

CHAPTER 2
DEFINITIONS

SECTION:

10-2-1: Definitions

10-2-1: DEFINITIONS:

ACCESSORY BUILDING:

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

ACCESSORY DWELLING UNIT (ADU):

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

ACCESSORY USE:

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

ADJACENT:

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

ALLEY:

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

AMENITY:

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

Cody Municipal code

ANTENNA:

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

ANTENNA TOWER:

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

APARTMENT HOUSE:

See definition of dwelling, multi-family.

ASSISTED LIVING APARTMENTS:

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

AUXILIARY KITCHEN:

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

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

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

BASEMENT:

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

BED AND BREAKFAST INN:

Cody Municipal code

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

BUFFER ZONE:

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

BUILDABLE AREA:

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

BUILDING:

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

BUILDING COVERAGE:

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

BUILDING, DETACHED:

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

BUILDING ELEVATION:

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

BUILDING FACADE:

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

BUILDING HEIGHT:

Cody Municipal code

Building height refers to the vertical distance between the average finished grade and either: a) the highest point of a flat roof; b) the deck line of a mansard roof; or c) the height of a point midway between the eaves of the main roof and the highest ridge line of a gable, hip or gambrel 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. Height limitations in this Title shall apply to all roof top structures, projections and components of any kind, including, but not limited to, church spires, steeples, belfries, cupolas, domes not intended for human occupancy, flag poles, light poles and chimneys. The height limitations shall not apply to antennas, including amateur radio antennas.

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 (2) sides. If less than two (2) sides are open, the structure shall be classified as a garage.

CHILD CARE:

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

Family Child Care Center Category:

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

Family Child Care Home Category:

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

CHILD CARE CENTER:

Cody Municipal code

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

CHURCH AND HOUSE OF WORSHIP:

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

CITY:

The City of Cody, Wyoming.

CITY COUNCIL (COUNCIL):

The Mayor and City Council of the City of Cody, Wyoming.

CITY STANDARDS:

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

COMMERCIAL VEHICLE:

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

COMMUNITY CENTER, PRIVATE (ACCESSORY):

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

COMMUNITY GARDEN:

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

COMMUNITY RESIDENCE FOR THE DISABLED:

A residential family-like living arrangement for up to ten (10) unrelated individuals with disabilities who are in need of the mutual support furnished by other residents, as well as the support services, if any, provided by the operator of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff that furnishes habilitative or rehabilitative services related to the needs of the residents.

Cody Municipal code

Interrelationships among residents are an essential component of a community residence. A community residence shall be considered a residential use of property for purposes of all zoning and building codes. However, the Fire Marshal, pursuant to and consistent with the City's Fire Code, may require enhanced fire protection, including the installation of fire sprinklers and other mitigating measures, where one (1) or more residents has a lessened ability to ambulate adequately. Prior to authorization of a community residence for more than five (5) residents, the applicant shall provide a certification from a qualified medical practitioner that the number of disabled residents proposed is necessary to provide the mutual support and interrelationships required for treatment. The use does not include any of the following:

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

Cody Municipal code

1. Modified medical detoxification facilities;
2. Facility for the treatment of narcotics; or
3. Community triage center.

CONDOMINIUM:

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

CONVALESCENT CARE FACILITY/NURSING HOME:

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

CUL-DE-SAC:

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

CURB:

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

CURB CUT:

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

DEVELOPABLE ACREAGE (DEVELOPABLE ACRES):

The total area within the lot lines of a property of a lot or parcel of land before public streets or other areas to be dedicated or reserved for a public use are deducted from such lot or parcel through the subdivision process. The term does not include any property that:

- A. Has already been dedicated or reserved for such purposes;

Cody Municipal code

B. Contains slopes in excess of thirty three percent (33%) for a horizontal distance of at least twenty feet (20'), measured up/down the slope;

C. Is below the ordinary high water mark of a waterbody; or,

D. Is within a protected wetland.

DORMITORY:

A building other than a single-family dwelling that is used for non-transient group sleeping accommodations either in one (1) room or a series of closely associated rooms for persons not constituting a family, and which building is under single management. Dormitories may include common dining, cooking, recreation, and bathing facilities. A single-family dwelling may be converted into a dormitory pursuant to the requirements of the adopted Building Code in order to meet this definition. Sorority and fraternity houses fall within this category.

DWELLING:

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

DWELLING, ATTACHED:

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

DWELLING, MULTI- FAMILY:

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

DWELLING, SEMIDETACHED SINGLE-FAMILY:

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

DWELLING, SINGLE- FAMILY DETACHED:

A dwelling unit:

Cody Municipal code

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

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

DWELLING, SITE- BUILT:

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

DWELLING, TOWNHOUSE:

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

DWELLING, TWO- FAMILY (aka DUPLEX):

A detached building on a single lot that is designed for occupancy by two families living independently of each other in separate dwelling units.

DWELLING UNIT:

A residential unit providing complete and independent living facilities for the exclusive use of a single family maintaining a household, including lawful facilities for living, cooking,

Cody Municipal code

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 (1) family.

EASEMENT:

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

EGRESS:

An exit.

ENGINEER:

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

ESTABLISHMENT:

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

FAMILY:

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

FRONTAGE (Street):

The portion of a property that borders a street right-of-way, measured along the property line.

FUNCTIONAL CLASSIFICATION:

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

GARAGE:

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

GARAGE, REAR- LOAD:

A private garage with the overhead door(s) accessed from the rear of the lot.

GARAGE, SIDE-LOAD:

A private garage where the overhead door(s) are oriented perpendicular to the front lot line.

Cody Municipal code

GOVERNING BODY:

The City Council of the City of Cody.

GRADE, FINISHED:

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

GRADING:

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

GROSS FLOOR AREA:

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

HAZARDOUS MATERIAL:

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

HAZARDOUS WASTE:

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

HOME OCCUPATION:

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

Large-Scale:

A business or professional enterprise operated from a residential dwelling, or building or land accessory thereto, by a resident of the household and potentially up to two (2) non-resident employees, which is of a scale and character that does not alter or detract from the residential character of the property or neighborhood, and is incidental and accessory to

Cody Municipal code

the primary use of the property for residential purposes. Large-scale home occupations shall meet the standards outlined in the supplemental development standards.

Small-Scale:

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

IMPROVEMENT:

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

INDIVIDUAL CARE CENTER:

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

INDIVIDUAL CARE - FAMILY HOME:

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

- A. Facility for transitional living for released offenders;
- B. Facility to provide testing, treatment, or counseling for drug and alcohol abuse;
- C. Hospice;
- D. Sex offender counseling facility;

Cody Municipal code

E. Any of the following:

1. Modified medical detoxification facilities;
2. Facility for the treatment of narcotics;
3. Community triage center; or
4. Habilitative or nursing care.

INDIVIDUAL CARE - GROUP HOME:

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

INGRESS:

Access or entry.

KENNEL:

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

KITCHEN:

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

LANDSCAPING:

Cody Municipal code

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

LIVING AREA:

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

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

LODGING UNIT/ROOM:

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

LONG-TERM RENTAL:

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

LOT:

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

When it is necessary to distinguish between types of lots, such as often occurs in the realm of surveying and subdivision regulation, the term "lot" is typically limited to the strict definition, and the terms tract, lot of record, deeded parcel, etc., carry their respective meanings. Due to the potential for misinterpretation, the reviewing official has the authority to determine the proper interpretation of "lot" consistent with the language of

Cody Municipal code

this title, so that its use does not inadvertently preclude applicability of any particular regulation.

LOT AREA:

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

LOT AREA, NET:

As of the date of adoption of this chapter, “net lot area” means the area of a lot (lot area) minus any portion thereof that:

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

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

LOT, CORNER:

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

LOT DEPTH:

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

LOT, DOUBLE FRONTAGE:

Cody Municipal code

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

LOT, FLAG:

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

LOT FRONTAGE:

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

LOT, IMPROVED:

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

LOT, INTERIOR:

A lot other than a corner lot.

LOT LINE:

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

LOT LINE, CORNER:

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

LOT LINE, FRONT:

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

Cody Municipal code

Notwithstanding the above, the City may specify the curb cut/driveway location to any City street.

LOT LINE, REAR:

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

LOT LINE, SIDE:

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

LOT OF RECORD:

A plot, tract, or parcel of land that:

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

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

LOT, REVERSE CORNER:

A corner lot, the rear of which abuts the side of another lot.

LOT SIZE, MINIMUM:

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

LOT, SUBSTANDARD:

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

LOT, THROUGH:

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

Cody Municipal code

LOT, TRANSITION:

A lot in one (1) zoning district which abuts another zoning district.

LOT WIDTH:

The mean horizontal distance between the side lot lines.

LOT, ZONING:

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

MAINTENANCE (Also MAINTAINED):

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

MANUFACTURED HOME:

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

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

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

MOBILE HOME:

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

Cody Municipal code

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

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

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

MOBILE HOME PARK:

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

MOBILE HOME SPACE:

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

MODULAR HOME:

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

NON-TRANSIENT:

Occupancy of a dwelling or sleeping room for thirty (30) days or more.

OCCUPANCY OR OCCUPIED:

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

OFF-SITE PARKING:

Cody Municipal code

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

OPEN SPACE:

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

OPEN SPACE, COMMON:

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

OPEN SPACE, PRIVATE:

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

OPEN SPACE, PUBLIC:

Open space owned and maintained by a public agency for the use and enjoyment of the general public.

OUTDOOR STORAGE:

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

OVERLAY ZONE:

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

OWNER:

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

OWNER-OCCUPIED:

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

PERMITTED USE:

Cody Municipal code

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

PERSON:

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

PLANNED UNIT DEVELOPMENT, RESIDENTIAL:

A residential subdivision authorized pursuant to title 11, chapter 7 of this Code.

PLANNING AND ZONING BOARD:

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

PRINCIPAL BUILDING:

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

PRINCIPAL USE:

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

PROHIBITED USE:

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

PROPERTY:

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

PUBLIC PARK OR PLAYGROUND:

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

PUBLIC UTILITY:

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

RECEPTION FACILITY:

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

Cody Municipal code

RECREATIONAL VEHICLE (RV):

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

RECREATIONAL VEHICLE PARK:

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

REVIEWING OFFICIAL:

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

ROOMING HOUSE:

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

SETBACK:

The minimum required separation distance between the nearest wall or support of a structure and the lot line, measured at a right angle from the property line.

SETBACK AREA, CORNER SIDE:

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

SETBACK AREA, FRONT:

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

SETBACK AREA, REAR:

Cody Municipal code

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

SETBACK AREA, SIDE:

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

SETBACK, GARAGE ENTRANCE:

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

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.

SIDE STREET:

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

SPOT ZONING:

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

STORAGE:

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

STORY:

Cody Municipal code

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

STREET:

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

STRUCTURE:

Any object constructed or installed, the use of which requires location in or on the ground, or attached to something having a permanent location in or on the ground. "Structure" includes but is not limited to buildings, decks, fences, towers, flag poles, signs, and other similar objects. "Structure" does not include paved areas, or vegetative landscaping materials.

TRACT:

A piece of land created and designated as part of a land division that is not a lot, lot of record, or a public right-of-way. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private alley tracts, and open space tracts. Note: The term "tract" has not consistently been applied in this manner in the past - e.g., some plats label open space or stormwater basins as lots.

USE:

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

USED FOR RESIDENTIAL PURPOSES:

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

UTILITY INFRASTRUCTURE SITE:

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

VISUAL SCREEN:

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

WALL HEIGHT:

Cody Municipal code

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

WIND ENERGY SYSTEM, SMALL:

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

WIRELESS COMMUNICATION ANTENNA:

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

WIRELESS COMMUNICATION DEFINITIONS:

(Applicable to the definition and regulation of wireless communication facilities only.)

Applicant:

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

Base Station:

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

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

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

Cody Municipal code

C. The term includes any structure other than a tower that, at the time the relevant application is filed with the City under this title, supports or houses equipment described in this section that has been reviewed and approved under the applicable zoning or siting process, or under State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

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

Collocation:

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

Distributed Antenna System Or DAS:

A network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

Eligible Facilities Request:

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

A. Collocation of new transmission equipment;

B. Removal of transmission equipment; or

C. Replacement of transmission equipment.

Eligible Support Structure:

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

Existing:

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

Cody Municipal code

FCC:

The Federal Communications Commission.

Macrocell:

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

Monopole (aka Slim-Line Pole):

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

Public Utility:

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

Site:

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

Small Cells:

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

Stealth Design:

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

Substantial Change:

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

Cody Municipal code

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

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

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

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

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

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

Tower:

Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are

Cody Municipal code

constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Transmission Equipment:

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

Utility Support Structure:

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

Wireless Communication Antenna:

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

Wireless Communication Facility Or WCF:

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

Wireless Communication Facility, Non-Stealth Design:

A wireless communication facility that does not qualify as a stealth design wireless communication facility.

Wireless Communication Signals:

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

WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN:

A wireless communication facility that is screened or designed to blend into the surrounding environment such that it is not readily seen or discernable as a wireless

Cody Municipal code

communication facility to a casual passerby. Examples include roof-mounted antennas with architectural screening; panel antennas mounted against the wall of an existing building and painted or finished to match the existing structure; antennas integrated into architectural elements such as steeples or cupolas; and antennas and antenna structures designed to look like streetlight poles or flagpoles.

YARD:

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

YARD, CORNER SIDE:

The yard of a corner lot extending from the front yard to the rear yard and between the side street and the primary structure.

YARD, FRONT:

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

YARD, REAR:

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

YARD, SIDE:

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

ZONING DISTRICT:

An area designated on the Official Zoning Map in which certain uses are permitted and certain others are not permitted, all in accordance with this title.

(Ord. 2017-02, 3-7-2017; amd. Ord. 2017-11, 6-6-2017; Ord. 2022-21, 12-20-2022; Ord. 2024-11, 10-15-2024)