

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY MARCH 8, 2022
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

1. Call meeting to order
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda for the March 8, 2022 meeting.
5. Approval of Minutes from the February 22, 2022 regular meeting.
6. New Business:

(Note: The Special Exemption Public Hearing related to parking at Cody Craft Brewing will not happen today due to a lack of notice in the newspaper. It is being rescheduled, likely for next meeting.)

- A. Special Exemption Public Hearing to waive the City's requirement to install a 6-foot-tall privacy screen and/or landscape buffer along the west property line of 2301 Pioneer Avenue (Pioneer Apartments).
- B. Review the Special Exemption request to waive the City's requirement to install a 6-foot-tall privacy screen and/or landscape buffer along the west property line of 2301 Pioneer Avenue (Pioneer Apartments)
- C. Review potential Ordinance Changes (draft).

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 Meeting February 22, 2022

A meeting of the City of Cody Planning, Zoning and Adjustment Board was held in the Council Chambers of City Hall in Cody, Wyoming on Tuesday, February 22, 2022 at 12:00 pm.

Carson Rowley called the meeting to order at 12:01 pm, followed by the pledge of allegiance.

Present: Carson Rowley; Cayde O'Brien; Karinthia Herweyer; Mathew Moss; City Attorney Sandee Kitchen; City Planner Todd Stowell; Administrative Coordinator Bernie Butler

Absent: Scott Richard, Andrew Murray, Ian Morrison, Council Liaison Andy Quick

Cayde O'Brien moved to approve the agenda for February 22, 2022, seconded by Karinthia Herweyer. Vote on the motion was unanimous, motion passed.

Karinthia Herweyer moved to approve the minutes from the February 8, 2022 meeting, seconded by Cayde O'Brien. Vote on the motion was unanimous, motion passed.

City Planner Todd Stowell reviewed a fence height waiver for a windscreen around a deck in the front yard of 1326 Alger Avenue. Property owner Cole Bormuth would like to install a 7-foot-tall windscreen fence around an elevated front deck. The windscreen would be constructed of 1" wide vertical slats, spaced 1" apart.

The City fence requirements limit the height of fences to three feet within the front yard setback area when the fence is less than 40% open. The front yard setback area for this property is 15 feet in depth. The fence would be located four feet from the front property line, but is about 34 feet from the sidewalk on this part of Alger Avenue.

Mr. Bormuth addressed the Board to explain that he had a house fire last year and he is re-building the house. The previous house had a windscreen around the front and he would like to reconstruct a new one.

Mathew Moss made a motion, seconded by Cayde O'Brien to approve the windscreen fence in the front yard of 1326 Alger Avenue as depicted on the site plan. Vote on the motion was unanimous, motion passed.

City Planner Todd Stowell discussed the initial draft amendments to the Zoning Ordinance. The Board members will review the proposed edits, and analyze the accompanying sections of the code to identify any additional modifications that should be made. Discussion of the draft changes will continue at the Planning, Zoning, and Adjustment Board meetings as the agenda allows.

Cayde O'Brien made a motion, seconded by Karinthia Herweyer to adjourn the meeting. Vote on the motion was unanimous. Carson Rowley adjourned the meeting at 12:55 pm.

Bernie Butler

Bernie Butler, Administrative Coordinator

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

MEETING DATE:	MARCH 8, 2022	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SPECIAL EXEMPTION PUBLIC HEARING: WAIVER OF PRIVACY SCREEN/LANDSCAPE BUFFER ALONG WEST SIDE OF 2301 PIONEER AVENUE. SUP 2022-02	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Pioneer Village, LLLP as owner of 2301 Pioneer Avenue, has submitted a special exemption application to waive the City's requirement to install a 6-foot-tall privacy screen and/or landscape buffer along the west property line of the property. The property is being developed with a 24-unit apartment building and immediately to the west is an 8-unit apartment building.



The public hearing for the request was advertised as required by U.S. mail to neighboring properties within 140 feet on February 14, 2022, and by publication in the newspaper on February 22, 2022.

CODE REQUIREMENT:

The property is located in the Open Business/Light Industrial (D-3) zoning district. The D-3 zone specifies:

10-10C-4: BUFFER ZONE: Where any business or commercial district is adjacent to any residential district, there shall be provided on the business or commercial district a buffer zone with a visual screen.

A buffer zone is defined as, "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."

A visual screen is defined as, "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 (2) years."

The neighboring property to the west is located in a high-density residential zoning district (R-4), so the requirement is applicable. Properties to the north, east and west are all zoned D-3, so no buffer requirement exists.

The photo here is of the subject location, with a temporary construction fence where the 6-foot visual screen would be located. The applicant's property is on the right.



REVIEW CRITERIA:

Pursuant to Section 10-14-2(B) of the City of Cody Code, the Planning and Zoning Board may consider special exemptions to the dimensional standards of the zoning ordinance and waive or modify the standards. The request is to waive the standard.

Staff believes that this analysis needs to consider the initial purpose of the requirement. The purpose of the buffer/screen requirement is to separate potentially incompatible uses in a commercial zoning district from residential uses in residential zoning districts. The fact that the City allows residential uses in the commercial zoning district can occasionally result in situations such as this, where two identical uses (e.g. apartment buildings) are located on adjoining lots, but are in different zoning districts that trigger the buffer/screen requirement.

The criteria for approval of a special exemption are as follows, with staff comments provided. The applicant has also provided responses to each of the criteria in their submittal letter—see attached.

No special exemption shall be approved unless the planning and zoning board finds:

- a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;*

Staff Comment: Neighbor response is typically a good indicator of whether the result will produce an undesirable change in the character of the neighborhood, or other detriment. Twelve neighboring property owners were notified of the proposal by mail. As of the time of this staff report, two responses of “no objection” have been received, and two responses expressing some level of “objection”. The map shows



the location of those responding, with green as “no objection” and pink as “objection”. The responses are attached.

With only two of twelve properties expressing some level of objection, it appears that the neighborhood is not overall opposed to the request. However, it is noted that the property owner that objects the most strongly is the property owner most affected.

- b. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood;*

Staff Comment: The fence would provide additional privacy for the neighbor's residential apartments, and help prevent headlight glare to those apartments from the new parking lot, so there are clear benefits. However, it could be questioned where the responsibility lies to provide that benefit when the land uses are identical. On one hand, the code requirement is based on the differing zoning of the properties, regardless of the use. On the other hand, the purpose of the requirement is to mitigate impacts from commercial uses on residential development, which is not the case here. If the exemption is granted, it does not preclude the neighbor from installing a fence on his side of the property line.

Granting the special exemption request is not expected to create any impacts beyond those of a residential nature. As such it could be interpreted that it is compatible with adjacent residential land use because the same form of residential use exists on both properties. That compatibility exists with identical uses is an underlying assumption throughout the zoning districts.

- c. The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use;*

Staff Comment: A fence that does not extend the full length of the west property line, and a fence shorter than six feet, would both be potential reductions to the requirement that the Board could consider if the full request is not justified. However, to satisfy the full extent of the request, only a full waiver will suffice.

- d. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than a special exemption;*

Staff Comment: A waiver can only be considered through the current special exemption process. No other feasible options have been identified.

- e. Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use;*

Staff Comment: Met. The fence does not affect the service, utility or infrastructure needs of the apartment project.

- f. The special exemption is consistent with the goals, policies and future land use map of the master plan.*

Staff Comment: The master plan has the following language:

Principle 3.1.c. Protect Residential Uses. Protect residential neighborhoods by transitioning between residential and non-residential land uses through appropriate zoning, development review processes, and buffer methods. In areas where non-residential land uses are located adjacent to or within neighborhoods, require screening or barriers to limit the impacts on residential uses. Buffer methods could include fencing, berms, native vegetation, plantings, trails and recreation areas, and density transitions.

The master plan talks about protecting residential development from non-residential land uses through buffering. As the uses in this situation are both residential, and of roughly the same density, the buffer concept is not applicable in the master plan language.

ALTERNATIVES:

Approve, deny or approve with conditions.

ATTACHMENTS:

Application materials and neighbor responses.

RECOMMENDATION:

That the Planning and Zoning Board make the following findings:

(Draft, subject to information received at the public hearing.)

1. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by U.S. mail to all property owners within 140 feet at least ten days before the hearing.
2. That the Planning and Zoning Board may grant special exemptions that are reasonable and harmless deviations from the zoning ordinance as determined by the standards outlined in Section 10-14-2, City of Cody Code.
3. That the Planning and Zoning Board has held a public hearing as required and has considered all comments pertaining to the request; and,
4. That the points identified in the staff report and at the Board meeting are adequate to set forth the reasoning why the criteria of 10-14-2(B)(2) are met.

AND,

Approve the Special Exemption to waive the requirements of City Code 10-10C-4 along the west side of 2301 Pioneer Avenue for as long as the use of the property remains as apartments.



CITY OF CODY
WYOMING

Todd Stowell <todds@codywy.gov>

Special Exemption Request for Pioneer Village, LLLP; 2301 Pioneer Avenue

Ron Hovis <rhovis@sbcglobal.net>
To: todds@cityofcody.com

Thu, Feb 24, 2022 at 8:14 AM

This email is to express that we have no opposition to the request for a special exemption to the City's requirement to install a 6 foot privacy screen or landscape buffer as it relates to the west end of the property. It makes sense that there might be no need for a privacy screen between the parking lots of the 2 sets of apartments.

The notice to homeowners was silent regarding the south side of the property that abuts Pioneer Avenue. We are assuming that the silence means there will be either a privacy screen or landscape barrier along the south side of the property. This will be needed to shield our home from sun reflection off of vehicles during the day and headlights at night.

Thanks for asking for our opinion.

Ron and Robin Hovis
2326 Pioneer Ave.
Cody, WY

Dear Planning and Zoning Board Members:

I am familiar with the proposal by Pioneer Village, LLLP for the Special Exemption request described above.

☒ I have NO OBJECTION to the Special Exemption request.

Name: Harold Musser

Address: P.O. Box 65 Cody, WY

Comments: I have no objection to this exemption, It really should not be needed as the use is the SAME. Maybe Rezone this property to R-4.

☐ I OBJECT to the Special Exemption request:

☒ I OBJECT to the Special Exemption request:
Name: James D. Grenfell, Managing Member of Cedar Mtn.
Address: 2345 E 2nd St. Casper, WY 82609 Apartment
Reason for Objection: Good fences make good neighbors. Pioneer Village can keep out of Cedar Mtn. Apts.

☒ I OBJECT to the Special Exemption request:

Name: Benjamin & Patricia Chapman

Address: 2308 Pioneer Ave

Reason for Objection: We see no reason to grant this exemption unless there is some good reason which is beneficial to the neighbors.

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this



**PIONEER VILLAGE, LIMITED LIABILITY
LIMITED PARTNERSHIP**
PO Box 2099 | MISSOULA MT 59806

March 1, 2022

Planning, Zoning and Adjustments Board
City of Cody
1338 Rumsey Ave
Cody, WY 82414

Chair and Board Members:

We are writing to request a Special Exemption waiving the requirement found in Section 10-10C-4: Buffer Zone.

Background:

- Our property is currently zoned Open Business/Light Industrial (D-3)
- Construction is approximately 60% complete on a new 24 unit multiple family dwelling.
- The property to the west of us is zoned High Density Residential (R-4)
- Section 10-10C-4: Buffer Zone requires a buffer zone when any business or commercial district is adjacent to a residential district.

While our property is zoned D-3, the actual use of the property is in line with High Density Residential (R-4). During design review and permitting, we designed to the High Density Residential (R-4) standards. If our property was zoned High Density Residential (R-4) the buffer zone/fence requirement would not exist.

Section 10-14-2(C)(2) of the code outlines special exemption approval guidelines. We have addressed those individually below

- The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;*
Response: With like uses on either side of the western boundary, the absence fence will not be detrimental to nearby properties
- The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood;*
Response: Our exemption request is in alignment with zoning requirements based on our actual use of our property and the zoning of the adjacent property.
- The special exemption is the minimum deviation from the specifications of this title necessary and adequate for the proposed activity, structure or use;*
Response: Our exemption request is in alignment with zoning requirements based on our actual use of our property and the zoning of the adjacent property.
- The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than a special exemption;*
Response: The benefit sought, not incurring the cost of the fence, can not be achieved another way.

- e. *Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use; and*

Response: Evidenced by the issuance of the building permit, services and infrastructure are sufficient to serve the structure and use.

- f. *The special exemption is consistent with the goals, policies and future land use map of the master plan.*

Response: We believe our project is in alignment with the goals and policies of the city.

Thank you for your considering of this request.

Kindest Regards,



Alex Burkhalter

AFFP

Lgl #5194: Spcl Exempt Request

Affidavit of Publication

STATE OF WYOMING }
COUNTY OF PARK }

SS

John T Malmberg, being duly sworn, says:

That he is Publisher of the Cody Enterprise, a bi-weekly newspaper of general circulation, printed and published in Cody, Park County, Wyoming; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

February 22, 2022

PIONEER VILLAGE, LLLP
PUBLIC HEARING

The Cody Planning and Zoning Board will hold a public hearing on Tuesday, March 8th, 2022 at 12:00 p.m. (noon) or as soon thereafter as practical at 1338 Rumsey Ave., in the City Council Chambers to consider a request from Pioneer Village, LLLP for a Special Exemption to waive the requirement to construct a 6-foot-tall privacy screen/landscape buffer along the west property line of 2301 Pioneer Ave., Cody. Information is available at the Community Development Dept. in City Hall or by calling (307) 527-3472. Written comments may be directed to Community Development, P.O. Box 2200, Cody, WY 82414 and must be received prior to the date and time of the public hearing.

Publish: February 22, 2022 only
Legal No. 5194

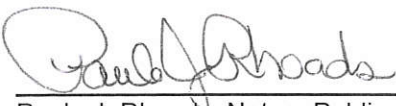
That said newspaper was regularly issued and circulated on those dates.

SIGNED:

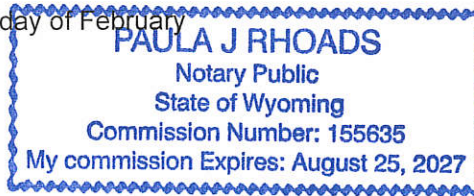


Publisher

Subscribed to and sworn to me this 22nd day of February 2022.



Paula J. Rhoads, Notary Public, Park County, Wyoming



My commission expires: August 25, 2027

Publication Fees: \$ 72.25

00022877 00241147 406-203-1559

Tyler Currence
Pioneer village, LLLP
P.O. Box 2099
Missoula, MT 59806



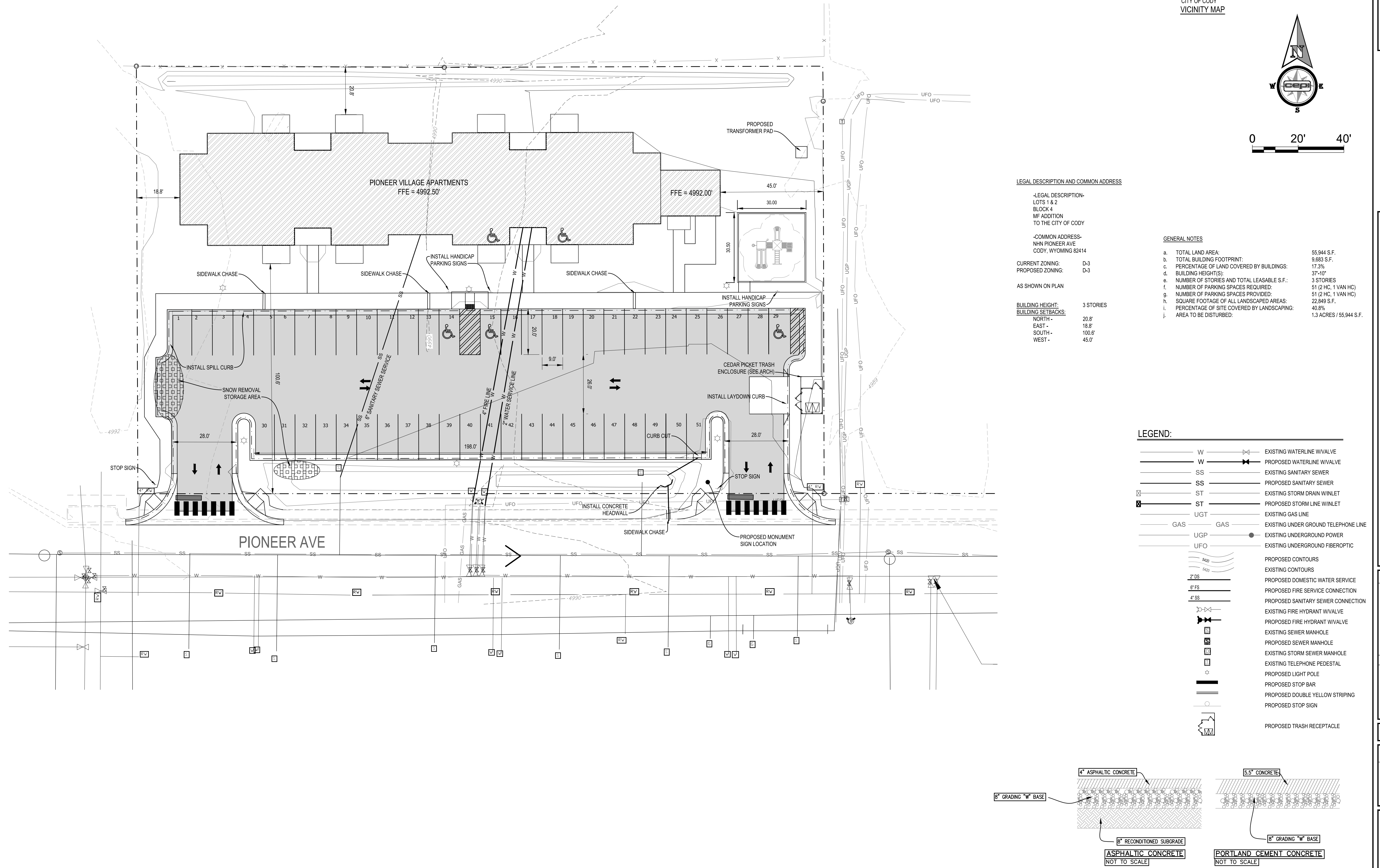
Civil Engineering Professionals, Inc.
6080 Enterprise Dr. • Casper, WY 82609
Phone 307.266.4346 • Fax 307.266.0103
www.cepi-casper.com

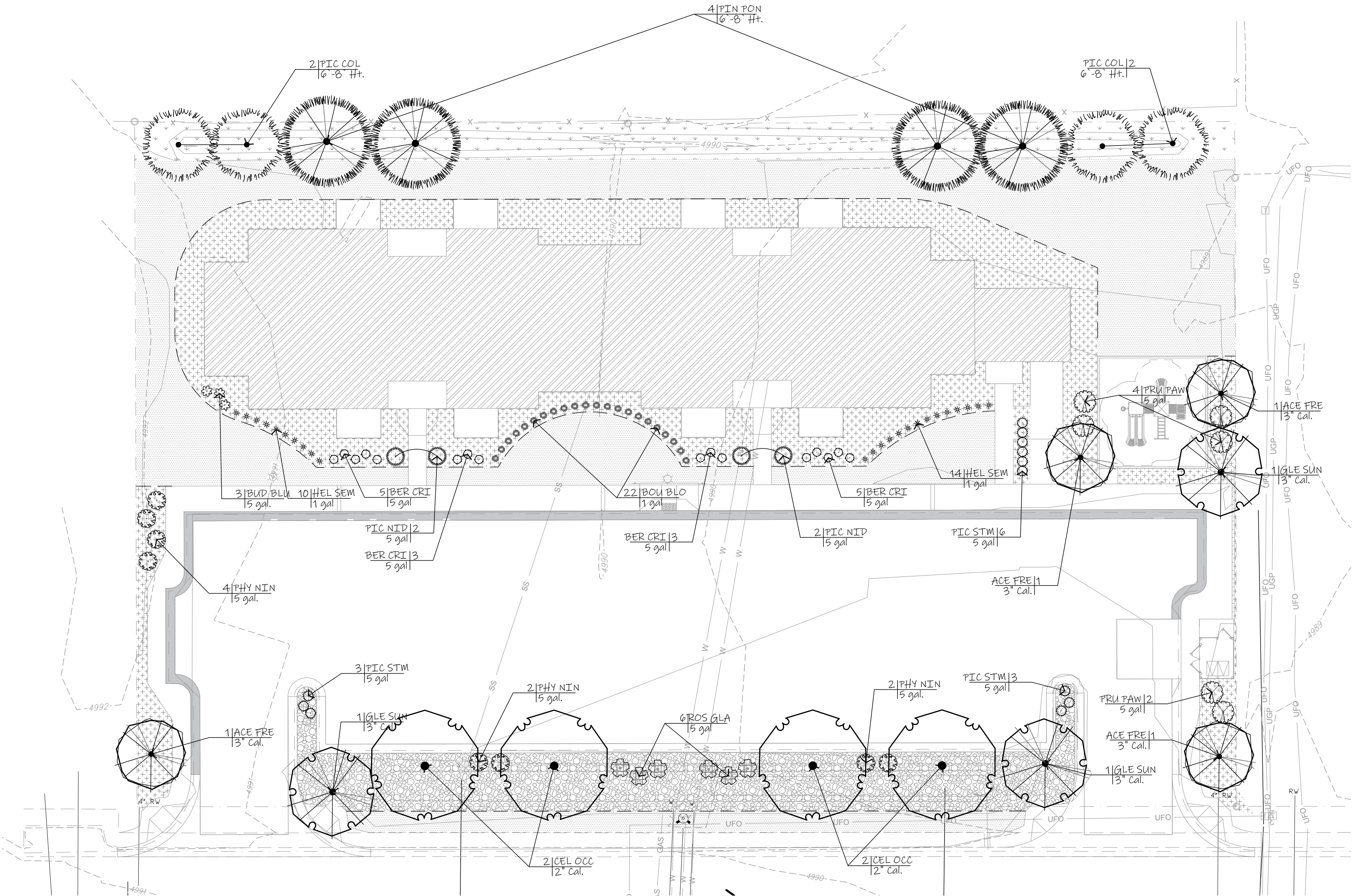


EV.	DESCRIPTION	DATE
ISSUE		
	PRELIMINARY DRAWINGS	
	50% REVIEW SUBMITTAL	
	95% REVIEW SUBMITTAL	
	100% FINAL SUBMITTAL	
	PERMIT SUBMITTAL	
	FINAL SUBMITTAL	
	AS-BUILT DRAWINGS	

GHA Project #20-018

C2.0



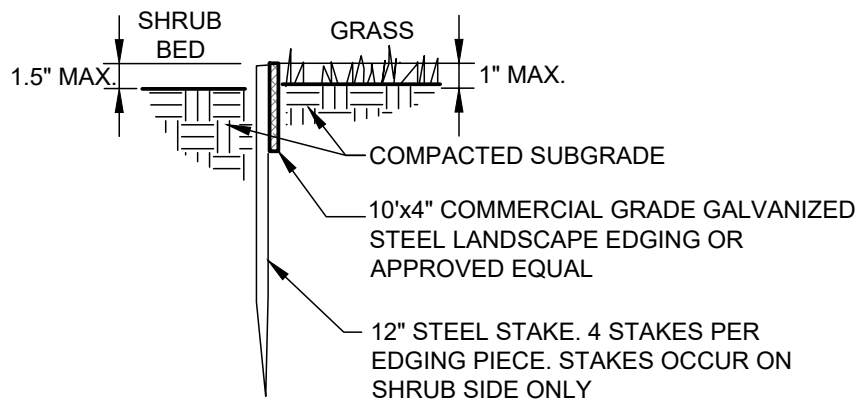


PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	ROOT
	ACE FRE	4	ACER X FREEMANII 'JEFFSRED' AUTUMN BLAZE MAPLE	3" CAL.	B&B
	CEL OCC	4	CELTIS OCCIDENTALIS COMMON HACKBERRY	2" CAL.	B&B
	GLE SUN	3	GLEDITSIA TRIACANTHOS INERMIS 'SUNBURST' SUNBURST COMMON HONEYLOCUST	3" CAL.	B&B
	PIC COL	4	PICEA PUNGENS COLORADO SPRUCE	6'-8" HT.	B&B
	PIN PON	4	PINUS PONDEROSA PONDEROSA PINE	6'-8" HT.	B&B
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	ROOT
	BER CRI	16	BERBERIS THUNBERGII 'CRIMSON PYGMY' CRIMSON PYGMY BARBERRY	5 GAL.	POT
	BUD BLU	3	BUDDLEJA DAVIDII 'BLUE CHIP' DWARF BLUE BUTTERFLY BUSH	5 GAL.	POT
	PHY NIN	8	PHYSOCARPUS OPULIFOLIUS 'SUMMER WINE' SUMMER WINE NINEBARK	5 GAL.	POT
	PIC NID	4	PICEA ABIES 'NIDIFORMIS' NEST SPRUCE	5 GAL.	POT
	PIC STM	12	PICEA PUNGENS 'ST. MARY'S BROOM' ST. MARY'S BROOM COLORADO SPRUCE	5 GAL.	POT
	PRU PAW	6	PRUNUS BESSEYI 'PAWNEE BUTTES' SAND CHERRY	5 GAL.	POT
	ROS GLA	6	ROSA GLAUCA REDLEAF ROSE	5 GAL.	POT
GRASSES	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	ROOT
	BOU BLO	22	BOUTELOUA GRACILIS 'BLONDE AMBITION' BLOND AMBITION BLUE GRAMA	1 GAL.	POT
	HEL SEM	24	HELIOTOTRICHON SEMPERVIRENS BLUE OAT GRASS	1 GAL.	POT

REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	QTY
	4" MIN GALVANIZED STEEL LANDSCAPE EDGING	749 LF
SYMBOL	DESCRIPTION	QTY
	BELLA BLUEGRASS BLEND SOD	9,731 SF
	6"+ RIVER ROCK OVER NON-WOVEN LANDSCAPE FABRIC	3,511 SF
	2-4" RIVER ROCK OVER NON-WOVEN LANDSCAPE FABRIC	6,303 SF
	NATIVE SEED BLEND	2,951 SF



- NOTES:
- (4) 12" STAKES INCLUDED WITH EVERY 10' SECTION.
 - COMPACT SOILS ON EITHER SIDE OF INSTALLED EDGING TO PREVENT EDGING FROM RISING.
 - TOP OF EDGING TO BE INSTALLED NO HIGHER THAN 1" FROM TOP OF FINISH GRADE ON GRASS SIDE AND NO MORE THAN 1.5" ON SHRUB BED SIDE.
 - STAKES NEED TO BE HAMMERED COMPLETELY INTO THE PROVIDED POCKETS AND SHOULD BE NO HIGHER THAN 3" FROM THE TOP OF THE EDGING.
 - USE PREFABRICATED CORNERS WHERE NEEDED.

1 GALVANIZED STEEL EDGING

NOT TO SCALE

329413.23-09

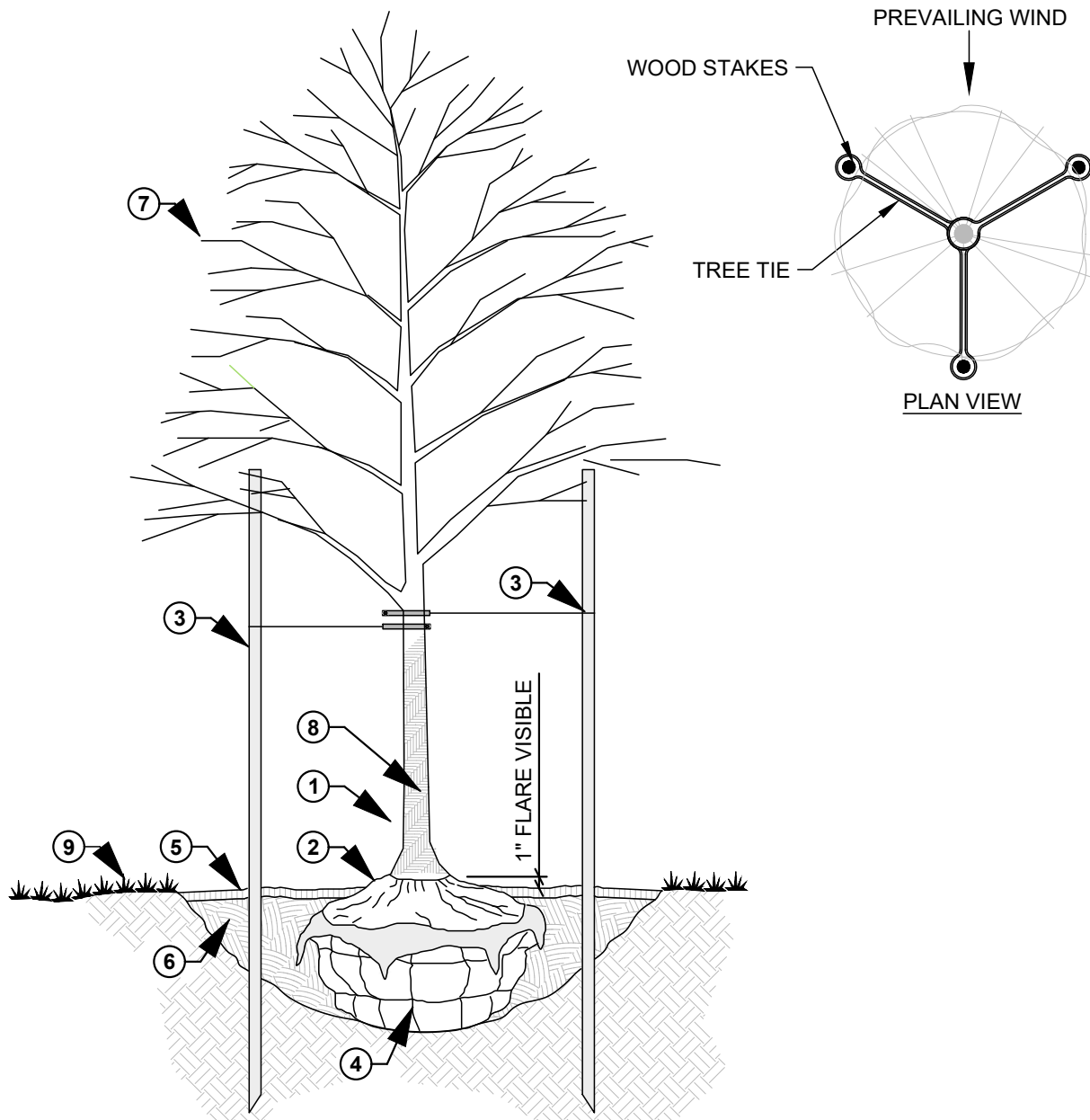
2 TYPICAL SHRUB PLANTING

NOT TO SCALE

329333.13-04

LANDSCAPING NOTES

- CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INSTALLATION, EXCAVATION, OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITIES.
- ALL PLANT MATERIAL SHALL CONFORM TO THE CURRENT AMERICAN ASSOCIATION OF NURSERYMAN'S NATIONAL STANDARD SPECIFICATIONS.
- ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL BE PREPARED AND SEEDED OR SODDED AS SPECIFIED. A DISTURBED AREA SHALL BE WHERE CONSTRUCTION ACTIVITIES INCLUDING TRENCHING, DEMOLITION, EARTHWORK, MATERIAL STORAGE, STAGING AND PARKING OR ANY OTHER FORM OF EXCAVATION, COMPACTION, OR TRAFFIC THAT RESULTS IN THE REMOVAL OR DISPLACEMENT OF EXISTING GROUND COVER OR GRADE. IT IS THE CONTRACTORS RESPONSIBILITY TO REVIEW ALL OTHER CONTRACT DOCUMENTS TO DETERMINE FULL SCOPE OF POTENTIAL SITE DISTURBANCE TO BE RECLAIMED.
- THE INSTALLATION OF LAWNS, PLANT MATERIAL AND IRRIGATION SYSTEM SHALL BE PERFORMED BY ONE CONTRACTOR.
- CONTRACTOR SHALL FURNISH REQUIRED PLANT MATERIALS, INCLUDING TREES, SHRUBS, GRASSES, AND PERENNIALS OF ALL DESCRIPTIONS, FOR THE PROJECT IN ACCORDANCE WITH THE PLANS AND SPECIFICATION.
- IN THE EVENT OF A DISCREPANCY, NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY.
- NO TREES SHALL BE PLANTED CLOSER THAN 10' TO A FIRE HYDRANT. ADJUST LAYOUT IF NECESSARY.
- NO TREE OR SHRUB SHALL BE PLANTED OVER OR WITHIN 5' LATERALLY FROM ANY UNDERGROUND UTILITIES.
- NO SUBSTITUTIONS WILL BE ALLOWED WITHOUT WRITTEN CONSENT FROM THE LANDSCAPE ARCHITECT.
- CONTRACTOR SHALL PROVIDE PLANTS FREE FROM INSECTS AND DISEASES, SUN-SCALD INJURIES, ABRASIONS OF THE BARK, OR OTHER OBJECTIONABLE BLEMISHES. WEAK AND/OR DISFIGURED PLANTS WILL NOT BE ACCEPTED.
- CONTRACTOR SHALL PROVIDE FIELD GROWN NURSERY TREES, DUG WITH A BALL OF EARTH STILL INTACT IN WHICH THEY ARE GROWING, WRAPPED IN BURLAP OR OTHER SUITABLE MATERIAL TO COMPLETELY COVER THE ROOT BALL WITH A LACING OR OTHER BALL SUPPORTING DEVICE ON THE OUTSIDE TO HOLD THE BALL IN A FIRM, RIGID CONDITION.
- CONTAINER GROWN PLANTS SHALL BE HEALTHY, VIGOROUS, AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE GROWN. THEY SHALL HAVE TOPS OF GOOD QUALITY AND BE IN A HEALTHY GROWING CONDITION. THE PLANTS SHALL HAVE A WELL-ESTABLISHED ROOT SYSTEM REACHING THE SIDES OF THE CONTAINER TO MAINTAIN A FIRM ROOT BALL.
- ALL 1.5-2" CALIPER DECIDUOUS TREE SHALL HAVE A SINGLE LEADER, 12-14" HEIGHT, BRANCHING AT 6-7 FT HEIGHT WITH A UNIFORM CANOPY BRANCHING, BRANCH ANGLES SHALL BE NO LESS THAN 30°.
- ALL 6-8" TALL EVERGREEN TREES SHALL HAVE A HEIGHT TO SPREAD RATIO OF 5:3, WITH A SINGLE LEADER.
- CONTRACTOR SHALL PROVIDE PLANT MATERIAL IN CONFORMANCE WITH STATE AND FEDERAL LAWS WITH RESPECT TO INSPECTION FOR PLANT DISEASE AND INFECTIONS.
- CONTRACTOR SHALL PROVIDE INSPECTION CERTIFICATES REQUIRED BY LAW WITH EACH SHIPMENT, INVOICE, OR ORDER OF STOCK TO THE OWNER.
- PLANT MATERIALS FOR THIS PROJECT ARE SUBJECT TO INSPECTION BEFORE, DURING, AND POST PLANTING. DAMAGED PLANT MATERIAL, CONTAINERS, OR LOOSE, TORN, AND BROKEN ROOT BALLS WILL NOT BE APPROVED BY THE OWNER AND WILL BE REPLACED AT THE CONTRACTORS EXPENSE AND MUST BE REMOVED FROM THE STORAGE AREA OR PROJECT.
- MAINTENANCE SERVICES TO BE PERFORMED BY THE CONTRACTOR. THE CONTRACTOR WILL BE EXPECTED TO FURNISH SERVICE AND MAINTENANCE OF ALL PLANTED AREAS THROUGH FINAL COMPLETION OR PROJECT OR AS REQUIRED PER THE REQUIREMENTS OF THE PROJECT WARRANTY PERIOD.
- ALL PLANT MATERIALS SHALL BE CERTIFIED BY THE STATE DEPARTMENT OF AGRICULTURE TO BE FREE OF DISEASE OR HAZARDOUS INSECTS.
- ALL FERTILIZER SHALL BE DELIVERED IN WATERPROOF BAGS SHOWING WEIGHT, CHEMICAL ANALYSIS, AND THE NAME OF THE MANUFACTURER.
- ALL PLANT MATERIAL SHALL BE DELIVERED TO THE SITE IN THEIR ORIGINAL CONTAINERS WITH ALL LABELS INTACT AND LEGIBLE.
- CONTRACTOR WILL BE RESPONSIBLE TO PROTECT AND MAINTAIN PLANT LIFE DURING THE STORAGE PERIOD PRIOR TO PLANTING.
- INSTALLATION OF PLANT LIFE WILL NOT BE PERMITTED WHEN THE AMBIENT TEMPERATURES MAY DROP BELOW 35°F OR RISE ABOVE 90°F.
- CONTRACTOR TO PROVIDE A ONE YEAR WARRANTY. WARRANTY TO INCLUDE COVERAGE FOR ONE ENTIRE GROWING SEASON FOR ALL DEAD OR UNHEALTHY PLANTINGS. ALL REPLACEMENT PLANTS SHALL BE REQUIRED TO BE OF THE SAME SIZE AND SPECIES AS SPECIFIED IN THE PLANT SCHEDULE, PLANTED IN THE FOLLOWING GROWING SEASON, WITH A NEW WARRANTY COMMENCING ON THE DATE OF PLACEMENT.
- SOIL MATERIALS:
 - ALL SOIL BACKFILL WILL BE FREE OF ROCKS LARGER THAN 1.5", STICKS, ROOTS AND OTHER DEBRIS.
 - TOPSOIL TO BE STERILE, WEED FREE, PROCESSED, AND PASSED THROUGH A 3/4" SCREEN.
 - TOPSOIL TO BE INSTALLED IN ALL NEW SITE LANDSCAPE AREAS, NATIVE GRASS PLANTINGS, AND PLANTING RINGS OR IN ANY AREAS DESIGNATED IN THE PLANS FOR CONSTRUCTION.
- SOIL AMENDMENT MATERIALS:
 - COMPOST SHALL BE 'GLACIER GOLD', 'SOIL PREP', OR AN APPROVED EQUAL.
 - FERTILIZER SHALL BE 100% ORGANIC, TRANSPLANT ROOT STIMULATOR, 'BIOPLEX TRANSPLANT CONCENTRATE' OR APPROVED EQUAL.
- BOULDERS ENCOUNTERED DURING EXCAVATION FOR THE PROJECT SHALL BE HANDLED TO PREVENT SCARRING AND USED AS PART OF THE LANDSCAPING SCHEME. PLACE AS DIRECTED BY THE OWNER.
- WEED BARRIER FABRIC SHALL BE WOVEN POLYPROPYLENE FABRIC, 4.75OZ. SQ./YD. OR HEAVIER WITH METAL LANDSCAPE PINS. DO NOT INSTALL WEED BARRIER UNDER PERENNIALS AND GRASSES.
- CONTRACTOR SHALL USE 1.5" DIA. ROUND POSTS WITH TAPERED END, 8.0' IN LENGTH OR DUCKBILL ANCHORS FOR TREE ANCHORING.
- CONTRACTOR SHALL USE 3 ANCHORS FOR DECIDUOUS TREES, 3 ANCHORS FOR CONIFEROUS TREES WITH WEBBING OR RUBBER TREE TIES MANUFACTURED SPECIFICALLY FOR USE ON TREES.
- CONTRACTOR WILL BE RESPONSIBLE TO REMOVE ALL ANCHORING AT THE END OF ONE CONTINUOUS GROWING SEASON.
- IRRIGATION SOURCE IS TO BE 1.5" RAW WATER SOURCE LOCATED OUTSIDE THE BUILDING. CONTRACTOR TO VERIFY PRESSURE AND SUBMIT PRELIMINARY IRRIGATION DESIGN TO OWNER BEFORE INSTALLATION.
- CONTRACTOR SHALL COORDINATE IRRIGATION SYSTEM LAYOUT WITH PLANTINGS.
- AREAS THAT ARE TOO SMALL TO BE DRILL SEEDED SHALL BE BROADCAST, RAKED IN, AND ROLLED.
- REFER TO DETAILS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION.



LEGEND

- GRAFT UNION TYP. 4-6" ABOVE ROOT FLARE.
- ROOT FLARE VISIBLE ABOVE FINISH GRADE. REMOVE EXCESS SOIL FROM BALL AS NEEDED.
- THREE (3) 6-8" LONG x 1.5" ROUND TAPERED WOOD POSTS PER TREE, 14 GA. SOFT WIRE AND 1-1/2"x18" NYLON STRAP WITH BRASS GROMET TIES ON TRUNK. STAKES SHALL NOT PENETRATE ROOT BALL. MAKE TIE 1/3 OF THE WAY UP TREE. DO NOT OVER-TIGHTEN AROUND TREE. TIES SHOULD BE SNUG ENOUGH TO PROVIDE SUPPORT WHILE ALLOWING TREE TO SWAY. CONTRACTOR TO REMOVE STAKES & TIES AT END OF WARRANTY PERIOD.
- REMOVE ALL WIRE BASKET & ALL BURLAP. INSPECT ROOT BALL AND PRUNE OFF AND GIRDLING ROOTS, PRESS ALL HAIR ROOTS DOWN UNDER STRUCTURAL ROOT FLARE TO LEAVE TRUNK & ROOT FLARE RADially. BOTTOM OF ROOT BALL TO REST ON UNDISTURBED OR RECOMPACTED SOIL.
- 3" MULCH IN TREE'S DRIP RING AREA. NO WEED BARRIER. END MULCH 3" FROM TRUNK.
- DIG HOLE MIN. 3x WIDTH OF BALL. ROUGHEN SIDES TO BREAK GLAZING. ROOT BALL TO REST ON UNDISTURBED OR RECOMPACTED SOIL. BACKFILL HOLE WITH EXISTING SOIL (IN SANDY TO SANDY LOAM SOILS, ADD 20% MAX. BY VOLUME ORGANIC MATERIAL) IN LAYERS, SETTLE WITH WATER. WATER IN THOROUGHLY AFTER INSTALLATION TO ELIMINATE AIR POCKETS.
- PRUNE AS NEEDED TO RETAIN NATURAL FORM.
- ASPHALT COATED PAPER TREE WRAP TO BOTTOM OF FIRST BRANCH. SECURE WITH ELECTRICAL TAPE. DO NOT WRAP TIGHTLY. CONTRACTOR TO REMOVE PAPER AT END OF WARRANTY PERIOD.
- FINISH GRADE - SLOPE AWAY FROM TREES WHEREVER POSSIBLE.

3 TYPICAL TREE PLANTING

NOT TO SCALE

329343-01



GAVIN-HANKS ARCHITECTS

A new Multi-Family Development

Pioneer Village

Cody, Wyoming



HOUSING SOLUTIONS

REV. DESCRIPTION DATE

ISSUE

- PRELIMINARY DRAWINGS
- 50% REVIEW SUBMITTAL
- 95% REVIEW SUBMITTAL
- 100% FINAL SUBMITTAL
- PERMIT SUBMITTAL
- FINAL SUBMITTAL
- AS-BUILT DRAWINGS

February 16, 2021

GHA Project #20-018

LANDSCAPE PLAN

L1.0

CHAPTER 8
SUPPLEMENTAL DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING
DISTRICTS
SECTION:

[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](#) of this title. 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. (Ord. 2017-02, 3-7-2017)

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 (1) 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 this title and are not included in the density calculations for a lot.

3. Number: Only one (1) 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 ~~detached~~ ADU that does not exceed fifteen feet (15') in building height is subject to the setback standards applicable to ~~accessory structures~~~~private garages~~. ~~Detached~~ ADU structures that are taller than fifteen feet (15') in building height shall conform to setback standards applicable to a primary residence. ~~An attached ADU is subject 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 (1) 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 and Architecture:

a. Within the RR, R-1, R-2 and R-3 Zoning Districts, ADUs are to be of either conventional site-built or modular construction, be assembled and inspected on site, and meet the requirements of the adopted residential building code for residential dwellings. ~~Provided, a new modular home may be authorized as an ADU in these zones~~

~~a. If the ADU will be highly visible from an adjacent street (i.e. located near a street, as opposed to behind other houses) the ADU must have architectural features and materials that either closely follow those of the primary dwelling and/or are commonly found on architecturally significant houses in the immediate neighborhood, through the conditional use permit process when the home compliments, rather than detracts from, the architectural character of the neighborhood.~~

b. 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).

c. Mobile homes, manufactured homes except as noted in 7b 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, ~~except when the property is zoned R-3 or R-4, located east of 11th Street, and either within the 1901 plat of the Town of Cody (Book E, Page 58), the 1906 First Addition to Cody (Book D, Page 2), the 1927 Second Addition to the Town of Cody (Book E, Page 10), or with street frontage along that portion of Beck Avenue from 16th Street to 20th Street when located outside of the Downtown Parking District.~~ (SE) ~~When~~ ~~The~~ required, the 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 and R-1 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 fifty feet (50') 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) (Ord. 2017-02, 3-7-2017; amd. Ord. 2017-24, 11-7-2017)

B. "B" Uses:

Bed and breakfast inns.

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, which inspection includes verification of the following:

a. ~~At a minimum, the bed and breakfast inn shall be equipped with functional smoke detectors located where required by code and operable;~~

b. ~~a fire extinguisher (minimum rating 2A10BC) located in a visible clearly labeled location;~~

c. ~~and a carbon monoxide alarm(s) where required by code and operable if applicable;~~

d. ~~The address number is posted and visible using 4" tall or larger numbers on a contrasting background;~~

e. ~~Access in/out of the facility complies with applicable codes (e.g. stairs, handrails);~~

f. ~~Proper access to the electrical panel is provided;~~

g. ~~No fire hazards are observed (e.g. combustibles are kept away from heat sources, extension cords and outlet strips are used in a compliant manner, dryer vent is free from obstruction, no exposed electrical wiring);~~

h. ~~Each sleeping room shall be provided with Code-compliant means of egress an emergency escape and rescue opening that complies with sections R310.1, R310.2, R310.3 and R310.4 of the International Residential code; and,~~

i. ~~Emergency contact numbers are clearly posted (manager and 911).~~

7. ~~The facility is to be inspected for the above items at least annually. Upon any change of ownership and on every third year after the initial inspection, the facility must be reinspected by the City and pass inspection. In the other years, the owner or manager is to perform the~~

Commented [TS1]:

The following changes reflect what is currently inspected.

inspection. 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. Upon a change of ownership and every third year after the initial inspection, the facility must be reinspected by the City and pass inspection.

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. Prior to initial operation and annually by February 28th thereafter, All bed and breakfast inns, whether existing or proposed, shall register with the City of Cody, pass the fire and life 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. Payment of an application fee is required pursuant to the City's adopted fee schedule. A late fee, also as specified in the adopted fee schedule, may also be assessed to owners of bed and breakfast inns that fail to register before making the inn available for initial use, or that do not complete their annual renewal by February 28th of each year. Authorized bed and breakfast facilities shall post a certificate issued by the City of Cody identifying such authorization. The certificate shall expire at the end of February 28th following the year in which the certificate was issued.

13. For purposes of enforcement, advertising a bed and breakfast inn as being available to rent for any day that the inn is not registered with the City, and advertising or knowingly renting at an occupancy higher than authorized by ordinance, are each prima facie evidence of a violation of this ordinance, punishable as a misdemeanor pursuant to City of Cody Code 1-4-1. Each day such advertising occurs is a separate punishable offence.

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 eight o'clock (8:00) A.M. or later than eight o'clock (8:00) P.M. (SE)

Churches.

1. Churches with a seating capacity for services of five hundred (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.

2. In the Rural Residential and R-1 Zoning Districts, the community garden must be located in the back yard of a property, or located so that it is screened from the public way.

Community greenhouses.

1. One (1) greenhouse, up to one hundred twenty (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 (1) of other construction, shall be reviewed as a conditional use.

2. In the Rural Residential and R-1 Zoning Districts, the community greenhouse must be located in the back yard of a property, or located so that it is screened from the public way. 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 (1) or more residents has a lessened ability to ambulate adequately.

D. "D" Uses: Dormitories.

1. The minimum lot area shall be six thousand (6,000) square feet for the first five (5) occupants of the building's designed occupancy and nine hundred (900) square feet for each additional residential occupant, up to a maximum of ten (10) 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 (8) 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 this 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-premises work and storage areas must be conducted within the home, garage, or an accessory structure.
- c. All on-premises activities related to the home occupation are to be conducted only by members of the household, provided up to two (2) 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 subsections h through l of this use.
- h. No more than a total of four (4) 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 seven o'clock (7:00) A.M., nor later than seven o'clock (7:00) P.M. For calculation purposes, each customer or employee visit shall count as one (1) visit. In situations where a person is dropped off and later picked up, it shall count as only one (1) 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. On-street parking that is available along the property frontage may be authorized to satisfy needed customer/visitor parking, when such will not create a significant safety concern. If more

customer/visitor parking is needed than can be provided along the property frontage, it must be provided on site.

1. 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, other than tools;
- d. Funeral home or crematorium;
- e. On-premises bookstores or entertainment establishments;
- f. Restaurants/drinking establishments;
- g. Slaughter and meat processing services;
- h. Storage facilities (aka 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;

k. Retail and commercial storefronts;

l. Marijuana/cannabis dispensaries.(?)

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", of this title.

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-premises work and storage must occur within the main residence or attached garage. The home occupation shall not occupy more than five hundred (500) square feet of the residence and attached garage.
- c. All on-premises 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 subsections h through l of this use.

h. No more than a total of two (2) 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 twenty feet (20') 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 seven o'clock (7:00) A.M., nor later than seven o'clock (7:00) P.M. each day. In situations where a person is dropped off and later picked up, it shall count as only one (1) 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. On-street parking that is available along the property frontage may be authorized to satisfy needed customer/visitor parking, when such will not create a significant safety concern. If more customer/visitor parking is needed than can be provided along the property frontage, it must be provided on site.

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, hobby work on not more than two (2) vehicles per year, and rental/car sharing of no more than two (2) personal vehicles of the property owner or tenant.~~

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", of this title.

Commented [TS2]: Covered by "a".

I. "I" Uses:

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 six foot (6') 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 eight o'clock (8:00) A.M. or later than eight o'clock (8:00) P.M. (SE).

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 eight o'clock (8:00) A.M. or later than eight o'clock (8:00) P.M. (SE)

J. "J" Uses: Reserved.

K. "K" Uses: Reserved.

L. "L" Uses:

Long-term rental. Occupancy of a residential dwelling unit is limited to one (1) "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 (2) 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 this 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 eighteen inches (18") 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 www.manufacturedhousing.org.

Multi-family development. This use shall apply to all multi-family developments containing more than four (4) dwelling units. A multi-family development project that includes multiple lots shall be considered as one (1) property or development for purposes of implementing the standards set forth in this use.

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 (6') tall fence, of traditional construction (e.g., vinyl, wood, block), that provides a solid visual barrier to a height of at least five feet (5'). 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 USPS 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:
 - (1) A property management office; or signage indicating a phone number for the property manager.

- (2) 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:
 - (1) One hundred fifty (150) square feet for each dwelling unit containing five hundred (500) square feet or less of living area.

(2) Two hundred ~~forty~~ (200~~50~~) square feet for each dwelling unit containing more than five hundred (500) square feet.

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. 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 (1) variation in the roof (e.g., gabled wing or overbuild, dormer, pitch break) for every four (4) 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.

5. Landscaping:

a. All street-facing building elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:

(1) The landscaped area shall be at least three feet (3') wide.

(2) For every ~~four~~ (4)~~six~~ (6) linear feet of foundation, a shrub, perennial, or tree having a minimum mature height of twenty four inches (24") shall be planted.

(3) 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:

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 twelve (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.

Reception facility.

1. Minimum lot area shall be at least 1.0 acre.

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](#) of this title.
4. Unless otherwise specified by the Planning and Zoning Board, events shall end by nine o'clock (9:00) P.M. during September thru May, and ten o'clock (10:00) P.M. during June through August.

Residential architectural standards. Within all residential zoning districts except the Mobile Home Park (MHP) Zone, all dwellings constructed after the effective date of this chapter 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 3:12 in steepness.~~

~~21.~~ Eaves shall be provided on at least two sides of the dwelling and extend at least eight ~~(8) twelve~~ inches ~~(12")~~ from the building wall.

~~32.~~ The ~~building~~dwelling shall be constructed or placed on a permanent foundation of concrete, masonry, or material of similar appearance and durability approved by the building official.

~~43.~~ The ~~structure~~dwelling shall have at least one (1) story above ground level (i.e., no basement houses).

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 (1) 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 (2) 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 this 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 (30) 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 (1) "family", except as otherwise permitted under this title (e.g., community residence for the disabled, dormitory, rooming house, short-term rental).

6. No building shall be constructed or used for residential purposes on any lot or parcel unless the lot or parcel has direct frontage on either a public street, a private street authorized through the subdivision process, or a private access easement to a street that is of sufficient width and construction to either meet the adopted fire code or otherwise provide emergency vehicle access as determined by the fire marshal. Access to an alley is not sufficient to meet this requirement.

Rooming house.

1. No more than two (2) persons shall occupy any individual lodging room.

Commented [TS3]: Requirement existed in a prior version of the code, but was lost. Now added, and updated with private street and access easement language. Note that the requirement is in the subdivision ordinance, but adding it to the zoning ordinance applies it to all properties, not just those going through the subdivision process.

2. Unless otherwise exempted or authorized by this title, one (1) off-street parking space shall be provided for each guest lodging room. The guest parking shall be in addition to the two (2) spaces required for the owner(s).

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.

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 based on the number of bedrooms available for guests as follows: rentals with one guest bedroom are limited to four (4) guests; rentals with two guest bedrooms are limited to six (6) guests; rentals with three guest bedrooms are limited to 8 guests, and rentals with four or more guest bedrooms are limited to 10 guests. Guest sleeping in a living room, family room, or sun room is not prohibited by this requirement (e.g. use of sofa bed or air mattress), provided required emergency escape openings are provided, but guest occupancy is based on number of bedrooms only, 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, which inspection includes verification of the following:

a. At a minimum, the short term rental shall be equipped with functional sSmoke detectors located where required by code and operable;

b. A fire extinguisher (minimum rating 2A10BC) located in a clearly visible or labeled location;

c. and a eCarbon monoxide alarm(s) where required by code and operable; if applicable.

Commented [TS4]: Calculation of 2.6 persons per sleeping room was unnecessarily confusing. Clarifies that guest occupancy is based on guest bedrooms. (Some units are shared by owner.) 1 Bedroom is being increased from maximum of 3 guests to 4 and 2 bedroom goes from 5 guests to 6. Numbers are intended to account for sofa sleepers in living room and for large bedrooms with multiple beds. A living room would not be allowed to be called a "sleeping room" to increase the occupancy limits.

Commented [TS5]: These changes reflect what is currently inspected.

d. The address number is posted and visible using 4" tall or larger numbers on a contrasting background;

e. Access in/out of the facility complies with applicable codes (e.g. stairs, handrails);

f. Proper access to the electrical panel is provided;

g. No fire hazards are observed (e.g. combustibles are kept away from heat sources, extension cords and outlet strips are used in a compliant manner, dryer vent is free from obstruction, no exposed electrical wiring);

h. Each sleeping room shall be provided with Code compliant means of egress and emergency escape and rescue opening that complies with sections R310.1, R310.2, R310.3 and R310.4 of the International Residential Code; and,

i. Emergency contact numbers are clearly posted (manager and 911).~~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. The facility is to be inspected for the above items at least annually. Upon any change of ownership and on every third year after the initial inspection, the facility must be reinspected by the City and pass inspection. In the other years, the owner or manager is to perform the inspection.~~

~~76. 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.~~

~~87. Prior to initial operation and annually by February 28th thereafter, All short-term rental facilities, whether existing or proposed, shall register with the City of Cody, provide evidence of compliance with this section, this use, and pass the fire and life 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. Payment of an application fee is required pursuant to the City's adopted fee schedule. A late fee, also as specified in the adopted fee schedule, may also be assessed to owners of short-term rentals that fail to register before making the short-term rental available for initial use, or that do not complete their annual renewal by February 28th of each year. Authorized short-term rental facilities shall post a document certificate issued by the City of Cody identifying such authorization in a manner that is visible from the public way. The certificate shall expire at the end of February 28th following the year in which the certificate was issued.~~

~~10. For purposes of enforcement, advertising a short-term rental as being available to rent for any day that the short-term rental is not registered with the City, advertising or knowingly renting at an occupancy higher than authorized by ordinance, and advertising or renting a short term rental in an R-2 or R2MH zone while not abiding by the owner-occupancy requirements are each prima facie evidence of a violation of this ordinance, punishable as a misdemeanor pursuant to City of Cody Code 1-4-1. Each day such advertising occurs is a separate punishable offence.~~

Commented [TS6]: Current practice.

- T. "T" Uses: Reserved.
- U. "U" Uses: Reserved.
- V. "V" Uses: Reserved. (Ord. 2017-02, 3-7-2017)

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 fifty feet (50'); provided, properties five (5) acres or greater are allowed up to eighty feet (80'). (SE)
3. The minimum height of the lowest extent of a turbine blade/rotor shall be twenty feet (20') 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 five hundred (500) rpm (revolutions per minute) at the manufacturer's rated wind speed. (SE)
5. No tower shall have a climbing apparatus within ten feet (10') 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 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 fifty (50) dBA as measured at any neighbor's residentially zoned property, or forty five (45) dBA as measured at any neighbor's habitable building, assuming a wind speed of twelve (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 six (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 one hundred twenty five feet (125'), and two hundred twenty feet (220') from any neighbor's habitable building.

Wireless communication facility, non-stealth design.

1. Non-stealth design wireless communication facilities shall be subject to the provisions of subsection 10-11-2W of this title.
2. Non-stealth design is not permitted in the residential zones within the Downtown Architectural District.

Wireless communication facility, small cell and distributed antenna systems.

1. Small cell and DAS wireless communication facilities shall be subject to the provisions of subsection 10-11-2W of this title.
2. Distributed antenna systems and small cells that comply with the height limit of the zoning district and do not require installation of a new tower, utility support structure or building are permitted uses in all residential zones, provided the applicant complies with all Federal laws (such as the Americans With Disabilities Act) and State laws. Distributed antenna systems and

small cells that do not meet those conditions, and which are located in a residential zoning district, shall be subject to conditional use permit review.

3. Within the residential zoning districts, a small cell or DAS must be mounted on either an existing building, or existing or replacement utility pole, and extend no more than three feet (3') horizontally or six feet (6') vertically from the building or utility pole on which it is mounted.

4. Within the Downtown Architectural District, the proposed facility must be reviewed by the Planning and Zoning Board.

5. The proposal shall clearly demonstrate that the small cell and distributed antenna systems mounting location is one (1) of the least visually obtrusive options in the area.

Wireless communication facility, stealth design.

1. Stealth design wireless communication facilities shall be subject to the provisions of subsection 10-11-2W of this title.

2. Within the Downtown Architectural District, the proposed facility must be reviewed by the Planning and Zoning Board. (Ord. 2017-02, 3-7-2017; amd. Ord. 2017-12, 6-6-2017)

X. "X" Uses: Reserved.

Y. "Y" Uses: Reserved.

Z. "Z" Uses: Reserved. (Ord. 2017-02, 3-7-2017)

Additional Edits to Chapter 2, Definitions:

BASEMENT: A story, as defined herein, which has more than one-half of its height below average finished grade ~~is partly or completely below finished grade shall be counted as a story for purposes of height measurement when the basement has more than one-half ($\frac{1}{2}$) of its height above finished grade.~~

BUILDING HEIGHT: Building height refers to the vertical distance between the average finished grade along the front of a building and either: a) the highest point of the coping of a flat roof; b) the deck line of a mansard roof; or c) 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.

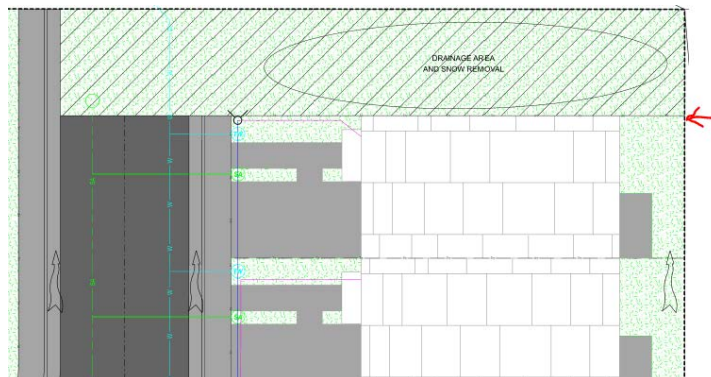
STORY: That portion of a building between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above. See also "Basement".

Corresponding Edit to Table 10-6-2:

Maximum number of stories* (excluding basements) and maximum building height*	2 stories and 30' above finished grade	2 stories and 30' above finished grade	2 stories and 30' above finished grade	2 stories and 30' above finished grade	2 stories and 30' above finished grade	3 stories and 40' above finished grade ³
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Previously proposed edit accidentally skipped at last meeting:

Minimum side yard setback from neighboring lot, alley, common open space, or private easement	15'	5'	5'; except 0' at a common wall or next to common open space	5'; except 0' at a common wall or next to common open space	5'; except 0' at a common wall or next to common open space	5'; except 0' at a common wall or next to common open space
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Example: