

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
TUESDAY, JUNE 21, 2018  
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

1. Call to Order by Chairman, Heidi Rasmussen
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes of the June 12, 2018 regular meeting.
6. NEW BUSINESS:
  - A. Downtown Architectural District Sign Review for Rocky Mountain Dance Theatre, located at 1171 Sheridan Avenue.
  - B. Draft Short-term rental Overlay Zone
  - C. Amend Accessory Dwelling Unit Ordinance 10-8-2(A)
7. P & Z Board matters (announcements, comments, etc.)
8. Council Update
9. Staff Items
11. Adjourn

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

**City of Cody**  
**Planning, Zoning and Adjustment Board**  
**Tuesday, June 12, 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, June 12, 2018 at 12:00 pm.

Present: Heidi Rasmussen, Chairperson; Erynne Selk, Buzzy Hassrick, Richard Jones, Sandi Fisher, Sandra Kitchen, City Deputy Attorney; Todd Stowell, City Planner; Bernie Butler, Administrator Assistant

Absent: Kayl Mitchell, Curt Dansie, Glenn Neilson, Council Liaison

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

Buzzy Hassrick made a motion, seconded by Richard Jones to approve the agenda for June 12, 2018. Vote on the motion was unanimous, motion carried.

Buzzy Hassrick made a motion, seconded by Erynne Selk, to approve the minutes from the May 22, 2018 meeting. Vote on the motion was unanimous, motion carried.

**NEW BUSINESS:**

A. Todd Stowell presented the Downtown Architectural District Sign Review for Wyoming Buffalo Company and Tacos El Taconazo, located at 1270 Sheridan Avenue.

Erynne Selk made a motion seconded by Buzzy Hassrick, to approve the sign, as depicted in the Staff Report from June 12, 2018, for Wyoming Buffalo Company and Tacos El Taconazo, located at 1270 Sheridan Avenue. Vote on the motion was unanimous, motion approved.

B. Todd Stowell presented a Downtown Architectural District Review to expand the existing building, located at 1502 Beck Avenue. Mark Schneider, property owner, answered questions from the Board.

Richard Jones made a motion seconded by Buzzy Hassrick, to approve the expansion of the existing building, located at 1502 Beck Avenue, with Staff recommendations. Vote on the motion was unanimous, motion approved.

**TABLED ITEM:**

A. Downtown Architectural District Sign Review for Budget Blinds and Vision Stone & Tile, located at 1262 "B" Sheridan Avenue, remained on the table. Item died.

P & Z Board Matters – None

Council Updates – None

Staff Items – None

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

There being no further business to come before the Board, Chairperson Heidi Rasmussen adjourned the meeting at 12:21 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>	APRIL 21, 2018	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	X
<b>SUBJECT:</b>	DOWNTOWN ARCHITECTURAL DISTRICT SIGN REVIEW: ROCKY MOUNTAIN DANCE THEATRE. SGN 2018-15	RECOMMENDATION TO COUNCIL:	
<b>PREPARED BY:</b>	TODD STOWELL	DISCUSSION ONLY:	

**PROJECT DESCRIPTION:**

The Rocky Mountain Dance Theatre has submitted an application to cover the two existing reader boards on the Cody Theater marquee with temporary, seasonal banners. The applicant requests permission for the temporary banners to be in place 2-3 months for the next three summers (end of June through July this year, and end of June through August the next two years). The banners would measure two feet by twelve feet.

Existing:



Proposed:



Proposed Sign:



**REVIEW CRITERIA:**

The property is within the Downtown Architectural District established by Section 9-2-2 of the Cody City Code. Pursuant to Subsection 9-2-2(B), "The planning, zoning and adjustment board shall examine and evaluate applications and plans involved in building and sign permits insofar as they pertain to the exterior of commercial buildings within

*the downtown district as herein described and shall make recommendations and suggestions to the applicants, property owners or occupants.*

The sign must also comply with applicable provisions of the sign code.

**STAFF COMMENTS:**

The current sign code for the downtown sign district permits temporary banners up to 32 square feet in size. The two proposed banners are 24 square feet each and would cover the reader board portions of the existing marquee signs.

The purpose of the Downtown Architectural District is understood to be the promotion of architectural compatibility and preservation of historic features. The signs are temporary and therefore do not result in permanent modifications to the marquee.

**ALTERNATIVES:**

Approve the signs if they meet applicable requirements, with or without making recommendations and suggestions.

**RECOMMENDATIONS:**

Approve the two temporary signs as requested (seasonal for the next three summers).

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

<b>MEETING DATE:</b>	JUNE 21, 2018	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	CREATE A SHORT-TERM RENTAL OVERLAY DISTRICT?	RECOMMENDATION TO COUNCIL:	X
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**BACKGROUND:**

The City currently allows some option for short term rental in all residential zones except the Rural Residential (RR) and Single-family Residential (R-1) zones. Discussions have occurred at the conceptual level that it may be appropriate to allow limited options for short-term rental in some of the RR and R-1 zoning districts.

In response, staff is presenting the concept of a short-term rental overlay district, which would provide an option for neighborhoods to request the ability to have short-term rentals without otherwise modifying their existing zoning. The overlay zone would not be applied by the City to any land at this time, but the option would be available for the neighborhoods to request it through the rezone application process.

**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 document.

**STAFF COMMENTS:**

Since an overlay is applied through the rezone process, the city council would retain full discretion as to whether or not a request for the overlay would be granted. The process also includes public notice, so neighbors would be informed and have opportunity to comment.

In an attempt to retain the character of the zoning district, staff recommends specific limitations on where the overlay zone could be applied, and how the short-term rental

activity could occur if the overlay is obtained. Refer to the attached draft ordinance language.

The same safety inspection and registration process used for short-term rentals in the other residential zoning districts would apply to the overlay zone.

**RECOMMENDATION:**

If the Planning and Zoning Board is agreeable to the concept, and once they are satisfied with the language, they may recommend it to Council for consideration.

Chapter 18  
SHORT-TERM RENTAL OVERLAY DISTRICT

10-18-1: PURPOSE:

10-18-2: OVERLAY DISTRICT:

10-18-3: OVERLAY ZONE PREREQUISITES:

10-18-4: OVERLAY ZONING DISTRICT STANDARDS:

10-17-1: PURPOSE:

The purpose of the Short-Term Rental Overlay District is to provide owners of properties in the Rural Residential (RR) and Single-Family Residential (R-1) zoning districts with an opportunity to request rezoning of their neighborhood, or portion thereof, to operate a short-term rental, without otherwise modifying the zoning requirements of the underlying zone pertaining to density, setbacks, and other dimensional standards and uses.

10-17-2: OVERLAY DISTRICT:

The Short-Term Rental Overlay District is an overlay zoning district applied through the rezoning process. The regulations set forth in this chapter are in addition to those of the underlying zoning district. Property so classified shall be identified on the zoning map by both the underlying zone and the overlay zone classification. In the event of a conflict between the provisions of the overlay zone and the provisions of the underlying zone, the provisions of the overlay zone shall prevail. If the overlay zone is silent in relation to any development standard, the development standard identified in the underlying zone shall prevail.

10-17-3: OVERLAY ZONE PREREQUISITES:

The following conditions must exist in order for a short-term rental overlay to be applied to a property.

(A) The short-term rental overlay may only be applied to properties zoned Rural Residential (RR) or Single-Family Residential (R-1).

(B) An application to zone an area with a short-term rental overlay must be requested by property owners representing at least 75% of the area to be zoned. Street right-of-way and dedicated alleys shall be excluded from the calculations.

(C) The size and location of a Short-Term Rental Overlay District must avoid the characteristics of a spot zone. The overlay boundaries should follow public streets or alleys, subdivision boundaries, blocks, or zoning boundaries to accomplish the intent of this requirement. Areas at the perimeter of a zoning district and next to a zone that allows short-term rental are more likely to meet this requirement than isolated blocks within a zoning district.

10-17-4: OVERLAY ZONING DISTRICT STANDARDS:

Property within a short-term rental overlay district is entitled to conduct short-term rental

pursuant to the registration requirements and standards of 10-8-2(S), Short Term Rental; except as modified below.

(A) The dwelling to be utilized as a short-term rental must be the primary residence of the owner, as evidenced by official government-issued identification.

(B) The dwelling must also be the primary dwelling on the property (e.g. not an accessory dwelling unit, or secondary dwelling).

(C) Short-term rental shall only occur on the property between the last day of the school year for Park County School District #6 and the day before the first day of the school year for Park County School District #6 (approx. last week of May through last week of August).

End

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**For reference, Section 10-8-2(S), Residential Short-Term Rental Standards, is listed here:**

Short-term rental.

1. Authorized owner-occupied methods of short-term rental are limited to:
  - a. Rental of a portion of the owner's dwelling (room rental), while the owner is living in the dwelling.
  - b. Rental of an accessory dwelling unit while the owner is living in the main dwelling.
  - c. Rental of the main dwelling while the owner is living in the accessory dwelling unit.
  - d. Rental of a dwelling while the owner is living on a lot immediately next door.
2. 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.
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. 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. Use or conversion of an existing dwelling to an owner-occupied 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. 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. At a minimum, the short-term rental shall be equipped with functional smoke detectors, a fire extinguisher (minimum rating 2A10BC), 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, 2017, to obtain their inspection and until December 31,

2017, to correct any fire and life safety items; no short-term rental activity shall occur if the dwelling is not in compliance with these deadlines.

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 compliance with 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.

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

<b>MEETING DATE:</b>	JUNE 21, 2018	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	AMEND THE ACCESSRY DWELLING UNIT ORDINANCE.	RECOMMENDATION TO COUNCIL:	X
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**BACKGROUND AND PROPOSAL:**

To clarify that Accessory Dwelling Units (ADUs) may only be permitted in Planned Unit Developments (PUDs) when allowed by the Planned Unit Development Plan, the following language is proposed to be added to the Accessory Dwelling Unit Supplemental Development Standards.

*Add the following to 10-8-2(A), Accessory Dwelling Units:*

...

15. ADUs are not permitted on any lot within a Planned Unit Development, unless the approved PUD plan specifically states that an ADU is permitted on that lot.

**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 document.

**RECOMMENDATION:**

If the Planning and Zoning Board is agreeable to the concept, and once they are satisfied with the language, they may recommend it to Council for consideration.