

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY, JULY 12, 2016
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

AGENDA

1. Call to Order by Chairman Justin Ness
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the June 28, 2016 regular meeting
6. TABLED ITEM:
 - A. Site Plan Review: Mountain Equipment, 3202 Big Horn Ave
7. NEW BUSINESS:

Discuss Draft Residential Zoning Amendments:

 - A. Chapter 1 General Provisions
 - B. Residential Land Use Table V7.8
 - C. Supplemental Development Standards for Residential Zoning Districts
8. P&Z Board Matters (announcements, comments, etc.).
9. Council Update: Steve Miller
10. Staff Items:
11. 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, June 14, 2016

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, June 14, 2016 at 12:00 PM

Present: Justin Ness - Chairman; Brad Payne; Buzzy Hassrick; Heidi Rasmussen; Reese Graham; Richard Jones; Sandra Kitchen, Deputy City Attorney; Steve Miller, Council Liaison; Todd Stowell, City Planner; Bernie Butler, Accounting Clerk.

Absent: Curt Dansie

Chairman Justin Ness called the meeting to order at 12:02 PM, followed by the pledge of allegiance.

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

Buzzy Hassrick made a motion, seconded by Brad Payne, to approve the minutes for the May 24, 2016 meeting. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

Todd presented a site plan review for the Gunwerks shooting facility, located at 2301 Lt. Childers Street. Micheal LaBazzo of Gunwerks answered questions from the Board.

Richard Jones made a motion, seconded by Reese Graham, to approve the Gunwerks shooting facility, located at 2301 Lt. Childers Street, with the following conditions:

1. Comply with the conditions of the City Council authorization.
2. The siding and roofing of the shooting room must coordinate with the color of the main building.
3. Dust control shall be provided during construction to control dust impacts to neighboring properties.
4. Any existing utilities must be protected and accommodated during construction of the facility.
5. Any future exterior lighting must be full cut-off style, or be submitted to the Planning and Zoning Board for review.
6. The dirt berm is to be planted and maintained with a native grass mix for dust and erosion control, or as otherwise approved by the Board.

Vote on the motion was unanimous, motion carried.

A public hearing for an Accessory Dwelling Unit within the Residential AA Zone for Kelly & Heather Fowler, at 1031 Bleistein Avenue began at 12:15 p.m. Public hearing closed at 12:20 p.m.

There were no comments from the public.

Todd Stowell reviewed the accessory dwelling unit application for Kelly & Heather Fowler at 1031 Bleistein Avenue.

Reese Graham made a motion, seconded by Heidi Rasmussen, to approve the Accessory Dwelling Unit for Kelly & Heather Fowler at 1031 Bleistein Avenue as presented. Vote on the motion was unanimous, motion carried.

Todd Stowell presented a sign plan for the Farmer's Market at Buffalo Bill Center of the West at 8th Street and Allen Street.

Brad Payne made a motion, seconded by Reese Graham, to approve the sign plan for the Farmer's Market at Buffalo Bill Center of the West, 8th Street and Allen Street, for the months of June through October.

P & Z Board Matters – none

Council Updates – Steve Miller - none

Staff Items – Work on the draft zoning amendments continues as time allows.

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, Chairman Ness adjourned the meeting at 12:27 PM.

Bernie Butler, Accounting Clerk

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

MEETING DATE:	JULY 12, 2016	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: MOUNTAIN EQUIPMENT FILE: SPR 2016-20	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

Note: The original staff report was presented at the June 22, 2016 meeting. See that report for background. This report simply includes the architectural and landscaping sections of that report, an update on the proposed architecture and landscaping, and recommended conditions.

PROJECT DESCRIPTION:

Steve Swan of Swan Enterprises, LLC, doing business as Mountain Equipment, has submitted a site plan application to develop a heavy equipment sales yard and a 60-foot by 80-foot building, to be divided into two suites. One suite would be for Mountain Equipment, for use as an office and shop. The other suite would be occupied at least initially as an office for Cleary Building Corp. (a metal building contractor). The property is 3.76 acres (329' wide and 498' deep) in size and located on the south side of Big Horn Avenue. The application materials are attached.



STAFF COMMENTS:

The update on the architecture is that the building now includes two timber frame gables above the two entrances. The style is that of the manufacturer's photo. Also, decorative rock will be provided, in a gray/black color scheme. The applicant is still contemplating whether to apply the rock as a wainscot on the front of the building and/or on the column bases.

The update on the landscaping is that the applicant would like to discuss eliminating or delaying some portions of the landscaping, so that funds can be applied towards the architectural enhancements.

A rendering of the building is shown here. Note that the color of the wainscot and the pattern shown on the gable ends are drafting errors.



(Following sections from original report:)

Architecture:

The building is a relatively standard metal building, measuring 60 feet by 80 feet, plus an 8-foot deep metal awning. Wall height is 17'8", with the front awning at 10 feet. The roof is proposed to be metal with a 4:12 pitch and an 18 inch eave. The elevation drawings are attached. The photo shown below is from the manufacturer and gives a visual representation, but is NOT the actual building. It is included to help visualize and discuss the architecture. The proposed building does not include rock on the column bases, cupola, or open timber gable, and the window configuration is different. The proposed building is a gray color scheme, with the roof color as "sierra"; the sides, gables as "ash"; and the trim and wainscot "true black". (Note: Printed colors may vary.)



Sierra 896



Ash Gray 848



True Black 880



Photos of neighboring buildings are shown below.



The use of masonry, wood, and large glazing areas on the façade is relatively standard for the buildings in the immediate area. The FedEx facility was required to provide almost 40% of their wall area as masonry. Architectural compatibility with the neighborhood would seem to indicate that more architectural features than proposed are needed. Staff would suggest the Board discuss with the applicant which features could be added to the building to make it more architecturally compatible with the neighborhood.

Landscaping:

The proposed landscaping plan is shown on Page 8 of the drawings. The plan includes a 5-foot wide irrigated lawn strip next to the Big Horn Avenue sidewalk, and a 15-foot wide washed river rock groundcover in the swale area along Big Horn Avenue. Evergreen trees are indicated at 30 feet on center along the east and west property lines, except for two islands that will have perennials and crushed rock groundcover.

The amount of landscaping meets the minimum required for the Entryway Corridor Overlay district. Conceptually, staff believes the landscaping is appropriate for the site, although some details are lacking.

The type(s) of evergreen trees should be specified, as the amount of screening provided by the tree species can vary greatly (think ponderosa pine versus blue spruce). For consistency with FedEx, a blue spruce would be appropriate. They used Colorado blue spruce on the east side and Fat Albert Blue Spruce on the west side (due to space limitations). The Fat Albert spruce was spaced about 20 feet on center, as it has a more vertical growth pattern than Colorado blue spruce. It is also noticed that the Fat Albert Spruce seems to get beat up by the wind more than the common Colorado blue spruce. At FedEx the Colorado blue spruce was spaced in a staggered double row pattern with trees at about 45 feet on center in each row. A single row spaced at 25 to 30 feet, would seem to be a good spacing. The specified growth pattern for a Colorado blue spruce is about 20 feet wide, although fully mature trees can be larger. If the applicant doesn't like the idea of Colorado blue spruce, he should be prepared to discuss alternative trees and spacing requirements with the Board

The Entry Corridor landscaping ordinance specifies that the minimum tree height for an evergreen is four feet. In addition, it is recommended that the planting height be such that it is effectively level with adjacent properties (not lower). Along the east property line specifically, the ground level will need to be brought up some for this to be the case. Also, appropriate topsoil will be needed.

The river rock and crushed rock areas should have a quality weed mat installed for obvious reasons.

The groundcover in the areas of the tree lines is not specified. Native grass or rock would seem appropriate. The FedEx facility spread native grass seed mix and the weeds seem to be under control.

ALTERNATIVES:

Approve or deny the site plan with or without changes.

RECOMMENDATION:

It is recommended that the Planning and Zoning Board approve the project subject to the following.

1. Prior to issuance of a building permit, provide a utility plan that contains details on the utility pipe sizes and material specifications (e.g. DR18).
2. Modify the ADA parking space to be 11 feet wide, plus a minimum 5-foot wide loading aisle.
3. Pay applicable utility fees in conjunction with the building permit. The city fee for the electrical equipment is actual cost. The electrical estimate is paid up front, which is \$2,321.

4. Prior to issuance of a building permit, provide a revised drainage plan, which has the 100-year overflow directed to the ditch along the front of the property.
5. 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 modified approved plans. This includes verification of the assumed infiltration rate, due to the fill material to be placed in the borrow pit.
6. The borrow pit must be filled or graded to provide a maximum 3:1 side slope prior to occupancy of the building.
7. The evergreen trees must be a Colorado blue spruce (or species with a similar growth rate, growth pattern, and cold heartiness, as approved by the Board). The trees must be a minimum of four feet tall, spaced no more than 30 feet apart, provided with a method of irrigation, planted in good soil and at a level so that their base is no more than 18 inches below the level of the immediately adjacent neighboring property. Timing of installation shall be per the entry corridor ordinance. (Prior to occupancy, unless financial security is provided.)
8. The tree lines must be planted with a native grass seed mix, or otherwise landscaped/rocked to prevent weeds.
9. The river rock and crushed rock areas shall be provided with a quality weed barrier.
10. Obtain a sign permit for any exterior signage. The roof sign is not permitted.
11. Prior to occupancy, provide an easement for the electrical facilities, as needed.
12. Provide the following additional architectural features on the building (as discussed with Board—potential items include masonry or rock veneer wainscot, masonry or rock veneer post bases, open timber gable in canopy).
13. The project must otherwise comply with the site plan and applicable building, fire, and electrical codes; (provided, the landscaping may be reduced as agreed by the Board on the condition that landscaping is enhanced upon further development of the property.)
14. Prior to occupancy, provide an as-constructed site plan, drawn to scale, that accurately reflects the placement of the utilities, building, and landscaping.

GENERAL NOTES AND SPECIFICATIONS

- The materials and labor shown on these plans that are provided by Cleary Building Corp. are limited to those materials and labor as defined by the Cleary Building Corp. contract. Additional materials or accessories that are not being provided by Cleary Building Corp. may be shown on plans for context or building code compliance.
- This building is designed in accordance with the following codes and specifications:
2012 International Building Code (IBC)
2012 Edition of "National Design Specifications for Wood Construction"

Use Group(s) Classification: B/S-1
Building Use: Shop/Office
Type of Construction: Type V-B
Building Gross Square Footage: 4800 Sq. Ft.

Building Design Loads:
Design Truss Load: 39 PSF Total Load
Design Snow Load: 20 PSF Ground Snow Load (P_g) (per IBC)
30 PSF (for balanced roof snow load)
Design Wind Speed: 115 MPH (EXP C per IBC)
Seismic Use Group: I
Seismic Design Category: D
Maximum Considered Earthquake Ground Motion for 0.2 Second Spectral Response (S_e): 137.5%g
Maximum Considered Earthquake Ground Motion for 1.0 Second Spectral Response (S 1.0): 41.7%g
Air Freezing Index: 2250

- All lumber, unless otherwise noted, shall be S4S #2 SPF or better. All lumber embedded in the ground shall be treated with Chromated Copper Arsenate to a retention level of 0.60 pounds per cubic foot.
- Grading should be such that the surface water is drained away from the foundation. Minimum grade would be six inches of vertical drop per ten feet of horizontal away from the foundation (5%).
- Fill used for concrete floor slab sub grade, if present, shall be reasonably graded granular material. Fill used in column holes shall be the excavated soil unless otherwise noted. All fill shall be free from debris, stones over 4", and frozen material.
- Electrical work is not a part of this drawing and shall be installed as per applicable codes.
- Heating, ventilating, and air conditioning work is not a part of this drawing and shall be installed as per applicable codes.
- Plumbing work is not a part of this drawing and shall be installed as per applicable codes.
- All nails are to be threaded hardened steel unless otherwise noted.
- This design is based on a building site with sand, silty sand, clayey sand, silty gravel, clayey gravel soil. As per the IBC building code and Referenced Table 1804.2, an assumed soil bearing design value of 2000 psf has been used in this design. If information is discovered before or during construction contrary to this, the building designer should be contacted.

NOTE:
This building, as depicted, must be constructed 10 feet or more from any and all lot lines and 20 feet or more from any other buildings on the same lot. See IBC code and/or the local building official for exceptions.

NOTE:
This document, as presented and sealed, is not intended to be, nor should it be construed as such, a complete building design. It is intended to represent just the building itself. The design of the electrical, mechanical, plumbing, and site drainage are excluded from this plan. It should also be noted that the designer is unaware of any subsoil investigation reports. Footings have been sized on assumed values as per note 10.0 under General Specifications and Notes. The designer excludes determination that the assumed soil conditions are present at the site. If a concrete floor will be installed, the design of the concrete floor is not part of these plans, nor is it intended to be. If shown, the concrete floor is only depicted to show its location with respect to related components of the building. The client or general contractor is encouraged to contract with other professional engineers or architects for the design of the concrete floor and its subgrade.

60' x 80'

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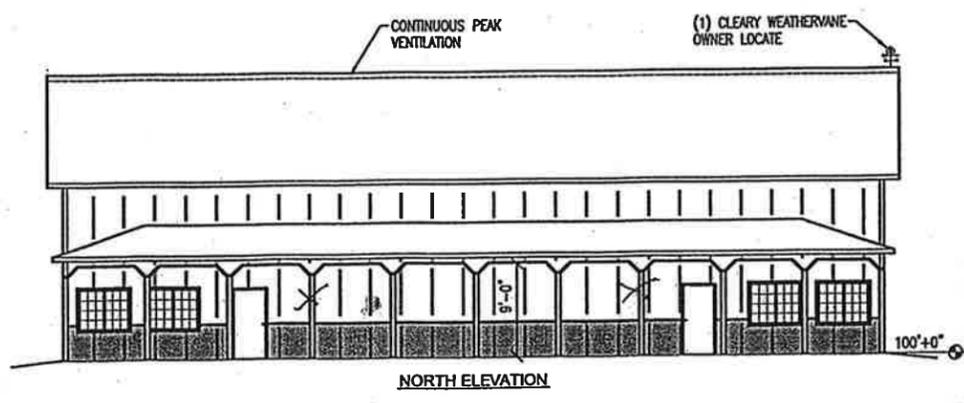
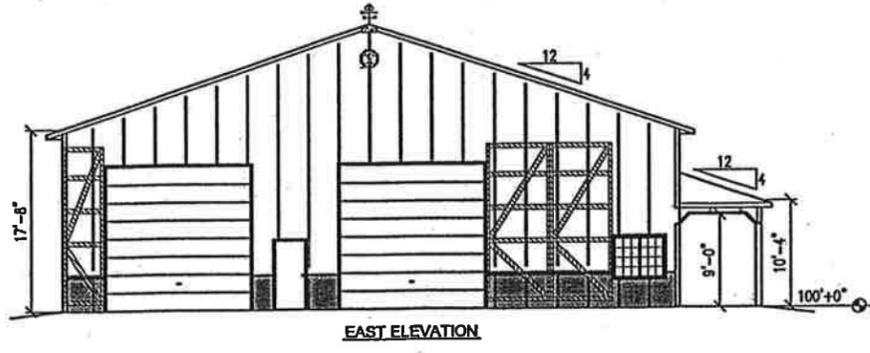
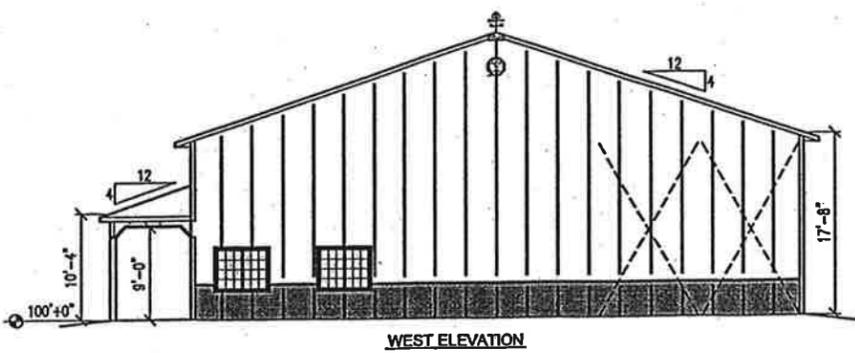
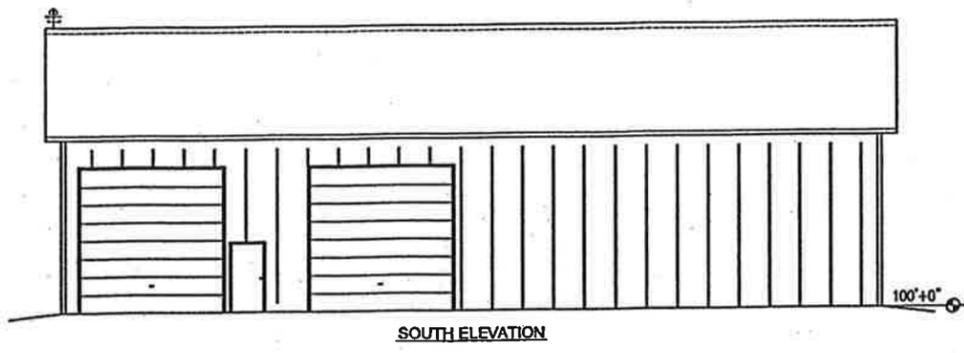
190 PAOLI STREET / P.O. BOX 930220
VERONA, WI 53593 / (800) 373-5550

DRAWN BY: WALDERA

DATE DRAWN: 5/9/16

PLAN REVISIONS:

NUMBER	DATE	BY
1		
2		
3		
4		



PROJECT NAME: MOUNTAIN EQUIPMENT, STEVE SWAN
PROJECT SITE ADDRESS: 3202 BIGHORN AVE
CODY, WY - PARK COUNTY
BUILDING SIZE: 60'x80'x17'-8" COMMERCIAL
SHEET NAME: ELEVATIONS

PROJECT NUMBER: 2016102002
SHEET NUMBER: 110
SHEET SCALE: NONE

APPROVED FOR CONSTRUCTION
DATE _____ BY _____



Mountain Equipment

Owner: Steve Swan
3202 Bighorn Ave Cody, Wy 82414

Floor Plan Scale: 1/8"=1'0"

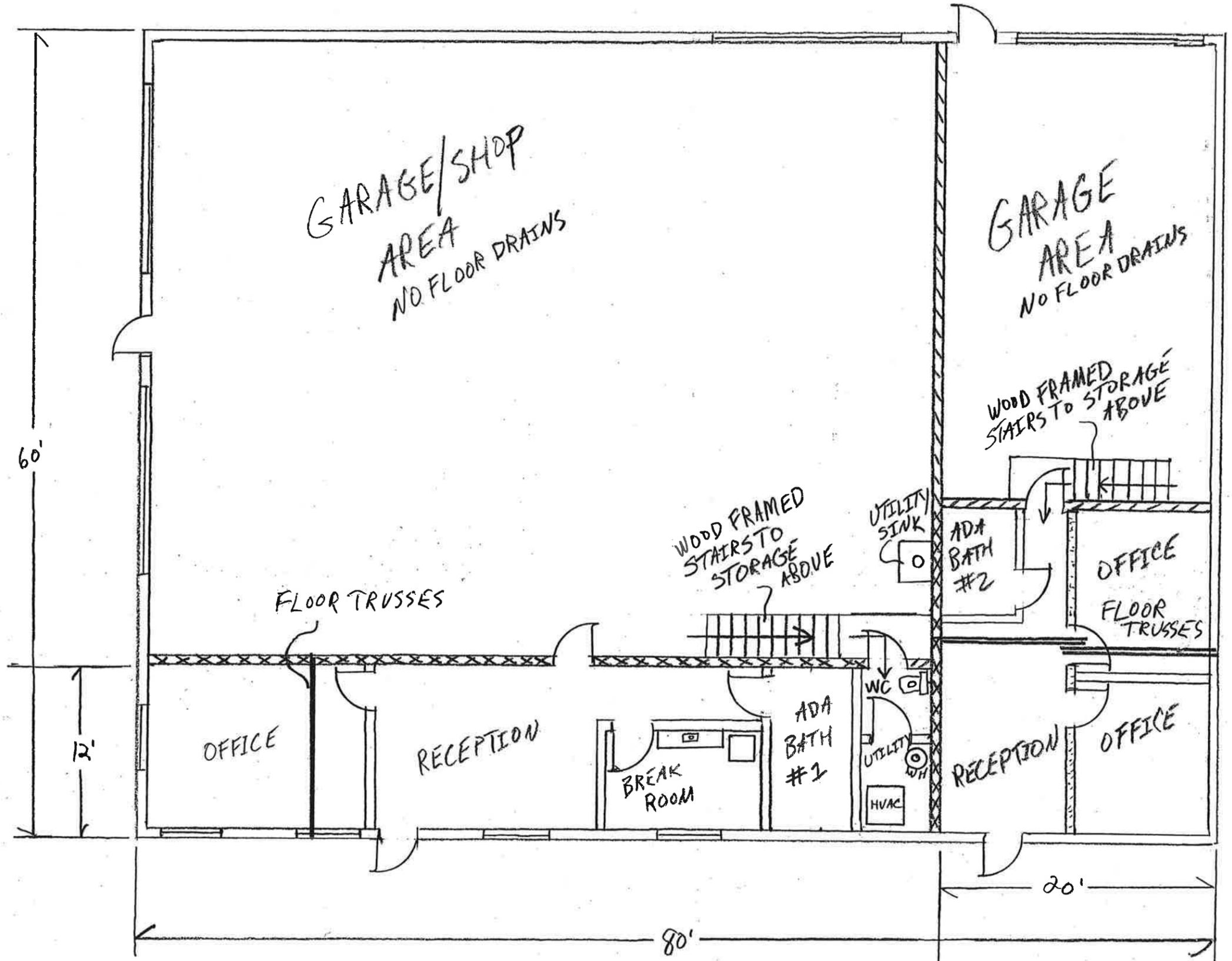
General Notes and Specifications:

- All interior wall framing to adhere to Type V Construction schedule.
- Restrooms, parking lot, egress paths, structure and grounds will conform to all ADA requirements.
- Interior walls to be anchored by Ramset type pins 3 1/2"
- Building use:
Office Space: 1200 sq. ft.
Garage/Shop: 3600 sq. ft.
Storage (above Office Space): 1200 sq. ft.

Legend:

-  - 2 X 6 framing 16" OC w/R-19 Fiberglass Batts and 5/8" type X drywall w/12" X 12" spread concrete footing
-  - 2 X 6 framing 16" OC w/R-19 Fiberglass Batts and 5/8" type X drywall
-  - 2 X 4 framing 16" OC w/5/8" type X drywall and 12" X 12" spread concrete footing
-  - 2 X 4 framing 16" OC w/5/8" type X drywall
-  - All exterior walls as per Cleary Building design plans

Cody Contractors Inc.
5/25/16



Mountain Equipment

Owner: Steve Swan
3202 Bighorn Ave Cody, Wy 82414

Electrical Plan Scale: 1/8"=1'0"

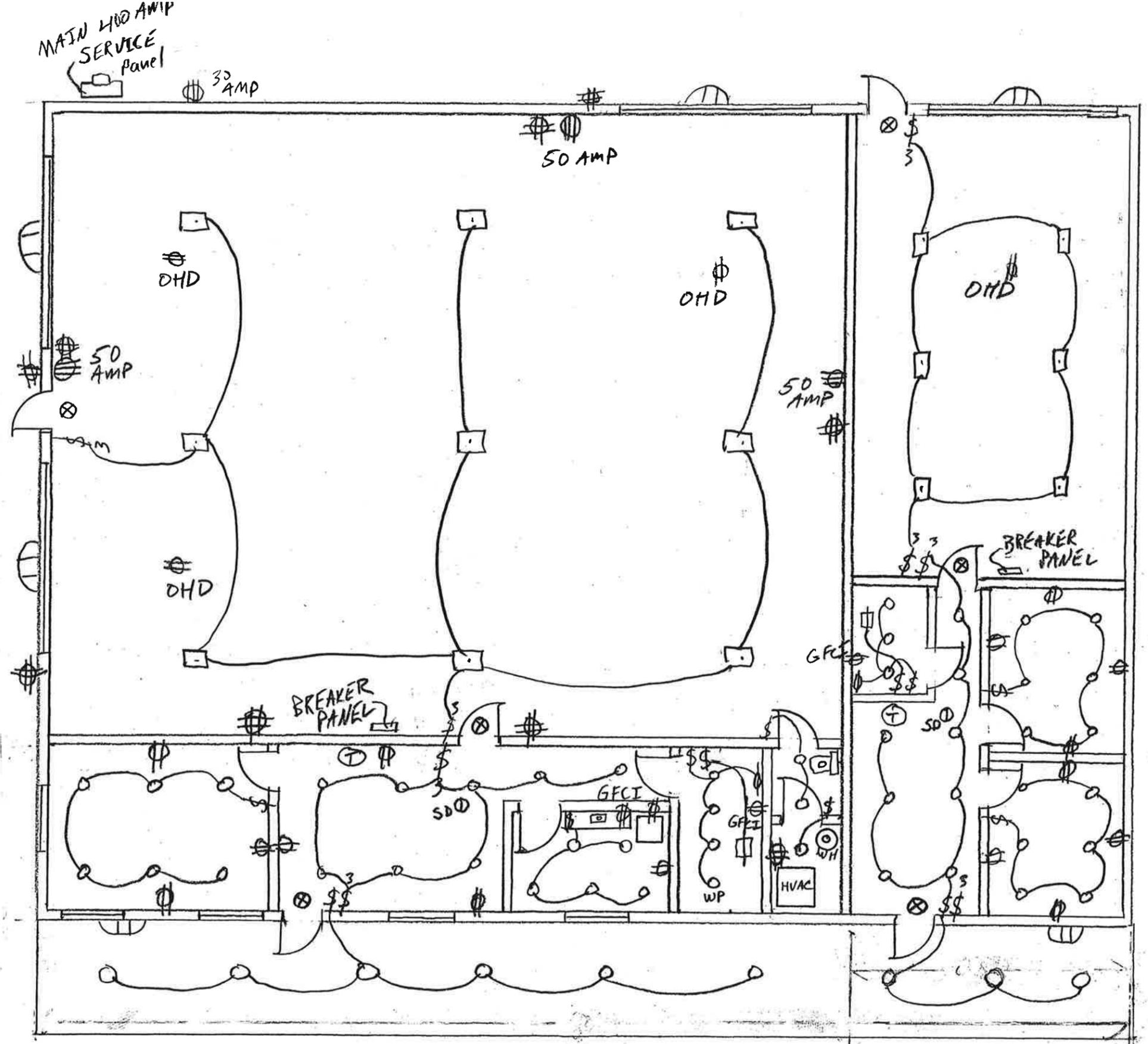
General Notes and Specifications:

1. All electrical work to conform to all local building codes, NEC, and standard practices of the day.
2. Owner will supply all electrical lighting fixtures and trims to be installed.
3. Owner will perform all underground trenching and grading as necessary.
4. All exterior lights to operate on photocell and switch.

Legend:

- ⊕ - Thermostat
- OHD ⊕ - Overhead door operator outlet
- ⊖ - exhaust fan
- ⊖ - vanity light
- ⊖ - exterior flood lights
- ⊖ - interior garage/shop lights
- ⊕ - exit signs
- SD ⊕ - smoke detectors
- - LED recessed cans

Cody Contractors, Inc.
5/25/16



SCALE: 3/32" = 1'0"

Mountain Equipment

Owner: Steve Swan
3202 Bighorn Ave Cody, WY 82414

ADA Parking Plan Scale: 3/32"=1'0"

General Notes and Specifications:

1. All egress paths from parking space shall be minimum 4' wide to entries
2. One Van Accessible parking space shall have all signage, measurements, and stall markings as per ADA requirements
3. Access from the level asphalt ADA stall shall be level with the concrete path of egress to both entries, and shall not exceed 2% slope in all areas

Cody Contractors Inc.
5/25/16

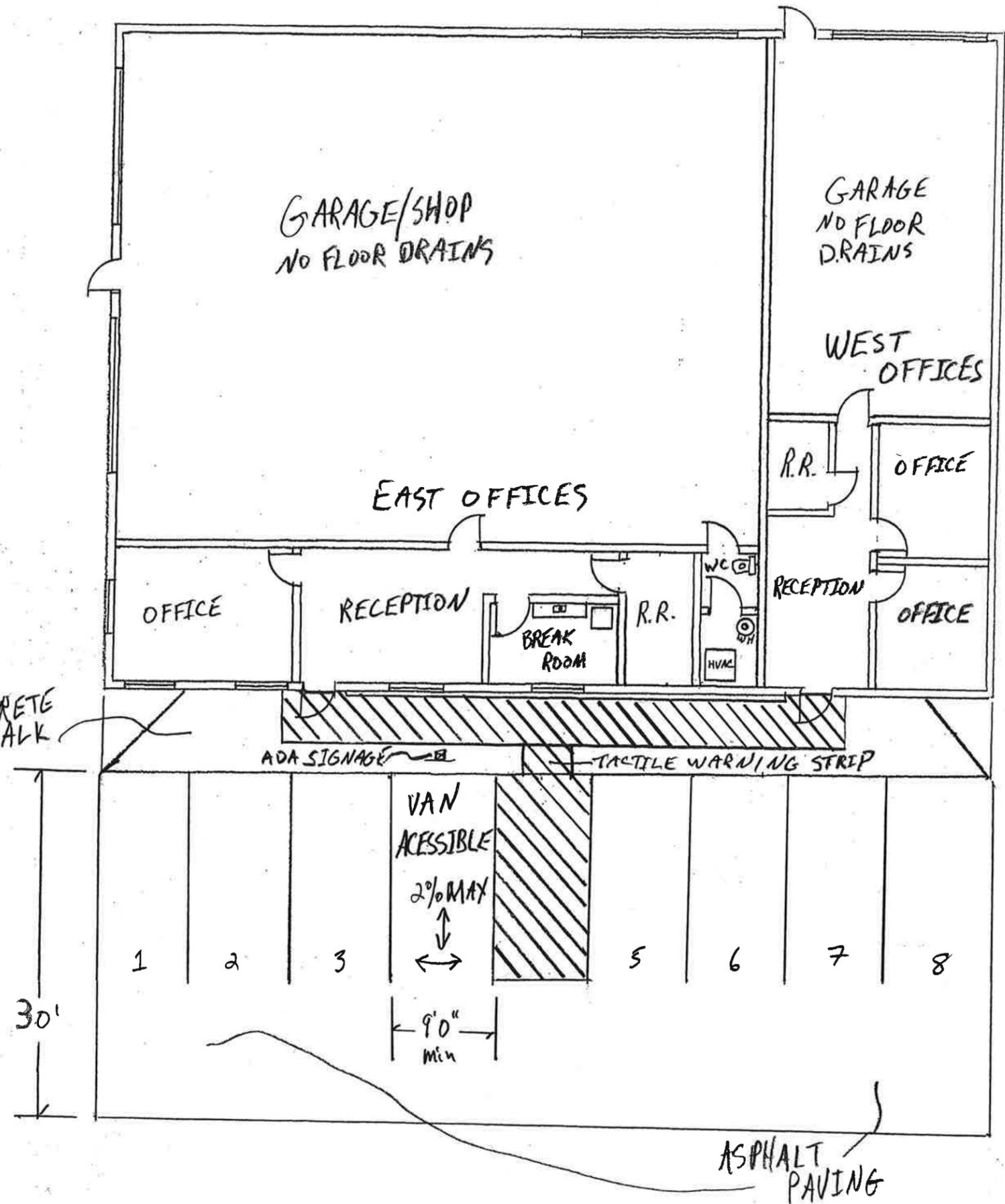
EMPLOYEE COUNT:

- EAST: 2 EMPLOYEES
- WEST: 3 EMPLOYEES

TOTAL COUNT: 5



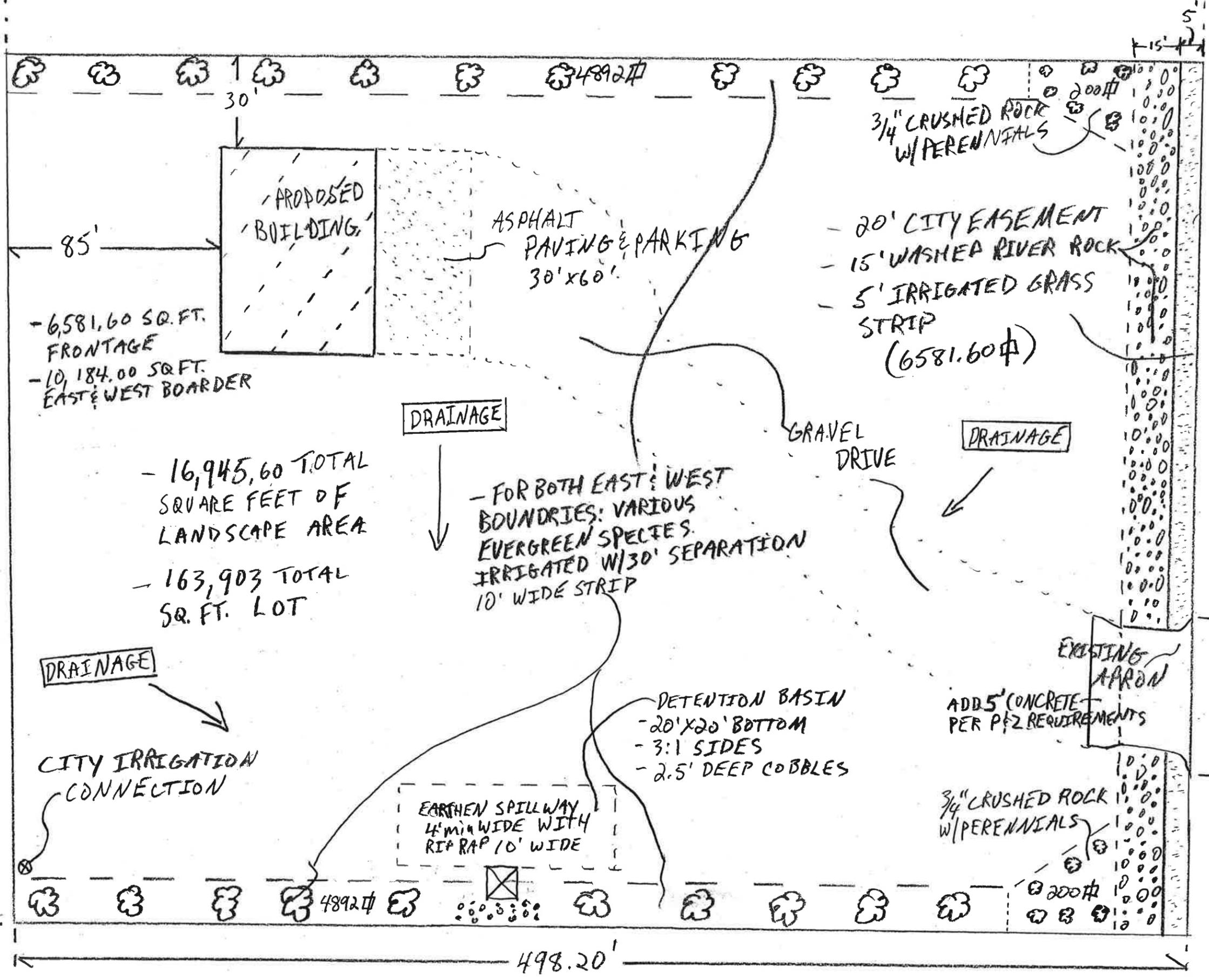
CONCRETE WALK



Mountain Equipment
 Owner: Steve Swan
 3202 Bighorn Ave
 Cody, WY 82414

**Landscape, Drainage,
 & Grading Plan** No Scale

Cody Contractors Inc.
 6/20/16



BIG HORN AVE



CHAPTER 1 GENERAL PROVISIONS

10-1-1 TITLE

10-1-2 SCOPE AND PURPOSES

10-1-3 COMPLIANCE REQUIRED

10-1-4 RULES OF INTERPRETATION

10-1-5 ENFORCEMENT

10-1-6 PROCESSING FEES, NOTICE COSTS, AND REFUNDS

CHAPTER 1 GENERAL PROVISIONS

10-1-1 TITLE:

The provisions of this Title shall be known and may be cited as the Zoning Ordinance of the City of Cody, Wyoming.

10-1-2 SCOPE AND PURPOSES:

This title is in pursuance of the authority conferred by Wyoming Statutes sections 15-1-601 through 15-1-611, and shall apply to all properties and developments within the Cody city limits, except those that are federally exempted.

The purpose of this title is to promote the health, safety, morals and general welfare of the inhabitants of the city by:

- (A) Preserving the character of the City of Cody and its neighborhoods;
- (B) Conserving the value of buildings;
- (C) Encouraging the most appropriate use of land;
- (D) Encouraging compatible uses within the neighborhoods or districts;
- (E) Lessening congestion in the streets;
- (F) Securing safety from fire, panic and other dangers;
- (G) Ensuring provisions for adequate light and air;
- (H) Preventing the overcrowding of land;
- (I) Avoiding undue concentration of population; and
- (J) Facilitating adequate provisions for transportation, water, sewerage, schools, parks and other public requirements.

This title is implemented in accordance with the City of Cody Master Plan (a.k.a. comprehensive plan).

10-1-3 COMPLIANCE REQUIRED

No land shall be used, or structure constructed, except in accordance with the regulations and requirements of this Title, including the requirement to obtain applicable approvals and permits prior to the development of the property. No application for the development of land shall be approved unless the application is determined to be in conformance with the requirements of this Title and all applicable development regulations, including any standards, plans or policies that

have been adopted by the City so as to have a regulatory effect. All development applications filed on or after the effective date of this Title, as initially adopted and subsequently amended, whether for new development or for the expansion or alteration of existing development, shall be processed in accordance with the standards, requirements and procedures established herein.

10-1-4 RULES OF INTERPRETATION

In interpreting the language of this Title, the rules set out in this Section shall be observed unless the interpretation would be inconsistent with the express language of this Title.

A. Minimum Requirements:

In interpreting and applying the provisions in this title, they shall be held to be the minimum requirements for the protection of health, safety, morals, comfort, convenience or the general welfare. In case of conflict between this title and any other laws that exercise control over the same feature, the more stringent regulation shall apply.

B. Meaning and Intent

All provisions, terms, phrases and expressions contained in this Title shall be liberally construed in order to carry out the intent of the governing body. Words and phrases shall be construed according to the common and approved usage in the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that meaning. Such terms, words, and phrases used in this Title, when defined herein or elsewhere in the City of Cody Code, shall have the meaning noted. Terms, words and phrases not defined by the City of Cody Code shall have the meanings prescribed by Wyoming Statutes Annotated for the same terms, when defined therein. Any term, word or phrase not specifically defined or prescribed in this City of Cody Code or Wyoming Statute shall have the ordinary meaning ascribed to it in a dictionary of common usage.

C. Text Controls

In case of any conflict between the text of this Title and any figure or table, the text shall control.

D. Computation of Time

The time within which an act is to be performed shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, legal holiday or other day that the City offices are officially closed to the public, that day shall be excluded. The following time-related words shall have the meanings ascribed below:

“Day” means a calendar day unless otherwise stated. “Week” means seven calendar days. “Month” means one calendar month. “Year” means a calendar year, unless a fiscal year is indicated.

E. Other Clarifications

1. Headings. The headings contained in this Title are for convenience only and do not limit or modify the intent or meaning of the provisions.
2. Tense. Unless clearly indicated to the contrary, words used in the present tense shall include the future, words used in the plural shall include the singular, words used in the singular shall include the plural, and words of one gender shall include the other.
3. Use of Certain Words. The words “shall,” “must,” and “will” are always mandatory. The words “may” and “should” are discretionary.
4. Written Information. References to “written” information shall mean any representation of words, letters or figures whether by printing or other form or method of writing.
5. Conjunctions. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

“And” indicates that all connected items or provisions apply; and

“Or” indicates that the connected items or provisions may apply singularly or in any combination.

F. Private Covenants or Deed Clauses

No provision of this Title is intended to interfere with or abrogate or annul any easement, private covenants, deed restriction or other agreement between private parties. In cases in which this Title imposes a greater restriction upon the use of land or structures, the provisions of this Title shall prevail and control. The City has no power or authority to enforce private deed covenants, conditions or restrictions to which it is not a party. Private covenants or deed restrictions which impose conditions more restrictive than those imposed by this Title, or which impose restrictions not covered by this Title, are not implemented nor superseded by this Title.

G. Limitations on City Action

The issuance or granting of a building permit or approval of plans or specifications under the authority of the Building Code shall not be construed to be a permit for, or an approval of, any violation of any provisions of this Title or any amendments thereto, or of any other law. No permit, approval, representation, action or inaction on the part of a City officer or employee which purports, or could be interpreted, to authorize the violation or cancellation of any of the provisions of this Title shall limit the City’s authority to enforce the provisions of this Title or any other provision of the Municipal Code. Any permit, license or other approval which is issued in error in conflict with this Title is voidable by order of the City.

H. Other Permits

Nothing in this title shall eliminate the need for obtaining any other required permits, including, but not limited to building permits; plumbing, electrical, or mechanical permits; grading permits;

or any permit, approval, or entitlement required by other titles of this code, other political subdivisions of the state of Wyoming, or agencies of the state of Wyoming.

I. Other Limitations

No provision in this Title amounts to a guarantee, warranty or promise that any particular type of construction will be free from defect, will perform in a certain manner, or will be exempt from other legal requirements applicable thereto. The issuance of a permit, or the inspection or approval of any permit, plans or work under this Title, shall in no way constitute a guarantee, warranty or promise that any particular material, labor or construction will be free from defect, or perform in a certain manner, or will be durable, safe or fit for a particular purpose or use. Compliance with this Title is not intended to substitute for the performance of any private duty, nor to reduce or eliminate any private liability on the part of an owner, developer or permittee.

J. Severability

If for any reason any part, section, subsection, sentence, clause or phrase of this Title, or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Title.

10-1-5 ENFORCEMENT

A. General

1. Purpose. Enforcement of the provisions of this Title shall be pursued in order to provide for its effective administration, to ensure compliance with any condition of development approval, to promote the City's planning efforts, and to protect the public health, safety and general welfare.

2. Responsibility. The provisions of this Title and any conditions of development approval which have been imposed thereunder may be enforced by the City administrator, City planner, City building official, City code enforcement officer, City police department, and any other City officer or employee designated by the City Administrator to do so. Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the provisions of this Title shall be subject to the remedies and penalties set forth in this Title. A building permit, subdivision, and other land development application may be denied for failure to comply with this Title, including any condition or standard imposed on any application granted under this Title.

3. Stop Work Order. A "Stop Work Order" may be issued with respect to any construction which is in violation of this Title or in violation of any condition which has been imposed on a permit or other approval under this Title.

B. Violations

Pursuant to Wyoming Statute §15-1-610, if any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is

used in violation of this Title or other regulation made under its authority, the proper authorities of the city, in addition to other remedies prescribed by ordinance, may institute any appropriate action to prevent the violation; the occupancy of the building, structure or land; or, any illegal act, conduct, business or use in or about the premises.

1. Misdemeanor

A violation of this Title, or any permit issued in accordance therewith, whether such violation was caused by disobedience, omission, neglect, or refusal to comply, constitutes a misdemeanor, as follows.

- A. It is unlawful for any person, whether acting as a principal, agent or employee, to violate any provision of this Title, or of any condition or requirement imposed upon any permit or authorization granted hereunder, including but not limited to those specified in a Conditional Use Permit, Site Development Authorization (Plan Review), Special Exemption, Variance, Administrative Deviation, Home Occupation Permit, Sign Permit, or a Temporary Use Permit.
- B. It is unlawful for the owner, general agent, lessee or tenant of a building or premises or for any other person to cause, permit or assist in the occurrence or commitment of a violation of any provision of this Title, or of any condition or requirement imposed upon a permit or authorization granted hereunder, including but not limited to those specified in a Conditional Use Permit, Site Development Authorization (Plan Review), Special Exemption, Variance, Administrative Deviation, Home Occupation Permit, Sign Permit, or a Temporary Use Permit.

Upon conviction, said person shall be punished as provided in City of Cody Code Section 1-4-1. Each day that a violation is permitted to exist after notice has been given by a city representative noted in 10-1-5(A)(2) shall constitute a separate offence.

2. Administrative Action. For any violation of this Title, or of any approval granted or condition of approval imposed hereunder, the City may pursue administrative action to:

- a. Review, modify, suspend, or revoke an approval or permit issued hereunder;
- b. Require the discontinuance of a use operating as a conditional use or special use under City of Cody Code (add Section); or
- c. As an alternative to requiring discontinuance under Subparagraph (b) of this Paragraph (2), require that a use operating as a conditional use or special use under City of Cody Code (add Section) comply with additional conditions or limitations.

3. Nuisance. Any building or structure set up, erected, built, moved, or maintained or any use of property contrary to the provisions of this Title shall be, and is declared to be, unlawful and a public nuisance and the City Attorney shall, upon order of the City Administrator or City Council, immediately commence actions or proceedings for the abatement, removal and enjoinder of it in a manner provided by law and shall take such other steps and shall apply to the court as may have jurisdiction to grant relief to abate or remove the building, structure or use,

and restrain and enjoin any person from setting up, erecting, building, moving, or maintaining any building or structure, or using any property contrary to the provisions of this Title.

4. Remedies Cumulative. All remedies provided herein shall be cumulative and not exclusive.

5. Violations Continue. Any violation of a former version of the Zoning Code, or portion thereof, shall continue to be a violation under this Title and be subject to penalties and enforcement under this Section, unless the use, development, construction, or other activity complies with the current provisions of this Title.

10-1-6 PROCESSING FEES, NOTICE COSTS, AND REFUNDS

- A. Payment of Processing Fee Required. The governing body shall establish and maintain a fee schedule for the processing of applications required pursuant to this Title. The fee schedule may be adopted by resolution. No application shall be processed without payment of the required fee.
- B. Applications requiring fees shall include, but not be limited to: site plan reviews, planned unit developments, rezones, text amendments, administrative deviations, special exemptions, conditional use permits, special use permits, variances, sign permits, architectural and landscaping reviews, and any other review conducted by the Planning and Zoning Board.
- C. Costs for publishing public notices in the newspaper and costs for mailing required notices shall be paid by the applicant, and are in addition to the City's processing fee.
- D. Applications that are withdrawn prior to receiving a decision may be eligible for a partial refund as follows. The City planner shall have the discretion to authorize a partial refund based upon the application fee paid minus the approximate costs of processing the application incurred to date.
- E. Refunds are not available for applications that have been processed to the point of receiving a decision from the reviewing official.

LAND USE TABLE FOR RESIDENTIAL ZONING DISTRICTS
(DRAFT 7/8/2016 Version)

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-*
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 zone is the same as Residential AA and R-2MH is the same as Residential A. Also for comparison, 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, not otherwise listed.	A	A	A	A	A	A	A
Accessory Dwelling Unit.*	C	C	A	A	A	A	A
Amateur Radio Antenna.*	See Note.	See Note.	See Note.	See Note.	See Note.	See Note.	See Note.
Assisted Living Apartments.*	N	N	N	N	C	P	N
Bed and Breakfast Inn, with up to three bedrooms for rent.*	C	C	A	A	A	A	C
Bed and Breakfast Inn, with more than three bedrooms for rent.*	C	N	C	C	C	P	N
Churches and Houses of Worship.*	C	C	P	P	P	P	C
Community Center, Private.	A	A	A	A	A	A	A
Community Gardens.*	P	P	P	P	P	P	P
Community Greenhouses.*	See Note.	See Note.	See Note.	See Note.	See Note.	See Note.	See Note.
Community Residence for the Disabled.*	P	P	P	P	P	P	P
Convalescent Care Facility/Nursing Home.	N	N	N	N	C	C	N
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.	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
Home Occupation, Large-scale.*	C	N	C	C	C	C	C
Home Occupation, Small-scale.*	A	A	A	A	A	A	A
Horticulture, cultivation of crops.	P	P	P	P	P	P	P
Hospice Center.	N	N	N	N	N	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)
Individual Care-Family Home Category.	A	A	A	A	A	A	A
Individual Care-Group Home Category.*	C	N	C	C	C	P	C
Individual Care-Center.*	N	N	N	N	C	C	N
Mobile Home park. (Refer to Title 9, Ch. 6)	N	N	N	N	N	N	P
Museums, when located at a historic site.	C	C	C	C	C	C	C
Outdoor Recreational Facilities: Parks, Playgrounds, Playfields, Pathways, and similar municipal recreation facilities. Not including stadiums and amphitheatres.	P	P	P	P	P	P	P
Reception or banquet facility.	C	N	N	N	N	N	N
Real Estate Sales Office, Temporary.*	A	A	A	A	A	A	A
RV, Temporary—while constructing/remodeling single-family dwelling.*	A	A	A	A	A	A	A
School, Public.*	C	C	C	C	P	P	C
Short-Term Rental.*	N	N	A	A	P	P	N
Solar Energy Panel System.	P	A	A	A	A	A	A
Utility Infrastructure Site.	C	C	C	C	C	C	C
Wireless Communication Facility—Microcell.*	C	C	C	P	P	P	P
Wireless Communication Facility—Non-Stealth Design.	N	N	N	N	N	N	N
Wireless Communication Facility—Stealth Design.*	C	C	C	C	C	C	C
Wind Energy System, Small.*	See Note.	See Note.	See Note.	See Note.	See Note.	See Note.	See Note.
RESIDENTIAL DWELLING CATEGORIES:*							
Single-Family Detached Dwelling Categories:							
Dwelling Moved onto Lot.*	C	N	C	P	C	P	P
Manufactured Home, New Multi-wide; and meeting Residential Architectural Standards*	N	N	N	P	P	P	P

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)
Manufactured Home, New Single-wide; and meeting Residential Architectural Standards*	N	N	N	P	C	C	P
Manufactured Home, Used; and meeting Residential Architectural Standards*	N	N	N	P	N	C	P
Manufactured home that does not meet Residential Architectural Standards*	N	N	N	P	N	N	P
Mobile Home.*	N	N	N	N	N	N	P
Modular home meeting IRC, New.	P	P	P	P	P	P	P
Site-built home, New.*	P	P	P	P	P	P	P
Attached Dwelling Categories:							
Semidetached Single-Family Dwelling (Two attached SF dwellings, with each dwelling unit on a separate 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) <i>(*If development >4 units, see also Multi-Family category in supplemental development standards)</i>	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
Multi-Unit Dwelling Categories:							
Two-Family dwelling (a.k.a. Duplex)	N	N	P	P	P	P	N
Multi-family dwelling, with 3 or 4 dwelling units per building. <i>(*If development >4 units, see also Multi-Family category in supplemental development standards)</i>	N	N	N	N	P	P	N
Multi-family dwelling, with 5 or more dwelling units per building.*	N	N	N	N	N	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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Residential Condominium	<p><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></p>						
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SUPPLEMENTAL DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

(Draft for P&Z, 7.8.2016 Version)

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

The following uses, which are 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 variance process of Chapter ***; provided, those standards identified herein with “(SE)”, may be waived or altered pursuant to the Special Exemption process of Chapter ***. 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. (SE)
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. (SE)

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: Within the Rural, R-1, R-2 and R-3 zoning districts, ADUs are to be of conventional site-built construction, be assembled and inspected on site, and meet the requirements of the adopted building code for residential dwellings. Provided; a new modular home may be authorized as an ADU in these zones through the Conditional Use Permit process when the home adds to, rather than detracts from, the architectural character of the neighborhood. Within the R-2MH, R-4, and all commercial and light industrial zoning districts, manufactured homes and modular homes may be utilized as ADUs when placed on a traditional concrete or masonry foundation, and the home is no more than fifteen (15) years old at time of installation (SE). Mobile homes, manufactured homes except as noted above, recreational vehicles, and temporary or seasonal structures (e.g. units on skids, yurts, and tents) 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.(SE) 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 Rural, 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 an R-2, R-2MH, R-3, or R-4 zoning district ~~that permits short term rentals~~, provided applicable short term rental requirements are met, which includes an owner-occupancy requirement in the R-2 and R-2MH zones.
 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.(SE)
 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 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.

Amateur radio antennas (e.g. ham radio antennas):

1. Within residential districts, towers supporting amateur radio antennas that do not exceed the maximum building height limit for the district in which they are located shall be deemed an accessory use. Towers supporting amateur radio antennas that exceed 50 feet or the building height limit for the district in which they are located shall require a conditional use permit, with the intent of minimizing visual impacts.
2. Towers and other structures supporting amateur radio antennas shall comply with building setback requirements.(SE)

(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 Rural, R-1, R-2, or R-2MH zoning districts, the property containing the bed and breakfast inn must be owner-occupied, as defined in 10.*.
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. Vehicle access must comply with the requirements of the International Fire Code, Appendix D, or other established standard acceptable to the Fire Marshal.
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. 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.

9. The bed and breakfast must maintain compliance with the WY Department of Revenue licensing requirements, including payment of lodging taxes.

(C) "C" Uses.

Child Care Centers and Preschools-not listed above:

1. If located in a residential zone, access to the child care center shall be by means of a collector street or larger.
2. The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout of driveways, circulation patterns and parking must be approved by the City Engineer.
3. The building entrance and access shall be oriented away from residential uses on local streets.
4. When located within or adjacent to a residential zoning district, outdoor recreation shall be limited to daylight hours.

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.

Community Greenhouses:

1. One greenhouse, up to 120 square feet in size, and of typical frame and ridged panel (e.g. glass, acrylic, or polycarbonate) construction is permitted as an accessory use to a community garden. A larger or additional community greenhouse, or one of other construction, shall be reviewed as a conditional use.

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.

Dwelling Moved onto Lot.

The dwelling must be of conventional stick built construction and add to, rather than detract from, the architectural character of the neighborhood. The reviewing official may require exterior maintenance, repair, or enhancements (e.g. painting, roof repair, residing), which are needed to achieve architectural compatibility to occur prior to occupancy of the dwelling, or a financial security from the owner to ensure completion of such within eight months of building placement.

(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 (including employee vehicles) shall be at the premises at any time.(SE)

- 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 and employee visits to the property shall not typically exceed eight (8) per day, and they shall not typically occur earlier than 7:00 a.m., nor later than 7:00 p.m. each day. For calculation purposes, each customer or employee visit shall count as one visit. In situations where a person is dropped off and later picked up, it shall count as only one visit, as the customer is the person visiting, not the one dropping off and picking up (e.g. a parent dropping off a child at music lessons and later picking them up). (*SE*)
 - k. Vehicle traffic associated with the home occupation shall not be of an amount that would cause, or add to, any parking congestion problems.
 - 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 at 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. Within the R-1 zoning district, on-site customers and employee visits are not permitted. In the other residential zoning districts, the combined number of customer and employee visits to the property shall not typically exceed six (6) per day, and they shall not typically occur earlier than 7:00 a.m., nor later than 7:00 p.m. each day. In situations where a person is dropped off and later picked up, it shall count as only one visit, as the customer is the person visiting, not the one dropping off and picking up (e.g. a parent dropping off a child at music lessons and later picking them up).
 - k. Vehicle traffic associated with the home occupation shall not be of an amount that would cause, or add to, any parking congestion problems.
 - 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. A small-scale home occupation 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 City administrator or planner 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.
3. When located within or adjacent to a residential zoning district, outdoor recreation shall be limited to daylight hours.

Individual Care Center Category.

1. Access to the individual care center shall be by means of a collector street or larger.
2. The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The layout of driveways, circulation patterns and parking must be approved by the City Engineer prior to the issuance of any building permits.
3. Where the facility structures or play areas have residential adjacency:
 - a. An 8-foot high block wall shall be installed along the common property line.
 - b. The building entrance and access shall be oriented away from residential uses on local streets.
4. When located within or adjacent to a residential zoning district, outdoor recreation shall be limited to daylight hours.

(J) "J" uses. (Reserved)

(K) "K" uses. (Reserved)

(L) "L" uses. (Reserved)

(M) "M" uses.

Manufactured Home:

1. All manufactured homes placed outside of a mobile home park must be "attached" to the property so as to be taxed as real property (i.e. title elimination process).
2. In no case shall more than two manufactured homes may be placed on a single lot, unless developed in accordance with the mobile home park/manufactured home park standards.

Mobile Home:

All mobile homes shall:

1. Have permanent steps or inclined ramps affixed to all entrances;
2. Maintain a minimum crawl space of 18 inches under the entire unit;
3. Have permanent skirting or sidewalls installed to enclose all areas between the lower edge of the outside walls and the ground;
4. Be placed and anchored per the manufacturer's installation instructions or per the design of a professional engineer or architect licensed in Wyoming
5. Have the tow tongue and axles removed.

Multi-Family Development:

This section shall apply to all multi-family developments containing more than four dwelling units. A multi-family development project that includes multiple lots shall be considered as one property or development for purposes of implementing the standards set forth in this section.

1. Purpose:
 - a. To create multi-family housing that is safe and convenient and that enhances the quality of life of its residents.
 - b. To create quality buildings and designs for multi-family development that will enhance the visual character of the community.
 - c. To create building and site design in multi-family development that is sensitive to, and well integrated with, the surrounding neighborhoods.
 - d. To create open space areas that contribute to the aesthetics of the community, provide an attractive setting for buildings, and provide safe, interesting outdoor spaces for residents.
2. Site Design:
 - a. Multi-family housing developments shall be separated from any abutting single-family housing (attached or detached) by a six-foot tall fence, of traditional construction (e.g. vinyl, wood, block), that provides a solid visual barrier to a height of at least five feet. Provided, the reviewing official may waive all or part of the fence requirement when the design and characteristics of the multi-family housing development otherwise provide reasonable privacy for abutting single-family housing. *(SE)*
 - b. All waste storage facilities (e.g. dumpsters) shall be located in an area not readily visible from a public street, or shall be fully screened from view from a public street. *(SE)*
 - c. Provide a central mailbox, including provisions for parcel mail, which is located to provide safe pedestrian and/or vehicular access and complies with U.S.P.S. standards.
 - d. A minimum of sixty (60) square feet of private, usable open space shall be provided for, and immediately adjacent to, each dwelling unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Common open space, building entryways, stairs, and parking areas shall not count towards this requirement.
 - e. Multi-family developments with twenty (20) units or more shall provide the following:
 - i. A property management office; or signage indicating a phone number for the property manager.
 - ii. A directory and map of the development at an entrance or convenient location for those entering the development.
3. Common Open Space Requirements:
 - a. A minimum area of outdoor common open space shall be provided and maintained as follows:
 - i. One hundred fifty (150) square feet for each dwelling unit containing five hundred (500) square feet or less of living area.
 - ii. Two hundred fifty (250) square feet for each dwelling unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area.
 - iii. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.

- b. Common open space may be located in multiple areas; provided, each area shall be not less than four hundred (400) square feet in size and shall have minimum length and width dimensions of twenty feet (20') at all points. (SE)
 - c. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units.
 - d. Common open space areas shall not be immediately adjacent to collector or arterial street right-of-ways, unless separated from the street by a berm or constructed barrier at least four feet (4') in height. (SE)
4. Amenities:
- a. All multi-family developments shall provide and maintain amenities to meet the particular needs of the residents. The types of amenities are listed in item 2 below. The number of amenities shall depend on the size of multi-family development as follows:
 - i. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories. (The categories are: Landscaping/Play Area, Recreation, and Quality of Life.)
 - ii. For multi-family development between twenty (20) and seventy five (75) units, three (3) amenities shall be provided, with one amenity from each category.
 - iii. For multi-family development with seventy five (75) units or more, four (4) amenities shall be provided, with at least one from each category.
 - iv. For multi-family developments with more than one hundred (100) units, the decision making body shall require additional amenities commensurate to the size of the proposed development.
 - b. Types of Amenities. The following categories list the menu of amenities available to satisfy item #1 above. The reviewing official is authorized to consider other options for amenities, provided that the requested improvement provides a similar level of benefit.
 - i. Landscaping/Play Area:
 - 1. Open grassy area of at least fifty feet by one hundred feet in size.
 - 2. Community garden.
 - 3. Ponds or water features.
 - 4. Plaza.
 - ii. Recreation:
 - 1. Sports courts.
 - 2. Walking trails.
 - 3. Children's play structures.
 - 4. Pool.
 - iii. Quality of life:
 - 1. Clubhouse.
 - 2. Fitness facilities.
 - 3. Enclosed bike storage.
 - 4. Public art, such as a statue.
5. Architectural Character:
- a. All multi-family building elevations shall have a portion of the elevation devoted to architectural features designed to provide articulation and variety. These features shall include, but are not limited to: windows, bays, offsetting walls, and multiple siding finishes/materials.

- b. Main entrances, which are the primary point(s) of entry where the majority of building users will enter and leave, shall be designed as an obvious entrance and focal point of the building through architectural treatment, lighting, and address identification.
 - c. Roof forms shall include variety and detail when viewed from the street and/or front elevation. Roofs shall have at least one variation in the roof (e.g. gabled wing or overbuild, dormer, pitch break) for every four units, or fraction thereof, in the building.
 - d. All roof mounted mechanical, electrical, communications, and service equipment should be screened from public view from the adjacent public streets and residential properties by the use of parapets, walls, fences, enclosures, or other suitable means.
6. Landscaping:
- a. All street facing building elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:
 - i. The landscaped area shall be at least three feet (3') wide.
 - ii. For every four (4) linear feet of foundation, a shrub, perennial, or tree having a minimum mature height of twenty four inches (24") shall be planted.
 - iii. Ground cover (plants or decorative rock) shall cover the remainder of the landscaped area.

(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. (SE)
5. A signage plan must be submitted and approved prior to operation of the use. All signage shall comply with the city sign code.

Residential Dwelling Categories.

1. All residential dwellings shall comply with applicable Residential Architectural Standards, as specified in this chapter. (SE)
2. Within the Rural, R-1, R-2, and R-2MH zoning districts, no more than one principal residential building shall be located on a single lot.

3. In no case shall more than two manufactured and/or mobile homes, or combination thereof, be placed on a single lot, unless developed in accordance with the mobile home park/manufactured home park standards.

Residential Architectural Standards.

Within all residential zoning districts except Mobile Home (MH), all dwellings constructed after the effective date of this ordinance shall be constructed in the following manner(SE); provided, manufactured homes not meeting these standards may be considered as specified in the land use table:

1. Roof Pitch shall average at least 4:12 in steepness.
2. Eaves shall extend at least 12 inches from the building.
3. The building shall be constructed or placed on a permanent foundation of concrete, masonry, or material of similar appearance and durability approved by the building official.
4. The structure shall have at least one story above ground level (i.e. no basement houses).

RV, Temporary.

The Community Development Department may authorize the owner of a residential lot, and their household, to live in an on-site recreational vehicle (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.

School, Public.

It is anticipated that due to coordination between the City and the School District that existing schools and planned school sites will be located within a civic zoning district, as permitted uses. However, the option to establish a school elsewhere is provided as outlined in the land use table. Careful consideration shall be given to avoid potential impacts associated with traffic, off-site parking, pedestrian/bicycle access, drop off/pick up areas, noise sources, and lighting associated with sporting events.

Short-Term Rental.

1. Within the R-2 and R-2MH zoning districts, the property containing the short-term rental must be owner-occupied, as defined by this Title. For purposes of this requirement "property" includes the lot that contains the short term rental and any immediately adjacent lot in the same ownership. In other words, the owner may live next door to their short term rental(s) and be in compliance with this requirement.
2. Within the residential zoning districts, occupancy of a dwelling used for short-term rental is limited to one "family", as defined by this Title; provided, a conditional 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.
5. All short term rental facilities, whether existing or proposed, shall register with the City of Cody, provide evidence of appropriate insurance coverage (a business owner's or commercial policy), and pass the Fire Marshal inspection. (Discuss)

(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. (SE)
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. (SE)
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.

Wireless Communication Facility, Microcell.

1. Within the residential zoning districts, a microcell must be mounted on an existing building or existing utility pole, and extend no more than three feet horizontally or five feet vertically from the building or utility pole on which it is mounted.
2. Within the Downtown Architectural District, the proposed facility must be reviewed by the Planning and Zoning Board.
3. The proposal shall clearly demonstrate that the microcell mounting location is one of the less visually obtrusive options in the area.

Wireless Communication Facility, Stealth Design.

1. No residential use may exist on the property.
2. Within the Downtown Architectural District, the proposed facility must be reviewed by the Planning and Zoning Board.
3. The design and location of the proposed facility must be deemed by the reviewing official to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.

(X) "X" Uses. (Reserved)

(Y) "Y" Uses. (Reserved)

(Z) "Z" Uses. (Reserved)