made a motion seconded by Kim Borer to remove the Zoning Ordinance Amendment-Nonconforming Buildings, Uses, and Lots from the table. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report outlining the Zoning Ordinance Amendment –Nonconforming Buildings, Uses, and Lots and summarized the different nonconforming situations and procedures.

Questions from the Board were answered pertaining to the process for enlarging a non-conforming building that may or may not meet setbacks (question about 10-13-4a was answered in 4b), what process there was for increasing a nonconforming use (10-13-5), and the consistency in time to obtain a permit to re-establish a non-conforming situation. Kim asked to make sure the language is clear on these two sections.

Kim Borer made a motion second by Bob Senitte to recommend to City Council the Zoning Ordinance Amendment-Nonconforming Buildings, Uses, and Lots. Vote on the motion was unanimous, motion carried.

Tabled Items:

Brad Payne made a motion seconded by Kim Borer remove the Minutes from the December 10, 2013 meeting from the table. Vote on the motion was unanimous, motion carried.

Amend the minutes on Page 5 paragraph 6. Kim made a motion second by B. Take out the letter B and add second by recommendation.

Kim made a motion seconded by Bob Senitte to approve the December 10<sup>th</sup> meeting with the corrections as stated. Vote on the motion was unanimous, motion carried.

Council Update by Steve Miller-None.

Master Plan Update—is head to the board shortly. The Subcommittee is taking one last look within a week or so. Then full P&Z and council review. March public hearing.

Glen Borkenhagen located at 2603 Newton Avenue. Lot restriction on J & K Subdivision if it is the board's intention that the restriction is to persist through the years then a note needs to appear on the plat and it will be recorded at the courthouse. Right now the note is on the construction plans and would not be made available to the purchase of the lot down the road. They need to place a note on the final plat so that the restriction gets recorded. He would like to see where you have a number of conditions to go through needs to have the recorder prepare everything in a written format and project it onto the screen. So everyone knows what they are talking about so the audience can see what the board is voting on. What is a single owner duplex? One owner that owns both side of the duplex or owner occupied duplexes where each owner would own each individual side. The duplex would be on one lot. One person would own the building and it would not be divided.

Bob Senitte made a motion second by Buzzy Hassrick that we recommend to staff to bring this to the attention of the City Council upon it being present for their approval. Specification that lot 10 be added as a note on the final plat as a single family resident and Lots 11 and 12 are the only two lots qualified as a single owner duplexes on them. Vote on the motion was unanimous, motion carried.

Brad Payne made a motion seconded by Kim Borer to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the board, Chairperson Justin Lundvall adjourned the meeting at 1:14PM.

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Utana L. Dye  
Certified Engineering Technician II

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**CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
STAFF REPORT**

<b>MEETING DATE:</b>	FEBRUARY 25, 2014	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	PROPOSED ORDINANCE: ACCESSORY DWELLING UNITS	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	X

**BACKGROUND:**

Accessory dwelling units are also referred to as accessory apartments, pool houses, granny flats, guest houses, mother-in-law apartments, etc. and consist of complete dwellings (living and cooking areas) occupied independently from the main residence on the property. There are many existing accessory dwelling units (ADUs) throughout all zoning districts of the City. However, the topic is not clearly established in the zoning ordinance.

Under the present zoning ordinance an accessory dwelling unit located within the same structure as the primary residence can simply be considered a duplex or two-family dwelling, which is permitted in the A, B, C, F-2, T, D-1, D-2, and D-3 zoning districts; provided it meets the minimum dwelling size of 864 square feet found in subsection 10-11-1(A) of the zoning code. However, the minimum size requirement has been criticized as excessive for accessory dwelling unit purposes, and many units exist that are much smaller.

The city has also received many inquiries about establishing accessory dwelling units in the Residential AA zoning district, indicating at least some demand. However, such option does not currently exist in the AA zoning district regulations.

There is also the question as to whether the "lot size per family" standards apply to accessory dwelling units. For example, the 7,000 square feet of lot required per "family" (dwelling) in the Residential A zone would appear to mean that a minimum of 14,000 square feet is required if the owner is to have a primary dwelling and accessory dwelling on the same lot. Again, most existing situations do not comply with the "lot size per family" standard.

**PROCEDURE:**

***10-5-1, City Council Authority***

*The city council may by ordinance at any time, on its own motion or petition, or upon the recommendations by the planning and zoning commission, amend, supplement or change the regulations or districts herein or subsequently established; provided, however, that a public hearing shall first be held in relation thereto, after one publication*

*of notice of the time, place and purpose of such hearing, in an official newspaper, at least fifteen (15) days prior to such hearing.*

The public hearing is traditionally held at the City Council level.

**STAFF COMMENTS:**

I would hope that the Planning and Zoning Board would look at Accessory Dwelling Units (ADUs) as an overall benefit to the community that is responsive to the needs of its citizens. The evidence of demand for ADUs in Cody exists in the fact that there are already a number of them in the City. If there is a continuing market need, as I perceive there is, the City can choose to encourage the development of ADUs by adopting provisions for such. Specific benefits may include: supplemental income to retired or struggling homeowners; opportunities for secondary living quarters for relatives or friends in need; opportunities for care giver situations—elderly assistance; and workforce housing.

This being said, the Board should not think that by formally authorizing ADUs that they will pop up everywhere. Typically, only a small percentage of homeowners utilize the opportunity for ADUs.

The following draft regulations have been prepared with the thought that ADUs can be categorized as permitted uses in all residential zoning districts, without any special review process, provided the standards are clearly established to ensure compatibility with neighboring properties 90+% of the time. The draft regulations were reviewed and modified by a subcommittee of board members last fall.

One of the requirements added by the subcommittee is the second paragraph of subsection 10-11-2(2)(j). While seemingly a good idea, it would be a very difficult requirement to enforce. If the Board desires enforcement of this requirement, then I have two ideas that may help. One idea is that the ordinance also create a registration process for ADUs subject to that subsection, where the property owner would need to certify on a regular (annual? bi-annual?) basis that they are in compliance. The other idea is that when an ADU is approved, that notice be sent to the immediate neighbors with a list of the restrictions that pertain.

**The following represents the proposed ordinance amendments:**

**I. NEW DEFINITIONS (Add to Section 10-1-1 of the Zoning Ordinance)**

**Accessory Dwelling Unit (ADU):** "Accessory Dwelling Unit" (ADU) is an independent, self-contained dwelling unit within or attached to a single-family dwelling or building accessory thereto. An ADU that complies with the zoning ordinance is considered a separate land use for purposes of zoning definition and classification, such that it shall not individually constitute a single-family dwelling or cause a single-family dwelling in which it is located to be considered a two-family dwelling (duplex), as the ADU is clearly subordinate to the primary dwelling unit, both in use and appearance. Mobile homes, manufactured homes, recreational vehicles and temporary structures shall not be used as Accessory Dwelling Units.

**Dwelling:** A building, structure, or portion thereof, designed or used exclusively for residential occupancy. Dwellings are further classified by the number of dwelling units (e.g. two-family dwelling) and configuration (attached or detached).

**Dwelling Unit:** "Dwelling Unit" means a single residential unit providing complete and independent living facilities for one or more persons living as a single household, including lawful facilities for cooking, eating, sleeping and sanitation reserved solely for the occupants thereof.

## II. **MODIFIED DEFINITIONS** (Underline is new and strikethrough is deleted):

**Dwelling, One-Family Detached:** A building containing one dwelling unit; or, a building containing one dwelling unit and an accessory dwelling unit.  
~~A dwelling house detached from any other building, designed for the use of one family only, and having not to exceed one kitchen, one meter for measuring gas, and one meter for measuring electric current, and one water meter. At any time that a one-family dwelling is altered, remodeled or added to in any way to provide for more than one housekeeping unit, it shall thereupon be classed as a two-family dwelling, as the case may be.~~

## III. **REGULATIONS**

*(Insert into Chapter 10-11, Restrictions and Limitations— and change name of chapter to "Supplemental Development Standards".)*

**10-11-2 Accessory Dwelling Units. (ADUs)** Accessory dwelling units established in conformance with the provisions of this section may be allowed as specified by the applicable zoning district.

1. An accessory dwelling unit, where permitted, may be located only in one of the following manners:
  - a. Within a detached single-family dwelling, either initially at time of construction, or anytime thereafter.
  - b. Within an addition to a detached single-family dwelling.
  - c. Above or within a residential garage or other building accessory to a detached single-family dwelling.
  - d. Within an accessory building on the same parcel as a detached single-family dwelling unit.
2. Development standards. Accessory Dwelling Units (ADUs) shall comply with the following development standards, in addition to those of the specific zoning district in which the property is located.
  - a. Lot Area, Dwelling Size, and Density. The minimum lot size required for an accessory dwelling unit (ADU) is 7,000 square feet. Accessory dwelling units are not subject to the minimum dwelling size requirement of the zoning ordinance and are not included in the density calculations ("lot area per family") for a lot.
  - b. Number. Only one accessory dwelling unit (ADU) per lot may be permitted and the ADU must be accessory to a detached single-family

- dwelling. A lot already occupied by two or more dwellings is not permitted to have an accessory dwelling unit.
- c. Height and Setbacks. A single-story ADU that does not exceed fifteen feet in building height is subject to the setback standards applicable to private garages. ADU structures that are taller than fifteen feet in building height shall conform to setback standards applicable to a primary residence.
  - d. Lot coverage. The footprint of a proposed building containing an ADU that is structurally detached from the primary residence may cover up to 20% of the lot.
  - e. Living Area. The total living area of an ADU may not exceed seventy-five percent of the living area of the primary dwelling, or 800 square feet, whichever is less, with the following exception: When the ADU will be located on one level of an existing house (e.g. basement), and it is not readily feasible to limit the ADU to a portion of that level, then the full level may be utilized by the ADU. Qualification for such exception shall be determined by the City Planner.  
For ADU-related purposes, living area is calculated by excluding the following from the gross square footage of the building:
    - 1. The exterior walls.
    - 2. Garages.
    - 3. Basements with less than 6'8" ceiling height; and,
    - 4. Other areas with ceiling height less than five feet.
  - f. Type of Construction. All ADUs are to be of conventional site-built construction and meet the requirements of the adopted building code for residential dwellings. Mobile homes, manufactured homes, recreational vehicles and temporary structures shall not be used as ADUs.
  - g. Bedrooms. An ADU may not contain more than two bedrooms/sleeping areas.
  - h. Parking. An ADU must have a minimum of one off-street parking space, when located outside of the downtown parking district. Any required existing parking may not be displaced by the ADU, unless such parking is replaced elsewhere on the lot.
  - i. Entrances. Within the Residential AA zoning district, only one entrance may be located on the front face of the house. Entrances set back at least twelve feet from the nearest portion of the front of the house are not considered to be on the front face.
  - j. Owner Occupancy. Within the Residential AA and A zoning districts, the owner of the property must utilize the primary dwelling unit or ADU as their primary residence. The units shall not both be occupied unless this is the case. Prior to the issuance of a permit to establish an accessory dwelling unit in the AA or A zone, the property owner is to record a deed restriction with the Park County Clerk's office to this effect. The document must be in a form prescribed by the City and include a description of the location and size of the ADU.  
In addition, within the Residential AA zoning district, occupancy of the ADU by other than the property owner is limited to a person (and their household) that provides or receives a direct non-monetary benefit

- to/from the property owner, such as a personal caregiver, groundskeeper, housekeeper, nanny, relative, or house guest). Notice of this restriction is to be included in the deed restriction noted in "i" above.
- k. Short term rental. An ADU may be utilized as a short term rental when located in a zoning district that permits short term rentals, provided applicable short term rental requirements are met.
  - l. Utilities. Both the primary dwelling and the ADU must be connected to public sewer and public water, and be served with a functional fire hydrant meeting applicable requirements for distance to the dwellings.
  - m. Any home occupation within an ADU shall be limited to the home occupation standards of the Residential AA district.
  - n. Addressing. The ADU will be assigned an individual address, which must be posted as required by code.

#### **IV. USE CLASSIFICATION**

Add a new Section 10-7A-1(F) to City of Cody Code:

"Accessory Dwelling Unit, subject to Section 10-11-2."

*(Note: This adds the use to the Residential AA zoning district, which automatically permits ADUs in the A, B, C, F-2, T, RR, D-1, D-2, and D-3 zoning districts.)*