

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY, SEPTEMBER 27, 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 September 27, 2022 meeting.
5. Approval of Minutes from the September 13, 2022 Special meeting.
6. New Business:
 - A. Special Exemption Public Hearing to reduce the setback requirement from 8th Street at 726 Skyline Drive.
 - B. Review the Special Exemption request to reduce the setback requirement from 8th Street at 726 Skyline Drive.
 - C. Downtown Architectural Review for The Bigg Chill Awning and Signs located at 1321 Sheridan Avenue.
 - D. Final Plat for the Schoonover Subdivision a 5-Lot subdivision, located at 233 Robert Street.
 - E. Potential Zoning Updates-Final review before public release.
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 Regular Meeting
September 13, 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, September 13, 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; Ian Morrison; Cayde O'Brien; Matt Moss; Council Liaison Andy Quick; City Attorney Sandee Kitchen; City Planner Todd Stowell; GIS Analyst Utana Dye

Absent: Scott Richard; Karinthia Herweyer; Andrew Murry

Carson let the crowd know that there was a conflict of interest for the Schoonover Subdivision item and that it would need to be removed from the agenda due to lack of a quorum for that item.

Ian Morrison made a motion to shift Item A to be below B & C and to remove item D from the agenda for September 13, 2022, seconded by Cayde O'Brien. Vote on the motion was unanimous, motion passed.

Ian Morrison moved to approve the minutes from the August 30, 2022 regular meeting, seconded by Matt Moss. Vote on the motion was unanimous, motion passed.

A Public Hearing opened at 12:03 p.m. for a Special Exemption to allow a sound system in the High School Athletic Field scoreboard sign at 919 Cody Avenue. With there being no comments from the public the hearing was closed at 12:05 p.m.

City Planner Todd Stowell reviewed the Special Exemption request to allow a sound system in the High School Athletic Field scoreboard sign located at 919 Cody Avenue. Park County School District #6 is installing a new scoreboard at the high school athletic field. As part of the proposal, they have requested a special exemption to the City's sign code prohibition of a sign containing a sound system, or components that produce sounds, so that a sound system can be incorporated into the scoreboard sign. The sound system in the scoreboard would replace the current sound system.

Ian Morrison a motion, seconded by Matt Moss to approve the Special Exemption to allow the scoreboard to contain a sound system, with the understanding that the volume will be managed in a manner that achieves the intended purpose of the sound system without being excessively loud. The Special Exemption does not exclude the sound system from compliance with the City sound regulations, as outlined in the City of Cody 5-2-24 (unreasonable sound). Vote on the motion was unanimous motion passed.

City Planner Todd Stowell reviewed the request from Tim and Gina Leonhardt to subdivide, annex and zone 1.85 acres or their property. The location of the property is 14 Jamieson Circle.

Ian Morrison made a motion, second by Cayde O'Brien to recommend to city council that they approve the request from Tim and Gina Leonhardt for Annexation; approve the zoning of the property as an R-3 Zone with a development agreement limiting density to six units; and approve the subdivision with the recommendation from staff with subdivision variances 1-4 and with conditions 1-5. Vote on the motion was unanimous motion passed.

P & Z Board Matters: None

Council Updates: The County Land Use plan for public meetings is set for October 3rd, 4th, 5th, 6th and 12th, 2022

Staff Items: Set a meeting for October 25, 2022 for Zoning Ordinance amendments.

Ian Morrison made a motion, seconded by Cayde O'Brien to adjourn the meeting. Vote on the motion was unanimous. The meeting was adjourned at 1:05 pm.

Utana Dye

GIS Analyst

DRAFT

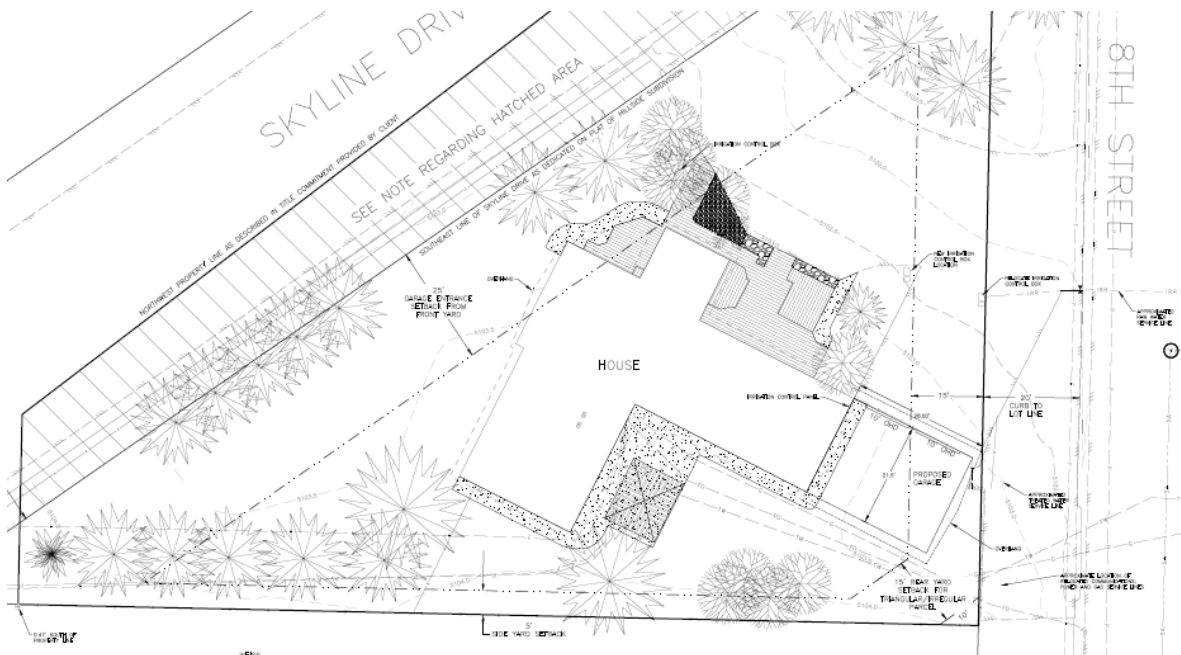
CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

MEETING DATE:	SEPTEMBER 27, 2022	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	SPECIAL EXEMPTION PUBLIC HEARING: REDUCE THE SETBACK REQUIREMENT FROM 8 TH STREET AT 726 SKYLINE DRIVE. SUP 2022-10	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION & BACKGROUND:

Gregory Bennis has submitted a special exemption application requesting that the setback requirements from the 8th Street right-of-way be reduced to about 1 ½ feet for a proposed two-car garage. Due to the extra width of the 8th Street right-of-way, the garage would still be about 20 feet from the curb along 8th Street.

The property is located in the R-1 residential zoning district, which requires a 15-foot setback from the corner lot line (8th Street right-of-way) and a 22-foot garage door setback.



The public hearing for the exemption request was advertised as required by mail to neighboring properties within 140 feet on September 10, 2022, and by publication in the newspaper on September 13, 2022.

REVIEW CRITERIA:

Pursuant to Section 10-14-2(B)(1) of the City of Cody Code, the Planning and Zoning Board may consider special exemptions to setback requirements.

The standards for approval of a special exemption are as follows, with staff comments provided.

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 measure of whether an undesirable change in the character of the neighborhood would result. Eight neighboring property owners were notified of the proposal. As of the time of this staff report, two responses of “no objection” have been received, and zero “objection” responses. One “no objection” is from the neighbor located two lots to the south, and the other is from the church to the northeast. Any additional information presented at the meeting will also need to be considered. At this point, neighbor opposition does not appear to be a factor.

It is also noted that the eave of the garage does not extend beyond the property line, into the 8th Street right-of-way. The wall of the garage, which is what the setback is measured to, will be about 1 ½ feet from the right-of-way. There does not appear to be any significant impact to the nearby right-of-way.

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

Staff Comment: The setback that is requested to be reduced is from the public street right-of-way. In many cases the right-of-way line of a public street is at or near the back of the sidewalk, but in this case, the property line is about 20 feet from the curb along 8th Street. If a standard width sidewalk were in place, and the property line were located near the back of the sidewalk, the garage would be right at the standard 15-foot setback. Therefore, it would have the appearance of meeting the setback requirement.

The 22-foot garage setback requirement is intended to prevent vehicles parked in front of the garage from overhanging a sidewalk or curb. Due to the angled configuration of the structure and parking pad, there is no issue with a parked vehicle overhanging a sidewalk or curb.

- 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: No garage currently exists on the property. Garages are a common amenity. As can be seen on the site plan, there is no location on the property that a two-car garage can be located and meet all applicable setbacks. The proposed placement on the side of the house is a typical location for a garage. The proposed garage is slightly wider than a standard 24-foot width, at 28 feet, but those few additional feet provide valuable storage options. The combination of these factors seems sufficient to satisfy the requirement that the exception be the minimum necessary.

- 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: No other feasible options have been identified that would achieve the requested result.

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

Staff Comment: No additional services are proposed or needed that do not already exist on the property.

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

Staff Comment: The future land use map designation for this area is "low-density residential", which is consistent with the single-family residential use of the property. There are no identified master plan goals specific to the setback situation.

OTHER:

It is noted that this report is written with 8th Street being the side street and Skyline Drive being the front yard. Alternatively, if Skyline Drive were considered the side street, then the applicable setback from the 8th Street setback would be 25 feet rather than 15. In either case, the exemption is intended to cover the proposal as noted on the site plan.

Conditioning Authority

In approving a special exemption, the Planning and Zoning Board may impose any reasonable conditions or modifications pertaining to operational or physical features of

the proposal to ensure conformance with the above approval standards. At this time, no conditions have been identified as necessary for this proposal.

ALTERNATIVES:

Approve, deny or approve with conditions, in full or in part.

ATTACHMENTS:

Neighbor response(s), site plan, and architectural renderings.

RECOMMENDATION:

That the Board make the following findings:

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

1. That proper notice of the special exemption public hearing was provided by advertising in the Cody Enterprise and by mail to all property owners within 140 feet at least ten days before the hearing.
2. That the Planning and Zoning Board 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(C)(2) are met.

AND,

Approve the setback reduction to authorize the proposed garage location as shown on the site plan.

comment at the public hearing.

Response Letter from Owners of Neighboring Properties within 140 Feet of the Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

I am familiar with the proposal for the Special Exemption request described above.

- I have NO OBJECTION to the Special Exemption request.

Name Todd & Elizabeth Broderick

Address: 2113 PM St

Comments: No objections at all. The drawing looks great!

- I OBJECT to the Special Exemption request:

Name:

Address: -

Reason for Objection:

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

comment at the public hearing.

Response Letter from Owners of Neighboring Properties within 140 Feet of the Subject Property:

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

I am familiar with the proposal for the Special Exemption request described above.

- I have NO OBJECTION to the Special Exemption request.

Name Church of the Nazarene

Address: 808 SKYLINE Dr

Comments:

- I OBJECT to the Special Exemption request:

Name:

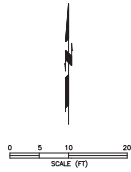
Address:

Reason for Objection:

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: _____

LEGEND

⊗	FOUND 3/4" IRON PIPE
---	PROPERTY BOUNDARY AS DESCRIBED IN TITLE COMMITMENT
---	EXISTING BUILDING
---	EXISTING BUILDING ROOF OVERHANG
---	EXISTING RAW WATER (IRRIGATION)
---	R.O.W.
---	EXISTING FENCE
---	EXISTING CURB & GUTTER FL.
---	EXISTING BURIED TELEPHONE / FIBER LINE.
---	EXISTING BURIED POWER LINE.
---	EXISTING BURIED TELEPHONE / FIBER LINE.
---	EXISTING BURIED NATURAL GAS LINE.
---	EXISTING BURIED TREATED WATER LINE.
---	EXISTING BURIED RAW WATER LINE.
---	EXISTING BURIED SANITARY SEWER LINE.
⊗	MANHOLE LID, UTILITY AND STRUCTURE TYPES VARY.
⊗	WATER METER.
⊗	GAS METER.
⊗	ELECTRIC METER.
⊗	UTILITY PIPE LINE VALVES.
---	ASPHALT
---	CONCRETE
---	ROCK RETAINING WALL
---	GAZEBO
---	WOOD DECK
---	ROCK LANDSCAPING
⊗	TREES



SITE PLAN

726 SKYLINE DRIVE
CODY, WYOMING

PREPARED FOR:
GREG BENNIS

PREPARED BY:
ENGINEERING ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
902 13TH STREET
CODY, WYOMING 82414

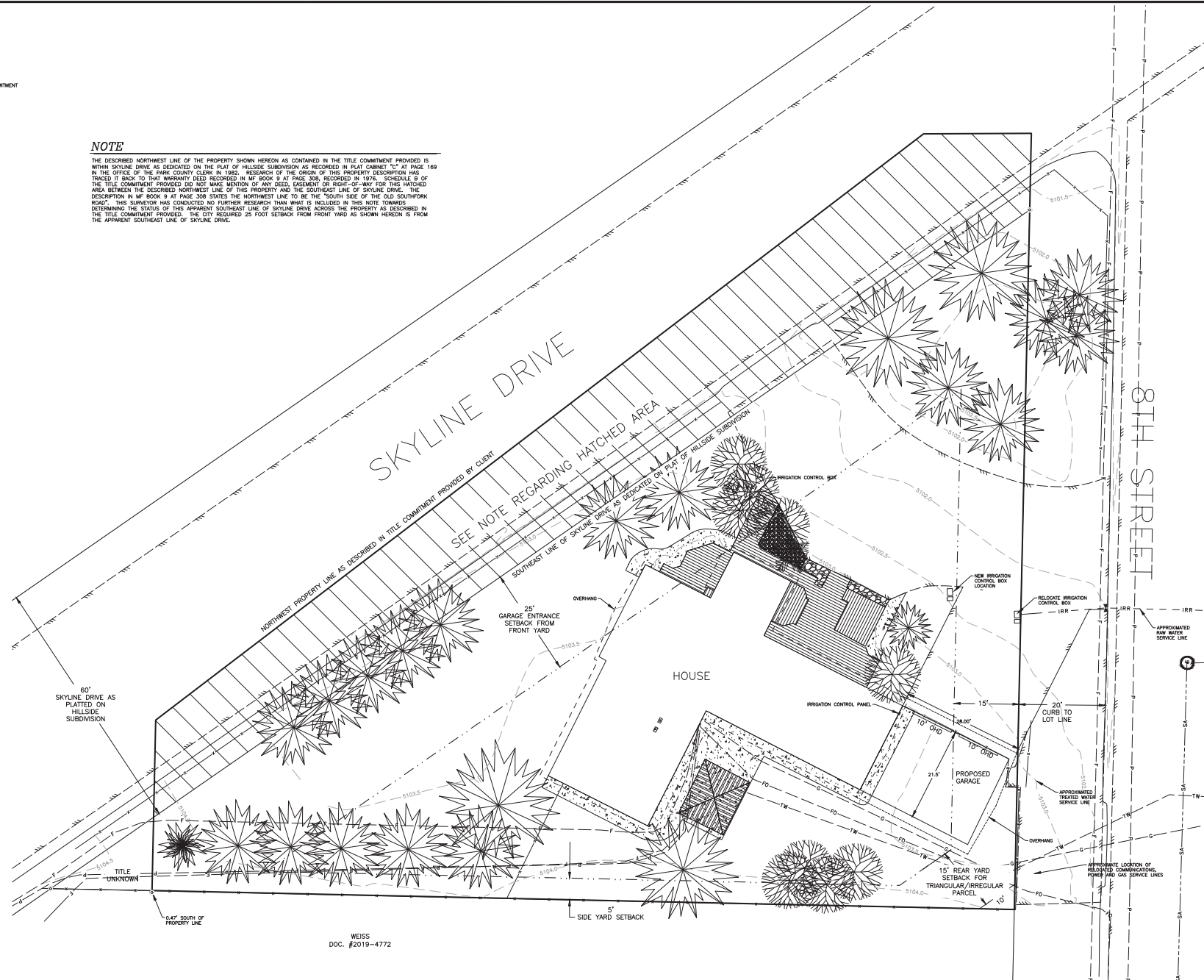


JOB NO. 22000.66
08/01/2022

P:\2022\Cody 22000.00 - 22199.00\22000.00 - Misc Surveys\22000.66 Bennis Boundary - Cody\ACAD\22000.66 Base.dwg

NOTE

THE DESCRIBED NORTHWEST LINE OF THE PROPERTY SHOWN HEREON AS CONTAINED IN THE TITLE COMMITMENT PROVIDED IS WITHIN SKYLINE DRIVE AS DEDICATED ON THE PLAT OF HILLSIDE SUBDIVISION AS RECORDED IN PLAT CACKET "C" AT PAGE 169 IN THE OFFICE OF THE PARK COUNTY CLERK IN 1982. RESEARCH OF THE ORIGIN OF THIS PROPERTY DESCRIPTION HAS TRACED IT BACK TO THAT WARRANTY DEED RECORDED IN MF BOOK 9 AT PAGE 308, RECORDED IN 1976. SCHEDULE B OF THE TITLE COMMITMENT PROVIDED DID NOT MAKE MENTION OF ANY DEED, EASEMENT OR RIGHT-OF-WAY FOR THIS HATCHED AREA BETWEEN THE DESCRIBED NORTHWEST LINE OF THIS PROPERTY AND THE SOUTHEAST LINE OF SKYLINE DRIVE. THE DESCRIPTION IN MF BOOK 9 AT PAGE 308 STATES THE NORTHWEST LINE TO BE THE "SOUTH SIDE OF THE OLD SOUTHWORK ROAD". THIS SURVEYOR HAS CONDUCTED NO FURTHER RESEARCH THAN WHAT IS INCLUDED IN THIS NOTE TOWARDS DETERMINING THE STATUS OF THIS APPARENT SOUTHEAST LINE OF SKYLINE DRIVE ACROSS THE PROPERTY AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED. THE CITY REQUIRED 25 FOOT SETBACK FROM FRONT YARD AS SHOWN HEREON IS FROM THE APPARENT SOUTHEAST LINE OF SKYLINE DRIVE.



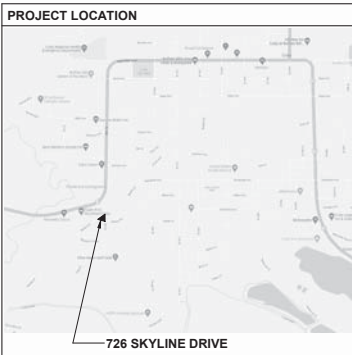
WEISS
DOC. #2019-4772

Bennis Residence

Garage Addition

726 Skyline Drive, Cody WY. 82414

SHEET INDEX	
SHEET NO.	SHEET NAME
A0	COVER SHEET
A1	FLOOR PLANS
A2	EXTERIOR ELEVATIONS AND SECTIONS



VIEW OF FRONT OF RESIDENCE FROM 8TH STREET

Project for

**Bennis
Residence**
Garage Addition

726 Skyline Drive, Cody
WY. 82414

Date **08/26/22**

NOTES: The designs shown and described herein, including all technical drawings, graphics, and models thereof, are proprietary and cannot be copied, duplicated or commercially exploited, in whole or in part, without express written permission of the property owner. These are provided for limited review and evaluation by clients, consultants, contractors, government agencies, vendors and other personnel only in accordance with this Notice.

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Sheet Issues / Revisions

No.	Date	Description

COVER SHEET

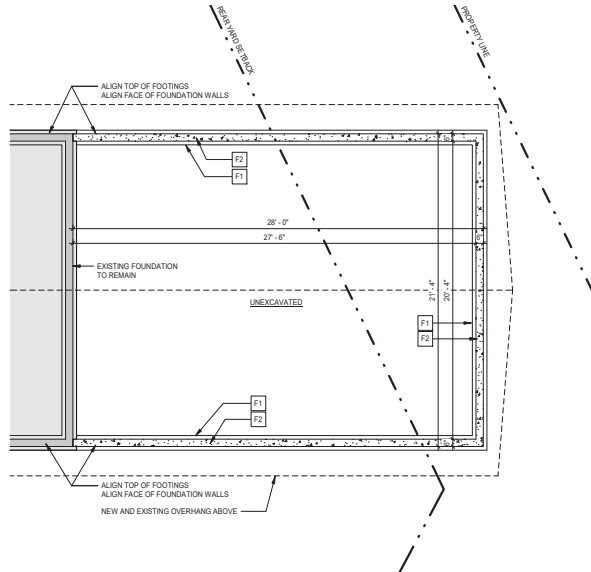
A0

GENERAL NOTES

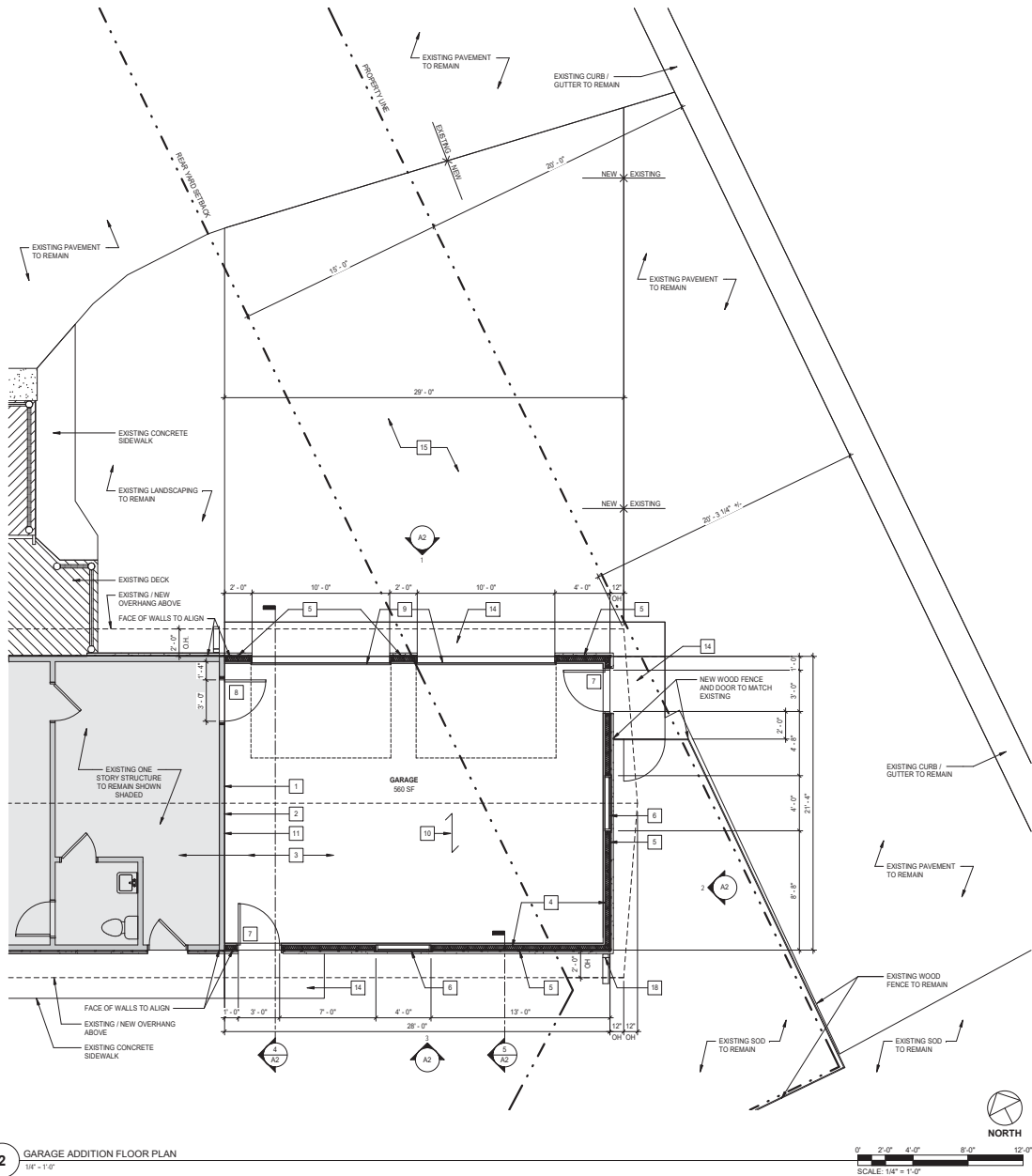
- ALL NEW EXTERIOR WALLS TO BE 2" x 4" WOOD STUDS AT 16" O.C.
- ALL STRUCTURAL WOOD MEMBERS; 2x HEADERS, RAFTERS / TRUSSES TO BE DOUGLAS FIR NO. 2 EQUAL OR BETTER.
- ALL 2x HEADERS OVER OPENINGS IN BEARING WALLS TO BE 2 - 2" x 10"s.
- EXISTING SMOKE DETECTORS PROVIDED THROUGHOUT EXISTING STRUCTURE. NEW SMOKE DETECTOR TO BE INSTALLED IN GARAGE ADDITION.
- INSTALL POWER OPERATORS AT OVERHEAD GARAGE DOORS. INSTALL ONE DUPLEX OUTLET FOR EACH OPERATOR.

NOTES

- REMOVE EXISTING SIDING, GABLE VENT AND STONE SILL / VENEER. SAVE FOR REUSE
- REMOVE EXISTING EXTERIOR SHEATING AND REPLACE WITH 5/8" GYPSUM BOARD
- NEW 4" CONCRETE SLAB OVER 10mil CLASS A VAPOR BARRIER AND COMPACTED SAND BASE - MATCH TOP ELEVATION OF EXISTING SLAB
- 2" x 4" WOOD STUDS AT 16" O.C., CAVITY FILLED w/ R-15 BATT INSULATION, 1/2" GYPSUM BOARD OVER 8mil POLY VAPOR BARRIER ON INTERIOR FACE
- 3/8" PLYWOOD SIDING w/ 1" x 2" WOOD BATTENS AT 16" VERTICALLY O.C., OVER WALL UNDERLAYMENT AND 1/2" PLYWOOD
- 48" x 24" FIXED WINDOW w/ 1" INSULATED LOW-E TEMPERED GLASS, WINDOW MANUF. TO MATCH EXSITING. FINISH TO MATCH EXISTING WINDOWS
- 3'0" x 7'0" INSULATED HALF GLASS SERVICE DOOR w/ 1/2" INSULATED LOW-E TEMPERED GLASS, PAINT TO MATCH SIDING
- 3'0" x 7'0" 45 MIN RATED INSULATED SERVICE DOOR
- 10'0" WIDE, 7'0" TALL INSULATED OVERHEAD DOOR, WOOD VENEER EXTERIOR, PAINT TO MATCH SIDING
- WOOD TRUSSES AT 24" O.C. - VERIFY EXISTING PITCH. ASSUMED TO BE 5 1/2" 12"
- PROVIDE EXTRA TRUSS ATTACHED TO EXISTING GABLE TRUSS (FOR POSSIBLE FUTURE WALL REMOVAL)
- AT UNDERSIDE OF TRUSS INSTALL 5/8" GYPSUM BOARD OVER 8mil POLY VAPOR BARRIER
- FILL ATTIC w/ R-49 INSULATION THROUGHOUT
- NEW 6" CONCRETE STOOP / APRON
- NEW 6" CONCRETE DRIVE BETWEEN ADDITION AND EXISTING PAVEMENT
- ASPHALT SHINGLES TO MATCH EXISTING INSTALL OVER ROOF UNDERLAYMENT AND 1/2" PLYWOOD, ALIGN WITH EXSITING ROOF
- RELOCATED GABLE VENT
- ALUMINUM FASCIA, VENTED SOFFIT AND GUTTER / DOWNSPOUTS TO MATCH EXISTING
- ATTIC BOX VENT, MATCH EXISTING TYPE AND ALIGNMENT
- STONE SILL AND RIVER ROCK STONE VENEER TO MATCH EXISTING
- SCONCE LIGHT FIXTURE TO MATCH EXISTING
- 12" x 8" CONT. CONCRETE FOOTING w/ 2 - #4 CONT.
- 6" CONCRETE FOUNDATION WALL w/ #4 AT 18" O.C. EACH WAY



1 GARAGE ADDITION FOUNDATION PLAN
1/4" = 1'-0"



2 GARAGE ADDITION FLOOR PLAN
1/4" = 1'-0"

Project for

**Bennis
Residence**
Garage Addition

726 Skyline Drive, Cody
WY. 82414

Date 08/26/2022

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Sheet Issues / Revisions

No.	Date	Description

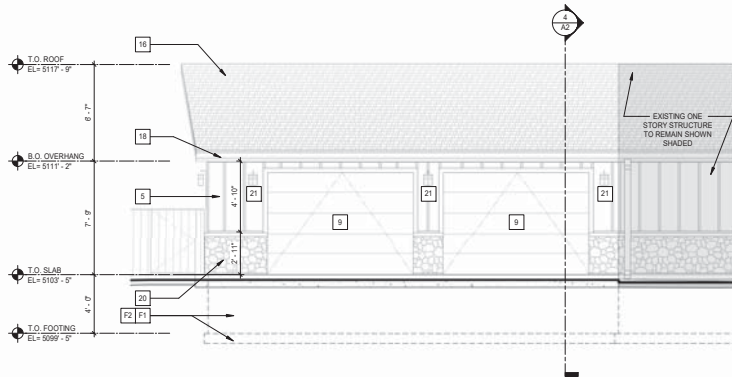
FLOOR PLANS

A1

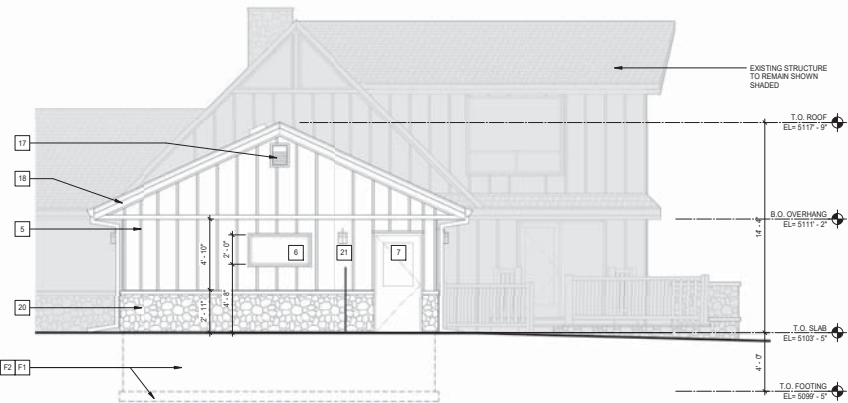
Project for

**Bennis
Residence**
Garage Addition

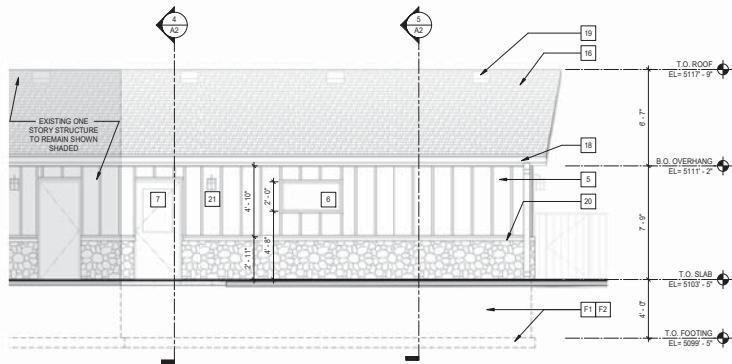
726 Skyline Drive, Cody
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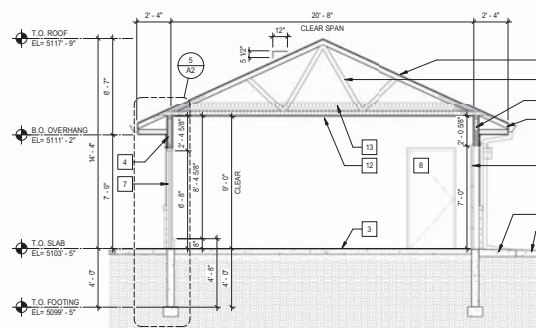
1 FRONT - NORTHEAST ELEVATION
1/4" = 1'-0"



2 SIDE - SOUTHWEST ELEVATION
1/4" = 1'-0"



3 REAR - SOUTHEAST ELEVATION
1/4" = 1'-0"



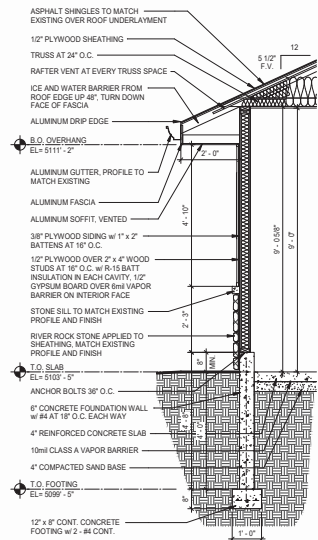
4 NORTH / SOUTH SECTION
1/4" = 1'-0"

GENERAL NOTES

- ALL NEW EXTERIOR WALLS TO BE 2" x 4" WOOD STUDS AT 16" O.C.
- ALL STRUCTURAL WOOD MEMBERS; 2x HEADERS, RAFTERS / TRUSSES TO BE DOUGLAS FIR NO. 2 EQUAL OR BETTER.
- ALL 2x HEADERS OVER OPENINGS IN BEARING WALLS TO BE 2 - 2" x 10"s.
- EXISTING SMOKE DETECTORS PROVIDED THROUGHOUT EXISTING STRUCTURE. NEW SMOKE DETECTOR TO BE INSTALLED IN GARAGE ADDITION.
- INSTALL POWER OPERATORS AT OVERHEAD GARAGE DOORS, INSTALL ONE DUPLEX OUTLET FOR EACH OPERATOR.

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- STONE SILL AND RIVER ROCK STONE VENEER TO MATCH EXISTING
- SCOTCH LIGHT FIXTURE TO MATCH EXISTING
- F1 12" x 8" CONT. CONCRETE FOOTING W/ 2 - #4 CONT.
- F2 6" CONCRETE FOUNDATION WALL W/ #4 AT 18" O.C. EACH WAY



5 WALL SECTION
1/2" = 1'-0"

Date: 08/26/2022

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Sheet Issues / Revisions

No.	Date	Description

**EXTERIOR ELEVATIONS
AND SECTIONS**

A2

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT

MEETING DATE:	SEPTEMBER 27, 2022	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	X
SUBJECT:	DOWNTOWN ARCHITECTURAL REVIEW: THE BIGG CHILL AWNING AND SIGNS. SPR 2022-21	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT DESCRIPTION:

Denny McVey has submitted an application to install a new awning and signs for his ice cream shop at 1321 Sheridan Avenue. The proposal is shown in this photo rendering.

REVIEW CRITERIA:

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

Pursuant to Subsection B of 9-2-2, within the Downtown Architectural District, *"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 signs must also comply with the City's sign code.



STAFF COMMENTS:

Architecture:

Awnings are a typical feature on buildings along main street, particularly on the north side of Sheridan Avenue and on this block. The proposed awning is a typical style and is therefore architecturally compatible with the neighboring buildings.



WYDOT permitting and sidewalk clearance:

As the awing extends over the WYDOT right-of-way an encroachment permit from WYDOT is required. The applicant is working with WYDOT on that process. The standard for clearance above a State Highway sidewalk is 10 feet, and the awning is proposed at that height.

Sign Code Requirements:

The property is located in the downtown sign district, which allows wall signs at a ratio of 1.5 square feet of wall sign per foot of street frontage. Awning signs are allowed to be up to 25 square feet for any individual sign and no more than 50 square feet total on the awning.

The property has 25 feet of frontage, allowing up to 37.5 square feet of wall signs. The wall sign is approximately 13.4 square feet, which is within the allowable amount.

The awning sign on the front of the awning is approximately 24.93 square feet, and the awning sign on the side of the awning is approximately 10.4 square feet, which meets the applicable size standards.

It is noted that due to the awning size and required clearance above the sidewalk, that it extends almost two feet above the parapet of the building. While wall signs are not permitted to extend above a parapet, the restriction does not exist for awning signs.

ALTERNATIVES:

Approve or deny the proposal, with or without changes.

RECOMMENDATION:

Approve the project as proposed, subject to the applicant obtaining the WYDOT permit and building permit prior to installation.

GRAPHICS
ON THIS
SIDE ONLY



PHOTO RENDERING NO SCALE



S/F NON-ILLUMINATED BUILDING SIGN SCALE $\frac{3}{4}$ " = 1'-0"

B PROVIDE AND INSTALL ONE S/F BUILDING SIGN, WHITE DIBOND PANEL, V-GROOVE BACK AND FORM INTO 1" DEEP REVERSE PAN. APPLIED 3630-83 REGAL RED VINYL FILM GRAPHICS. HIDDEN ANGLE BRACKET MOUNT TO BUILDING AS SHOWN IN PHOTO RENDERING.



EXISTING AWNING TO BE REMOVED

DESIGN	<input type="checkbox"/> As Designed
Approval for Production	<input type="checkbox"/> With Changes
X _____ Client Signature	
Sds _____	
DATE ____/____/____	



SIDE VIEW



BUILDING AWNING SCALE $\frac{3}{8}$ " = 1'-0"

A MANUFACTURE AND INSTALL ONE BUILDING AWNING. ALL WELDED ALUMINUM SQUARE TUBE FRAME WITH TIE RAILS. COVER WITH COMBINATION VINYL AND FABRIC AWNING MATERIALS. #4615 SMOKE SUNBRELLA FABRIC MATERIAL ON SLOPE AND HALF ROUND SECTIONS. #0606 COOLEY BRITE WHITE VINYL AWNING MATERIAL ON FRONT AND SIDE PANELS. APPLIED 3630-83 REGAL RED VINYL COPY AND GRAPHICS. ILLUMINATE FROM INTERIOR OF AWNING WITH SLOAN WHITE LED LAMPS. MOUNT AWNING TO BUILDING IN PLACE OF EXISTING AWNING.

This design is the property of Sign Products Inc. and all rights to its use or reproduction are reserved.

DESIGNER TP
SHEET # 1 OF 1

DESIGN # 19915-22
SALES MIKE N.

DATE 08-30-22
SCALE SHOWN

CLIENT THE BIGG CHILL ICE CREAM
CODY, WY

SIGN PRODUCTS, INC.
425 MONROE, BILLINGS, MT 59104
Phone: (406) 253-0024 Fax: (406) 253-0024
www.signproducts.com

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT			
MEETING DATE:	SEPTEMBER 27, 2022	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	FINAL PLAT AND CONSTRUCTION PLANS FOR THE SCHOONOVER 5-LOT SUBDIVISION. SUB 2021-07	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

***Note:** This item was originally scheduled for September 13, 2022, but had to be delayed. The staff report largely remains the same, except as updated to remove items that have since been addressed, and further clarify a few other items. An updated final plat drawing is included, which corrects items previously noted.*

PROJECT OVERVIEW

Kira Schoonoer has submitted the final plat application and construction plans for her 5-lot subdivision on the west side of Robert Street.

SUBDIVISION REGULATIONS

The general subdivision ordinance requirements were reviewed with the preliminary plat approval. According to 11-3-3 of the subdivision ordinance, the subdivider is to present the final plat and all supplemental materials required according to the subdivision regulations. After an initial review of the materials by staff, the Board is to verify that:



Design of the final plat ...conform[s] to the approved preliminary plat and ...include[s] all changes specified thereon. The commission [P&Z Board] will review the final plat and its attached supplemental materials and make a recommendation of approval, conditional approval or disapproval to the council. When taking action on a proposed plat, the written comments of the utility companies will be reviewed and considered along with comments from any other outside agencies and interested parties. Upon completion of the review, the commission will recommend approval, conditional approval or disapproval of the plat to the council.

The "supplemental materials" mentioned are listed in that same section of code and include information on surface water (irrigation); utility company letters or agreements from all concerned utility companies (telephone, cable TV, gas, electrical, irrigation districts, water, sewer, etc.) that clearly define how the utilities will be installed; construction plans and specifications that carry the stamp, seal or signature of every agency or company that will be affected by said development and which should have reviewed said plans and specifications; and, covenants for provisions for the perpetual care and maintenance of those portions of the subdivision which are to be of common use or ownership. The status of these items will be noted throughout the report.

With the preliminary plat the City Council granted the following variance and approved the preliminary plat subject to the conditions noted below.

Subdivision Variances:

- a) To waive the alley requirement.
- b) To allow a private street of the design discussed (20-foot-wide paved lane with drainage provisions and radii at the connection to Robert Street)—no curb, gutter, sidewalk, or streetlights.
- c) To the requirement to provide additional right-of-way for Robert Street.
- d) To the block length requirement.
- e) To allow Kira Schoonover to get a building permit for her lot (Lot 1) prior to installation of all of the subdivision infrastructure, subject to a condition requiring completion of the utility infrastructure for Lot 1 prior to occupancy of the house. The street along the south side of the subdivision need only be installed before permits are issued for Lots 2 and 3—The developer (Kira) remains responsible to complete the street improvements.

Status of Preliminary Plat Conditions:

The conditions of the preliminary plat approval are listed below, with the status of each. If the condition is outstanding, it is noted when the improvement must be completed.

Conditions:

1. *Ensure that there is a turnaround at the west end of the paved lane that meets fire code standards. A formal easement is not necessary.*
Status: Pending. The turnaround will need some minor work, which will need to occur with the construction of the street.
2. *Provide a drainage plan for the street, which is to be reviewed and approved as part of the final plat process.*
Status: Partially completed. The plans now show a swale/ditch being added to the north side of the street. Provided the ditch functions as a swale to retain water, rather than as a method to carry water off the property, it will have necessary capacity to retain water runoff from the street. This will need to be accomplished by

temporary coffer dams or the permanent driveways. Install the driveways or coffer dams with the street construction and demonstrate that sufficient capacity remains.

3. *The street must include a private street name sign, stop sign, and "No Outlet" sign.*

Status: Not shown on the plans—please add. The sign must be installed prior to occupancy of any building on Lots 1, 2, or 3.

4. *A maintenance agreement or homeowner's association must be established for maintenance of the private street and associated stormwater infiltration facilities. Submit the proposed document(s) with the final plat. Also include an explanatory note referencing such on the final plat. The agreement will need to include language that the agreement cannot be rescinded without the approval of the City.*

Status: An initial draft has been submitted, but it needs some work. For example: add legal descriptions of properties involved, identify that the agreement runs with the land, clearly list maintenance responsibilities (snow removal, weed control, resurfacing, stormwater swale/ditch rehabilitation, sign maintenance), identify who is in charge of determining when maintenance is necessary, how responsibility will be transferred over time, the method of collecting funds (annual assessment?), specifying ability to adjust amount of assessments, whether unpaid assessments will constitute a lien, etc.) The agreement will need to be revised and resubmitted so that it can be reviewed by the city attorney as to form. This condition must be met prior to the mayor signing the final plat.

5. *Plans for the sewer main are to be reviewed and approved by the City and WY DEQ. The City will accept ownership and maintenance of the sewer main once it is constructed to City standards.*

Status: The plans have been submitted for review and are proposed for approval by the City council. WY DEQ approval is also required prior to installation.

6. *Approval of the irrigation distribution plan and plans for piping of the ditch along the full property frontage will need to be obtained from Cody Canal and any private ditch company that may have jurisdiction. Following the flow of the water in a north direction, the piping needs to be shifted to the west before it gets to the new street, and be extended all the way to the north property line.*

Status: The shift requested is shown on the plans. The irrigation distribution plans were reviewed by Cody Canal on September 9th, but the City has not heard the results. Verification of plan approval must be submitted before the mayor signs the final plat and installation must occur prior to issuance of building permits on Lots 2-5, and prior to occupancy on Lot 1.

7. *Determine the water tap size for Lots 4 and 5.*

Status: The domestic water curb stops to these two duplex lots will be 1" in size. What happens after that—whether the water line continues as a 1" line to serve each duplex or is split into two ¾" services with individual curb stops for each unit is up to the developer and need not be determined until time of building permits. Curb stops for individual ¾" services would be at the cost of the developer and is not included in the utility fee calculation.

8. *On the final plat, include a slope easement for the pathway shoulder by adding the following or similar language to the final plat, "Slope easement granted along the*

east side of Lots 3, 4, and 5 as necessary to accommodate a 4:1 slope for a pedestrian pathway shoulder."

Status: Shown in Note 3, however there is a label that identifies it as 3' wide. The label language needs to be coordinated with the note.

9. *Prior to recording the final plat, install an 8-foot-wide asphalt pathway along the entire property frontage of Robert Street or pay the estimated cost to do so to the City.*

Status: Pending. The pathway is shown on the subdivision improvement plan (attached). The details of the path are not extensive, but are likely adequate, provided construction is carefully coordinated with Public Works. For example, there is a phone pedestal to the east of Lot 3 that may necessitate shifting the pathway slightly to the east in that section, or moving the pedestal. Also, the grading and surfacing between the pathway and Robert Street is not shown. The plans do not address these items, so they need further coordination, which can occur through the street encroachment permit process. Timing is as noted in the condition.

10. *Coordinate the garbage collection plan and any improvement of the turnaround with the City before final plat approval.*

Status: Pending. Complete no later than starting construction of the street.

11. *Follow and incorporate the seven "miscellaneous" items listed at the end of the staff report:*

- a) *The applicant will need to contact the post office for the mail box location(s). City preference is that the boxes be placed along the interior street. The final location must be authorized by both the Post Office and City.*

Status: Pending. The location must be approved before the mayor signs the plat. Installation of the common mailbox pedestal and concrete pad must occur before issuance of any building permits on lots 2 through 5.

- b) *Primary vehicle access for Lot 3 will be limited to the interior street. Include a note on the final plat to notify the lot owner of the restriction.*

Status: The note is included. See Note 4.

- c) *The building locations and parking facilities on Lots 4 and 5 must be configured so that vehicles do not back out onto Robert Street, but leave the property in a forward motion. The setback from Robert Street will therefore need to be much more than the zoning minimum. Include a note on the final plat about this requirement. The configuration shown on the preliminary plat is adequate to meet this requirement.*

Status: The note is included (Note 5). The layout will be verified at the time of the building permits.

- d) *Include lot and street survey monumentation on the final plat, per the requirements of the subdivision ordinance.*

Status: Shown on plat. Will need to be installed before the mayor signs the plat.

e) *Coordinate the street design with the pathway design.*

Status: Met.

f) *List the variances granted on the final plat.*

Status: Met.

g) *Include all owners in the Certificate of Owner—missing Noreen.*

Status: Met.

12. *The final plat application and construction documents (sewer plan, basic street plan, and a pathway plan if the owner will be constructing it) shall otherwise comply with the City ordinances. Utility fees will be addressed with the final plat.*

Status: Plans have been provided. Outstanding items will be listed as additional conditions of approval.

Other:

Individual utility services:

As the road and sewer plans do not include the plans for individual utility services to each lot, and the "Subdivision Improvement Plan" does not show them either, it is necessary to clarify that the individual utility services are to be installed to each lot line (or further) per the approved preliminary plat unless the plan is later officially modified. The layout on the preliminary plat was developed to minimize street cuts and repair patches, and to provide the required separation between utility lines.

Extent of Improvements:

The subdivision ordinance states the following:

11-2-2(B) Improvements: No building shall be erected on any lot in any subdivision, nor shall a building permit be issued by the city for a building until all improvements reasonably expected and required by the city, such as streets, curb and gutter, sidewalk, sewer service, water service, etc., have been installed, approved and accepted by the city for the lot upon which the building is to be constructed.

Later in the subdivision ordinance it discusses the requirement that each lot be provided with individual services as part of the subdivision development. As noted, completion is required before a building permit can be installed on the lot.

As the subdivision ordinance also requires all underground utilities to be installed under a street before the street is improved, and any mains must be entirely functional in order for the individual services to be activated, improvements for multiple lots are often necessary to satisfy the requirements to obtain a building permit. For example, in this case, the entire sewer main, all utility services for Lots 1, 2 and 3 and the paving of the street will need to be completed before building permits can be issued for Lots 2 and 3. The relocation of the power pole along Robert Street will need to occur before permits are issued for Lots 4 and 5. Relocation and piping of the entire irrigation ditch

must occur before Lots 2-5 can be issued permits, along with the service to the individual lot wanting the building permit. The installation of the pathway (or payment for installation thereof) is required prior to recording the final plat as it functions as a system (or main) that is not an individual service, but functions as a whole and serves the complete subdivision.

RECOMMENDATION:

It is recommended that the Planning and Zoning Board recommend to City Council the approval of the final plat and construction plans, subject to the following conditions:

1. All outstanding preliminary plat conditions shall be met, as outlined in the staff report, no later than at the time noted in each. This includes conditions 1, 2, 3, 4, 5, 6, 8, 10, 11a-11c, and 12.
2. Prior to installation of the shallow utilities (telecommunications, gas, and irrigation), obtain written approval of the utility plans from each of the 3rd party utility providers.
3. Improvements shall be installed pursuant to the preliminary plat, improvement plan, and plans for roadway and sanitary sewer. The construction must be performed and inspections conducted as required so that upon completion of the sewer main and pathway improvements there can be provided the engineer's certification, the developer's one-year warranty, and other information as necessary to comply with Section 11-5-1(A) of the subdivision ordinance.
4. Upon completion, provide a summary to the City finance officer of the value of each public improvement that is being turned over to the City for operation and maintenance (sewer extension, electrical system, and pathway), for contributed capital purposes.
5. Except as specifically modified for Lot 1 by the variance granted by City Council with the preliminary plat (copy attached—allows issuance of building permit for Lot 1, subject to conditions), the following requirement of the subdivision ordinance is applicable, as interpreted and outlined in this staff report.

11-2-2(B) Improvements: No building shall be erected on any lot in any subdivision, nor shall a building permit be issued by the city for a building until all improvements reasonably expected and required by the city, such as streets, curb and gutter, sidewalk, sewer service, water service, etc., have been installed, approved and accepted by the city for the lot upon which the building is to be constructed.

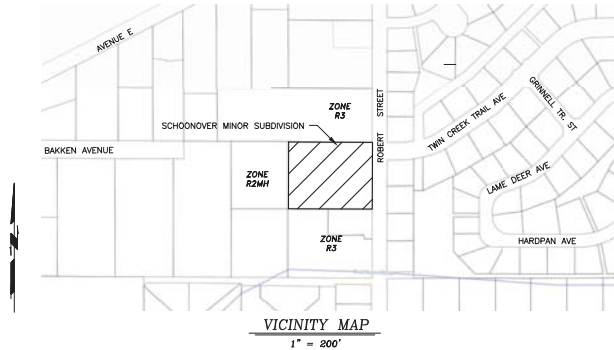
The developer shall disclose this requirement and all outstanding improvements to any lot purchaser.

6. All work within the Robert Street right-of-way will need to be covered by a street encroachment permit from Public Works. The contractor(s) doing the work is responsible to obtain the permits before the work is commenced.
7. Obtain approval from the post office and community development for a community mail box location. The concrete pad and community mail box must be installed by the developer prior to occupancy of any dwelling in the subdivision.
8. Prior to the mayor signing the final plat, applicable utility fees must be paid, which include both electrical estimates (distribution system and relocation of pole), and the water tap fees (two 1" and two ¾" taps—Lot 3 tap is existing).

ATTACHMENTS:

Final Plat
Roadway and Sanitary Sewer Construction Plans
Subdivision Improvement Plan
Approved preliminary plat
Water Distribution Plan

RESURVEY T.53N., R.101W.
CITY OF CODY



NOTES

1. BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM HADEN WEST CENTRAL ZONE.
2. OUTSTANDING SUBDIVISION IMPROVEMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF ANY BUILDING PERMITS FOR CONSTRUCTION ON THE LOTS, AS OUTLINED IN THE FINAL PLAT APPROVAL. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT CITY HALL FOR INFORMATION.
3. SLOPE EASEMENT GRANTED ALONG THE EAST SIDE OF LOTS 3, 4, AND 5 AS NECESSARY TO ACCOMMODATE A 4:1 SLOPE FOR A PEDESTRIAN PATHWAY SHOULDER.
4. PRIMARY VEHICLE ACCESS FOR LOT 3 WILL BE LIMITED TO THE INTERIOR STREET "FAITH COURT".
5. LOTS 4 & 5 BUILDING LOCATIONS AND PARKING FACILITIES MUST BE CONFIGURED FOR LARGER SETBACKS THAN ARE REQUIRED WITHIN THIS ZONING AREA. VEHICLES ARE NOT ALLOWED TO BACK ONTO ROBERT STREET. PARKING MUST BE DESIGNED FOR VEHICLES TO LEAVE THE PROPERTY IN A FORWARD MOTION.

APPROVED VARIANCES

1. TO WAIVE THE ALLEY REQUIREMENT.
2. TO ALLOW A PRIVATE STREET OF THE DESIGN DISCUSSED (20-FOOT-WIDE PAVED LANE WITH DRAINAGE PROVISIONS AND RADI AT THE CONNECTION TO ROBERT STREET) - NO CURB, GUTTER, SIDEWALK, OR STREETLIGHTS.
3. TO THE REQUIREMENT TO PROVIDE ADDITIONAL RIGHT-OF-WAY FOR ROBERT STREET.
4. TO THE BLOCK LENGTH REQUIREMENT.

CERTIFICATE OF OWNER

STATE OF WYOMING } SS.
COUNTY OF PARK }

I, KIRA SCHOONOVER, DO hereby certify that I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT I/WE ARE OWNERS AND PROPRIETORS OF LOT 14-A, BAKKEN SUBDIVISION #2, CODY, WYOMING, AS LOCATED IN BOOK "D" OF PLATS, PAGE 148, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, STATE OF WYOMING, AS EVIDENCED BY THAT WARRANTY DEED RECORDED AS DOCUMENT #2021-3482 IN SAID CLERK AND RECORDER'S OFFICE.

THAT WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE SCHOONOVER SUBDIVISION LOCATED WITHIN THE CITY OF CODY. THAT THE SUBDIVISION AS APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS, THAT WE HEREBY DEDICATE EASEMENTS LABELED HEREON TO THE USES SO NOTED; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD.

BY: KIRA SCHOONOVER

BY: NOREN SCHOONOVER

STATE OF WYOMING } SS.
COUNTY OF PARK }

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY KIRA SCHOONOVER & NOREN SCHOONOVER, THIS ____ DAY OF _____, 2022, WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

CERTIFICATE OF SURVEYOR

I, LYLE J. CASASOTTO, OF ENGINEERING ASSOCIATES, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED USING DOCUMENTS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK, AND FROM NOTES TAKEN DURING ACTUAL SURVEYS PERFORMED UNDER MY DIRECTION IN AUGUST, 2021 TO AUGUST, 2022, AND, THAT TO MY KNOWLEDGE, THIS MAP SHOWS THE SITUATION ON THE GROUND AT THE TIME OF ITS PREPARATION.



CITY PLANNING AND ZONING BOARD

APPROVED AS OF _____ DAY OF _____, 2022 BY THE CITY PLANNING AND ZONING BOARD OF CODY, WYOMING.

CHAIRMAN

CITY COUNCIL APPROVAL

APPROVED AS OF _____ DAY OF _____, 2022 BY THE CITY COUNCIL OF CODY, WYOMING.

MAYOR - BART HALL

ATTEST: CANDY BRADY
ADMINISTRATIVE SERVICES OFFICER

CLERK AND RECORDER ACCEPTANCE

THIS PLAT WAS ACCEPTED IN THE OFFICE OF THE CLERK AND RECORDER, PARK COUNTY, WYOMING, AT _____ O'CLOCK _____ A.M. ON THIS ____ DAY OF _____, 2022, FILED FOR RECORDING IN BOOK OR PLAT CARNET _____ AT PAGE _____ AND RECORDED AS COMPUTER RECORD DOCUMENT NUMBER _____

PARK COUNTY CLERK

BY: _____ DEPUTY.

**— PLAT SHOWING —
SCHOONOVER SUBDIVISION**

LOCATED WITHIN

LOT 14-A OF BAKKEN SUBDIVISION NO. 2,
RESURVEY T.53N., R.101W., 6TH P.M.,
CITY OF CODY, PARK COUNTY, WYOMING

PREPARED FOR: KIRA SCHOONOVER

PREPARED BY: ENGINEERING ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
902 13TH STREET
CODY, WYOMING 82414



NSH

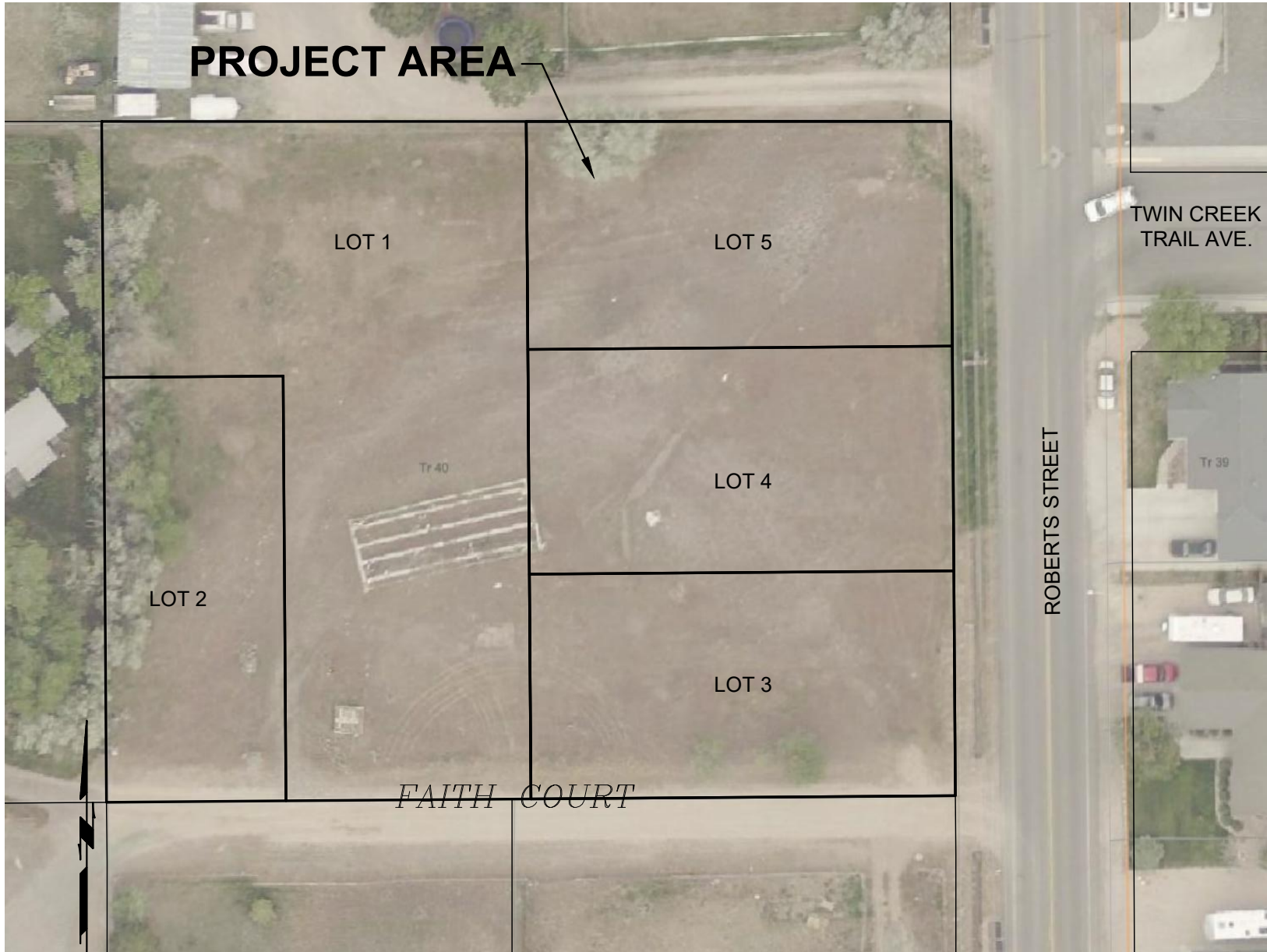
JOB NO. 21100.14
09/09/2022

LEGEND

- FOUND 2" DIA. ALUMINUM CAP, OTHERWISE NOTED
- FOUND 3/4" IRON PIPE
- SET 2" ALUMINUM CAP ON 5/8"x24" REBAR
- PROPOSED SUBDIVISION LOT LINES.
- SUBDIVISION BOUNDARY
- EXISTING EASEMENT
- EASEMENTS CREATED THIS PLAT

0 10 20 40
SCALE (FT)
1"=20'

P:\2021\Cody 21000.00 - 21199.00\21100.00 - Misc Surveys 2 - North\21100.14 Schoonover MS - Cody\ACAD\21100.14 Schoonover MS_Round 5.dwg 8/31/22 Nick



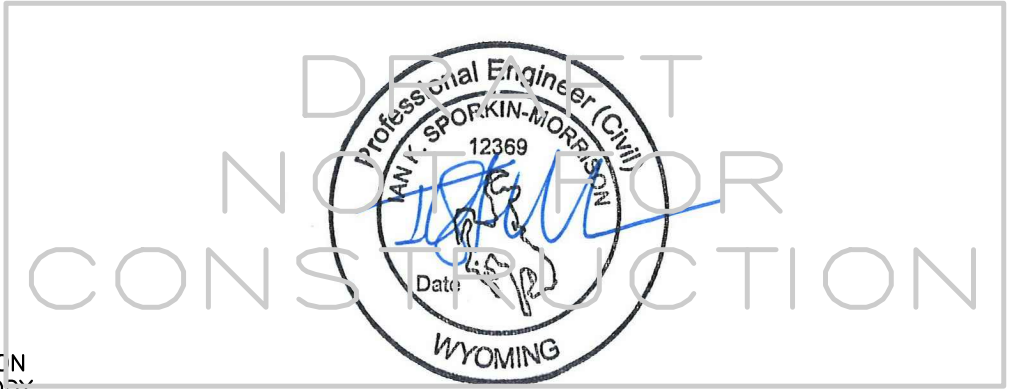
VICINITY MAP
SCALE: 1" = 50'

SCHOONOVER MINOR SUBDIVISION ROADWAY & SANITARY SEWER EXTENSIONS FOR KIRA SCHOONOVER CODY,WY

DRAWING INDEX

Sheet Number	Sheet Title
1	TITLE SHEET
2	PLAN & PROFILE – SANITARY SEWER
3	PLAN & PROFILE – ROADWAY
7	DETAILS – SANITARY SEWER

NOTE: ALL WORK TO BE COMPLETED IN ACCORDANCE WITH LATEST EDITION OF WYOMING PUBLIC WORKS STANDARD SPECIFICATIONS AND CITY OF CODY STANDARDS.



DATE	DRAWING LOG	BY	CHECKED	APPROVED
8/3/22	ORIGINAL DRAWING	IKSM		

DRAWN BY: IKSM
JOB NO. 21100.14
FIELD BOOK NO. N/A



ENGINEERING ASSOCIATES – CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

OWNER:

KIRA SCHOONOVER

PROJECT:

SCHOONOVER MINOR SUBDIVISION

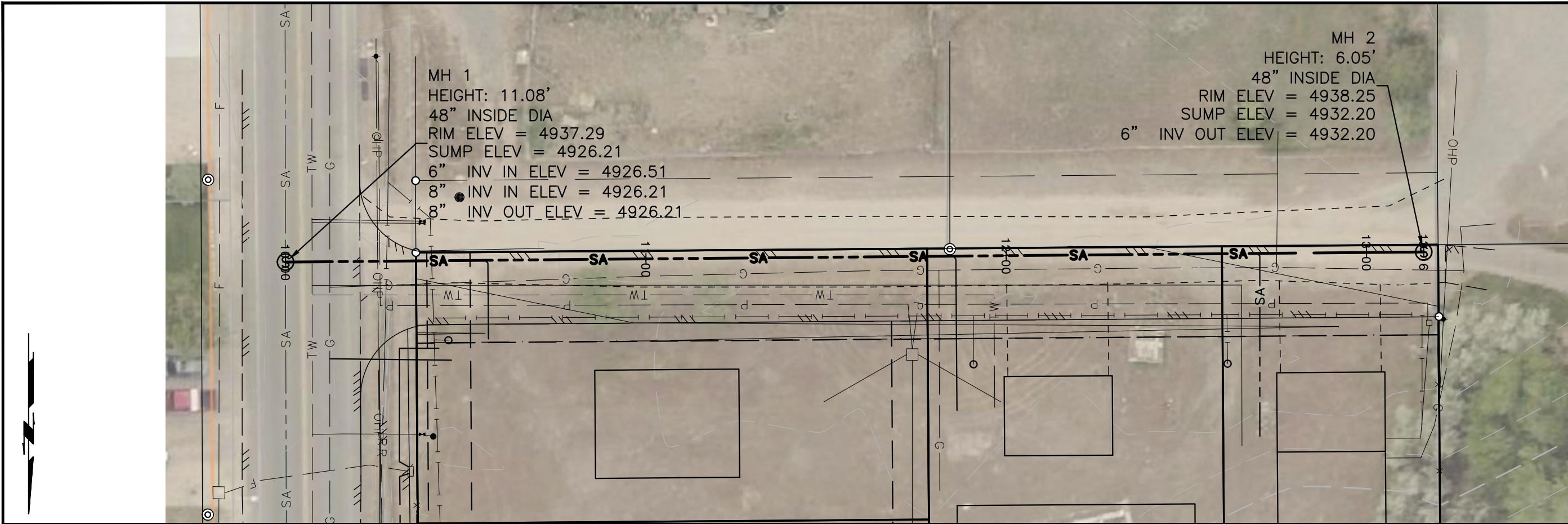
TITLE:

TITLE SHEET

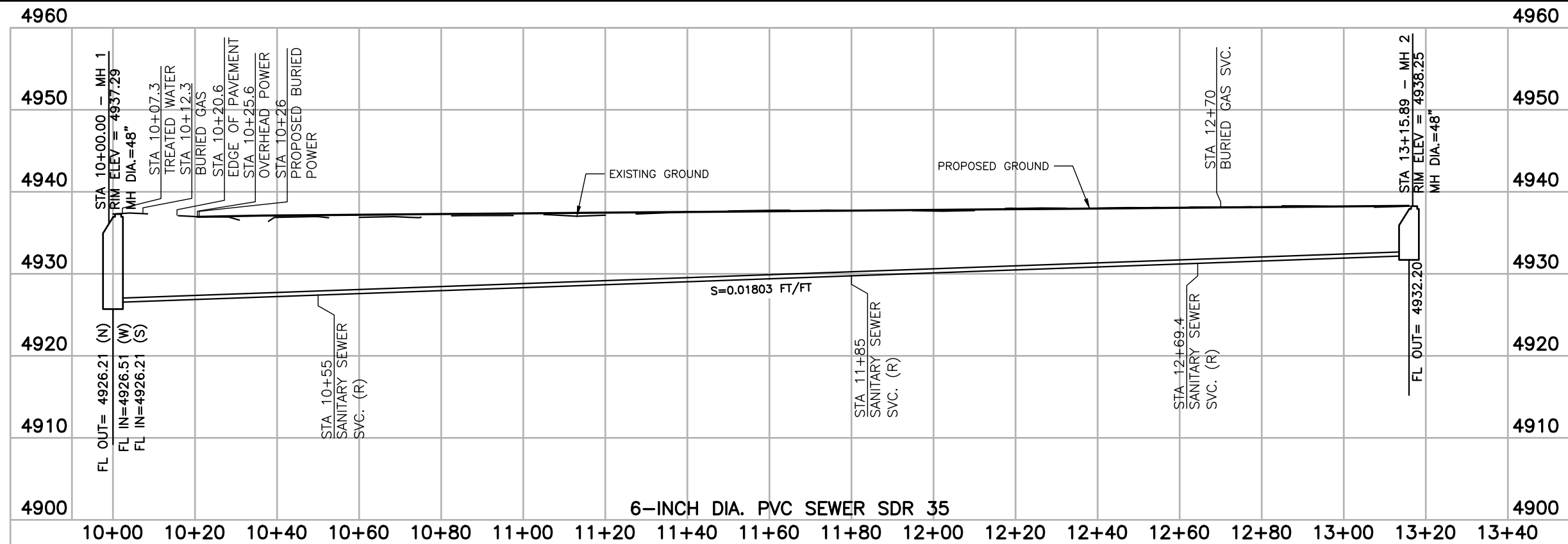
SHEET

1 OF 4

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SCALES:
1" = 30' HOR
1" = 10' VERT



DATE	DRAWING LOG	BY	CHECKED	APPROVED	DRAWN BY: IKSM
					JOB NO. 21100.14
8/3/22	ORIGINAL DRAWING	IKSM			FIELD BOOK NO. N/A



ENGINEERING ASSOCIATES - CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

OWNER:

KIRA SCHOONOVER

PROJECT:

SCHOONOVER MINOR SUBDIVISION

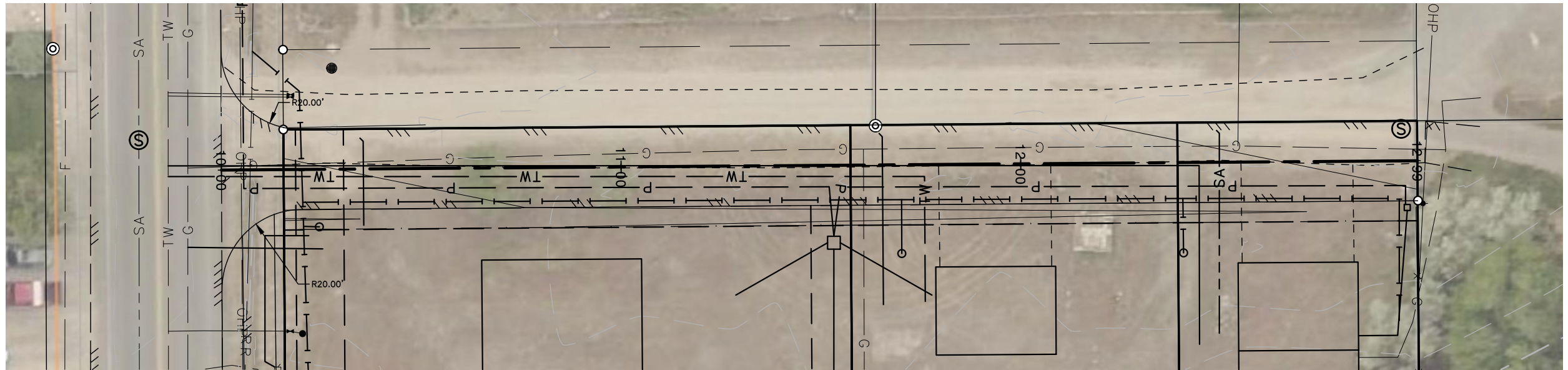
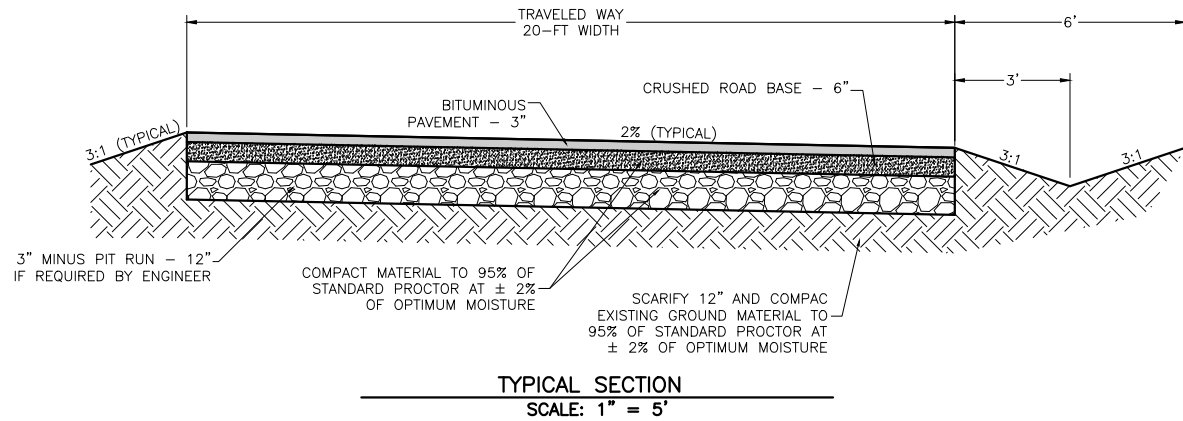
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PLAN & PROFILE - SANITARY SEWER

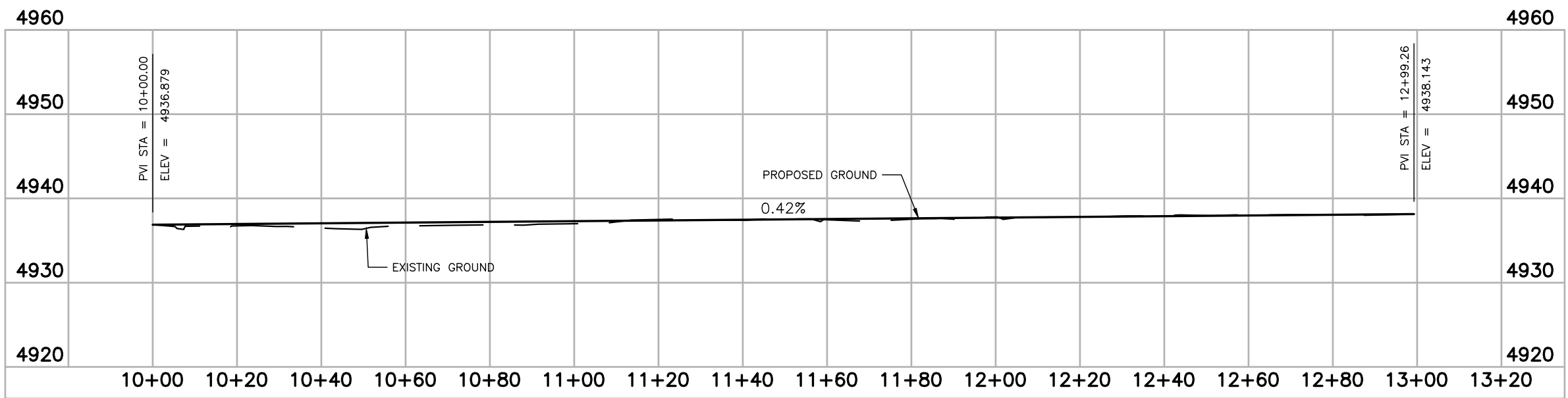
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2 OF 4

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SCALES:
1" = 30' HOR
1" = 10' VERT



DATE	DRAWING LOG	BY	CHECKED	APPROVED
8/3/22	ORIGINAL DRAWING	IKSM		

DRAWN BY: IKSM
JOB NO. 21100.14
FIELD BOOK NO. N/A



ENGINEERING ASSOCIATES - CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

OWNER:

KIRA SCHOONOVER

PROJECT:

SCHOONOVER MINOR SUBDIVISION

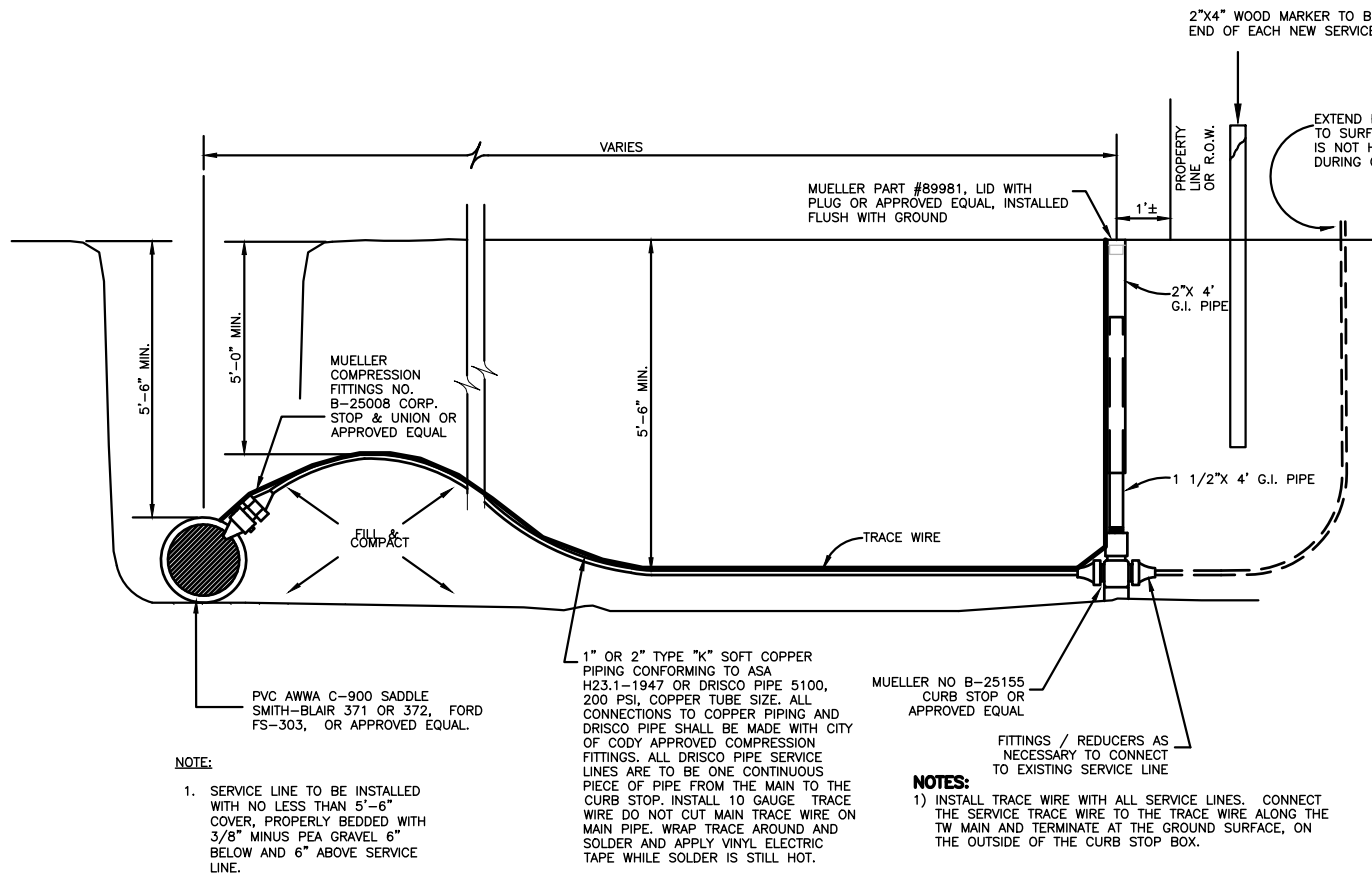
TITLE:

PLAN & PROFILE - ACCESS ROAD "FAITH COURT"

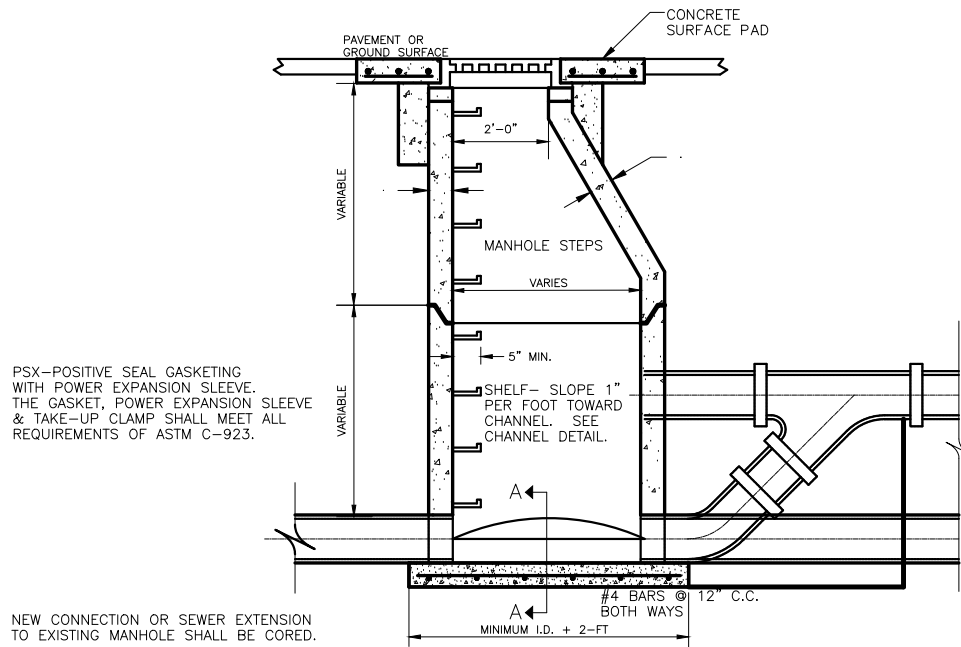
SHEET

3 OF 4

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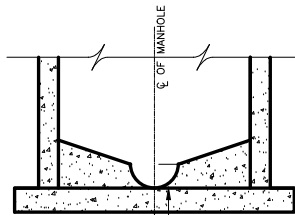


TREATED WATER SERVICE DETAIL



SANITARY SEWER MANHOLE

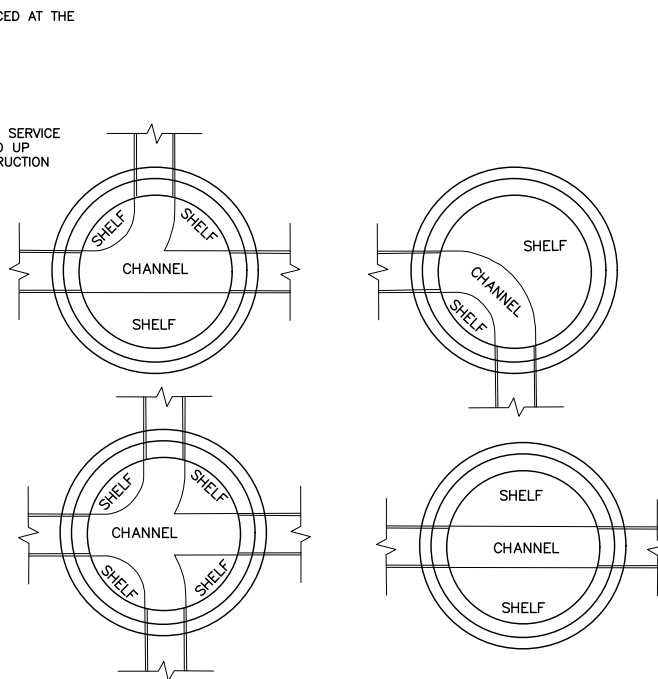
NOTE: ALL MANHOLES SHALL RECEIVE INTERIOR COATING PER SECTION 09830.



SECTION A-A

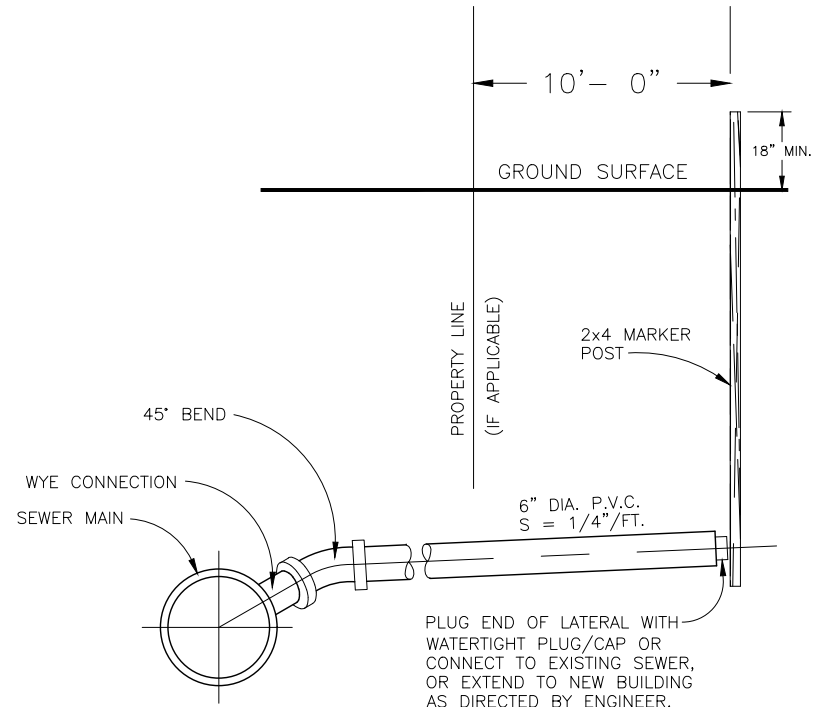
NOTE:

- ALL JOINTS BETWEEN MANHOLE SECTIONS, MANHOLE RING & TOP SECTIONS, & AROUND SEWER PIPE INTO MANHOLE SHALL BE WATERTIGHT. JOINTING MATERIAL SHALL BE "RAM-NEK" OR APPROVED EQUAL.
- ALL STEPS SHALL HAVE A MINIMUM OF 12" TO A MAXIMUM OF 16" SPACING, AND SHALL EXTEND OUT A MINIMUM OF 5" FROM THE MANHOLE WALL. STEPS SHALL BE A MINIMUM OF 10" WIDE. THESE REQUIREMENTS ARE IN COMPLIANCE WITH OSHA DIRECTIVE 29 CFR 1910.27.
- STEPS SHALL BE CAST IRON OR STEEL REINFORCED POLYURETHANE STEPS.
- A MINIMUM OF 2" AND A MAXIMUM OF 12" OF ADJUSTING RINGS SHALL BE USED TO MATCH GRADE.

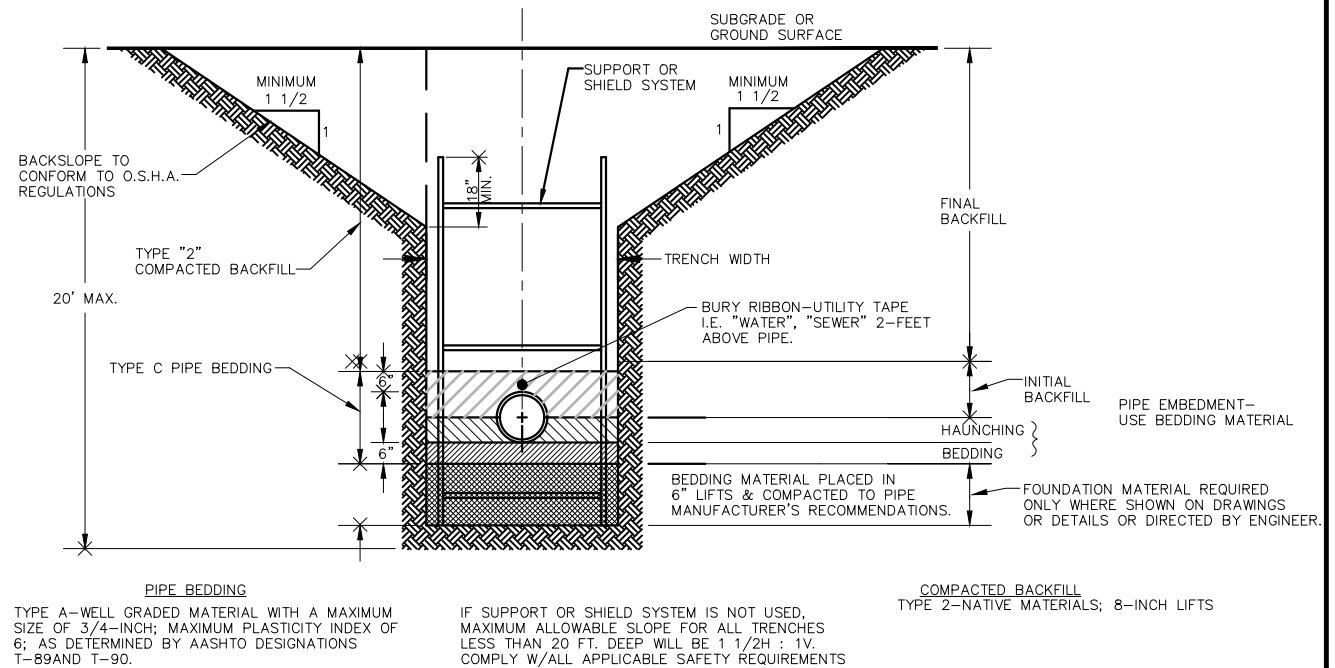


- NOTE:
- SLOPE ALL SHELVES TO CHANNEL AT 1 INCH PER FOOT
 - SEE PLAN-PROFILE SHEETS FOR SLOPE OF CHANNEL.

MANHOLE CHANNELS



SEWER LATERAL DETAIL



TYPICAL TRENCH DETAIL - SEWER

- NOTES:
- IF SUPPORT OR SHIELD SYSTEM IS NOT USED, MINIMUM ALLOWABLE SLOPE FOR ALL TRENCHES LESS THAN 20 FT. DEEP WILL BE 1 1/2H : 1V. COMPLY W/ALL APPLICABLE SAFETY REQUIREMENTS
 - PROVIDE 6" MINIMUM SPACING BETWEEN OUTSIDE OF PIPELINES AND BETWEEN PIPELINES AND TRENCH WALLS.
 - NO STONES GREATER THAN 3" IN DIAMETER SHALL BE WITHIN 2' OF THE PIPE.

DATE	DRAWING LOG	BY	CHECKED	APPROVED	DRAWN BY: IKSM
					JOB NO. 21100.14
					FIELD BOOK NO. N/A
8/3/22	ORIGINAL DRAWING	IKSM			



ENGINEERING ASSOCIATES - CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

OWNER:

KIRA SCHOONOVER

PROJECT:

SCHOONOVER MINOR SUBDIVISION

TITLE:

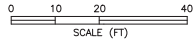
DETAILS

SHEET

4 OF 4

NOTES

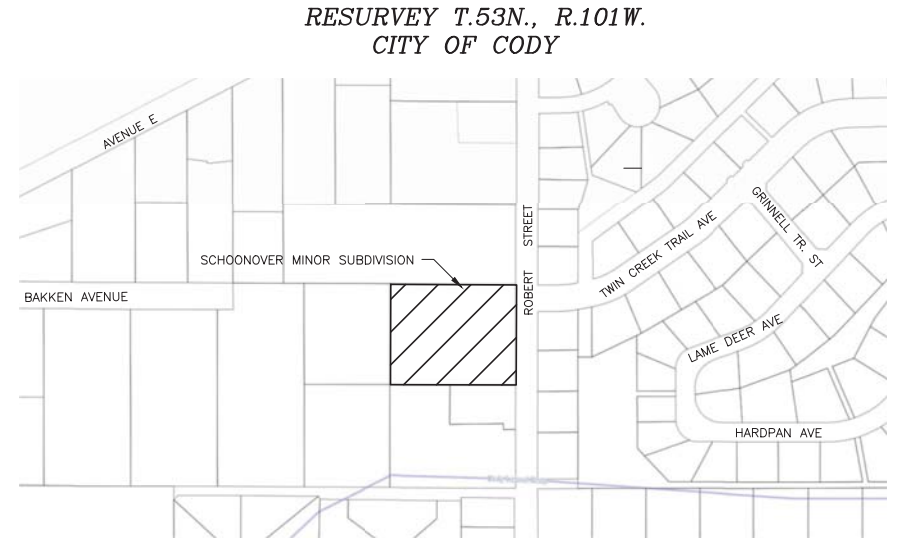
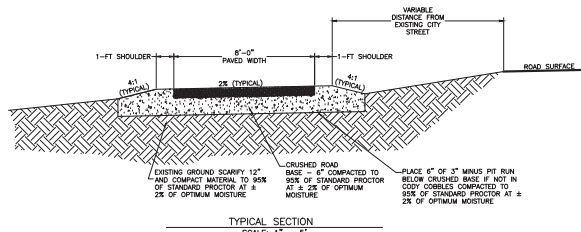
1. BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD83 WEST CENTRAL ZONE.
2. THE CONTOURS OF THE PROPOSED MINOR SUBDIVISION ARE RELATIVELY LEVEL.
3. THERE ARE NO AREAS SUBJECT TO FLOODING OR WETLANDS
4. TOTAL SUBDIVISION ACREAGE = 1.48 ACRES
5. SUBJECT PARCEL IS MEDIUM-HIGH DENSITY RESIDENTIAL (R3)
6. SEWER SERVICES DO NOT CURRENTLY EXIST ON ANY LOTS AT THE TIME OF THIS PLAT, AND MUST BE INSTALLED PRIOR TO APPROVAL OF A BUILDING PERMIT. DEPENDING ON THE LOCATION AND ELEVATION OF A DWELLING ON LOT 1 AND 2, A SEWER LIFT OR PUMP SYSTEM WILL BE NEEDED.
7. WATER SERVICES DO NOT CURRENTLY EXIST ON LOTS 1, 2, 4, OR 5 AT THE TIME OF THIS PLAT, AND MUST BE INSTALLED PRIOR TO APPROVAL OF A BUILDING PERMIT.



FERNAU FAMILY LIVING TRUST
DOCUMENT NO.
2013-6180

BAKKEN NO. 2
LOT 15 **R3**

TYPICAL CROSS SECTION WALKING PATH



VICINITY MAP
1" = 150'

LEGEND

- ⊙ FOUND 3.5" DIA. BRASS CAP
- FOUND 2" DIA. ALUMINUM CAP, OTHERWISE NOTED
- FOUND 3/4" IRON PIPE
- PROPOSED SUBDIVISION LOT LINES.
- SUBDIVISION BOUNDARY
- OHP --- EXISTING OVERHEAD POWER LINE.
- F --- EXISTING BURIED TELEPHONE / FIBER LINE.
- G --- EXISTING BURIED NATURAL GAS LINE.
- TW --- EXISTING BURIED TREATED WATER LINE.
- SA --- EXISTING BURIED SANITARY SEWER LINE.
- F --- PROPOSED BURIED TELEPHONE / FIBER LINE.
- G --- PROPOSED BURIED NATURAL GAS LINE.
- TW --- PROPOSED BURIED TREATED WATER LINE.
- SA --- PROPOSED BURIED SANITARY SEWER LINE.
- MANHOLE LID. UTILITY AND STRUCTURE TYPES VARY.
- × UTILITY PIPE LINE VALVES.
- UTILITY POLE.

IMPROVEMENT PLAN
SCHOONOVER MINOR SUBDIVISION

LOCATED WITHIN

LOT 14-A OF BAKKEN SUBDIVISION NO. 2,
RESURVEY T.53N., R.101W., 6TH P.M.,
CITY OF CODY, PARK COUNTY, WYOMING

PREPARED FOR: KIRA SCHOONOVER

PREPARED BY: ENGINEERING ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
902 13TH STREET
CODY, WYOMING 82414



JOB NO. 21100.14
09/06/2022

NOTES

1. BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD83 WEST CENTRAL ZONE.
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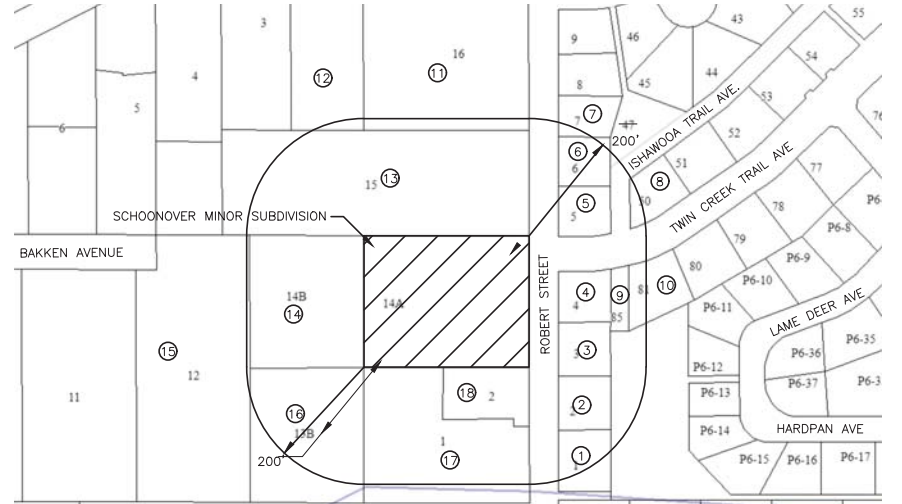
LEGEND

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- SA --- PROPOSED BURIED SANITARY SEWER LINE.
- MANHOLE LID. UTILITY AND STRUCTURE TYPES VARY.
- △ UTILITY PIPE LINE VALVES.
- UTILITY POLE.

LANDOWNER KEY

- 1 HIGBIE FAMILY REVOCABLE LIVING TRUST 213 N 44TH ST, CODY, WY 82414
- 2 RADTKE, CELESTE & CHARLES, 402 LICHEN DRIVE, CODY, WY 82414
- 3 RANDOLPH, KRISTINA D. & STEVEN E., PO BOX 2046, CODY, WY 82414
- 4 GULLICKSON, CRYSTAL N., 232 ROBERT ST., CODY, WY 82414
- 5 WILKERSON, SHAWN, 230 ROBERT STREET, CODY, WY 82414
- 6 ROBERSON, JIMMY M., 228 ROBERT STREET, CODY, WY 82414
- 7 CASTELLANOS, RONALD, 226 ROBERT STREET, CODY, WY 82414
- 8 AVERY & AKOYA SMIEJA, 3007 TWIN CREEK TRAIL AVE., CODY, WY 82414
- 9 TRAILHEAD SUBDIVISION HOMEOWNERS ASSOC., 213 N. 44TH STREET, CODY, WY 82414
- 10 ISMAEL & SAMANTHA GARCIA, 3008 TWIN CREEK TRAIL AVE., CODY, WY 82414
- 11 PEDERSON, MIKEL & RETHA E., PO BOX 3163, CODY, WY 82414
- 12 MCGUFFEY, DONALD & OPAL, P.O. BOX 561, CODY, WY 82414
- 13 FERNAU FAMILY LIVING TRUST, 231 ROBERT STREET, CODY, WY 82414
- 14 BROWN, RICHARD W. & ANITA, 235 ROBERT STEET, CODY, WY 82414
- 15 BENSON, SHIRLEY SHUMWAY TRUST, 2824 BAKKEN AVENUE, CODY, WY 82414
- 16 GASAWAY, GEORGE RICHARD ET AL, PO BOX 2863, CODY, WY 82414
- 17 COWLES, JERRY, 241 B ROBERT ST, CODY, WY 82414
- 18 COWLES, JESSICA LEE, 2831 HIGHWAY 120, CODY, WY 82414

RESURVEY T.53N., R.101W.
CITY OF CODY



VICINITY MAP
1" = 150'

CERTIFICATE OF OWNER

STATE OF WYOMING } SS.
COUNTY OF PARK }
KNOW ALL MEN BY THESE PRESENTS THAT I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT I/WE ARE OWNERS AND PROPRIETORS OF LOT 14-A, BAKKEN SUBDIVISION #2, CODY, WYOMING, AS LOCATED IN BOOK "10" OF PLATS, PAGE 148, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, STATE OF WYOMING, AS EVIDENCED BY THAT WARRANTY DEED RECORDED AS DOCUMENT #2021-3462 IN SAID CLERK AND RECORDER'S OFFICE;
THAT WE HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE CEDAR VIEW MINOR SUBDIVISION LOCATED WITHIN THE CITY OF CODY; THAT THE SUBDIVISION AS APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS; THAT WE HEREBY DEDICATE EASEMENTS LABELED HEREON TO THE USES SO NOTED; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD.

KIRA SCHOONOVER

STATE OF WYOMING } SS.
COUNTY OF PARK }
THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY KIRA SCHOONOVER
THIS _____ DAY OF _____, 2022, WITNESS MY HAND AND OFFICIAL SEAL.
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

CLERK AND RECORDER ACCEPTANCE

THIS PLAT WAS ACCEPTED IN THE OFFICE OF THE CLERK AND RECORDER, PARK COUNTY, WYOMING, AT _____ O'CLOCK _____ M. ON THIS _____ DAY OF _____, 2022, FILED FOR RECORDING IN BOOK OR PLAT CABINET _____ AT PAGE _____ AND RECORDED AS COMPUTER RECORD DOCUMENT NUMBER _____

PARK COUNTY CLERK _____
BY: _____ DEPUTY.

CITY PLANNING AND ZONING BOARD

APPROVED AS OF _____ DAY OF _____, 2022 BY THE CITY PLANNING AND ZONING BOARD OF CODY, WYOMING.

CHAIRMAN _____

CITY COUNCIL APPROVAL

APPROVED AS OF _____ DAY OF _____, 2022 BY THE CITY COUNCIL OF CODY, WYOMING.

MAYOR - MATT HALL _____

ATTEST: CINDY BAKER
ADMINISTRATIVE SERVICES OFFICER

PRELIMINARY PLAT OF
SCHOONOVER MINOR SUBDIVISION

LOCATED WITHIN

LOT 14-A OF BAKKEN SUBDIVISION NO. 2,
RESURVEY T.53N., R.101W., 6TH P.M.,
CITY OF CODY, PARK COUNTY, WYOMING

PREPARED FOR: KIRA SCHOONOVER

PREPARED BY: ENGINEERING ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
902 13TH STREET
CODY, WYOMING 82414

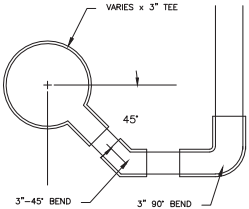


JOB NO. 21100.14
07/18/2022

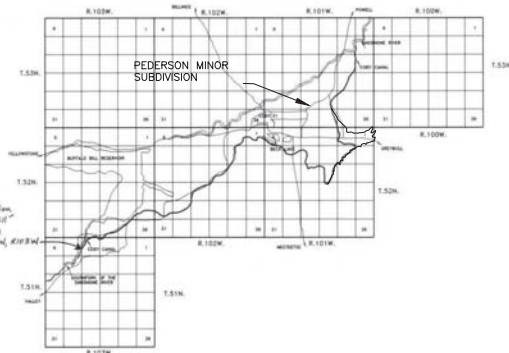
NOTES

1. BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD83 WEST CENTRAL ZONE.
2. THE CONTOURS OF THE PROPOSED MINOR SUBDIVISION FLOWS FROM THE SOUTHEAST GENERALLY TO THE NORTHWEST
3. CITY OF CODY IS NOT RESPONSIBLE FOR ENSURING PROPER MAINTENANCE OR DISTRIBUTION
4. ALL LOTS SHALL BE SPRINKLE ONLY BY PUMP POINT LOCATIONS. WATER WILL BE SUPPLIED TO THE SCHOONOVER MINOR SUBDIVISION BY MEANS OF PIPE LINE ON THE EAST SIDE OF THE SUBDIVISION ALONG ROBERTS STREET.
5. WATER USERS WILL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE, AND REPAIR OF THEIR IRRIGATION SYSTEM.

IRRIGATED LANDS UNDER SCHOONOVER MINOR SUBDIVISION (ACRES)					
LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	TOTAL
0.54	0.20	0.24	0.24	0.25	1.47

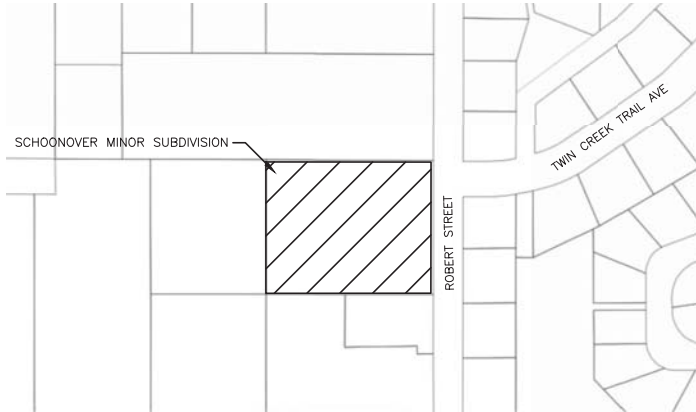


NOTE:
1. TOP OF RISER PIPE TO BE 1" HIGHER THAN THE SURROUNDING GROUND.
2. ALL LANDOWNER PUMP CONNECTIONS ARE TO BE PAID FOR BY THE LANDOWNER.



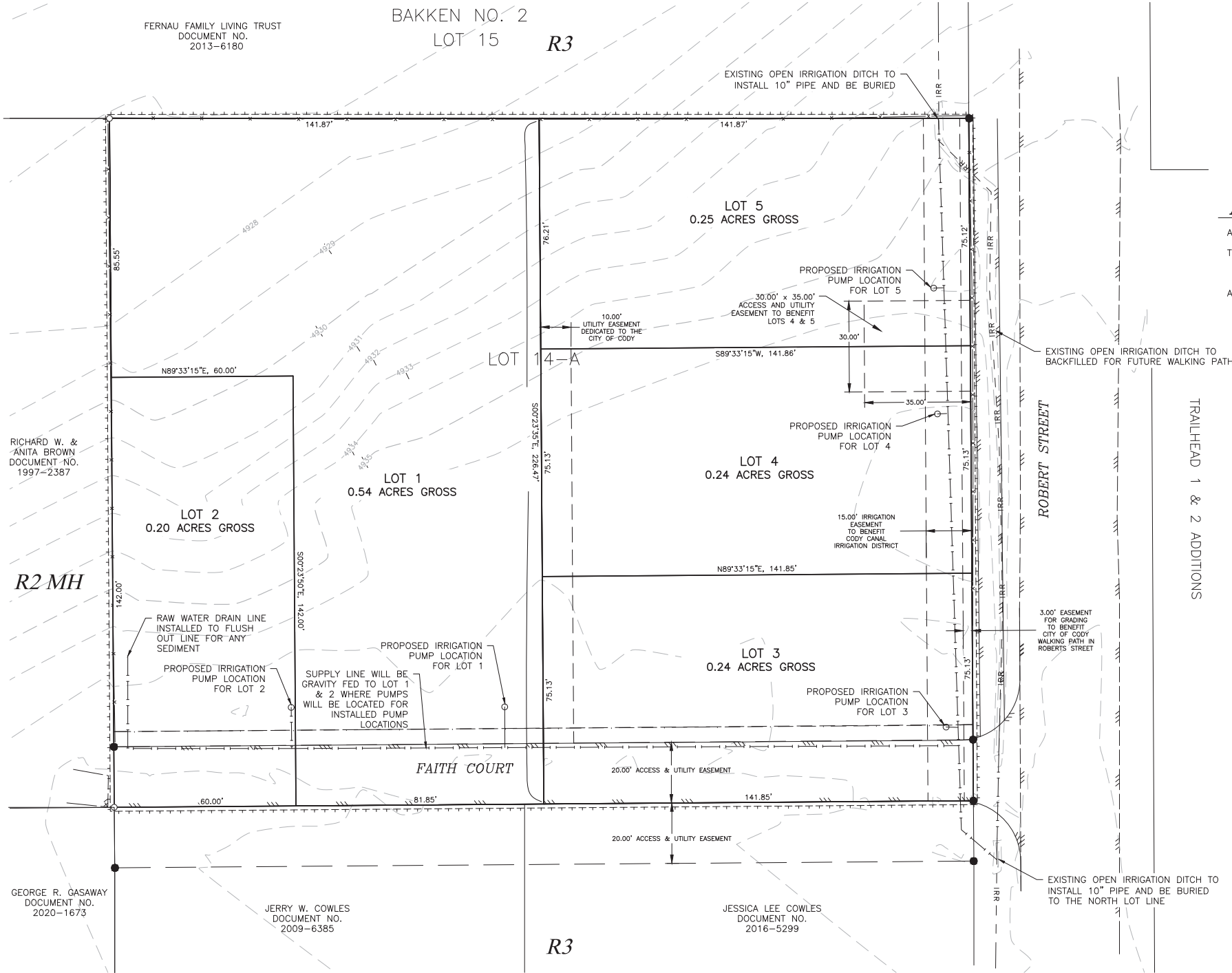
LOCATION MAP

NOT TO SCALE



VICINITY MAP

0 75 150 300
SCALE (FT)



APPROVAL

APPROVED BY THE CODY CANAL IRRIGATION DISTRICT
THIS ____ DAY OF _____, 2022.

ATTEST: _____ DENNIS REED — PRESIDENT

OWNER CONSENT

KIRA SCHOONOVER & NOREEN SCHOONOVER ARE THE OWNERS OF THE SCHOONOVER MINOR SUBDIVISION, AS EVIDENCED BY THAT WARRANTY DEED RECORDED AS DOCUMENT #2021-3462 IN THE PARK COUNTY CLERK'S OFFICE:

DO HEREBY CONSENT TO THE WATER DISTRIBUTION PLAN FOR THE SCHOONOVER MINOR SUBDIVISION AS SHOWN HEREON.

KIRA SCHOONOVER

NOREEN SCHOONOVER

STATE OF WYOMING }
COUNTY OF PARK } SS
THE FOREGOING OWNER'S CERTIFICATE WAS ACKNOWLEDGED BEFORE ME BY KIRA SCHOONOVER & NOREEN SCHOONOVER.

THIS ____ DAY OF _____, 2022.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

LEGEND

- ⊙ FOUND 3.5" DIA. BRASS CAP
- FOUND 2" DIA. ALUMINUM CAP, OTHERWISE NOTED
- SET 2.5" DIA. ALUMINUM CAP ON 5/8" DIA. STEEL BAR.
- PROPOSED SUBDIVISION LOT LINES.
- SUBDIVISION BOUNDARY
- EXISTING OPEN IRRIGATION DITCH
- PROPOSED IRRIGATION PIPE
- EXISTING EASEMENT
- PROPOSED EASEMENT
- PROPOSED IRRIGATION TIE-IN POINT / PUMP LOCATION

WATER DISTRIBUTION PLAN
FOR
SCHOONOVER MINOR SUBDIVISION

LOCATED WITHIN

LOT 14-A OF BAKKEN SUBDIVISION NO. 2,
RESURVEY T.53N., R.101W., 6TH P.M.,
CITY OF CODY, PARK COUNTY, WYOMING

PREPARED FOR: KIRA SCHOONOVER

PREPARED BY: ENGINEERING ASSOCIATES
CONSULTING ENGINEERS & SURVEYORS
P.O. BOX 1900
CODY, WYOMING 82414



JOB NO. 21100.14 BOOK NO. 578
09/06/22 P:\21000.46\ACAD\BASE

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT			
MEETING DATE:	SEPTEMBER 27, 2022	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	DISCUSSION OF DRAFT AMENDMENTS TO THE ZONING ORDINANCE—FINAL REVIEW BEFORE PUBLIC PROCESS.	RECOMMENDATION TO COUNCIL:	
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	X

INTRODUCTION:

As it has been nearly five months since the Board has looked at the potential changes, and staff has come up with a few others, this discussion is being provided to take one more look at this set of potential zoning text amendments before advertising and proceeding with the public review process.

All potential changes are identified using “track changes”, and are indicated by colored font (red or blue). All blue text was reviewed previously, except for couple that are highlighted in yellow. All red text is new to the Board.

This is the current set of potential amendments to the City’s development codes. Additional work is intended to occur in the future on other sections, including parking ratios, the subdivision ordinance, and the commercial zoning districts.

ATTACHMENTS:

Proposed amendments to the following parts of the Zoning Ordinance:

Chapter 1, Section 5 Enforcement

Chapter 2 Definitions

Chapter 4, Section 3 Appeals; Powers

Chapter 5, Section 1 City Council Authority

Chapter 6 General Development Standards for Residential Zoning Districts

Chapter 7 Residential Zoning District Land Uses

Chapter 8 Supplemental Development Standards for Residential Zoning Districts

Chapter 10, Article A, Section 2 Uses Permitted

10-1-5: ENFORCEMENT:

A. General:

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

2. Responsibility: The provisions of this title and any conditions of development approval which have been imposed thereunder may be enforced by the City Administrator, City Planner, City Building Official, City Code Enforcement Officer, City Police Department, and any other City officer or employee designated by the City Administrator to do so. Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the provisions of this title shall be subject to the remedies and penalties set forth in this title. A building permit, [certificate of occupancy](#), [sign permit](#), subdivision, and other land development application may be denied for failure to comply with this title, including any condition or standard imposed on any application granted under this title.

3. Stop Work Order: A "stop work order" may be issued by any of the persons identified in subsection A2 of this section with respect to any construction, [change of use](#), [activity](#), [advertisement](#), and [occupancy](#) which is in violation of this title or in violation of any condition which has been imposed on a permit or other approval under this title. The "stop work order" shall identify the property location, briefly describe the reason for the stop work order, be signed and dated by the individual issuing the order, and contain information on how to contact the Community Development Department about the apparent violation.

B. Violations: Pursuant to Wyoming Statute section 15-1-610, if any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is used in violation of this title or other regulation made under its authority, the proper authorities of the City, in addition to other remedies prescribed by ordinance, may institute any appropriate action to prevent the violation; the occupancy of the building, structure or land; or, any illegal act, conduct, business or use in or about the premises.

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

a. It is unlawful for any person, whether acting as a principal, agent or employee, to violate any provision of this title, or of any condition or requirement imposed upon any permit or authorization granted hereunder, including but not limited to those specified in a conditional use permit, site development authorization (plan review), special exemption, variance, administrative deviation, home occupation permit, sign permit, or a temporary use permit.

b. It is unlawful for the owner, general agent, lessee or tenant of a building or premises or for any other person to cause, permit or assist in the occurrence or commitment of a violation of any provision of this title, or of any condition or requirement imposed upon a permit or authorization granted hereunder, including but not limited to those specified in a conditional use permit, site development authorization (plan review), special exemption, variance, administrative deviation, home occupation permit, sign permit, or a temporary use permit.

Upon conviction, said person shall be punished as provided in section [1-4-1](#) of this Code. Each day that a violation is permitted to exist after notice has been given by a City representative noted in subsection A2 of this section shall constitute a separate offence.

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

a. Review, modify, suspend, or revoke an approval or permit issued hereunder;
b. Require the discontinuance of a use operating as an [illegal use](#), conditional use or special use under this Code; or

c. As an alternative to requiring discontinuance under subsection B2b of this section, require that a use operating as a conditional use or special use under this Code comply with additional conditions or limitations.

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

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

5. Violations Continue: Any violation of a former version of the Zoning Code, or portion thereof, shall continue to be a violation under this title and be subject to penalties and enforcement under this section, unless the use, development, construction, or other activity complies with the current provisions of this title. (Ord. 2017-02, 3-7-2017)

CHAPTER 2
DEFINITIONS

SECTION:

10-2-1: Definitions

10-2-1: DEFINITIONS:

ACCESSORY BUILDING: A building or structure subordinate to the principal building on the same lot and used for purposes customarily incidental to those of the main building. Cargo containers and similar portable structures that remain in place more than thirty (30) days shall be considered buildings (either accessory or primary, depending on situation) for purposes of this title, except while utilized in conjunction with permitted construction on the property on which it is located.

ACCESSORY DWELLING UNIT (ADU): An independent, self-contained dwelling unit within or attached to a detached single-family dwelling or building accessory thereto. An ADU that complies with this title is considered a separate land use for purposes of zoning definition and zoning classification. Accessory dwelling units are not included in density calculations for a property. Mobile homes, recreational vehicles and temporary structures shall not be used as accessory dwelling units.

ACCESSORY USE: A use incidental or secondary to the principal use of a lot, building or structure and located on the same lot as the principal use. The intensity and level of activity in an accessory use is less than that of the primary use.

ADJACENT: To be separated by a common property line or lot line; or, to be located directly across a street, private street or access easement, alley, or right-of-way (other than a State highway) from the subject property.

ALLEY: A private or public way that affords only a secondary means of access to abutting property and that is not intended for general travel or circulation. Alleys are not considered a type of street.

AMENITY: A natural or created feature that enhances the aesthetic quality, visual appeal or attractiveness of a particular property, place or area.

ANTENNA: Any exterior apparatus that is mounted on a structure and is used for transmitting or receiving communications, including digital signals, analog signals, radio frequencies, wireless communication signals or other communication signals.

ANTENNA TOWER: A pole or other structure, including any supporting elements, that is used to support one (1) or more wireless communication antennas. The term includes a pole or other structure that supports a wireless communication antenna, including those attached to a trailer or other portable support.

APARTMENT HOUSE: See definition of dwelling, multi-family.

ASSISTED LIVING APARTMENTS: A multi-family building in which personal care services are provided to elderly residents for daily living needs. Such services may include, but are not limited to, preparation and service of meals, housekeeping, laundry, monitoring of rooms, monitoring of medication, or assistance with bathing. The term includes commercial uses that are ancillary to an assisted living apartment complex as long as the total amount of floor space dedicated to such uses does not exceed five percent (5%) of the total gross floor area of the complex and there is no external signage for, nor external access to, the commercial uses. The term does not include a convalescent care facility/nursing home or other medical facility that is specifically defined in this chapter.

Deleted: , such that it shall not individually constitute a single-family dwelling or cause a single-family dwelling in which it is located to be considered a two-family dwelling (duplex)

Deleted: , as the ADU shall be clearly subordinate to the primary dwelling unit, both in use and appearance.

Deleted:

Deleted: manufactured homes,

AUXILIARY KITCHEN: A second kitchen in a single-family dwelling that is:

A. Intended solely for use by members of the household for the preparation of food either to be consumed by the household and any guests without compensation, or as part of a home occupation for off-premise sales; and

B. Not located within an accessory structure and is directly accessible from the rest of the dwelling.

BASEMENT: A story, as defined herein, which has more than one-half of its height below average finished grade.

BED AND BREAKFAST INN: A private single-family detached home that is used to provide temporary overnight lodging accommodations for a charge to the public with not more than four (4) lodging units or not more than a daily average of eight (8) persons per night during any thirty-day period and in which one (1) but no more than two (2) family-style meals are offered to the guests per 24-hour period. Total guest occupancy of a bed and breakfast inn shall not exceed ten (10) persons. (Facilities with a guest occupancy greater than 10 persons shall be classified as hotels under this title.) Bed and breakfast inns differ from the short-term rental land use categories in that they allow the sleeping rooms to be individually rented and a meal service to be provided.

BUFFER ZONE: A minimum fifteen foot (15') wide strip of land, to be landscaped and maintained, on a commercially zoned property to separate it from any adjacent land that is zoned residential.

BUILDABLE AREA: That portion of a building site, exclusive of the required setback areas, in which a structure or building improvements may be erected.

BUILDING: A structure having a roof supported by columns or walls, for the shelter or enclosure of persons, animals, or property. Such term shall include "structure".

BUILDING COVERAGE: The percentage of the net lot area that is covered by buildings, and measured to the exterior wall surfaces at the ground floor. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than six feet (6') above grade. Eaves are not included in building coverage.

BUILDING, DETACHED: One (1) building on one (1) building lot surrounded by yards or open space; or buildings in a building group that are physically detached one from the other.

BUILDING ELEVATION: The exterior face of a building, including all vertical elements of the building facing in the same general direction.

BUILDING FACADE: That portion of any exterior elevation of a building extending from grade to top of parapet, wall, or eaves, together with the entire width of the building elevation.

BUILDING HEIGHT: Building height refers to the vertical distance between the average finished grade 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.

BUILDING LINE: A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site.

BUILDING, MAIN: A building devoted to the principal use of the lot on which it is situated. On any lot in a residential district, the term refers to the principal building, whether a single-family or multi-family building, located on that lot.

Deleted: detached

Deleted: private dinner parties or social gatherings

Deleted: 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 (1/2) of its height above finished grade

Deleted: along the front of a building

CARPORT: A roofed structure for vehicle parking that is open on at least two (2) sides. If less than two (2) sides are open, the structure shall be classified as a garage.

CHILD CARE: A business service provided by an individual, partnership, corporation or other business entity to keep or care for any minor child for a period of less than twenty four (24) hours, at the request of the parents, legal guardians or an agency which is responsible for the child; and which is required to be regulated as a child care facility by the Wyoming Department of Family Services.

Family Child Care Center Category: A business providing child daycare for up to fifteen (15) children at any one time in a residential or commercial type structure. If located within a residential zone, the facility must be located in the primary home of the child care provider.

Family Child Care Home Category: A business providing child daycare for up to ten (10) children at any one time. The facility must be located in the primary home of the child care provider.

CHILD CARE CENTER: A business operating in a non-residential building that provides child daycare for sixteen (16) or more children. Maximum size is fifty (50) children when located in a residential zoning district.

CHURCH AND HOUSE OF WORSHIP: Any building used for religious worship services, religious education, and fellowship activities and programs of a religious organization. The term does not include a for-profit daycare center, general education school, thrift shop, homeless shelter, or commercial activity - such uses are regulated independently.

CITY: The City of Cody, Wyoming.

CITY COUNCIL (COUNCIL): The Mayor and City Council of the City of Cody, Wyoming.

CITY STANDARDS: In their most recent editions and with the most recent amendments, any engineering, development or design standards and specifications adopted by the City Council. The term includes standards for public improvements and standards for private improvements required pursuant to this Code.

COMMERCIAL VEHICLE: A vehicle customarily used as part of a business for the transportation of goods or people.

COMMUNITY CENTER, PRIVATE (ACCESSORY): A privately owned and maintained facility associated with a planned residential development, neighborhood organization, or multi-family development which provides for community activities for residents of the development.

COMMUNITY GARDEN: An area of land established and used for gardening by a community-based organization or other group of people with the intent of harvesting produce for personal consumption or for sales or distribution to the community on a limited basis. The term does not include a garden that is incidental to a residential use and whose products are primarily intended for consumption or use by those residing on the property.

COMMUNITY RESIDENCE FOR THE DISABLED: A residential family-like living arrangement for up to ten (10) unrelated individuals with disabilities who are in need of the mutual support furnished by other residents, as well as the support services, if any, provided by the operator of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff that furnishes habilitative or rehabilitative services related to the needs of the residents. Interrelationships among residents are an essential component of a community residence. A community residence shall be considered a residential use of property for purposes of all zoning and building codes. However, the Fire Marshal, pursuant to and consistent with the City's Fire Code, may require enhanced fire protection, including the installation of fire sprinklers and other mitigating measures, where one (1) or more residents has

a lessened ability to ambulate adequately. Prior to authorization of a community residence for more than five (5) residents, the applicant shall provide a certification from a qualified medical practitioner that the number of disabled residents proposed is necessary to provide the mutual support and interrelationships required for treatment. The use does not include any of the following:

- A. Senior citizen apartment (aka "housing for older persons" under the provisions of Federal law);
- B. Child or adult daycare;
- C. Convalescent care facility/nursing home;
- D. Facility for transitional living for released offenders;
- E. Facility to provide testing, treatment, or counseling for drug and alcohol abuse;
- F. Hospice;
- G. Sex offender counseling facility;
- H. Boarding house or rooming house;
- I. Any other group living arrangement for unrelated individuals who are not disabled; and
- J. Any of the following:
 - 1. Modified medical detoxification facilities;
 - 2. Facility for the treatment of narcotics; or
 - 3. Community triage center.

CONDOMINIUM: A multi-family dwelling or a commercial building within which the occupied area is owned individually and the structure, land, common open space areas and facilities are owned by all of the owners on a proportional, undivided basis. See Wyoming Statute title 34, chapter 20, Condominium Ownership Act.

CONVALESCENT CARE FACILITY/NURSING HOME: A building or structure designed, used, or intended to be used to house and provide care for persons who have a chronic physical or mental illness or infirmity, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. The term includes a rest home and nursing home, but does not include an assisted living apartment, hospital, or other medical facility that is specifically defined in this chapter.

CUL-DE-SAC: A local street with only one (1) connection to other streets (dead end) and with an approved method of termination at the closed end.

CURB: A stone, concrete or other improved border that is typically used to mark the edge of a roadway or paved surface.

CURB CUT: The opening constructed in the curb line of a street at which point vehicles may enter or leave the roadway to access adjacent property.

DEVELOPABLE ACREAGE (DEVELOPABLE ACRES): The total area within the lot lines of a property of a lot or parcel of land before public streets or other areas to be dedicated or reserved for a public use are deducted from such lot or parcel through the subdivision process.

The term does not include any property that:

- A. Has already been dedicated or reserved for such purposes;
- B. Contains slopes in excess of thirty three percent (33%) for a horizontal distance of at least twenty feet (20'), measured up/down the slope;
- C. Is below the ordinary high water mark of a waterbody; or,
- D. Is within a protected wetland.

DORMITORY: A building other than a single-family dwelling that is used for non-transient group sleeping accommodations either in one (1) room or a series of closely associated rooms for

persons not constituting a family, and which building is under single management. Dormitories may include common dining, cooking, recreation, and bathing facilities. A single-family dwelling may be converted into a dormitory pursuant to the requirements of the adopted Building Code in order to meet this definition. Sorority and fraternity houses fall within this category.

DWELLING: A building, structure, or portion thereof, designed or used exclusively for residential occupancy as a separate living quarter, with sleeping, cooking and sanitary facilities provided. Dwellings may be further classified by their number of dwelling units (e.g., two-family dwelling) and configuration (attached or detached).

DWELLING, ATTACHED: A single-family dwelling attached to one (1) or more single-family dwellings by common vertical walls, with each dwelling on a separate lot. Attached dwellings are required to share a common or abutting wall for at least twenty five percent (25%) of the length of the side of the dwelling.

DWELLING, MULTI-FAMILY: A building or group of buildings on a single lot that contain at least three (3) attached dwelling units, and may be configured so that the dwelling units are stacked one over another.

DWELLING, SEMIDETACHED SINGLE-FAMILY: A residential building containing two (2) attached single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof, with each dwelling unit on a separate lot. In other words, a single-family attached dwelling that is attached to only one (1) other single-family attached dwelling.

DWELLING, SINGLE-FAMILY DETACHED: A dwelling unit:

- A. That is not attached to any other dwelling by any means;
- B. That is located on a separate and individually owned lot;
- C. That is surrounded by open space or yards;
- D. That is for the exclusive use of a single family maintaining a household;
- E. That has no more than one (1) kitchen with full kitchen facilities; and
- F. In which all rooms used for human habitation have interior access to one another.

Nothing in this definition, however, prohibits the construction or use of an accessory dwelling unit in accordance with this title, or the construction or use of an auxiliary kitchen as defined in this chapter.

DWELLING, SITE-BUILT: A dwelling that is primarily constructed on the lot on which it is intended to be occupied, in accordance with the standards of the City's adopted building codes. The term includes modular homes as defined herein, and "stick built" homes. The term does not include mobile homes, manufactured homes, and similar factory-built structures.

DWELLING, TOWNHOUSE: A row or cluster of at least three (3) single family attached dwelling units in which each dwelling unit is located on a separate lot; each unit is separated by one (1) or more common vertical walls; each unit has its own front and rear yard access; and no unit is located over another unit. A townhouse complex may include common open space and recreational areas and facilities which are owned by all owners on a proportional, undivided basis.

DWELLING, TWO-FAMILY (aka DUPLEX): A detached building on a single lot that is designed for occupancy by two families living independently of each other in separate dwelling units.

DWELLING UNIT: A residential unit providing complete and independent living facilities for the exclusive use of a single family maintaining a household, including lawful facilities for living, cooking, eating, sleeping and sanitation. Except where authorized otherwise by the land

Deleted: A residential building containing two (2) dwelling units that share a common vertical fire wall, with both dwelling units located on the same lot or parcel.

Commented [TS3]: It is a broader definition that allows additional configuration options.

use table and/or supplemental development standards, occupancy of a dwelling unit is limited to one (1) family.

EASEMENT: A grant of one (1) or more property rights by a property owner that allows others to use the owner's land for a specific purpose, such as for access or to locate utilities, as defined by the granting document.

EGRESS: An exit.

ENGINEER: A person currently registered as a professional engineer to practice in the State of Wyoming.

ESTABLISHMENT: A use, building, structure or premises used for business, office, or commercial purposes.

FAMILY: Any number of persons living and cooking together on the premises as a single housekeeping unit, but not including a group of more than five (5) individuals not related by blood or marriage.

FRONTAGE (Street): The portion of a property that borders a street right-of-way, measured along the property line.

FUNCTIONAL CLASSIFICATION: A classification system that defines the purposes and hierarchy of all streets and highways. Refer to the Master Street Plan.

GARAGE: A building enclosed on more than two (2) sides, or a portion of an enclosed building, which is used for the parking of vehicles.

GARAGE, REAR-LOAD: A private garage with the overhead door(s) accessed from the rear of the lot.

GARAGE, SIDE-LOAD: A private garage where the overhead door(s) are oriented perpendicular to the front lot line.

GOVERNING BODY: The City Council of the City of Cody.

GRADE, FINISHED: The average proposed level of the finished surface of the ground adjoining a building after all site development work has been completed.

GRADING: Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

GROSS FLOOR AREA: The sum of the gross horizontal areas of all the floors of a building or structure measured from the exterior face of exterior walls, but excluding basements with less than six feet eight inches (6'8") ceiling height and any other area where the floor-to-ceiling height is less than five feet (5').

HAZARDOUS MATERIAL: A substance or material, including a hazardous substance, which has been determined by the United States Secretary of Transportation under title 49 of the Code of Federal Regulations to be capable of posing an unreasonable risk to health, safety and property and which has been so designated; and, nuclear or radioactive materials or waste; and, chemicals listed in Title III List of Lists Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July, 1987, U.S. Environmental Protection Agency.

HAZARDOUS WASTE: Any material that is subject to the hazardous waste manifest requirements of the United States Environmental Protection Agency as specified in 40 CFR part 262; or which is regulated by the Wyoming hazardous waste rules and regulations pursuant to the Wyoming Environmental Quality Act, Wyoming Statutes 35-11.

HOME OCCUPATION: A business activity conducted from a residential dwelling unit, [or building or land accessory thereto](#), pursuant to the standards of this title, with the intent of generating income. Home occupations are further classified as follows:

Large-Scale: A business or professional enterprise operated from a residential dwelling, or building or land accessory thereto, by a resident of the household and potentially up to two (2) non-resident employees, which is of a scale and character that does not alter or detract from the residential character of the property or neighborhood, and is incidental and accessory to the primary use of the property for residential purposes. Large-scale home occupations shall meet the standards outlined in the supplemental development standards.

Small-Scale: A business or professional enterprise operated out of a residential dwelling by a resident of the household, which is of a scale and character that does not alter or detract from the residential character of the dwelling or neighborhood, and is incidental and accessory to the primary use of the dwelling for residential purposes. Small-scale home occupations shall meet the standards outlined in the supplemental development standards.

IMPROVEMENT: Any building, structure, utility, landscaping, or other object constituting a physical betterment of real property, or any part of such betterment.

INDIVIDUAL CARE CENTER: A commercial facility that provides 24-hour personal care and related services to more than ten (10) children or dependent adults in a supervised, protective, congregate setting. Such a use is subject to the care-related regulations and standards of the State of Wyoming Department of Health. Services typically offered in conjunction with dependent adult care include social and recreational activities, training, meals, and personal daily living care. See also definition of individual care - family home for a list of uses not included in this definition.

INDIVIDUAL CARE - FAMILY HOME: A residential dwelling used primarily as a residence where 24-hour personal care and related services is provided to a maximum of five (5) children or dependent adults living as a single household, for compensation. Such a use is subject to the care-related regulations and standards of the State of Wyoming Department of Health Aging Division, under their category of "boarding home". Services typically offered in conjunction with dependent adult care include social and recreational activities, training, meals, and personal daily living care. The following uses are not included in any of the individual care categories:

- A. Facility for transitional living for released offenders;
- B. Facility to provide testing, treatment, or counseling for drug and alcohol abuse;
- C. Hospice;
- D. Sex offender counseling facility;
- E. Any of the following:
 - 1. Modified medical detoxification facilities;
 - 2. Facility for the treatment of narcotics;
 - 3. Community triage center; or
 - 4. Habilitative or nursing care.

INDIVIDUAL CARE - GROUP HOME: A facility that provides 24-hour personal care and related services to a minimum of six (6) children or dependent adults and a maximum of ten (10) children or dependent adults living as a single household, for compensation. When located on a single-family residential lot, the provision of care shall take place in a dwelling used primarily as a residence. When located on a parcel developed with multi-family housing, the provision of care shall take place within a structure not used as a residence. In any case, such a use is subject to the care-related regulations and standards of the State of Wyoming Department of Health Aging Division. Services typically offered in conjunction with dependent adult care include social and recreational activities, training, meals, and personal daily living care. See also definition of individual care - family home for a list of uses not included in this definition.

Deleted: out of

Commented [TS4]: Some large-scale home occupations may be conducted outside, or in accessory buildings.

Deleted: accessory

INGRESS: Access or entry.

KENNEL: An establishment where five (5) or more dogs, cats or other domestic household pets age six (6) months or older, are bred, raised, or boarded, for compensation.

KITCHEN: That portion of a dwelling unit devoted to the cooking or preparation of food for the purpose of consumption by residents of the dwelling unit. The presence within any food preparation area of a ventilation hood, gas stub, two hundred twenty-volt electrical outlet or wiring, or any combination thereof, shall cause the area to be considered a kitchen.

LANDSCAPING: The combination of natural elements such as trees, shrubs, ground covers, and other organic and inorganic materials that are installed for purposes of creating an attractive and pleasing outdoor environment.

LIVING AREA: For accessory dwelling unit purposes, living area is calculated by excluding the following from the gross square footage of the building:

- A. The exterior walls;
- B. Garages;
- C. Basements with less than six feet eight inches (6'8") ceiling height; and
- D. Other areas with ceiling height less than five feet (5').

LODGING UNIT/ROOM: A lodging unit or lodging room is a room with one (1) or more beds, bunks or other facilities for sleeping purposes.

LONG-TERM RENTAL: A residential dwelling unit rented for periods of thirty (30) days or more to one (1) family.

LOT: In its strictest sense, "lot" is a plot, tract, or portion of a subdivision or addition or other parcel of land whose existence, location and dimensions have been defined either by a legally authorized and recorded subdivision map (plat); or as a government lot or tract in a United States public land survey subdivision. However, for purposes of applying zoning regulations, "lot" is typically used generically to refer to any legally created piece of divided land, whether technically a platted lot, government lot, lot of record, tract, plot, or parcel. The use of "lot" in this manner avoids needless repetition (lot area, plot area, parcel area, etc.).

When it is necessary to distinguish between types of lots, such as often occurs in the realm of surveying and subdivision regulation, the term "lot" is typically limited to the strict definition, and the terms tract, lot of record, deeded parcel, etc., carry their respective meanings. Due to the potential for misinterpretation, the reviewing official has the authority to determine the proper interpretation of "lot" consistent with the language of this title, so that its use does not inadvertently preclude applicability of any particular regulation.

LOT AREA: That area of a horizontal plane bounded by the front, side and rear property lines of a lot, including any portion of an easement which may exist within such property lines but exclusive of rights-of-way for street purposes.

LOT AREA, NET: As of the date of adoption of this chapter, "net lot area" means the area of a lot (lot area) minus any portion thereof that:

- A. Is dedicated or reserved for a public or private street;
- B. Contains slopes in excess of thirty three percent (33%) for a horizontal distance of at least twenty feet (20'), measured up/down the slope;
- C. Is below the ordinary high water mark of a waterbody;
- D. Is within a protected wetland; or,
- E. Is in the "pole" portion of a flag lot.

Deleted: INTENSITY OF USE: The number of dwelling units per acre for residential development and floor area ratio for nonresidential development.

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Deleted: The term includes a "kitchenette", "wet bar" or any area equipped with items such as a counter-top hot plate, counter-top grill, or microwave oven, together with an under-counter refrigerator and sink. "Full kitchen facilities" indicates the presence of complete cooking facilities (i.e., stove, oven or microwave oven, refrigerator, and sink).

Deleted: "full

Deleted: facilities"

[Note: Historically, some plats used the term "net lot size" to differentiate between the size of a lot after right-of-way dedication through the plat process, from its size before. The terms are not interchangeable.]

LOT, CORNER: A lot situated at the intersection of two (2) or more streets, with frontage on at least two (2) streets.

LOT DEPTH: The length of a line connecting the mid-point of the front and rear property lines of a lot.

LOT, DOUBLE FRONTAGE: A lot (not a corner lot) that adjoins two (2) streets that are parallel or within forty five degrees (45°) of being parallel to each other.

LOT, FLAG: A lot with two (2) distinct parts: the "flag", which is the only building site; and is located behind another lot; and the "pole", which connects the flag to the street and provides the only street frontage for the lot. Flag lots are prohibited, except as may be authorized through the subdivision variance or PUD process. A lot that is at least as wide, at all points, as the minimum frontage required for the lot, or forty feet (40'), whichever is greater, shall not be considered a flag lot, regardless of its appearance.

LOT FRONTAGE: The portion of the lot that fronts on a street or drive.

LOT, IMPROVED: A lot provided with the infrastructure and utilities required for a building to be authorized to be constructed and occupied thereon; or, a lot with existing buildings or structures.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: For purposes of this title, "lot line" means a line that divides one (1) lot from another lot, or from a street right-of-way or easement, or any other area reserved or dedicated for public use. In situations where underlying property ownership extends under a street or highway right-of-way or easement, the lot line shall be considered to be at the boundary of the right-of-way or easement.

LOT LINE, CORNER: The lot line abutting a street or drive, other than a front lot line. [A property line separating the side of a lot from an emergency vehicle turnaround \(e.g. "T" turnaround\) at the end of the street shall not be considered a corner lot line for purposes of this definition, but the side lot line next to the emergency vehicle turnaround shall be considered a side lot line for setback purposes.](#)

LOT LINE, FRONT: The lot line separating the lot frontage from a street right-of-way or access easement. On corner lots, the front lot line will typically be the line with the narrowest frontage. However, if the lot will contain only one (1) dwelling, or if neither street is a collector or arterial, then the property owner may choose which of the two (2) lot frontages shall be considered the front lot line for setback purposes, and all other setbacks shall be applied accordingly. In the case of a through lot, either frontage may be considered the "front", except in cases where deed restrictions, regulations, or plat notes prohibit access from one (1) street, in which case said restricted frontage may be considered a rear property line. Notwithstanding the above, the City may specify the curb cut/driveway location to any City street.

LOT LINE, REAR: The property line opposite and most distant from the front property line. In the case of a triangular or otherwise irregularly shaped lot with no clear rear lot line, a line ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front property line shall constitute the rear lot line for setback purposes.

LOT LINE, SIDE: Any property line which is not a front lot line, rear lot line or corner lot line. A side lot line is roughly perpendicular to a front or rear property line.

LOT OF RECORD: A plot, tract, or parcel of land that:

A. Was not created through an approved subdivision, or as a government lot or tract in a United States Public Land Survey; and,

B. Was created by a deed or legal instrument other than a plat, which was executed before December 4, 1989, and which has been recorded in the County Clerk's Office.

LOT, REVERSE CORNER: A corner lot, the rear of which abuts the side of another lot.

LOT SIZE, MINIMUM: The smallest area permissible for any lot that is to be created or modified in size; and, the smallest lot on which a use or structure may be located, except as may be authorized pursuant to section [10-13-3](#), "Legal Nonconforming Lots", of this Code. For any lot created after adoption of this chapter, minimum lot size shall meet the "minimum net lot area" standard. Unmanned public utility facilities are exempt from minimum lot size requirements.

LOT, SUBSTANDARD: A lot that has less than the minimum area or minimum dimensions required by the zoning district in which the lot is located.

LOT, THROUGH: A lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot. Also known as "lot, double-frontage".

LOT, TRANSITION: A lot in one (1) zoning district which abuts another zoning district.

LOT WIDTH: The mean horizontal distance between the side lot lines.

LOT, ZONING: A property consisting of more than one (1) lot [or parcel in single ownership](#), which is developed and/or utilized in such a manner as to constitute a single development, of which no individual lot [or parcel](#) could be excluded without causing the development to violate an applicable provision of the Building Code, Fire Code, Sign Code, Parking Code, this title, or other adopted Development Code. A zoning lot shall be considered a single lot for purposes of this title. New zoning lots shall not be created except pursuant to title 11, chapter 6, article B, "Lot Consolidations", of this Code.

MAINTENANCE (Also MAINTAINED): The upkeep of a property, building, structure, amenity, parking facility, landscaping or lot including repair, painting, trimming, pruning, watering, weeding, and other on-going activities that are associated with property maintenance.

MANUFACTURED HOME: A structure built to the Federal Manufactured Home Construction and Safety Standards (HUD Code effective June 15, 1976) and that displays an official red certification label indicating such on the exterior of each transportable section. Manufactured homes are built in a plant and are transported in one (1) or more sections on a permanent chassis. Manufactured homes are further classified as follows:

A. "Multi-wide" (aka double-wide or triple-wide manufactured home) has a minimum width of more than eighteen feet (18') as measured at all points perpendicular to the length of the manufactured home;

B. "Single-wide", has a width of eighteen feet (18') or less as measured at any point perpendicular to the length of the manufactured home.

MOBILE HOME: A dwelling on one (1) or more chassis for towing to the point of use, which dwelling does not meet the Federal Manufactured Home Construction and Safety Standards (HUD Code effective June 15, 1976). Mobile homes are further classified as follows:

A. "Multi-wide" (aka double-wide mobile home) has a minimum width of more than eighteen feet (18') as measured at all points perpendicular to the length of the mobile home;

B. "Single-wide", has a width of eighteen feet (18') or less as measured at any point perpendicular to the length of the mobile home.

This definition does not include manufactured homes, modular homes, commercial coaches, recreational vehicles or motor homes.

MOBILE HOME PARK: A lot used for the placement of three (3) or more mobile and/or manufactured homes, which are used as dwellings. The term does not include unoccupied mobile or manufactured homes in a sales lot or commercial storage lot.

MOBILE HOME SPACE: That portion of a mobile home park designated, used, or designed for the occupancy of not more than one (1) mobile or manufactured home and includes that area set aside or used for associated automobile parking, carports, awnings, accessory buildings or other structures, and the yard area as required herein for each space.

MODULAR HOME: A residential dwelling constructed of pre-made parts and/or modules manufactured at a facility, which parts and modules are transported to a fixed site, placed by crane, and permanently affixed to and supported by a perimeter foundation. A modular home shall be constructed in accordance with the City's adopted Building Code, as opposed to a HUD Code. Manufactured homes, and other dwellings with a permanent chassis designed for purposes of transporting and supporting the structure, cannot qualify as modular homes, as defined herein. A modular home is considered equivalent to a site-built home for zoning purposes.

NON-TRANSIENT: Occupancy of a dwelling or sleeping room for thirty (30) days or more.

OCCUPANCY OR OCCUPIED: With respect to a structure, refers to the residing of one (1) or more individuals in a dwelling or to the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

OFF-SITE PARKING: Parking provided for a specific use but located on a lot other than the one (1) on which the specific use is located.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public use or enjoyment.

OPEN SPACE, COMMON: Land within or related to a development that is designed and intended for the common use or enjoyment of the residents of the development and their guests.

OPEN SPACE, PRIVATE: Open space which is normally owned by and limited to the use of the occupants of a building or property that abuts such open space.

OPEN SPACE, PUBLIC: Open space owned and maintained by a public agency for the use and enjoyment of the general public.

OUTDOOR STORAGE: The commercial or industrial use of an area outside of an enclosed building for the long term retention (more than 48 hours) of materials, machinery or equipment, regardless of whether the materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. The term does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.

OVERLAY ZONE: A zoning district that may be imposed on one (1) or more underlying base zoning districts, which provides additional requirements and standards beyond those required by the underlying zoning district.

OWNER: An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

OWNER-OCCUPIED: A property or building where the owner is living at the time the regulated activity takes place.

PERMITTED USE: Any use allowed in a zoning district as a matter of right if it is conducted in accordance with the restrictions applicable to that district. Permitted uses are designated in the Land Use Table by the letter "P".

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, governmental entity, trustee, receiver, assignee or similar representative of any of them.

PLANNED UNIT DEVELOPMENT, RESIDENTIAL: A residential subdivision authorized pursuant to title 11, chapter 7 of this Code.

PLANNING AND ZONING BOARD: The board appointed as such by the Mayor with the consent of the Governing Body. The Planning and Zoning Board serves as the Planning Commission as authorized by Wyoming Statutes section 15-1-502, the Zoning Commission as authorized by Wyoming Statutes section 15-1-604, and the Board of Adjustment as authorized by Wyoming Statutes section 15-1-605; and has the powers and duties as prescribed by State law and City ordinances.

PRINCIPAL BUILDING: The building in which the principal use of the lot is conducted. Lots with multiple uses may have multiple principal buildings. The term does not include storage buildings, garages or other buildings which normally are considered accessory buildings.

PRINCIPAL USE: The purpose for which land, premises or building is designed, arranged or constructed.

PROHIBITED USE: A use that is not permitted by any means in a particular zoning district.

PROPERTY: A lot, parcel, or tract of land together with the building and structures located thereon.

PUBLIC PARK OR PLAYGROUND: A park, playground, swimming pool, reservoir, golf course, or athletic field owned, operated and maintained by a Local or State level governmental entity.

PUBLIC UTILITY: A regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

RECEPTION FACILITY: A property other than a church at which formal parties, weddings, receptions, or social gatherings are held, for compensation.

RECREATIONAL VEHICLE (RV): A vehicle towed, or self-propelled on its own chassis, or attached to the chassis of another vehicle, which is designed or used for temporary living accommodations, typically in a recreational, camping and/or traveling situation. For zoning purposes, the term includes, but is not limited to, travel trailers, pickup/truck campers, camping trailers, motorhomes, camper vans, tiny houses on wheels, and converted trucks or buses.

RECREATIONAL VEHICLE PARK: Any lot or tract of land used, or intended to be used, for renting of space to accommodate one (1) or more recreational vehicles. The definition does not include vehicle storage. RV parks may also offer tent camping, cabin rental, and accessory support services such as laundry, bath houses, and an on-site store.

REVIEWING OFFICIAL: The person, board, or Governing Body responsible for issuing the permit, authorization, or approval that has been requested.

ROOMING HOUSE: An owner-occupied dwelling with no more than five (5) guest lodging rooms where, for compensation, individual furnished rooms are provided for no more than five (5) non-transient persons who are not members of the immediate family occupying such building, and no more than two (2) such persons occupy any guest lodging room. (Note: "Rooming house" falls within the definition of lodging house in the International Residential Code.)

SETBACK: The minimum required separation distance between the nearest wall or support of a structure and the lot line, [measured at a right angle from the property line](#).

SETBACK AREA, CORNER SIDE: A yard area of which the width is measured between the side street property line and the required corner side yard setback line; and the depth is measured between the front yard setback line and the rear yard setback line. A property line separating the side of a lot from an emergency vehicle turnaround (e.g. "T" turnaround) at the end of the street shall not be considered a side street property line for purposes of this definition, but the side lot line next to the emergency vehicle turnaround shall be subject to the side setback standard.

SETBACK AREA, FRONT: A yard area of which the width is measured the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way line and the required front setback line.

SETBACK AREA, REAR: A yard area of which the width is measured the entire length of the rear property line between the side property lines; and the depth is measured as the distance between the rear property line and the required rear yard setback line.

SETBACK AREA, SIDE: A yard area of which the width is measured between the side property line and the required side yard setback line; and the depth is measured between the front yard setback line and the rear yard setback line.

SETBACK, GARAGE ENTRANCE: A setback measured from a street lot line to the entrance of a garage or carport along the route of vehicle travel, thereby resulting in a minimum driveway length.

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SETBACK LINE: A line established by measuring from the property line, perpendicularly and into the property a distance equal to the required setback. No part of a building shall project into the area between the property line and the setback line except as otherwise provided in this title.

SHORT-TERM RENTAL: The use of a residential dwelling, or portion thereof, in which lodging, but no meal, is provided to guests in exchange for compensation and any individual guest rents or occupies the dwelling or portion thereof for a period of less than thirty (30) consecutive days.

Deleted: Capacity of a short-term rental is limited to five (5) or fewer lodging units and ten (10) or fewer guests.

SIDE STREET: A street running along a side property line of a corner lot.

SPOT ZONING: The rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the adopted Master Plan. The fact that an individual lot is zoned differently from adjacent properties shall not automatically mean the situation constitutes spot zoning. Additional factors such as the relationship to the adjacent zones, size of the property, and characteristics of the proposed zone must also be considered.

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STORAGE: A space or place where goods, materials or personal property is placed and kept for more than forty eight (48) consecutive hours.

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

STREET: A thoroughfare which affords a principal means of access to abutting property. The term does not include an "alley" as that term is defined in this title.

STRUCTURE: Any object constructed or installed, the use of which requires location in or on the ground, or attached to something having a permanent location in or on the ground.

"Structure" includes but is not limited to buildings, decks, fences, towers, flag poles, signs, and other similar objects. "Structure" does not include paved areas, or vegetative landscaping materials.

TRACT: A piece of land created and designated as part of a land division that is not a lot, lot of record, or a public right-of- way. Tracts are created and designed for a specific purpose. Land

uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private alley tracts, and open space tracts. Note: The term "tract" has not consistently been applied in this manner in the past - e.g., some plats label open space or stormwater basins as lots.

USE: The purpose (type and extent) for which land or a building is arranged, designed, or intended; or for which either land or a structure is occupied or maintained.

USED FOR RESIDENTIAL PURPOSES: A lot that is two (2) acres or less in area and contains a residential dwelling unit.

UTILITY INFRASTRUCTURE SITE: Electric substations, domestic water treatment and storage facilities, natural gas regulator stations, fiber optic booster stations, outdoor pumping stations, and similar large-scale utility infrastructure sites.

VISUAL SCREEN: A fence or evergreen hedge at least six feet (6') in height and of sufficient density or construction to prevent visual contact from opposite sides. If the option for an evergreen hedge is used, it must be of sufficient size at planting to achieve the required height within two (2) years.

WALL HEIGHT: For purposes of accessory building setback regulation, the vertical distance from the building floor to the top plate of the wall.

WIND ENERGY SYSTEM, SMALL: A wind energy conversion system consisting of a wind turbine, a tower or supporting structure, and associated control or conversion electronics, which has a rated capacity sized for on-site electric usage (typically 10 kW or less for a single-family dwelling) and which is primarily intended to reduce on-site consumption of utility power. For purposes of this title, the use shall not be deemed an accessory use.

WIRELESS COMMUNICATION ANTENNA: An antenna that transmits and/or receives wireless communication signals. The term does not include any device, such as a radio antenna, telephone antenna, television antenna, satellite dish antenna or amateur radio antenna, that is accessory or incidental to a residential use and is employed by an ultimate user to receive radio, television or other communication signals.

WIRELESS COMMUNICATION DEFINITIONS: (Applicable to the definition and regulation of wireless communication facilities only.)

Applicant: Any person engaged in the business of providing wireless communication services or the wireless communications infrastructure required for wireless communications services and who submits an application.

Base Station: A structure or equipment at a fixed location that enables commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

A. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

B. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks).

C. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this title, supports or houses equipment described in this section that has been reviewed and approved under the applicable zoning or siting process, or under State or

local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

D. The term does not include any structure that, at the time the relevant application is filed with the State or the City under this title, does not support or house equipment described in this section.

Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

Distributed Antenna System Or DAS: A network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- A. Collocation of new transmission equipment;
- B. Removal of transmission equipment; or
- C. Replacement of transmission equipment.

Eligible Support Structure: Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City under this title.

Existing: A tower or base station that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

FCC: The Federal Communications Commission.

Macrocell: An antenna or antennas mounted on a tower, ground-based mast, rooftops and other towers or structures, at a height that provides a clear view over the surrounding buildings and terrain. Macrocells are typically designed to provide coverage to large areas.

Monopole (aka Slim-Line Pole): A wireless communication facility, consisting of a pole and one (1) or more antennas, on which the antenna panels are narrow and closely spaced with one another atop the pole and extend no more than one foot (1') beyond the circumference of the pole.

Public Utility: A regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

Site: In relation to a tower that is not in the public right-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site. In relation to support structures other than towers, site means an area in proximity to the structure and to other transmission equipment already deployed on the ground.

Small Cells: Compact wireless communication equipment containing their own transceiver equipment and which function like cells in a mobile network but provide a smaller coverage area than traditional macrocells.

Stealth Design: Technology that minimizes the visual impact of wireless communication facilities by camouflaging, disguising, screening or blending into the surrounding environment such that it is not readily seen or discernable as a wireless communication facility to a casual passerby. Examples of stealth design include but are not limited to antennas integrated into architectural elements such as steeples, cornices, and bell towers; facilities disguised as trees and flagpoles; and architecturally screened roof-mounted antennas.

Substantial Change: A modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

A. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20'), whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten feet (10'), whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act (47 USC section 1455(a));

B. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet (20'), or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet (6');

C. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;

D. It entails any excavation or deployment outside the current site;

E. It would defeat the concealment elements of the eligible support structure; or

F. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections A through D of this subdefinition.

Tower: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Transmission Equipment: Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Utility Support Structure: Utility poles or utility towers supporting electrical, telephone, DAS, small cells, cable or other similar facilities; street light standards; or pedestrian light standards.

Wireless Communication Antenna: An antenna that transmits and/or receives wireless communication signals. The term does not include any device, such as a radio antenna, telephone antenna, television antenna, satellite dish antenna or amateur radio antenna, that is accessory or

incidental to a residential use and is employed by an ultimate user to receive radio, television or other communication signals.

Wireless Communication Facility Or WCF: A staffed or unstaffed facility or location or equipment for the transmission or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one (1) or more antennas or group of antennas, a tower or attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets, and including small cell technologies.

Wireless Communication Facility, Non-Stealth Design: A wireless communication facility that does not qualify as a stealth design wireless communication facility.

Wireless Communication Signals: Communication signals, including analog signals, digital signals and other spectrum- based communication signals. The term does not include television broadcast signals; direct broadcast signals; direct broadcast satellite services; multi-channel, multi-point distribution services; or amateur radio signals.

WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN: A wireless communication facility that is screened or designed to blend into the surrounding environment such that it is not readily seen or discernable as a wireless communication facility to a casual passerby. Examples include roof-mounted antennas with architectural screening; panel antennas mounted against the wall of an existing building and painted or finished to match the existing structure; antennas integrated into architectural elements such as steeples or cupolas; and antennas and antenna structures designed to look like streetlight poles or flagpoles.

YARD: The areas on a lot that are unoccupied by structures, except for projections and the specific accessory structures allowed in those areas under the provisions of this title.

YARD, CORNER SIDE: The yard of a corner lot extending from the front yard to the rear yard and between the side street and the primary structure.

YARD, FRONT: The yard area extending along the entire length of the front property line and the depth between the street right- of-way line and the primary structure. (See also definition of lot line, front.)

YARD, REAR: The yard area extending along the entire length of the rear property line and the depth between the rear property line and the primary structure.

YARD, SIDE: The yard area extending from the front yard to the rear yard and between the side property line and the primary structure.

ZONING DISTRICT: An area designated on the Official Zoning Map in which certain uses are permitted and certain others are not permitted, all in accordance with this title. (Ord. 2017-02, 3-7-2017; amd. Ord. 2017-11, 6-6-2017)

10-4-3: APPEALS; POWERS:

A. Appeal: Appeals to the planning and zoning commission may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Appeals shall be taken within a reasonable time as provided by the rules of the commission by filing with the officer from whom the appeal is taken and with the planning and zoning commission a notice of appeal specifying the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the commission all the papers constituting the record upon which the action appealed from was taken.

B. Stay Of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the planning and zoning commission, after notice of appeal has been filed with him/her, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause immediate peril to life or property; in which case proceedings shall not be stayed otherwise than by a restraining order, granted by the district court for the fifth judicial district, or a judge thereof, on notice to the officer from which the appeal is taken and on due cause shown.

C. Hearing; Powers: The planning and zoning commission shall fix a reasonable time for hearing the appeal, give public notice, adequate notice to the parties in interest and appear in person or by agent or by attorney. The planning and zoning commission has the following powers:

1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this title.
2. To hear and decide special exemptions to the terms of this title upon which the commission is required to pass.
3. To vary or adjust the strict application of any of the requirements of this title in the case of an irregular, narrow, shallow or steep lot or other physical condition applying to a lot or building as a result of which strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. No adjustment in the strict application of any provision of this title may be granted by the commission unless it finds:
 - a. That there are special circumstances or conditions, fully described in the findings of the commission, applying to the land or building for which the adjustment is sought, which circumstances or conditions are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of July 8, 1952;
 - b. That, for reasons fully set forth in the findings of the commission, the circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of the land or of the land or building, and that the adjustment as granted by the commission is the minimum adjustment that will accomplish this purpose; and
 - c. That the granting of the adjustment will be in harmony with the general purposes and intent of this title, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
4. To grant exceptions and variances upon request after a showing that an illegal construction or a nonconforming building or use existed for a period of at least five (5) years in violation of this title and the city has not taken steps toward enforcement.

5. To prepare and recommend to the governing body, a comprehensive plan of public improvements, looking to the present and future development and growth of the city. Such a plan, after its adoption by the governing body, will be known as the master plan.

6. Such plan shall include reasonable requirements in reference to streets, alleys and public grounds within the corporate limits; such requirements to be effective if any such land shall be subdivided after the adoption of such plan.

7. To prepare and recommend to the governing body, from time to time, such changes in the plan or any part thereof as may be deemed necessary by the governing body or by the planning and zoning commission.

8. To prepare and recommend to the governing body, from time to time, plans or recommendations for specific improvements in pursuance of such master plan.

9. To give aid to the city officials charged with the direction of projects for improvements embraced within the master plan, to further the making of such improvements and generally to promote the realization of the master plan.

10. To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

11. To cooperate with county and regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

12. To exercise such other powers germane to the powers granted by statute.

D. Decision: In exercising its powers, the commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as necessary, and to that end has all the powers of the officer from whom the appeal is taken. (1960 Compilation § 26-104; amd. Ord. 74-16; Ord. 80-7; Ord. 85-1; Ord. 87-3; Ord. 99-11)

E. Vote Required: A concurring vote of a majority of the commission is necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the application on any matter upon which it is required to pass under any ordinance or to effect any variation of this title. (Ord. 2007-23, 11-6-2007)

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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.

The City Planner is granted authority to perform or require applicants to perform additional notice to inform neighboring property owners, lessees, utility providers, or others that may be affected of the public hearing. This additional notice is not subject to the fifteen (15) day requirement, may take any form, and is completely discretionary. Additional notice, or lack thereof, shall not be grounds for appeal.

(1960 Compilation § 26-115; amd. Ord. 86-5; Ord. 87-3)

CHAPTER 6

GENERAL DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

SECTION:

[10-6-1](#): Applicability

[10-6-2](#): Table

10-6-1: APPLICABILITY:

This chapter applies to each of the residential zoning districts, except as follows:

A. Properties within the Mobile Home Park Zoning District shall be subject to the development standards of title 9, chapter 6 of this Code.

B. Properties that are approved and developed as a planned unit development shall be subject to the development standards authorized and used for the planned unit development. If a planned unit development plan or other documentation did not clearly or implicitly identify what development standards were established for the planned unit development, the following standards are to be utilized, as applicable, based on the underlying zoning district. Provided, none of the following standards shall cause a lot or legal structure in the planned unit development to be classified as non-conforming. (Ord. 2017-02, 3-7-2017)

10-6-2:TABLE:

Standard	Zoning District					
	RR	R-1	R-2	R-2MH	R-3	R-4
Lot dimension and density requirements:						
Minimum lot area* ¹	0.40 acre	n/a (<i>Use minimum net lot area or developable acreage per dwelling, as applicable.</i>)				
Minimum net lot area* ¹	n/a	7,000 sq. ft.	5,500 sq. ft. for single-family dwelling; 10,000 sq. ft. for duplex	5,500 sq. ft. for single-family dwelling; 10,000 sq. ft. for duplex	3,200 sq. ft. for detached*, semi-detached*, and attached* single-family dwellings only. (<i>For multi-unit dwellings see next row.</i>)	n/a (<i>Use developable acreage per dwelling requirement</i>)

	Developable acreage per dwelling*	n/a				4,000 sq. ft. for multi- unit dwellings, including those in condominium ownership; also, for dwellings in residential subdivisions with yards in common area	1,800 sq. ft.
	Minimum lot width*	100'	50'	50'	50'	<u>22'</u> for interior lot, 40' corner lot	<u>16'</u> for interior lot, 30' corner lot
	Maximum lot depth to width ratio	3:1	3:1	3.5:1	3.5:1	<u>N/A</u>	<u>N/A</u>
	Minimum frontage on street/access easement	80' ²	45' ²	45' ²	45' ²	<u>20' for up to 5 dwelling units; 30' for >5 dwelling units</u>	<u>16' for single dwelling, 20' for 2 to 5 dwelling units; 30' for >5 dwelling units</u>
Building height, placement, and size requirements:							
	Number of main buildings* on a lot	1	1	1	1	n/a	n/a
	Maximum building coverage*	30%	40%	50%	50%	65%	85%

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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
Minimum size of dwelling in gross floor area, excluding garage	1,000 sq. ft.	1,000 sq. ft.	864 sq. ft.	720 sq. ft.	600 sq. ft.	240 sq. ft.
Minimum garage entrance setback from front lot line*, applicable to direction of approach	35'	25' ⁴	25' ⁴	25' ⁴	20'; and 25' from any arterial or major collector R/W ⁴	20'; and 25' from any arterial or major collector R/W ⁴
Minimum garage entrance setback from corner lot line*, applicable to direction of approach	30'	22'; and 25' from any arterial or major collector R/W ⁴	22'; and 25' from any arterial or major collector R/W ⁴	22'; and 25' from any arterial or major collector R/W ⁴	20 '; and 25' from any arterial or major collector R/W ⁴	20 '; and 25' from any arterial or major collector R/W ⁴
Minimum front yard setback (see also minimum	35'	25' ⁴	20'; and 25' from any arterial or major collector R/W ⁴	20'; and 25' from any arterial or major collector R/W ⁴	15'; and 25' from any arterial or major collector R/W ⁴	10'; and 25' from any arterial or major collector R/W ⁴

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	garage entrance setback)						
	Minimum side yard setback from corner lot line* (side street) ⁵	30'	15' ⁴	15' ⁴	15' ⁴	10' ⁴	10'
	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
	Minimum rear yard setback	15'	15'	15'	15'	10'	10'
	Minimum setback from utility easement	Edge of easement, and no overhang unless authorized otherwise by the easement grantee					
	Minimum separation between main buildings* within lot	n/a	n/a	n/a	n/a	10'	10'
Reduced minimum setbacks for accessory buildings (exceptions to above setbacks):							
	Setback from neighboring lot when accessory	10'	5'	3' ⁶	3' ⁶	3' ⁶	3' ⁶

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building is \geq 120 sq. ft. and wall height* is 10'6" or less.						
Setback from neighboring lot when all following conditions are met: accessory building is 120 sq. feet or less; wall height is 10'6" or less; and, accessory building is located at least 6' from any other accessory building and any neighbor's dwelling.	5'	3'	0'	0'	0'	0'
Accessory building setback from adjacent alley or common open space (OS)	5'	5'	3'; 0' if no doorway (garage/person) in wall next to alley/ OS - no overhang permitted	3'; 0' if no doorway (garage/person) in wall next to alley/ OS - no overhang permitted	3'; 0' if no doorway (garage/person) in wall next to alley/ OS - no overhang permitted	3'; 0' if no doorway (garage/person) in wall next to alley/ OS - no overhang permitted
Reduced minimum setbacks for open-walled structures (e.g. open porches, patio covers, pergolas, carports) that are attached to the primary building ⁷						

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	Setback from a rear lot line	10'; 3' if next to alley or open space	10'; 3' if next to alley or open space	10'; 3' if next to alley or open space	10'; 3' if next to alley or open space	5'; 3' if next to alley or open space	5'; 3' if next to alley or open space
Multi-family development standards:							
Multi-family development with >4 dwelling units	n/a						See Supplemental Development Standards, "Multi-Family Development"

* Means term is defined.

(*Italics*) - Language italicized and within parenthesis are instructions for utilizing the table.

Footnotes:

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

2. Lots located along the circular portion of a cul-de-sac bulb or outside knuckle of a street corner may be reduced to a minimum of 30 feet, provided the lot width requirement is met and the lot is not capable of being further divided. In addition, lots at the end of an access easement in an infill subdivision need only provide frontage pursuant to those regulations, as found in 11-8-4(A).

3. Buildings taller than 2 stories and 30 feet shall be set back from any adjoining residential property in a RR, R-1, R-2, R-2MH, or MHP Zone an additional two feet for each foot in height over 30 feet.

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

5. See definition of "lot line, front" for options on selecting the front yard on corner lots. See also minimum garage entrance setback.

6. Placing a structure larger than 120 square feet closer than 5 feet from an adjacent lot triggers fire-resistant construction requirements pursuant to the adopted Building Code. If the structure is not constructed to such fire-resistant standards, the minimum setback requirement is 5 feet.

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7. No wall or visual screen shall be installed on the portion of the structure that utilizes the reduced setback. Any portion of the structure that meets the minimum setback required for the primary structure to which it is attached may be enclosed with a wall or visual screen.

(Ord. 2017-02, 3-7-2017; amd. Ord. 2017-26, 1-2-2018)

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CHAPTER 7

RESIDENTIAL ZONING DISTRICT LAND USES

SECTION:

10-7-1: Land Use Classifications

10-7-2: Residential Land Use Table

10-7-1: LAND USE CLASSIFICATIONS:

A. Use When Permitted; Requirements: Buildings, structures and land shall be used only in accordance with the uses permitted in the following Land Use Table, and subject to all other applicable requirements of this title. [Any use determined by the reviewing official to be not listed in Table 10-7-2, and not listed in any other table or list of land uses in Title 10, may be considered pursuant to the provisions of 10-14-2 as an "Exemption For Use Similar To Permitted Use"](#). B. Interpretation Of The Residential Land Use Table: The symbols and letters in the Residential Land Use Table have the following meanings:

Symbol	Meaning
P	The use is permitted in that zoning district by right.
A	The use is permitted as an accessory use only. An accessory use cannot be established on a property unless it is in conjunction with a permitted use.
C	The use may be considered through the conditional use review process. See section 10-14-1 of this title.
N	The use is not permitted in that zoning district.
*	The use is subject to requirements applicable specifically to that use, as listed in chapter 8, "Supplemental Development Standards For Residential Zoning Districts", of this title.
See note	Refer to the corresponding residential supplemental development standards, found in chapter 8 of this title.

C. Planned Unit Developments: Planned unit developments shall be subject to the land use regulations of the underlying zoning district, unless specified otherwise in the planned unit development authorization. (Ord. 2017-02, 3-7-2017)

10-7-2: RESIDENTIAL LAND USE TABLE:

Land Uses	Zoning District						
	RR	R-1	R-2	R-2MH	R-3	R-4	MH Park ¹
Land Uses	Zoning District						
	RR	R-1	R-2	R-2MH	R-3	R-4	MH Park ¹
Accessory buildings and uses, not otherwise listed	A	A	A	A	A	A	A
Accessory dwelling unit*	C A	C A	A	A	A	A	A

Amateur radio antenna*	See note	See note	See note	See note	See note	See note	See note
Assisted living apartments/facility*	N	N	N	N	C	P	N
Bed and breakfast inn*	N	N	C	C	C	P	N
<u>Cemetery</u>	C	C	C	C	C	C	C
Child care, family home category (up to 10 children, in home)	A	A	A	A	A	A	A
Child care, family center category (up to 15 children)	N	N	C	C	P	P	C
Child care centers and preschools, when located within an existing church, public school, or similar existing building	A	A	A	A	A	A	A
Child care centers and preschools - not listed above* (maximum 50 children)	N	N	N	N	C	C	N
Churches and houses of worship*	C	C	P	P	P	P	C
Community center, private	C	C	A	A	A	A	A
Community gardens*	P	P	P	P	P	P	P
Community greenhouses*	See note	See note	See note	See note	See note	See note	See note
Community residence for the disabled*	P	P	P	P	P	P	P
Convalescent care facility/nursing home	N C	N C	N C	N C	C	C	N
Dormitories*	N	N	N	N	C	C	N
Home occupation, large-scale*	C	N	C	C	C	C	C
Home occupation, small-scale*	A	A	A	A	A	A	A
Horticulture, cultivation of crops	P	P	P	P	P	P	P
Hospice center	N	N	N	N	N	C	N
Individual care - family home category	A	A	A	A	A	A	A
Individual care - group home category*	C	N	C	C	C	P	C
Individual care - center*	N	N	N	N	C	C	N
Long-term rental*	P	P	P	P	P	P	P
Mobile home park (refer to title 9, chapter 6 of this Code)	N	N	N	N	N	N	P
Museums, when located at an existing historic site	C	C	C	C	C	C	C
Outdoor recreational facilities: parks, playgrounds, playfields, pathways, golf courses (including clubhouse), and similar recreation facilities. Not including stadiums, amphitheatres, and commercial	P	P	P	P	P	P	P

amusement facilities								
RV, temporary - while constructing/remodeling single-family dwelling*			A	N A	A	A	A	A
Reception facility*			C	C	C	C	C	C
Rooming house, 2 to 5 lodging rooms*			N	N	N	N	P	P
School, public or private*			C	C	C	C	R C	R C
Short term rental, not owner-occupied*			N	N	N	N	P	P
Short-term rental, owner-occupied*			N	N	A	A	P	P
Solar energy panel system			P	A	A	A	A	A
Utility infrastructure site			C	C	C	C	C	C
Wireless communication facility - small cells and distributed antenna systems*			See note	See note	See note	See note	See note	See note
Wireless communication facility - non-stealth design* (not including small cells and DAS)			C	C	C	C	C	C
Wireless communication facility - stealth design*			C	C	C	C	C	C
Wind energy system, small*			See note	See note	See note	See note	See note	See note
Residential dwelling categories:*								
	Single-family detached dwelling categories:							
		Dwelling moved onto lot*	C	N	C	P	C	P
		Manufactured home, new multi- wide; and meeting residential architectural standards*	N	N	N	P	P	P
		Manufactured home, new single- wide; and meeting residential architectural standards*	N	N	N	P	C	C
		Manufactured home, used; and meeting residential architectural standards*	N	N	N	P	N	C
		Manufactured home that does not meet residential architectural standards*	N	N	N	C	N	N
		Mobile home*	N	N	N	N	N	N
		Modular home*	P	P	P	P	P	P
		Site-built home, new	P	P	P	P	P	P

	Attached dwelling categories:								
		Semidetached single-family dwelling	N	N	P	P	P	P	N
		Townhouse dwellings, 3 or 4 attached dwelling units (*If development >4 units, see also multi-family category in supplemental development standards)	N	N	N	N	P	P	N
		Townhouse dwellings, 5 or more attached dwelling units*	N	N	N	N	N	P	N
	Multi-unit dwelling categories:								
		Two-family dwelling (aka duplex)	N	N	P	P	P	P	N
		Multi-family dwelling, with 3 or 4 dwelling units per building (*If development >4 units, see also multi-family category in supplemental development standards)	N	N	N	N	P	P	N
		Multi-family dwelling, with 5 or more dwelling units per building*	N	N	N	N	N	P	N
		Residential condominium	Note: Condominium refers to a form of ownership only - not a type of use or method of construction. Conversion to condominium ownership requires review by the City and filing of a condominium plat						

Note:

1. See title 9, chapter 6 of this Code.

(Ord. 2017-02, 3-7-2017; amd. Ord. 2017-12, 6-6-2017)

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](#). [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)

Deleted: private garages

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 and meet the requirements of the adopted residential building code.

ADUs in new buildings must have architectural features and materials that closely resemble those of the primary dwelling and/or are commonly found on architecturally significant houses in the immediate neighborhood, except when the ADU will be located behind the primary dwelling on an interior lot (SE).

b. Within the R-2MH, R-4, and all commercial and light industrial zoning districts, manufactured 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, (SE) When 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. Timing: Generally, an accessory use is not permitted until the primary use is also established. However, construction of an ADU may be authorized prior to construction of the primary dwelling when the following conditions are met: a) A site plan is provided that demonstrates the overall development plan for the property in conformance with all City codes, including locations and dimensions of the dwellings, driveway(s) and parking facilities, utility services, outdoor mechanical locations (e.g. a/c unit), and pedestrian access; b) The property owner intends to commence construction of the primary dwelling within three years of applying for the building permit for the ADU; and, c) The property owner can provide reasonable assurance of the ability to complete the construction of both dwellings.

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. Utility services for the ADU may either be individual—serving only the ADU, or shared with the primary dwelling.

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Deleted: 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.

Deleted: 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. Smoke detectors located where required by code and operable;

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

c. Carbon monoxide alarm(s) where required by code and operable;

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 is provided with 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

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the City and pass inspection. In the other years, the owner or manager is to perform the inspection.

8. 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.

9. 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.

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

11. All bed and breakfasts must maintain compliance with the Wyoming Food Safety Rule (WY Department of Agriculture) and related licensing requirements.

12. 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.

13. Prior to initial operation and annually by February 28th thereafter, all bed and breakfast inns 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 March 31st 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.

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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.
 - l. Signage must comply with the provisions set forth in City of Cody Sign Code. (SE)
2. Examples of possible large-scale home occupations include: small-scale manufacturing or fabrication in an accessory building (no use of production line or automated equipment); contractors not meeting the small-scale home occupation requirements; and, small-scale repair services.
3. The following uses are not permitted as large-scale home occupations, due to their non-residential character, failure to meet home occupation standards, and/or potential impacts to neighboring properties:

- a. Animal kennel, stable, daycare, and training;
- b. Barber or beauty parlors, with more than one (1) chair;
- c. Equipment rental;
- d. Funeral home or crematorium;
- e. 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.

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.

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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. Small engine repair; and

f. 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.

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)

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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 [pursuant to WY Statute 31-2-502](#)).

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 (200) 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)

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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 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.

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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. Eaves shall be provided on at least two sides of the dwelling and extend at least eight (8) inches from the building wall.
2. The 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.
3. The 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.
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

Deleted: 1. Roof pitch shall average at least 3:12 in steepness.¶
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Commented [TS2]: 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.

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 in a dwelling on a lot immediately next door (i.e. not separated by a street, rear alley, or intervening parcel).

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 eight (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. 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. Smoke detectors located where required by code and operable;

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

c. Carbon monoxide alarm(s) where required by code and operable;

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 is provided with 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).

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

Commented [TS3]: 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.

Deleted: to the lesser of 2.6 guests per guest sleeping room (total rounded to nearest whole number) or a total of ten (10) guests.

Commented [TS4]: These changes reflect what is currently inspected.

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Deleted: 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.

Commented [TS5]: Current practice.

the City and pass inspection. In the other years, the owner or manager is to perform the inspection.

7. 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.

8. Prior to initial operation and annually by May 1st thereafter, all short-term rental facilities shall register with the City of Cody, provide evidence of compliance with this section, 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 and pass inspection before making the short-term rental available for initial use, or that do not complete their annual renewal by April 30th of each year that the rental is in operation. Authorized short-term rental facilities shall have a certificate issued by the City of Cody identifying such authorization posted within the unit, and commencing May 1, 2023 and continuing thereafter, must include the City registration number for the unit in all online listing(s). The certificate expires at the end of April 30th following the year in which the certificate was issued.

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.

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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)

ARTICLE A. LIMITED BUSINESS D-1 DISTRICTS

SECTION:

...

10-10A-2: USES PERMITTED:

No building or land shall be used and no building shall be erected or structurally altered unless otherwise permitted herein, except for one or more of the following uses:

A. Any use permitted in the [High-Density Residential \(R-4\)](#) District, except no manufactured homes shall be permitted for commercial purposes. (1960 Compilation § 26-109; amd. Ord. 78-19; Ord. 80-20; Ord. 82-29; Ord. 87-3; Ord. 89-15; Ord. 91-2; Ord. 93-8; Ord. 97-15)

B. Antique shops; art galleries, including dealers and art supplies; barbershops; beauty shops; book and stationery stores; clothing stores; department stores; retail electrical stores; appliance stores, including sales and repairs; drugstores; variety stores; florist and gift shops; furniture stores; grocery stores; hardware stores; jewelry stores, including watch repair shops; craft and hobby stores; music stores; radio, television and video stores, including repair shops; office supply stores; paint stores; wallpaper stores; glass stores; floor covering stores; tack supply stores; photography studios; camera shops; private schools; shoe stores, including sales and repairs; sporting goods stores; toy stores; insurance offices; real estate offices; travel bureaus and agencies; storage buildings; retail bakeries; needlework, handweaving and tapestry shops; bicycle sales and repair shops; preschool or childcare facilities; frozen food lockers; health studios, spas and clubs; ice vending machines and dispensers; dancing schools; taxi stands and offices; engineering and surveying offices; accounting offices; legal offices; physician and surgeon offices; dentist offices; optician offices; osteopath offices; chiropractor offices; counseling services; laboratories; telephone and telegraph offices and exchanges; wireless communication facilities; bed and breakfast inns; short-term rentals. Other similar uses, stores and services may be permitted, but expressly excluding those listed in D-2 and D-3 Districts. (Ord. 2005-01, 1-18-2005; amd. Ord. 2008-31, 12-16-2008; Ord. 2017-10, 4-13-2017; Ord. 2018-03, 4-17-2018)

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