

TITLE 10
ZONING REGULATIONS

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TITLE 10

ZONING REGULATIONS

CHAPTER 1 GENERAL PROVISIONS

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CHAPTER 1 GENERAL PROVISIONS

10-1-1 TITLE:

The provisions of this Title shall be known and may be cited as the Zoning Ordinance of the City of Cody, Wyoming.

10-1-2 SCOPE AND PURPOSES:

This title is in pursuance of the authority conferred by Wyoming Statutes sections 15-1-601 through 15-1-611, and shall apply to all properties and developments within the Cody city limits, except those that are federally exempted.

The purpose of this title is to promote the health, safety, morals and general welfare of the inhabitants of the city by:

- A. Preserving the character of the City of Cody and its neighborhoods;
- B. Conserving the value of buildings;
- C. Encouraging the most appropriate use of land;
- D. Encouraging compatible uses within the neighborhoods or districts;
- E. Lessening congestion in the streets;
- F. Securing safety from fire, panic and other dangers;
- G. Ensuring provisions for adequate light and air;
- H. Preventing the overcrowding of land;
- I. Avoiding undue concentration of population; and
- J. Facilitating adequate provisions for transportation, water, sewerage, schools, parks and other public requirements.

This title is implemented in accordance with the City of Cody Master Plan (a.k.a. comprehensive plan).

10-1-3 COMPLIANCE REQUIRED

No land shall be used, or structure constructed, except in accordance with the regulations and requirements of this Title, including the requirement to obtain applicable approvals and permits prior to the development of the property. No application for the development of land shall be approved unless the application is determined to be in conformance with the requirements of this Title and all applicable development regulations, including any standards, plans or policies that have been adopted by the City so as to have a regulatory effect. All development applications filed on or after the effective date of this Title, as initially adopted and subsequently amended, whether for new development or for the expansion or alteration of existing development, shall be processed in accordance with the standards, requirements and procedures established herein.

10-1-4 RULES OF INTERPRETATION

In interpreting the language of this Title, the rules set out in this Section shall be observed unless the interpretation would be inconsistent with the express language of this Title.

A. Minimum Requirements:

In interpreting and applying the provisions in this title, they shall be held to be the minimum requirements for the protection of health, safety, morals, comfort, convenience or the general welfare. In case of conflict between this title and any other laws that exercise control over the same feature, the more stringent regulation shall apply.

B. Meaning and Intent

All provisions, terms, phrases and expressions contained in this Title shall be liberally construed in order to carry out the intent of the governing body. Words and phrases shall be construed according to the common and approved usage in the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to that meaning. Such terms, words, and phrases used in this Title, when defined herein or elsewhere in the City of Cody Code, shall have the meaning noted. Terms, words and phrases not defined by the City of Cody Code shall have the meanings prescribed by Wyoming Statutes Annotated for the same terms, when defined therein. Any term, word or phrase not specifically defined or prescribed in this City of Cody Code or Wyoming Statute shall have the ordinary meaning ascribed to it in a dictionary of common usage.

C. Text Controls

In case of any conflict between the text of this Title and any figure or table, the text shall control.

D. Computation of Time

The time within which an act is to be performed shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, legal holiday or other day that the

City offices are officially closed to the public, that day shall be excluded. The following time-related words shall have the meanings ascribed below:

“Day” means a calendar day unless otherwise stated. “Week” means seven calendar days. “Month” means one calendar month. “Year” means a calendar year, unless a fiscal year is indicated.

E. Other Clarifications

1. Headings. The headings contained in this Title are for convenience only and do not limit or modify the intent or meaning of the provisions.
2. Tense. Unless clearly indicated to the contrary, words used in the present tense shall include the future, words used in the plural shall include the singular, words used in the singular shall include the plural, and words of one gender shall include the other.
3. Use of Certain Words. The words “shall,” “must,” and “will” are always mandatory. The words “may” and “should” are discretionary.
4. Written Information. References to “written” information shall mean any representation of words, letters or figures whether by printing or other form or method of writing.
5. Conjunctions. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:
“And” indicates that all connected items or provisions apply; and
“Or” indicates that the connected items or provisions may apply singularly or in any combination.

F. Private Covenants or Deed Clauses

No provision of this Title is intended to interfere with or abrogate or annul any easement, private covenants, deed restriction or other agreement between private parties. In cases in which this Title imposes a greater restriction upon the use of land or structures, the provisions of this Title shall prevail and control. The City has no power or authority to enforce private deed covenants, conditions or restrictions to which it is not a party. Private covenants or deed restrictions which impose conditions more restrictive than those imposed by this Title, or which impose restrictions not covered by this Title, are not implemented nor superseded by this Title.

G. Limitations on City Action

The issuance or granting of a building permit or approval of plans or specifications under the authority of the Building Code shall not be construed to be a permit for, or an approval of, any violation of any provisions of this Title or any amendments thereto, or of any other law. No permit, approval, representation, action or inaction on the part of a City officer or employee which purports, or could be interpreted, to authorize the violation or cancellation of any of the provisions of this Title shall limit the City’s authority to enforce the provisions of this Title or

any other provision of the Municipal Code. Any permit, license or other approval which is issued in error in conflict with this Title is voidable by order of the City.

H. Other Permits

Nothing in this title shall eliminate the need for obtaining any other required permits, including, but not limited to building permits; plumbing, electrical, or mechanical permits; grading permits; or any permit, approval, or entitlement required by other titles of this code, other political subdivisions of the state of Wyoming, or agencies of the state of Wyoming.

I. Other Limitations

No provision in this Title amounts to a guarantee, warranty or promise that any particular type of construction will be free from defect, will perform in a certain manner, or will be exempt from other legal requirements applicable thereto. The issuance of a permit, or the inspection or approval of any permit, plans or work under this Title, shall in no way constitute a guarantee, warranty or promise that any particular material, labor or construction will be free from defect, or perform in a certain manner, or will be durable, safe or fit for a particular purpose or use. Compliance with this Title is not intended to substitute for the performance of any private duty, nor to reduce or eliminate any private liability on the part of an owner, developer or permittee.

J. Severability

If for any reason any part, section, subsection, sentence, clause or phrase of this Title, or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Title.

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, 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 paragraph 2 above with respect to any construction 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 §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 City of Cody Code Section 1-4-1. Each day that a violation is permitted to exist after notice has been given by a city representative noted in 10-1-5(A)(2) 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 a conditional use or special use under City of Cody Code (add Section); or

- c. As an alternative to requiring discontinuance under Subparagraph (b) of this Paragraph (2), require that a use operating as a conditional use or special use under City of Cody Code (add Section) 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.

10-1-6 PROCESSING FEES, NOTICE COSTS, AND REFUNDS

- A. Payment of Processing Fee Required. The governing body shall establish and maintain a fee schedule for the processing of applications required pursuant to this Title. The fee schedule may be adopted by resolution. No application shall be processed without payment of the required fee.
- B. Applications requiring fees shall include, but not be limited to: site plan reviews, planned unit developments, rezones, text amendments, administrative deviations, special exemptions, conditional use permits, special use permits, variances, sign permits, architectural and landscaping reviews, and any other review conducted by the Planning and Zoning Board.
- C. Costs for publishing public notices in the newspaper and costs for mailing required notices shall be paid by the applicant, and are in addition to the City's processing fee.
- D. Applications that are withdrawn prior to receiving a decision may be eligible for a partial refund as follows. The City planner shall have the discretion to authorize a partial refund based upon the application fee paid minus the approximate costs of processing the application incurred to date.
- E. Refunds are not available for applications that have been processed to the point of receiving a decision from the reviewing official.

10-1-7 DISTRICTS ESTABLISHED

A. Adoption of Official Zoning Map

To bring about the purposes of this title and provide for regulations that are customized to the different character districts and neighborhoods of the City, the City is divided into zoning

districts. The boundaries of each zoning district are delineated and shown on the Official Zoning Map of the City of Cody. The Official Zoning Map, together with all notations, references, dimensions, designations and other information shown on the map is adopted and made part of this title by reference. The Official Zoning Map shall be stored, maintained, and kept current by the Community Development Department.

B. Establishment of Zones

1. The residential zoning districts established by this title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name
RR	Rural Residential
R-1	Single Family Residential
R-2	Medium-Low Density Residential
R-2MH	Medium-Low Density Manufactured Home
R-3	Medium-High Density Residential
R-4	High Density Residential
MHP	Mobile Home Park

2. The commercial and industrial zoning district established by this title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name
D-1	Limited Business
D-2	General Business
D-3	Open Business/Light Industrial
D-4	High Tech/Data Processing/Light Manufacturing
E	Industrial
HI	Heavy Industrial

3. The special area zoning districts established by this title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name
PUD	Planned Unit Development

4. The overlay districts established by this title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name
A-O	Airport Overlay
DA-O	Downtown Architectural Overlay
DP-O	Downtown Parking Overlay
E-O	Entry Corridor Overlay

C. Amendments

1. No change to the Official Zoning map shall be authorized without the approval of a rezoning application, which approval shall be in the form of an ordinance approved by the governing body.
2. The Official Zoning Map shall show the dates and ordinance numbers of all amendments approved hereafter.

D. Rules for Interpretation of Zoning District Boundaries

The following presumptions shall apply in determining boundaries of a district as shown on the Official Zoning Map:

1. Where a boundary follows a public street, the centerline of the street shall be the boundary. When there are two or more adjacent streets, the centerline of the street with the higher classification shall be the boundary (e.g. use centerline of highway instead of frontage road).
2. Where a boundary follows a lot line, the lot line shall be the boundary.
3. Where a property is split by a boundary, the boundary shall be determined by the context of the situation when possible, which methods may include, for example: review of the legal description of a former rezone ordinance, the extension of an adjacent property line, the presence of a physical feature such as a canal or stream, a line between two known points, and an elevation contour. When the context is not sufficiently clear to determine the precise location of the district boundary, the boundary shall be determined by scaling the location from the zoning map.
4. Where a public right-of-way is officially vacated or abandoned, the boundary shall automatically be shifted, if necessary, to follow the new property boundary, which is typically, but not always, the former centerline of the vacated right-of-way.

10-1-8 ZONING LOTS

The City of Cody contains some developments and land uses that encompass multiple lots and parcels, without respect to zoning setbacks, building code regulations, or other development regulations. A property consisting of more than one lot or parcel, 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, zoning ordinance, or other adopted City development code shall be treated as a single lot for purposes of this title, which lot is termed a “zoning lot”. No new zoning lots shall be created, except pursuant to City of Cody Code Section 11-6(B), Lot Consolidations.

CHAPTER 2 DEFINITIONS

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 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 the zoning ordinance is considered a separate land use for purposes of zoning definition and classification, 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), as the ADU shall be clearly subordinate to the primary dwelling unit, both in use and appearance. Mobile homes, manufactured 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 electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communication signals or other communication signals.

ANTENNA TOWER. A pole or other structure, including any supporting elements, that is used to support one 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.

ANTENNA TOWER ALTERNATIVE STRUCTURE. A structure such as a flagpole, man-made tree, clock tower, steeple, or similar alternative-design mounting structure that substantially camouflages or conceals the presence of wireless communication antennas or antenna towers.

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 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.

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

1. Intended solely for use by members of the household for private dinner parties or social gatherings; and
2. Not located within an accessory structure and is directly accessible from the rest of the dwelling.

BASEMENT. A story, as defined herein, which is partly or completely below finished grade. A basement shall be counted as a story for purposes of height measurement when the basement has more than one-half of its height above 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 lodging units or not more than a daily average of eight persons per night during any thirty-day period and in which one but no more than two 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 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.

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."

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 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 6 feet above grade. Eaves are not included in building coverage.

BUILDING, DETACHED. One building on one 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 along the front of a building and either 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) 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.

CARPORT. A roofed structure for vehicle parking that is open on at least two sides. If less than two 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 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.

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.

CHILD CARE, 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.

CHILD CARE, 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.

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 City of Cody 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 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 or more residents has a lessened ability to ambulate adequately. Prior to authorization of a community residence for more than five 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:

1. Senior Citizen Apartment (a.k.a. "housing for older persons" under the provisions of Federal law);
2. Child or Adult Daycare;
3. Convalescent Care Facility/Nursing Home;
4. Facility for Transitional Living for Released Offenders;
5. Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse;
6. Hospice;

7. Sex Offender Counseling Facility;
8. Boarding House or Rooming House;
9. Any other group living arrangement for unrelated individuals who are not disabled; and,
10. Any of the following:
 - a. Facilities for the Treatment of Drug and Alcohol Abuse;
 - b. Modified Medical Detoxification Facilities;
 - c. Transitional Living Facilities for Released Offenders;
 - d. Facility for the Treatment of Narcotics; or
 - e. 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 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:

1. Has already been dedicated or reserved for such purposes;
2. Contains slopes in excess of 33 percent for a horizontal distance of at least 20 feet, measured up/down the slope;
3. Is below the ordinary high water mark of a waterbody; or,
4. 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 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 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 25 percent of the length of the side of the dwelling.

DWELLING, MULTI-FAMILY. A building or group of buildings that contain at least three 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 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 other single-family attached dwelling.

DWELLING, SINGLE-FAMILY DETACHED. A dwelling unit:

1. That is not attached to any other dwelling by any means;
2. That is located on a separate and individually owned lot;
3. That is surrounded by open space or yards;
4. That is for the exclusive use of a single family maintaining a household;
5. That has no more than one kitchen with full kitchen facilities; and
6. 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 single family attached dwelling units in which each dwelling unit is located on a separate lot; each unit is separated by one 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 (a.k.a. DUPLEX). A residential building containing two dwelling units that share a common vertical fire wall, with both dwelling units located on the same lot or parcel.

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

EASEMENT. A grant of one 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.

FUNCTIONAL CLASSIFICATION. A classification system that defines the purposes and hierarchy of all streets and highways. See also the Master Street Plan.

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

GARAGE. A building enclosed on more than two 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.

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

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

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

INDIVIDUAL CARE CENTER. A commercial facility that provides 24-hour personal care and related services to more than ten 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 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 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:

1. Facility for Transitional Living for Released Offenders;
2. Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse;
3. Hospice;
4. Sex Offender Counseling Facility;
5. Any of the following:

- a. Facilities for the Treatment of Drug and Alcohol Abuse;
- b. Modified Medical Detoxification Facilities;
- c. Transitional Living Facilities for Released Offenders;
- d. Facility for the Treatment of Narcotics;
- e. Community Triage Center; or
- f. Habilitative or nursing care.

INDIVIDUAL CARE – GROUP HOME. A facility that provides 24-hour personal care and related services to a minimum of six children or dependent adults and a maximum of ten 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 Individual Care—Family Home for a list of uses not included in this definition.

INGRESS. Access or entry.

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

KENNEL: An establishment where five or more dogs, cats or other domestic household pets age six months or older, are bred, raised, trained, 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 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). 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 be considered “full kitchen facilities.”

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:

1. The exterior walls;
2. Garages;
3. Basements with less than six feet eight inches (6'8") ceiling height; and
4. Other areas with ceiling height less than five feet (5').

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

LONG-TERM RENTAL. A residential dwelling unit rented for periods of 30 days or more to one 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 ordinance, "Net Lot Area" means the area of a lot (lot area) minus any portion thereof that:

1. Is dedicated or reserved for a public or private street;
2. Contains slopes in excess of 33 percent for a horizontal distance of at least 20 feet, measured up/down the slope;
3. Is below the ordinary high water mark of a waterbody;
4. Is within a protected wetland; or,
5. Is in the "pole" portion of a flag lot.

[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 or more streets, with frontage on at least two 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 streets that are parallel or within forty-five degrees of being parallel to each other.

LOT, FLAG. A lot with two 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 40 feet, 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 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.

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 dwelling, or if neither street is a collector or arterial, then the property owner may choose which of the two 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 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 10 feet 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:

1. Was not created through an approved subdivision, or as a government lot or tract in a United States Public Land survey; and,
2. 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. For any lot created after adoption of this ordinance, 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 parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. Also known as “Lot, Double-Frontage”.

LOT, TRANSITION. A lot in one 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 lot, which is developed and/or utilized in such a manner as to constitute a single development, of which no individual lot could be excluded without causing the development to violate an applicable provision of the building code, fire code, sign code, parking code, zoning ordinance, 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 Section 11-6(B), Lot Consolidations.

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 or more sections on a permanent chassis. Manufactured homes are further classified as follows:

1. “Multi-wide” (A.K.A. double-wide or triple-wide manufactured home) has a minimum width of more than eighteen feet as measured at all points perpendicular to the length of the manufactured home;
2. “Single-wide,” has a width of eighteen feet or less as measured at any point perpendicular to the length of the manufactured home.

MOBILE HOME. A dwelling on one 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:

1. “Multi-wide” (A.K.A. double-wide mobile home) has a minimum width of more than eighteen feet as measured at all points perpendicular to the length of the mobile home;
2. “Single-wide,” has a width of eighteen feet 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 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 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 30 days or more.

OCCUPANCY OR OCCUPIED. With respect to a structure, refers to the residing of one 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 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 forty-eight 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 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 City of Cody Code Title 11, Chapter, 7.

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 W.S. § 15-1-502, the Zoning Commission as authorized by W.S. § 15-1-604, and the Board of Adjustment as authorized by W.S. § 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 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 guest lodging rooms where, for compensation, individual furnished rooms are provided for no more than five non-transient persons who are not members of the immediate family occupying such building, and no more than two 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.

SETBACK, GARAGE ENTRANCE. A setback that is measured from a street lot line to the entrance of a garage or carport. It is essentially a minimum driveway length.

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.

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 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. Capacity of a short-term rental is limited to five or fewer lodging units and 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 General 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.

STORAGE. A space or place where goods, materials or personal property is placed and kept for more than forty-eight 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.

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 storm water 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 storm water 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 acres or less in area and contains a residential dwelling unit.

UTILITY INFRASTRUCTURE SITE. Includes 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 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 FACILITY. An antenna tower, wireless communication antenna, or any associated structure or equipment, or combination thereof, that is intended for commercial or institutional use in connection with the transmission or reception of wireless communication signals.

WIRELESS COMMUNICATION FACILITY, NON-STEALTH DESIGN. A wireless communication facility that does not qualify as a stealth design wireless communication facility.

WIRELESS COMMUNICATION FACILITY, SLIM-LINE DESIGN POLE. A wireless communication facility, consisting of a pole and one 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 beyond the circumference of the pole.

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.

WIRELESS COMMUNICATION FACILITY, MICRO-CELL. The portion of a wireless network that is a low-powered transmitter/receiver or repeater (base station) connected to the phone network via the internet, and typically used to improve mobile phone reception within a particular area (usually a range of 300-1000 meters).

WIRELESS COMMUNICATION SIGNALS. Communication signals, including electromagnetic waves, analog signals, digital signals and other spectrum-based communication signals, that operate

within the range of frequencies from 100KHz to 300GHz. 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.

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 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.

CHAPTER 6 GENERAL DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

10-6-1: Applicability

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

- 1) Properties within the Mobile Home Park zoning district shall be subject to the development standards of Chapter 9-6.
- 2) 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.

10-6-2: Table

Zoning District→ Standard↓	RR Zoning District	R-1 Zoning District	R-2 Zoning District	R-2MH Zoning District	R-3 Zoning District	R-4 Zoning District
LOT DIMENSION AND DENSITY REQUIREMENTS:						
Minimum Lot Area* ¹	.40 acres	<i>N/A (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.

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.

* Means term is defined. *(Italics)* – Language italicized and within parenthesis are instructions for utilizing the table.

Zoning District→ Standard↓	RR Zoning District	R-1 Zoning District	R-2 Zoning District	R-2MH Zoning District	R-3 Zoning District	R-4 Zoning District
Minimum Lot Width*	100 feet	50 feet	50 feet	50 feet	30 feet for interior lot, 40 feet corner lot.	20 feet for interior lot, 30 feet corner lot.
Maximum Lot Depth to Width Ratio	3:1	3:1	3.5:1	3.5:1	5:1	5:1
Minimum Frontage on Street/Access Easement	80 feet	45 feet ²	45 feet ²	45 feet ²	30 feet	20 feet for up to 5 dwelling units; 30 feet for >5 dwelling units.
BUILDING HEIGHT, PLACEMENT, AND SIZE REQUIREMENTS:						
Number of Main Buildings* on a Lot	One	One	One	One	N/A	N/A
Maximum Building Coverage*	30%	40%	50%	50%	65%	85%
Maximum Building Height*	Two stories and 30' above grade.	Two stories and 30' above grade.	Two stories and 30' above grade.	Two stories and 30' above grade.	Two stories and 30' above grade.	Three stories and 40' above 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.	720 sq. ft.	240 sq. ft.
Minimum Garage Entrance Setback from Front Lot Line*,	35 feet	25 feet ⁴	25 feet ⁴	25 feet ⁴	20 feet; and 25 feet from any arterial or major collector R/W. ⁴	20 feet; and 25 feet from any arterial or major collector R/W. ⁴

² Lots located entirely 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.

³ Buildings taller than two stories and 30' shall be set back from any adjoining residential property in a RR, R-1, R-2, R-2MH, R-3, or MHP zone at least 40 feet.

⁴ Park strip option: When the yard of the property abuts an improved street right of way with an existing park strip (a.k.a. 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.

Zoning District→ Standard↓	RR Zoning District	R-1 Zoning District	R-2 Zoning District	R-2MH Zoning District	R-3 Zoning District	R-4 Zoning District
(...continued) applicable to direction of approach						
Minimum Garage Entrance Setback from Corner Lot Line*, applicable to direction of approach	30 feet	22 feet; and 25 feet from any arterial or major collector R/W. ⁴	22 feet; and 25 feet from any arterial or major collector R/W. ⁴	22 feet; and 25 feet from any arterial or major collector R/W. ⁴	22 feet; and 25 feet from any arterial or major collector R/W. ⁴	22 feet; and 25 feet from any arterial or major collector R/W. ⁴
Minimum Front Yard Setback (see also minimum garage entrance setback)	35 feet	25 feet ⁴	20 feet; and 25 feet from any arterial or major collector R/W. ⁴	20 feet; and 25 feet from any arterial or major collector R/W. ⁴	15 feet; and 25 feet from any arterial or major collector R/W. ⁴	10 feet; and 25 feet from any arterial or major collector R/W. ⁴
Minimum Side Yard Setback from Side Street ⁵ (Corner Lot Line)	30 feet	15 feet ⁴	15 feet ⁴	15 feet ⁴	15 feet ⁴	10 feet
Minimum Side Yard Setback from Neighboring Lot	15 feet	5 feet	5 feet; Except 0' at a common wall	5 feet; Except 0' at a common wall	5 feet; Except 0' at a common wall	5 feet; Except 0' at a common wall
Minimum Rear Yard Setback	15 feet	15 feet	15 feet	15 feet	15 feet	10 feet
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 feet	10 feet
Reduced Setbacks for Accessory Buildings (exceptions to above setbacks):						

⁵ See "Lot Line, Front" Definition for options on selecting the front yard on corner lots. See also minimum garage entrance setback.

Zoning District→ Standard↓	RR Zoning District	R-1 Zoning District	R-2 Zoning District	R-2MH Zoning District	R-3 Zoning District	R-4 Zoning District
From Neighboring Lot, when wall height* of accessory bldg. is 10'6" or less	10 feet	5 feet	3 feet ⁶	3 feet ⁶	3 feet ⁶	3 feet ⁶
From Adjacent Alley or Common Open Space (O.S.)	5 feet	5 feet	3 feet; 0' if no doorway (garage/ person) in wall next to alley/ O.S.—no overhang permitted.	3 feet; 0' if no doorway (garage/ person) in wall next to alley/ O.S.—no overhang permitted.	3 feet; 0' if no doorway (garage/person) in wall next to alley/O.S.—no overhang permitted.	3 feet; 0' if no doorway (garage/person) in wall next to alley/O.S.—no overhang permitted.
MULTI-FAMILY DEVELOPMENT STANDARDS:						
Multi-Family Development with >4 dwelling units.	N/A				See Supplemental Development Standards, "Multi-Family Development"	

⁶ Placing a structure closer than five (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 five (5) feet.

CHAPTER 7 RESIDENTIAL ZONING DISTRICT LAND USES

10-7-1 LAND USE CLASSIFICATIONS

10-7-2 RESIDENTIAL LAND USE TABLE

10-7-1 LAND USE CLASSIFICATIONS

A. 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.

B. Interpretation of the Residential Land Use Table. The symbols and letters in the Residential Land Use Table have the following meanings.

<u>Symbol:</u>	<u>Meaning:</u>
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.
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 10-8, Residential Supplemental Development Standards.

See Note. Refer to the corresponding Residential Supplemental Development Standards, found in Chapter 10-8.

C. 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.

10-7-2 RESIDENTIAL LAND USE TABLE

LAND USES	Rural Zoning District	R-1 Zoning District	R-2 Zoning District	R-2-MH Zoning District	R-3 Zoning District	R-4 Zoning District	MH Park (See Title 9, Ch. 6)
Accessory Buildings and Uses, not otherwise listed.	A	A	A	A	A	A	A
Accessory Dwelling Unit.*	C	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
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	N	N	N	C	C	N
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
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, Ch. 6)	N	N	N	N	N	N	P

LAND USES	Rural Zoning District	R-1 Zoning District	R-2 Zoning District	R-2-MH Zoning District	R-3 Zoning District	R-4 Zoning District	MH Park (See Title 9, Ch. 6)
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 amusement facilities.	P	P	P	P	P	P	P
Reception facility.*	C	C	C	C	C	C	C
Rooming House, 2 to 5 lodging rooms.*	N	N	N	N	P	P	N
RV, Temporary—while constructing/remodeling single-family dwelling.*	A	N	A	A	A	A	A
School, Public or Private.*	C	C	C	C	P	P	C
Short-Term Rental, Owner-Occupied.*	N	N	A	A	P	P	N
Short Term Rental, Not Owner-Occupied.*	N	N	N	N	P	P	N
Solar Energy Panel System.	P	A	A	A	A	A	A
Utility Infrastructure Site.	C	C	C	C	C	C	C
Wireless Communication Facility—Microcell.*	C	C	C	P	P	P	P
Wireless Communication Facility—Non-Stealth Design.	N	N	N	N	N	N	N
Wireless Communication Facility—Stealth Design.*	N	N	N	N	C	C	C
Wind Energy System, Small.*	See Note.	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	P
Manufactured Home, New Multi-wide; and meeting Residential Architectural Standards*	N	N	N	P	P	P	P

LAND USES	Rural Zoning District	R-1 Zoning District	R-2 Zoning District	R-2-MH Zoning District	R-3 Zoning District	R-4 Zoning District	MH Park (See Title 9, Ch. 6)
Manufactured Home, New Single-wide; and meeting Residential Architectural Standards*	N	N	N	P	C	C	P
Manufactured Home, Used; and meeting Residential Architectural Standards*	N	N	N	P	N	C	P
Manufactured home that does not meet Residential Architectural Standards*	N	N	N	C	N	N	P
Mobile home.*	N	N	N	N	N	N	P
Modular home.*	P	P	P	P	P	P	P
Site-built home, New.	P	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 <i>(*If development >4 units, see also Multi-Family category in supplemental development standards)</i>	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 (a.k.a. Duplex)	N	N	P	P	P	P	N
Multi-family dwelling, with 3 or 4 dwelling units per building. <i>(*If development >4 units, see also Multi-Family category in supplemental development standards)</i>	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	<i>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.</i>						

CHAPTER 8 SUPPLEMENTAL DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

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. 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.

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 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 the zoning ordinance and are not included in the density calculations for a lot.
3. Number: Only one 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 ADU that does not exceed fifteen feet (15') in building height is subject to the setback standards applicable to private garages. ADU structures that are taller than fifteen feet (15') in building height shall conform to setback standards applicable to a primary residence. (SE)

5. Lot Coverage: The footprint of a proposed building containing an ADU that is structurally detached from the primary residence may cover up to twenty percent (20%) of the lot. *(SE)*
6. Living Area: The total living area of an ADU may not exceed seventy-five percent (75%) of the living area of the primary dwelling, or eight hundred (800) square feet, whichever is less, with the following exception: When the ADU will be located on one 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: Within the RR, R-1, R-2 and R-3 zoning districts, ADUs are to be of conventional site-built construction, be assembled and inspected on site, and meet the requirements of the adopted building code for residential dwellings. Provided; a new modular home may be authorized as an ADU in these zones through the Conditional Use Permit process when the home compliments, rather than detracts from, the architectural character of the neighborhood. Within the R-2MH, R-4, and all commercial and light industrial zoning districts, manufactured homes and modular homes may be utilized as ADUs when placed on a traditional concrete or masonry foundation, and the home is no more than fifteen (15) years old at time of installation *(SE)*. Mobile homes, manufactured homes except as noted 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, when located outside of the downtown parking district. *(SE)* The required 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, R-1, and R-2 zoning districts, the owner of the property must utilize the primary dwelling unit or ADU as their primary residence; the dwellings shall not both be occupied unless this is the case.
11. Short-Term Rental: An ADU may be utilized as a short-term rental when located in an R-2, R-2MH, R-3, or R-4 zoning district, provided applicable short-term rental requirements are met, which includes an owner-occupancy requirement in the R-2 and R-2MH zones.
12. Utilities: Both the primary dwelling and the ADU must be connected to public sewer and public water, and be served with a functional fire hydrant meeting applicable requirements for distance to the dwellings. Both dwelling units are to be serviced from a single water meter and a single electric meter. *(SE)*
13. Home Occupations: Any home occupation within an ADU shall be limited to the small-scale home occupation standards.
14. Addressing: The ADU will be assigned an individual address, which must be posted as required by code.

Amateur radio antennas (e.g. ham radio antennas):

1. Within residential districts, towers supporting amateur radio antennas that do not exceed the maximum building height limit for the district in which they are located shall be deemed an accessory use. Towers supporting amateur radio antennas that exceed 50 feet 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*)

(B) “B” Uses.

Bed & Breakfast Inns:

1. The bed and breakfast inn must meet the definition set forth in Chapter 2.
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 persons. (Establishments exceeding ten persons fall within the zoning classification of “hotel”.) The Planning and Zoning Board may further limit total guest occupancy (e.g. beds and/or guest rooms) of a proposed bed and breakfast inn based on lack of parking and other neighborhood impacts identified in the review process.
4. Vehicle access must comply with the requirements of the International Fire Code, Appendix D, or other established standard acceptable to the Fire Marshal.
5. Cooking facilities in guest rooms are not permitted.
6. The facility must pass a fire and life safety inspection before it may be used as a bed and breakfast inn. At a minimum, the bed and breakfast inn shall be equipped with functional smoke detectors, a fire extinguisher (minimum rating 2A10BC), and a carbon monoxide alarm if applicable. Each sleeping room shall be provided with code compliant means of egress. The authority having jurisdiction (i.e. fire marshal and/or building official) may have additional requirements pursuant to the adopted fire and/or building code.
7. Individual guest occupancy is limited to temporary periods of less than 120 consecutive days, and less than 120 days in any one-year period.
8. Bed and Breakfast Inns shall not be used as “reception facilities” as defined in this ordinance, unless such use is otherwise permitted in the zoning district in which the property is located and authorization for such has been granted by the reviewing official.
9. The bed and breakfast must maintain compliance with the WY Department of Revenue licensing requirements, including payment of lodging taxes.
10. All bed and breakfasts must maintain compliance with the Wyoming Food Safety Rule (WY Department of Agriculture) and related licensing requirements.
11. Unless otherwise exempted or authorized by this Title, one off-street guest parking space shall be provided for every two lodging units or fraction thereof. The guest parking shall be in addition to the two spaces required for the owners/manager.
12. All bed and breakfast inns, whether existing or proposed, shall register with the City of Cody, pass the fire safety inspection, and provide evidence of compliance with the Wyoming Food Safety Rule. The community development department is authorized to create application form(s) and procedures as necessary to manage and enforce these provisions, both for the initial authorization and for ongoing compliance. Authorized bed and breakfast inns shall post a document issued by the City identifying such authorization in a manner that is visible from the public way.

(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 8:00 a.m. or later than 8:00 p.m. *(SE)*

Churches:

1. Churches with a seating capacity for services of 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 greenhouse, up to 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 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 or more residents has a lessened ability to ambulate adequately.

(D) “D” Uses.

Dormitories.

1. The minimum lot area shall be 6,000 square feet for the first five occupants of the building’s designed occupancy and 900 square feet for each additional residential occupant, up to a maximum of ten 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 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 City of Cody 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-premise work and storage areas must be conducted within the home, garage, or an accessory structure.
 - c. All on-premise activities related to the home occupation are to be conducted only by members of the household, provided up to two 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 #h through #l below.
 - h. No more than a total of four 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 7:00 a.m., nor later than 7:00 p.m. For calculation purposes, each customer or employee visit shall count as one visit. In situations where a person is dropped off and later picked up, it shall count as only one 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-premise bookstores or entertainment establishments;
 - f. Restaurants/drinking establishments;
 - g. Slaughter and meat processing services;
 - h. Storage facilities (a.k.a. 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.
 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.

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-premise work and storage must occur within the main residence or attached garage. The home occupation shall not occupy more than 500 sq. ft. of the residence and attached garage.
 - c. All on-premise 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 #h through #l below.
 - h. No more than a total of two 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 20 feet long (overall length). Box-style cargo vans, semi tractors/trailers, heavy equipment, and similar vehicles are not authorized.
 - i. Any vehicle or trailer associated with the home occupation that is not a typical passenger car or pickup must be parked off-street. Furthermore, vehicles and trailers are not to occupy any area within the front yard that is not designed for parking (e.g. no parking on the front lawn).
 - j. Within the R-1 zoning district, on-site customers and employee visits are not permitted. In the other residential zoning districts, the combined number of customer and employee visits to the property shall not typically exceed six (6) per day (*SE*), and they shall not typically occur earlier than 7:00 a.m., nor later than 7:00 p.m. each day. In situations where a person is dropped off and later picked up, it shall count as only one visit, as the customer is the person visiting, not the one dropping off and picking up (e.g. a parent dropping off a child at music lessons and later picking them up).
 - k. On-street parking that is available along the property frontage may be authorized to satisfy needed customer/visitor parking, when such will not create a significant safety concern. If more customer/visitor parking is needed than can be provided along the property frontage, it must be provided on site.
 - l. Signage must comply with the provisions set forth in City of Cody sign code. (*SE*)
2. Examples of possible small-scale home occupations include: artist; consultant; computer work (accountant, architect, drafter, engineer, typist); internet sales (off-site delivery); music instructor; photographer; seamstress/tailor; and, personal teacher/tutor.
 3. The following uses are not permitted as small-scale home occupations, due to their non-residential character, failure to meet home occupation standards, and/or potential impacts to neighboring properties.
 - a. All uses prohibited as large-scale home occupations.
 - b. Any use generating, storing or utilizing hazardous materials in amounts measurably greater than a typical household.
 - c. Machining, welding, or metal shop;
 - d. Pawn shop;
 - e. Retail storefronts;
 - f. Small engine repair; and
 - g. Vehicle or heavy equipment alteration, repair (including body, engine and chassis), painting, sales, rental, service, impound, or storage. This provision does not prohibit: mobile mechanic services that provide repair services only at the customer's residence or place of business, hobby work on not

more than two vehicles per year, and rental/car sharing of no more than two 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.

(I) “T” Uses

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 8:00 a.m. or later than 8:00 p.m. (*SE*)

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 6-foot high solid fence shall be installed along the common property line. (*SE*)
 - b. Vehicle access shall be oriented away from residential uses on local streets. (*SE*)
4. When located within or adjacent to a residential zoning district, outdoor recreation shall be limited to daylight hours, and not earlier than 8:00 a.m. or later than 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 “family”, except as otherwise permitted under this Title (e.g. community residence for the disabled, dormitory, rooming house, short-term rental).

(M) “M” uses.

Manufactured Home:

1. All manufactured homes placed outside of a mobile home park must be “attached” to the property so as to be taxed as real property (i.e. title elimination process).
2. In addition to any restriction of a specific zoning district, no more than two 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 the City 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 18 inches 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 modularhousing.org

Multi-Family Development:

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

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 tall fence, of traditional construction (e.g. vinyl, wood, block), that provides a solid visual barrier to a height of at least five feet. 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 U.S.P.S. 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:
 - i. A property management office; or signage indicating a phone number for the property manager.
 - ii. 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:
 - i. One hundred fifty (150) square feet for each dwelling unit containing five hundred (500) square feet or less of living area.
 - ii. Two hundred fifty (250) square feet for each dwelling unit containing more than five hundred (500) square feet.
 - b. Common open space may be located in multiple areas; provided, each area shall be not less than four hundred (400) square feet in size and shall have minimum length and width dimensions of twenty feet (20') at all points. *(SE)*
 - c. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *(SE)*
 - d. Common open space areas shall not be immediately adjacent to collector or arterial streets, unless separated from the street by a berm or constructed barrier at least four feet (4') in height. *(SE)*
4. Architectural Character:
- a. All multi-family building elevations shall have a portion of the elevation devoted to architectural features designed to provide articulation and variety. These features shall include, but are not limited to: windows, bays, offsetting walls, and multiple siding finishes/materials.
 - b. Main entrances, which are the primary point(s) of entry where the majority of building users will enter and leave, shall be designed as an obvious entrance and focal point of the building through architectural treatment, lighting, and address identification.
 - c. Roof forms shall include variety and detail when viewed from the street and/or front elevation. Roofs shall have at least one variation in the roof (e.g. gabled wing or overbuild, dormer, pitch break) for every four 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:
 - i. The landscaped area shall be at least three feet (3') wide.
 - ii. For every four (4) linear feet of foundation, a shrub, perennial, or tree having a minimum mature height of twenty-four inches (24") shall be planted.
 - iii. Ground cover (plants or decorative rock) shall cover the remainder of the landscaped area.

- (N) “N” uses. (Reserved)
- (O) “O” uses. (Reserved)
- (P) “P” uses. (Reserved)
- (Q) “Q” uses. (Reserved)

(R) “R” uses.

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.
4. Unless otherwise specified by the Planning and Zoning Board, events shall end by 9:00 p.m. during September thru May, and 10:00 p.m. during June through August.

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 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 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 the City 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 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 “family”, except as otherwise permitted under this Title (e.g. community residence for the disabled, dormitory, rooming house, short-term rental).

Residential Architectural Standards.

Within all residential zoning districts except the mobile home park (MHP) zone, all dwellings constructed after the effective date of this ordinance shall be constructed in the following manner(*SE*); provided, manufactured homes not meeting these standards may be considered as specified in the land use table:

1. Roof pitch shall average at least 3:12 in steepness.
2. Eaves shall extend at least 12 inches from the building.
3. The building shall be constructed or placed on a permanent foundation of concrete, masonry, or material of similar appearance and durability approved by the building official.
4. The structure shall have at least one story above ground level (i.e. no basement houses).

Rooming House.

1. No more than two persons shall occupy any individual lodging room.
2. Unless otherwise exempted or authorized by this Title, one off-street parking space shall be provided for each guest lodging room. The guest parking shall be in addition to the two spaces required for the owner(s).

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 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.

(S) “S” Uses.

School, Public or Private.

It is anticipated that due to coordination between the City and the School District that existing schools and planned school sites will be located within a civic zoning district, as permitted uses. However, the option to establish a public or private school elsewhere is provided as outlined in the land use table. Careful consideration shall be given to avoid potential impacts associated with traffic, off-site parking, pedestrian/bicycle access, drop off/pick up areas, noise sources, and lighting associated with sporting events.

Short-Term Rental.

1. Authorized owner-occupied methods of short-term rental are limited to:
 - a. Rental of a portion of the owner’s dwelling (room rental), while the owner is living in the dwelling.
 - b. Rental of an accessory dwelling unit while the owner is living in the main dwelling.
 - c. Rental of the main dwelling while the owner is living in the accessory dwelling unit.
 - d. Rental of a dwelling while the owner is living on a lot immediately next door.
2. Within the residential zoning districts, the short-term rental may be operated out of any form of dwelling except a multi-family dwelling. In addition, short-term rental shall not be offered by a renter of the property—i.e. a sublet situation.
3. Occupancy of a dwelling used for short-term rental is limited to the lesser of 2.6 guests per guest sleeping room (total rounded to nearest whole number) or a total of 10 guests. In addition, short-term rental dwellings shall only be rented to only one group at any one 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 off-street guest parking space meeting the requirements of Chapter 16 (Parking) for every two guest sleeping rooms or fraction thereof, unless otherwise exempted or authorized by this Title. The guest parking shall be in addition to the spaces required for the owners. A non-owner-occupied short-term rental does not require additional parking to be provided.
5. Prior to use of the dwelling as a short-term rental, the dwelling shall be inspected for fire and life safety items. At a minimum, the short-term rental shall be equipped with functional smoke detectors, a fire extinguisher (minimum rating 2A10BC), and a carbon monoxide alarm if applicable. Each sleeping room shall be provided with code compliant means of egress. The authority having jurisdiction (i.e. fire marshal and/or building official) may have additional requirements pursuant to the adopted fire and/or

building code. Notwithstanding the above, short-term rentals existing at the date of adoption of this provision shall have until June 30, 2017 to obtain their inspection and until December 31, 2017 to correct any fire and life safety items; no short-term rental activity shall occur if the dwelling is not in compliance with these deadlines.

6. Short-term rentals are classified as lodging facilities by the State. As such, the owner of the short-term rental must register the lodging facility business with the WY Department of Revenue and pay lodging tax as required.
7. All short-term rental facilities, whether existing or proposed, shall register with the City of Cody, provide evidence of compliance with this section, and pass the Fire/Safety inspection. The community development department is authorized to create application form(s) and procedures as necessary to manage and enforce these provisions, both for the initial authorization and for ongoing compliance. Authorized short-term rental facilities shall post a document issued by the City identifying such authorization in a manner that is visible from the public way.

(T) “T” Uses.

(U) “U” Uses. (Reserved)

(V) “V” Uses. (Reserved)

(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 50 feet; provided, properties five acres or greater are allowed up to 80 feet. *(SE)*
3. The minimum height of the lowest extent of a turbine blade/rotor shall be 20 feet 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 500 RPM (revolutions per minute) at the manufacturer’s rated wind speed. *(SE)*
5. No tower shall have a climbing apparatus within 10 feet 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 two standards apply, provided an affected neighboring owner(s) may grant an easement or written agreement to reduce or eliminate the requirement as applicable to the protection of their property. The document must be recorded in the office of the county clerk before a building permit for the wind energy system is issued.
 - a. A small wind energy system shall be set back from the nearest neighbor’s property line at least 1.5 times its total height.
 - b. The small wind energy system shall be located and maintained such that sound levels do not exceed 50 dBA as measured at any neighbor’s residentially zoned property, or 45 dBA as measured at any neighbor’s habitable building, assuming a wind speed of 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 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 125 feet, and 220 feet from any neighbor's habitable building.

Wireless Communication Facility, Microcell.

1. Within the residential zoning districts, a microcell must be mounted on an existing building or existing utility pole, and extend no more than three feet horizontally or five feet vertically from the building or utility pole on which it is mounted.
2. Within the Downtown Architectural District, the proposed facility must be reviewed by the Planning and Zoning Board.
3. The proposal shall clearly demonstrate that the microcell mounting location is one of the least visually obtrusive options in the area.

Wireless Communication Facility, Stealth Design.

1. No residential use may exist on the property.
2. Within the Downtown Architectural District, the proposed facility must be reviewed by the Planning and Zoning Board.
3. The design and location of the proposed facility must be deemed by the reviewing official to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.

(X) "X" Uses. (Reserved)

(Y) "Y" Uses. (Reserved)

(Z) "Z" Uses. (Reserved)

CHAPTER 14 CONDITIONAL USES, SPECIAL EXEMPTIONS, AND AIRPORT OVERLAY SPECIAL USE PERMITS

10-14-1: CONDITIONAL USES:

10-14-2: SPECIAL EXEMPTIONS:

10-14-3: AIRPORT OVERLAY SPECIAL USE PERMITS

10-14-1: CONDITIONAL USES:

- A. Purpose: The purpose of this section is to establish the procedures and criteria for the review of conditional uses, as identified in the land use table(s). Conditional uses have been determined to have such characteristics that a discretionary, site-specific review by the Planning and Zoning Board is necessary to evaluate whether the particular use, as proposed, is compatible, or can be made compatible, with neighboring land uses and other uses permitted in the zoning district. Conditional uses may not be appropriate at all locations within a zoning district.
- B. Application Required: Any person desiring to establish a conditional use shall complete a conditional use application, which application shall be filed with the community development department on a form prescribed by the city planner. Notwithstanding the content of the application form, the Planning and Zoning Board may require additional information as necessary to obtain a complete description of the project and identify potential impacts. No person shall begin development or operation of a conditional use without first applying for and obtaining a conditional use permit, as outlined herein. An application fee, as specified pursuant to Chapter 1(?), Section 6 shall accompany the application. Consultation with the city planner regarding the preparation of the application is recommended.
- C. Notice and Public Hearing: The Planning and Zoning Board is the decision-making body for conditional use permits. The Board shall conduct a public hearing to obtain information pertaining to the request and the appropriateness of the conditional use permit. Notice of the hearing is required as follows:
1. Notice of the public hearing shall be given at least ten (10) days prior to the hearing by publication in the city's official newspaper and by USPS first class mail to the owners of all properties within one hundred forty feet (140') of the subject property. The notices must identify the date, time, location, and purpose of the public hearing. The property owner list shall be based on the ownership data from the Park County MapServer program (or equivalent) on the day of application.
 2. The person sending the notices by mail shall complete an affidavit of mailing which identifies the document, the property owners to which it was sent, and the date mailed.
 3. The city planner is granted authority to require or perform optional notice to inform other property owners, lessees, utility providers, or others that may be affected by the

conditional use, of the public hearing. Optional notice is not subject to the 10-day requirement, may take any form, and is completely discretionary. Optional notice, or lack thereof, shall not be grounds for appeal.

- D. Standards of Review: The Board has authority to approve, impose conditions on, or deny conditional use applications. The Board shall base its determination upon the following considerations. Negative impacts shall be justification to impose conditions on or deny the application.
1. Is the site large enough to accommodate the proposed use and meet all of the dimensional standards and development regulations of the zoning district in which the project is located?
 2. Is the use, at the scale or density proposed, compatible with all other uses in the immediate area and with permitted uses that may be established in the area?
 3. Does the proposed use involve activities, processes, materials, equipment, hours of operation, or any other operational characteristics that would be materially detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, dust, glare, odors, hazards, or similar impacts?
 4. Does the proposal include provisions for necessary and desired public utilities and facilities such as potable water, fire hydrants, sewer, electrical power, streets, storm water facilities, and sidewalks/pathways?
 5. Will the proposed use create excessive additional costs for public facilities and services that would be materially detrimental to the economic welfare of the community?
 6. Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of significant importance?
 7. Is the proposed use consistent with the applicable provisions of the Cody Master Plan?
- E. Conditioning Authority: The Board is authorized to impose conditions on the proposed use as necessary to ensure compliance with the provisions of this title and to mitigate or avoid negative impacts to neighboring properties or the general public health, safety and welfare of the community. Examples of such conditions may include, but are not limited to:
1. Limiting the size, height, location, or scale of the project or any component thereof.
 2. Limiting the hours of operation of the use, or any component thereof;
 3. Requiring sound-reduction methods;
 4. Requiring screening of loading areas, storage areas, and other unsightly features;

5. Requiring dust control or surfacing improvements;
 6. Limiting the duration of the conditional use permit to give opportunity for future review as the surrounding area becomes more developed;
 7. Requiring the provision of on-site or off-site public facilities or services to serve the use.
- F. Outstanding Violations: The Board may withhold or delay issuance of a conditional use permit if there is an outstanding zoning violation that exists on the subject property, until the violation is remedied.
- G. Filing of Permit: If the conditional use is authorized by the Board, the City shall prepare a conditional use permit in a recordable format. The permit document is to include the date the conditional use was approved by the Board; a description of what was approved; any conditions, limitations and restrictions imposed on such conditional use; and, the “time limitations and expiration” language found below. The permit shall be signed by the Chair of the Planning and Zoning Board and recorded with the Park County clerk and recorder's office within fifteen (15) days, or as otherwise specified by the Board. Recording cost is at the applicant’s expense.
- H. Time Limitations and Expiration:
1. Unless specified otherwise by the Board, development of a permitted conditional use shall commence within two years of the granting of the conditional use permit, or the authorization shall expire. If the conditional use is associated with a building, commencing development shall be in the form of obtaining a building permit and starting construction on the project. If no building is associated with the conditional use, the conditional use activity shall commence within the specified deadline.
 2. If a conditional use has been discontinued for one year or more, the conditional use permit shall automatically become null and void and the activity shall not be reestablished except in accordance with the provisions and procedures of this title.
- I. Transfers: Conditional use permits are an entitlement to the specific property for which the approval was granted and upon property sale the entitlement, if not otherwise revoked or expired pursuant to this section, transfers to the new owner(s) without further application or approval, provided, however, the new owner(s) shall be bound by the same time limits and conditions of approval as the original permit holder(s). A conditional use permit is not transferable from one property to another.
- J. Modifications: A request to modify, expand, or otherwise change an approved conditional use permit in a manner that is not in substantial conformance with the approved site plan and permit shall be processed as a new application.
- K. Revocation, Suspension or Modification by Board:
1. A conditional use permit may be revoked, suspended, or modified by the Board for cause upon notice to the permit holder and public hearing, for either a breach or violation of

- any condition of approval or limitation of the permit; or, if the conditional use is operated in a manner so as to create a public nuisance as defined and regulated by the City code.
2. If the Board desires to revoke, suspend, or modify a conditional use permit, either on its own action or after a formal complaint, the Board shall notify the permit holder of its intention and provide the permit holder with the opportunity to contest the revocation, suspension, or modification in the context of a public hearing.
 3. Notice of the public hearing shall be mailed to the property owner by certified, return receipt mail, at least fourteen days before the public hearing. Notice shall also be provided to neighbors and the public in the same manner set forth for application of a conditional use permit.
 4. The Board shall make findings of fact and conclusions of law if they decide to revoke, suspend, or modify the conditional use permit. If the Board does not decide to take such action, no findings of fact and conclusions of law shall be made.

10-14-2: SPECIAL EXEMPTIONS:

Pursuant to Wyoming Statutes section 15-1-608, the planning and zoning board, in their capacity as the Board of Adjustment, is authorized to hear and decide special exemptions from the terms of this title, as specified herein. It is the intent of these special exemption provisions to provide necessary flexibility in this chapter without requiring applicants to provide proof of hardship. Special exemptions may be entirely appropriate but not at every location or without conditions being imposed by reason of special problems the use presents. The planning and zoning board may grant those special exceptions that are reasonable and harmless deviations from the zoning ordinance as determined by the following standards and procedures:

A. Application Procedures:

1. **Optional Pre-Application Conference with Planning and Zoning Board:** The pre-application conference is optional and is scheduled at the applicant's request. The conference allows the applicant to obtain information regarding the special exception process and to identify likely concerns regarding the proposal. No application fee is required and the planning and zoning board takes no formal action or decision concerning the proposal.
2. **Filing of Applications:**
 - a. **Application Contents:** The application for a special exemption shall include the following information:
 - (1) The proposed use or project;
 - (2) A plot plan showing the major details of the proposal such as location of buildings and structures, parking areas, means of vehicular access, signs, landscaping, fencing and screening, easements, utilities and pedestrian areas;
 - (3) A time schedule for development, if applicable;
 - (4) Such other information as the board shall by rules of practice require; and
 - (5) Any other information the applicant believes will support the request.
 - b. **Filing Period:** Applications shall be filed at least twenty-one (21) days prior to the anticipated date of public hearing.

3. Payment of Application Fees: At the time the application for a special exemption is submitted to the city, the application fee, as set by resolution of the city council, shall be paid by the applicant.
4. Notice of Public Hearing:
 - a. Public Hearing: The Board shall conduct a public hearing to obtain information pertaining to the request and the appropriateness of the special exemption. Proper notice of the hearing is prerequisite to conducting the public hearing.
 - b. After receipt of a complete application, the city planner shall cause the applicant to provide notice of the public hearing. Notice of a public hearing shall be given at least ten (10) days prior to the hearing by publication in the city's official newspaper and by USPS first class mail to the owners of all properties within one hundred forty feet (140') of the subject property. The notices must identify the date, time, location, and purpose of the public hearing. The property owner list shall be based on the ownership data from the Park County MapServer program (or equivalent) on the day of application.
 - c. The person sending the notices by mail shall complete an affidavit of mailing which identifies the document, the property owners to which it was sent, and the date mailed.
 - d. The city planner is granted authority to require or perform optional notice to inform other property owners, lessees, utility providers, or others that may be affected by the exemption, of the public hearing. Optional notice is not subject to the 10-day requirement, may take any form, and is completely discretionary. Optional notice, or lack thereof, shall not be grounds for appeal.

B. Applicability: Applicants may request, and the planning and zoning board may consider, special exemptions from certain numerical specifications and for uses that are similar to permitted uses as specified below:

1. Exemption from Numerical Specifications: The following types of numerical standards may be waived or modified by special exemption:
 - a. Hour of business operation limits in D-1 district;
 - b. Any of the dimensional standards of the zoning districts, except those establishing density, minimum lot area, and number of main buildings on a lot (exceptions to those standards requires a variance). Examples of dimensional standards are setbacks, height limits, lot coverage, and dwelling size requirements;
 - c. Supplemental Development Standards identified as eligible for special exemption;
 - d. Parking standards of chapter 16 of this title;
 - e. Sign standards;
 - f. Other numerical specifications not specifically listed above, provided approval of the special exemption would not be tantamount to rezoning the subject property, or conflict with the classification method of the supplemental development standards.
2. Exemption for Use Similar to Permitted Uses: Special exemptions may be granted to allow uses not listed in the zoning ordinance when the planning and zoning board determines that such use is similar to a permitted use within the zoning district of the subject property. The determination on similarity shall be made in consideration of the size, intensity, noise, traffic, burden on infrastructure, and purposes of the use in question.

3. Relation to Rezoning, Planned Unit Development and Variances: The planning and zoning board shall not approve a special exemption application when the application would be more properly considered as a rezoning, planned unit development, or variance application.

C. Planning and Zoning Board Decision:

1. Public Hearing Procedures: The chairperson of the planning and zoning board shall conduct the public hearing in accordance with the board hearing rules, if any have been adopted. In addition, city staff shall have any opportunity to present the application and any staff reports and recommendations to the board. The applicant and those favoring the application shall follow and be allowed to speak and present any information to the board. Opponents shall then be allowed to speak and present information to the board. The board shall have the opportunity to question any speaker or ask any speaker to answer or respond to questions posed by other speakers.
2. Approval Standards: No special exemption shall be approved unless the planning and zoning board finds:
 - a. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;
 - b. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood;
 - c. The special exemption is the minimum deviation from the specifications of the zoning ordinance necessary and adequate for the proposed activity, structure or use;
 - d. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue other than a special exemption;
 - e. Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use; and
 - f. The special exemption is consistent with the goals, policies and future land use map of the master plan.
3. Conditions: In approving a special exemption, the planning and zoning board may impose any reasonable conditions or modifications pertaining to operational or physical features of the proposal to ensure conformance with the approval standards of subsection C2 of this section. The board is further authorized to set time limits for renewal or expiration of special exemptions and to require financial guarantees, such as a performance bond or irrevocable letter of credit, to ensure completion of required improvements.
4. Time Limit for Decision: The planning and zoning board shall make a decision within thirty (30) days of the public hearing. This time limit may be extended with the consent of the applicant.
5. Record of Decision: The planning and zoning board decision shall be set forth in the board minutes, specifying the name of the applicant, the property address or legal description, the exact nature of the special exemption, and any added conditions, modifications, requirements or limitations.
6. Terms of Approval or Special Approval; Limits on Modification of Use or Structure: No activity, use or structure allowed by a special exemption may be modified, increased in intensity or extent, structurally enlarged, or expanded in land area, unless:
 - a. Such is specifically allowed by terms of the approval; or

- b. The planning and zoning board so amends the exemption following the procedures applicable to new applications for special exemptions.
7. Duration: Duration shall be one of the following:
 - a. In the event the planning and zoning board limits the duration of the special exemption, the exemption shall not run with the land and renewal shall be required at the time specified in the board decision.
 - b. In the event the planning and zoning board does not limit the duration of special exemption, the exemption shall run with the land and the current property owner shall be responsible for compliance with the terms of approval. Said exemption shall be recorded in the office of the Park County clerk at the expense of the applicant within ten (10) days of the granting of the special exemption, or as otherwise specified by the Board.
8. Expiration: If activities allowed by special exemption have not been established within one year of the approval or have ceased to occur for at least one year after having been established, the exemption shall expire and not resume unless an application is filed and approved in accordance with the procedures for review of new special exemptions.
9. Revocation for Noncompliance: The planning and zoning commission shall have continuing jurisdiction over all special exemptions and may revoke, modify or suspend the approval of the special exemption, after a public hearing and notice given in the same manner as for new applications, under the following conditions:
 - a. The exemption was obtained by fraud or misrepresentation, or the public hearing had inadequate notice;
 - b. The exemption has been exercised contrary to the conditions of approval; or
 - c. The activity, structure or use permitted by the exemption has been exercised so as to be detrimental to the public health, safety or welfare, or as to constitute a nuisance.
10. Other Legal Remedies: In cases of noncompliance with the conditions of approval for special exemptions, the city may elect any other remedy provided by law for violations of this chapter. In cases warranting immediate abatement, the city may pursue such other legal remedies without delay and it shall not be necessary for the planning and zoning commission to have first revoked the exemption.

10-14-3: AIRPORT OVERLAY SPECIAL USE PERMITS:

Within the airport overlay zone, the governing body is empowered to grant Airport Overlay Special Use Permits (hereinafter Special Use Permit) for specific uses as designated in the affected land use classifications.

The purpose of a special use permit shall be to assure that the maximum degree of land use compatibility shall be attained in the airport overlay zone, to minimize noise impacts of aircraft, and to provide for the protection of public safety and welfare.

- A. Approval Required Prior to Development: Any person proposing to develop a special use in the Airport Overlay shall apply for and obtain approval for a special use permit prior to beginning development.

- B. Application: The application for a special use permit shall be filed upon the prescribed form with the city planner, or designee, who shall review it for completeness, and the form shall include:
1. The name and address of the owner and applicant.
 2. A legal description and address for site identification.
 3. A statement of the precise nature of the proposed use.
 4. A site plan showing the relationship of the proposed development to existing streets, structures, open spaces, height and use of each structure, including proposed structures, parking areas and landscaping.
- C. Fee: A fee for the filing and processing of applications for all permits required by this section shall be paid at the time an application is submitted. The amount of the fee shall be set forth by the governing body, and may be amended or changed by resolution by the governing body.
- D. Review Procedures Generally: The Yellowstone regional airport board shall have an opportunity to review and make a formal recommendation on proposed special use permits. The planning, zoning and adjustment board shall then review the application and supporting material. Within ten (10) days after the action of the planning, zoning and adjustment board, the recommendation shall be transmitted to the governing body. Within thirty (30) days following receipt of the planning, zoning and adjustment board recommendations, the governing body shall approve or disapprove the special use permit request by a majority vote of the governing body.
- E. Public Hearing: Upon receipt of a complete application, the planning, zoning and adjustment board shall schedule a public hearing and provide adequate notice as follows:
1. Notice to Neighboring Properties: The applicant shall notify by certified mail, return receipt required, all property owners within one hundred forty feet (140') of the perimeter of the subject property (excluding streets and rights of way) of the public hearing at least ten (10) days prior to the hearing. The applicant shall submit a list of the notified property owners, a copy of the notification letter, and mail receipts to the city planner, or designee, for verification of notification. The return receipts (green cards) shall include the city address for direct return of the receipts to the city planner, or designee (e.g., City Planner, City of Cody, P.O. Box 2200, Cody, WY 82414). The notice shall be in a standard form prescribed by the city planner, or designee. The notice shall contain a brief description of the application and proposed use, the address or a description of the location, the applicant's name, and the date, time and place of the hearing. The notice shall include a space where the property owner shall be allowed to state whether he or she objects or does not object to the proposed special use permit, and space to explain their objection or lack thereof. The notice shall also describe the other methods by which the recipient may provide input prior to the public hearing, such as by e-mail, or by correspondence delivered to the city planner, or designee.
 2. Published Legal Notice: The applicant shall, at his expense, cause a legal notice to be published in the city's official newspaper at least ten (10) days prior to the hearing in a standard form prescribed by the city planner, or designee.

3. Decision of Planning, Zoning and Adjustment Board: Following the public hearing, the planning, zoning and adjustment board shall recommend to the governing body denial of the special use permit, approval of the special use permit, or approval with conditions.
 4. Action of Governing Body: After the planning, zoning and adjustment board has conducted the public hearing and made its recommendation, the application shall go to the governing body at its next regularly scheduled meeting. The governing body shall consider the application, along with the recommendation of the planning, zoning and adjustment board, and shall take action to approve, approve with conditions or reject the application. At the meeting where the governing body considers the application, the governing body may hear and consider other comments and input from the staff and public.
 5. Approval; Recording: If the governing body approves the special use permit, the governing body shall prepare a recordable document stating that the governing body approves the special use permit, the date the special use permit was approved, and stating any conditions, limitations and restrictions imposed on such permit. That document shall be signed by the mayor, and recorded with the Park County clerk and recorder's office in the real estate records.
- F. Nature of Review: When considering an application for a special use permit, the planning, zoning and adjustment board and governing body shall consider the applicable standards, including the airport obstruction regulations, and may impose specific conditions precedent to establishing the use. Conditions may include, but are not limited to, the following:
1. Limitations upon the proposed use.
 2. Stipulation as to the exact location of the proposed use as a means of minimizing noise impacts and aviation obstructions.
 3. Requirement that structural features and vegetation be restricted in height.
 4. Reduction of site density.
 5. Compliance with approved engineering plans and specifications.
 6. Requirement for minimum open space.
 7. Stipulation that certain uses will be prohibited, specifically:
 - a. Aboveground storage of flammable materials.
 - b. Smoke or steam pollution sources and open burning.
 - c. Radio/transmitting sources which might interfere with aircraft radio/navigation equipment.
 - d. Any use which would tend to initiate or increase bird population.
 - e. Aboveground power lines, windmills, towers.
 - f. Places of public assembly or with high residential densities shall be discouraged.
- G. Burden of Proof Rests with Applicant: In all cases, the applicant must demonstrate compatibility with aviation use and that potential conflicts or negative impacts will be mitigated.
- H. Effectiveness of Special Use Permit:
1. A special use permit approval shall cease effectiveness if the use is not completely developed within two (2) years of the date of approval unless the applicant or owner requests, and the governing body provides for, a longer period of effectiveness, based on

a finding that the use is a phased development requiring a longer period of development, not to exceed six (6) years, with said phases and time deadlines clearly spelled out in the application.

2. The governing body may extend the original approval for one additional year. No later than forty-five (45) days prior to the termination of the initial approval period, the city planner, or designee, shall inform the applicant and owner in writing by mail of the termination date. If the applicant or owner has not submitted to the city planner, or designee, a written request for extension of the approval period by the termination date, effectiveness of the special use permit shall be invalid, and further development of the project shall immediately cease.

The governing body may approve the request for extension if it finds that substantial progress has been made toward completion of the development and that said progress is in compliance with applicable regulations and standards, and any condition that is a part of the special use approval. The governing body shall deny the extension request if it finds that substantial progress has not been made on the project.

- I. Amendment: A special use permit may be amended in the same manner as required for the approval of the permit.
- J. Duration of Approval: A special use permit shall run with the land; compliance with the conditions of such permit is the responsibility of the current owner of the property, whether that is the original owner or a successor. The use may continue indefinitely, regardless of ownership; provided, that the use or operation is consistent with the permit and conditions of the permit.
- K. Reciprocal Requirements: When a zone (i.e., zone D-3) allows all uses permitted in another zone (i.e., zone D-2), all airport overlay restrictions shall remain applicable in both zones.