

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
TUESDAY, OCTOBER 27, 2015  
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

**AGENDA**

1. Call to Order by Chairman Justin Lundvall
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the October 13, 2015 Regular Meeting
6. TABLED ITEM:
  - A. Special Exemption Request: Yellowstone Gift Shop signs at 1237 Sheridan Avenue. (Note: Applicant requests continuance to December 8, 2015 meeting.)
7. NEW BUSINESS:
  - A. Plat Amendment: Reconfigure Lots 7 and 8 of the CLDC Subdivision, located on the north side of Road 2AB—The Cody Labs warehouse and vacant property to east.
8. ZONING COMMITTEE DISCUSSION-Review draft definitions and residential land use table.
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, October 13, 2015**

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, October 13, 2015 at 12:00 PM

Present: Justin Ness-Chairperson; Reese Graham; Buzzy Hassrick; Sandee Kitchen, Assistant City Attorney; Steve Miller, Council Liaison; Todd Stowell, City Planner; Lynn Stutzman, Engineering Administrative Asst.

Absent: Mark Musser; Justin Lundvall; Curt Dansie

Chairperson Justin Ness called the meeting to order at 12:16 PM, followed by the pledge of allegiance.

Buzzy Hassrick made a motion, seconded by Brad Payne, to approve the agenda. Vote on the motion was unanimous, motion carried.

Buzzy Hassrick made a motion, seconded by Reese Graham, to approve the minutes for the September 22, 2015 meeting. Vote on the motion was unanimous, motion carried.

**NEW BUSINESS:**

Buzzy Hassrick made a motion, seconded by Reese Graham, to remove from the table the downtown sign review for "The Buckin Burger" located at 1385 Sheridan Avenue. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the downtown sign review for "The Buckin Burger" located at 1385 Sheridan Avenue. Todd added the information about the logo design for the new sign.

Buzzy Hassrick made a motion, seconded by Reese Graham, to approve the downtown sign review for the Buckin Burger located at 1385 Sheridan Avenue. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the Buffalo Bill Center of the West Dining Facility located at 720 Sheridan Avenue.

Brad Payne made a motion, seconded by Reese Graham, to approve the Buffalo Bill Center of the West Dining Facility located at 720 Sheridan Avenue with the following conditions:

1. Prior to issuance of a certificate of occupancy, the drainage facilities must be inspected and certified by the applicant's engineer that they were completed according to approved plans.
2. The project must otherwise comply with the site plan and applicable building, fire, and electrical codes.

Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the Special Exemption Request from the Yellowstone Gift Shop located at 1237 Sheridan Avenue, to allow all existing exterior signage to be permitted.

Chairman Ness opened the public hearing at 12:31 p.m. No comments were received. Chairman Ness closed the public hearing at 12:31 p.m.

Additional details regarding the application were presented by Todd Stowell. Colin Simpson, representing the applicant, held discussion with the Board.

Buzzy Hassrick made a motion, seconded by Brad Payne, to table the Special Exemption Request for the Yellowstone Gift Shop located at 1237 Sheridan Avenue until the next Planning and Zoning meeting. Vote on the motion was unanimous. Motion carried. The applicant may wish for the matter to be continued to December 8, 2015 at the next meeting.

Todd Stowell presented the staff report for the Preliminary and Final Plat of Shaw Minor Subdivision to create three lots south of the Cougar Avenue and 22<sup>nd</sup> Street Intersection.

Brad Payne made a motion, seconded by Reese Graham, to recommend that the City Council grant the requested variance to transfer the water rights to a private party, and approve the Preliminary and Final Plats of the Shaw Minor Subdivision with the following conditions:

1. Dedicate the existing utility and public access easement along the east side of the property as a right-of-way (alley); and, physically relocate Glen Avenue to be within the dedicated alley. The final plat certificate and map must be updated to include the right-of-way dedication.
2. Note that the applicable building setback from the east side of Lot 3 is five feet.
3. Relocate the storage shed to meet setback requirements, prior to the mayor signing the final plat.
4. Otherwise complete the improvements required by the subdivision ordinance and as noted on the preliminary plat. The electrical estimate and the utility connection fees, including a water line reimbursement fee, will be collected with the final plat.
5. Provide a final plat mylar for applicable signatures and recording.

Vote on the motion was unanimous. Motion carried.

Todd Stowell presented the staff report for the Downtown Architectural Review for the building located at 1132 12<sup>th</sup> Street.

Reese Graham made a motion, seconded by Buzzy Hassrick, to approve the Downtown Architectural Review for the building located at 1132 12<sup>th</sup> Street with the following recommendations:

1. The awning sign must be removed to the point that no evidence of it remains.
2. The property owner will need to further coordinate with the City and other property owner(s) to meet the building and electrical code standards.
3. A building permit is needed.

Vote on the motion was unanimous. Motion carried.

P&Z Board Matters: None

Council Update: None

Staff Items: None

Buzzy Hassrick made a motion, seconded by Reese Graham, to adjourn the meeting. Vote on the motion was unanimous, motion carried.

There being no further business to come before the board, Chairperson Ness adjourned the meeting at 1:35 PM.

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Lynn Stutzman  
Engineering Administrative Assistant

DRAFT

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

<b>MEETING DATE:</b>	OCTOBER 27, 2015	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	AMENDED PLAT—LOTS 7 AND 8, CLDC SUBDIVISION. SUB 2015-07	RECOMMENDATION TO COUNCIL:	X
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT OVERVIEW**

Forward Cody, represented by GDA Engineers, has submitted an amended plat application to reconfigure Lots 7 and 8 of the CLDC Subdivision. The change simply involves moving the boundary between the two lots about 530 feet to the east. Nothing else on the plat is being changed. The intent of the reconfiguration is to provide room on a single lot (Proposed Lot 7-A) for the future construction of the Cody Labs production campus. A drawing of the amended plat is attached. Both lots are now owned by Forward Cody, so no transfer of ownership is needed to move the property line.

The property is located in the Heavy Industrial zoning district.

**STAFF REVIEW COMMENTS**

The amended plat request has been reviewed and found to comply with applicable City standards. Specifically, each lot meets requirements applicable to lot size, setbacks, frontage on a public street, utility services in place (sewer, water, power), irrigation (no water rights), and conformance with master street plan. Variances were previously granted to the alley requirement and frontage improvements (curb, gutter, sidewalk, and streetlights). Since no new lots are being created, it is interpreted that those variances remain applicable to the current request. No utility fees are triggered by the amended plat.

The content of the amended plat document also meets applicable City requirements.

**RECOMMENDATION:**

Recommend that the City Council City approve the Amended Plat of Lots 7 and 8 of the CLDC Subdivision.

**ATTACHMENTS:**

Amended Plat

EASEMENTS OF RECORD			
	GRANTEE	TYPE	BOOK AND PAGE
A	CITY OF CODY	30' WIDE ELECTRICAL UTILITY EASEMENT	2011-5951
B	CITY OF CODY AND TCT WEST, INC.	10' WIDE ELECTRICAL AND FIBER OPTIC EASEMENT	2011-5330
C	CITY OF CODY	30' WIDE UTILITY RIGHT-OF-WAY AND EASEMENT	2011-3714
D	CITY OF CODY	60' WIDE UTILITY RIGHT-OF-WAY AND EASEMENT	2009-8323
E	ENERGY WEST WYOMING, A DIVISION OF ENERGY WEST INC.	60' WIDE RIGHT-OF-WAY	2002-3154
F	PARK COUNTY	COUNTY ROAD RIGHT-OF-WAY	169-805
G	PACIFICORP	20' WIDE RIGHT-OF-WAY	2000-6796
1	CITY OF CODY	10' WIDE UTILITY EASEMENT	PLAT M-33
2	OWNERS OF LOTS 7 & 8	40' WIDE ACCESS EASEMENT TO BENEFIT THE OWNERS OF LOTS 5, 7, & 8. 40' WIDE UTILITY EASEMENT TO BENEFIT THE CITY OF CODY.	PLAT M-33
3	ENERGY WEST	10' WIDE GAS LINE EASEMENT TO BENEFIT ENERGY WEST.	PLAT M-33
4	ROCKY MOUNTAIN POWER	20' WIDE UTILITY EASEMENT CENTERED ALONG EXISTING POWER POLE.	PLAT M-33

LEGEND	
AMENDED PLAT	
LOT LINES	
FORMER LOT LINE	
EASEMENT LINE	
EXISTING ELECTRICAL EASEMENT	
EXISTING UTILITY EASEMENT (2011-3714)	
FOUND BRASS CAP	
FOUND ALUMINUM CAP	
FOUND IRON PIPE	
FOUND REBAR	
FOUND HIGHWAY MONUMENT	
SET 5/8"x24" REBAR WITH 2 1/2" ALUMINUM CAP	
MEASURED DATA	S.89°56'51"E.-1318.62'
RECORD DATA	(S.89°54'00"E.-259.09')
PUBLIC LAND SURVEY SYSTEM LABELS	LOT 11
CLCD SUBDIVISION LOT LABELS	LOT 1

**CITY COUNCIL**  
 APPROVED AS OF THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015 BY THE CITY COUNCIL OF CODY, WYOMING.

ATTEST: \_\_\_\_\_ CITY CLERK \_\_\_\_\_ MAYOR

**CITY PLANNING AND ZONING BOARD**  
 APPROVED AS OF THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015 BY THE PLANNING AND ZONING BOARD, CITY OF CODY, WYOMING.

\_\_\_\_\_  
 CHAIRMAN

**CERTIFICATE OF DEDICATION**  
 KNOW ALL PERSONS BY THESE PRESENTS THAT WE, THE UNDERSIGNED, ALL HEIRS AND/OR ASSIGNS HEREBY CERTIFY THAT WE ARE THE OWNERS AND PROPRIETORS OF THE LANDS DESCRIBED AS LOTS 7 & 8 CLCD SUBDIVISION.  
 THAT WE HAVE CAUSED SAID LANDS TO BE SURVEYED; THAT THE SUBDIVISION OF SAID LANDS IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS.  
 THAT WE HEREBY DEDICATE THE EASEMENTS AND RIGHTS-OF-WAY LABELED HEREON TO THE USES SO NOTED.  
 THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS OF RECORD.  
 THAT THE SOLE PURPOSE OF THE SUBDIVISION IS TO SUBDIVIDE THE LANDS AS SHOWN HEREON.  
 AND, THAT ANY RIGHTS BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE OF WYOMING ARE HEREBY RELEASED AND WAIVED.  
 AND DO HEREBY AGREE TO PROMOTE AND PARTICIPATE IN AN IMPROVEMENT DISTRICT FOR CURB, GUTTER, SIDEWALK, AND STREETLIGHTS ON ROAD 2AB WHEN DEEMED NECESSARY BY THE CITY OF CODY. AND FURTHER, THAT THIS LANGUAGE SHALL BE CONTAINED IN EACH AND ALL CONVEYANCES OF RECORD.  
 IN WITNESS WHEREOF, THE SAID OWNER FORWARD CODY, INC. WITH FREE CONSENT AND IN ACCORDANCE WITH THEIR DESIRES, HAVE CAUSED THEIR NAMES HEREON TO BE SUBSCRIBED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
 JAMES KLESSSENS  
 PRESIDENT

ACKNOWLEDGMENT:  
 STATE OF WYOMING, )  
 )SS  
 COUNTY OF PARK, )

THE FOREGOING OWNER(S) CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015 BY JAMES KLESSSENS WITNESS MY HAND AND OFFICIAL SEAL: (WYOMING STATE LAW REQUIRES A NOTARY SEAL TO BE AFFIXED HEREON)

\_\_\_\_\_  
 NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

- NOTES**
- LANDS WITHIN THIS SUBDIVISION FALL UNDER ZONE E (INDUSTRIAL) AND HEAVY INDUSTRIAL.
  - ALL LOT OWNERS WILL BE REQUIRED TO RETAIN AN ENGINEER TO ANALYZE THE DRAINAGE ON EACH LOT AT THE TIME OF SITE PLAN SUBMITTAL TO THE CITY FOR REVIEW AND APPROVAL TO ASSURE THAT ANY PROPOSED INCREASE IN RUNOFF WILL BE RETAINED ON SITE IN AN APPROVED FASHION.
  - EXISTING UTILITY DEPTH OF BURY AND PIPE SIZE INFORMATION IS ON FILE WITH THE CITY OF CODY PUBLIC WORKS DEPARTMENT.
  - THE SOLE PURPOSE OF THIS AMENDED PLAT IS TO RELOCATE THE PROPERTY LINE BETWEEN LOTS 7 & 8 OF CLCD SUBDIVISION. NO OTHER CHANGES ARE MADE.
- VARIANCES:**
- WAIVER OF INSTALLATION OF CURB, GUTTER, SIDEWALK, AND STREETLIGHTS ALONG ROAD 2AB, SUBJECT TO AN AGREEMENT TO SUPPORT AND PARTICIPATE IN A FUTURE IMPROVEMENT DISTRICT FOR SUCH (11-4-2(O)).
  - VARIANCE FROM PROVIDING ALLEYS (11-4-2(P)).
  - VARIANCE TO THE BLOCK LENGTH REQUIREMENT (11-4-2(v)).
  - VARIANCE FOR NO SEWER SERVICE LINE TO LOT 3.
  - VARIANCE TO DELAY INSTALLATION OF ELECTRIC SERVICES UNTIL THE TIME OF BUILDING PERMIT ON THE AFFECTED LOT(S). EACH LOT OWNER IS RESPONSIBLE FOR ACTUAL COSTS OF INSTALLATION.

**CERTIFICATE OF SURVEYOR**  
 I, JUSTIN G. NESS, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY THAT THIS AMENDED PLAT AND FIELD SURVEY WERE MADE BY ME OR UNDER MY SUPERVISION AND THAT BOTH ARE ACCURATE TO THE BEST OF MY KNOWLEDGE AND IN COMPLIANCE WITH ALL STATE AND CITY STATUTORY PROVISIONS AND REGULATIONS. THIS PLAT AND SURVEY WERE CREATED FROM AN ACTUAL FIELD SURVEY PERFORMED ON 5/1/15.

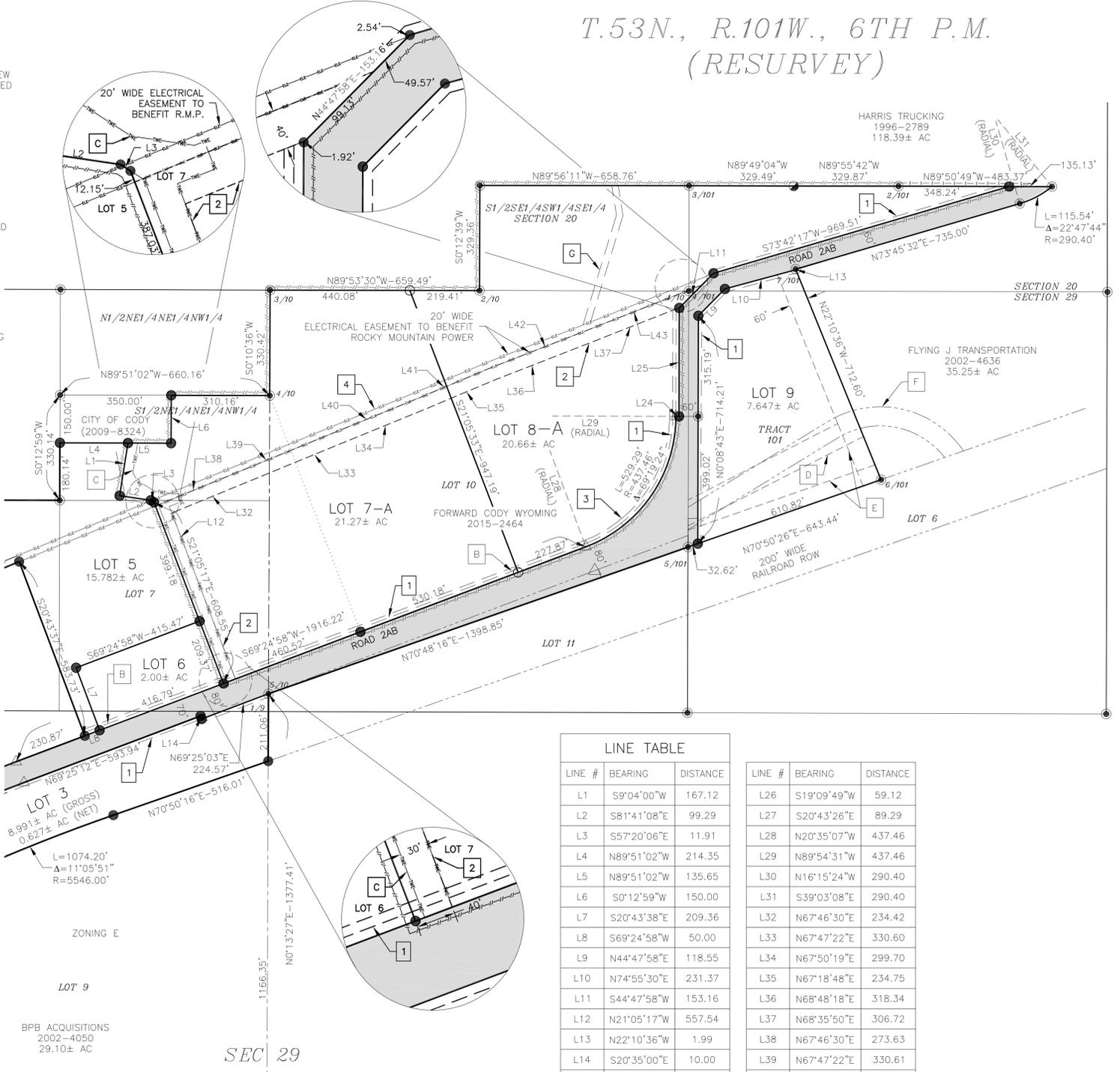


JUSTIN G. NESS  
 WYOMING PLS 14276

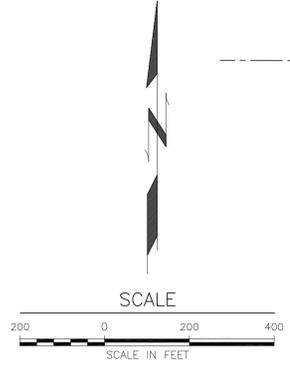
**RECORDER'S ACCEPTANCE**  
 THIS PLAT WAS ACCEPTED FOR FILING IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015, AND FILED FOR RECORD AT \_\_\_\_ M. UNDER DOCUMENT NUMBER \_\_\_\_ IN PLAT CABINET \_\_\_\_ AT PAGE \_\_\_\_.

\_\_\_\_\_  
 PARK COUNTY CLERK AND RECORDER

BY: \_\_\_\_\_ DEPUTY



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S9°04'00"W	167.12
L2	S81°41'08"E	99.29
L3	S57°20'06"E	11.91
L4	N89°51'02"W	214.35
L5	N89°51'02"W	135.65
L6	S0°12'59"W	150.00
L7	S20°43'38"E	209.36
L8	S69°24'58"W	50.00
L9	N44°47'58"E	118.55
L10	N74°55'30"E	231.37
L11	S44°47'58"W	153.16
L12	N21°05'17"W	557.54
L13	N22°10'36"W	1.99
L14	S20°35'00"E	10.00
L15	N20°45'42"W	10.00
L16	S25°19'25"E	289.75
L17	N29°53'06"W	180.73
L18	N29°50'48"W	4.86
L19	S19°52'23"E	9.95
L20	N69°19'23"E	29.25
L21	S20°42'13"E	10.01
L22	N19°12'21"E	59.40
L23	S89°54'37"E	112.65
L24	S89°56'35"W	9.79
L25	S0°08'43"W	339.89
L26	S19°09'49"W	59.12
L27	S20°43'26"E	89.29
L28	N20°35'07"W	437.46
L29	N89°54'31"W	437.46
L30	N16°15'24"W	290.40
L31	S39°03'08"E	290.40
L32	N67°46'30"E	234.42
L33	N67°47'22"E	330.60
L34	N67°50'19"E	299.70
L35	N67°18'48"E	234.75
L36	N68°48'18"E	318.34
L37	N68°35'50"E	306.72
L38	N67°46'30"E	273.63
L39	N67°47'22"E	330.61
L40	N67°50'19"E	299.55
L41	N67°18'48"E	235.09
L42	N68°48'18"E	318.79
L43	N68°35'50"E	397.35



T.53N., R.101W., 6TH P.M.  
 (RESURVEY)

**AMENDED PLAT OF LOT 7 AND 8 OF CLCD SUBDIVISION**  
 WITHIN SECTIONS 29  
 RESURVEY, T.53N., R.101W., 6TH P.M.  
 PARK COUNTY, WYOMING  
 FORWARD CODY, INC. CODY, WY

PROJECT NO: 151215

ENGINEERING • SURVEYING • PLANNING  
 1508 STAMPEDE AVE., CODY, WYOMING 82414

## **INITIAL DRAFT FOR COMMITTEE REVIEW (October 15, 2015)**

(Note: **Bold items** are entirely new. ALL-CAPS are existing, although some are edited. Formatting will be standardized later.)

### **DEFINITIONS:**

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section.

**ACCESSORY BUILDING.** A building or structure subordinate to the principal building on the same lot and used for purposes customarily incidental to those of the main building.

**ACCESSORY DWELLING UNIT (ADU).** An independent, self-contained dwelling unit within or attached to a detached 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 shall be 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.

**Accessory Use.** A use incidental or secondary to the principal use of a lot, building or structure and located on the same lot as the principal use.

**Adjacent.** To be separated by a common property line or lot line; or, to be located directly across a street, private street or access easement, alley, or right-of-way (other than a state highway) from the subject property.

**ALLEY.** A private or public way which affords only a secondary means of access to abutting property and which is not intended for general travel or circulation. Alleys are not considered a type of street.

**Amenity.** A natural or created feature that enhances the aesthetic quality, visual appeal or attractiveness of a particular property, place or area.

**Animal Husbandry.** The raising, keeping and breeding of domestic farm animals. The term includes the keeping of animals for the development of animal products such as meat, fur or eggs, but does not include the keeping of animals as household pets.

**Antenna.** Any exterior apparatus that is mounted on a structure and is used for transmitting or receiving communications, including electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communication signals or other communication signals.

**Antenna Tower.** A pole or other structure, including any supporting elements, that is used to support one or more wireless communication antennas. The term includes a pole or other structure that supports a wireless communication antenna, including those attached to a trailer or other portable support.

**Antenna Tower Alternative Structure.** A structure such as a flagpole, man-made tree, clock tower, steeple, or similar alternative-design mounting structure that substantially camouflages or conceals the presence of wireless communication antennas or antenna towers.

APARTMENT HOUSE. See definition of Dwelling, Multi-Family.

**Assisted Living Apartment.** A multi-family dwelling in which personal care services are provided to senior citizens for daily living needs. Such services may include, but are not limited to, preparation and service of meals, housekeeping, laundry, monitoring of rooms, monitoring of medication, or assistance with bathing. The term includes commercial uses that are ancillary to an apartment complex as long as the total amount of floor space dedicated to such uses does not exceed 5% of the total gross floor area of the apartment complex and there is no external signage for, nor external access to, the commercial uses. The term does not include a convalescent care facility/nursing home or other medical facility that is specifically defined in this Chapter.

~~AUTO COURT: A group of dwellings rented or leased primarily for temporary or transient occupancy.~~

**Average Lot Area per Dwelling:** Net lot area divided by the number of dwelling units on the property.

**Auxiliary Kitchen.** A second kitchen in a single-family detached dwelling that is:

1. Intended solely for use by members of the household for private dinner parties or social gatherings; and
2. Not located within an accessory structure and is directly accessible from the rest of the dwelling.

**Basement.** A story, as defined herein, which is partly or completely below finished grade. A basement shall be counted as a story for purposes of height measurement when the basement has more than one-half of its height above finished grade.

BED AND BREAKFAST INN. An establishment, other than a hotel, wherein overnight lodging accommodations and a morning meal are provided to guests in exchange for compensation. Guest length of stay is limited to periods of less than thirty (30) consecutive days. Bed and breakfast inns shall be in detached single-family dwellings which otherwise conform to applicable zoning and building regulations.

BUFFER ZONE. A minimum fifteen foot (15') wide strip of land, to be landscaped and maintained, on a commercially zoned property to separate it from any adjacent land that is zoned residential.

BUILDING. A structure having a roof supported by columns or walls, for the shelter or enclosure of persons, animals, or property. Such term shall include "structure".

**Buildable Area.** That portion of a building site, exclusive of the required setback areas, in which a structure or building improvements may be erected.

**Building Coverage.** The percentage of the net lot area of a property that is covered by buildings. For purposes of calculating building coverage, building area includes the area of all buildings on the lot, measured to the exterior wall surfaces at the ground floor.

**Building, Detached.** One building on one building lot surrounded by yards or open space; or buildings in a building group that are physically detached one from the other.

**Building Elevation.** The exterior face of a building, including all vertical elements of the building facing in the same general direction.

**Building Facade.** That portion of any exterior elevation of a building extending from grade to top of parapet, wall, or eaves, together with the entire width of the building elevation.

**Building Height.** Building height refers to the vertical distance between the average finished grade along the front of a building and either 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the height of a point midway between the eaves of the main roof and the highest ridge line of a gable, hip or gambrel style roof. *(Other Options: To highest point. From average finished grade around building.)* For structures without a roof, building/structure height is the vertical distance from the average finished grade to the highest point of the structure, except those projections otherwise exempted or specified in section \*\* this Title. (e.g. chimneys, tv antennas)

~~BUILDING HEIGHT OF: The height of a building is the vertical distance from the curb level to the mean level of the slope of the main roof.~~

~~BUILDING LINE: The main line of the farthest projection of the wall of a building.~~

**Building Line.** A line established by measuring from the property line, perpendicularly and into the property a distance equal to the required setback line. No building wall or foundation wall shall be located between the property line and the building line. *(Eaves, gutters, exterior wall finishes, ornamental decorations, cantilevered bay windows, and similar building projections may extend beyond the building line, subject to compliance with applicable building and fire codes and section \*\*\* of this code—Add/move to general standards section of code.)*

**Carport.** A roofed structure for vehicle parking which is open on at least two sides. If less than two sides are open, the structure shall be classified as a garage.

**CHILD CARE.** A business service provided by an individual, partnership, corporation or other business entity to keep or care for any minor child for a period of less than 24 hours, at the request of the parents, legal guardians or an agency which is responsible for the child; and which is required to be regulated as a child care facility by the Wyoming Department of Family Services.

**CHILD CARE CENTER.** A business operating in a non-residential building that provides child daycare for sixteen (16) or more children. Maximum size is fifty (50) children when located in a residential zoning district.

**CHILD CARE, Family Child Care Center Category.** A business providing child daycare for up to fifteen (15) children at any one time in a residential or commercial type structure. If located within a residential zone, the facility must be located in the primary home of the child care provider.

**CHILD CARE, Family Child Care Home Category.** A business providing child daycare for up to ten (10) children at any one time. The facility must be located in the primary home of the child care provider.

**Church, and House of Worship.** Any building used for religious worship services, religious education, and fellowship activities and programs of a religious organization. The term does not include a for-profit daycare center, general education school, thrift shop, homeless shelter, or commercial activity—such uses are regulated independently.

**City.** The City of Cody, Wyoming.

**City Council (Council).** The Mayor and City Council of the City of Cody, Wyoming.

**City Standards.** In their most recent editions and with the most recent amendments, any engineering, development or design standards and specifications adopted by the City Council. The term includes standards for public improvements and standards for private improvements required pursuant to City of Cody Code.

**Commercial Vehicle.** A vehicle customarily used as part of a business for the transportation of goods or people.

**Community Center, Private (Accessory).** A privately owned and maintained facility associated with a planned residential development, neighborhood organization, or multi-family development which provides for community activities for residents of the development.

**Community Garden.** An area of land established and used for gardening by a community-based organization or other group of people with the intent of harvesting vegetables, fruits, flowers or herbs for personal consumption or for sales or distribution to the community on a limited basis. The term does not include a garden that is incidental to a residential use and whose products are intended for the use of those residing on the property.

**Conditional Use. (Reserved)**—To be discussed and added. Could be defined as a P&Z discretionary review w/ neighbor notice, or simply as a use subject to supplemental development standards but approved at staff level. Coordinate w/ "Special Use".)

**Condominium.** A multi-family dwelling or a commercial building within which the occupied area is owned individually and the structure, land, common open space areas and facilities are owned by all of the owners on a proportional, undivided basis. See Wyoming Statute Title 34, Chapter 20, Condominium Ownership Act.

**Convalescent Care Facility/Nursing Home.** A building or structure designed, used, or intended to be used to house and provide care for persons who have a chronic physical or mental illness or infirmity, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. The term includes a "rest home" and "nursing home", but does not include an "assisted living apartment", "hospital", or other medical facility that is specifically defined in this Chapter.

**Corner Lot.** A lot situated at the intersection of two or more streets, with frontage on at least two streets.

**Country Club, Private.** A facility that is made available for use on a membership basis for recreational or athletic purposes, where membership is limited and the use of the facility is primarily restricted to members and their guests. The term includes accessory uses, such as:

1. A clubhouse; and,
2. Restaurant and accessory retail facilities, which do not have separate exterior signage.

**Cul-de-sac.** A local street with only one connection to other streets and with an approved method of termination at the closed end.

**Curb.** A stone, concrete or other improved boundary usually marking the edge of the roadway or paved area.

**Curb Cut.** The opening constructed in the curb line at which point vehicles may enter or leave the roadway to access adjacent property.

**DWELLING.** A building, structure, or portion thereof, designed or used exclusively for residential occupancy as a separate living quarter, with sleeping, cooking and sanitary facilities provided. Dwellings may be further classified by their number of dwelling units (e.g., two-family dwelling) and configuration (attached or detached).

**Dwelling, Attached.** A one-family dwelling attached to one or more one-family dwellings by common vertical walls.

**Dwelling, Multi-Family.** A building or group of buildings which contain at least three attached dwelling units, and may be configured so that the dwelling units are stacked one over another.

**DWELLING, ONE-FAMILY SEMIDETACHED.** A residential building containing two attached single family dwelling units totally separated from each other by an unpierced wall extending from ground to roof, with each dwelling unit on a separate lot.

**Dwelling, Single Family Attached.** A dwelling unit attached to one or more other dwelling units, with each dwelling unit located on a separate lot.

**Dwelling, Single Family Detached.** A dwelling unit:

1. That is not attached to any other dwelling by any means;
2. That is located on a separate and individually owned lot;
3. That is surrounded by open space or yards;
4. That is for the exclusive use of a single family maintaining a household;
5. That has no more than one kitchen with full kitchen facilities; and
6. In which all rooms used for human habitation have interior access to one another.

Nothing in this definition, however, prohibits the construction or use of an accessory dwelling unit in accordance with this Title or the construction or use of an auxiliary kitchen as defined in this Chapter.

**Dwelling, Site Built.** A dwelling that is constructed on the lot on which it is intended to be occupied, in accordance with the standards of the City's adopted building codes, including all appurtenant supplements and updates thereto.

**Dwelling, Townhouse.** A row or cluster of at least three single family attached dwelling units in which each dwelling unit is located on a separate lot; each unit is separated by one or more common vertical walls; each unit has its own front and rear yard access; and no unit is located over another unit. A townhouse complex may include common open space and recreational areas and facilities which are owned by all owners on a proportional, undivided basis.

**DWELLING, MULTIPLE FAMILY:** A building occupied by three (3) or more families living independently of each other.

**DWELLING, ONE FAMILY, DETACHED (a.k.a Single Family Detached Dwelling):** A building containing one dwelling unit; or, a building containing one dwelling unit and an accessory dwelling unit.

DWELLING, TWO-FAMILY (a.k.a. DUPLEX). A residential building containing two dwelling units that share a common vertical fire wall, with both dwelling units located on the same lot or parcel.

~~DWELLING, RESIDENTIAL CONDOMINIUM: A building or structure where ownership of one family dwelling units, separated only by a common fire resistive occupancy separation, may be held or conveyed separate from the land upon which it is situated. Ownership of the land, parking areas, general use areas, etc., shall be held in perpetuity by a condominium owners' association.~~

~~DWELLING, TOWNHOUSES, ONE FAMILY ATTACHED: A series or group of two or more one family attached dwelling units separated by a common fire resistive occupancy separation wall, and ownership of a dwelling unit shall include the parcel of land upon which it is situated and shall front upon a dedicated public street or an approved private drive connected to a dedicated public street.~~

DWELLING UNIT. A residential unit providing complete and independent living facilities for the exclusive use of a single family maintaining a household, including lawful facilities for cooking, eating, sleeping and sanitation.

**Easement.** A grant of one or more property rights by the property owner for use by the public, a corporation or another person or entity as defined by the granting document.

**Egress.** An exit.

~~ELDERCARE FACILITY: A facility other than a hospital or hotel, designed for residential care of individuals requiring medical assistance, including, but not limited to, assisted living facilities, long term care facilities, convalescent facilities and hospice care facilities.~~

**Engineer.** A person currently registered as a professional engineer to practice in the state of Wyoming.

**Establishment.** A use, building, structure or premises used for business, office, or commercial purposes.

FAMILY: Any number of persons living and cooking together on the premises as a single housekeeping unit, but not including a group of more than five (5) individuals not related by blood or marriage.

**Functional Classification.** A classification system that defines the purposes and hierarchy of all streets and highways. See also the Master Street Plan.

FRONTAGE (Street). The portion of a property that borders a street right of way, measured along the property line.

**Garage.** A building enclosed on more than two sides, or a portion of an enclosed building, which is used for the parking of vehicles.

**Garage, Rear-load.** A private garage with the overhead door(s) accessed from the rear of the lot.

**Garage, Side-load.** A private garage where the overhead door(s) are oriented perpendicular to the front lot line.

**GARAGE, COMMUNITY:** A garage consisting of a series of stalls under a continuous roof for storing self-propelled vehicles, provided the lot whereon such garage is located contains not less than one thousand (1,000) square feet for each vehicle stored, and having no public shop or service connected therewith.

**GARAGE, PRIVATE:** A garage with capacity for not more than three (3) self-propelled vehicles for storage only; provided, however, a private garage may exceed a three (3) vehicle capacity if the lot whereon such garage is located contains not less than two thousand (2,000) square feet for each vehicle stored.

**GARAGE, PUBLIC:** A garage, other than a private or community garage, used for storage or care of more than three (3) self-propelled vehicles, or where any such vehicles are equipped for operation, repaired or kept for remunerations, hire or sale.

**Garage Sale.** Garage or Yard Sale means the sale of personal property from a lot or parcel that is located within a residential district and upon which is located a dwelling.

**Governing Body.** The City Council of the City of Cody.

**GRADE, ESTABLISHED:** The grade of the street curb line fixed by the city.

**Grade, Finished.** The average proposed level of the finished surface of the ground adjoining a building after all site development work has been completed.

**Grading.** Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

**GROUP HOME:** A single family home or other dwelling which provides temporary or long term residential housing for at risk youth, disabled individuals, victims of domestic violence, and other forms of care requiring supervision and management. A group home may also include a single family home or other dwelling, such as a Ronald McDonald House, which provides temporary or long term residential housing for individuals, or families of individuals receiving medical treatment or care from a local medical facility. (Now "Individual Care" category)

**Gross Acreage.** The total area within the property lines of a lot or parcel of land before public streets or other areas to be dedicated or reserved for a public use are deducted from such lot or parcel. The term does not include portions of a property that have already been dedicated or reserved for such purposes.

**Gross Density.** The number of dwelling units per gross acre of land.

**HAZARDOUS MATERIAL.** A substance or material, including a hazardous substance, which has been determined by the United States secretary of transportation under title 49 of the code of federal regulations to be capable of posing an unreasonable risk to health, safety and property and which has been so designated.

**HAZARDOUS WASTE.** Any material that is subject to the hazardous waste manifest requirements of the United States environmental protection agency as specified in 40 CFR part 262; or which is regulated by the Wyoming hazardous waste rules and regulations pursuant to the Wyoming environmental quality act, Wyoming Statutes 35-11.

**Home Occupation.** A business activity conducted from a residential dwelling unit pursuant to the standards of Section \*\*\*, with the intent of generating income.

~~HOTEL: A building occupied as the more or less temporary abiding place of the individuals, with or without meals.~~

**Improvement.** Any building, structure, utility, landscaping, or other object constituting a physical betterment of real property, or any part of such betterment.

**Individual Care Center.** A commercial facility that provides personal care and related services to more than ten children or dependent adults in a supervised, protective, congregate setting during some portion or all of a twenty-four hour day. Such a use is subject to the care-related regulations and standards of the State of Wyoming. Services typically offered in conjunction with dependent adult care include social and recreational activities, training, meals, and services such as rehabilitation and medication assistance.

**Individual Care – Family Home.** A residential dwelling used primarily as a residence where 24-hour care is provided to a maximum of five children or dependent adults for compensation. Such a use is subject to the care-related regulations and standards of the State of Wyoming.

**Individual Care – Group Home.** A facility that provides 24-hour care to a minimum of six children or dependent adults and a maximum of ten children or dependent adults, for compensation. When located on a single-family residential lot, the provision of care shall take place in a dwelling used primarily as a residence. When located on a parcel developed with multi-family housing, the provision of care shall take place within a structure not used as a residence. In any case, such a use is subject to the care-related regulations and standards of the State of Wyoming.

**Ingress.** Access or entry.

**Intensity of Use.** The number of dwelling units per acre for residential development and floor area ratio for nonresidential development.

**Kennel:** An establishment where dogs, cats or other domestic household pets are bred, raised, trained, or boarded, for compensation.

**Kitchen.** That portion of a dwelling unit devoted to the cooking or preparation of food for the purpose of consumption by residents of the dwelling unit. The term includes a “kitchenette,” “wet bar” or any area equipped with items such as a counter-top hot plate, counter-top grill, or microwave oven, together with an under-counter refrigerator and sink. “Full Kitchen Facilities” indicates the presence of complete cooking facilities (i.e., stove, oven or microwave oven, refrigerator, and sink). The presence within any food preparation area of a ventilation hood, gas stub, two hundred-twenty volt electrical outlet or wiring, or any combination thereof, shall be considered “full kitchen facilities.”

**Landscaping.** The combination of natural elements such as trees, shrubs, ground covers, and other organic and inorganic materials that are installed for purposes of creating an attractive and pleasing environment. Suitable landscape materials include trees, shrubs, groundcovers, flowers, ornamental grasses, decorative rock, landscape boulders, water features, works of art, and similar materials. Additional purposes of landscaping include: screening unsightly views; reducing environmental heat; filtering particulate matter from the air; and boosting oxygen levels.

**Lot.** A tract, plot or portion of a subdivision, addition or other parcel of land whose existence, location and dimensions have been defined on a legally authorized and recorded subdivision map, boundary line adjustment record of survey, or deed with a metes and bounds description, which land is occupied or intended to be occupied by a building or structure. Lots shall including such open spaces as required under this title and other development regulations, and have principal frontage upon a public street or officially approved private access easement. Lot includes the words Plot, Parcel, Tract and Premises.

**Lot Area.** That area of a horizontal plane bounded by the front, side and rear property lines of a lot, including any portion of an easement which may exist within such property lines but exclusive of rights-of-way for street purposes.

**Lot, Corner.** A lot situated at the intersection of two or more streets, with frontage on at least two streets.

**Lot Depth.** The length of a line connecting the mid-point of the front and rear property lines of a lot.

**Lot, Double Frontage.** A lot (not a corner lot) which adjoins two streets which are parallel or within forty-five degrees of being parallel to each other.

**Lot, Flag.** A lot having its primary access to a public or private street by means of a narrow, private strip of land or right-of-way. Flag lots are prohibited, except as may be authorized through the subdivision variance or PUD process. A lot that is at least as wide, at all points, as the minimum frontage required for the lot, or 40 feet, whichever is greater, shall not be considered a flag lot, regardless of its appearance.

**Lot Frontage.** The portion of the lot that fronts on a street or drive.

**Lot, Improved.** A lot upon which a building may be authorized to be constructed and occupied; or, a lot with existing buildings or structures.

**Lot, Interior.** A lot other than a corner lot.

**Lot Line.** A property line that divides one lot from another lot or from a public or private street or any other public space.

**Lot Line, Corner.** The property line abutting a street or drive, other than a front lot line.

**Lot Line, Front.** The line separating the lot frontage from a street right-of-way or access easement. On corner lots, the front lot line will typically be the property line with the narrowest frontage, although unless otherwise specified on the plat or by deed restriction, the property owner may choose which of the two lot frontages shall be considered the front lot line for setback purposes, and all other setbacks shall be applied accordingly. In the case of a through lot, either frontage may be considered the "front," except in cases where deed restrictions or plat notes prohibit access from one street, in which case said restricted frontage may be considered a rear property line. Notwithstanding the above, the City may specify the curb cut/driveway location to any city street.

**Lot Line, Rear.** The property line opposite and most distant from the front property line. In the case of a triangular or otherwise irregularly shaped lot with no clear rear lot line, a line 10 feet in length entirely within

the lot, parallel to and at a maximum distance from the front property line shall constitute the rear lot line for setback purposes.

**Lot Line, Side.** Any property line which is not a front lot line, rear lot line or corner lot line. A side lot line is roughly perpendicular to a front or rear property line.

**Lot of Record.** (Reserved.)

**Lot, Reverse Corner.** A corner lot, the rear of which abuts the side of another lot.

**Lot, Substandard.** A lot that has less than the minimum area or minimum dimensions required by the zoning district in which the lot is located.

**Lot, Through.** A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. Also known as "Lot, Double-Frontage".

**Lot, Transition.** A lot in one zoning district which abuts another zoning district.

**Lot Width.** The mean horizontal distance between the side lot lines.

**Lot, Zoning.** A property consisting of more than one lot, which is developed and/or utilized in such a manner as to constitute a single development, of which no individual lot could be excluded without causing the development to violate an applicable provision of the building code, fire code, sign code, parking code, zoning ordinance, or other adopted development code. A zoning lot shall be considered a single lot for purposes of ownership, transfer, and application of said development codes. New zoning lots shall not be created except pursuant to Section 11-6(B), Lot Consolidations.

**Main Building.** A building devoted to the principal use of the lot on which it is situated. On any lot in a residential district, the term refers to the principal dwelling located on that lot.

**Maintenance (also Maintained).** The upkeep of a property, building, structure, amenity, parking facility, landscaping or lot including repair, painting, trimming, pruning, watering, weeding, and other on-going activities that are associated with property maintenance.

~~MANUFACTURED HOME: A single family residential structure, transportable in one or more sections, which when assembled equals or exceeds twenty four feet (24') in width and thirty six feet (36') in length. Said structure is designed to be attached to a permanent foundation, was constructed after January 15, 1976, and is built in compliance with either the manufactured home construction and safety standards of the U.S. department of housing and urban development or the international building code, as adopted.~~

**Manufactured Home.** A structure built to the Manufactured Home Construction and Safety Standards (HUD Code effective June 15, 1976) and that displays an official red certification label indicating such on the exterior of each transportable section. Manufactured homes are built in a manufacturing plant and are transported in one or more sections on a permanent chassis. Manufactured homes are further classified as follows:

1. "Multi-wide" (A.K.A. double-wide or triple-wide manufactured home) has a minimum width of at least seventeen feet as measured at all points perpendicular to the length of the manufactured home;
2. "Single-wide," has a width of less than seventeen feet as measured at any point perpendicular to the length of the manufactured home.

**Minimum Lot Size.** The smallest area permissible for any lot that is to be created or modified in size; and, the smallest lot on which a use or structure may be located, except as may be authorized pursuant to Chapter \*\*, Nonconforming Uses, Structures, and Lots. Unmanned public utility facilities are exempt from minimum lot size requirements.

~~MOBILE HOME: A single family residential structure which is fabricated in one or more sections at a location other than the homesite by assembly line type production techniques or by other construction techniques unique to an off site manufacturing process. These structures are designed to be transportable in one or more sections on their own chassis, which when assembled are less than the following in either dimension: twenty four feet (24') in width, and thirty six feet (36') in length.~~

**Mobile Home.** A dwelling on one or more chassis for towing to the point of use, which dwelling does not meet applicable HUD manufactured housing standards of June 15, 1976. Manufactured homes are further classified as follows:

1. "Multi-wide" (A.K.A. double-wide mobile home) has a minimum width of at least seventeen feet as measured at all points perpendicular to the length of the mobile home;
2. "Single-wide," has a width of less than seventeen feet as measured at any point perpendicular to the length of the mobile home.

This definition does not include manufactured homes, modular homes, commercial coaches, recreational vehicles or motor homes.

**Mobile Home Park.** A lot used for the placement of two or more mobile or manufactured homes used as dwellings.

**Mobile Home Space.** That portion of a mobile home park designated, used, or designed for the occupancy of not more than one mobile or manufactured home and includes that area set aside or used for associated automobile parking, carports, awnings, accessory buildings or other structures, and the yard area as required herein for each space.

**Modular Home.** A residential dwelling constructed of pre-made parts and/or modules manufactured at a facility, which parts and modules are transported to a fixed site and assembled on a permanent foundation. A modular home does not have a chassis, but consists of modules and materials that are placed on and supported by a permanent foundation. A modular home shall comply with the City's adopted building code. Manufactured homes, and other dwellings with a chassis frame designed for purposes of moving and supporting the structure, cannot qualify as modular homes, as defined herein. A modular home is considered equivalent to a site-built home for zoning purposes.

~~MODULAR HOME: A residential structure transportable in one or more sections, which when assembled equals or exceeds twenty four feet (24') in width, and thirty six feet (36') in length. Said structure and all additions thereto are designed to be attached to a permanent foundation and are built in compliance with the international building code, as adopted. A modular home is constructed of pre-made parts and unit modules.~~

**Net Lot Area.** The total area within the property lines of a lot or parcel of land after public street rights-of-way or other areas to be dedicated or reserved for public access are deducted from such lot or parcel.

~~OCCUPIED: Such term includes the words "arranged", "designed" or "intended to be occupied".~~

**Occupancy or Occupied.** With respect to a structure, refers to the residing of one or more individuals in a dwelling or to the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

**Off-Site Parking.** Parking provided for a specific use but located on a lot other than the one on which the specific use is located.

**Open Space.** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public use or enjoyment, or for the private use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**Open Space, Common.** Land within or related to a development that is designed and intended for the common use or enjoyment of the residents of the development and their guests.

**Open Space, Private.** Open space which is normally limited to the use of the occupants of a single dwelling or building or property that abuts such open space.

**Open Space, Public.** Open space owned and maintained by a public agency for the use and enjoyment of the general public.

**Outdoor Storage.** The use of an area outside of an enclosed building for the long term retention (more than forty-eight hours) of materials, machinery or equipment, regardless of whether the materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. The term includes the storage of self-contained cargo containers that have not been converted into a permanent building pursuant to Section \*\*\*. The term does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.

**Overlay Zone.** A zoning district that may be imposed on one or more underlying base zoning districts, which provides additional requirements and standards beyond those required by the underlying zoning district.

**Owner.** An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

**Permitted Use.** Any use allowed in a zoning district as a matter of right if it is conducted in accordance with the restrictions applicable to that district. Permitted uses are designated in the Land Use Table by the letter "P".

**Person.** An individual, firm, partnership, corporation, company, association, joint stock association, governmental entity, trustee, receiver, assignee or similar representative of any of them.

**PLANNED UNIT DEVELOPMENT, RESIDENTIAL.** A residential subdivision authorized pursuant to City of Cody Code Title 11, Chapter, 7.

**Planning and Zoning Board.** The Board appointed as such by the mayor with the consent of the governing body. The Planning and Zoning Board serves as the Planning Commission as authorized by W.S. § 15-1-502, the Zoning Commission as authorized by W.S. § 15-1-604, and the Board of Adjustment as authorized by W.S. § 15-1-605; and has the powers and duties as prescribed by state law and city ordinances.

**Principal Building.** The building in which the principal use of the lot is conducted. Lots with multiple uses may have multiple principal buildings. The term does not include storage buildings, garages or other buildings which normally are considered accessory buildings.

**Principal Use.** The purpose for which land, premises or building is designed, arranged or constructed.

**Prohibited Use.** A use that is not permitted by any means in a particular zoning district.

**Property.** A lot, parcel, or tract of land together with the building and structures located thereon.

**Public Park or Playground.** A park, playground, swimming pool, reservoir, golf course, or athletic field owned, operated and maintained by a local or State level governmental entity.

**Public Utility.** A regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

**Recreational Vehicle (RV).** A vehicle towed, or self-propelled on its own chassis, or attached to the chassis of another vehicle, which is designed or used for temporary living while camping or traveling. The term includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes and converted trucks or buses.

**Recreational Vehicle Park.** Any lot or tract of land used, or intended to be used, for renting of space to accommodate one or more recreational vehicles. The definition does not include vehicle storage.

~~REVERSED FRONTAGE: The location of a building so as to face the side of a lot rather than as such lot is platted on the official map of the city, in current use.~~

**Right-of-Way Line.** A property line that separates the public right-of-way and an adjacent property.

**Setback.** The minimum required separation distance between the nearest wall or support of a structure and the lot line.

**Setback Area, Corner Side.** A yard area of which the width is measured between the side street property line and the required corner side yard setback line; and the depth is measured between the front yard setback line and the rear yard setback line.

**Setback Area, Front.** A yard area of which the width is measured the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way line and the required front setback line.

**Setback Area, Rear.** A yard area of which the width is measured the entire length of the rear property line between the side property lines; and the depth is measured as the distance between the rear property line and the required rear yard setback line.

**Setback Area, Side.** A yard area of which the width is measured between the side property line and the required side yard setback line; and the depth is measured between the front yard setback line and the rear yard setback line.

**SHORT TERM RENTAL:** A residential dwelling in which lodging, but no meal, is provided to guests in exchange for compensation, and any individual guest rents or occupies the dwelling or portion thereof for a period of less than thirty (30) consecutive days.

**SIDE STREET:** A street running along a side property line of a corner lot.

**Single Room Occupancy Residence.** A residential facility, other than a single-family dwelling, in which furnished rooms are rented on a weekly or monthly basis and which provides common facilities and/or services for laundry, cleaning and meals. This definition does not include “short term rental”.

**Small Wind Energy System.** A wind energy conversion system consisting of a wind turbine, a tower or supporting structure, and associated control or conversion electronics, which has a rated capacity sized for on-site electric usage (typically 10 kW or less for a single-family dwelling) and which is primarily intended to reduce on-site consumption of utility power. For purposes of this Title, the use shall not be deemed an accessory use.

**Special Use.** (Reserved—to be discussed. Coordinate w/ definition of Conditional use.)

**Spot Zoning.** The rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan. The fact that an individual lot is zoned differently from adjacent properties shall not automatically mean the situation constitutes spot zoning. Additional factors such as the relationship to the adjacent zones, size of the property, and characteristics of the proposed zone must also be considered.

**Storage.** A space or place where goods, materials or personal property is placed and kept for more than forty-eight consecutive hours.

**Story.** That portion of a building between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above.

**STREET.** A thoroughfare which affords a principal means of access to abutting property. The term does not include an “alley” as that term is defined in this title.

~~**STRUCTURAL ALTERATION:** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.~~

**STRUCTURE.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

**Temporary Real Estate Sales Office.** A temporary office operating at a fixed location within an existing model home, trailer or commercial structure that is used for the purpose of selling real estate in the development in which it is located. The office is to be removed once the development is sold out.

~~**TOURIST COURT:** See definition of Auto Court.~~

~~**TRAILER COACH CAMP:** Any property used or offered for the accommodation or storage of trailer coach vehicles, the units of which are to be used for living or sleeping purposes. (See [title 9, chapter 6](#) of this code.)~~

~~USED: Such term shall include the words "arranged", "designed" or "intended to be used".~~

**Use (and Used).** The purpose (type and extent) for which land or a building is arranged, designed, or intended, or for which either land or a structure is occupied or maintained.

**Used For Residential Purposes.** A lot that is two(?) acres or less in area and contains a residential dwelling unit of a permanent nature.

**VISUAL SCREEN.** A fence at least six feet (6') high of sufficient density or construction that prevents visual contact from opposite sides.

**Wall Height.** For purposes of accessory building setback regulation, the vertical distance from the building floor to the top plate of the wall.

**Wireless Communication Antenna.** An antenna that transmits and/or receives wireless communication signals. The term does not include any device, such as a radio antenna, telephone antenna, television antenna, satellite dish antenna or amateur radio antenna, that is accessory or incidental to a residential use and is employed by an ultimate user to receive radio, television or other communication signals.

**Wireless Communication Facility.** An antenna tower, wireless communication antenna, or any associated structure or equipment, or combination thereof, that is intended for commercial or institutional use in connection with the transmission or reception of wireless communication signals.

**Wireless Communication Facility, Non-stealth Design.** A wireless communication facility that does not qualify as a stealth design wireless communication facility.

**Wireless Communication Facility, Slim-line Design Pole.** A wireless communication facility, consisting of a pole and one or more antennas, on which the antenna panels are narrow and closely spaced with one another atop the pole and extend no more than one foot beyond the circumference of the pole.

**Wireless Communication Facility, Stealth Design.** A wireless communication facility that is screened or designed to blend into the surrounding environment such that it is not readily seen or discernable as a wireless communication facility to a casual passerby. Examples include roof-mounted antennas with architectural screening; panel antennas mounted against the wall of an existing building and painted or finished to match the existing structure; antennas integrated into architectural elements such as steeples or cupolas; antennas and antenna structures designed to look like streetlight poles or flagpoles; and microcell networks that utilize multiple low-powered transmitters/receivers or repeaters attached to existing wireline systems such as conventional cable or telephone systems.

**Wireless Communication Signals.** Communication signals, including electromagnetic waves, analog signals, digital signals and other spectrum-based communication signals, that operate within the range of frequencies from 100KHz to 300GHz. The term does not include television broadcast signals; direct broadcast signals; direct broadcast satellite services; multi-channel, multi-point distribution services; or amateur radio signals.

**Yard.** The areas on a lot that are unoccupied by structures, except for projections and the specific accessory structures allowed in those areas under the provisions of this Title.

**Yard, Corner Side.** The yard of a corner lot extending from the front yard to the rear yard and between the side street and the primary structure.

**Yard, Front.** The yard area extending along the entire length of the front property line and the depth between the street right-of-way line and the primary structure.

**Yard, Rear.** The yard area extending along the entire length of the rear property line and the depth between the rear property line and the primary structure.

**Yard, Side.** The yard area extending from the front yard to the rear yard and between the side property line and the primary structure.

~~YARD, FRONT: An open space on the same lot with a building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the street lines and the front line of the building projected to the side lines of the lot.~~

~~YARD, REAR: An open space on the same lot with a building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the building projected to the side lines of the lot.~~

~~YARD, SIDE: An open space on the same lot with a building, unoccupied except as hereinafter permitted, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If there be no front yard, the front boundary of the side yard shall be the street line, and if there be no rear yard, the rear boundary of the side yard shall be the rear line of the lot.~~

**Zoning District.** An area designated on the Official Zoning Map in which certain uses are permitted and certain others are not permitted, all in accordance with this Title.

**LAND USE TABLE FOR RESIDENTIAL ZONING DISTRICTS**  
**(DRAFT for Committee Review. 10/16/2015 Version)**

*(Note: Words in italics are temporary reminders/discussion points.)*

A. Buildings, structures and land shall be used only in accordance with the uses permitted in the following Land Use Table, and subject to all other applicable requirements of this Title. Many of the categories are specifically defined in Chapter \*, Definitions.

B. Interpretation of the Residential Land Use Table. The symbols and letters in the Residential land Use Table have the following meanings. Refer to Chapter \* for applicable review procedures for each category.

<u>Symbol:</u>	<u>Meaning:</u>
P	The use is permitted in that zoning district by right.
A	The use is permitted as an accessory use only. An accessory use cannot be established on a property unless it is in conjunction with a permitted use.
C	The use may be considered through the Conditional Use review process. See Section 10-*. <i>(NOTE: Coordinate Conditional Use/Special Use Definitions and procedures. For now Conditional Use means a discretionary review by P&amp;Z with notice to neighbors.)</i>
N	The use is not permitted in that zoning district.
*	The use is subject to requirements applicable specifically to that use, as listed in Section 10-*, Supplemental Development Standards.

*(FYI--In current zoning ordinance, permitted uses for Rural=AA and R-2-MH=A. Also, R-1 roughly corresponds with existing Residential AA zone, R-2 with Residential A, R-3 with B-, and R-4 with B+ and C.)*

LAND USES	Rural Zoning District	R-1 Zoning District	R-2 Zoning District	R-2-MH Zoning District	R-3 Zoning District	R-4 Zoning District	MH Park (See Title 9, Ch. 6)
Accessory Buildings and Uses, <b>not otherwise listed.</b>	A	A	A	A	A	A	A
Accessory Dwelling Unit.*	C	C	A	A	A	A	A
Animal Husbandry, large animals.* <i>e.g. horses, cows, swine. (Setback for pens/barns from neighboring residences, no feeding operations-feedlots, min. lot size of 0.9 ac., sanitary and humane conditions.)</i>	P	N	N(C?)	P(C?)	P	P	N
Animal Husbandry, small animals.* <i>e.g. chickens, ducks, rabbits. (setbacks for pens/barns-50 ft., no feedlots, sanitary conditions, no roosters. Definition does not include dogs, cats, etc.).</i>	P	P	P	P	P	P	P
<b>Assisted Living Apartments*</b>	N	N	N	N	C	P	N
Bed and Breakfast Inn, located within a detached single-family dwelling, with up to three bedrooms for rent.* <i>(owner occupied in Rural, R1, R2?)</i>	C	C	A	C(A?)	A	A	C
Bed and Breakfast Inn, located within a detached single-family dwelling with more than three bedrooms for rent.* <i>(owner occupied in R2?)</i>	C	N	C	N(C?)	C	P	N
<b>Campgrounds and RV Parks.*</b>	N	N	N	N	N	N	C
Churches, and Houses of Worship.	C	C	P	P	P	P	C
Community Center, Private.*	A	A	A	A	A	A	A
Community Gardens and Private Greenhouses* <i>(greenhouse size limit in residential?, Community gardens must be actively tended to so as to avoid weeds, odors, other characteristics that would constitute a nuisance.)</i>	P	P	P	P	P	P	P
<b>Convalescent Care Facility/Nursing Home</b>	N	N	N	N	C	C	N

LAND USES	Rural Zoning District	R-1 Zoning District	R-2 Zoning District	R-2-MH Zoning District	R-3 Zoning District	R-4 Zoning District	MH Park (See Title 9, Ch. 6)
Country Club, Private.	C	C	C	C	C	C	C
Child Care, Family Home category. (Up to 10 children, in home.)	A	A	A	A	A	A	A
Child Care, Family Center category. (Up to 15 children.)	N	N	N	N	P	P	C
Child Care Centers and Preschools, when located within an existing church, public school, or similar existing building. (Max. 50)	A	A	A	A	A	A	A
Child Care Centers and Preschools-not listed above.(Maximum 50 children.)	N	N	N	N	C	C	N
Dormitories and Single Room Occupancy housing (Six or more residents)*	N	N	N	N	N	C	N
Elderly Care Facility. (Up to 5 residents, in single-family dwelling) (SEE INDIVIDUAL CARE)	C	N	C	C	P	P	N
Elder Care Facility (6 or more residents or .	N	N	N	N	C	P	N
Garage Sale/Estate Sale* (Limited to 4? per calendar year, max 4 days w/o Conditional use permit)	A	A	A	A	A	A	A
Group Home, Small (Up to 5 residents, in single-family dwelling) (SEE INDIVIDUAL CARE)	P	P	P	P	P	P	P
Group Home, Large (6 or more residents, in single-family dwelling)	C	N	C	C	C	P	C
Horticulture, cultivation of crops.	P	P	P	P	P	P	P
Home Occupation, Minor. (? no outside employees, no on-site customers in AA, in home, or as minor ancillary activity in outbuilding)	A	A	A	A	A	A	A
Home Occupation, Major. (one employee?, outbuilding ok, outside evidence?).	C	N	C	C	C	C	C
Individual Care, Family Home Category (Up to 5 residents, in single-family dwelling)	A	A	A	A	A	A	A
Individual Care, Group Home Category (six to	C	N	C	C	C	P	C or N

LAND USES	Rural Zoning District	R-1 Zoning District	R-2 Zoning District	R-2-MH Zoning District	R-3 Zoning District	R-4 Zoning District	MH Park (See Title 9, Ch. 6)
<i>10 residents, in single-family dwelling, or if in R-4 zone a building other than a dwelling)</i>							
Individual Care Center (More than 10 residents)	N	N	N	N	C	C	N
Mobile Home park* (Refer to Title 9, Ch. 6)	N	N	N	N	N	C	P
Museums, when located at a historic site.	C	C	C	C	C	C	C
Outdoor Recreational Facilities: Parks, Playgrounds, Playfields, Pathways, Golf Courses, and similar municipal recreation facilities. Not including stadiums and amphitheaters.	P	P	P	P	P	P	P
Real Estate Sales Office, Temporary*	A	A	A	A	A	A	A
RV, Temporary—while constructing/remodeling single-family dwelling.* (12 month permit, for owner only.)	A	A	A	A	A	A	A
Campgrounds and RV Parks.*	N	N	N	N	N	N	C
Schools, Public or Private.* (Note: Established public schools will be placed in a Civic zone, as permitted uses.)	C	C	C	C	P	P	C
Short Term Rental* (Owner occupied in R-2 and R-2-MH)	N	N	A	A	P	P	N
Solar Energy Panel System*	P	A	A	A	A	A	A
Telecommunication Facilities—Stealth Design.* (OK to change to P, as now defined?)	C	C	C	C	C	C	C
Utility Infrastructure Sites. (Electric substations, water treatment and storage facilities, natural gas regulator stations, fiber optic booster stations, outdoor pump stations)	C	C	C	C	C	C	C
Wind Energy System, Small (Subject to a minimum lot size, setbacks, height, noise, etc.)	?	?	?	?	?	?	?

LAND USES	Rural Zoning District	R-1 Zoning District	R-2 Zoning District	R-2-MH Zoning District	R-3 Zoning District	R-4 Zoning District	MH Park (See Title 9, Ch. 6)
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RESIDENTIAL DWELLING CATEGORIES:							
<b>Single-Family Detached Dwelling Categories:</b>							
House Moved onto Lot* ( <i>conventional construction/stick built, architecturally compatible</i> )	C	N	C	P	C	P	P
Manufactured Home meeting standards of ***( <i>New construction if in R-3, roof pitch, on foundation, min. size 24x36?, except in MH Park must be "attached" to the property so as to be taxed as real property</i> )*	N	N	N	P	P	P	P
Manufactured Home not meeting standards of ***.	N	N	N	P	N	C	P
Mobile Home. ( <i>Predates HUD standards of June 15, 1976</i> )	N	N	N	N	N	N	P
Modular home meeting IRC.*	P	P	P	P	P	P	P
Site-built home* ( <i>New construction only</i> )	P	P	P	P	P	P	P
<b>Single-Family Attached Dwelling Categories:</b>							
One-Family Semidetached Dwelling (Two single family attached dwellings, with each dwelling unit on a separate lot) Site built or modular meeting IRC. Up to two attached dwelling units, with one dwelling unit on each lot. ( <i>New construction only, same standards as SFR.</i> )	N	N	P	P	P	P	N
Townhouses (3 or 4 attached dwelling units with each unit on a separate lot)	N	N	N	N	P	P	N
Townhouses (5 or more attached dwelling units with each unit on a separate lot)	N	N	N	N	N	P	N
<b>Multi-Unit Dwelling Categories:</b>							
Duplex (two-family) dwelling	N	N	P	P	P	P	N
Multi-family dwelling, with 3 or 4 dwelling	N	N	N	N	P	P	N

LAND USES	Rural Zoning District	R-1 Zoning District	R-2 Zoning District	R-2-MH Zoning District	R-3 Zoning District	R-4 Zoning District	MH Park (See Title 9, Ch. 6)
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units per building.							
Multi-family dwelling, with 5 or more dwelling units per building.	N	N	N	N	N	P	N
DELETE/STATE IN TEXT? Residential Condominium* <i>(Note: Condominium refers to a form of ownership only—not a type of use or method of construction. Conversion to condominium ownership requires review by the City and filing of a condominium plat.)</i>	N	N	A	A	A	A	A or N