

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
TUESDAY, FEBRUARY 27, 2018  
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

1. Call to Order by Steve Miller, Chairman
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the February 13, 2018 regular meeting.
6. NEW BUSINESS:
  - A. Site Plan Review for a Storage Building, located at 519 Date Street.
  - B. Review Ordinance to add Short Term Rental and Bed and Breakfast Inn Requirements to the Commercial Zoning Districts.
7. P&Z Board Matters (announcements, comments, etc.).
8. Council Update:
9. Staff Items:
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, February 13, 2018**

A meeting of the Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of City Hall in Cody, Wyoming on Tuesday, February 13, 2018 at 12:00 pm.

Present: Heidi Rasmussen, Vice Chairman; Buzzy Hassrick, Curt Dansie, Kayl Mitchell, Erynne Selk, Sandra Kitchen, City Deputy Attorney; Glenn A. Nielson, Council Liaison; Todd Stowell, City Planner; Bernie Butler, Administrative Secretary.

Absent: Steve Miller, Richard Jones

Vice Chairman, Heidi Rasmussen, called the meeting to order at 12:00 pm, followed by the pledge of allegiance.

Buzzy Hassrick made a motion, seconded by Kayl Mitchell, to approve the agenda for February 13, 2018. Vote on the motion was unanimous, motion carried.

Kayl Mitchell made a motion, seconded by Buzzy Hassrick, to approve the minutes for the January 23, 2018 meeting. Vote on the motion was unanimous, motion carried.

**NEW BUSINESS:**

A. Todd Stowell presented a Site Plan Review for Wyoming Legacy Meats, Cold Storage Building, located at 74 Road 2AB.

Buzzy Hassrick made a motion, seconded by Curt Dansie to approve the Site Plan for Wyoming Legacy Meats, cold storage building, located at 74 Road 2AB, subject to the following requirements:

- 1) Surface the vehicle maneuvering areas with crushed road base, or similar, so as to minimize mud track out onto Road 2AB.
- 2) Encourage employees to park within the property boundaries, as opposed to the shoulder of Road 2AB, and expand the gravel parking area as needed to accommodate the parking demand.
- 3) The project must otherwise comply with the site plan and applicable building, fire, and electrical codes.
- 4) A building permit must be obtained within three years or this authorization will expire.

Vote on the motion was unanimous, motion carried.

B. Todd Stowell presented a Site Plan Review for Legend Towers, LLC, located at 1949 and 2001 Mountain View Drive. The plan is to remodel existing structure on 2001 Mountain View Drive, add

enclosed breezeway between existing structure and existing garage (remodel into office space) on 1949 Mountain View Drive.

Curt Dansie made a motion, seconded by Kayl Mitchell, to approve the site plan for and architectural plans for Legend Towers, subject to the following items:

1. Use a full cut-off fixture for the north parking lot light pole, with an intensity and coverage similar to the staff recommended example.
2. An encroachment permit is required for all work within the public right of way (e.g. new approach to 21st Street). The contractor is responsible for obtaining the permit.
3. Either remove the “Kidz” freestanding sign and pole, or submit a sign permit application to utilize it.
4. Provide the four items below, as requested on the storm water/grading plan:
  - a) Provide a grading map (with elevations) of the north parking lot and associated sidewalk.
  - b) Show the perc trench on the site plan—recommend that it extend west from the inlet.
  - c) Consider wrapping the perforated drywell and with filter fabric, to minimize infiltration and possible settling of the asphalt.
  - d) Verify ADA slopes will be met.
5. The project must otherwise comply with the site plan and applicable building, fire, and electrical codes.
6. A building permit must be obtained within 3 years or this authorization will expire.

Vote on the motion was unanimous, motion carried.

C. Todd Stowell presented a Site Plan Review for Blossoms Up, seasonal greenhouse, located at 626 Yellowstone Avenue.

Kayl Mitchell made a motion, seconded by Buzzy Hassrick, to grant the variance to buffer requirement and approve the project for Blossoms Up, located at 626 Yellowstone Avenue, subject to the following items:

1. Use of the portable toilet requires permission from City Council.
2. A variance to the fire hydrant requirement is needed from the fire marshal.
3. Approval is limited to the time requested (May through July, 2018).
4. Work with staff on the layout of the ADA parking space and unloading area. Staff is authorized to approve modifications to the parking plan that are in compliance with the parking ordinance.
5. The project must otherwise comply with the site plan and applicable building, fire, and electrical codes.

Vote on the motion was unanimous, motion carried.

D. Todd Stowell reviewed the Ordinance to add Short Term Rental Registration requirements to Commercial Zoning District. Discussion will be continued at the next meeting.

P & Z Board Matters – None.

Council Updates – None. General discussion on conditioning authority and recommendations.

Staff Items – None.

Buzzy Hassrick made a motion, seconded by Curt Dansie, to adjourn the meeting.

Vote on the motion was unanimous, motion carried.

There being no further business to come before the Board, Vice Chairman, Heidi Rasmussen, adjourned the meeting at 1:12 p.m.

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Bernie Butler, Administrative Assistant

DRAFT

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

<b>MEETING DATE:</b>	FEBRUARY 27, 2018	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	SITE PLAN REVIEW: STORAGE BUILDING AT 519 DATE STREET SPR 2018-10	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT DESCRIPTION:**

T&T Matthews, Inc., as owner of A Fresh Start Small Engine Repair, has submitted an application to install a 12' by 24' prefabricated building on their property at 519 Date Street. The building is proposed to be used for storage in conjunction with their small engine repair business.



**Existing Conditions:**



**REVIEW CRITERIA:**

The property is located within the Open Business/Light Industrial (D-3) zoning district, which permits accessory storage buildings.

Pursuant to 10-10C-4 of the City of Cody Code, all structures within the zoning district are to be architecturally compatible and architectural and landscaping plans are to be submitted to the planning and zoning commission for approval.

**STAFF COMMENTS:**

Architecture:

The architecture is a typical prefabricated, wood storage shed, with T-111 style siding and metal roofing. The siding is treated with a clear sealer/stain that retains the natural wood appearance.

The preferred location of the storage building is to the south of the repair shop, where it would not be readily visible from Big Horn Avenue. However, due to an apparent gas service line conflict with the preferred building location, it may be shifted to the north side of the building. In either case, visibility from Big Horn Avenue is limited.

Staff has no issues with the architecture of the building, due to the low-visibility location(s).

Landscaping:

The property is outside of the entry corridor overlay, so there is no specific amount of landscaping required. No landscaping exists on the property. Due to the small size of the project, staff did not get into a discussion with the applicant about any landscaping.

Storm Water:

Due to the small size of the building (168 sq. ft. increase over what was there) and the distance from the City street, no storm water plan was required.

Parking:

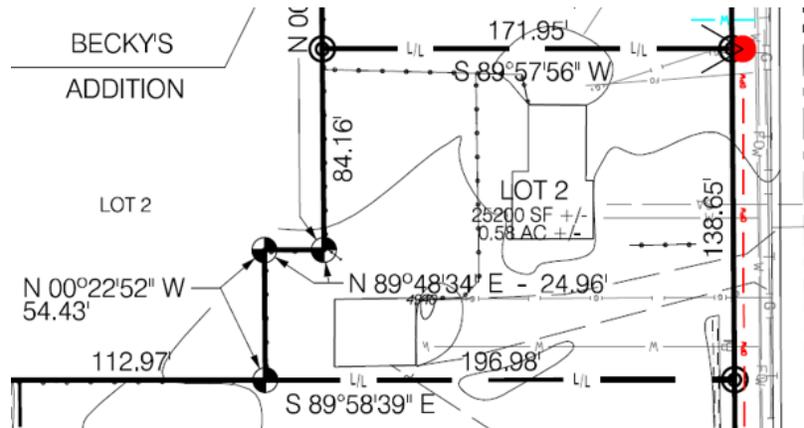
The storage building does not trigger parking requirements. No parking spaces will be eliminated by the project.

Utilities:

No utilities are proposed to be installed to the building at this time. (Electricity may be installed in the future.)

While the building location is outside of any City utility easements, it appears to be over a gas service line that apparently feeds the Red Barn (see attached site plan). A utility locate is in process to identify whether a conflict truly exists. I also have a phone call into Black Hills Energy to see if they have any leniency for portable pre-manufactured buildings without an installed foundation to be over a gas line. If a conflict with the gas line does exist, options may include shifting the storage building closer to the shop to avoid the line, which would trigger a requirement for a fire wall (5/8" fire rated sheetrock on the wall of the building closest to the shop); or, relocating the storage building to the north side of the shop building. As staff is unsure of the north property

line location due to the current snow and frozen ground conditions, we do not know just how much space is available in that area. If the preliminary plat is accurate, there is about 23 feet between the shop building and the north property line, which would be enough to accommodate the 12-foot wide storage building and maintain 5-foot setbacks from the shop and north property line (5' is building code requirement, not a zoning requirement). Like on the other side of the shop, if it is closer than five feet from the existing building, or from the north property line, the fire rated wall would be required on that side. The presence of the electrical meter and gas meter on the north side of the building mean applicable clearances will prevent the storage building from being closer than about three feet from the shop building.



Lighting:

No exterior lighting is proposed at this time.

Buffers

No buffer requirements are applicable to this project.

Other

It is noted that there is a small amount of what the nuisance ordinance would classify as "junk" accumulating on the property. Effectively, it includes inoperable items, scrap metal, etc., located primarily to the north side of the building. The operator will need to work on either removing those items, storing them inside a building, or moving them to a location that is not readily visible.



**ATTACHMENT:**

Site plan.

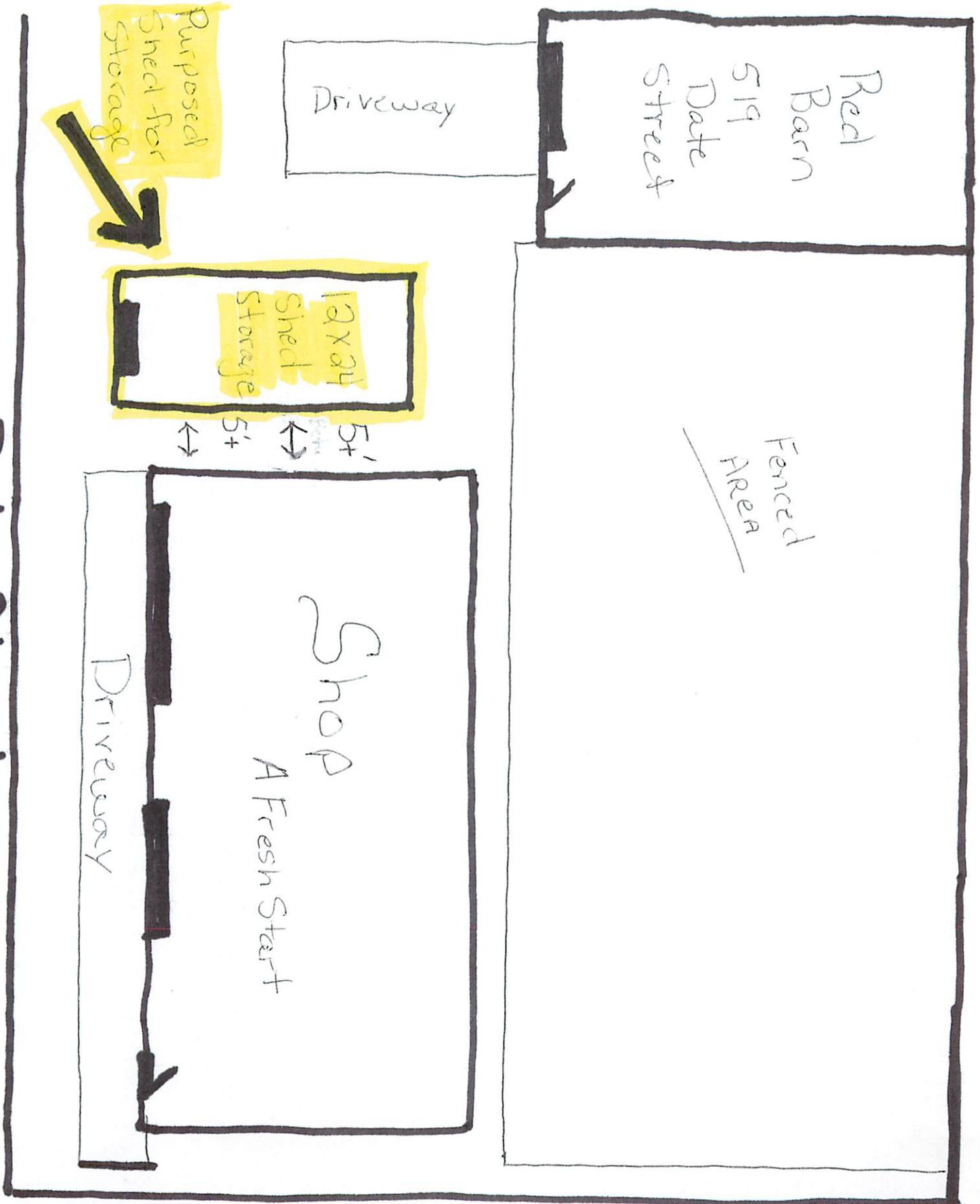
**ALTERNATIVES:**

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

**RECOMMENDATION:**

Approve the application to install the premanufactured storage building at 519 Date Street, either to the north or south end of the shop building, subject to the following.

1. The storage building is not to be located over the gas line, unless authorized otherwise by Black Hills Energy.
2. The applicant will need to work with staff to ensure the location of the storage building meets applicable building, fire, and electrical codes pertaining to clearances from utilities (e.g. electric and gas meters), the shop building, and property lines, as applicable.
3. Remove or keep all scrap, junk, and any equipment that is not operable out of plain site from Date Street and Big Horn Avenue, and stored in an orderly manner.



Joel's Auto ↗

Big Horn Ave ↘

Date Street

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

<b>MEETING DATE:</b>	FEBRUARY 27, 2018	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	ORDINANCE TO ADD SHORT TERM RENTAL AND BED AND BREAKFAST INN REQUIREMENTS TO THE COMMERCIAL ZONING DISTRICTS.	RECOMMENDATION TO COUNCIL:	X
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**BACKGROUND:**

In 2017 the City adopted short-term rental and bed and breakfast registration requirements for the residential zoning districts. The registration process and safety requirements have resulted in significant increases in safety and zoning compliance. At the end of 2017, the City had inspected and registered 48 short-term rentals in the residential zoning districts. About another 8 are in the process. In a check last fall, there were approximately 33 short-term rentals in the City's commercial zoning districts. It is proposed that the registration process used in the residential zones also be applied to the short-term rentals and bed and breakfast inns located in the commercial zones.

**PROCEDURE:**

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

*The city council may by ordinance at any time, on its own motion or petition, or upon the recommendations by the planning and zoning commission, amend, supplement or change the regulations or districts herein or subsequently established; provided, however, that a public hearing shall first be held in relation thereto, after one publication of notice of the time, place and purpose of such hearing, in an official newspaper, at least fifteen (15) days prior to such hearing.*

If the Planning and Zoning Board recommends the amendment, staff will schedule the public hearing to occur at City Council, and proceed with preparation of the ordinance.

**STAFF COMMENTS:**

The proposed bed and breakfast inn requirements for locations in the commercial zones are effectively identical to those applied to the residential zones.

The proposed short-term rental requirements for the commercial zones would be similar to those applied to the residential zones, with a few differences. The primary differences are that the restriction prohibiting use of a multi-family dwelling for short-term rental is not applied, and the D-2 and D-3 commercial zones would allow rental of individual rooms (book separately). The limitation of 10 guests would still be applicable,

as more than that would fall under the "hotel" category. Non-applicable sections, such as the "owner-occupied" provisions are not included. In the following text, deleted and added language that is different from the residential language is identified with the "track changes" feature.

It is noted that hotels, motels, RV parks, and other similar lodging facilities have not been permitted in the Limited Business (D-1) zoning district. To maintain this concept, staff believes there should be a limit on how many short-term rentals can be permitted on a D-1 zoned property. The Board is encouraged to review the zoning map to see where the D-1, D-2 and D-3 zones are located.

**RECOMMENDATION:**

Once all items have been determined, recommend that the City Council proceed with adopting bed and breakfast inn and short-term rental requirements for the commercial (D-1, D-2, and D-3) zoning districts, as follows:

**I. The requirements for bed and breakfast inns located in the commercial zones would be as follows (no change from requirements for residential zones):**

1. The bed and breakfast inn must meet the definition set forth in chapter 2 of this title.
2. 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 (10) persons. (Establishments exceeding 10 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.
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 and life safety inspection before it may be used as a bed and breakfast inn. At a minimum, the bed and breakfast inn shall be equipped with functional smoke detectors, a fire extinguisher (minimum rating 2A:10BC), and a carbon monoxide alarm if applicable. Each sleeping room shall be provided with Code compliant means of egress. The authority having jurisdiction (i.e., Fire Marshal and/or Building Official) may have additional requirements pursuant to the adopted Fire and/or Building Code.
7. Individual guest occupancy is limited to temporary periods of less than one hundred twenty (120) consecutive days, and less than one hundred twenty (120) days in any one-year period.

8. Bed and breakfast inns shall not be used as "reception facilities" as defined in this title, 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 (1) off-street guest parking space shall be provided for every two (2) lodging units or fraction thereof. The guest parking shall be in addition to the two (2) spaces required for the owners/manager.
12. 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 compliance with the Wyoming Food Safety Rule. The Community Development Department is authorized to create application form(s) and procedures as necessary to manage and enforce these provisions, both for the initial authorization and for ongoing compliance. 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.~~

## **II. The requirement for short term rentals located in the commercial zoning districts would be as follows:**

1. ~~Within the commercial zoning districts, a~~ The short-term rental may be operated out of any form of a dwelling with a permanent foundation except a multi-family dwelling.
2. Short-term rental shall not be offered by a renter of the property - i.e., a sublet situation.
3. 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 ten (10) guests. (Note: Facilities exceeding 10 guests are to be classified as hotels/motels and may be considered pursuant to that classification.) ~~In addition, short-term rental dwellings shall only be rented to only one (1) group at any one (1) time - a single booking. Separate dwellings on a property may be booked individually.~~
4. Within the D-1 zoning district, the following restrictions apply:
  - a. No more than four short-term rentals may be located on any one property.
  - b. Each short-term rental may only be rented to one group at any one time (i.e. a single booking).

5. Within the D-2 and D-3 zoning districts, sleeping rooms may be rented individually when authorized for such through the short-term rental registration and inspection process; provided, in no case shall more than five sleeping rooms be individually rented in a dwelling.
6. ~~Use or conversion of an existing dwelling to an owner-occupied~~ Each short-term rental shall require one (1) off-street guest parking space meeting the requirements of [chapter 16](#), "Off Street Parking", of this title for every two (2) guest sleeping rooms or fraction thereof, unless otherwise exempted or authorized by this title (e.g. nonconforming provisions). ~~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.~~
7. Prior to use of the dwelling as a short-term rental, the dwelling shall be inspected for fire and life safety items. At a minimum, the short-term rental shall be equipped with functional smoke detectors, a fire extinguisher (minimum rating 2A:10-BC), and a carbon monoxide alarm if applicable. Each sleeping room shall be provided with Code compliant means of egress. The authority having jurisdiction (i.e., Fire Marshal and/or Building Official) may have additional requirements pursuant to the adopted Fire and/or Building Code. Notwithstanding the above, short-term rentals existing at the date of adoption of this provision shall have until June 30, 2018, to obtain their inspection and until December 31, 2018, to correct any fire and life safety items involving construction or remodeling; no short-term rental activity shall occur if the dwelling is not in compliance with these deadlines.
8. Short-term rentals are classified as lodging facilities by the State. As such, the owner or manager of the short-term rental must register the lodging facility business with the WY Department of Revenue and pay lodging tax as required.
9. All short-term rental facilities, whether existing or proposed, shall register with the City of Cody, provide evidence of compliance with these provisions~~this use~~, and pass the fire/safety inspection. The Community Development Department is authorized to create application form(s) and procedures as necessary to manage and enforce these provisions, both for the initial authorization and for ongoing compliance. 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.