

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY, DECEMBER 8, 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 November 10, 2015 Regular Meeting
6. Approval of Minutes of the November 24, 2015, Regular Meeting
7. Tabled Item:
 - A. Continuation of Special Exemption Request: Yellowstone Gift Shop signs at 1237 Sheridan Avenue. (Applicant requests review to be tabled for two more weeks.)
8. Discuss Draft Amendments to Zoning Ordinance
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, November 10, 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, November 10, 2015 at 12:00 PM

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

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

Justin Ness made a motion, seconded by Curt Dansie, to approve the agenda. Vote on the motion was unanimous, motion carried.

Buzzy Hassrick made a motion, seconded by Justin Ness, to approve the minutes for the October 27, 2015 meeting with modifications. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

Todd Stowell presented the staff report for the Minor Site Plan Review for the Cody Mural Meetinghouse renovations, located at 1719 Wyoming Avenue.

Justin Ness made a motion, seconded by Reese Graham, to approve the Minor Site Plan Review for the Cody Mural Meetinghouse renovations, located at 1719 Wyoming subject to the ADA parking spaces being located such that they share a common loading aisle that is aligned with the ADA ramp. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the Sign Request for a Temporary Jumbo-Tron at the West Park Hospital 75th Anniversary event, November 18-20, 2015.

Buzzy Hassrick made a motion, seconded by Justin Ness, to approve the Sign Request for a Temporary Jumbo-Tron at the West Park Hospital 75th Anniversary event November 18-20, 2015 with the sign to be turned off from 9:00 p.m. to 6:00 a.m. each day. Vote on the motion was unanimous, motion carried.

Todd Stowell presented the staff report for the Site Plan Review for Ancho's Mexican Grill located at 1803 17th Street. Tom Wilder and Keith Prior spoke on behalf of the project.

Reese Graham made a motion, seconded by Buzzy Hassrick to approve the Site Plan Review for Ancho's Mexican Grill located at 1803 17th Street with the following conditions:

1. Prior to issuance of a building permit, the issue of the addition encroaching into the underground drain easement must be resolved. It is expected that the resolution will be to vacate and/or relocate the easement, which requires action by the City Council.

2. Continue to coordinate installation of 3-phase power with the electric department. Payment of all applicable utility fees will need to occur prior to issuance of a building permit. Provide utility easements as necessary for the new electrical service.
3. The ADA parking and unloading areas must be reconstructed to meet ADA requirements. Provide a plan for the work for review and approval by community development staff.
4. Consider planting some shrubs along the west and south sides of the dumpster enclosure.
5. Obtain a sign permit for any exterior signage. Position the "Exit Only" sign so that it does not preclude use of that area of the parking lot for vehicles to turn around if parking spaces along that aisle are full.
6. Provide a method of irrigating the landscape plants.
7. Lighting shall be modest in intensity and any light fixtures with bulbs producing more than 1,000 lumens must be full cut-off in design, or have the bulb shielded.
8. The gate design for the dumpster must be reviewed by city staff to ensure the gates will be secure in high wind events, and not interfere with vision clearance around the corner of the parking lot aisles when open.
9. The project must otherwise comply with the site plan, application description, and applicable building, fire, and electrical codes. All improvements must be installed prior to occupancy; provided the city may accept a financial security to ensure installation soon after occupancy if the improvement is not a life/safety issue and installation is precluded by weather.

Vote on the motion was unanimous, motion carried.

P&Z Board Matters:

Council Update: None

Staff Items: Todd thanked those that have provided comments on the draft definitions. He plans to have an update sent out towards the end of the week.

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

There being no further business to come before the board, Chairperson Lundvall adjourned the meeting at 12:47 PM.

Lynn Stutzman
Engineering Administrative Assistant

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, November 24, 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, November 24, 2015 at 12:00 PM

Present: Justin Lundvall-Chairperson; Justin Ness; Curt Dansie; Buzzy Hassrick; Mark Musser; Brad Payne; Sandee Kitchen, Assistant City Attorney; Steve Miller, Council Liaison; Todd Stowell, City Planner; Lynn Stutzman, Engineering Administrative Asst.

Absent: Reese Graham

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

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

Justin Ness made a motion, seconded by Mark Musser, to table the minutes for the November 10, 2015 meeting until clarification of the Jumbo-Tron requirements can be verified. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

Todd Stowell presented the potential amendments to the residential zoning districts.

Vote on the motion was unanimous, motion carried.

Signs: Signs approved by Todd Stowell are Eagle Recovery, Rustic Sun, Bennion Dental, and H&R Block.

P&Z Board Matters: Justin Lundvall, Justin Ness and Mark Musser will be gone from the next meeting.

Council Update: None.

Staff Items: None.

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

There being no further business to come before the board, Chairperson Lundvall adjourned the meeting at 12:57 PM.

Lynn Stutzman
Engineering Administrative Assistant

DRAFT FOR COMMITTEE REVIEW (December 3, 2015 version)

(Note: **Bold items** are entirely new definitions. 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. **The intensity and level of activity in an accessory use is less than that of the primary 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 that affords only a secondary means of access to abutting property and that 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 personal household pets. The following two subcategories are further defined:

Animal Husbandry, Large Animal: The term includes horses, cattle, sheep, goats, llamas, swine, and any other domestic hoofed animal not otherwise listed under the small animal category, and not otherwise prohibited by the city's animal regulations.

Animal Husbandry, Small Animal: Includes rabbits, chickens, turkeys, pigeons, ducks, geese, goats (miniature, dwarf, or pygmy only), and similar small animals not otherwise prohibited by the city's animal regulations. However, it does not include roosters or peafowl.

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 Apartments. A multi-family building in which personal care services are provided to elderly residents 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 assisted living 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 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.~~

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 that is covered by buildings, and measured to the exterior wall surfaces at the ground floor. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves are not included in building coverage.

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. 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) Note: Sign Height is as measured pursuant to the sign code.

~~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 running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site.

Building, Main. 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.

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 produce 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 primarily intended for consumption or use by those residing on the property.

Community Residence (for the disabled). A residential family-like living arrangement for six to ten unrelated individuals with disabilities who are in need of the mutual support furnished by other residents, as well as the support services, if any, provided by the operator of the Community Residence. Residents may be self-governing or supervised by a sponsoring entity or its staff that furnishes habilitative or rehabilitative services related to the needs of the residents. Interrelationships among residents are an essential component of a Community Residence. A Community Residence shall be considered a residential use of property for purposes of all zoning and building codes. However, the Fire Marshal, pursuant to and consistent with the City's Fire Code, may require enhanced fire protection, including the installation of fire sprinklers and other mitigating measures, where one or more residents has a lessened ability to ambulate adequately. Prior to authorization of the community residence, the applicant shall provide a certification from a qualified medical practitioner that the number of disabled residents proposed is necessary to provide the mutual support and interrelationships required for treatment.

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.

Country Club, Private. A facility available for use on a membership basis for recreational or athletic purposes, and where use of the facility is primarily restricted to members and their guests. The term includes accessory uses, such as a clubhouse; and, restaurant and accessory retail facilities that do not have separate exterior signage.

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

Curb. A stone, concrete or other improved border that is typically used to mark the edge of a roadway or paved surface.

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

Developable Acreage (Developable Acres). The total area within the lot lines of a property 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 through the subdivision process. The term does not include any property that:

- 1) Has already been dedicated or reserved for such purposes;
- 2) Contains slopes in excess of 33 percent for a horizontal distance of at least 20 feet, measured up/down the slope;
- 3) Is below the ordinary high water mark of a waterbody; or,
- 4) Is within a protected wetland.

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 single-family dwelling attached to one or more single-family dwellings by common vertical walls, with each dwelling on a separate lot. Attached dwellings are required to share a common or abutting wall for at least 25 percent of the length of the side of the dwelling.

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

DWELLING, SEMIDETACHED SINGLE-FAMILY. 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. In other words, a single-family attached dwelling that is attached to only one other single-family attached dwelling.

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 primarily constructed on the lot on which it is intended to be occupied, in accordance with the standards of the City's adopted building codes. The term includes modular homes as defined herein, and "stick built" homes.

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, 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, 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, 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 a property owner that allows others to use the owner's land for a specific purposes, such as for access or to locate utilities, 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.~~

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 Floor Area. The sum of the gross horizontal areas of all the floors of a building or structure measured from the exterior face of exterior walls, but excluding basements with less than six feet eight inches (6'8") ceiling height and any other area where the floor-to-ceiling height is less than five feet.

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; and, nuclear or radioactive materials or waste; and, chemicals listed in Title III List of Lists Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July, 1987, U.S. Environmental Protection Agency.

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 this Title, with the intent of generating income. Home Occupations are further classified as follows:

Small-Scale. A business or professional enterprise operated out of a residential dwelling by a resident of the household, which is of a scale and character that does not alter or detract from the residential character of the dwelling or neighborhood, and is incidental and accessory to the primary use of the dwelling for residential purposes. Small-scale home occupations shall meet the standards of ***.

Large-Scale. A business or professional enterprise operated out of a residential dwelling or accessory building by a resident of the household and potentially up to two non-resident employees, which is of a scale and character that does not alter or detract from the residential character of the property or neighborhood, and is incidental and accessory to the primary use of the property for residential purposes. Large-Scale home occupations shall meet the standards of ***.

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 24-hour personal care and related services to more than ten children or dependent adults in a supervised, protective, congregate setting. 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 personal 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 personal 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 five or more dogs, cats or other domestic household pets age six months or older, 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 outdoor environment.

Living Area. For Accessory Dwelling Unit purposes, living area is calculated by excluding the following from the gross square footage of the building:

- a. The exterior walls;
- b. Garages;
- c. Basements with less than six feet eight inches (6'8") ceiling height; and
- d. Other areas with ceiling height less than five feet (5').

Lot. In its' strictest sense, “Lot” is a plot, tract, or portion of a subdivision or addition or other parcel of land whose existence, location and dimensions have been defined either by a legally authorized and recorded subdivision map (plat); or as a government lot or tract in a United States public land survey subdivision.

However, for purposes of applying zoning regulations, “Lot” is typically used generically to refer to any legally created piece of divided land, whether technically a platted lot, government lot, lot of record, tract, plot, or parcel. The use of “Lot” in this manner avoids needless repetition (lot area, plot area, parcel area, etc.).

When it is necessary to distinguish between types of lots, such as often occurs in the realm of surveying and subdivision regulation, the term “Lot” is typically limited to the strict definition, and the terms tract, lot of

record, deeded parcel, etc. carry their respective meanings. Due to the potential for misinterpretation, the reviewing official has the authority to determine the proper interpretation of "Lot" consistent with the language of this title, so that its use does not inadvertently preclude applicability of any particular regulation.

{Lots shall include 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. *(Move to general regulations.)*}

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 Area, Net. As of the date of adoption of this ordinance, "Net Lot Area" means the area of a lot (lot area) minus any portion thereof that:

- 1) Is dedicated or reserved for a public or private street;
- 2) Contains slopes in excess of 33 percent for a horizontal distance of at least 20 feet, measured up/down the slope;
- 3) Is below the ordinary high water mark of a waterbody;
- 4) Is within a protected wetland; or,
- 5) Is in the "pole" portion of a flag lot.

[Note: Historically, some plats used the term "Net Lot Size" to refer to differentiate between the size of a lot after right-of-way dedication through the plat process, from its size before. The terms are not interchangeable.]

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) that adjoins two streets that are parallel or within forty-five degrees of being parallel to each other.

Lot, Flag. A lot with two distinct parts: The "flag," which is the only building site; and is located behind another lot; and the "pole," which connects the flag to the street and provides the only street frontage for the lot. 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 provided with the infrastructure and utilities required for a building to be authorized to be constructed and occupied thereon; or, a lot with existing buildings or structures.

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

Lot Line. For purposes of this title, "Lot Line" means a line that divides one lot from another lot or from a street right-of-way or any other area reserved or dedicated for public use. In situations where underlying property ownership extends under a street or highway right-of-way or easement, the lot line shall be considered to be at the boundary of the right-of-way.

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

Lot Line, Front. The lot 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 line with the narrowest frontage. However, if the lot will contain only one dwelling, or if neither street is a collector or arterial, then 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, regulations, 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. A plot, tract, or parcel of land that:

- a) Was not created through an approved subdivision, or as a government lot or tract in a United States Public Land survey; and,
- b) Was created by a deed or legal instrument other than a plat, which was executed before December 4, 1989, and which has been recorded in the County Clerk's office.

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

Lot Size, Minimum. 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. For any lot created after adoption of this ordinance, minimum lot size shall meet the "minimum net lot area" standard. Unmanned public utility facilities are exempt from minimum lot size requirements.

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.

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 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.

~~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 and/or manufactured homes, which are used as dwellings. The term does not include unoccupied mobile or manufactured homes in a sales lot or storage lot.

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 permanently affixed to and supported by a perimeter foundation. A modular home is constructed in accordance with the City's adopted building code, as opposed to a HUD 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.~~

~~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.

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 owned by and limited to the use of the occupants of a 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 commercial or industrial 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 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.

(Question: Is there a concern over use of cargo containers in residential areas, other than for temporary use for up to 6 months? If not, I plan to simply address them as accessory buildings.)

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.

Owner-Occupied. A property on which the owner resides, and which contains their primary residence. Primary residence shall mean their place of residency for state and federal purposes. at which time the

regulated activity takes place. For example, a short-term rental of an ADU on a property that also contains the primary residence of the owner of the property.

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.

Reception Facility. A property at which formal parties, weddings, receptions, or social gatherings are held, for compensation.

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. For zoning purposes, the term includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, tiny houses on wheels, 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. RV Parks may also offer tent camping, cabin rental, and accessory support services such as laundry, bath houses, and an on-site store.

~~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.~~

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

Setback, Garage Entrance. A setback that is measured from a street lot line to the entrance of a garage or carport. It is essentially a minimum driveway length.

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.

Setback Line. A line established by measuring from the property line, perpendicularly and into the property a distance equal to the required setback. No part of a building shall project into the area between the property line and the setback line except as otherwise provided in this Title. (Eaves, gutters, exterior wall finishes, ornamental decorations, footings, fences 6' and less in height, decks/patios not more than 30" in height, cantilevered bay windows, and similar building projections may extend beyond the setback line, subject to compliance with applicable building and fire codes and section *** of this title—Add/move to general standards section of code.)

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".

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. Any object constructed or installed, the use of which requires location in or on the ground, or attached to something having a permanent location in or on the ground. "Structure" includes but is not limited to buildings, decks, fences, towers, flag poles, signs, and other similar objects. "Structure" does not include paved areas, or vegetative landscaping materials.

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.)~~

Tract. A piece of land created and designated as part of a land division that is not a lot, lot of record, or a public right-of-way. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include storm water management tracts, private alley tracts, and open space tracts. Note: The term "tract" has not consistently been applied in this manner in the past—e.g. some plats label open space or storm water basins as lots.

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

Use. 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.

VISUAL SCREEN. A fence or evergreen hedge at least six feet (6') in height and of sufficient density or construction to prevent visual contact from opposite sides. **If the option for an evergreen hedge is used, it must be of sufficient size at planting to achieve the required height within two years.**

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

Wind Energy System, Small. 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.

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. (See also Lot Line, Front.)

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.

SUPPLEMENTAL DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

10-*-1: SPECIFIED: GENERAL STANDARDS (WHERE?)

The following restrictions apply to all residential development in the Rural, R-1, R-2, R-2MH, R-3, R-4, and MH zoning districts.

A. Basement Houses Prohibited:

~~1. It shall be unlawful, anywhere within the limits of the city, to build, erect or locate any dwelling of less than two (2) rooms and covering less than eight hundred sixty four (864) square feet, except tourist or auto court cabins and similar dwellings intended and used primarily for temporary or transient occupancy, which may be built to cover not less than two hundred forty (240) square feet in a business or industrial district, or to use any building or provide for habitation which does not conform hereto; provided, that provisions of this section shall not apply to mobile (trailer) homes which are regulated by the provisions of title 9, chapter 6 of this code. [Add exception for tourist cabins in commercial zones]~~

No person shall build ~~in residential A district~~, within the city, any basement house, placing directly thereon a roof or any covering to serve as a roof, and use such basement for either dwelling or business purposes, whether temporary or permanent.

~~B. Use: No building shall be erected, structurally altered or moved, and no building or land shall be used for any purpose other than that permitted, in the district in which such building or land is located.(Move)~~

~~C. Height: No building shall be erected or structurally altered to exceed the height or area limit herein established for the district in which such building is located.(Move)~~

~~D. Lot Area: No lot area shall be so reduced or diminished that the yard or other open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located. (Move)~~

E. Every Building On A Lot: Except as provided in [chapter 13](#) of this title, every building hereafter erected shall be located on a "lot", as defined in section [10-1-1](#) of this title. (1960 Compilation § 26-105; amd. Ord. 407; Ord. 97-15)

10-*-2 SUPPLEMENTAL DEVELOPMENT STANDARDS FOR THE RESIDENTIAL ZONING DISTRICTS

Uses identified with an asterisk in the residential land use table are subject to the corresponding regulations of this section, in addition to applicable development standards specified elsewhere in this Title, and any conditions that may be imposed pursuant to a special use permit (Conditional use permit)

review. The standards of this section shall apply unless waived or altered pursuant to the special exemption process of Chapter ***; provided, certain standards identified herein as a “non-waivable standards” shall not be waived or altered except pursuant to the variance process of Chapter ***, Variances. In no case shall any of the following standards be waived or modified to the extent that the result is tantamount to a rezone or the use no longer meets the specified definition thereof.

The supplemental development standards are listed by use, in alphabetical order.

(A) “A” Uses.

Accessory Dwelling Units (ADUs):

1. Location: 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 any time 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. Lot Area, Dwelling Size, and Density: The minimum lot size required for an accessory dwelling unit (ADU) is seven thousand (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.
3. 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 (2) or more dwellings is not permitted to have an accessory dwelling unit.
4. Height and Setbacks: A single-story ADU that does not exceed fifteen feet (15') in building height is subject to the setback standards applicable to private garages. ADU structures that are taller than fifteen feet (15') in building height shall conform to setback standards applicable to a primary residence.
5. Lot Coverage: The footprint of a proposed building containing an ADU that is structurally detached from the primary residence may cover up to twenty percent (20%) of the lot.
6. Living Area: The total living area of an ADU may not exceed seventy five percent (75%) of the living area of the primary dwelling, or eight hundred (800) square feet, whichever is less, with the following exception: When the ADU will be located on one level of an existing building (e.g., basement) and it is not feasible to utilize the area remaining on that level as part of the primary dwelling, then the reviewing official may authorize the ADU to occupy the entire level.
7. Type of Construction: All ADUs are to be of 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.
8. Bedrooms: An ADU may not contain more than two (2) bedrooms/sleeping areas.
9. Parking: An ADU must have a minimum of one off street parking space, when located outside of the downtown parking district. The required parking space shall meet the standards

of Chapter 16, "Off Street Parking", of this title. Any required existing parking may not be displaced by the ADU, unless such parking is replaced elsewhere on the lot.

10. Owner Occupancy: Within the R-1 and R-2 zoning districts, the owner of the property must utilize the primary dwelling unit or ADU as their primary residence; the dwellings shall not both be occupied unless this is the case.
11. 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.
12. 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. Both dwelling units are to be serviced from a single water meter (and a single electric meter –delete?).
13. Home Occupations: Any home occupation within an ADU shall be limited to the home occupation standards of the R-1 zoning district.
14. Addressing: The ADU will be assigned an individual address, which must be posted as required by code.

(Delete or Modify #15 once have general special use process outlined.)

15. Special Use Permit Required In Residential AA Zoning District: Authorization to establish an ADU within the residential AA zoning district may be granted by the planning, zoning, and adjustment board (board), pursuant to the following special use permit process:
 - a. Purpose: The purpose of the board review is to promote the highest level of compatibility possible between the ADU and any neighboring residential AA lands, by identifying any potential negative impacts and determining if additional protections are needed to avoid or mitigate those impacts to an acceptable level.
 - b. Public Hearing: The board shall conduct a public hearing to obtain information pertaining to the request and the suitability of the project as proposed.
 - c. Notice: Notice of the public hearing shall be given at least ten (10) days prior to the hearing by publication in the city's official newspaper and by USPS first class mail to the owners of all properties within one hundred forty feet (140') of the subject property. The notices must identify the date, time, location, and purpose of the public hearing. The person sending the notices by mail shall complete an affidavit of mailing which identifies the document, the property owners to which it was sent, and the date mailed.
 - d. Authority: The board shall have authority to approve, deny, or approve with conditions the ADU application. Conditions may be imposed to address concerns related to compatibility of use, architecture, solar access, privacy, parking, and other impacts identified through the review process. Conditions may include, but are not limited to, modifying the location, orientation, and architecture of the proposed ADU; requiring screening (walls, fencing, vegetation); and requiring additional parking. If conditions cannot be developed to sufficiently mitigate adverse impacts to a level determined acceptable by the board and agreeable to the applicant, the application shall be denied.

(B) "B" Uses.

Bed & Breakfast Inns:

1. The bed and breakfast inn must be located in a detached single-family dwelling.

2. If located within the RR(?), R1 or R2 zoning districts, the owner of the bed and breakfast inn must occupy and reside in the residence when the inn is in operation.
3. The number of bedrooms for rent shall be limited as noted in the residential land use table (3 or less, and 4 or more.)
4. Access to the lot must be by means of a paved public street with a right of way width of at least forty feet.
5. Cooking facilities in guest rooms are not permitted.
6. The Fire Marshal must inspect and approve the occupancy of an establishment before it may be used as a bed and breakfast inn.
7. Individual guest occupancy is limited to periods of less than 30 consecutive days, and less than 30 days in any three-month period.
8. No sale or display of merchandise or other commodities may occur in connection with the establishment.
9. Private functions such as weddings, receptions, luncheons, parties and similar activities are not permitted, except to the extent such activities represent personal activities of the owner/resident, or such use is otherwise permitted in the zoning district in which the property is located and authorization for such has been granted by the reviewing official.
10. The bed and breakfast must maintain compliance with the WY Department of Revenue licensing requirements, including payment of lodging taxes.

(C) "C" Uses.

Churches:

1. Churches with a seating capacity for services of 500 persons or more and located in a residential zone shall be located adjacent to an arterial or major collector street, so as to minimize traffic impacts to the residential area.

Community Gardens:

1. Community gardens must be managed and actively tended, so as to avoid weeds, odors, or other characteristics that would constitute a nuisance, or detriment to neighboring property values.
2. Community gardens may include greenhouses, which shall be limited to 400 (576?) square feet in size. (Discuss size limit, need for architectural standards?)

Community Residence for the Disabled:

1. Prior to authorization of the community residence, the applicant shall provide a certification from a qualified licensed medical practitioner that the number of disabled residents proposed is necessary to provide the mutual support and interrelationships required for treatment.
2. A community residence is considered a residential use of property for purposes of zoning and building codes. However, the Fire Marshal, pursuant to and consistent with the adopted Fire Code, may require enhanced fire protection, including the installation of fire sprinklers and other mitigating measures, where one or more residents has a lessened ability to ambulate adequately.

(D) "D" Uses. (Reserved)

(E) "E" Uses. (Reserved)

- (F) “F” Uses. (Reserved)
- (G) “G” Uses. (Reserved)
- (H) “H” Uses.

Home Occupation, Large-Scale.

The purpose of the “Large-scale home occupation” land use category is to provide an option for consideration of businesses or professional enterprises that somewhat exceed the limitations of the “Small-scale home occupation” category, but that still maintain such characteristics and/or are located such that they are able to operate in a manner that does not interfere with the residential character of the neighborhood.

1. A large-scale home occupation is considered through the special use permit process. In addition to the special use permit criteria of City of Cody code 10.*.** large-scale home occupations shall meet the following requirements:
 - a. The home occupation must be clearly incidental and accessory to the residential use.
 - b. All on-premise work and storage areas must be conducted within the home, garage, or an accessory structure.
 - c. All on-premise activities related to the home occupation are to be conducted only by members of the household, provided up to two non-resident employees may work on the premises, when authorized through the special use permit review.
 - d. No structural alteration or addition may be made to accommodate the home occupation, unless it is made in such a manner that the area would be suitable for typical residential purposes if it were not occupied by the home occupation.
 - e. No equipment shall be installed, no products shall be stored, and no activities shall be conducted in the dwelling or attached garage that would violate the fire or building code limitations for a non-rated wooden structure (Construction Type V-B), regardless of the construction type of the dwelling. Any accessory structure used in the home occupation shall meet the fire and building code requirements applicable to its use.
 - f. No offensive noise, vibration, smoke, dust, odor, glare, electrical interference, or other detriments to neighboring properties or dwelling units shall be produced.
 - g. There shall be no exterior indication of the home occupation, other than those indications complying with #i through #l below.
 - h. No more than a total of four vehicles/trailers associated with the home occupation shall be on or near the premises at any time.
 - i. Any vehicle or trailer associated with the home occupation that is not a typical passenger car or pickup must be parked off-street. Furthermore, vehicles and trailers are not to occupy any area within the front yard that is not designed for parking (e.g. no parking on the front lawn).
 - j. The combined number of customer, delivery, and employee vehicles visiting the property with the home occupation shall not typically exceed eight (8) per day, and they shall not arrive earlier than 7:00 a.m., nor leave later than 7:00 p.m. each day.
- k. Vehicle traffic associated with the home occupation shall not be of an amount that would cause, or add to, any parking congestion problems, or represent a substantial increase in traffic through the residential area.
- l. Signage must comply with the provisions set forth in City of Cody sign code.

2. Examples of possible large-scale home occupations include: small-scale manufacturing or fabrication in an accessory building (no use of production line or automated equipment); contractors not meeting the small-scale home occupation requirements; and, small-scale repair services.
3. The following uses are not permitted as large-scale home occupations, due to their non-residential character, failure to meet home occupation standards, and/or potential impacts to neighboring properties.
 - a. On-premise bookstores or entertainment establishments;
 - b. Barber or beauty parlors, with more than one (1) chair;
 - c. Equipment rental;
 - d. Funeral home or crematorium;
 - e. Animal kennel, stable, daycare, and training;
 - f. Lodging or boarding houses;
 - g. Storage facilities (a.k.a. mini-storage);
 - h. Restaurants/drinking establishments;
 - i. Slaughter and meat processing services;
 - j. Towing services;
 - k. On-premise vehicle or heavy equipment repair (including body, engine and chassis), impound, and dismantling/wrecking.
4. Any large-scale home occupation may be subject to inspection and review at any reasonable time for purposes of verifying compliance with the requirements of this section and the special use permit. If, at any time, any of the large-scale home occupation requirements are not met, the Planning Commission may revoke the permit pursuant to 10.*.**.

Home Occupation, Small-Scale:

1. A small-scale home occupation permit may be authorized when the business meets all of the following requirements:
 - a. The home occupation must be clearly incidental and accessory to the residential use. Only residents of the home may participate in any business activity on the premises.
 - b. All on-premise work and storage must occur within the main residence or attached garage. The home occupation shall not occupy more than 500 sq. ft. of the residence and attached garage.
 - c. All on-premise activities related to the home occupation are to be conducted only by members of the household.
 - d. No structural alteration or addition may be made to accommodate the home occupation, unless it is made in such a manner that the area would be suitable for typical residential purposes if it were not occupied by the home occupation.
 - e. No equipment shall be installed, no products shall be stored, and no activities shall be conducted that would violate the fire or building code limitations for a non-rated wooden structure (Construction Type V-B), regardless of the construction type of the dwelling.
 - f. No offensive noise, vibration, smoke, dust, odor, glare, electrical interference, or other detriments to neighboring properties or dwelling units shall be produced.
 - g. There shall be no exterior indications of the home occupation, other than those indications complying with #h through #l below.

- h. No more than a total of two vehicles/trailers associated with the home occupation shall be on or near the premises at any time. In addition, the vehicle(s) shall not be larger than a typical passenger van or 1-ton pickup and the trailer(s) no more than 20 feet long (overall length). Box-style cargo vans, semi tractors/trailers, heavy equipment, and similar vehicles are not authorized.
 - i. Any vehicle or trailer associated with the home occupation that is not a typical passenger car or pickup must be parked off-street. Furthermore, vehicles and trailers are not to occupy any area within the front yard that is not designed for parking (e.g. no parking on the front lawn).
 - j. The combined number of customer, delivery, and employee vehicles visiting the property with the home occupation shall not typically exceed six (6) per day, and they shall not arrive earlier than 7:00 a.m., nor leave later than 7:00 p.m. each day. Within the R-1 zoning district, on-site customers and employee visits are not permitted.
 - k. Vehicle traffic associated with the home occupation shall not be of an amount that would cause, or add to, any parking congestion problems, or represent a substantial increase in traffic through the residential area.
 - l. Signage must comply with the provisions set forth in City of Cody sign code.
2. Examples of possible small-scale home occupations include: artist; consultant; computer work (accountant, architect, drafter, engineer, typist); internet sales (off-site delivery); music instructor; photographer; seamstress/tailor; and, personal teacher/tutor.
 3. The following uses are not permitted as small-scale home occupations, due to their non-residential character, failure to meet home occupation standards, and/or potential impacts to neighboring properties.
 - a. All uses prohibited as large-scale home occupations.
 - b. Machining, welding, or metal shop;
 - c. Pawn shop;
 - d. Small engine repair;
 - e. Vehicle or heavy equipment alteration, repair (including body, engine and chassis), painting, sales, rental, service, impound, or storage;
 - f. Retail storefronts; and,
 - g. Any use generating, storing or utilizing hazardous materials in amounts greater than a typical household.
 3. After (Date of adoption), any person who desires to start a small-scale home occupation must register their home occupation with the Community Development Department. A permit shall be issued after receipt of an application demonstrating that the home occupation complies with the requirements of the zoning ordinance.

Applications for small-scale home occupations are to be processed as Type ** permits, pursuant to ***. In granting approval of a small-scale home occupation permit, the Director may require additional conditions, so that the home occupation does not detract from the residential character of the neighborhood.
 4. Any small-scale home occupation that is granted approval may be subject to inspection and review at any reasonable time for purposes of verifying compliance. If, at any time, any of the small-scale home occupation requirements are not met, the Director may revoke the permit.

(I) "T" Uses

Individual Care-Group Home Category.

1. When located on a single-family residential lot, the provision of care shall take place in a dwelling used primarily as a residence.
2. 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.

(J) "J" uses. (Reserved)

(K) "K" uses. (Reserved)

(L) "L" uses. (Reserved)

(M) "M" uses. (Reserved)

(N) "N" uses. (Reserved)

(O) "O" uses. (Reserved)

(P) "P" uses. (Reserved)

(Q) "Q" uses. (Reserved)

(R) "R" uses.

Real Estate Sales Office—Temporary.

The following standards apply:

1. The use may be located within a model home or RV trailer.
2. The sales activity shall be limited to lots within the subdivision in which the model home or trailer is located.
3. The use shall not be permitted to operate until the final plat map has been approved and recorded.
4. If the temporary real estate sales office is a model home, the use shall expire three years from the date of the certificate of occupancy or whenever sales are completed, whichever occurs first. If the temporary real estate sales office is a trailer, the use shall expire 6 months from the date of approval by the Community Development Department.
5. A signage plan must be submitted and approved prior to operation of the use. All signage shall comply with the city sign code.

R.V. Parks.

1. The maximum density permitted in a recreational vehicle park is twenty recreational vehicle/tourist cabin sites per developable acre (see definition). Designated tent camping areas may be included in the park, but those areas shall be deducted from the acreage used to calculate the number of RV/cabin sites permitted.
2. Tourist cabins may only be authorized in RV parks located within a commercial or light industrial zoning district. Minimum cabin size is 240 square feet of gross floor area.
3. RV parks shall be seasonally occupied only. No RVs or campers shall remain in an RV park during the months of December, January, and February; provided the owner may store his/her RV on site during these months.

4. Recreational vehicle parks shall have a minimum street frontage of 100 feet.
5. Recreational vehicle sites, office buildings, accessory buildings and other facilities shall be set back at least 10 feet from any property lines. When adjacent to any property line adjoining a public street, the required setback shall be 20 feet.
6. Spacing:
 - a. Pull-through recreational vehicle sites shall maintain at least fifteen feet between vehicles in adjoining sites.
 - b. Back-in recreational vehicle sites shall maintain at least twelve feet between vehicles in adjoining sites.
 - c. Tourist cabins shall be separated at least ten feet from each other, and from any RV vehicle in an adjoining site.
7. Recreational vehicle sites and tourist cabins shall be located at least 20 feet from any building.
8. A minimum of 10% of the total area of the RV Park shall be reserved for purposes of open space or recreational facilities. Open space area shall be of sufficient size, character, and distribution as to be a functional part of the entire park.
9. All access drives shall be a minimum of 20 feet wide for one-way traffic and 24 feet wide for two-way traffic, with sufficient radii to accommodate the RVs and emergency vehicles, as approved by the city engineer and reviewing official.
10. In addition to the parking in each RV space, guest parking at the rate of one guest space per ten RV spaces shall be provided.
11. An engineered site plan showing the layout, grading, drainage, and utility infrastructure for the RV Park shall be submitted for review and approval.

RV, Temporary.

The Community Development Department may authorize the owner of a residential lot, and their household, to live in an on-site RV while constructing or remodeling a residence on the property. The permit shall be valid for up to 12 months, and only during such time as a valid building permit is in effect and construction activity is ongoing at the site. Appropriate provisions for sewer, power, and water shall be made while the RV is occupied.

(S) "S" Uses.

Short-Term Rental.

1. Within the R-2 and R-2-MH zoning districts, the property containing the short-term rental must be owner-occupied. Owner occupied means that the owner of the property resides on the property in their primary residence.
2. Within the residential zoning districts, occupancy of the short-term rental is limited to one "family", as defined by this Title; provided, a special use permit may be requested to exceed this limitation.
3. Prior to use of the dwelling as a short-term rental, the dwelling shall be inspected for fire and life safety items by the Fire Marshal (e.g. smoke detectors, egress windows, and fire extinguishers).
4. Short-term rentals are classified as lodging facilities by the State. As such, the owner of the short term rental must register the lodging facility business with the WY Department of Revenue and pay lodging tax as required.

(T) "T" Uses.

- (U) “U” Uses. (Reserved)
- (V) “V” Uses. (Reserved)
- (W) “W” Uses.

Wind Energy System, Small.

1. No small wind energy system shall be erected on any lot less than 1.0 acre in size.
2. Total height may be up to 50 feet; provided, properties five acres or greater are allowed up to 80 feet.
3. The minimum height of the lowest extent of a turbine blade/rotor shall be 20 feet above the ground, if on a horizontal axis turbine. There is no minimum rotor height for a vertical-axis turbine, provided the blades/rotor must be located or isolated (e.g. fenced) such that they are not easily accessible to anyone but maintenance personnel.
4. The small wind energy system shall have a maximum rotor speed of less than 500 RPM (revolutions per minute) at the manufacturer’s rated wind speed.
5. No tower shall have a climbing apparatus within 10 feet of the ground.
6. Small wind energy systems shall be finished and maintained as manufactured.
7. Every small wind energy system shall be equipped with an automatic overspeed control and a manual brake.
8. The small wind energy system shall be set back from any public road right-of-way and overhead communication or electrical line at least 1.5 times its total height
9. The following two standards apply, provided an affected neighboring owner(s) may grant an easement or written agreement to reduce or eliminate the requirement as applicable to the protection of their property. The document must be recorded in the office of the county clerk before a building permit for the wind energy system is issued.
 - a. A small wind energy system shall be set back from the nearest neighbor’s property line at least 1.5 times its total height.
 - b. The small wind energy system shall be located and maintained such that sound levels do not exceed 50 dBA as measured at any neighbor’s residentially zoned property, or 45 dBA as measured at any neighbor’s habitable building, assuming a wind speed of 12 m/s (26.8 mph). If the sound rating for the wind energy system is known for a given distance, the method of deducting 6 dB for every doubling of distance shall be sufficient to demonstrate compliance with the sound limitation. (See NREL Wind Testing website for data on some models.) If the sound rating is not known, the applicable setback from any neighboring residential property shall be 125 feet, and 220 feet from any neighbor’s habitable building.

- (X) “X” Uses. (Reserved)
- (Y) “Y” Uses. (Reserved)
- (Z) “Z” Uses. (Reserved)