

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY, NOVEMBER 8, 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 October 25, 2016 regular meeting
6. NEW BUSINESS:
 - A. Site Plan Review: Wastewater Pretreatment Building at the City Sewer Treatment Plant.
 - B. Minor Subdivision Review: Plat Amendment, Lot 3 of CLDC Subdivision and BPB Acquisition, Inc. (Certainteed).
 - C. Zoning Ordinance and Map Amendments - Discussion
7. P&Z Board Matters (announcements, comments, etc.).
8. Council Update: Steve Miller
9. Staff Items: Todd Stowell
10. Adjourn

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

City of Cody
Planning, Zoning and Adjustment Board
Tuesday, October 25, 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, October 25, 2016 at 12:00 PM

Present: Justin Ness - Chairman; Richard Jones (via phone); Brad Payne, Heidi Rasmussen, Scott Kolpitcke, City Attorney; Todd Stowell, City Planner; Bernie Butler, Administrative Assistant.

Absent: Buzzy Hassrick; Reese Graham; Curt Dansie; Sandra Kitchen, Deputy City Attorney; Steve Miller, Council Liaison.

Chairman Justin Ness called the meeting to order at 12:08 PM, followed by the pledge of allegiance.

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

Brad Payne made a motion, seconded by Heidi Rasmussen, to approve the minutes for the September 27, 2016 meeting. Vote on the motion was unanimous, motion carried.

NEW BUSINESS:

A. Todd Stowell presented a site plan review for West Park Hospital storage shed, located at 424 Yellowstone Ave.

Heidi Rasmussen made a motion to approve the site plan, seconded by Brad Payne, for West Park Hospital storage shed, located at 424 Yellowstone Avenue, with the following recommendations:

1. That the proposed gas and electrical routes are coordinated with the city and any utilities and improvements are protected and/or replaced in a professional manner.
2. Drywells must be registered with WY DEQ.
3. That the project otherwise complies with the submitted application and applicable building, fire, and electrical codes.

Vote on the motion was unanimous, motion carried.

B. Todd Stowell introduced the Special Exemption request for expansion of a non-conforming building, located at 1619 Alger Avenue.

The Public Hearing for a Special Exemption request for expansion of a non-conforming building, located at 1619 Alger Avenue, began at 12:16 p.m.

There were no comments from the public.

The Public Hearing for a Special Exemption request for expansion of a non-conforming building, located at 1619 Alger Avenue, was closed at 12:17 p.m.

Todd Stowell went over the staff report for the Special Exemption request.

Brad Payne made a motion, seconded by Heidi Rasmussen, to approve the Special Exemption located at 1619 Alger Avenue with the following findings:

1. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by mail to all property owners within 140 feet at least ten days before the hearing.
2. That the Planning and Zoning Board has held a public hearing as required and has considered all comments pertaining to the request; and,
3. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-13-6 are met.

AND,

Approve the request to construct a 480 square foot addition to 1619 Alger Avenue, as proposed, subject to compliance with applicable provisions of the building code.

Vote on the motion was unanimous, motion carried

P & Z Board Matters – none

Council Updates – none

Staff Items – Todd Stowell – Reminded Board of the neighborhood Proposed Zoning Meetings.

Heidi Rasmussen made a motion, seconded by Brad Payne, 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 12:25 p.m.

Bernie Butler, Administrative Assistant

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

MEETING DATE:	NOVEMBER 8, 2016	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SITE PLAN REVIEW: WASTEWATER PRETREATMENT BUILDING AT CITY SEWER TREATMENT PLANT. SPR 2016-29	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

The Cody Public Works Department has submitted an application for a 40-foot by 40-foot two-level building (ground floor and basement), to be located at the City Sewer Treatment Plant. The building is part of the plant upgrades to increase capacity and efficiency. Specifically, the building will house equipment that will be used to separate solids and debris from the influent sewer line, and pump the liquid through distribution piping to the lagoon treatment system. Other work that is part of the project includes a new treatment lagoon, piping systems, and utility extensions.

The location is approximately 1,100 feet west of West Cooper Lane on existing City property. The site plan and building details are attached.

REVIEW CRITERIA:

The property is located within the Industrial "E" zoning district, which is interpreted to permit wastewater treatment facilities and structures accessory thereto. The Industrial zoning district requires all structures in the district to be "architecturally compatible", and reviewed by the Planning and Zoning Board.

In addition, section 9-2-3 of the City code states, *"Before the issuance of any permit under the international building code for commercial buildings situated within the city, the applicant, property owner and occupant shall meet with the planning, zoning and adjustment board to review the application and plans insofar as they pertain to the exterior of a commercial building and site plan conditions. The issuance of a permit shall be conditioned upon the applicant receiving an affirmative vote of a majority of the planning, zoning and adjustment board members in attendance at said meeting."*

STAFF COMMENTS:

The surrounding area is as follows:

<i>DIRECTION</i>	<i>EXISTING USE</i>	<i>ZONE</i>
North	No development within 3,500 feet.	E and County Indust.
East	1,100' to nearest private property.	County R-1/2
South	550' to Pleasant View Subd. and Riverside Cemetery.	E and B
West	Green Acres Mobile Home Park approx. 1,000 feet.	F1



Architecture:

The lower floor is entirely below finished grade. The upper level will be a typical steel sided and roofed building. A concrete pad will extend 20 feet from the north side of the building. Door locations are shown on the floor plan—no windows are proposed. The building color has not been specified at this time. The intent is that it would be an off-white, ivory or tan.

The building wall height is fifteen feet, with a 3:12 pitched roof that would contain solar panels on the south slope. The building floor elevation would be effectively at the level of the top of the berms that form the lagoons.

Due to the isolated location and lack of immediately neighboring residential development, a discussion of architectural enhancements is likely not needed. The thought is that a light-colored building will blend better with the background. The background view from the residential areas includes the former refinery site on 2AB and undeveloped hillside.

Landscaping:

No formal landscaping is proposed in conjunction with this project. It is noted that the berm forming the new lagoon will be seeded with natural grasses for erosion control (per sheet T-2), which seems like the appropriate method for screening the lagoon berm on its north and west sides.

Storm Water:

The building will have a gutter system that will pipe storm water to the north side of the berm, where it will continue as overland flow and either infiltrate or eventually flow to the river—all within the property. Due to the size of the work area, a storm water

pollution prevention plan will need to be submitted to WY Dept. of Environmental Quality. The specifications indicate that it is the responsibility of the contractor to submit that plan.

Parking:

The building does not trigger parking requirements.

Access:

Access to the facility is existing, and the interior access drives will simply be expanded within the facility.

Utilities

The proposal includes extension of a water line and electrical service. Being City property, utility easements are not needed. The project has been reviewed and approved by the Wyoming Department of Environmental Quality. This review does not intend to duplicate the technical engineering level review conducted by WY DEQ.

Exterior Lighting

The plans show three exterior light fixtures, two on the north side of the building and one on the south. All 3 fixtures are LED full cutoff style and controlled by a switch, so that they will only be on as needed.



Setbacks and Buffers

The Industrial E zone does not have any buffer requirements. Applicable setbacks are met.

ATTACHMENTS:

Site plan, floor plan, elevation.

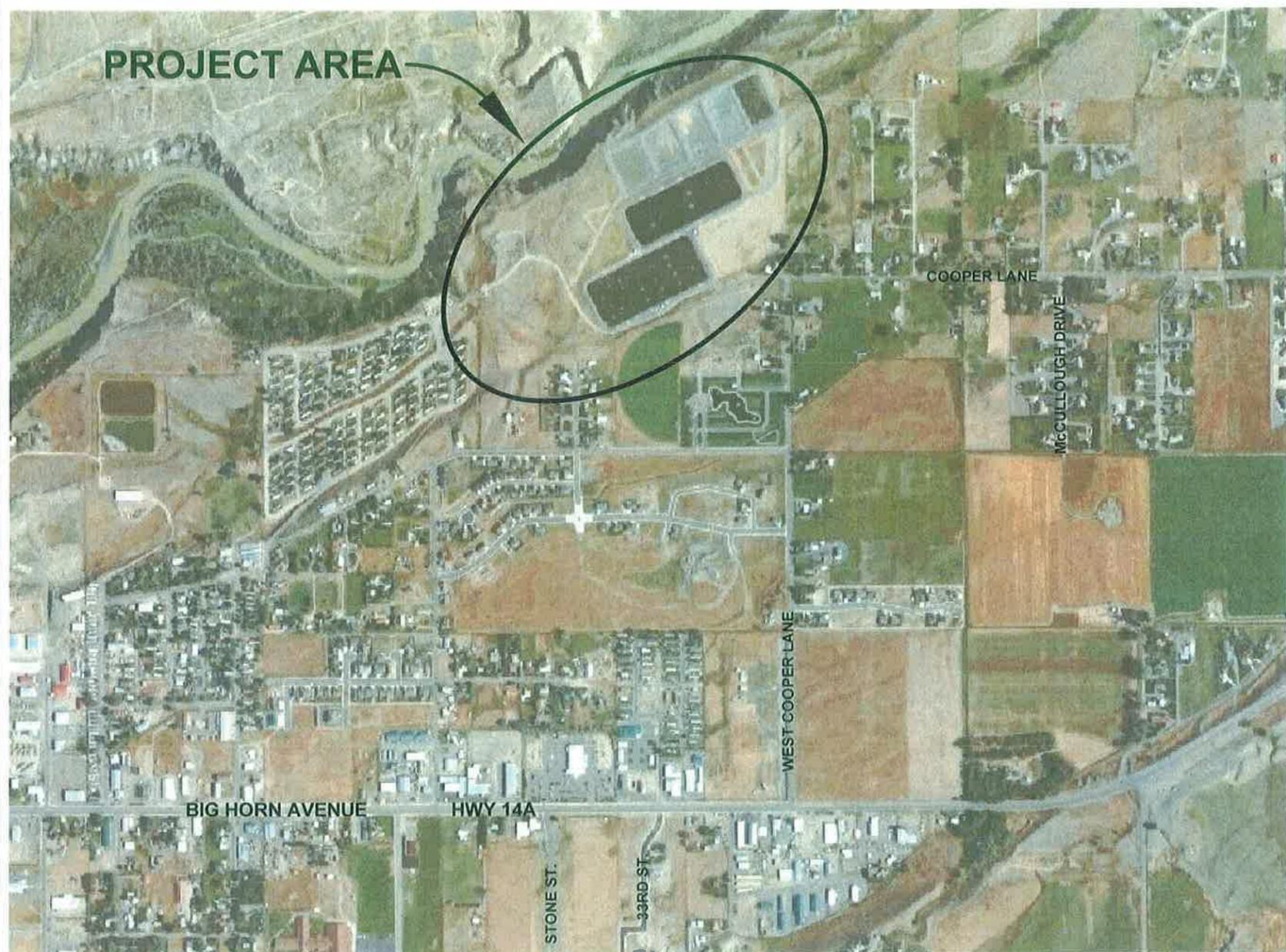
ALTERNATIVES:

Approve or deny the site plan, with or without changes.

RECOMMENDATION:

Approve the application subject to following.

1. The building must be light in color and of a neutral tone, such as off-white, tan or light grey.
2. Waste collected at the pretreatment building shall be taken to the landfill. On-site disposal is not authorized.
3. The project must otherwise comply with the submitted application and applicable building, fire, and electrical codes.



VICINITY MAP
SCALE: 1" = 1000'



DRAWING LEGEND

- P SITE OVERVIEW
- C EARTHWORK
- SA PIPELINE
- TW TREATED WATERLINE
- PTB PRELIMINARY TREATMENT BUILDING
- S STRUCTURAL
- M MECHANICAL
- E ELECTRICAL

CITY OF CODY
WASTEWATER TREATMENT FACILITY
PHASE 1 UPGRADE
WWTF PRETREATMENT BUILDING,
EMBANKMENT, AND ANCILLARY
FEATURES
SEPTEMBER 2016

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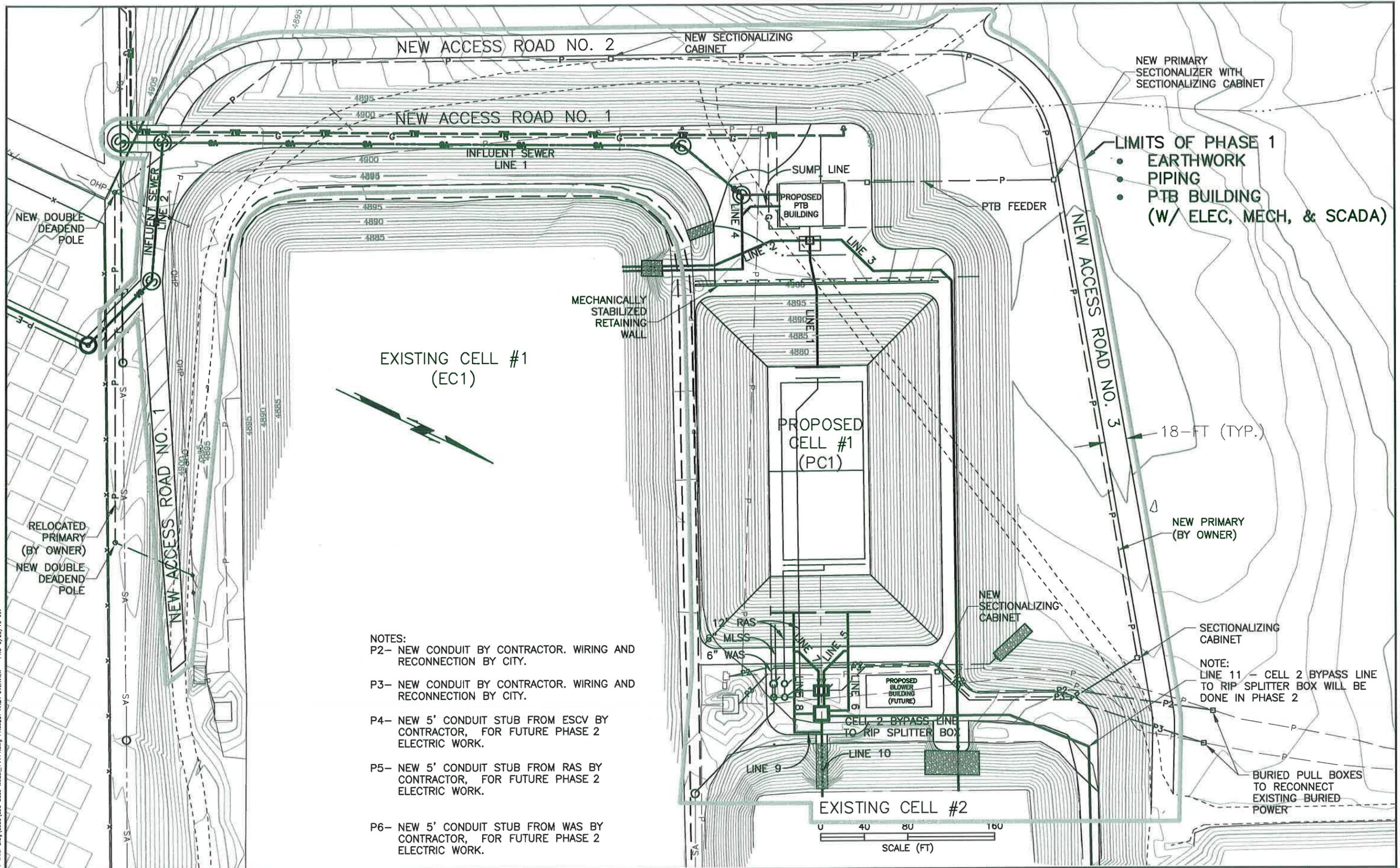


P:\2014\14111 Wwf BigHorn\14111_PTB.dwg T-1 9/20/16 RW

DATE	DRAWING LOG	CHECKED	APPROVED	DRAWN BY: CRA	OWNER: CITY OF CODY, WYOMING	PROJECT: WWTF PHASE 1 UPGRADE	T-1
08/26/16	BID DOCS	IKSM	RAO	JOB NO. 14111	TITLE: TITLE SHEET		
07/05/16	SRF EDITS	IKSM	RAO	FIELD BOOK NO. OFFICE			
06/17/16	DEQ UPDATES	IKSM	RAO				
06/25/15	ORIGINAL DRAWING	CRA	RAO				



ENGINEERING ASSOCIATES - CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS



- LIMITS OF PHASE 1**
- EARTHWORK
 - PIPING
 - PTB BUILDING (W/ ELEC, MECH, & SCADA)

- NOTES:**
- P2- NEW CONDUIT BY CONTRACTOR. WIRING AND RECONNECTION BY CITY.
 - P3- NEW CONDUIT BY CONTRACTOR. WIRING AND RECONNECTION BY CITY.
 - P4- NEW 5' CONDUIT STUB FROM ESCV BY CONTRACTOR, FOR FUTURE PHASE 2 ELECTRIC WORK.
 - P5- NEW 5' CONDUIT STUB FROM RAS BY CONTRACTOR, FOR FUTURE PHASE 2 ELECTRIC WORK.
 - P6- NEW 5' CONDUIT STUB FROM WAS BY CONTRACTOR, FOR FUTURE PHASE 2 ELECTRIC WORK.

NOTE:
LINE 11 - CELL 2 BYPASS LINE TO RIP SPLITTER BOX WILL BE DONE IN PHASE 2

BURIED PULL BOXES TO RECONNECT EXISTING BURIED POWER

P:\2014\14111 Wwf Blgd\cadd\cadd Base Model_14111.dwg PROJECT AREA OVERVIEW - PRO 9/22/16 MAN

DATE	DRAWING LOG	BY	CHECKED	APPROVED	DRAWN BY:
08/26/16	BID DOCS	IKSM	RAO		IKSM
07/29/16	REVISED ELECTRIC	IKSM	RAO	RAO	
07/05/16	SRF EDITS	IKSM	RAO	RAO	
07/30/14	ORIGINAL DRAWING	IKSM	RAO	RAO	

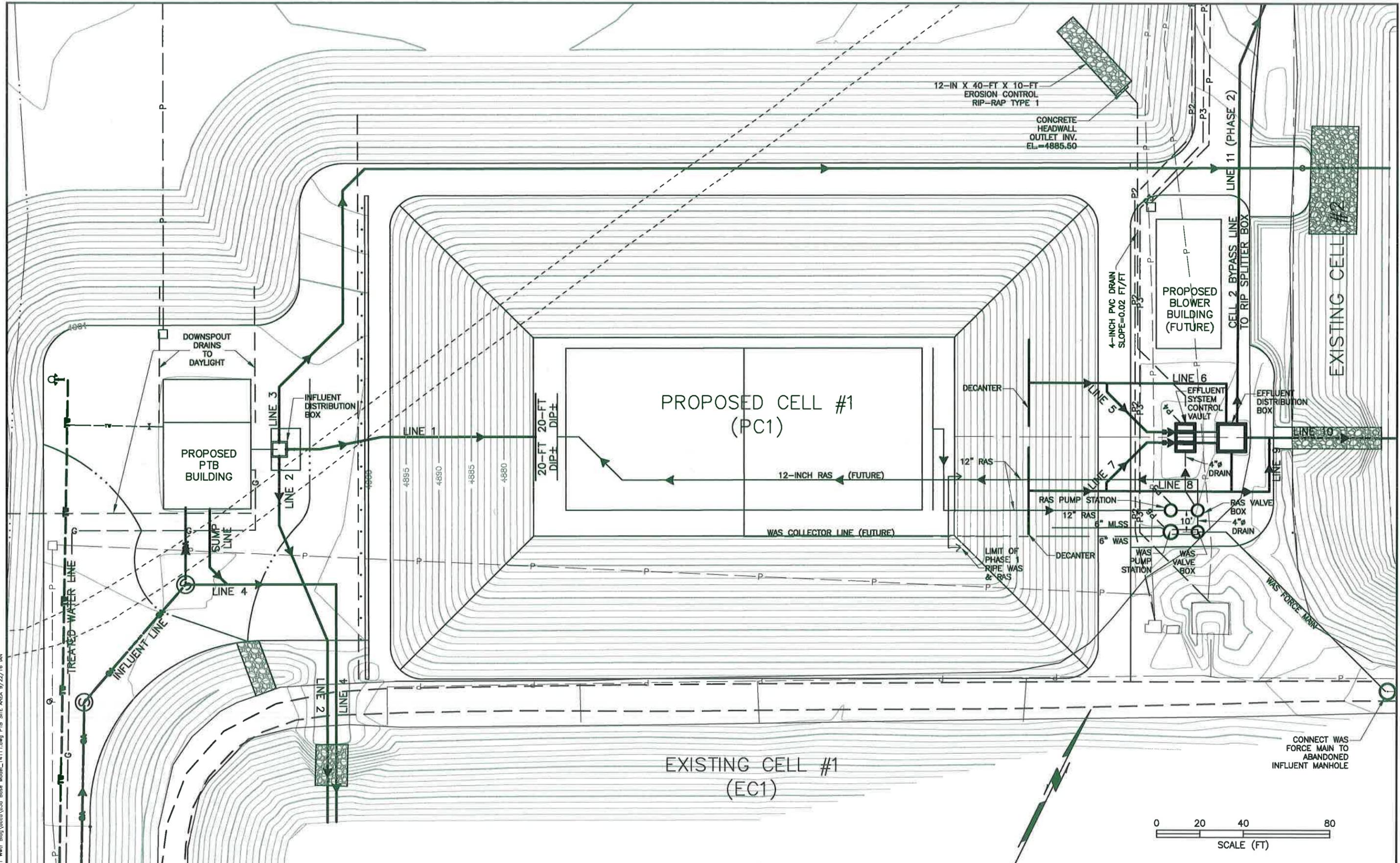
JOB NO. 14076
FIELD BOOK NO. 540



ENGINEERING ASSOCIATES - CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

OWNER:
CITY OF CODY, WYOMING

PROJECT: **WWTF PHASE 1 UPGRADE**
TITLE: **PROJECT AREA OVERVIEW - PROPOSED**



P:\2014\14111 Wwf Bldg.ecad\c3d Base Model_14111.dwg PTB SITE AREA 9/22/16 IAN
 DATE: 08/26/16
 07/05/16
 06/17/16
 07/30/14

DATE	DRAWING LOG	BY	CHECKED	APPROVED
08/26/16	BID DOCS	IKSM	RAO	
07/05/16	SRF EDITS	IKSM	RAO	RAO
06/17/16	DEQ UPDATES	IKSM	RAO	RAO
07/30/14	ORIGINAL DRAWING	IKSM	RAO	RAO

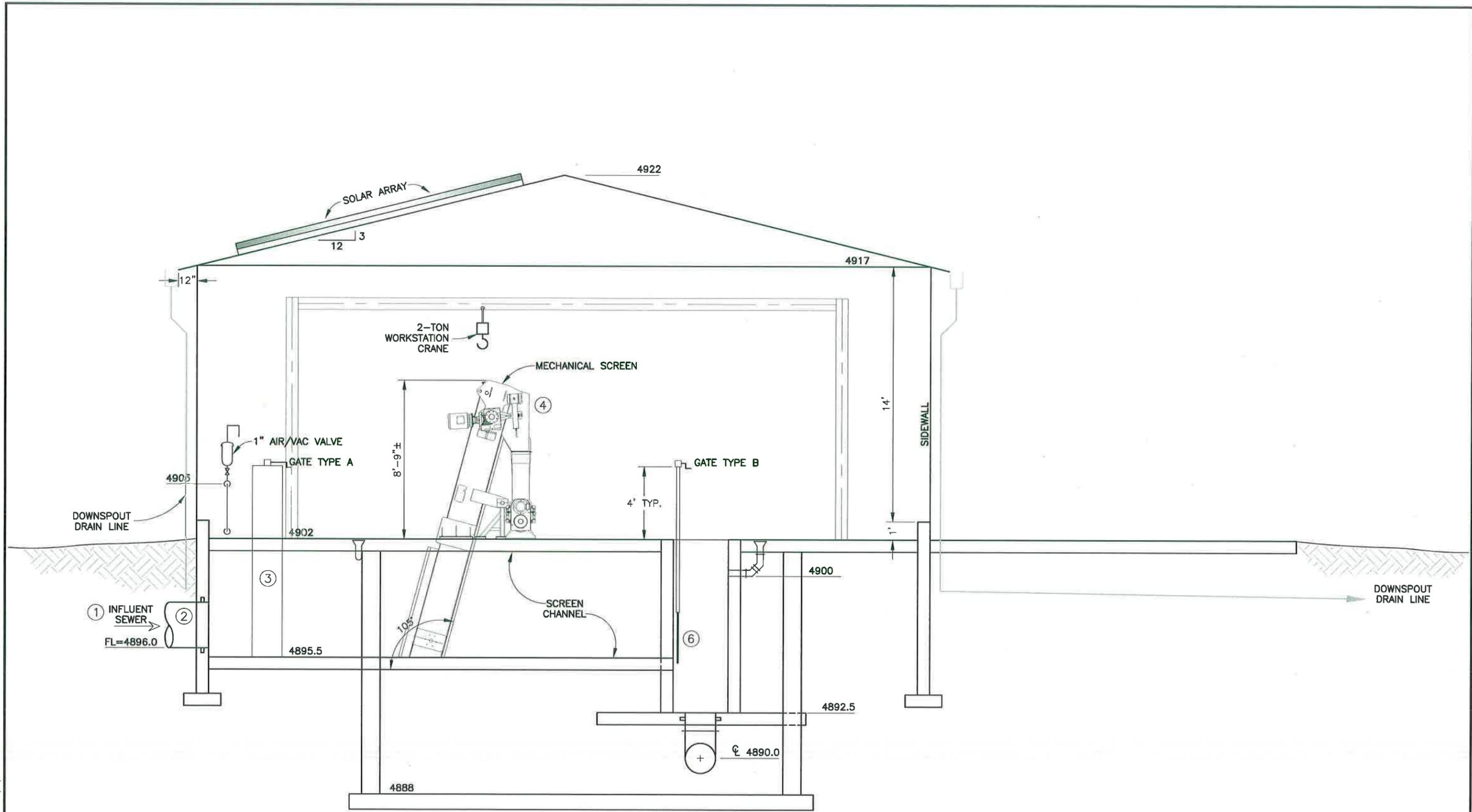
DRAWN BY: IKSM
 JOB NO. 14076
 FIELD BOOK NO. 540



ENGINEERING ASSOCIATES - CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

OWNER: **CITY OF CODY, WYOMING**

PROJECT: **WWTF PHASE 1 UPGRADE**
 TITLE: **PTB SITE OVERVIEW - PROPOSED**



SECTION A-A
SCALE: 1" = 5'

[EAST ELEVATION]

P:\2014\14111_Wwf_Bldg\sect\14111_PTB.dwg PTB-3 9/22/16 JMN

DATE	DRAWING LOG	CHECKED	APPROVED	DRAWN BY:	OWNER:	PROJECT:	
08/26/16	BID BOCS	IKSM	RAO	CRA	CITY OF CODY, WYOMING	WWTF PHASE 1 UPGRADE	PTB-3
07/05/16	SRF EDITS	IKSM	RAO	JOB NO. 14111		TITLE:	
06/17/16	DEG UPDATES	IKSM	RAO	FIELD BOOK NO. OFFICE		PTB SECTION A-A	
06/23/15	ORIGINAL DRAWING	CRA	RAO				



ENGINEERING ASSOCIATES - CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

CITY OF CODY, WYOMING

PROJECT: WWTF PHASE 1 UPGRADE
TITLE: PTB SECTION A-A

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

MEETING DATE:	NOVEMBER 8, 2016	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	PLAT AMENDMENT—LOT 3 OF CLDC SUBDIVISION AND BPB ACQUISITION, INC. (CERTAINTEED) SUB 2016-10	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

Forward Cody, as owner of Lot 3 of the CLDC subdivision, has submitted an application for an amended plat. The amendment relocates the property line between Lot 3 of the CLDC Subdivision and the BPB Acquisition, Inc. property from the south boundary of the railroad right-of-way to the centerline of the railroad right-of-way (centerline of tracks). Being that the change is entirely within the railroad right-of-way, no buildings are located in the adjusted area. No changes to access or utilities are proposed.

The original CLDC plat review granted variances for Lot 3, which are listed on the plat, and which are proposed to be carried over to the amended Lot 3A. Being that the situation of Lot 3A is effectively unchanged in respect to those items, approval of the requested variances is recommended.

It is noted that the BPB Acquisition property is served by all utilities. All identifiable easements of record are shown. However, there was a water main installed this last year from Road 2AB to the CertainTeed Plant, for which the City is still waiting for the easement. As the water line is in service, a proper easement needs to be created (whether by the plat or a separate document) and shown on the plat.

Because the plat involves a transfer of property between owners, a deed will need to be prepared and recorded with the amended plat to transfer the south half of the railroad right-of-way to BPB Acquisition, Inc.

ATTACHMENTS

Amended Plat.

STAFF RECOMMENDATION

Recommend that the City Council approve the plat amendment with the variances requested, subject to the following conditions:

- 1) That an easement for the water line be created and shown on the plat.
- 2) That a deed for the property transfer be prepared and recorded with the final plat.

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

MEETING DATE:	NOVEMBER 8, 2016	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	REVIEW DRAFT CHANGES TO ZONING ORDINANCE AND MAP	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	X

BACKGROUND:

The six neighborhood meetings to introduce the draft zoning ordinance and map amendments to the community have been held and several comments and questions have been received. Although the comment period does not end until November 14th, staff would like the Board to start review the comments received and the staff edits made to the initial draft thus far. Edited chapters are attached. No edits to Chapter 14 are proposed.

STAFF COMMENTS:

Potential changes to the text of the draft have been made by staff using the “track changes” feature, which underlines new text and strikes through deleted text. Staff plans to verbally review those changes with the Board at the meeting, explaining the comment or reasoning on which each change is based. Many edits are straightforward and can be authorized by the Board at the meeting, but some will likely take additional consideration.

In addition, there are some changes requested to the draft zoning map. Those changes are briefly summarized below and will be pointed out in further detail at the meeting.

1. Correct a drafting error on the east side of 19th Street between Pioneer Avenue and Public Street— Remove coloring from the lots along 19th Street, as they are meant to remain D-1.
2. Juby’s Mobile Home Park. Change zoning of part or all to R-3 and/or MHP (Mobile Home Park)—awaiting more owner input.
3. 1308 and 1314 29th Street—remove coloring, so as to allow to remain D-1.



4. Summit Housing south parcel, south of Cougar Avenue—change to R-4. (State has granted funding for an apartment project that will have a building permit before this zoning update is in place. R-4 reflects planned use.)



5. 5 Lots on Bleistein to R-3. Four of the lots are used as worker housing (dormitories allowed in R-3).



6. Drafting error—hillside lot off Lindsey Lane should show R-2

7. 1420 Meadow Lane, shrink up R-3 to provide buffer from single-family homes and avoid environmentally constrained portions of property.



ATTACHMENTS:

Comments received to date.
Draft chapters with staff edits.

TITLE 10

ZONING REGULATIONS

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

10-1-7 DISTRICTS ESTABLISHED

10-1-8 ZONING LOTS

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.

Notwithstanding the above, any development project authorization granted prior to the effective date of this ordinance, but for which the development has not yet been commenced, shall continue to be valid for a period of two years, after which the development project, if not commenced, shall be subject to review and compliance in accordance with this Title.

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 by any of the persons identified in paragraph 2 above 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. The “stop work order” shall identify the property location, briefly describe the reason for the stop work order, be signed and dated by the individual issuing the order, and contain information on how to contact the community development department about the apparent violation.

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.

10-1-7 DISTRICTS ESTABLISHED

A. Adoption of Official Zoning Map

To bring about the purposes of this title and provide for regulations that are customized to the different character districts and neighborhoods of the City, the City is divided into zoning districts. The boundaries of each zoning district are delineated and shown on the Official Zoning Map of the City of Cody. The Official Zoning Map, together with all notations, references, dimensions, designations and other information shown on the map is adopted and made part of this title by reference. The Official Zoning Map shall be stored, maintained, and kept current by the Community Development Department.

B. Establishment of Zones

1. The residential zoning districts established by this title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name
RR	Rural Residential
R-1	Single Family Residential
R-2	Medium-Low Density Residential
R-2MH	Medium-Low Density Manufactured Home
R-3	Medium-High Density Residential
R-4	High Density Residential
MHP	Mobile Home Park

2. The commercial and industrial zoning district established by this title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name
D-1	Limited Business
D-2	General Business
D-3	Open Business/Light Industrial
D-4	High Tech/Data Processing/Light Manufacturing
E	Industrial
HI	Heavy Industrial

3. The special area zoning districts established by this title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name
PUD	Planned Unit Development

4. The overlay districts established by this title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name
A-O	Airport Overlay

DA-O	Downtown Architectural Overlay
DP-O	Downtown Parking Overlay
E-O	Entry Corridor Overlay

C. Amendments

1. No change to the Official Zoning map shall be authorized without the approval of a rezoning application, which approval shall be in the form of an ordinance approved by the governing body.
2. The Official Zoning Map shall show the dates and ordinance numbers of all amendments approved hereafter.

D. Rules for Interpretation of Zoning District Boundaries

The following presumptions shall apply in determining boundaries of a district as shown on the Official Zoning Map:

1. Where a boundary follows a public street, the centerline of the street shall be the boundary. When there are two or more adjacent streets, the centerline of the street with the higher classification shall be the boundary (e.g. use centerline of highway instead of frontage road).
2. Where a boundary follows a lot line, the lot line shall be the boundary.
3. Where a property is split by a boundary, the boundary shall be determined by the context of the situation when possible, which methods may include, for example: review of the legal description of a former rezone ordinance, the extension of an adjacent property line, the presence of a physical feature such as a canal or stream, a line between two known points, and an elevation contour. When the context is not sufficiently clear to determine the precise location of the district boundary, the boundary shall be determined by scaling the location from the zoning map.
4. Where a public right-of-way is officially vacated or abandoned, the boundary shall automatically be shifted, if necessary, to follow the new property boundary, which is typically, but not always, the former centerline of the vacated right-of-way.

10-1-8 ZONING LOTS

The City of Cody contains some developments and land uses that encompass multiple lots and parcels, without respect to zoning setbacks, building code regulations, or other development regulations. A property consisting of more than one lot or parcel, which is developed and/or utilized in such a manner as to constitute a single development, of which no individual lot or parcel could be excluded without causing the development to violate an applicable provision of the building code, fire code, zoning ordinance, or other adopted City development code shall be treated as a single lot for purposes of this title, which lot is termed a “zoning lot”. No new zoning lots shall be created, except pursuant to City of Cody Code Section 11-6(B), Lot Consolidations.

CHAPTER 2 DEFINITIONS

10-2-1 DEFINITIONS

10-2-1 DEFINITIONS:

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

*(Note: **Bold items** are entirely new definitions. ALL-CAPS are existing, although some are edited.)*

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. Cargo containers and similar portable structures that remain in place more than 30 days shall be considered buildings (either accessory or primary, depending on situation) for purposes of this Title, except while utilized in conjunction with permitted construction on the property on which it is located.

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.

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.

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.~~

Bed and Breakfast Inn. A private single-family detached home that is used to provide temporary overnight lodging accommodations for a charge to the public with not more than four lodging units or not more than a daily average of eight persons per night during any thirty-day period and in which one but no more than two family-style meals are offered to the guests per 24-hour period. Total guest occupancy of a bed and breakfast inn shall not exceed ten persons. (Facilities with a guest occupancy greater than 10 persons shall be classified as hotels under this title.) Bed and breakfast inns differ from the short-term rental land use categories in that they allow the sleeping rooms to be individually rented and a meal service to be provided.

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

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 building, whether a single-family or multi-family building, located on that lot.

Carport. A roofed structure for vehicle parking that 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 up 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 a community residence for more than five residents, 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. The use does not include any of the following:

1. Senior Citizen Apartment (a.k.a. "housing for older persons" under the provisions of Federal law);
2. Child or Adult Daycare;

3. Convalescent Care Facility/Nursing Home;
4. Facility for Transitional Living for Released Offenders;
5. Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse;
6. Hospice;
7. Sex Offender Counseling Facility;
8. Boarding House or Rooming House;
9. Any other group living arrangement for unrelated individuals who are not disabled; and,
10. Any of the following:
 - a. Facilities for the Treatment of Drug and Alcohol Abuse;
 - b. Modified Medical Detoxification Facilities;
 - c. Transitional Living Facilities for Released Offenders;
 - d. Facility for the Treatment of Narcotics; or
 - e. Community Triage Center.

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.

Dormitory. A building other than a single-family dwelling that is used for non-transient group sleeping accommodations either in one room or a series of closely associated rooms for persons not constituting a family, and which building is under single management. Dormitories may include common dining, cooking, recreation, and bathing facilities. A single-family dwelling may be converted into a dormitory pursuant to the requirements of the adopted building code in order to meet this definition. Sorority and fraternity houses fall within this category.

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. The term does not include mobile homes, manufactured homes, and similar factory-built structures.

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 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 living, cooking, eating, sleeping and sanitation. Except where authorized otherwise by the land use table and/or supplemental development standards, occupancy of a dwelling unit is limited to one family.

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 purpose, such as for access or to locate utilities, as defined by the granting document.

Egress. An exit.

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.

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

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.

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:

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 outlined in the supplemental development standards.

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 outlined in the supplemental development standards.

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. See also Individual Care—Family Home for a list of uses not included in this definition.

Individual Care – Family Home. A residential dwelling used primarily as a residence where 24-hour personal care and related services 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. Services typically offered in conjunction with dependent adult care include social and

recreational activities, training, meals, and services such as rehabilitation and medication assistance. The following uses are not included in any of the Individual Care categories:

1. Facility for Transitional Living for Released Offenders;
2. Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse;
3. Hospice;
4. Sex Offender Counseling Facility;
5. Any of the following:
 - a. Facilities for the Treatment of Drug and Alcohol Abuse;
 - b. Modified Medical Detoxification Facilities;
 - c. Transitional Living Facilities for Released Offenders;
 - d. Facility for the Treatment of Narcotics; or
 - e. Community Triage Center.

Individual Care – Group Home. A facility that provides 24-hour personal care and related services 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. Services typically offered in conjunction with dependent adult care include social and recreational activities, training, meals, and services such as rehabilitation and medication assistance. See also Individual Care—Family Home for a list of uses not included in this definition.

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').

Lodging Unit/Room. A lodging unit or lodging room is a room with one (1) or more beds, bunks or other facilities for sleeping purposes.

Long-Term Rental. A residential dwelling unit rented for periods of 30 days or more to one family.

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.

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 Section 10-13-3, Legal Nonconforming 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 ~~this title 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 structure built to the Federal 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~~more than eighteen feet as measured at all points perpendicular to the length of the manufactured home;
2. “Single-wide,” has a width of ~~less than~~ eighteen feet or less as measured at any point perpendicular to the length of the manufactured home.

Mobile Home. A dwelling on one or more chassis for towing to the point of use, which dwelling does not meet ~~the Federal Manufactured Home Construction and Safety Standards applicable~~ (HUD Code ~~effective manufactured housing standards of~~ June 15, 1976). Mobile homes are further classified as follows:

1. “Multi-wide” (A.K.A. double-wide mobile home) has a minimum width of more than eighteen feet as measured at all points perpendicular to the length of the mobile home;

2. “Single-wide,” has a width of ~~less than~~ eighteen feet or less 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 three 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 commercial 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, placed by crane, and permanently affixed to and supported by a perimeter foundation. A modular home shall be constructed in accordance with the City’s adopted building code, as opposed to a HUD code. Manufactured homes, and other dwellings with a permanent chassis designed for purposes of transporting 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.

Non-Transient. Occupancy of a dwelling or sleeping room for 30 days or more.

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.

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 ~~lot-property~~ or building ~~that contains the owner's primary residence, where the owner is living~~ at ~~which-the~~ time the regulated activity takes place.

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 other than a church 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 accommodations, typically in a recreational, camping and/or traveling situation, while camping or traveling. For zoning purposes, the term includes, but is not limited to, travel trailers, pickup/~~truck~~ campers, camping trailers, motor-~~coach~~ homes, camper vans, 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.

Reviewing Official. The person, board, or governing body responsible for issuing the permit, authorization, or approval that has been requested.

Rooming House. An owner-occupied dwelling with no more than five guest lodging rooms where, for compensation, individual furnished rooms are provided for no more than five (???) non-transient persons who are not members of the immediate family occupying such building, and no more than two such persons occupy any guest lodging room. (Note: "Rooming house" falls within the definition of lodging house in International Residential Code.)

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.

SHORT-TERM RENTAL: ~~The use of a~~ residential dwelling, or portion thereof, 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. Capacity of a short-term rental is limited to five or fewer lodging units and 10 or fewer guests.

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”.~~

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.

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.

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.

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.

Utility Infrastructure Site. Includes electric substations, domestic water treatment and storage facilities, natural gas regulator stations, fiber optic booster stations, outdoor pumping stations, and similar large-scale utility infrastructure sites.

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; and antennas and antenna structures designed to look like streetlight poles or flagpoles.

Wireless Communication Facility, Micro-cell. The portion of a wireless network that is a low-powered transmitter/receiver or repeater (base station) connected to the phone network via the internet, and typically used to improve mobile phone reception within a particular area (usually a range of 300-1000 meters).

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.

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.

CHAPTER 6 GENERAL DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

10-6-1: Table

For development standards in the Mobile Home Park zone, see Chapter 9-6. For all other residential zones see the following table.

Zoning District→	RR Zoning District	R-1 Zoning District	R-2 Zoning District	R-2MH Zoning District	R-3 Zoning District	R-4 Zoning District
Standard↓						
LOT DIMENSION AND DENSITY REQUIREMENTS:						
Minimum Lot Area* ¹	.40 acres	N/A (<i>Use Minimum Net Lot Area or Developable Acreage per Dwelling, as applicable.</i>)				
Minimum Net Lot Area* ¹	N/A	7,000 sq. ft.	5,500 sq. ft. for Single-Family Dwelling; 10,000 sq. ft. for duplex.	5,500 sq. ft. for Single-Family Dwelling; 10,000 sq. ft. for duplex.	3,200 sq. ft. for detached*, semi-detached*, and attached* single-family dwellings only. (<i>For Multi-unit dwellings see next row.</i>)	N/A (<i>Use Developable Acreage per Dwelling Requirement</i>)
Developable Acreage per Dwelling*	N/A				4,000 sq. ft. for multi-unit dwellings, including those in condominium ownership; also, for dwellings in residential PUD-type subdivisions with yards in common area.	1,800 sq. ft.
Minimum Lot Width*	100 feet	50 feet	50 feet	50 feet	30 feet for interior lot, 40 feet corner lot.	20 feet for interior lot, 30 feet corner lot.

¹ Must be served with public sewer and public water to qualify for the sizes noted. If public sewer and public water are not available, minimum lot area is 1.0 acre.

* Means term is defined. (*Italics*) – Language italicized and within parenthesis are instructions for utilizing the table.

Zoning District→ Standard↓	RR Zoning District	R-1 Zoning District	R-2 Zoning District	R-2MH Zoning District	R-3 Zoning District	R-4 Zoning District
Maximum Lot Depth to Width Ratio	3:1	3:1	3.5:1	3.5:1	5:1	5:1
Minimum Frontage on Street/Access Easement	80 feet	45 feet ²	45 feet ²	45 feet ²	30 feet	20 feet <u>for up to 5 dwelling units;</u> <u>30 feet for >5 dwelling units.</u>
BUILDING HEIGHT, PLACEMENT, AND SIZE REQUIREMENTS:						
Number of Main Buildings* on a Lot	One	One	One	One	N/A	N/A
Maximum Building Coverage*	30%	40%	50%	50%	65%	85%
Maximum Building Height*	Two stories and 30' above grade.	Two stories and 30' above grade.	Two stories and 30' above grade.	Two stories and 30' above grade.	Two stories and 30' above grade.	Three stories and 40' above grade.
Minimum Size of Dwelling in Gross Floor Area	1,000 sq. ft.	1,000 sq. ft.	864 sq. ft.	720 sq. ft.	720 sq. ft.	None—Comply w/ Bldg. Code.
Minimum Garage Entrance Setback from Front or Corner Lot Line*, applicable to direction of approach	35 feet front/ <u>30 feet corner</u>	<u>2025 feet³</u>	<u>2025 feet³</u>	<u>2025 feet³</u>	20 feet; and 25 feet from any arterial or major collector R/W. ³	20 feet; and 25 feet from any arterial or major collector R/W. ³
<u>Minimum Garage Entrance Setback from Corner Lot Line*,</u>	<u>30 feet</u>	<u>22 feet; and 25 feet from any arterial or major collector R/W.³</u>	<u>22 feet; and 25 feet from any arterial or major</u>	<u>22 feet; and 25 feet from any arterial or</u>	<u>22 feet; and 25 feet from any arterial or major collector R/W.³</u>	<u>22 feet; and 25 feet from any arterial or major collector R/W.³</u>

² Lots located entirely along the circular portion of a cul-de-sac bulb or outside knuckle of a street corner may be reduced to a minimum of 30 feet, provided the lot width requirement is met.

³ Park strip option: When the yard of the property abuts an improved street right of way with an existing park strip (a.k.a. planting strip - an area between the back of the curb and the sidewalk) that is at least 5 feet wide, the minimum yard setback requirement is 10 feet, provided any garage opening shall be not less than 22 feet from the back of the public sidewalk in this situation.

applicable to direction of approach			collector R/W.³	major collector R/W.³		
Minimum Front Yard Setback (see also minimum garage entrance setback)	35 feet	25 feet ³	25 20 feet; and 25 feet from any arterial or major collector R/W.³	25 20 feet; and 25 feet from any arterial or major collector R/W.³	15 feet; and 25 feet from any arterial or major collector R/W. ³	10 feet; and 25 feet from any arterial or major collector R/W. ³
Zoning District→ Standard↓	RR Zoning District	R-1 Zoning District	R-2 Zoning District	R-2MH Zoning District	R-3 Zoning District	R-4 Zoning District
Minimum Side Yard Setback from Side Street ⁴ (Corner Lot Line)	30 feet	15 feet ²	15 feet ²	15 feet ²	15 feet ²	10 feet
Minimum Side Yard Setback from Neighboring Lot	15 feet	5 feet	5 feet; Except 0' at a common wall	5 feet; Except 0' at a common wall	5 feet; Except 0' at a common wall	5 feet; Except 0' at a common wall
Minimum Rear Yard Setback	15 feet	15 feet	15 feet	15 feet	15 feet	10 feet
Minimum Setback from Utility Easement	Edge of Easement, and no overhang unless authorized otherwise by the easement grantee.					
Minimum Separation between Main Buildings* within Lot	N/A	N/A	N/A	N/A	10 feet	10 feet
Reduced Setbacks for Accessory Buildings (exceptions to above setbacks):						
From Neighboring Lot, when wall height* of	15 feet (No reduction)	5 feet	3 feet ⁵	3 feet ⁵	3 feet ⁵	3 feet ⁵

⁴ See "Lot Line, Front" Definition for options on selecting the front yard on corner lots. [See also minimum garage entrance setback.](#)

⁵ Placing a structure closer than five (5) feet from an adjacent lot triggers fire resistant construction requirements pursuant to the adopted building code. If the structure is not constructed to such fire resistant standards, the minimum setback requirement is five (5) feet.

accessory bldg. is 10' or less						
From Adjacent Alley or Common Open Space (O.S.)	5 feet	5 feet	3 feet; 0' if no doorway (garage/person) in wall next to alley/O.S.— <u>no overhang permitted.</u>	3 feet; 0' if no doorway (garage/person) in wall next to alley/O.S.— <u>no overhang permitted.</u>	3 feet; 0' if no doorway (garage/person) in wall next to alley/O.S.— <u>no overhang permitted.</u>	3 feet; 0' if no doorway (garage/person) in wall next to alley/O.S.— <u>no overhang permitted.</u>
MULTI-FAMILY DEVELOPMENT STANDARDS:						
Multi-Family Development with >4 dwelling units.	N/A				See Supplemental Development Standards, "Multi-Family Development"	

CHAPTER 7 RESIDENTIAL ZONING DISTRICT LAND USES

10-7-1 LAND USE CLASSIFICATIONS

10-7-2 RESIDENTIAL LAND USE TABLE

10-1-1 LAND USE CLASSIFICATIONS

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.

B. Interpretation of the Residential Land Use Table. The symbols and letters in the Residential Land Use Table have the following meanings.

<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 10-14-1.
N	The use is not permitted in that zoning district.
*	The use is subject to requirements applicable specifically to that use, as listed in Chapter 10-8, Residential Supplemental Development Standards.
See Note.	Refer to the corresponding Residential Supplemental Development Standards, found in Chapter 10-8.

(FYI for Public Review--For comparison, R-1 roughly corresponds with existing Residential AA zone, R-2 with the existing Residential A zone, R-2MH with F-2, and the existing Residential B zone is effectively split into R-3 and R-4.)

10-7-2 RESIDENTIAL LAND USE TABLE

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/Facility.*	N	N	N	N	C	P	N
Bed and Breakfast Inn, with up to three bedrooms for rent.*	€	€	A	A	A	A	€
Bed and Breakfast Inn, with more than three bedrooms for rent.*	C	NC?	C	C	C(P?)	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	NC?	NC?	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	NC	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
<u>Long-Term Rental.*</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
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 amphitheaters.	P	P	P	P	P	P	P
Reception or banquet facility.* <u>Classifications??</u>	C	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
Real Estate Sales Office, Temporary.*	A	A	A	A	A	A	A
<u>Rooming House, 2 to 5 lodging units.*</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C/P?</u>	<u>P</u>	<u>N</u>
RV, Temporary—while constructing/remodeling single-family dwelling.*	A	A	A	A	A	A	A
School, Public or Private .*	C	C	C	C	P	P	C
Short-Term Rental, <u>Owner-Occupied, 1-3 guest sleeping rooms.*</u>	N	N	A	A	P	P	N
<u>Short-Term Rental, Owner-Occupied, 4-5 guest sleeping rooms.*</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Short Term Rental, Not Owner-Occupied, 1-3 guest sleeping rooms.*</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Short-Term Rental, Not Owner-Occupied, 4-5 guest sleeping rooms.* (If P, can combine w/↑)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P(?)</u>	<u>P(?)</u>	<u>N</u>
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.

LAND USES	Rural Zoning District	R-1 Zoning District	R-2 Zoning District	R-2-MH Zoning District	R-3 Zoning District	R-4 Zoning District	MH Park (See Title 9, Ch. 6)
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RESIDENTIAL DWELLING CATEGORIES:*							
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
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	PC(?)	N	N	P
Mobile home.*	N	N	N	N	N	N	P
Modular home.*	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	N	N	P	P	P	P	N
Townhouse Dwellings, 3 or 4 attached dwelling units <i>(*If development >4 units, see also Multi-Family category in supplemental development standards)</i>	N	N	N	N	P	P	N
Townhouse Dwellings, 5 or more attached dwelling units*	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</i>	N	N	N	N	P	P	N

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

CHAPTER 8 SUPPLEMENTAL DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

10-8-1 APPLICABILITY

10-8-2 SUPPLEMENTAL DEVELOPMENT STANDARDS

10-8-1 APPLICABILITY

The land uses that are identified with an asterisk (*) in the Residential Land Use Table are subject to the corresponding regulations of this chapter, which regulations are in addition to other applicable sections of this title and any conditions that may be imposed pursuant to a conditional use permit review. The standards of this chapter shall apply unless waived or altered pursuant to the zoning variance process; provided, those standards identified herein with “(SE)”, may be waived or altered pursuant to the Special Exemption process of Section 10-14-2. 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.

10-8-2 SUPPLEMENTAL DEVELOPMENT STANDARDS

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 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 RR, 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 compliments, 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 RR, 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, 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 small-scale home occupation standards.
14. Addressing: The ADU will be assigned an individual address, which must be posted as required by code.

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 ~~meet the definition set forth in Chapter 2~~ be located in a detached single family dwelling.
2. ~~If located within the RR, R-1, R-2, or R-2MH zoning districts, t~~The owner must be living on the property at the time the bed and breakfast is in operation.
3. Total guest occupancy of a bed and breakfast inn property is limited to no more than ten persons. (Establishments exceeding ten persons fall within the zoning classification of “hotel”.) The Planning and Zoning Board may further limit total guest occupancy (e.g. beds and/or guest rooms) of a proposed bed and breakfast inn based on lack of parking and other neighborhood impacts identified in the review process.~~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 facility must pass a fire safety inspection ~~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 temporary periods of less than ~~120~~30 consecutive days, and less than ~~120~~30 days in any ~~one-year~~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 Bed and Breakfast Inns shall not be used as “reception facilities” as defined in this ordinance, unless~~ 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.
10. All bed and breakfasts must maintain compliance with the Wyoming Food Safety Rule (WY Department of Agriculture) and related licensing requirements.
11. Unless otherwise exempted or authorized by this Title, one off-street guest parking space shall be provided for every two lodging units or fraction thereof. The guest parking shall be in addition to the two spaces required for the owners/manager.
12. Within the Rural Residential and R-1 zoning districts, minimum net lot area for a bed and breakfast inn is 21,000 square feet. (OR JUST DELETE OPTION FOR RR AND R-1 AS THE OPTION DOES NOT EXIST NOW)
13. All bed and breakfast inns, whether existing or proposed, shall register with the City of Cody, pass the fire safety inspection, and provide evidence of appropriate insurance coverage (a business owner’s or commercial policy) and compliance with the Wyoming Food Safety Rule, ~~and pass the Fire Marshal inspection.~~ Authorized bed and breakfast inns shall post a document issued by the City identifying such authorization in a manner that is visible from the public way.

(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. *(SE)*
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. When located within or adjacent to a residential zoning district, outdoor recreation shall be limited to daylight hours, and not earlier than 8:00 a.m. or later than 8:00 p.m. *(SE)*

Churches:

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

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.

Dormitories.

1. The minimum lot area shall be 6,000 square feet for the first five occupants of the building’s designed occupancy and 900 square feet for each additional residential occupant, up to a maximum of ten occupants.
2. Parking shall be provided at a rate determined through the conditional use process.

Dwelling Moved onto Lot.

The dwelling must be of conventional stick built construction and compliment, 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) that are needed to achieve architectural compatibility prior to occupancy of the dwelling, or require 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. In addition to the conditional use permit criteria of City of Cody code, 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 conditional 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 #h 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. 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. *(SE)*
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. Animal kennel, stable, daycare, and training;
 - b. Barber or beauty parlors, with more than one (1) chair;
 - c. Equipment rental;
 - d. Funeral home or crematorium;
 - ~~e. Lodging or boarding houses;~~
 - e. On-premise bookstores or entertainment establishments;
 - f. Restaurants/drinking establishments;
 - g. Slaughter and meat processing services;
 - h. Storage facilities (a.k.a. mini-storage);
 - i. Towing services;
 - j. Vehicle or heavy equipment repair (including body, engine and chassis), impound, and dismantling/wrecking. This provision does not prohibit mobile mechanic services that provide repair services only at the customer's residence or place of business.
 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 conditional use permit. If, at any time, any of the large-scale home occupation requirements are not met, enforcement action may be taken pursuant to Section 10.1.5, Enforcement.

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 (*SE*), 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. (*SE*)
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. Any use generating, storing or utilizing hazardous materials in amounts measurably greater than a typical household.
 - c. Machining, welding, or metal shop;
 - d. Pawn shop;
 - e. Retail storefronts;
 - f. Small engine repair; and
 - g. Vehicle or heavy equipment alteration, repair (including body, engine and chassis), painting, sales, rental, service, impound, or storage. This provision does not prohibit mobile mechanic services that provide repair services only at the customer's residence or place of business.

4. 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, enforcement action may be taken pursuant to Section 10.1.5, Enforcement.

(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, and not earlier than 8:00 a.m. or later than 8:00 p.m. (SE)

Individual Care Center Category.

1. Access to the individual care center shall be by means of a collector street or larger. (SE)
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. A 6-foot high solid fence shall be installed along the common property line. (SE)
 - b. Vehicle access shall be oriented away from residential uses on local streets. (SE)
4. When located within or adjacent to a residential zoning district, outdoor recreation shall be limited to daylight hours, and not earlier than 8:00 a.m. or later than 8:00 p.m. (SE).

(J) “J” uses. (Reserved)

(K) “K” uses. (Reserved)

(L) “L” uses. (~~Reserved~~)

Long-Term Rental:

Occupancy of a residential dwelling unit is limited to one “family”, except as otherwise permitted under this Title (e.g. community residence for the disabled, dormitory, rooming house, short-term rental).

(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 addition to any restriction of a specific zoning district, no more than two manufactured homes shall be placed on a single lot, unless the property is developed in accordance with the mobile home park/manufactured home park standards of the City code.
3. The above restrictions shall not apply to manufactured homes displayed on a commercial sales lot, or stored in a commercial manufactured home production or storage facility.

Mobile Home:

All mobile homes and manufactured homes located in a mobile home park shall:

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

Modular Home:

The home must meet the definition of "modular home" as found in this title. Manufactured homes are not modular homes. Refer to the definitions for proper classification. It is recommended that you refer to the publication "Builder's Guide to Modular Home Set-up and Completion", by the National Modular Housing Council. The document can be found on their website modularhousing.org

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 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. *(SE)*
 - 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. (*SE*)
 - d. Common open space areas shall not be immediately adjacent to collector or arterial streets, 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 lawn 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, 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.

Reception Facility.

1. Minimum net lot area of the property shall be at least 21,000 square feet.
2. A reception facility shall only be permitted in association with a detached single-family dwelling and its grounds.
3. Seating capacity shall not exceed that which can be accommodated by parking available on site, along the property frontage, and in any shared parking lot available through an off-site parking agreement authorized pursuant to Section 10-16-7.
4. Unless otherwise specified by the Planning and Zoning Board, events shall end by 9:00 p.m. during September thru May, and 10:00 p.m. during June through August.

Residential Dwelling Categories.

1. All residential dwellings shall comply with applicable Residential Architectural Standards, as specified in this chapter. *(SE)*
2. Within the RR, 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 addition to any restriction of a specific zoning district, no more than two manufactured and/or mobile homes, or combination thereof, shall be placed on a single lot, unless developed in accordance with the mobile home park/manufactured home park standards of the City code.
4. The commercial use of a residential dwelling unit for dwelling, lodging or sleeping purposes, wherein any individual guest rents or occupies the unit for a period of less than thirty consecutive calendar days is prohibited, except as otherwise permitted under this Title (e.g. bed and breakfast, short term rental).
5. Occupancy of a residential dwelling unit is limited to one "family", except as otherwise permitted under this Title (e.g. community residence for the disabled, dormitory, rooming house, short-term rental).

Residential Architectural Standards.

Within all residential zoning districts except the mobile home park (MHP) zone, 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).

Rooming House.

1. No more than two persons shall occupy any individual lodging room.
2. Unless otherwise exempted or authorized by this Title, one off-street parking space shall be provided for each guest lodging room. The guest parking shall be in addition to the two spaces required for the owner(s).

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 or Private.

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 public or private 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.

- ~~Within the R-2 and R-2MH zoning districts, the property owner must be living on the property, or on a lot immediately next door, at the time the short term rental occurs. Short term rental by an absentee owner/landlord is not permitted in these zones.~~ Authorized owner-occupied methods of short term rental ~~within the R-2 and R-2MH zoning districts include~~ are limited to:
 - Rental of a portion of the owner’s dwelling (room rental), while the owner is living in the dwelling.
 - Rental of an accessory dwelling unit while the owner is living in the main dwelling ~~is owner-occupied.~~
 - Rental of the main dwelling while the owner is living in the accessory dwelling unit ~~is owner-occupied.~~
 - Rental of a dwelling while the owner is living/lives on a lot immediately next door.
- ~~Within the residential zoning districts, the short-term rental may be operated out of any form of dwelling except a multi-family dwelling. In addition, short term rental shall not be offered by a renter of the property—i.e. a sublet situation.~~
- ~~Occupancy of a dwelling used for short-term rental is limited to the lesser of 2.6 guests per guest sleeping room (total rounded to nearest whole number) or a total of 10 guests. In addition, short-term rental dwellings shall only be rented to one group at any one time—a single booking. Separate dwellings on a property may be booked individually, one “family”, as defined by this Title; provided, a conditional use permit may be requested to exceed this limitation.~~
- Use or conversion of an existing dwelling to an owner-occupied short term rental shall require one off-street guest parking space meeting the requirements of Chapter 16 (Parking) for every two guest sleeping rooms or fraction thereof, unless otherwise exempted or authorized by this Title. The guest parking shall be in addition to the spaces required for the owners. A non-owner-occupied short term rental does not require additional parking to be provided.

5. 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).
6. 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.
7. 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 compliance with this section, and pass the ~~Fire/Safety Marshal~~ inspection. The community development department is authorized to create application form(s) and procedures as necessary to manage and enforce these provisions. Authorized short term rental facilities shall post a document issued by the City identifying such authorization in a manner that is visible from the public way.

(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. (*SE*)
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 over speed 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 least 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.

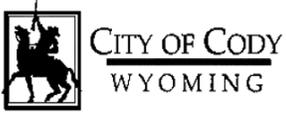
(X) "X" Uses. (Reserved)

(Y) "Y" Uses. (Reserved)

(Z) "Z" Uses. (Reserved)

**COMMENTS RECEIVED
AS OF
NOVEMBER 3, 2016**

**CODY ZONING ORDINANCE AND MAP
AMENDMENTS**



Todd Stowell <todds@cityofcody.com>

Proposed Zoning Amendments

1 message

Brenda Bangert <brnbangert@hotmail.com>
To: Todd Stowell <todds@cityofcody.com>

Sat, Oct 29, 2016 at 7:08 PM

Hi Todd,

I would like to go on record agreeing with the proposed zoning changes in zone or area 6.

Thank you again for holding the neighborhood meetings to explain the changes and answer questions.

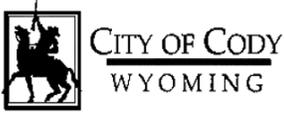
Sincerely,

Brenda Bangert

2919 Bass Avenue

Cody, Wyoming 82414

307-578-8422



Todd Stowell <todds@cityofcody.com>

Proposed Zoning Changes

2 messages

Dale Schmoldt <drschemoldt@aol.com>

Wed, Oct 19, 2016 at 12:30 PM

To: "todds@cityofcody.com" <todds@cityofcody.com>

Todd,

I am requesting that consideration be given to rezoning my property at 702 Allen Avenue to commercial rather than the R zoning as currently shown on the proposed zone change map.

In light of the fact that every property east on Allen Avenue is now commercial, the museum property to the north is commercial and Dr. Gee's property to the south is commercial it would seem that the most appropriate zoning for my property should also be commercial.

Dale Schmoldt
702 Allen Avenue
Home (307) 587-2683
Cell (858) 245-1506

Sent from my iPad

Todd Stowell <todds@cityofcody.com>

Wed, Oct 19, 2016 at 1:38 PM

To: Dale Schmoldt <drschemoldt@aol.com>

Dale,

Thanks for the comment. It will be forwarded to the Planning and Zoning Board when they review all comments.

In the original proposal we did not change any properties from a residential designation to a commercial designation, thinking that it would complicate the focus of the amendments, which is the residential zoning rules. That being said, I hope to update the commercial zoning districts next year (next fall/winter), and we may be willing to propose your zone change at that time, along with a handful of others. If you don't want to wait until then, you could always submit a rezone application at any time.

Thanks,

[Quoted text hidden]

—

Todd Stowell, AICP
City Planner
City of Cody, Wyoming
(307) 527-7511
www.cityofcody-wy.gov



Todd Stowell <todds@cityofcody.com>

Re: Zoning

2 messages

Steve Miller <smiller@cityofcody.com>

Sat, Oct 29, 2016 at 10:42 AM

To: Dave Balling <farmers@wyoming.com>

Cc: Todd Stowell <ToddS@cityofcody.com>, Karen Ballinger <kballinger@cityofcody.com>, Jerry Fritz <jfritz@cityofcody.com>

Hello Dave,

We have been holding meetings and the last one was on Thursday night. I would suggest you contact Todd Stowell the city planner at 527-7511. He will be glad to meet with you and let you know what is going on. I have also copied Karen Ballinger and Jerry Fritz on this email.

On another note. There has been some questions and I have been meaning to reach out to you. Those in the community that have short term rentals are they required by their insurance company to have a commercial policy rather than a standard (non commercial) homeowners policy?

Thanks for contacting me Dave.

On Fri, Oct 28, 2016 at 1:28 PM, Dave Balling <farmers@wyoming.com> wrote:

Steve,

My neighbor Doug Greenway caught me a couple days ago and advised me the City was looking at changing the zoning on the property east of 14th Street towards Beck lake to high density residential. I have been unable to locate the proposed zoning maps on the City web site. I need to know if this is in fact the case, and what the mechanism for me to voice my concern regarding such a zoning change. Let me know how to proceed. Thanks!



Dave Balling

1808 Sheridan Ave

Cody, WY 82414

[307-587-6266](tel:307-587-6266)farmers@wyoming.com

Todd Stowell <todds@cityofcody.com>

Mon, Oct 31, 2016 at 9:41 AM

To: Steve Miller <smiller@cityofcody.com>, Dave Balling <farmers@wyoming.com>
Cc: Karen Ballinger <kballinger@cityofcody.com>, Jerry Fritz <jfritz@cityofcody.com>

Dave,

I know we talked on the phone, but I am sending this email so all contacted have some more information.

As we discussed on the phone, the City is updating the residential zoning regulations throughout the City and as part of that process has created a new zone that is described as "Medium-High Density Residential" (R-3). The property you are referring to is currently zoned Residential A and in the initial draft has been proposed as R-3 (Light brown on map below). The primary difference between the R-3 and the current Residential A zone is that R-3 allows up to four attached units, where the Residential A only allows one or two. However, overall density is comparable between the two zones- -10% more density than current potential if each dwelling unit is on its own lot (single-family or townhouse style), but 14% less density than current if done as a multi-unit building (apartments). Building height would continue to be limited to two stories.



The property was identified as potentially appropriate for R-3 so as to act as a step down in zoning from the adjacent commercial zoning to the east. I don't think a buffer between the property and the adjacent single-family homes to the west was thought about, but may be appropriate if R-3 is placed on part or all of the property.

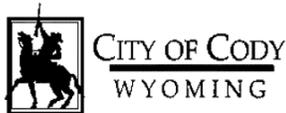
All that being said, it doesn't sound like the current owner has any plans for additional development. The Planning and Zoning Board will review the situation and comments before sending on a recommendation to City Council.

Thanks,

[Quoted text hidden]

-

Todd Stowell, AICP
City Planner
City of Cody, Wyoming
(307) 527-7511
www.cityofcody-wy.gov



Todd Stowell <todds@cityofcody.com>

Zoning Proposal

2 messages

David Johnson <davidj71@mac.com>
To: todds@cityofcody.com

Fri, Sep 30, 2016 at 10:56 AM

Changes in map and documents should show current and proposed changes.

David Johnson
davidj71@mac.com

"HONOR: With It, Nothing Else Matters. Without It, Nothing Else Matters."

Todd Stowell <todds@cityofcody.com>
To: David Johnson <davidj71@mac.com>

Fri, Sep 30, 2016 at 11:29 AM

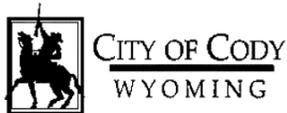
David,
That would be nice, but due to the extent of the reformatting, rewording, and reorganizing it would not be possible to track what went where separately from what is entirely new, etc. We do have the existing zoning map and code (Title 10) available on the city website for comparison. It looks like you are in the Rural Residential zone now (114 N Chugwater) and would be in the modified Rural Residential (RR) zone in the future. Please take a look at the summary document to get an idea of the topics that are new or different and then refer to the specific proposed code for more detail. You are also welcome to give me a call or stop by and I can try to help with any specifics.

Thanks,

[Quoted text hidden]

--

Todd Stowell, AICP
City Planner
City of Cody, Wyoming
(307) 527-7511
www.cityofcody-wy.gov



Todd Stowell <todds@cityofcody.com>

zoning changes

2 messages

Julie Geving <gevingjulie@yahoo.com>
To: todds@cityofcody.com

Thu, Oct 20, 2016 at 8:31 PM

Hi Todd,

I appreciate the email on the upcoming meeting. I am a little confused to which area we would be in. (1516 Big Horn Av) We are right above Hugh Smith Park. It looks like we don't fall in any area on the map. Would you be able to confirm our area and if there are any proposed changes due to take place? Thank you very much for you help.

Sincerely,

Julie Geving

Todd Stowell <todds@cityofcody.com>
To: Julie Geving <gevingjulie@yahoo.com>

Fri, Oct 21, 2016 at 9:56 AM

Julie,

The property at 1516 is not proposed to be changed--it is remaining D-3. The notice that went out last night was for the area east of 16th Street and south of Big Horn Avenue. If you don't own a property in that area it could have simply been a glitch in your notice software. On the map the white, uncolored areas are not directly affected by the zoning changes currently proposed.

Let me know if you have further questions.

Thanks,

[Quoted text hidden]

--

Todd Stowell, AICP
City Planner
City of Cody, Wyoming
(307) 527-7511
www.cityofcody-wy.gov

PROPOSED ZONING AMENDMENTS COMMENT FORM

Like that zoning around West Ave is being made more restrictive—would like it to be even more restrictive—single family dwellings + large lots—

Would like zoning on North side of West Ave, between West + Conger, to be made more restrictive (yellow)

SUBMITTED BY:

Natalie Volech

CONTACT PHONE OR EMAIL:

^{Blind & Deaf}
Call Boone @

OWNER OF (STREET ADDRESS):

2710 West Ave

272-3963

PLEASE RETURN TO CITY HALL BY NOVEMBER 14, 2016 (1338 RUMSEY AVE., P.O. BOX 2200, CODY, WY 82414-2200).

COMMENTS MAY ALSO BE EMAILED TO: todds@cityofcody.com

THANK YOU FOR YOUR PARTICIPATION



Todd Stowell <todds@cityofcody.com>

Map

2 messages

Linda Reynolds <lsr00@tritel.net>
To: todds@cityofcody.com

Wed, Oct 12, 2016 at 4:35 PM

Hi Todd

Just spoke with you on the phone—I'm clear now on the date for my neighborhood meeting—not what I was told on the recording to my phone—but I'm completely confused by the map. My properties on East Sheridan Ave are not colored, so have no reference in the key as to what new zone they will be in, or what changes are being proposed. Also I have neighbors adjacent and across the street who own trailer courts, neither of which are colored as such.

Any clues?

Linda Reynolds

Todd Stowell <todds@cityofcody.com>
To: Linda Reynolds <lsr00@tritel.net>

Thu, Oct 13, 2016 at 5:07 PM

If the property is not colored, the zoning will remain commercial and the proposed zoning changes do not apply to the property. Out notice program is not perfect, so either it picked up your property when it shouldn't have, or you own other property in a residential zone.

Thanks,

[Quoted text hidden]

--

Todd Stowell, AICP
City Planner
City of Cody, Wyoming
(307) 527-7511
www.cityofcody-wy.gov



Todd Stowell <todds@cityofcody.com>

Zoning question

2 messages

Nathan Gesner <nathan@americanwestrealty.com>
To: Todd Stowell <todds@cityofcody.com>

Tue, Sep 27, 2016 at 8:49 AM

Todd, I'm in the process of reviewing the zoning changes. I do not envy you!

I'm curious if the City has anything resembling an occupancy limit or occupancy standard? Some cities limit occupancy to two individuals per bedroom. Others are going to a "You plus two" where it can be three individuals, a husband and wife plus two friends, etc. This is especially pushed in college towns where six kids will rent a 3bed/2bath house and park six cars outside, which irritates the neighbors and ruins the community aesthetic.

As a property manager, I'm just curious if the City has anything like this or has considered implementing it or if it's not even an issue?



Nathan Gesner, REALTOR®
Broker/Owner, Property Manager
Office (307) 587-9608 | Fax (307) 586-9608
1527 Rumsey Avenue, Cody, WY 82414
www.americanwestrealty.com

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American West Realty & Management, LLC

Todd Stowell <todds@cityofcody.com>
To: Nathan Gesner <nathan@americanwestrealty.com>

Tue, Sep 27, 2016 at 9:14 AM

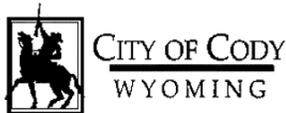
Take a look at the definition of "family", which is existing and is proposed to be retained. Also the definition of "single-family dwelling". Effectively, a single family dwelling is limited to use by one family, which precludes more than five unrelated individuals. As far as I know it isn't a significant problem here in Cody--I have only received a couple of complaints over the last few years related to occupancy/excess vehicles and one of them was simply a large family. You may see the issue more. If you think the rule should be different, feel free to send your proposal. I may check a few more codes on my own to see if there is a better way.

Thanks,

[Quoted text hidden]

--

Todd Stowell, AICP
City Planner
City of Cody, Wyoming
(307) 527-7511
www.cityofcody-wy.gov



Todd Stowell <todds@cityofcody.com>

City Code Definitions

5 messages

Robin Berry <RBerry@robinsnestcody.com>

Fri, Oct 21, 2016 at 1:45 PM

Reply-To: RBerry@robinsnestcody.com

To: Todd Stowell <todds@cityofcody.com>

Cc: _Bob Berry <bob@robinsnestcody.com>, Barbara & Robert Kelley <angelskeep@bresnan.net>, Chip Noll <cwbymsc@gmail.com>, Jerry & Bette Kinkade <jkink@vcn.com>, Margo Landwer <mclandwer@gmail.com>, RBerry@robinsnestcody.com, Rod Tripp <windmillinnwyoming@gmail.com>, Sondra Dishong <salsburyinnocody@gmail.com>, buffalobillsbb@yahoo.com, Cindy Baldwin <cindy@cindybaldwinbroker.com>, sandi@codylodgingcompany.com, planning@cityofcody.com, jfritz@cityofcody.com, kballinger@cityofcody.com

Dear Todd,

You gave a nice presentation last night. Here are my suggested corrections to the Definitions. We will be glad to visit you in your office next week to discuss any of these changes. Please call to arrange an appointment.

1. Your definition for Short Term Rental should not be defined as less than 30 days. The 30 day definition applies to the collection of sales and lodging taxes. If a family wishes to spend the summer in Cody are you going to force them to move every month? Most 'long-term' rentals are for 6 months to a year and you will fundamentally alter or prohibit the tourism as we know it in the city of Cody. (page 23 draft Ch 2-Def) This not only affects B&Bs, but vacation rentals, seasonal rentals, corporate rentals for temporary employees, etc...
2. Remove all references to 'Boarding' and 'Rooming' Houses as they are not in current language and do not exist in our city or use their correct meaning 'restaurants' and 'lodging facilities.'
3. Use the State definition for Bed and Breakfasts. B&Bs are not limited to short term rentals. Many of our transient clients are professionals on contract for 6 weeks to 3 months (i.e. Medical Doctors, interns and nursing staff.). Are you planning to tell the hotels how long their clients are 'allowed' to stay? This is a very intrusive, unnecessary, and unfriendly 'code' for our businesses in the city. It is similar to telling retail stores what their hours are allowed to be and how many customers they are allowed to serve. To my knowledge there have never been incident to cause such a restrictive ordinance, unless you wish to apply AA residential zoning to the entire city. B&Bs are not allowed in AA or R1 zones.
4. What is the new definition a "Single room occupancy residence" and for what type of establishment was this definition included? (page 23 draft Ch 2-Def) My recommendation is to strike the 'single family dwelling.'
5. Fire and health inspections are already a part of B&Bs business model. As for 'appropriate' insurance, that is up to the business/home owner. It is good business sense, but the City should not be involved with the running of a private business. B&Bs are not a public venue. We are private establishments. We do not have 'hours' or customers like a store front business. Is the city planning to require what type of insurance that all store front businesses are to carry? What does the city determine as 'appropriate' insurance? What about hotels? or restaurants? or movie theaters?

My contacts at the State are very interested in why the City of Cody is involving itself into the manner of private business with such prohibitive ordinances on legal activities (small gatherings and social events on private property) and the determination of insurance coverage on private industry.

To my understanding, It is not in the city's jurisdiction to 'run' all the businesses within its boundaries. The city administration is supposed to conduct the business of the city, utilities, fire, police, public relations, etc..

Robin Berry

Robins Nest B&B

1508 Alger Ave

Cody WY 82414

www.RobinsNestCody.com

RBerry@RobinsNestCody.com

307-527-7208

Todd Stowell <todds@cityofcody.com>

Fri, Oct 28, 2016 at 4:34 PM

To: RBerry@robinsnestcody.com

Cc: _Bob Berry <bob@robinsnestcody.com>, Barbara & Robert Kelley <angelskeep@bresnan.net>, Chip Noll <cwbymsc@gmail.com>, Jerry & Bette Kinkade <jkink@vcn.com>, Margo Landwer <mclandwer@gmail.com>, Rod Tripp <windmillinnwyoming@gmail.com>, Sondra Dishong <salsburyinn Cody@gmail.com>, buffalobillsbb@yahoo.com, Cindy Baldwin <cindy@cindybaldwinbroker.com>, sandi@codylodgingcompany.com, Jerry Fritz <jfritz@cityofcody.com>, Karen Ballinger <kballinger@cityofcody.com>

Bcc: Barry Cook <bcook@cityofcody.com>, Steve Miller <smiller@cityofcody.com>, Todd Denny <todd.denny@wyo.gov>

Robin,

I continue to work on the draft, based on comments received and further research. Attached is the current staff draft.

One of the changes to the draft includes extending the possible length of stay. Although the 30-day limit is in the current zoning ordinance, and has been since October 16, 2007, and none of the other zoning ordinances I have reviewed allows longer than a 30-day stay at a Bed and Breakfast, it is possible to modify such restriction and not violate the building code or WY Food Rule. The current staff draft limits length of stay to 120 days at a Bed and Breakfast. Other categories of short-term rental remain at 30 days or less, as is the typical limit nationwide.

The definition of Bed and Breakfast adopted in 2007 replaced the definition of Boarding House--where meals are served for compensation. The way the Cody zoning ordinance is set up, and many other zoning ordinances, the serving of meals is a defining feature of a bed and breakfast, and therefore remains in the definition for "Bed and Breakfast". I realize this does not match the Dept. of Ag. definition which does not require meals. To address the "no meal" situation, the category of "rooming house" has been added, in addition to the existing short-term rental options. The bed and breakfast category is just one of many.

Regarding the comment about holding weddings, receptions, etc. I'm not sure how you interpreted the original language, so I have attempted to clarify it. I spoke with the local Health Dept. inspector and it is clear that the WY Food Rule for Bed and Breakfasts would be violated if you were catering weddings and receptions at your Bed and Breakfast. The proposal is to simply have each category classified as its own use, so that the individual characteristics of each are addressed through the review process. Both the WY Dept. of Ag. and the zoning ordinance view the activities as distinct and separate.

I have deleted the "single room occupancy" (SRO) term from the draft residential ordinance, because the use would more appropriately be found in a commercial zoning district. SROs are typically old hotels that have been converted into single room apartment rentals under a HUD housing program.

I see the term "appropriate" in the insurance discussion brings in a level of subjectivity that was not intended--it has been deleted.

At staff level I have wondered whether the insurance requirement should be advisory or mandatory. Feel free to discuss it with the Board when they review the public comments. The concern has been voiced by insurance companies that many short term rentals are operating on the assumption that their homeowner's policy covers short term rental, but it

does not. It is my understanding that the primary short-term rental management company in Cody is entirely fine with the insurance requirement.

I think that covers the specific ordinance-related comments of your email. I have edited other portions of the draft residential code in preparation for the Planning and Zoning Board discussion on the comments received. The entire draft will be available as part of the agenda packet for the Board at an upcoming meeting.

Let me know if I missed anything.
Thanks,

[Quoted text hidden]

--

Todd Stowell, AICP
City Planner
City of Cody, Wyoming
(307) 527-7511
www.cityofcody-wy.gov



Draft Bed and Breakfast Regs 10.28.2016.pdf
40K

Robin's Nest Bed & Breakfast <RBerry@robinsnestcody.com>

Fri, Oct 28, 2016 at 10:16 PM

Reply-To: RBerry@robinsnestcody.com

To: Todd Stowell <todds@cityofcody.com>

Cc: rberry@robinsnestcody.com, _Bob Berry <bob@robinsnestcody.com>, Barbara & Robert Kelley <angelskeep@bresnan.net>, Chip Noll <cwbymsc@gmail.com>, Jerry & Bette Kinkade <jkink@vcn.com>, Margo Landwer <mclandwer@gmail.com>, Rod Tripp <windmillinwyoming@gmail.com>, Sondra Dishong <salsburyinnocody@gmail.com>, buffalobillsbb@yahoo.com, Cindy Baldwin <cindy@cindybaldwinbroker.com>, sandi@codylodgingcompany.com, Jerry Fritz <jfritz@cityofcody.com>, Karen Ballinger <kballinger@cityofcody.com>

Dear Todd,

Thank you for all of your efforts.

On the 'catering' of weddings, receptions, etc., the words 'Not catering' should be used. We often hold 'events' that are not catered. Weddings for many B&Bs are often 5 people; the bride, groom, preacher and the witnesses. We in the Association are all aware that we cannot cater an event without a license or an outside caterer. If we are renting our venue to a party, we advise them that they are responsible for their own caterer or that we will have to contract for one and add the cost to the bill.

As far as insurance goes, The Short Term rentals I know about have existing coverages that cover the rental use. It is good to 'advise' that they have coverage.

Again, thank you for responding to our requests.

Robin

On Fri, October 28, 2016 4:34 pm, Todd Stowell wrote:

> Robin,

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 [Quoted text hidden]
 > *Todd Stowell, AICP*
 [Quoted text hidden]
 > --
 > *All City of Cody <<http://www.cityofcody-wy.gov>> electronic correspondence
 > and associated file attachments are public records and may be subject to
 > certain disclosure in the event of a public records request.*
 >

bob berry <bob@robinsnestcody.com>
 To: Todd Stowell <todds@cityofcody.com>

Tue, Nov 1, 2016 at 3:19 PM

Thanks for your efforts.
 BB

On Fri, October 28, 2016 3:34 pm, Todd Stowell wrote:

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 [Quoted text hidden]
 > *Todd Stowell, AICP*
 > City Planner
 > City of Cody, Wyoming
 > (307) 527-7511
 > www.cityofcody-wy.gov
 >
 [Quoted text hidden]

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[Quoted text hidden]

> *Todd Stowell, AICP*
> City Planner
> City of Cody, Wyoming
> (307) 527-7511
> www.cityofcody-wy.gov
>

[Quoted text hidden]



Todd Stowell <todds@cityofcody.com>

some questions on the proposed P&Z changes

3 messages

Robin Berry <RBerry@robinsnestcody.com>
Reply-To: RBerry@robinsnestcody.com
To: todds@cityofcody.com
Cc: planning@cityofcody.com

Thu, Oct 13, 2016 at 3:54 PM

Dear Mr Stowell,

There are some disturbing changes proposed by the City in the new Planning & Zoning documents.

Under Bed and Breakfasts, you state;

"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.)"

Where is the table referenced and who chose the number of rooms? For what purpose is there a distinction?

"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. "

This seems inappropriate. Who is the 'reviewing official?' We are already reviewed by the state. Unless a particular property is unusually loud or constantly being reported to authorities, why would the 'city' need dictate what happens on a private property. This has never been a problem in the past, so why put in place such restrictive regulations? Our weddings are usually very small with a handful of people because we do not have 'halls' in which to have them.

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

10. All bed and breakfast inns, 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."

The State already has us registered and requires the inspections. This seems to be duplication of efforts on the city's part since this is already in place. The Cody Country Bed and Breakfast Association already screens its members to have the appropriate taxing papers in order as well as the insurance.

Is the City planning on charging the B&Bs 'new' fees? Why the distinction of 3 rooms or 4? The County already charges us property taxes.

Robin Berry

Robins Nest B&B

1508 Alger Ave

Cody WY 82414

www.RobinsNestCody.com

RBerry@RobinsNestCody.com

307-527-7208

Todd Stowell <todds@cityofcody.com>
To: RBerry@robinsnestcody.com

Thu, Oct 13, 2016 at 4:55 PM

Feel free to come to tonight's meeting for further discussion.

I can answer your questions in more detail later, but very briefly:

- 3. The fewer bedrooms, the fewer vehicles and impacts to neighbors. The current usage of limiting occupancy to the definition of a "family" is not possible to work with for owners or the city, so the thought was to use bedrooms.
- 8. Technically, none of these activities are permitted now as part of a bed and breakfast. The proposal is simply to regulate the activities separately. The other category is "reception or banquet facility". Whether they should be allowed in the R-3 or R-4 zone as a conditional use may be an option that could be added.
- 9. Is simply a notice to B&B owners.
- 10. The city registration is to ensure it is located in a proper zone, has appropriate insurance, and has the fire marshal inspection for smoke detectors, fire extinguishers, and bedroom egress windows. Local inspections are done by Sam Wilde--I'll contact him to verify, but I believe he is the one inspecting you now. The food license inspection is by the State.

Any fees and the frequency of the registration/inspection have not been determined at this time, although the thought is to charge a fee for the inspection.

Also, be aware that any legal activity that is presently occurring would be "grandfathered" under the non-conforming provision of the zoning code, if it did not comply with the proposed rules.

Thanks,

[Quoted text hidden]

--

Todd Stowell, AICP
City Planner
City of Cody, Wyoming
(307) 527-7511
www.cityofcody-wy.gov

Todd Stowell <todds@cityofcody.com>
To: RBerry@robinsnestcody.com

Thu, Oct 13, 2016 at 4:56 PM

Your message

To: Todd Stowell
Subject: some questions on the proposed P&Z changes
Sent: 10/13/16, 3:54:09 PM MDT

was read on 10/13/16, 4:56:01 PM MDT



Todd Stowell <todds@cityofcody.com>

Housing on multiple lots

2 messages

Roy Holm <rholm@m-m.net>
To: Todd Stowell <todds@cityofcody.com>

Thu, Sep 29, 2016 at 1:40 PM

Todd,

I believe the issue of a house straddling a lot line has been discussed and argued in the past. Is there a policy the city has adopted or an ordinance when a party purchases two adjoining lots in a subdivision, with no easements along the common lot line, and they wish to build a large house that will straddle the lot line in a residential zone? Is this anything addressed in the proposed zoning regulation changes?

Thanks,

Roy Holm, PE, PLS
Vice President
Senior Civil Engineer



1402 Stampede Ave., Cody, WY 82414

Main: 307.587.6281 | **Direct:** 307.586.1541 | **Cell:** 307-899-6281

Todd Stowell <todds@cityofcody.com>
To: Roy Holm <rholm@m-m.net>

Thu, Sep 29, 2016 at 2:55 PM

Roy,

The city did create a simple process for combining lots, which is found in the subdivision ordinance in section 11-6(B). It has been used a few times, one for estate planning purposes and two other times for addressing a property line that was in the way.

The proposed zoning regulations would allow a "semi-detached single-family dwelling" (effectively half a duplex), or a townhouse to be built against a common property line due to the zero foot setback allowance.

In the definitions, the topic of building across a property line is somewhat addressed under "Lot, Zoning". It should probably be accompanied by some other language under the general provisions chapter.

Thanks,

[Quoted text hidden]

11/3/2016

City of Cody Mail - Housing on multiple lots

--

Todd Stowell, AICP
City Planner
City of Cody, Wyoming
(307) 527-7511
www.cityofcody-wy.gov



Todd Stowell <todds@cityofcody.com>

Zoning Regulations, Existing and Proposed

3 messages

Roy Holm <rholm@m-m.net>
To: Todd Stowell <todds@cityofcody.com>

Wed, Sep 28, 2016 at 2:31 PM

Hi Todd,

I have been looking over the proposed zoning changes, the designations and the particulars. I have a couple of questions:

1. Density Requirements. Is the table in Chapter 6 (10-6-1) to be use to figure out the allowable density from the square footage for each dwelling? This makes sense, just wonder if there is any other place to look.
2. It appears that there will be no Short Term Rentals in the R-1 zone. I believe the R-1 zone is replacing the AA zone. Comparing this to the Uses Permitted (10-7A-1) Article A. Residential AA Districts in the existing regulations, it appears that short term rentals are not excluded. Presently are short term rentals allowed in AA zone? Are there some short term rentals in AA zone in the city?

These are just what has come to mind as I started looking over the new proposed zoning changes. Probably more to come.

Thanks Todd!

Roy Holm, PE, PLS
Vice President
Senior Civil Engineer



1402 Stampede Ave., Cody, WY 82414
Main: 307.587.6281 | Direct: 307.586.1541 | Cell: 307-899-6281

Todd Stowell <todds@cityofcody.com>
To: Roy Holm <rholm@m-m.net>

Wed, Sep 28, 2016 at 3:09 PM

Roy,

Glad to see you are looking over the proposed changes.

In opposite order of your questions, the R-1 is indeed the rough equivalent of the AA zone. Short term rental is not legal in the AA zone (not listed as a permitted use in 10-7A-1), nor would it be in the R-1 zone as proposed. There are a few "grandfathered" short term rentals in the AA zone.

I think I can answer your first question by referring you to the definitions chapter, which more clearly defines each category in the table. If that doesn't answer it, just let me know.

Thanks,

[Quoted text hidden]

--

Todd Stowell, AICP

City Planner

City of Cody, Wyoming

(307) 527-7511

www.cityofcody-wy.gov

Roy Holm <rholm@m-m.net>
To: Todd Stowell <todds@cityofcody.com>

Wed, Sep 28, 2016 at 3:17 PM

Thanks Todd

Roy Holm, PE, PLS



Direct | 307.586.1541

From: Todd Stowell [mailto:todds@cityofcody.com]
Sent: Wednesday, September 28, 2016 3:10 PM
To: Roy Holm <rholm@m-m.net>
Subject: Re: Zoning Regulations, Existing and Proposed

[Quoted text hidden]

All City of Cody electronic correspondence and associated file attachments are public records and may be subject to certain disclosure in the event of a public records request.



Todd Stowell <todds@cityofcody.com>

Short term rentals (e.g. Airbnb, VRBO)

3 messages

sttbrhw@gmail.com <sttbrhw@gmail.com>
To: todds@cityofcody.com

Tue, Oct 11, 2016 at 2:19 PM

How do I find out if a property is zoned so that short term rentals are permitted? In this case the property in question is 902 Cody Avenue.

Steve Humphries-Wadsworth

Todd Stowell <todds@cityofcody.com>
To: sttbrhw@gmail.com

Tue, Oct 11, 2016 at 2:29 PM

You can check the zoning of a property using County's Mapserver program, which you can get to through this link: <http://maps.greenwoodmap.com/park/map>

That property at 902 Cody Avenue is zoned Residential A, which allows short term rental when the owner lives on the property. I believe it was your wife that I have talked to in the past that living next door could also be interpreted as sufficient. That code clarification is included in the proposed amendments to the residential zoning regulations that are currently out for public comment. They can be found on the City of Cody website. The proposed rules would also require inspection and registration of the short term rental with the City.

Let me know if you have further questions.
Thanks,

On Tue, Oct 11, 2016 at 2:19 PM, <sttbrhw@gmail.com> wrote:

How do I find out if a property is zoned so that short term rentals are permitted? In this case the property in question is 902 Cody Avenue.

Steve Humphries-Wadsworth

--
Todd Stowell, AICP
City Planner
City of Cody, Wyoming
(307) 527-7511
www.cityofcody-wy.gov

sttbrhw@gmail.com <sttbrhw@gmail.com>
To: Todd Stowell <todds@cityofcody.com>

Tue, Oct 11, 2016 at 2:59 PM

Thanks for your quick response. I am planning on attending the meeting Thursday and wanted to be as clear as possible about our situation. I did notice that the new regulations make it clear that part of the process would be a determination as to whether or not the property is zoned appropriately for short term rental, so I was trying to clarify.

Thought for the week:

We don't get closer to God by passing judgment on others.

[Quoted text hidden]

[Quoted text hidden]

11/3/2016

City of Cody Mail - Short term rentals (e.g. Airbnb, VRBO)

All [City of Cody](#) electronic correspondence and associated file attachments are public records and may be subject to certain disclosure in the event of a public records request.



Todd Stowell <todds@cityofcody.com>

Jubys Court

1 message

Bob Senitte <BSenitte@parkcounty.us>

Thu, Oct 27, 2016 at 5:08 PM

To: "Todd Stowell (todds@cityofcody.com)" <todds@cityofcody.com>

Cc: "Bob (home) Senitte (bsenitte@tctwest.net)" <bsenitte@tctwest.net>, "Sheridan Lodge 520 (elks520@fiberpipe.net)" <elks520@fiberpipe.net>

Hello Todd,

I heard from some of my neighbors that the north approximate one third of the Juby's Court property (Jack & Valerie Walker) may be under review for the zoning district land use. As a property owner on Gail Lane (2124 Gail Lane – lot is on the south side of Gail Lane), I have a couple of questions.

I do not know if the land use, as it pertains to the Walker property now, is considered R-3 or R-4 zoning. It appears the property is currently listed as B-Residential on the City Zoning Map. Is the property currently under an R-3 or an R-4 classification? If it is currently classified as R-3, why is it being considered for an R-4 Classification?

The existing mobile homes on the property are basically on the south two thirds of the lot. The vacant portion of that lot (approximately 100 feet x 1000 feet is the north one third of the lot. That north third borders the properties along the south side of Gail Lane and all of those properties are currently zoned A-Residential. Changing the zoning district to R-4, in my opinion, would not be compatible with the adjoining properties to the north. I understand the desire of the owner to improve/develop the vacant portion of the property, but shouldn't that be done with careful consideration as to what the zoning is on the adjoining property?

Is Loewer Avenue the only means of getting in and out of the property? If additional development is allowed on the property, shouldn't there be at least one additional means of ingress and egress; especially with the number of residences and persons residing on that lot? If additional development is allowed, is there any plan for that second driveway to a public street? Is there any plan to provide for an alley-way between the north edge of the vacant portion of the property and the adjacent properties along Gail Lane?

I would really like to see the R-3 zoning district classification being maintained for this lot due to the difference in the provisions in the R-3 and R-4 classification. Some of those I am concerned about are the building coverage difference, maximum building height difference, and minimum front yard and back yard setbacks.

Please let me know what is on the table and currently being considered for the Walker lot and should you have any questions or need additional information, please do not hesitate to contact me. Thanks for your time.

Bob Senitte

From the desk of ...

BOB SENITTE
OFFICE MANAGER
Park County Public Works Department
1131 Eleventh Street

Cody, WY 82414

Phone: (307) 527-8522 - CODY
(307) 754-8522 - POWELL
Fax: (307) 527-8526 or 307) 754-8526

Email: bsenitte@parkcounty.us

Visit our Website at www.parkcounty.us

Question on Zoning for Jubby's trailer court:

Members living on Gail Lane assume that no more development can occur on the north side of Jubby's Property? Is this included in the new zoning regulations?

Stan Strake
2132 Gail Lane
250-1244

Date 9-7-16 Time 11:01

To Todd

WHILE YOU WERE OUT

From Joan Rosenbaum

Of _____

Phone (208) 989-0627 Pager
Fax
Cell

E-Mail _____

Telephoned	Returned Call	Please Call	<input checked="" type="checkbox"/>
Please See Me	Will Call Again	Important	<input type="checkbox"/>

Message: corner of 11th & Bleistein

Call w/ updates to B+B

Signed _____

REDIFORM
47696 ©2002

Wants option
for B+B at
907 11th St.
(AA now R-1 proposed)
14,000 s.f.

October 27, 2016



Good evening.

My name is Bill Tabacinski, and I live in the Shadow Mountain Development across the street. My wife and I bought our home in 2012. Since that time we have observed a trend in the development of our neighborhood. Several of which are mentioned on the first page of "Title 10 of the Zoning Regulations" proposal. "The preservation and character " Cody is the first item of it's Scope and Purposes. As more and more multi-family dwellings and subsidized apartments have been built on Cougar Avenue our neighborhood of modest, single family homes has been affected in a negative manner. The value of my property has been diminished by the elimination of scenic views, increased street congestion and concentration of population.

When we decided to buy our home in Cody, we were surprised how few homes were available in our price range. We were glad to finally find a single family home we could afford. Judging by the number of apartments and storage facilities being built on Cougar Avenue, it seems to me that the character of our neighborhood has been changed from one of homeowners who have a long term interest in their community to one that is composed of short term residents living in a densely populated area.

I believe that any changes to zoning regulations should exhibit consideration for existing neighborhoods and not result in a lowering of homeowners' property values as is occurring on Cougar Avenue.

I appreciate this opportunity to express my opinion.

William Tabacinski

813 Outlook Court

Cody, WY 82414

A handwritten signature in black ink, appearing to read "William Tabacinski", written in a cursive style.

PROPOSED ZONING AMENDMENTS COMMENT FORM

Circle Drive Area

I would like the area to remain as low-density as possible. The lower density the better.

Thank you for your presentation.
Very educational.

SUBMITTED BY: Page Peters CONTACT PHONE OR EMAIL: page-peters@yahoo.com
OWNER OF (STREET ADDRESS): ~~Circle Drive~~
608 17th St.

PLEASE RETURN TO CITY HALL BY NOVEMBER 14, 2016 (1338 RUMSEY AVE., P.O. BOX 2200, CODY, WY 82414-2200).

COMMENTS MAY ALSO BE EMAILED TO: todds@cityofcody.com

THANK YOU FOR YOUR PARTICIPATION

PROPOSED ZONING AMENDMENTS COMMENT FORM

On short term rentals, scrap the family definition and use number of bedrooms (Reason-when people make reservation we do not necessarily know if those coming with them are family members, nor do we have a means of verifying what we are told)

SUBMITTED BY:

Steve H^{umphries}-W^{adsworth}

CONTACT PHONE OR EMAIL:

307-272-5113

OWNER OF (STREET ADDRESS):

908 Cody Ave 902 Cody Ave

PLEASE RETURN TO CITY HALL BY NOVEMBER 14, 2016 (1338 RUMSEY AVE., P.O. BOX 2200, CODY, WY 82414-2200).

COMMENTS MAY ALSO BE EMAILED TO: todds@cityofcody.com

THANK YOU FOR YOUR PARTICIPATION

PROPOSED ZONING AMENDMENTS COMMENT FORM

I would like to see short term rentals occupancy to be based on bedrooms instead of 'Family'

? Definition of absentee owner.

Cody lodging camping.

SUBMITTED BY: Rick Fisher

CONTACT PHONE OR EMAIL: _____

Summit building inspections@gmail.com

OWNER OF (STREET ADDRESS): _____

1302 Alger Ave

PLEASE RETURN TO CITY HALL BY NOVEMBER 14, 2016 (1338 RUMSEY AVE., P.O. BOX 2200, CODY, WY 82414-2200).

COMMENTS MAY ALSO BE EMAILED TO: todds@cityofcody.com

THANK YOU FOR YOUR PARTICIPATION

JAMES & JANE ARNETT
1308 29TH STREET
CODY WY 82414
307/586-4101
jandjarnett@gmail.com

RECEIVED
OCT 21 2016
CITY OF CODY

October 21, 2016

**THIS LETTER IS TO PROTEST CHANGING THE ZONING AT 1308 29TH STREET,
CODY WY FROM COMMERCIAL TO RESIDENTIAL**

You may not realize that our commercial property as well as the small commercially zoned lot located between our property and 29th Street became zoned for commercial endeavors in the 1960s. The building that is now our home was built for a heavy equipment business. The 80' length of the southern wall of our building contained four 12' x 12' bay doors, spaced evenly along that south wall.

When we bought it, there were broken windows, a dilapidated roof, the four bay doors, and wooden siding that looked as if it hadn't been painted since the building was first built in the mid-1960s. We moved into the building in early 1996. By April 30, 1996, we had put a new roof on, installed new south-facing windows and doors, removed or covered the bay doors, and put new Masonite siding on the entire 80' x 36' building. We also removed the ratty fence that the previous owner put up in answer to the myriad of complaints that the neighbors repeatedly made to the Cody City Council. In fact, Jack Skates, the Cody mayor at that time, told Jane that we had increased the property value in the entire neighborhood by all that we had done to our property. That was good news considering that we had spent well over \$50,000 in improvements to do it!

We purchased our commercially zoned property in 1995 specifically with the intention of opening a health spa. We had already invested heavily in the spa equipment and supplies. Within less than one year after spending over \$10,000 remodeling a small portion of the building for our living area and paying over \$50,000 for the health spa equipment and supplies, we learned that the recreation center was being built. That information was not available at the time we purchased the commercial property. Knowing that Cody was not large enough to support another health spa and the recreation center, we scrapped our plans to open the health spa.

Over the years, we've looked into several businesses that would be appropriate for our commercial property. We've rejected almost all of them because we don't want a business venture that would lower our enjoyment of our property. After all, we still live on that commercial property and look at every potential business with two thoughts in mind: Will it interfere with our enjoyment of the property and would it be appropriate for that neighborhood? We wanted to start a business that would use our commercially zoned property to its best advantage while still protecting our enjoyment of the open spaces.

Since Mr. Musser has storage containers and RV storage located in the 1100 block of 29th Street, which is only three doors north of our property, we are also offering RV and trailer storage. After all, that type of business is already in our neighborhood. That offer has been in effect for the past several years even though we haven't invested in advertising. As you may guess, that can NOT be operated on residentially zoned property unless you're "grandfathered in" as Mr. Musser must

October 21, 2016
Page 1 of 2

be on his residentially zoned property. We have two people already entrusting us with the storage of their trailers, with one of them scheduled to store a second trailer with us soon.

Therefore, please consider two things.

1) We paid more for that property as commercial property than we would have if it had been zoned residential. You will be taking away our profit potential if you change the zoning. ***How would you like someone to do that to you, your family, and your bank account for the flimsiest of reasons?***

2) We have recently started another new business to supplement our fixed retirement income. If you change the zoning, you will be taking away current and future business opportunities, including the “store-front” business for the approximately 80,000 records that comprise JIM A. RECORDS (which was partially located in Grandma’s Bazaar until it closed Sep. 30, 2016). ***Again, how would you like someone to do that to you, your family, and your bank account for the flimsiest of reasons?***

Furthermore, you have (as stated earlier) “grandfathered in” the continued operation of businesses located on Mr. Musser’s property which is only three doors north of our lot even though our lot is the only one of the two that is legitimately zoned for commercial endeavors. To prevent us from keeping the income-producing status of the property that we paid so dearly for because it is zoned commercial while leaving his property alone to continue his business ventures (in the very same neighborhood as our property) will be viewed by us (and probably others) as a clear case of **discrimination**.

Do you really want to discriminate against two law-abiding United States military veterans? James is a 70-year-old US Navy veteran as well as a Vietnam veteran. Jane was a 10-year member of the US Air Force and is now a veteran with a 30% disability. We will be contacting the Cody Enterprise on Friday, Oct. 21, 2016 with this information about the City’s proposed discrimination against two honorably discharged US military veterans. Also, if our property is re-zoned against our will, we **will** seek legal counsel in order to right the wrong.

Sincerely,


James Arnett


Jane Arnett

I have received a copy of this letter.

RECEIVED

OCT 21 2016

CITY OF CODY

Signed _____

Date

Time

Printed Name

Title



Dennis Fixmer
 1513 Alger Ave.
 Cody, WY 82414

THANKS
 FOR TAKING
 COMMENTS

PROPOSED ZONING AMENDMENTS COMMENT FORM

Thank you for having the meeting for the Proposed Changes to Zoning for the area where our home is at. You did a good job.

We have used Wyo Vacation Rental to take care of the details while we are away for the Summer. We are proud of our home and it is very well furnished and maintained. Bill Carlow (Buffalo Bill Cody Grandson) use to live here as a small boy. He was impressed with the way we have restored it. During the Summer Rental season, we close off the 4th Bedroom.

With 3 bedrooms and 3 baths I feel that it's the right amount of room for groups of 6 people with out any problem, with living space. There is ample parking in my alley driveway as well as parking on the street.

What we would want is to change the wording of the Proposed Zoning to read 2 people (couple) per bedroom for a total of 6 MEMBERS of the group at one time. We rent the whole house, NOT ROOMS

SUBMITTED BY: SUZANNE DENNIS FIXMER CONTACT PHONE OR EMAIL: FIXY54@HOTMAIL.COM

OWNER OF (STREET ADDRESS): 1513 ALGERI AVE

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COMMENTS MAY ALSO BE EMAILED TO: todds@cityofcody.com

THANK YOU FOR YOUR PARTICIPATION

We support having the FIRE Marshal and proof of INSURANCE. We also support the Lodging tax to help promote our great City



PROPOSED ZONING AMENDMENTS COMMENT FORM

RE: Property 5392 Highway 14-16-20 (Greybull HWY).

This property is located south the Greybull HWY. The City map shows it to be in the yellow zone with a notice of low housing, potential bike trails and in the City. We request that the trails on the map be removed for the following reasons:

- The Right of private property and all the law entails.
- All individual who recreate at Beck Lake Park and or use the biking trails are not land locked, an established access already exists. Currently the PL&Z map gives perceived permission to also use Lewis's egress as access. The bike trails that are on the City web site have become a real cause of potential liability.

Liability affects the Lewis family as owners and the City of Cody for giving people perceived permission to bike, walk and trespass on private property regardless of the people's lack of responsibility or ability to read and their inability or refusal to decipher between potential and permanent trails. The risk of someone getting hurt or killed is real. Lewis's egress is a single, one vehicle road with a couple of feet on each side for underground utilities and gas lines. There is no room for a car traveling 10 mph and a moving bike to meet.

This property is legally described at the Courthouse on the tax rolls as: County and Zoned Agriculture. The mentioned property is private and was established in 1900 as a working Ranch and has been in continuous production of either cattle or sheep to this date of 2016. The Lewis's currently raise registered Angus cattle. Wyoming Agriculture law state:

Universal Citation: WY Stat § 6-9-202 (1997 through Reg Sess) A person is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00) if he opens and neglects to close a gate or replace bars in a fence which crosses a private road or a river, stream or ditch. Trespassers do not close gates and they cut fences. State law requires the Lewis's to confine their cattle along with the bulls. With that being said, it wise to remember that provoked or frighten animals can be dangerous. Gates opened or left open can lead to problems regarding human safety and financial loss to the Lewis. The family is not open to giving up their life style or livelihood in order for the people to recreate on their property.

CC: Simonton Stephen PC Atty.

SUBMITTED BY: Paul (Mac) R. Lewis CONTACT PHONE OR EMAIL: 307-587-5278
 OWNER OF (STREET ADDRESS): LEWIS 5392 HWY 14-16-20 - P.O. BX 902
Paul Mac Lewis / Rita Mae Lewis Cody

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