

CITY OF CODY
PLANNING, ZONING AND ADJUSTMENT BOARD
TUESDAY, OCTOBER 25, 2022
SPECIAL MEETING
CITY HALL COUNCIL CHAMBERS @ 7:00 P.M.

1. Call meeting to order
2. Roll Call, excused members
3. Pledge of Allegiance
4. Approval of Agenda for the October 25, 2022 Special Meeting.
5. Approval of Minutes from the October 12, 2022 Special meeting.
6. New Business:
 - A. Public Hearing on the proposed amendments to the City of Cody Zoning Ordinance.
 - B. Discuss and recommend to City Council the proposed amendments to the City of Cody Zoning Ordinance.
7. P & Z Board Matters:
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 Special Meeting
October 12, 2022

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

Carson Rowley called the meeting to order at 12:00 pm, followed by the pledge of allegiance.

Present: Carson Rowley; Cayde O'Brien; Matt Moss; Scott Richard; Council Liaison Andy Quick; City Planner Todd Stowell; GIS Analyst Utana Dye

Absent: Karinthia Herweyer; Andrew Murry; Ian Morrison; City Attorney Sandee Kitchen

Scott Richard moved to approve the agenda for the October 12, 2022, seconded by Cayde O'Brien. Vote on the motion was unanimous, motion passed.

Scott Richard moved to approve the minutes from the September 27, 2022 regular meeting, seconded by Cayde O'Brien. Vote on the motion was unanimous, motion passed.

City Planner Todd Stowell reviewed the Preliminary Plat for the Meadowlark Meadows Major Subdivision, a 28-lot subdivision located about 500 feet north of Mountain View Drive and extending from 23rd Street to 26th Street.

Lots 1-24 are located in Residential R-2 zone, while 25-28 are in Residential R-3 zone. Although lots 1-24 are each large enough to qualify for duplexes, the owner plans to place private covenants that would limit the lots to single-family house with the option of an accessory dwelling unit.

Scott Richard made a motion, second by Cayde O'Brien to recommend to City Council the approval of the preliminary plat of the Meadowlark Meadows Subdivision, a 28-lot subdivision with subdivision variances 1-7 with variance #2 being no more than 18 dwelling units, subject to Conditions 1-16, and with a waiver to postpone improvement of 23rd Street with sidewalk, curb and gutter. Vote on the motion was unanimous, motion passed.

City Planner Todd Stowell discussed a minor architectural review for "The Blanca Tatanka" located at 1453 Sheridan Avenue.

Scott Richard made a motion second by Matt Moss to approve the minor architectural review of "The Blanca Tatanka". Vote on the motion was unanimous, motion passed.

City Planner Todd Stowell discussed the Electronic Message Board for Silver Sage Insurance at 1130 Sheridan Avenue.

Cayde O'Brien made a motion second by Scott Richard to approve the downtown architectural district sign review for Silver Sage Insurance at 1130 Sheridan Avenue with recommended conditions 1-3 of the staff report. Vote on the motion was unanimous, motion passed.

City Planner Todd Stowell discussed with the board a parking ratio situation for motels wanting to convert to long-term apartments. The Board was open to the idea. They would like it to be on a case-by-case basis, so the applicants would have to go through the special exemption.

The Board will be holding a Special Meeting for the public hearing to receive input on the proposed amendments on October 25, 2022 at 7:00 p.m.

P & Z Board Matters: None

Council Updates: Andy Quick want to let everyone know about the next virtual meeting tomorrow night related to the Park County Land Use Plan master plan update. You can go to www.planparkcounty.us or <https://parkcounty-wy.gov/PlanParkCounty/>. There is also an online survey that can be filled out.

Staff Items: None

Scott Richard made a motion, seconded by Matt Moss to adjourn the meeting. Vote on the motion was unanimous. The meeting was adjourned at 1:00 p.m.

Utana Dye

GIS Analyst

DRAFT

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT			
MEETING DATE:	OCTOBER 25, 2022	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	PUBLIC HEARING AND REVIEW OF PROPOSED AMENDMENTS TO THE ZONING ORDINANCE.	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

INTRODUCTION:

The Planning and Zoning Board and staff have worked together to prepare a number of proposed amendments to the City's zoning ordinance. The effort was initiated with the goal of reviewing the zoning ordinance and identifying potential changes that may incentivize housing options. However, it was found that the zoning ordinance was already quite accommodating, and that only a relatively small number of adjustments were needed for the initial purpose. As a result, the majority of the proposed amendments are general "cleanup" edits that have been identified through continued use of the zoning ordinance. Many of the proposed amendments relate to residential situations. Review of the commercial and industrial portions of the zoning ordinance will be a future effort.

All potential changes are identified using "track changes" and are indicated by **blue-colored font** in the attached materials. A summary list is also attached.

Notice of the public hearing and an invitation to comment on the amendments was provided by publication in the Cody Enterprise on October 6, 2022, which satisfies the notice requirement. Additional notice was provided by a post on the City of Cody website newsfeed, a post on the City's Facebook page, and direct emails to several individuals, including local engineering and surveying firms, architects, realtors, short term rental managers, local developers, all registered contractors, the Planning and Zoning email notification list, City employees, and local media outlets—some of which published their own news articles. The email notifications represent contact with about 450 people, and they were invited to pass it along to anyone they think would be interested.

All written responses are attached. As of the time of this staff report we have only received three responses. One, from the owner of Cody Lodging Company, simply thanking the Board for their work. Another, from Ed Higbie (developer and realtor), recommended four additional edits. The third is from a landowner that appears to live outside of Powell and has several objections—see email.

The public hearing was advertised to consider only the proposed amendments, not any additional amendments. Changes can be made to items already proposed for amendment, but not for previously unidentified amendments. Any previously unidentified amendments would need to happen in a subsequent process, which the Board can discuss in the future.

After the public notice was sent, staff did identify a correction needed in the proposed amendments relating to the registration renewal deadlines for short-term rentals and bed and breakfasts. It is proposed that the language be modified to reflect a consistent renewal date of May 1st. Currently the noted dates are not consistent. May 1st is the latest date of those noted.

ALTERNATIVES:

1. Recommend approval to City Council of the amendments as proposed (include renewal date of May 1st for short-term rentals and B&Bs.)
2. Further amend any of the proposed amendments before recommending them to City Council.
3. Recommend denial of any or all of the proposed amendments.

RECOMMENDED MOTIONS:

(Note: Comments received in writing before or at the public hearing will need to be considered. The following recommendation is subject to modification based on additional information received. If there is no significant additional comment, the Board could recommend adoption all amendments in a single motion. Alternatively, breaking up each chapter into a single motion would make it more manageable if there needs to be more in-depth discussion.)

1st Motion: Move to modify the proposed amendments to the short-term rental and bed and breakfast supplemental development standards in Chapter 8 to reflect a consistent renewal date of May 1st.

2nd Motion: Move to recommend that the City council adopt the set of proposed zoning ordinance amendments as modified.

ATTACHMENTS:

Proposed amendments to:

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

H:\PLANNING DEPARTMENT\FILE REVIEWS\ZONE CHANGES\2022\ZON2022-03 ZONING ORDINANCE DRAFT AMENDMENTS\STAFF REPORT FOR PUBLIC HEARING.DOCX

SUMMARY OF PROPOSED ZONING ORDINANCE AMENDMENTS

- 1) Clarify language relating to authority for enforcement (withholding certificates of occupancy, issuing stop work orders).
- 2) Improve or otherwise clarify language in a number of definitions.
- 3) Exclude emergency vehicle turnarounds from triggering building setbacks applicable to streets.
- 4) Allow the garage setback to be measured along the path of vehicle travel, rather than perpendicular to the street.
- 5) Remove language related to “extraterritorial jurisdiction”, which authority no longer exists.
- 6) Add language authorizing additional notice of a public hearing beyond the minimum required.
- 7) Clarify the relationship between Planned Unit Development standards and the standards of the underlying zoning district.
- 8) Reduce some of the setback standards and minimum dwelling sizes in the R-3 and R-4 zoning districts.
- 9) Reduce setback standards for some accessory buildings and attached open-walled structures (i.e. attached pergolas, covered porches) in side and rear yards.
- 10) Limit the applicability of the reduced frontage requirement (cul-de-sac locations) to properties that cannot be further divided.
- 11) Reduce the building setback requirement for buildings taller than 30’ in the R-4 zone.
- 12) Change the Rural Residential zone to allow Accessory Dwelling Units as a permitted (accessory) use, rather than require a conditional use permit.
- 13) List cemeteries as a conditional use in all residential zones.
- 14) Add convalescent care facilities/nursing homes as conditional uses in the RR, R-1, and R-2 zones, where they are currently not permitted.
- 15) Clarify that the rental of a room in a house on a long-term basis (a.k.a. rooming house) is permitted in all residential zones. (Rental of two or more rooms is already a separate listing and limited to R-3 and R-4 zones.)
- 16) Allow use of a RV as a temporary dwelling while constructing or remodeling a house in the R-1 zone. (Currently allowed in all other zones.)
- 17) Require a conditional use permit for any private or public schools in an R-3 and R-4 zone.
- 18) Revise the accessory dwelling unit standards related to architecture, parking, timing of construction, and utilities.
- 19) Revise the bed and breakfast and short-term rental supplemental development standards to be better organized and specific to current practices. Also, establish authority to collect a “late fee” for those that do not register with the City as required.
- 20) Clearly prohibit retail storefronts for home occupations.
- 21) Slightly reduce multi-family requirements for open space and landscaping.
- 22) Reinsert a lost provision that all lots must have frontage on a street—not just an alley.

- 23) Allow increases in occupancy rates for 1- and 2-bedroom short term rentals (increases from 3 to 4 guests and from 5 to 6 guests, respectively).
- 24) Update the name of the high-density residential zone from “C” to “R-4” in the section of code that authorizes all high-density residential uses in commercial zones.

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.

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

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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.

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).

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[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)

Commented [CoC2]: Reflects change in state statute (no longer have extraterritorial jurisdiction).

Deleted: and in contiguous territory outside of and distant not more than one and one-half (1½) miles

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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

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, amphitheaters, 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* 1 lodging room			N P	N P	N P	N P	P P	N 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.

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.¶

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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.

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.

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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.¶
2

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

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 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).

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

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 [TS5]: 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 [TS6]: 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)

Commented [CoC1]: Updating to reflect renaming of "C" zone to "R-4", which occurred in the past.

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CITY OF CODY
WYOMING

Todd Stowell <todds@codywy.gov>

Proposed Amendments to the City of Cody Zoning Ordinance

3 messages

Todd Stowell <todds@codywy.gov>

Wed, Oct 12, 2022 at 1:18 PM

Cc: Planning and Zoning <pandz@codywy.gov>

Bcc: Ian Sporkin-Morrison <iansm@eaengineers.com>, Lyle Casciato <Casciato@eaengineers.com>, Bret Reed <bretreed@eaengineers.com>, Dave Shultz <dshultz@sagecivilengineering.com>, Brett Farmer <bfarmer@sagecivilengineering.com>, Rusty Blough <rblough@m-m.net>, Steve Follweiler <sfollweiler@m-m.net>, Carson Rowley <crowley@to-engineers.com>, "Edward C. Reed" <ereed@m-m.net>, Jim Evans <jevans@sagecivilengineering.com>, Ed Higbie <edhigbie@tctwest.net>, erylne@revcody.com, ryan@revcody.com, Glenn Nielson <gnielson@y-tex.com>, Gary Lee <gary@superiorcmu.com>, Kane Morris <kane@pointarchitects.com>, Ken McKinney <ken.kerith@gmail.com>, Nathan Gesner <nathan@americanwestrealty.com>, Dan Odasz <dodasz@planone.com>, "Jared@pointarchitects.com" <jared.pointarchitects@gmail.com>, Quentin Johler <qjohler@to-engineers.com>, Kip Thiel <KIPTHIEL@outlook.com>, Tyler Currence <tyler@housing-solutions.org>, Weblaw <weblaw@edweblaw.com>, "Werbelow, Wes" <wwerbelow@to-engineers.com>, Harold Musser <Harold@mbauction.com>, Jake Ivanoff <jivanoff@weare307.com>, Sandi Fisher <sandi@codylodgingcompany.com>, Alison Scheu <alison@wyowestlodging.com>, Krissy Kessinger <krissy@richardrealty.com>, Rick Brasher <brash@bresnan.net>, Jan Brenner <janbrenner@wavecom.net>, Karl Butler <karl@wavecom.net>, Humphries JoAnn <joann@codyrealty.com>, Erynne Selk <erynneselk@gmail.com>, Media <media@codywy.gov>, Planning and Zoning Meeting Notifications <pandznotifications@codywy.gov>, Contractors <contractors@codywy.gov>, City Employees <employees@codywy.gov>, Engineers and Surveyors <engineers@codywy.gov>

The Cody Planning and Zoning Board has developed a number of proposed zoning ordinance amendments. You are invited to review the amendments and provide comments by responding to this email and/or attending the public hearing that will be held during a special Board Meeting on Tuesday, October 25 at 7:00 PM at City Hall (1338 Rumsey Avenue). The following is a summary of the proposed amendments. The complete version is attached, and is also available on the City website under the news feed. Feel free to forward this email to anyone that may be interested, and call me if you have any questions.

SUMMARY OF PROPOSED ZONING ORDINANCE AMENDMENTS

- 1) Clarify language relating to authority for enforcement (withholding certificates of occupancy, issuing stop work orders).
- 2) Improve or otherwise clarify language in a number of definitions.
- 3) Exclude emergency vehicle turnarounds from triggering building setbacks applicable to streets.
- 4) Allow the garage setback to be measured along the path of vehicle travel, rather than perpendicular to the street.
- 5) Remove language related to "extraterritorial jurisdiction", which authority no longer exists.
- 6) Add language authorizing additional notice of a public hearing beyond the minimum required.
- 7) Clarify the relationship between Planned Unit Development standards and the standards of the underlying zoning district.
- 8) Reduce some of the setback standards and minimum dwelling sizes in the R-3 and R-4 zoning districts.
- 9) Reduce setback standards for some accessory buildings and attached open-walled structures (i.e. attached pergolas, covered porches) in side and rear yards.
- 10) Limit the applicability of the reduced frontage requirement (cul-de-sac locations) to properties that cannot be further divided.
- 11) Reduce the building setback requirement for buildings taller than 30' in the R-4 zone.
- 12) Change the Rural Residential zone to allow Accessory Dwelling Units as a permitted (accessory) use, rather than require a conditional use permit.
- 13) List cemeteries as a conditional use in all residential zones.
- 14) Add convalescent care facilities/nursing homes as conditional uses in the RR, R-1, and R-2 zones, where they are currently not permitted.

- 15) Clarify that the rental of a room in a house on a long-term basis (a.k.a. rooming house) is permitted in all residential zones. (Rental of two or more rooms is already a separate listing and limited to R-3 and R-4 zones.)
- 16) Allow use of a RV as a temporary dwelling while constructing or remodeling a house in the R-1 zone. (Currently allowed in all other zones.)
- 17) Require a conditional use permit for any private or public schools in an R-3 and R-4 zone.
- 18) Revise the accessory dwelling unit standards related to architecture, parking, timing of construction, and utilities.
- 19) Revise the bed and breakfast and short-term rental supplemental development standards to be better organized and specific to current practices. Also, establish authority to collect a "late fee" for those that do not register with the City as required.
- 20) Clearly prohibit retail storefronts for home occupations.
- 21) Slightly reduce multi-family requirements for open space and landscaping.
- 22) Reinsert a lost provision that all lots must have frontage on a street—not just an alley.
- 23) Allow increases in occupancy rates for 1- and 2-bedroom short term rentals (increases from 3 to 4 guests and from 5 to 6 guests, respectively).
- 24) Update the name of the high-density residential zone from "C" to "R-4" in the section of code that authorizes all high-density residential uses in commercial zones.

Thanks,

Todd Stowell, AICP

Community Development Director/City Planner
City of Cody, Wyoming
(307) 527-3472
www.codywy.gov

Community Development Office Hours

7:30-5:00 Monday-Thursday, 7:30-11:30 Friday



Complete Revisions.pdf

700K

Sandi Fisher <sandi@codylodgingcompany.com>

To: Todd Stowell <todds@codywy.gov>

Wed, Oct 12, 2022 at 1:22 PM

Thanks for sending this Todd,
I'm sure this represents many hours on your part. Thanks for your hard work!

CODY LODGING CO

Sandi Fisher

Owner & Realtor
307-587-6000
[1371 Sheridan Avenue, Cody, Wyoming](https://www.codylodgingcompany.com)
[codylodgingcompany.com](https://www.codylodgingcompany.com)

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

Ed Higbie <edhigbie@tctwest.net>

To: Todd Stowell <todds@codywy.gov>

Thu, Oct 13, 2022 at 11:14 AM

Thanks for a copy of the proposed Amendments. I have a couple suggestions. #1 I think the requirement for duplex square feet should be reduced to 8000 square feet. The need of yards is not the thing today. #2 The height of building should be allow 3 story defined to the wall height not the peak. This could be in all residential zones. This is to meet the new demand for condos in all areas of town. #3 the corner set back seems to me is for the purpose of safety, so I don't understand why all side setback couldn't be 10' in all zones. If it is safe for zone it should be safe in others. #4 Your comment Item #14 about nursing homes etc. should also include senior housing that don't require nurse on site. Thanks Ed

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CITY OF CODY
WYOMING

Todd Stowell <todds@codywy.gov>

CITY OF CODY PROPOSED ZONING ORDINANCE AMENDMENTS

Todd Stowell <todds@codywy.gov>
To: Debbie Velez <d.v1919@hotmail.com>

Fri, Oct 21, 2022 at 9:44 AM

Debbie,

Your comments have been received and are being forwarded to the Planning and Zoning Board for consideration. I have added some comments to your email ([blue font](#)) to clarify the extent and background of many of the items with which you have concern. I don't think it is as dire as you think, but you are fully entitled to your opinion. Thanks,

Todd Stowell, AICP

Community Development Director/City Planner
City of Cody, Wyoming
(307) 527-3472
www.codywy.gov

Community Development Office Hours

7:30-5:00 Monday-Thursday, 7:30-11:30 Friday

On Wed, Oct 19, 2022 at 6:53 PM Debbie Velez <d.v1919@hotmail.com> wrote:

Dear Mr. Stowell:

I would like to formally object to the following items on the re-zoning proposal.

If the city gets away with all 23 items, Cody will look like skid row !! Smaller houses on smaller lots so the developer makes money and we look like every other big, dirty city around the country. Sounds as if people living in boxes & makeshift camper or vans would be conditional. Anyone interested in passing these re-zoning amendments do not have the integrity of Cody in their best interest; only greed would encourage Cody to look like a concrete jungle. Additionally, whatever happens in Cody is just a matter of time before it happens in Powell.

Numbers 8 and 23 need to be combined: you want to allow more people living in smaller houses. Apparently, the board does not have the same vision of Cody as Park County residents. [See #8 and #23 below.](#)

Numbers 12 and 18 also need to be combined; allowing campers to be standard and allow people to live in it. [The option for living in a camper while constructing a house is already allowed in all zones except the R-1 where it is proposed to be added.](#) There is a 6-month time

limit, with the possibility of a one-time extension. It is rarely utilized, but a viable method to promote opportunities for people to improve and construct their own housing.

#8 - reduce minimum house size; **NO**; if people want smaller – that's what townhouses and condos are for. What minimum ? Why is there no senior living out here with all the amenities for them in a community living resort. Give them Bocce ball, golf, an indoor pool, an activity building to meet for playing cards and having tea. Whoever is on the planning board does not have an active parent who is bored. Take a trip to AZ or TX or NV, they know how to do it. *This change is only for the multi-family zones, which is applicable to townhouses and apartments.*

#9 – reduce standards for pergolas, covered porch in side and back yards; **NO**; no one wants their neighbor to build a pergola up against their back yard fence. The current limit provides some privacy. *Homeowners now are required to not block alleys so why would you prevent a neighbor with the same respect.* *The zoning code already allows reduced setbacks for detached accessory structures. This change would also allow reduced setbacks for open-walled structures that are attached to a house, as they have similar characteristics.*

#11 -reduce requirement for buildings taller than 30 feet – **NO**, *this is not Detroit ! We also do not want to look at those 200 foot cell towers.* *Cell towers have thier own separate set of requirements. The requirement already imposes a greater setback than would otherwise be required. This change would just reduce how much of an extra setback is required.*

#12 Change zone in rural to allow accessory units (campers); **NO** ; *our property tax was increased 25%; living next to someone living in an accessory unit is unacceptable !!!* *Campers/RVs cannot be used as accessory dwelling units. The change simply reduces the amount of review for ADUs in the rural residential zone. The area affected is very limited.*

#13 -List cemeteries as 'conditional' in ALL residential zones; funeral traffic in residential zones; the use of residential zones for a 'business'. What impact does a cemetery have on residential property values; expect a decrease in the value of your house. Consider it unwise to use valuable residential property for cemetery use. Adequate water is a concern; is this being addressed that water will be diverted away from homeowners? *Cody's cemeteries are located in residential zones. The change would make them "conditional" uses and remove their non-conforming status. New cemeteries are not anticipated, but the conditional use review process is discretionary as to whether a specific future location would be approved.*

#14 -Add nursing home facilities as "Conditional use", *where they are currently not permitted*; *nursing homes are normally required to be in the vicinity of the hospital. Additional consideration should be given to parking & emergency vehicle access – with all the noise &*

traffic that goes with that. Those concerns would be able to be considered in the conditional use review process.

#15 -Long term rental of a room in a house is permitted in ALL residential zones; ensure adequate parking must be part of the zoning process. Making sure there is a driveway and not 'on street' parking or parking in front of neighbors houses. Increased occupancy also increases the need for emergency services & proper precautions need to be included in the plan. Noted. Currently there would not be any additional parking triggered for rental of one room. The rental of multiple rooms could justify a requirement for additional parking through the conditional use process, but it may make sense to modify the parking regulations in the future to be specific.

*#17 -Require a use permit for ANY Private or public school = **NO** -is this intended to require home schoolers to pay something? Shame on you is this is the intent. No, that is not the intent. The change is to make it more restrictive--change from a permitted use classification to a conditional use classification in the multi-family zones (where parking is often more limited), to allow site-specific and project-specific review.*

*#18 -Revise accessory dwelling unit as Standard relating to architecture – If revise means reduce again -**NO** – **are you insinuating people be allowed to live in campers and shoe boxes ??** This is not why we live here. Cody will look like Portland if you continue this nonsense. Or do you mean prevent ? The change only relates to architecture--if the accessory dwelling is along the street it has to look nice, but if it is hidden it is not specifically required. This change focuses the requirement to where it matters most, and removes the ambiguity of the existing language.*

#20 - prohibit retail storefront for home occupation – Thank you for this one; one of the few I agree with.

#21 - Reduce Multi-Family requirements for landscape – not sure what you are reducing here – sounds as if the standards will be lowered again, which is detrimental to the value of the neighboring homeowner. The changes would increase minimum spacing of shrubs along the building from every 4 feet to every 6 feet, and reduce the amount of open space per larger unit from 250 square feet to 200 square feet.

#23 - ALLOW INCREASE IN OCCUPANCY FROM 1 & 2 SHORT TERM RENTALS = INCREASES FROM 3-4 GUESTS AND 5-6 GUESTS RESPECTIVELY – here is where you indicate vacation homes are being catered to. People sleeping on sofas and the floor; will you be able to control drug users & transients ? How will you control these flop houses ? While this change would slightly increase the potential number of guests based on bedrooms, it

eliminates the option of counting rooms other than bedrooms as "sleeping rooms" to bump up occupancies.

Very disturbing if these are approved. With so many 'reductions', where are the recommendations to improve Cody?

Thank you for considering my comments.

Sincerely

Debbie Velez

Powell, WY