



**PLANNING, ZONING AND ADJUSTMENT BOARD
APPLICATION FOR A CONDITIONAL USE PERMIT**

STAFF USE
File #: SUP2020-_____
P&Z Invoice: _____
Date Received: _____

Applicant's Name: _____

Applicant's Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Email: _____

Project Address: _____ Cody, WY 82414

Property Owner's Name: _____ Phone/Cell: _____

Property Owner's Mailing Address: _____ City: _____ State: _____ Zip: _____

Zoning District of Subject Property (check zone): Rural R-1 R-2 R-2MH R-3 R-4 MHP

Conditional Use Category (from Ch. 7 Land Use Table): _____

Brief Description of Proposal: _____

Signature of Property Owner: _____
Signature *Date*

Application Procedures:

Applicants are highly encouraged to arrange a pre-submittal meeting with staff to review the application requirements and notification procedures. Improper notices or procedures will often result in processing delays and additional fees.

At the time of application, submit the application fee of \$250.00 and provide twelve (12) paper copies and one electronic PDF copy of the following materials:

- NARRATIVE: A letter to the Planning and Zoning Board and/or other supplemental materials such as photos, describing the project. It is also recommended that your address the standards for approval of conditional uses, as found in Section 10-14-1(D) of the Cody City Code (attached).
- SITE PLAN: A drawing/map showing the applicable details of the proposal (i.e. location of buildings and structures, parking areas, means of vehicular access, signs, landscaping, fencing, screening, easements, utilities, and pedestrian areas).

After submittal of the application, you must perform the following actions by the deadlines noted. Staff can assist in generating the mailing list and notices.

- SEND LETTERS TO NEIGHBORING PROPERTY OWNERS: Complete the attached notice template (confirm hearing date with City planner) and send it with any supplemental information to all property owners within 140' of subject property, via U.S. first-class mail, approximately 14 days before the hearing (10 days minimum). The mailing list can be generated through the MapServer Program on the Park County Website at <http://mapserver.parkcounty.us/>
- LEGAL NOTICE: Submit legal notice of the public hearing to the local newspaper (Cody Enterprise), so that it is published at least 10 days prior to the public hearing. Use the attached template for guidance. The language of the legal notice must be approved by the Community Development Department before it is submitted to the newspaper. The publication fee is the applicant's responsibility (typically \$75-100.00) and will be billed directly from the Cody Enterprise.
- COMPLETE THE AFFIDAVIT OF MAILING: The person that mails the notices to neighbors must complete the attached affidavit and attach a copy of what was mailed.

After Approval:

- Recording Permit: If the Planning and Zoning Board approves the conditional use permit, we will provide you with a document that is to be recorded at the Park County Clerk's Office within 15 days of approval.

2019

Two Meetings Per Month Tuesdays, 12:00 p.m. City Hall Council Chambers	Application Submittal Deadline	Submit Legal Notice to Cody Enterprise Newspaper Before 10 a.m. on:	Newspaper Publication Date	Send Letter to Neighbors within 140' at least 10 Days Before Public Hearing, prefer 14+ days.	P&Z Board Meeting
1st Meeting in January 2019	12/18	12/24	12/26	12/28	1/8
2nd Meeting in January	12/31	1/7	1/9	1/11	1/22
1st Meeting in February	1/22	1/28	1/30	2/1	2/12
2nd Meeting in February	2/5	2/11	2/13	2/15	2/26
1st Meeting in March	2/19	2/25	2/27	3/1	3/12
2nd Meeting in March	3/5	3/11	3/13	3/15	3/26
1st Meeting in April	3/19	3/25	3/27	3/29	4/9
2nd Meeting in April	4/2	4/8	4/10	4/12	4/23
1st Meeting in May	4/23	4/29	5/1	5/3	5/14
2nd Meeting in May	5/7	5/13	5/15	5/17	5/28
1st Meeting in June	5/21	5/24	5/29	5/31	6/11
2nd Meeting in June	6/4	6/10	6/12	6/14	6/25
1st Meeting in July	6/18	6/24	6/26	6/28	7/9
2nd Meeting in July	7/2	7/8	7/10	7/12	7/23
1st Meeting in August	7/23	7/29	7/31	8/2	8/13
2nd Meeting in August	8/6	8/12	8/14	8/16	8/27
1st Meeting in September	8/20	8/26	8/28	8/30	9/10
2nd Meeting in September	9/3	9/9	9/11	9/13	9/24
1st Meeting in October	9/17	9/23	9/25	9/27	10/8
2nd Meeting in October	10/1	10/7	10/9	10/11	10/22
1st Meeting in November	10/22	10/28	10/30	11/01	11/12
2nd Meeting in November	11/5	11/8	11/13	11/15	11/26
1st Meeting in December	11/19	11/25	11/27	11/29	12/10
2nd Meeting in December	No Meeting Christmas Eve				
1 st Meeting in January	12/26	12/30	1/1	1/3	1/14

Notice to Owners of Neighboring Properties:

Please return this letter by _____ to:

Date: _____

Cody City Planner
P.O. Box 2200
Cody, WY 82414

RE: **REQUEST FOR CONDITIONAL USE PERMIT**

THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST FOR A CONDITONAL USE PERMIT. YOUR COMMENTS WOULD BE APPRECIATED.

Applicant Name(s): _____

Address or Location/Legal Description: _____

Description of Request: _____

This request will be considered by City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, _____, at 12:00 p.m. in the City Hall Council Chambers, at 1338 Rumsey Ave.

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

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

Dear Planning and Zoning Board Members:

I am familiar with the proposal by _____ for the conditional use request described above.
(Applicant name)

I have NO OBJECTION to the Conditional Use.

Name: _____

Address: _____

Comments: _____

I OBJECT to the Special Exemption Request:

Name: _____

Address: _____

Reason for Objection: _____

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

LEGAL NOTICE TEMPLATE

Publish Date: _____, 2020 *(One time at least ten (10) days prior to the public hearing.)*

PUBLIC HEARING

The City of Cody Planning and Zoning Board will hold a public hearing on Tuesday, _____, 2020 at 12:00 p.m. (noon) or as soon thereafter as practical at 1338 Rumsey Avenue, in the Cody City Council Chambers to consider a request from _____ for a Conditional Use Permit to _____
_____ *(e.g. operate a major home occupation)* at _____ *(address/location)*.

Information regarding the request is available at the Community Development Dept. in City Hall or by calling (307) 527-3472. Written comments may be directed to the Community Development, P.O. Box 2200, Cody, WY 82414 and must be received prior to the date and time of the public hearing.

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.