

City Council Special Meeting Agenda

Date: 06-12-14
Time: 4:15 p.m.
Location: City Hall Council Chambers

- | | | |
|--|--|--|
| <input type="checkbox"/> Mayor Nancy Tia Brown | <input type="checkbox"/> Steve Miller | <input type="checkbox"/> Administrative Services |
| <input type="checkbox"/> Donny Anderson | <input type="checkbox"/> Stan Wolz | Officer, Cindy Baker |
| <input type="checkbox"/> Bryan Edwards | <input type="checkbox"/> City Administrator, Jenni | <input type="checkbox"/> City Attorney, Scott |
| <input type="checkbox"/> Jerry Fritz | Rosencranse | Kolpitcke |
| <input type="checkbox"/> Landon Greer | | |

- Discuss a request from John Wells, representing Cody Skateboarders for a precession down a portion of Sheridan Ave on June 21st.
 - Staff Reference: Rick Manchester, Parks, Public Facilities & Recreation Director
 - Spokesperson: John Wells
- Consider a request for Council subcommittee to consider changes to the Tree Ordinance.
 - Staff Reference: Rick Manchester, Parks, Public Facilities & Recreation Director
- Discuss a request from Cody's Town Taxi for "Taxi" only parking space(s).
 - Staff Reference: Steve Payne, Public Works Director
 - Spokesperson: Kevin Sumpter, Cody Taxi
- Discuss Accessory Dwelling Units (Ordinance 2014-08).
 - Staff Reference: Todd Stowell, City Planner
- ORDINANCE 2014-09 – SECOND READING**
AN ORDINANCE PROVIDING FOR THE AMOUNT OF TAX LEVY FOR THE CITY OF CODY, WYOMING FOR THE FISCAL YEAR ENDING JUNE 30, 2015.
Staff Reference: Leslie Brumage, Finance Officer
- ORDINANCE 2014-10 – SECOND READING**
AN ORDINANCE PROVIDING FOR THE ANNUAL APPROPRIATION OF MONEY FOR THE MAINTENANCE OF THE CITY OF CODY, WYOMING FOR THE FISCAL YEAR ENDING JUNE 30, 2015.
Staff Reference: Leslie Brumage, Finance Officer
- Discuss Meeting time for the Regular Council Meeting scheduled for July 1, 2014.
- June 17, 2014 agenda questions.
- Staff Updates
- Council Updates
- Meeting Reminders:
 - Tuesday, June 17, 2014 –Regular Council Meeting 7:00 p.m. City Council Chambers

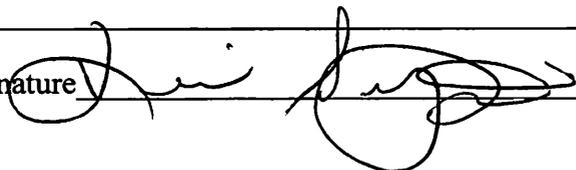
Time Adjourned: _____

City of Cody Agenda Request Form

In order to fully prepare the Council for their meetings, individuals wishing to appear before the Council are asked to complete the following information prior to placement on the agenda. You may be notified by mail, telephone or e-mail of the date you have been scheduled to appear. You may also be contacted by City staff prior to the meeting to see if your concerns can be addressed without appearing before the Council.

Please provide the following detailed information relating to your concern or request. This form (and any relevant attachments) is due no later than seven days prior to a Council meeting to allow sufficient time for internal review. Council packets are prepared the Wednesday prior to the Tuesday meetings. Meetings are held the first and third Tuesday of each month. Please complete the following information in full and return to City of Cody PO Box 2200 Cody, WY 82414 (Fax 307-527-6532)

Name of person to appear before the Council KEVIN SUMPTER
Organization Represented CODY'S TOWN TAXI
Date you wish to appear before the Council JUNE 3, 2014
Mailing Address P.O. Box 884 Cody WY 82414 Telephone 307-2506941
E-Mail Address KEVINSUMPTER1961@GMAIL.COM
Preferred form of contact: Telephone 307-2506941 / E-Mail _____
Names of all individuals who will speak on this topic KEVIN SUMPTER,
SURETTE SUMPTER
Event Title (if applicable) _____
Date(s) of Event (if applicable) _____
Full description of topic to be discussed (include all relevant information, attach additional sheet if necessary) "TAXI" ONLY PARKING IN FRONT
OF SILVER DOLLAR BAR. "TAXI" ONLY PARKING
FROM 10PM - 2AM 7 DAYS A WEEK
APPLIES TO ALL TAXI COMPANYS
Which City employee(s) have you spoken to about this issue? _____

Signature  Date MAY 14 - 2014

MEETING DATE:	JUNE 3, 2014
DEPARTMENT:	CITY PLANNER
PREPARED BY:	TODD STOWELL
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

AGENDA ITEM SUMMARY REPORT
An Ordinance Adopting Provisions for Accessory Dwelling Units.
Ordinance 2014-08

ACTION:

First Reading of Ordinance 2014-08 to adopt provisions for accessory dwelling units.

BACKGROUND:

Accessory dwelling units are also referred to as accessory apartments, granny flats, guest houses, mother-in-law apartments, etc. and consist of complete dwellings (living and cooking areas) occupied independently from the main residence on the property. There are many existing accessory dwelling units (ADUs) throughout the City. However, the topic is not clearly established in the City zoning ordinance.

Under the present zoning ordinance an accessory dwelling unit located within the same structure as the primary residence can simply be considered a duplex or two-family dwelling, which is permitted in the A, B, C, F-2, T, D-1, D-2, and D-3 zoning districts; provided it meets the minimum dwelling size of 864 square feet required by subsection 10-11-1(A) of the zoning code. However, the minimum size requirement has been criticized as excessive for accessory dwelling unit purposes, and many units exist that are much smaller. Furthermore, there is the matter of the current "lot size per family" standard. For example, the 7,000 square feet of lot required per "family" (dwelling) in the Residential 'A' zone would appear to mean that a minimum of 14,000 square feet is required if the owner is to have a primary dwelling and accessory dwelling on the same lot. Most existing situations do not comply with the "lot size per family" standard.

The city has also received inquiries about establishing accessory dwelling units in the Residential AA zoning district.

In order to more specifically establish requirements for accessory dwelling units, a new ordinance has been drafted and reviewed by the Planning and Zoning Board and is now presented for Council consideration. The draft ordinance clearly defines accessory dwelling units, and establishes them as permitted uses in the residential zoning districts, including the AA Residential, subject to a number of specific requirements.

PROCEDURE:

10-5-1: CITY COUNCIL AUTHORITY:

The city council may by ordinance at any time, on its own motion or petition, or upon the recommendations by the planning and zoning commission, amend, supplement or change the regulations or districts herein or subsequently established; provided, however, that a public hearing shall

AGENDA ITEM NO. _____

first be held in relation thereto, after one publication of notice of the time, place and purpose of such hearing, in an official newspaper, at least fifteen (15) days prior to such hearing.

The Planning and Zoning Board has made a recommendation to the City Council to adopt the proposed ordinance. A properly advertised public hearing will be held at the second reading on June 17, 2014.

STAFF COMMENTS:

Planning staff views the concept of accessory dwelling units (ADUs) as an overall benefit to the community, which is responsive to the needs of its citizens. The evidence of demand for ADUs exists in the fact that there are already several in the City. Specific benefits of ADUs may include: supplemental income to retired or struggling homeowners; opportunities for secondary living quarters for relatives or friends in need; and opportunities for “caretaker” situations—medical and elderly assistance. If there is a continuing market need, the City can choose to encourage the development of ADUs by adopting provisions for such.

The ordinance recommended by the Planning and Zoning Board reflects their desires and is very permissive, in that it allows practically any form of ADU on any residential lot that can meet the standards. If Council believes the ordinance is too flexible, options could include imposing a larger minimum lot size, differentiating between attached and detached ADUs in where or how they are permitted, or creating other limitations.

FISCAL IMPACT

There do not appear to be any direct costs to the city budget in adopting the new ordinance.

ALTERNATIVES

Approve, table, or deny the ordinance.

RECOMMENDATION

The Planning and Zoning Board recommends adoption of the proposed ordinance for Accessory Dwelling Units.

ATTACHMENTS

Ordinance 2014-08.

AGENDA & SUMMARY REPORT TO:

N/A

AGENDA ITEM NO. _____

ORDINANCE 2014-08

AN ORDINANCE ADOPTING PROVISIONS FOR ACCESSORY DWELLING UNITS BY AMENDING CITY OF CODY CODE TITLE 10, CHAPTERS 1 AND 7 THROUGH 11.

WHEREAS, in response to a number of inquiries from property owners desiring to establish accessory dwelling units, a subcommittee of Planning and Zoning Board members and city staff researched the topic and drafted new definitions and regulations to specifically address the topic;

WHEREAS, the Planning and Zoning Board reviewed the draft definitions and regulations, and at their February 25, 2014 meeting directed modifications and made a recommendation that the City Council consider adoption of those draft definitions and regulations pertaining to accessory dwelling units;

WHEREAS, a properly advertised public hearing was held by the City Council on June 17, 2014;

WHEREAS, after considering public comment and the Planning and Zoning Board recommendation, the City Council has determined that it is in the best interest of the public to adopt the accessory dwelling unit regulations and associated definitions.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CODY, WYOMING:

SECTION 1:

Chapter 1, Definitions, of Title 10, Zoning Regulations, is hereby amended to add the following definitions:

Accessory Dwelling Unit (ADU): "Accessory Dwelling Unit" (ADU) is an independent, self-contained dwelling unit within or attached to a 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 is 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.

Dwelling: "Dwelling" means a building, structure, or portion thereof, designed or used exclusively for residential occupancy. Dwellings are further classified by the number of dwelling units (e.g. two-family dwelling) and configuration (attached or detached).

Dwelling Unit: "Dwelling Unit" means a single residential unit providing complete and independent living facilities for one or more persons living as a single household, including lawful facilities for cooking, eating, sleeping and sanitation reserved solely for the occupants thereof.

SECTION 2:

The definition of "Dwelling, One-Family Detached" as found in Chapter 1, Definitions, of Title 10, Zoning Regulations, is hereby amended to read as follows:

Dwelling, One-Family Detached: A building containing one dwelling unit; or, a building containing one dwelling unit and an accessory dwelling unit.

SECTION 3:

Chapter 11, Restrictions and Limitations, of Title 10 City of Cody Code is renamed to

SECTION 4:

A new section, 10-11-2, Accessory Dwelling Units, is added to Chapter 11, Supplemental Development Regulations, as follows:

10-11-2 Accessory Dwelling Units. (ADUs) Accessory dwelling units established in conformance with the provisions of this section may be allowed as specified by the applicable zoning district. **An application demonstrating compliance with the requirements of this section must be submitted for review and approval.**

1. 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 anytime 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. Development standards. Accessory Dwelling Units (ADUs) shall comply with the following development standards, in addition to those of the specific zoning district in which the property is located.
 - a. Lot Area, Dwelling Size, and Density. The minimum lot size required for an accessory dwelling unit (ADU) is 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 ("lot area per family") for a lot.
 - b. 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 or more dwellings is not permitted to have an accessory dwelling unit.
 - c. Height and Setbacks. A single-story ADU that does not exceed fifteen feet in building height is subject to the setback standards applicable to private garages. ADU structures that are taller than fifteen feet in building height shall conform to setback standards applicable to a primary residence.
 - d. Lot coverage. The footprint of a proposed building containing an ADU that is structurally detached from the primary residence may cover up to 20% of the lot.
 - e. Living Area. The total living area of an ADU may not exceed seventy-five percent of the living area of the primary dwelling, or 800 square feet, whichever is less, with the following exception: When the ADU will be located on one level of an existing house (e.g. basement), and it is not readily feasible to limit the ADU to a portion of that level, then the full level may be utilized by the ADU. Qualification for such exception shall be determined by the City Planner.

For ADU-related 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 6'8" ceiling height; and,
 4. Other areas with ceiling height less than five feet.
 - f. Type of Construction. All ADUs are to be of conventional site-built construction and meet the requirements of the adopted building code for residential dwellings. Mobile homes, manufactured homes, recreational vehicles and temporary structures shall not be used as ADUs.
 - g. Bedrooms. An ADU may not contain more than two bedrooms/sleeping areas.
 - h. Parking. An ADU must have a minimum of one off-street parking space, when located outside of the downtown parking district. Any required existing parking may not be displaced by the ADU, unless such parking is replaced elsewhere on the lot.

i. Entrances. Within the Residential AA zoning district, only one entrance may be located on the front face of the house. Entrances set back at least twelve feet from the nearest portion of the front of the house are not considered to be on the front face.

j. Owner Occupancy. Within the Residential AA and A zoning districts, the owner of the property must utilize the primary dwelling unit or ADU as their primary residence. The units shall not both be occupied unless this is the case. Prior to the issuance of a permit to establish an accessory dwelling unit in the AA or A zone, the property owner is to record a deed restriction with the Park County Clerk's office to this effect. The document must be in a form prescribed by the City and include a description of the location and size of the ADU.

In addition, within the Residential AA zoning district, occupancy of the ADU by other than the property owner is limited to a person, and their household, that provides or receives a direct non-monetary benefit to/from the property owner, such as a personal caregiver, groundskeeper, housekeeper, nanny, relative, or house guest. Notice of this restriction is to be included in the deed restriction noted above.

Written certification of ongoing compliance with this requirement (j) must be provided annually to the Community Development office, if applicable.

k. Short term rental. An ADU may be utilized as a short term rental when located in a zoning district that permits short term rentals, provided applicable short term rental requirements are met.

l. 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.

m. Any home occupation within an ADU shall be limited to the home occupation standards of the Residential AA district.

n. Addressing. The ADU will be assigned an individual address, which must be posted as required by code.

3. Neighbor Notice:

Upon authorization of an Accessory Dwelling Unit, notice of the project and applicable requirements of this section must be provided to owners of all private land within seventy(?) feet of the subject property by USPS first class mail. The owner is to certify to the City that the notice was sent prior to commencing use of the ADU.

SECTION 5:

Add a new Section 10-7A-1(F) to City of Cody Code, as follows:

"Accessory Dwelling Unit, subject to Section 10-11-2."

(Note: This adds Accessory Dwelling Units as permitted uses in the Residential AA zoning district, which also makes them permitted in the A, B, C, F-2, T, RR, D-1, D-2, and D-3 zoning districts.)

SECTION 6:

EFFECTIVE DATE. That this Ordinance shall become effective after final passage and publication in the Cody Enterprise.

SECTION 7:

SEVERABILITY. Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

PASSED, ADOPTED AND APPROVED ON
THIRD AND FINAL READING: _____

ORDINANCE 2014-09

AN ORDINANCE PROVIDING FOR THE AMOUNT OF TAX LEVY FOR THE CITY OF CODY, WYOMING FOR THE FISCAL YEAR ENDING JUNE 30, 2015.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CODY, WYOMING:

SECTION 1: That the amount of General Tax for the fiscal year ending June 30, 2014 necessary to meet the current expenses for the City of Cody, together with and including the necessary tax for interest and indebtedness for said year, and the same is hereby fixed and determined to be eight (8) mills upon all assessable property to be within the City of Cody, Wyoming.

SECTION 2. That said levy is hereby declared to be distributed as follows:

General Fund .008

SECTION 3. That said Ordinance shall be in full force and effect from and after its passage and publications as provided by law.

PASSED ON FIRST READING

June 03, 2014

PASSED ON SECOND READING:

PASSED, ADOPTED, AND ORDERED PUBLISHED
ON THIRD AND FINAL READING:

Nancy Tia Brown, Mayor

ATTEST:

Cynthia Baker
Administrative Services Officer

ORDINANCE 2014-10

AN ORDINANCE PROVIDING FOR THE ANNUAL APPROPRIATION OF MONEY FOR THE MAINTENANCE OF THE CITY OF CODY, WYOMING FOR THE FISCAL YEAR ENDING JUNE 30, 2014.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CODY, WYOMING THAT:

SECTION 1. There is hereby appropriated for the purpose of operating the City of Cody, Wyoming, and paying all expenses thereof, the sum of \$35,123,331.

SECTION 2. The City anticipates having \$34,236,226 available in revenue and \$16,191,179 in cash reserves during the coming year from the following sources and it is appropriated from the funds of said City for the ensuing year the sum of \$35,123,331 or as much as may be necessary for the following purposes, to wit:

Fund	Total Estimated Cash Available For Budget	Total Estimated Revenue Available	Estimated Total Cash Plus Revenues	Estimated Total Requirements for Appropriation
General Fund	\$ 5,676,050	\$ 14,267,620	\$ 19,943,670	\$ 14,750,592
Vehicle Replacement Fund	\$ 2,487,014	\$ 551,103	\$ 3,038,117	\$ 538,400
Lodging Tax Fund	\$ 8,456	\$ 101,797	\$ 110,253	\$ 110,253
Public Improvements Fund	\$ 128,592	\$ -	\$ 128,592	\$ 100,000
Solid Waste Fund	\$ 1,759,420	\$ 2,271,092	\$ 4,030,512	\$ 2,140,361
Water Fund	\$ 1,893,977	\$ 3,154,752	\$ 5,048,730	\$ 3,097,586
Wastewater Fund	\$ 1,659,575	\$ 1,407,180	\$ 3,066,755	\$ 1,851,148
Electric Fund	\$ 2,578,094	\$ 12,482,682	\$ 15,060,776	\$ 12,534,991
Total City Appropriation	\$ 16,191,179	\$ 34,236,226	\$ 50,427,405	\$ 35,123,331

General Fund		Solid Waste Fund	\$ 2,140,361
Mayor - Council	\$ 510,873		
City Administrator	\$ 198,099	Water Fund	\$ 3,097,586
Administrative Services	\$ 1,492,506		
Pass Through Grants	\$ 3,111,424	Wastewater Fund	\$ 1,851,148
Police	\$ 3,121,682		
Parks Maintenance	\$ 1,360,124	Electric Fund	\$ 12,534,991
Public Facilities	\$ 542,194		
Recreation Center	\$ 1,121,917	Lodging Tax Fund	\$ 110,253
Aquatics	\$ 821,114		
Community Development	\$ 564,119	Vehicle Replacement Fund	\$ 538,400
Streets	\$ 1,622,466		
Vehicle Maintenance	\$ 284,073	Public Improvements Fund	\$ 100,000
Total General Fund	\$ 14,750,592		

PASSED ON FIRST READING:

June 03, 2014

PASSED ON SECOND READING:

PASSED, ADOPTED, AND ORDERED PUBLISHED
ON THIRD AND FINAL READING:

Nancy Tia Brown, Mayor

ATTEST:

Cynthia Baker, Administrative Services Officer