



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BUILDINGS, STRUCTURES AND USES IN THE AIRPORT BUSINESS PARK

Adopted by Yellowstone Regional Airport Joint Powers Board
May 8, 2019

AIRPORT BUSINESS PARK

INTENT AND PURPOSE

In order to impose a common plan of building and development standards at Yellowstone Regional Airport, henceforth YRA, the following Covenants, Conditions, and Restrictions, henceforth CC&Rs, shall be adopted for the mutual benefit of YRA and future lessees of building sites at the YRA Business Park, henceforth Business Park. YRA hereby declares and provides that all development, use of lands, maintenance of facilities and locations shall be subject to the following CC&Rs. It shall be further understood that these established CC&Rs shall be considered minimum standards to be met by all lease holders in the Business Park. In addition, these CC&Rs shall be attached as Exhibit A to all Business Park lease agreements.

It is the express purpose of these CC&Rs:

- To ensure proper development, use, and maintenance of all properties within the Airport Business Park;
- To protect public and private investment of individuals against incompatible and improper development that may devalue surrounding properties;
- To prevent structures built of unsightly design or inferior materials that may be visually and structurally inadequate and repugnant;
- To encourage attractive improvements at appropriate locations;
- To prevent haphazard and inharmonious improvements that distract from the overall professional appeal of the Airport Business Park; and
- In general, to secure and maintain the scale and character of development envisioned by YRA as developer and as anticipated by the community.

I. DEFINITION OF TERMS

- A. *Accessory use* - A use that is clearly incidental and subordinate to a permitted use of a building or lot. Such accessory use(s) shall not exceed 25% of the gross floor area of any building.
- B. *AOA* - Airport Operations Areas
- C. *Applicant* - A Tenant or proposed Tenant who has entered into, or may enter into, a lease with YRA for land managed by YRA, and who is requesting to construct or renovate a building or improvement on said property.
- D. *Cross access* - An easement which permits two or more adjoining properties the right to access certain described property leased by another and prohibits one lease holder from denying access to another; most often applies to parking and drive areas, walkways, and open space.
- E. *FAA* - Federal Aviation Administration
- F. *Flex space* - A type of building, or space within a building, in which leasable space is flexible to meet the needs of the tenant and is determined by moveable interior walls.
- G. *Gross floor area* - Description of the total floor area of a building, including all space and common areas such as hallways, restrooms, lobbies and foyers. (For purposes of computing the gross floor area, only those areas that are completely or partially at or above grade shall be included.)
- H. *Improvements* - Any and all buildings, structures, signage and appurtenances thereto, private utilities and connections, parking and loading areas, fencing, walls, landscaping of any kind, and terrain alterations to facilitate drainage or other site enhancements. (This term shall include the remodeling, refurbishment, or reinstallation of improvements, but shall not include routine maintenance of said improvements.)
- I. *Leasehold* - Any parcel of ground managed by YRA and which is the subject of a lease or proposed lease from YRA to a Tenant.
- J. *Premises* - The tract or tracts of land leased to the tenant
- K. *Tenant* - Any person(s), partnerships, businesses, corporations, or other entities that have entered into a lease or agreement with YRA.
- L. *TSA* - Transportation Security Administration

II. LEGAL DESCRIPTION OF THE AIRPORT BUSINESS PARK

These CC&Rs shall apply to the property located within the Business Park, according to the official record of survey.

III. ADMINISTRATION

The YRA "Airport Director" or his/her designee shall administer these CC&Rs.

- A. Review:** The Airport Director in conjunction with the City Building Inspector shall review the applicants' or tenants' submittals and approve, disapprove, or approve plans and specifications with conditions or modifications. This approval shall be advisory to the YRA Joint Powers Board, henceforth Board, whose authority shall be final. All approvals from the Airport Director shall be in writing.
- B. Restrictions on Construction Activity:** No activity (other than surveying) or structure or improvement shall be erected, constructed, placed, or altered (by addition or deletion) on any Leasehold until:
- (1) plans and specifications in such detail as the Airport Director deems necessary, have been submitted and approved by either the Airport Director or the Board.
 - (2) appropriate building permits and fees have been obtained and paid for in accordance with the most recently adopted building codes of the City of Cody.
 - (3) the applicant has provided the Airport Director with an approved FAA Form 7460-1 and any other required FAA documents for the planned improvements.
 - (4) the applicant has entered into, or is diligently working on, a Lease Agreement for the premises with the Airport Management.
- C. Submissions:** All applicants or tenants seeking to construct, alter, or renovate buildings or improvements must, at the applicant's expense, submit to the Airport Director the following information:
- (1) **Land Use Plan** containing proposed site location with total land area required; statement of intended use; statement of planned improvements; any other pertinent information as requested by the Airport Director.
 - (2) **Building Plan** showing the type of building construction desired, type of building foundations proposed, type of exterior coverings facade and colors, roof materials etc., exterior building elevations, and floor plan including all dimensions. The building plan shall include an architectural streetscape view of all four sides of the building. Applicant shall provide upon request from the Airport Director, the manufacture's standard color chart for review and approval of the proposed exterior building trim and wall colors.

- (3) **Site Plan** containing a graphic representation of the proposed development showing the boundary of the site, all building locations, landscaped areas, site access, parking, drive and loading areas. The site plan shall be drawn to an appropriate scale (1"=30'; 1"= 40'; etc.) and include the dimensions of all lots, a complete land development summary which contains gross site area, floor area, landscape area, lot coverage by principal and accessory structures, and number of parking and loading areas proposed.
- (4) **Conceptual Landscape Plan** which includes locations and general descriptions such as deciduous, conifer, shrub, ground cover, turf, etc. Any special use areas such as common areas and snow storage should be shown. Names of planting materials, sizes, quantities and a planting and maintenance plan for all proposed plant materials should be provided.
- (5) **Conceptual Grading and Drainage Plan** showing existing and proposed contours with drainage depicted by flow arrows. Quantities and calculations are not needed at this stage of review but shall be submitted to the Airport Director upon his/her request.
- (6) **Utility Plan** showing a horizontal utility layout of service lines and how they will be routed from mains; any easements should be shown on this plan.

All submittals must bear the seal of a Professional Engineer or Architect registered in the State of Wyoming.

D. Plan and Specifications Review Procedure: Two complete sets of all proposed plans and specifications meeting the requirements set forth herein shall be submitted to the Airport Director. The Airport Director shall review the proposed plans for approval, disapproval, or approval with conditions and/or modifications upon findings that:

- (1) the proposed plans comply with current City of Cody building regulations;
- (2) the proposed plans have taken under consideration geo-tech investigations/recommendations for the proposed lease lots;
- (3) the proposed plans comply with the design guidelines contained in these CC&Rs; and
- (4) the proposed plans generally reflect the stated express purposes of the Business Park.

The Airport Director shall act on plans and specifications within 45 days of receipt, but may at his/her discretion, postpone action on proposed plans for further study and/or additional information or analysis from the applicant. The Airport Director shall then review the proposed plans and give recommendations to the Board, who is the final authority. Once the Airport Director has received and reviewed the Board recommendations, he/she shall notify the applicant

within 15 days of those findings. The Airport Director may withhold action on plans and specifications that are incomplete or inadequate as to content and/or presentation and may, at his/her discretion, allow the applicant to revise or modify proposed plans prior to forwarding any recommendations to the Board.

E. Amendments to CC&Rs: Only the Board may amend the CC&Rs. Any lessee of the Business Park that is subject to these CC&Rs, may propose an amendment to these CC&Rs. Proposed amendments must be made in writing to the Airport Director and may be accompanied by surveys, drawings, or other documentation to support the proposed amendment(s). The Airport Director shall investigate the proposed amendment(s) and shall advise the Board based on the following criteria:

- (1) The proposed amendment(s) comply with the current City of Cody building regulations;
- (2) The proposed amendment(s) comply with the design guidelines contained in these CC&Rs; and
- (3) The proposed amendment(s) reflect and/or exceed the stated project objectives of the Business Park. The Board shall approve or disapprove the proposed amendments.

No amendments to the CC&Rs that revise allowed or permitted uses (or prohibited uses) shall be effective retroactively, nor in any way impact or restrict a tenant's enjoyment or use of any premises for a use that was allowed or permitted (or was not prohibited) at the time the tenant took possession of the premises. Amendments to these CC&R's shall be distributed to leaseholders within 10 days of amendment adoption.

IV. PERMITTED AND PROHIBITED LAND USES

A. Principal Permitted Uses: The ensuing examples are intended to be illustrative only and are not intended to be all inclusive or restrictive. Permitted uses in the Business Park include but are not limited to the following:

- (1) Offices - Including corporate offices, processing and claim centers, customer service call centers, multi-tenant/executive suites, governmental and non-governmental administrative centers, and professional and agency offices such as medical, dental, attorney, accountant, brokerage, real estate and insurance.
 - (2) Research and development facilities - Including product testing and development, medical research, legal/academic research, computer or telecommunications laboratories and related uses.
 - (3) Light manufacturing and component assembly (in the building manufacturing) - Including medical products, electronic components, product service centers and related uses, light warehousing, limited outside (in the yard) fabrication and
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manufacturing, assembly as specified herein, as well as internet, wholesale business and associated warehousing.

(4) Corporate office complexes.

B. Prohibited Uses: There are many lands uses that are permitted by the City of Cody Ordinance which are neither consistent nor compatible with the desired character and quality of the Business Park. Uses which are expressly prohibited include but are not limited to the following:

(1) Automobile dealerships, auto and truck sales lots, trailer, boat and RV sales, sale of mobile, manufactured, and modular homes, and related or similar uses.

(2) Vehicle repair or service of any kind, including body and paint shops, performance shops, gasoline/diesel service stations, auto parts and related uses. Rental car activities would be subject to the discretion of the Board.

(3) Heavy industry and manufacturing including asphalt and concrete plants, smelting or refining, sawmill/kiln, lumber yards, power generation, or similar operations.

(4) Trucking, moving and storage and similar operations.

(5) Retail or wholesale businesses except as allowed herein.

(6) Residential use of any kind.

(7) Schools, day care centers, churches, nursing homes, convalescents, correctional institutions, etc.

(8) Commercial recreational arenas.

(9) Clubs, lodges.

(10) Construction yards or shops.

(11) Eating establishments.

(12) Junk yards or recycling centers.

(13) Mini-warehouses.

(14) Storage yards which are not secondary to a permitted use.

C. Performance Standards: All land uses permitted in the Business Park shall meet the following standards:

- (1) No use of lands or buildings shall present hazards that either cause explosion, vibration, radioactivity, ionization, or emit noxious fumes, gases, chemicals or compounds of any kind.
- (2) There shall be no objectionable emission of smoke or odors beyond immediate property boundaries.
- (3) No use shall cause or emit a continuous noise greater than 80 decibels (dBA) at any property line.
- (4) No solid or liquid waste that does not meet federal, state or local requirements shall be discharged from any site.
- (5) No livestock or other animals shall be kept outside of a building or structure.
- (6) There shall be no unnecessary emissions of dust or other particulates from any site. Dust and siltation associated with construction shall be controlled to the extent required by local, state and federal requirements.
- (7) Outdoor storage of products, supplies, materials, or equipment associated with the business is permitted on a case by case basis, all outside storage shall be enclosed with privacy fencing or landscape screening approved by Airport Management.
- (8) Any manufacturing, fabrication, or assembly activities to be conducted outside of a building must be approved by Airport Management.
- (9) No bulk storage of fuels, hazardous materials, construction materials (except during actual construction on the same site), or heavy equipment is permitted.
- (10) Loading docks shall be limited to rear or side yards. The number of loading docks shall be subject to Board approval.

V. SITE DESIGN STANDARDS

A. Minimum Lot Area: For site development purposes, the minimum lot area in the Business Park shall be five acres.

B. Setbacks: The minimum front setback shall be 20 feet from the front property line to the foundation wall of the building. For corner lots, a 20-foot minimum setback shall be required from both street frontages. The minimum side setback shall be 15 feet and the minimum rear shall be 5 feet. Accessory structures, including trash and dumpster enclosures, that do not exceed 120 square feet in area must be set back a minimum of 10 feet from side and rear lot lines and are not permitted forward beyond or in front of the primary foundation wall of any building. Any accessory structures which exceed 120 square feet must meet the same setbacks as primary structures. Utility boxes, vaults, pedestals, traffic control boxes, and similar appurtenances are not considered structures

for setback purposes but must be located so as not to obstruct pedestrian or vehicular traffic. The location of such devices is generally a function of utility layout, but they should be kept out of boulevard landscaped areas and front setbacks if possible and located to the sides and rear of structures wherever possible.

- C. Encroachments:** Covered entries, walkways, decks, balconies and other building appurtenances that are intended to relate the building to the street are encouraged and can encroach into the front setback by up to 10 feet and into a side setback up to 5 feet. Loading docks and appurtenances thereto are required to meet applicable setbacks.
- D. Structural Height:** No building shall exceed 40 feet in height.
- E. Drainage:** Tenant shall establish compatible drainage and grading relationships between buildings, parking areas, roadways, ramps, aprons and adjacent properties that will provide positive drainage storm water run-off to the existing storm water drainage system. Tenants shall be responsible for assuring that any proposed alteration of grading or drainage shall not result in damage to any other real or personal property adjacent to or in the vicinity of the premises. All grading and drainage plans shall be approved by the Airport Director.

VI. DESIGN GUIDELINES

Any structures or improvements existing in the Tenant's Lease Agreement prior to the inclusion of these CC&Rs shall be exempt from these design guidelines. Existing structures or improvements shall be required to meet these guidelines upon renovation of at least 51% of any Leasehold; including any building, structure, or improvement on the Leasehold. Leaseholds will be subject to compliance with the CC&Rs in place at the time of the initial construction or, if more than 51% of the total square footage improvements on the Leasehold are remodeled or renovated, such Leasehold shall thereafter be subject to compliance with the CC&Rs in place at the time of approval of said remodel or renovation.

- A. Exterior Building Materials:** Primary exterior building materials used in the Business Park shall include masonry (this includes natural stone such as field stone, brick, split-faced block, Dryvit, stucco, and exposed aggregate), steel siding, wood siding etc. Wood logs or beams are allowed as an accent. All facades that front Wright Brothers Road must include at least two exterior building materials for accent. Large expanses of homogeneous exterior walls must be avoided and in no case shall there be more than 50 lineal feet of exterior wall without use of design features described in this section. Architectural features such as columns, reveals, and offsets should be used, along with clusters of mature landscaping. Structural glass is an acceptable exterior material, provided it does not exceed 50% of the wall surface area of the building. Glass exteriors should be grounded to a substantial masonry element of the building.
- B. Exterior Colors:** The palette of primary earth tone colors will help establish a unifying theme in the Airport Business Park. These colors include, but may not be limited to terra cotta, mocha, tans, browns, and gray-browns. Very light colors such as yellow, white, off-white (including blond brick), and very dark finish colors such a black including

black brick are not acceptable. Bright colored accents (excluding neon colors) and trim such as horizontal bands, window moldings, cornice caps, awnings, and downspouts are encouraged. Trim colors include reds, blues, greens (kelly, forest, and teal), and lavender/violets.

C. Roof Lines and Materials: Many different types of roof structures are permitted in the Business Park. Flat roofs (which are slightly pitched to effect positive drainage) are allowed provided they are screened with parapets. Cornices and pitches in the parapet are encouraged where appropriate. Pitched roofs are also allowed and are encouraged for smaller structures of 5,000 square feet or less, provided the minimum pitch is 3:12. Pitched roof materials may be architectural grade shingles, standing seam metal, or wood shakes. Metal roofs may not be white, off-white, galvanized, or any similar light color that will reflect glare.

D. Landscaping: Generally, landscaping in the Business Park should reflect the natural terrain and native vegetation of the Cody Area. Landscaping should consist primarily of indigenous species and should be arranged in informal clusters. Straight rows of trees and shrubs are to be avoided. Landscape boulders, berms and terraces are encouraged where appropriate. Landscaping should be used to address several specific design issues, including:

- (1) *Softening structural mass:* Expansive exterior building surfaces should be screened and visually softened with mature specimen trees and/or clusters of different types and heights of plant materials.
- (2) *Focusing entry ways and walkways:* Landscaping should draw the eye to building entries and walkways leading to entries. Landscaping should never obscure building entries from driveway entrances or parking areas.
- (3) *Screening parking and loading areas:* Landscape areas should provide separation and visual car-height screening of parking areas. Loading and service areas should be heavily screened from view of adjacent properties, streets and other public ways.
- (4) *Providing visual contrast to paved areas:* Landscaping strips or islands should be used to organize parking areas and to provide visual relief from vast expanses of paved area. Landscape strips or islands should be a minimum of nine feet in width.
- (5) *Providing visually pleasing streetscapes:* Wright Brothers Road areas and landscaped setbacks should combine to form high-quality streetscapes for motorists and pedestrians.
- (6) *Affording filtered views into and through developed sites:* Total screening from off-site is neither possible nor desirable. Motorists must be able to see into a site to make key decisions about where and when to enter. Filtered views, both site

and from the site, allow broad vistas which enhance the value and enjoyment of the Business Park property.

The Park County Extension Office maintains a list of native and non-native specimen trees, ornamentals, shrubs, and ground cover that are well suited to the Cody area climate. The Park County Extension Office also has standard planting and irrigation details that should provide a starting point for landscape drawings.

VII. PROPERTY MAINTENANCE

- A. General Responsibility:** Maintenance of the leased premises is the responsibility of the lessee. All leased property in the Business Park shall be maintained to a high standard of function and appearance. Exterior building finishes shall be kept clean. Masonry shall be maintained as close as possible to its original intended color and texture. Painted surfaces shall not be permitted to fade, crack, warp, or peel. All wood surfaces, including wood shake roofs, shall be maintained in a freshly finished appearance and shall not be allowed to deteriorate to a weathered appearance. Glass surfaces shall be cleaned regularly to avoid streaks, water spots, dirt, or debris.
- B. Emergency Equipment and Utility Access:** It is the responsibility of the lessee to maintain emergency equipment (fire extinguishers, smoke detectors, exit signs, lights, automatic fire suppression systems, standpipes, etc.), emergency exits and egress and fire lanes. Each structure shall be maintained in compliance with applicable local building, electrical and fire codes, and the Americans with Disabilities Act (ADA). Perpetual access to utility facilities (vaults, valves, manholes, etc.) on leased premises shall be provided for and maintained by the lessee.
- C. Parking and Loading Areas:** Parking, loading, and drive areas shall be paved and maintained free of potholes and excessive cracking and heaving. No dirt or debris shall be allowed to accumulate in these areas. All painted lines and directional signage shall be maintained to be visible and functional, especially markings for handicap parking and emergency vehicles.
- D. Landscaping:** All landscaping on leased premises shall be maintained in accordance to the Business Park's standards. All dead or diseased plant material must be replaced as soon as practicable given the required planting season. Landscaped areas must be regularly mowed, trimmed, or pruned as appropriate, and no trash or debris shall be allowed to accumulate.

VIII. SIGNAGE

Each leaseholder shall be allowed ample signage to identify the business or businesses thereon. Preference shall be given to the identifying themes, logos, colors, designs, and lettering styles of

the owner or tenant, except that the background colors of white, yellow, pink and neon colors are not permitted.

A. Freestanding Signs: (*non-movable, not affixed to a building*) All freestanding signs shall be of the monument or ground free-standing signs. No pole signs shall be permitted. Each property is allowed one monument sign which shall not exceed six (6) feet in height. The monument sign shall identify a building and/or the tenants of the building. Actual sign faces are limited to 30 square feet per side for each of the monuments sign's two sides. The Airport Director may, at his/her option, allow no more than 48 square feet of actual sign face to be distributed among three sides of an angled or triangular monument sign.

B. Wall Signs:

(1) Multi-tenant buildings where each tenant has its own entry and visible building frontage (flex space); one wall sign per tenant not to exceed 20 square feet shall be allowed. Signs should be placed on the building at uniform heights and shall be uniform (not necessarily identical) in design.

(2) For single-tenant buildings, and for two-tenant buildings over 8,000 square feet in gross floor area, the Airport Director may allow wall signs consisting of metal or plastic letters mounted directly to the building. One sign of this type for each street frontage of the subject property may be allowed, and no such sign may exceed 40 square feet in area.

C. Prohibited Signs: The following signs are prohibited in the Business Park.

(1) Billboards and off-premise advertising.

(2) Window signs, except for modest hours of operation signs intended to be readable by pedestrians in the immediate vicinity of the building.

(3) Roof signs.

(4) Flashing, animated, moving and mechanical signs.

(5) Light beams, projections, and holograms.

(6) Pennants, banners, sandwich board signs, balloons, trailer mounted signs, or other temporary signs, except that one time "grand opening" banners may be displayed for no more than 14 consecutive days.

(7) Exterior building perimeter and trim lighting, including neon.

D. Kiosks and Directional Signs: Individual businesses or tenants are authorized to erect directional signs on their leased premises such as “Entry”, “Exit”, and “One way” to help direct traffic to parking lots etc.

IX. PARKING AND LOADING

A. General: Each lessee shall be required to provide adequate off-street parking to meet the needs of employees, tenants, customers, and visitors. In order to maximize flexibility in site development, enhance appearance and landscaped area, and control storm water runoff, excess parking is discouraged. Shared parking and common parking areas among two or more buildings is encouraged. All parking, drive, and loading areas must be properly maintained by the lease holder, snow storage areas are encouraged to be incorporated into landscaping and site design. **NO ON-STREET PARKING IS ALLOWED IN THE BUSINESS PARK.**

B. Construction: Parking drives and loading areas shall be graded for positive drainage to avoid ponding. They shall be constructed with a minimum 3 inches bituminous hot mix over 8 inches crushed aggregate base course (grading W), or an equivalent concrete design. Except for construction and other temporary operations allowed by the Airport Director, gravel parking and drive areas, regardless of how graded or compacted, and asphalt millings are not permitted as surface materials.

C. Standards: Regulations and standards for quantities and dimensions of off-street parking spaces and loading areas are set forth in Section 9 of the City of Cody Zoning Ordinance. All off-street parking in the Business Park shall meet these minimum requirements, but the Airport Director holds the right to increase or decrease these requirements for purposes of safety and circulation.

D. Setbacks: Except for limited handicap parking, visitor parking, and drop-offs as allowed by the Airport Director, no parking areas are permitted within 20 feet of the front property line. Parking areas must be set back a minimum of 8 feet from a side lot line except where parking is shared between adjacent properties through an easement or written agreement between YRA Airport and the affected lease holders. Parking areas fronting the street side of a side lot line shall be set back a minimum of 10 feet.

E. Landscaping: All parking area setbacks shall be landscaped. Intermittent clusters of car-height plant materials should be included for screening, along with a mix of specimen trees and ornamentals. Landscape boulders and berming are encouraged where appropriate.

F. Trash facilities: Trash facilities should be enclosed within buildings when and where possible. Outdoor dumpsters shall be restricted to side and rear yards or to the rear of parking areas and/or the street. Outdoor dumpsters shall be screened by open masonry enclosures and/or landscaping.

X. LIGHTING

- A. Street Lighting:** YRA will provide street lighting on all public streets in the Business Park.
- B. Parking and Security Lighting:** Lighting in parking and loading areas and security lighting for buildings and grounds shall be the responsibility of the lessee. Lighting levels shall be kept to a minimum to accomplish the intended purpose. Security lighting may be mounted directly onto buildings and shall be directed downward. All lighting shall be shielded to prevent glare impacts on airport operations and other leased properties. Lighting is encouraged to highlight buildings and to illuminate walkways, driveways, building entries, etc.

XI. LEGALITIES:

If any provision of these CC&Rs are declared void or illegal by any court or administrative agency having jurisdiction, the remaining provisions shall continue in effect as closely as possible in accordance with the original intent.

If any legal action is instituted to enforce any of the provisions of these CC&Rs, each party shall be responsible for their own attorneys' fees and all costs of the action including court costs, expert witness fees and all other actual expenses incurred in the prosecution of the action.

XII. VARIANCES:

The Airport Director may, at his/her sole discretion, approve variances to any or all portion(s) of these CC&Rs. Any such variances shall be in writing, be specifically designated as a variance, and shall not be unreasonably withheld.

APPENDIX A: RECORD OF SURVEY OF THE BUSINESS PARK

Record of Survey will be attached.

