

**ORDINANCE NO. 1000**

**AN ORDINANCE CREATING SECTIONS 16.6.18 AND 16.6.31 AND AMENDING SECTIONS 16.3.2.6(A)(ii), 16.3.3.6(A)(ii), 16.3.4.6(A)(ii), 16.3.5.6(A)(ii), 16.3.6.6(A)(ii), 16.3.7.6(A)(ii), 16.3.9.8(A)(ii), 16.3.14.6(A)(ii), 16.3.15.5(A)(ii), 16.3.17.4(F)(ii), 16.3.17.5(H)(ii), 16.3.20.2.8(A)(ii), 16.3.20.2.8(B)(ii), 16.3.13.5(A)(ii), 16.3.16.5(A), 16.3.20.1.7(D), 16.4.6.5(L)(ii), 16.4.2.1, Table 16.4-2, 16.4.7, 16.5.4.2, 16.5.5.3(G)(iii), 16.5.8.3(F), 16.5.9.3(I)(i), Table 16.5.9-1, 16.6.15.3(A), 16.6.15.8, 16.6.23.3(vi), 16.6.9.1 OF THE DOUGLAS MUNICIPAL CODE – UNIFIED LAND DEVELOPMENT CODE**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DOUGLAS, WYOMING,** that:

**WHEREAS,** the City of Douglas (City) Council finds and determines that the following changes and clarifications need to be made in regard to the Unified Land Development Code; and

**WHEREAS,** consideration has been given to ensure fairness to all City of Douglas residents and make new regulations reasonable.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DOUGLAS, WYOMING,** that:

**Section 1.** Section 16.6.18 of the Douglas Municipal Code is hereby created to read as follows and the following sections shall be renumbered sequentially:

**16.6 Use-Specific Development Standards**

**16.6.18 Barbecue Pits, Portable Outdoor Fireplaces, and Wood-Burning Stoves**

**A. Definition**

A portable, outdoor, solid-fuel-burning fireplace that may be constructed of heavy gauge steel, concrete, masonry, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

**B. Location**

Barbecue pits, portable outdoor fireplaces, and wood-burning stoves shall be so located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property on which used and on neighboring property.

Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within fifteen (15) feet of a structure or combustible material, including overhead structures or vegetation.

*Exceptions:*

- Portable outdoor fireplaces used at one- and two-family dwellings may be operated within five (5) feet of a structure.
- Manufactured barbecue pits, portable outdoor fireplaces, and wood-burning stoves approved via retailers.

**C. Spark Arrestors and Lids**

Spark arrestors and lids shall be installed on all barbecue pits, portable outdoor fireplaces, and wood-burning stoves.

**D. Attendance**

Use of barbecue pits, portable outdoor fireplaces, and wood-burning stoves shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

**E. Fire Chief Approval Required**

Approval from the Douglas Fire Chief shall be required prior to installation of any barbecue pit, portable outdoor fireplace, and/or wood-burning stove.

**Section 2.** Section 16.6.31 of the Douglas Municipal Code is hereby created to read as follows and the following sections shall be renumbered sequentially:

**16.6 Use-Specific Development Standards**

**16.6.31 Sidewalk Displays**

**A. Sidewalk Displays Allowed Placement**

Merchandise mobile displays may be placed directly adjacent to the storefront owning said merchandise. A five (5) foot clear walking space shall be provided at all times (see figure 6.6-1).

**Exception:** If a sidewalk width is no wider than five (5) feet, the Community Development Director may make a determination on the display area so long as reasonable space is provided for pedestrian traffic, ADA access, and safety.

**Figure 6.6-1**



**B. Timing**

Merchandise mobile displays shall only be allowed during the time the business owning the merchandise is open. All merchandise mobile displays shall be completely removed from the sidewalk at the close of business. Merchandise shall be stored within the structure owning the merchandise.

**C. Pertaining**

This code shall not pertain to public art, mobile temporary signs (e.g. sandwich boards, real-estate signs, etc.), or safety measures (e.g. orange cones, construction buffers, etc.).

**Section 3.** Section 16.3.2.6(A)(ii) of the Douglas Municipal Code is hereby amended to read as follows:

**16.3.2 – Sketch Plans**

**16.3.2.6 – Notice Requirements**

**A. Published and Mailed Notice Requirements for Hearings**

ii. Mailed Notice

At least fifteen (15) calendar days prior to Planning and Zoning Commission review of a sketch plan application, the Community Development Department shall provide first class mailed notice to the owner or owners of all properties located within ~~one-fourth one thousand four hundred (0.251,400) of a mile/feet; excluding all public streets and alleys;~~ of the boundaries of the sketch plan area

**Commented [CC1]:** Change: Adding language to limit merchandise displays on sidewalks. The intent of this additional language is to allow for merchants to display their goods while still keeping sidewalks clear for pedestrian traffic and safety. The language will also require all merchandise be placed within the building at the close of business.

**Commented [CC2]:** Change: 0.25 mile = 1320 feet plus 60 foot street width plus 20 foot alley width = 1400 feet

of the Planning and Zoning Commission and City Council hearings. The notice shall indicate the date, time, and location of the Planning and Zoning Commission hearing. The notice shall also indicate the date, time, and location of the City Council hearing and include the language "or as soon thereafter as possible." The notice shall include a brief summary of the proposal, including, but not limited to, a description of the sketch plan area, the acreage of land included in the sketch plan, the proposed use categories and respective acreages, the proposed maximum dwelling units and associated density ranges, and the proposed maximum square footage of all non-residential use categories.

**Section 4.** Notice Requirements language in Sections 16.3.3.6(A)(ii), 16.3.4.6(A)(ii), 16.3.5.6(A)(ii), 16.3.6.6(A)(ii), 16.3.7.6(A)(ii), 16.3.9.8(A)(ii), 16.3.14.6(A)(ii), 16.3.15.5(A)(ii), 16.3.17.4(F)(ii), 16.3.17.5(H)(ii), 16.3.20.2.8(A)(ii), and 16.3.20.2.8(B)(ii) of the Douglas Municipal Code are hereby amended to read as follows: "...the Community Development Department shall provide first class mailed notice to all property owners within two hundred twenty (220) feet of..."

- 16.3.3 – Mixed-Use Planned Unit Development (MU-PUD) Rezoning, 16.3.3.6 – Notice Requirements
- 16.3.4 – Planned Light Industrial (PLI) Rezoning, 16.3.4.6 – Notice Requirements
- 16.3.5 – Preliminary Plats, 16.3.5.6 – Notice Requirements
- 16.3.6 – Final Plats and Replats, 16.3.6.6 – Notice Requirements
- 16.3.7 – Major Final Plat Amendments, 16.3.7.6 – Notice Requirements
- 16.3.9 – Townhome and Condominium Plats, 16.3.9.8 – Notice Requirements
- 16.3.14 – Rezoning (Map Amendments), 16.3.14.6 – Notice Requirements
- 16.3.15 – Conditional Use Permits, 16.3.15.5 – Notice Requirements
- 16.3.17 – Multi-Family, Commercial, and Industrial Development Plans, 16.3.17.4 – Type B Development Plan Procedures, F. Published and Mailed Notice Requirements for Hearings
- 16.3.17 – Multi-Family, Commercial, and Industrial Development Plans, 16.3.17.5 – Type B-LSR Development Plan Procedures, H. Published and Mailed Notice Requirements for Hearings
- 16.3.20 – Annexations, Additions, and De-Annexations, 16.3.20.2 – Additions, 16.3.20.2.8 – Notice Requirements, A. Notice Requirements for Planning and Zoning Commission Hearings
- 16.3.20 – Annexations, Additions, and De-Annexations, 16.3.20.2 – Additions, 16.3.20.2.8 – Notice Requirements, B. Notice for City Council Hearings

**Commented [CC3]:** Change: change distance from 140 to 220 feet – average road is 60 feet and average alley is 20 feet – and remove “excluding all public streets and alleys”

**Section 5.** Section 16.3.13.5(A)(ii) of the Douglas Municipal Code is hereby amended to read as follows:

**16.3.13 – Vacation of Right-of-Way**

**16.3.13.5 – Notice Requirements**

**A. Published and Mailed Notice Requirements for Hearings**

ii. Mailed Notice

At least fifteen (15) days prior to Planning and Zoning Commission review of a vacation petition, the Community Development Department shall provide first class mailed notice to the owner or owners of all properties located within three hundred eighty (300/380) feet in either direction of the right-of-way to be vacated, excluding all other public streets and alleys. The notice shall indicate the date, time, and location of the Planning and Zoning Commission hearing. The notice shall also indicate the date, time, and location of the City Council hearing and include the language "or as soon thereafter as possible." The notice shall provide a brief summary of the proposed right-of-way vacation.

**Commented [CC4]:** Change: change distance from 300 to 380 feet – average road is 60 feet and average alley is 20 feet – and remove “excluding all public streets and alleys”

**Section 6.** Section 16.3.16.5(A) of the Douglas Municipal Code is hereby amended to read as follows:

**16.3.16 – Zoning Variances**

**16.3.16.5 – Public Hearing Requirements**

**A. Notice**

ii. Mailed Notice

At least twenty (20) days prior to Board of Adjustment review of a zoning variance application, the Community Development Department shall mail legal notice of the hearing by first-class mail to all property owners within two hundred ~~eighty (200/280) feet, excluding public right of way,~~ of the property upon which the zoning variance is being proposed. The mailed notice shall indicate the date, time, and location of the hearing and shall provide a brief summary of the zoning variance request.

**Commented [CC5]:** Change: change distance from 200 to 280 feet – average road is 60 feet and average alley is 20 feet – and remove “excluding all public streets and alleys”

ii. Mailed Notice

At least seven (7) calendar days prior to Planning and Zoning Commission review of a Type B Development Plan application, the Community Development Department shall mail legal notice of the hearing by first-class mail to all property owners within ~~one-two hundred forty-two (140/220) feet, excluding streets and alleys,~~ of the property that is proposed for approval of the Type B Development Plan application of the Planning and Zoning Commission and City Council hearings. The notice shall indicate the date, time, and location of the Planning and Zoning Commission hearing. The notice shall also indicate the date, time, and location of the City Council hearing and include the language "or as soon thereafter as possible." The notice shall include a brief summary of the Type B Development Plan application, including, but not limited to, the legal description of the subject property and a description of the proposed uses.

**Commented [CC6]:** Change: change distance from 140 to 220 feet – average road is 60 feet and average alley is 20 feet – and remove “excluding all public streets and alleys”

**Section 7.** Section 16.3.20.1.7(D) of the Douglas Municipal Code is hereby amended to read as follows:

**16.3.20 – Annexations, Additions, and De-Annexations**

**16.3.20.1 – Annexations**

**16.3.20.1.7 – Timing, Notice, and Public Hearing**

**D. Mailed Notice**

The Community Development Department shall at least 20 business days prior to public hearing provide mailed notice of the hearing by first class mail to all owners of property within ~~two hundred twenty (140-220) feet, excluding right of way,~~ and to all affected public utility providers.

**Commented [CC7]:** Change: change distance from 140 to 220 feet – average road is 60 feet and average alley is 20 feet – and remove “excluding all public streets and alleys”

**Section 8.** Section 16.4.6.5 (L)(ii) of the Douglas Municipal Code is hereby amended to read as follows:

**16.4.6 – Special Purpose Zoning Districts**

**16.4.6.5 – PLI, Planned Light Industrial Zoning District**

**L. Equipment and Material Storage**

- ii. Increased allowances in outdoor storage may be approved as a trade-off in exchange for increased use-to-use buffering and screening. ~~Under no circumstances shall outdoor equipment and/or materials storage be sited between the principal light industrial or commercial building on the subject site and an adjacent residential zoning district or existing or approved residential use.~~ All areas of outdoor storage shall be sited a minimum of 100 feet from the property line shared with a residential zoning district or an existing or approved residential use. All areas of outdoor storage shall be screened from view from any residential zoning district or existing or approved residential use and from any public street. Screening of outdoor storage areas shall, at a minimum, include a six (6) foot 100% opaque fence or decorative screening wall, ~~or a combination of fences, walls and berms all together totaling not less than six (6) feet in height.~~ All decorative walls exceeding six (6) feet in height and/or twenty (20) feet in length shall be designed and certified by a licensed engineer in the State of Wyoming.

**Commented [CC8]:** Change: second sentence and third sentence contradict each other. PLI areas are intended for lighter industrial uses where appropriate screening and distance can mitigate negative impacts to neighboring residential. PLI zones are also required to provide a master plan which must be approved by City Council and are required to include plans for screening and buffering.

**Commented [CC9]:** Change: Added language to allow for a combination which can make the buffering more desirable.

**Section 9.** Section 16.4.2.1 of the Douglas Municipal Code is hereby amended to read as follows:

**16.4.2 – Zoning Map**

**16.4.2.1 – Adoption**

The boundaries of the zoning districts established by this Code are depicted on a map or series of maps designated the "City of Douglas Zoning Map." The zoning map and all

notations, references, data, and other information shown on the map is hereby adopted and made a part of this Code as fully as if it were included within the text of this Code. The Zoning Map and zoning ~~resolution ordinance~~ are maintained in the records of the City of Douglas ~~Planning Department~~. In the case of a dispute concerning the zoning designation of a specific property, the zoning ~~resolutions ordinances~~ will govern. It shall be the responsibility of the Community Development Director, ~~or his or her designee~~, to produce updates to the Zoning Map.

**Commented [CC10]:** Change: Zoning changes are done by ordinance, the word resolution was a typo.

**Section 10.** The footnotes under Table 4-2 in Section 16.4.4 of the Douglas Municipal Code is hereby amended to read as follows and any corresponding number 4 reference in Table 4-2 shall be changed to a number 1:

#### 16.4.5 – Density and Dimensional Standards

##### 16.4.5.2 – Exceptions to Dimensional Standards

###### Table 4-2. Density and Dimensional Standards for all Agricultural, Residential, Manufacture Home, and Mobile Home Standard Zoning Districts.

1. Accessory structures are only allowed in the side or rear yards and if in compliance with the accessory structure setbacks. Accessory structures are not allowed in the front yard. One-story detached accessory buildings used as storage sheds, playhouses, and similar uses are not required to comply with the accessory building setback requirements if the building complies with each of the following: a) the building is 200 square feet or less, b) the building is located in the side or rear yard, and c) the building is not constructed on a permanent foundation.
2. If a side yard fronts a street (e.g., a corner lot), then the side yard setback for the side adjacent to the street shall be 15 feet.
3. If a side yard fronts a street (e.g., a corner lot) then the side yard setback for the side adjacent to the street shall be 35 feet.
- ~~4. Accessory structures are only allowed in the rear yard and if in compliance with the accessory structure setbacks. Accessory structures are not allowed in the front or side yards. One-story detached accessory buildings used as storage sheds, playhouses, and similar uses are not required to comply with the accessory building setback requirements if the building complies with each of the following: a) the building is 120 square feet or less, b) the building is located in the rear yard, and c) the building is not constructed on a permanent foundation.~~

~~4.~~ The height limits in this Section shall not apply to : a) chimneys, conveyors, derricks, flagpoles, radio or television towers, masts and aerials, silos, smokestacks, transmission towers, or power transmission line poles; b) churches, hospitals, sanitariums, schools, or other public buildings provided that the minimum side and rear yard setbacks are increased by an additional foot for each additional foot of height in excess of the maximum height in the respective zoning district; no building shall exceed fifty (50) feet in height; and c) no man-made edifice shall protrude into the minimum requirements for the Converse County Airport approach zones; such minimum requirements shall be delineated by the adopted Converse County Airport obstruction and approach zone map.

**Commented [CC11]:** Change: number 4 removed because it was a repeat of number 1 and had the wrong square footage

**Section 11.** Section 16.4.7 of the Douglas Municipal Code is hereby amended to read as follows:

#### 16.4.7 – Use Standards

##### 16.4.7.1 – General

Table 4-6 below identifies the allowed (A), conditional (C), and temporary (T) principal use allowances for all of the standard and special purpose zoning districts, except for the MU-PUD ~~and PLI~~ zoning districts ~~with development plans~~. Any blank cell within the table shall be interpreted as a prohibited use in the respective zoning district. The allowed, conditional, and temporary principal uses for properties zoned under the MU-PUD ~~and PLI~~ zoning districts shall be pursuant to the specific MU-PUD ~~or PLI~~ development plan. ~~+ Properties in the MU-PUD or PLI zone districts without development plans shall comply with Tables 4-6 and 4-7.~~ Table 4-~~5-7~~ below identifies the allowed and conditional accessory use allowances for all of the standard and special purpose zoning districts. The tables also provide for additional requirements on a use-by-use basis. Many of the additional requirements refer to use-specific development standards, which are included within Chapter 6 of this Code.

**Table 4-6: Principal Uses Table — Allowed, conditional, and temporary principal uses in all zoning districts, except the MU-PUD and PLI zoning districts with development plans. The allowed, conditional, and temporary principal uses for properties zoned under the MU-PUD or PLI zoning district shall be pursuant to the specific MU-PUD or PLI development plan. <sup>+</sup> Properties in MU-PUD or PLI zone districts without development plans shall comply with this use table.**

Use	Zoning Districts														Additional Requirements	
	A	R R	R -1	R -2	R -3	R -4	R E	M H- 1	M H- 2	C B- 1	B -1	B -2	<u>MU- PUD</u> <sup>+</sup>	<u>PLI</u> <sup>±</sup>		I
<b>Principal Agricultural Uses</b>																
Agriculture	A	A														
Agricultural Stands	A	A								T	T	T	<u>T</u>			See sections 6.8 and 6.32 of this Code
Animal Keeping	A	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	<u>C</u>	C	See subsection 6.9.2 of this Code
Barns and Private Stables	A	A														See section 6.2, Accessory Agricultural Structures and Uses, of this Code
Bulk Grain Storage (Public or Private)	C															
Commercial Stables	C	C														
Commercial Livestock Auction Yards and Barns	Not Allowed in Any Zoning District															
Commercial Feedlots	Not Allowed in Any Zoning District															
Farms and Ranches	A	A														
Gun Clubs	C															
Guest Ranches	C															
Riding Academies	C	C														
Temporary Agricultural Uses	T	T														See section 6.32 of this Code
<b>Principal Residential Uses</b>																
Assisted Living Facility		C	C	C	A	A	C	C		A	A	A	<u>A</u>			See section 6.17 of this Code
Boarding and Rooming (no transient occupancy)		A	C	C	A	A		C		A	A	A	<u>C</u>			See sections 6.12 and 6.18 of this Code
Dwelling, Single-Family	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>			
Dwelling, Duplex				A	A	A		A		A	A		<u>A</u>			

Use	Zoning Districts														Additional Requirements	
	A	R R	R -1	R -2	R -3	R -4	R E	M H- 1	M H- 2	C B- 1	B -1	B -2	MU- PUD <sup>+</sup>	PLI <sup>±</sup>		I
Dwelling, Townhouse/Twin House				A	A	A		A		A	A		A			
Dwelling, Multi-Family					A	A		C			A		A			
Above Ground Level Residential										A			A			
Family Group Home		C	C	C	A	A	C	C		A	A		A			See section 6.17 of this Code
Manufactured Home Residence	A	A	A	A	A	A		A					A			See section 6.23 of this Code
Mobile Home Park									A							See section 6.22 of this Code
Temporary Housing	Prohibited in all zoning districts (see also section 6.32 of this Code)															
Temporary Residential Uses	C	C	C	C	C	C	C									See section 6.33 of this Code
Watchman or Caretaker Residence	A	A													A	
<b>Principal Institutional Uses</b>																
Private Schools			C	C	C	A	C	C		A	A	A	A			
Public Schools			A	A	A	A	A	A		A	A	A	A			
Public Buildings and Facilities	C	C	C	C	C	C	C	C		C	C	C	C		C	
Religious Institutions	C	C	C	C	C	C	C	C	C	A	A	A	A		C	
<b>Principal Commercial Uses</b>																
Auction Facilities	C	C									C	C		C	C	
Automobile and Trailer Sales (new or used)												A			A	
Banks and Other Financial Institutions										A	A	A	A			
Bars, Liquor Stores, Taverns, Pubs, Brewpubs										A	A	A				
Beauty and Barber Shops				C	C	A				A	A	A				
Bed and Breakfast Home		C	C	A	A	A	C	C		A	A	A	A			See section 6.11 of this Code

Use	Zoning Districts														Additional Requirements		
	A	R R	R -1	R -2	R -3	R -4	R E	M H- 1	M H- 2	C B- 1	B -1	B -2	MU- PUD <sup>+</sup>	PLI ±		I	G R N
Bed and Breakfast Inn		C	C	C	C	C	C	C		C	C	C	C				See section 6.12 of this Code
Building Materials Sales Yard												A		A	A		
Carwash (not associated with a gas station or convenience store)											A	A		A			
Commercial Kennel	C					C					C	C		C	C		See section 6.14 of this Code
Commercial Nurseries and Greenhouses	A	C									A	A		A	A		In B-1 and B-2, outside storage and display allowed in association with a commercial greenhouse if it is enclosed within an approved six (6) foot fence with locking gate
Convenience Store					C	C				A	A	A					
Clinics, Hospitals, and Nursing Homes			C	C	C	A				A	A	A					
Day Care Centers	C	C	C	C	C	C	C	C		A	A	A	C				See section 6.17 of this Code
Equipment Rental											C	A			A		
Funeral Homes			C	C	C	C	C	C		A	A	A	A				
Gas Stations (including incidental automobile repair)										A	A	A					
Home Improvement Centers											A	A		A			
Hotels and Motels										A	A	A					
Large Scale Retail										A	A	A		A			See section 6.22 of this Code
Laundromats and Dry Cleaning Establishments					C	C				A	A	A		A			
Meeting, Conference, and Lodge Halls										A	A	A					
Mini-Warehouse											C	A		A	A		



Use	Zoning Districts														Additional Requirements		
	A	R R	R -1	R -2	R -3	R -4	R E	M H- 1	M H- 2	C B- 1	B -1	B -2	MU- PUD <sup>+</sup>	PLI ±		I	G R N
Mobile Home Park Coin Operated Laundry									A								
Mobile Home Park Snack/Food Store									A								
Mobile Home Sales									A								In MH-2, only model mobile home sales allowed if the area designated for sales does not occupy more than 5% of the total acreage of the mobile home park In CB-1, no outside storage of vehicles or parts and no body or fender work, painting, or upholstery In MH-2, must be located at least one hundred (100) feet from any MHP boundary
Model Home/Subdivision Sales Office			T	T	T	T	T	T	T								
Museums, Libraries, and Galleries (Public or Private)	C	C	C	C	C	C	C			A	A	A	A				
Neighborhood Retail, 2,000 sq. ft. or less						C							A				
Newspaper, Document Processing, and Printing Offices										A	A	A		A			
Outside Seasonal Retail Display						T				T	T	T		T			See subsection 6.3.1 of this Code
Parking Lots and Garages										A	A	A					
Pet Store	A											A		A	A		
Professional Offices (including business and public offices)					C	A				A	A	A		A			
Restaurants and Cafes						C	C			A	A	A					
Retail Bakeries						C	C			A	A	A					
Shopping Centers										A	A	A					

Use	Zoning Districts														Additional Requirements	
	A	R R	R -1	R -2	R -3	R -4	R E	M H- 1	M H- 2	C B- 1	B -1	B -2	<u>MU- PUD</u>	<u>PLI</u> ±		I
Small Repair Services (2,000 sq. ft. or less)										A	A	A				
Temporary Commercial Uses										T	T	T		<u>T</u>		See section 6.33 of this Code
Temporary Construction Buildings	T	T	T	T	T	T	T	T	T	T	T	T	<u>T</u>	<u>T</u>	T	See section 6.33 of this Code
Veterinary Hospitals and Clinics	A					C				C	C	A		<u>A</u>	A	
Theaters										A	A	A				
Truck or Recreational Vehicle Repair and Service												C			A	
Wholesale Bakeries											C	C		<u>A</u>	A	
Wholesale	C									C	C	C		<u>A</u>	A	In CB-1, only storage of samples allowed, storage of additional stock not allowed
Vehicle Repair Garage											A	A			A	See section 6.36 of this Code
<b>Principal Industrial Uses</b>																
Sawmills	C														C	
Light Manufacturing												C		<u>A</u>	A	
Auto Wrecking or Salvage Yards															C	See section 6.10 of this Code
Batch Plants															C	
Flammable and/or Hazardous Substance Storage Facility															C	See section 6.18 of this Code
Contractor Yards (vehicles, equipment, materials and/or supplies)														<u>C</u>	A	See section 6.16 of this Code
Flammable and/or Hazardous Substance Storage Facility															C	See section 6.18 of this Code
Manufacturing, Processing, and Fabricating														<u>C</u>	A	

Use	Zoning Districts														Additional Requirements		
	A	R R	R -1	R -2	R -3	R -4	R E	M H- 1	M H- 2	C B- 1	B -1	B -2	<u>MU- PUD</u> <sup>±</sup>	<u>PLI</u> <sup>±</sup>		I	G R N
<b>Oil and Gas Operations</b>	C														C		See section 6.37 of this Code
<b>Temporary Industrial Uses</b>														<u>T</u>	T		See section 6.32 of this Code
<b>Trucking and Other Transportation Terminals</b>															A		
<b>Principal Utility and Communication Uses</b>																	
<b>Public and Private Utilities</b>	C	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	<u>C</u>	C	C	See section 6.27 of this Code
<b>Radio and Television Transmission and Reception Towers</b>	C	C				C				C	C	C	<u>C</u>	<u>C</u>	C	C	
<b>Solar Energy Generation Farm</b>	C													<u>C</u>	C		
<b>Principal Recreational, Entertainment, and Sexually Oriented Uses</b>																	
<b>Amusement Center, Indoor</b>										A	A	A					
<b>Amusement Center, Outdoor</b>	C										C	C				C	
<b>Bowling Alley</b>										A	A	A					
<b>Commercial Gymnasium</b>										A	A	A					
<b>Golf Courses</b>	C	C					A									A	
<b>Naturally Vegetated Areas</b>	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	<u>A</u>	A	A	
<b>Open Space</b>	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	<u>A</u>	A	A	
<b>Parks and Playgrounds</b>	A	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	<u>A</u>		A	
<b>Racetracks or Strips</b>	C																
<b>Recreational Facilities (Public or Private)</b>	C	C	C	C	C	C	C	C		A	A	A				A	
<b>Shooting Range, Outdoor</b>	C	C															
<b>Shooting Range, Indoor</b>															A		
<b>Sexually Oriented Business</b>															C		See section 6.30 of this Code

Use	Zoning Districts														Additional Requirements	
	A	R R	R -1	R -2	R -3	R -4	R E	M H- 1	M H- 2	C B- 1	B -1	B -2	<u>MU- PUD</u> <sup>+</sup>	<u>PLI</u> ±		I
Social and Recreational Facilities (Public or Private)	C									A						
Travel Trailer and Recreation Vehicle (RV) Park									A							See section 6.28 of this Code

**4.7.2 Accessory Uses and Structures**

**A. Conformance with Zoning District Standards**

Unless otherwise indicated in this Code, accessory structures and uses shall conform to the use and dimensional standards specified in this Chapter for the respective zoning district within which the building or use is proposed. The area of accessory structures shall be included in the lot coverage calculation.

**B. Conformance with General and Use-Specific Development Standards**

All accessory structures and uses shall comply with the general and use-specific development standards in Chapters 5 and 6 of this Code.

**C. Principal Structure Required**

No zoning certificate or building permit for construction of an accessory structure, where a building permit is required, shall be authorized prior to construction of the principal structure except in the A (Agricultural) zoning district.

**D. Prohibited Storage Buildings**

Semi-trailers, mobile storage containers, and mobile homes shall not be used as accessory storage buildings. Mobile storage containers may be used within the Industrial zone and shall meet the setbacks of that zone. Existing semi-trailer, mobile storage containers, and mobile homes being used as accessory storage buildings on the effective date of this Code shall be considered legal nonconforming uses.

**E. Violations**

Any building, structure, or use that does not qualify as an accessory structure or use and is not identified as an allowed use or approved conditional use is a violation of this Code and shall be subject to zoning enforcement pursuant to the provisions of Chapter 9 of this Code.

**Table 4-7: Accessory Uses Table - Allowed, conditional, and temporary accessory uses in all zoning districts, except the MU-PUD and PLI zoning districts with development plans. The allowed, conditional, and temporary accessory uses for properties zoned under the MU-PUD or PLI zoning districts shall be pursuant to the specific MU-PUD or PLI development plan. <sup>+</sup> Properties in MU-PUD or PLI zone districts without development plans shall comply with this use table.**

Use	Zoning Districts														Additional Requirements	
	A	R R	R -1	R -2	R -3	R -4	R E	M H- 1	M H- 2	C B- 1	B -1	B -2	<u>MU- PUD</u> <sup>+</sup>	<u>PLI</u> ±		I
<b>Accessory Agricultural Uses</b>																
Accessory Agricultural Structures and Uses	A	A														See section 6.2 of this Code

Use	Zoning Districts															Additional Requirements	
	A	R R	R -1	R -2	R -3	R -4	R E	M H- 1	M H- 2	C B- 1	B -1	B -2	MU- PUD <sup>+</sup>	PLI -	I		GR N
Animal Keeping	A	A	C	C	C	C	C	C			C	C	C	C	C		See Section 6.9.2-1 of this Code
Bee Keeping	A	A	C	C	C	C	C	C			C	C			C		
Chicken-Fowl Keeping	A	C A	C A	C A	C A	C A	C A	C A			C A	C A	A	A	C A		See Section 6.9.2-1 of this Code
Hobby Farms	A	A															
Private, Personal-Use Greenhouse	A	A	A	A	A	A	A	A			A	A	A	A	A		
Private Stables	A	A															
<b>Accessory Residential Uses</b>																	
Accessory Dwelling Units		A	A	A	A	A	A	A									See Section 6.4 of this Code
Accessory Residential Structures and Uses		A	A	A	A	A	A	A									See Section 6.7 of this Code
Farm/Ranch Residence	A	A															
<b>Accessory Commercial Uses</b>																	
Accessory Commercial Uses and Structures										A	A	A		A	A		See Section 6.3 of this Code
Accessory Office	A													A	A		
Accessory Outdoor Food Service Associated with an Indoor Restaurant					C	C				A	A	A					
Accessory Retail Sales											T	T		A	A		
Auctions	T	T	T	T	T	T	T	T		T	T	T		T	T		See Section 6.32 of this Code
Carnival or Circus	T									T	T	T				T	See Section 6.32 of this Code
Christmas Tree Sales										T	T	T	T	T			See Section 6.32 of this Code
Home Day Care	A	A	C	C	C	C	C	C		A	A	A	C				See Section 6.18 of this Code
Home Occupations	A	A	A	A	A	A	A	A	A	A	A	A	A				See Section 6.18 of this Code

Use	Zoning Districts														Additional Requirements		
	A	R R	R -1	R -2	R -3	R -4	R E	M H- 1	M H- 2	C B- 1	B -1	B -2	MU- PUD+	PLI +		I	GR N
Home Occupations, Agricultural	A / C	A / C															See sections 6.19 and 6.20 of this Code
Manufactured or Mobile Home Park Management Office									A								
Outside Retail Display	A									T	A	A		A	A		See Section 6.3.1 of this Code
Outdoor Storage	A										A	A		A	A		See Section 6.25 of this Code
Outdoor Display and Sales of Garden Supplies and Nursery Stock	A									A	A	A		A			
Small Scale Commercial Kiosk						A				A	A	A		A	A		
<b>Accessory Industrial Uses</b>																	
Accessory Industrial Structures and Uses														A	A		See section 6.5 of this Code
Accessory Light Manufacturing and Industrial												C		A	A		See Section 6.6 of this Code
Construction-Related Storage and Offices														A	A		
Flammable and/or Hazardous Substance Storage Facility															C		See section 6.18 of this Code
Membrane Structures (120 square feet or less)	A	A	A	A	A	A	A	A					A	A	A		See section 6.23 of this Code
Membrane Structures (more than 120 square feet)	A													A	A		See section 6.23 of this Code
<b>Accessory Industrial Uses</b>																	
Personal Wind Energy Generator	A	A	A	A	A	A	A	A					A	A	A		See Section 6.26 of this Code. Allowed in B-1 and B-2 if roof mounted and in compliance with max. height restrictions
Personal Solar Energy Generator	A	A	A	A	A	A	A	A					A	A	A		See Section 6.25 of this Code
Roof, Wall, or Pole Mounted										A	A	A	A	A	A		See section 6.15 of this Code

Use	Zoning Districts														Additional Requirements	
	A	R R	R -1	R -2	R -3	R -4	R E	M H- 1	M H- 2	C B- 1	B -1	B -2	MU- PUD <sup>+</sup>	PLI ±		I
Commercial Mobile Radio Service Facility																
Tower, Commercial and Private (Non-Commercial Telecommunication Facilities)	C	C				C				C	C	C	C	C		

**Section 12.** Section 16.5.4.2 of the Douglas Municipal Code is hereby amended to read as follows with the insertion of letters B and C and all following letters adjusted accordingly:

**16.5.4 – Fences and Walls**

**16.5.4.2 – Placement and Location**

**A. Front Yard**

Fences and walls not considered retaining walls located within the front yard of a residential lot or parcel shall be limited to four (4) feet in maximum height from the front façade of the residential dwelling on either side of the house to the front property line. The Community Development Director may approve minor deviations to this requirement where the front of the residential dwelling is located behind the midpoint of the lot or parcel as measured from the midpoint of the front property line to the midpoint of the rear property line. Under no circumstances shall a fence exceeding four (4) feet extend in front of the front façade of the residential dwelling or the midpoint of the lot or parcel, whichever is closer to the front lot or parcel line.

**Commented [CC12]:** Change: added language to remove confusion and allow for walls in front yards so long as they meet the same height requirements as fences. Per 16.5.4.1(D) all walls exceeding four feet in height shall be designed and certified by a registered engineer and walls exceeding six feet shall comply with the principal structure setbacks of the zone.

**B. Side and Rear Yard**

Fences and walls not considered retaining walls located within the side and rear yards of a residential lot or parcel shall be limited to six (6) feet in maximum height from the front façade of the residential dwelling on either side of the house to the rear property line. The Community Development Director may approve minor deviations to this requirement where the front of the residential dwelling is located behind the midpoint of the lot or parcel as measured from the midpoint of the front property line to the midpoint of the rear property line.

**Commented [CC13]:** Change: added language to remove confusion about walls and to limit the height of fences and walls on a residential lot to six feet.

**C. Walls on Non-Residential Lots**

The Community Development Director shall review and approve walls not considered retaining walls on non-residential lots on a case by case basis. In determining approval, the Community Development Director shall consider neighborhood character, surrounding land uses, materials, heights, and setbacks.

**Commented [CC14]:** Change: added language to allow for walls on non-residential lots to be designed according to character, use, materials, heights, and setbacks.

**D. Setbacks**

**a. Setback from Property Lines**

Fences and walls not considered retaining walls higher than six (6) feet shall meet the principal structure setback requirements of the applicable zoning district.

Exception: The Community Development Director shall review and approve walls considered retaining walls proposed to be built within the setback area or on the property line. The Community Development Director shall consider neighborhood character, surrounding land uses, materials, heights, and setback requirements of the applicable zoning district.

**Commented [CC15]:** Change: added language to deal with retaining walls in difficult topographic areas.

**b. Setback from Fire Hydrants**

Fences and walls, including retaining walls, shall not encroach within a three (3) foot radius of any existing or approved fire hydrant location.

There are areas within the community where the topography is so drastic that retaining walls will exceed four feet but could reasonably be placed on the property line. These retaining walls would have to be engineered per 16.5.4.1(D).

**Section 13.** Section 16.5.5.3(G)(iii) of the Douglas Municipal Code is hereby amended to read as follows:

**16.5.5 – Landscaping, Buffering, and Screening**

**16.5.5.3 – Landscape Requirements**

**G. Industrial Buffering and Screening Requirements**

iii. Industrial Screening Walls

Screening walls shall be at least six (6) feet in height including when used in combination with landscaped berms. ~~The Community Development Director may permit an opaque fence to meet the required screening. Fences shall not be allowed for required screening in any industrial zone district.~~ The minimum height of landscaped earthen berms or decorative screening walls, or combination thereof, shall be six (6) feet. Under no circumstances shall an earthen berm exceed three (3) feet in height when combined with a decorative screening wall. Any request to construct a decorative screening wall in excess of six (6) feet in height or twenty (20) feet in length shall require design and certification by a registered engineer in the State of Wyoming. Any decorative screening wall in excess of six (6) feet in height shall comply with the principal structure setbacks of the respective zoning district.

**Commented [CC16]:** Change: the deleted sentence contradicted other parts of the code

**Section 14.** Section 16.5.8.3(F) of the Douglas Municipal Code is hereby amended to read as follows:

**16.5.8 – Parking, Loading, Maneuvering, Snow Removal and Storage**

**16.5.8.3 – Off-Street Parking Requirements**

**F. Parking in Residential Zone Districts**

i. Vehicle parking in the front yard of residential properties shall be allowed in designated parking areas only. Parking areas shall be surfaced with an all-season material such as concrete, brick, asphalt, gravel or other similar material. This Section does not apply to any special family event or social gatherings.

~~ii. The total area in the front yard setback of residential properties improved for parking or driveway purposes shall not exceed fifty (50) percent of the front yard setback area.~~

**Commented [CC17]:** Change: Added language. Missed from previous code, but allows for more desirable residential neighborhoods if front yards are not 100% parking lots.

**Section 15.** Section 16.5.9.3(I)(i) of the Douglas Municipal Code is hereby amended to read as follows:

**16.5.9 – Signs**

**16.5.9.3 – Sign Allowances by Zone District**

**I. Signage in the Overlay Districts**

i. O-LDH

The total combined sign area in the Local Downtown Historic Overlay District shall be limited to ~~three-two hundred (300200)~~ 200 square feet per building site area. All signs, including directional signs for off-site businesses and portable signs, shall be included in calculating the total combined sign area. Signs in this overlay district shall be subject to the City of Douglas Downtown Design Guidelines, the Downtown Douglas Historic District Rehabilitation Standards, and to the review and approval of the Downtown Douglas Historic District Review Panel.

**Commented [CC18]:** Change: Section 5.9.3 D only allows 200 sq. ft. per building site area and all of the properties in this District are zoned CB-1

ii. O-DD

The total combined sign area in the Designated Downtown Overlay District shall be limited to three hundred (300) square feet per building site area; ~~unless the property is within the Local Downtown Historic Overlay District (O-LDH).~~ All signs, including directional signs for off-site businesses and portable signs, shall be included in calculating the total combined sign area. Signs in this overlay district on commercial or mixed-use properties shall be subject to the City of Douglas Downtown Design Guidelines and to the review and approval of the Community Development Department Director.

**Commented [CC19]:** Change: Added clarification that property in the O-LDH which is within the O-DD must still meet the 200 square foot requirement. Left the 300 square foot in for everything else. (There are properties zoned CB-1 (200 sq. ft.), B-1 and B-2 (400 sq. ft.), I (700 sq. ft.), R-1 (home occupation only), R-3 (home occupation only), and GRN (not listed) all within this District.)

**Section 16.** Table 16.5.9-1, row “Pole sign”, column “CB-1” of the Douglas Municipal Code is hereby amended to read as follows:



**16.5.9 – Signs**

**16.5.9.3 – Sign Allowances by Zone District**

**Table 5.9-1 Allowed Sign Types by Zone Districts**

Sign Type	Rural		Residential							Commercial/ Industrial				Other			
	A	RR	RE	R-1	R-2	R-3	R-4	MH-1	MH-2	CB-1	B-1	B-2	I	PLI+	MU-PUD+	GRN	
Pole sign								C	C	A	A	C	A	A	A	A	C

**Commented [CC20]:** Change: Change from Allowed to Conditional. The majority of CB-1 property is in the downtown area where sidewalks should be used for pedestrians, street furniture, retail display, entertainment, etc.

**Section 17.** Section 16.6.15.3(A) of the Douglas Municipal Code is hereby amended to read as follows:

**16.6.15 – Commercial Telecommunications Facilities (CTF)**

**16.6.15.3 Permits Required**

**A. Conditional Use Permit Required**

Approval of a conditional use permit, pursuant to the requirements in Chapter 3 of this Code, shall be required to initiate, construct, or operate a commercial telecommunications facility in the A (Agricultural), RR (Rural Residential), R-4 (Mixed Residential), CB-1 (Downtown Business), B-1 (Local Business), B-2 (General Business), MU-PUD (Mixed Use Planned Unit Development), I (Industrial), PLI (Planned Light Industrial), I (Industrial), and GRN (Green Space), B-2 (Business) and A (Agricultural) zone districts.

The operation of a commercial telecommunications facility in any residential zone district shall require City Council approval of a variance of use permit.

**Commented [CC21]:** Change: Edited to match use table in Chapter 4

**Section 18.** Section 16.6.15.8 of the Douglas Municipal Code is hereby amended to read as follows:

**16.6.15 – Commercial Telecommunications Facilities (CTF)**

**16.6.15.8 Financial Assurance Removal or Repair**

~~Prior to commencing construction of a commercial telecommunications facility, the owner of the facility shall be required to provide the City with adequate financial assurance to financially cover removal or repair of the facility if abandoned or determined to be unsafe. The form of financial assurance shall be approved by the City Council.~~

In the event that the necessary repairs or removal are not being accomplished expeditiously in accordance with the time period set forth, or if the work on a removal or repair has ceased or is abandoned without due cause, the city may, after ten (10) working days from the date of issuing a certified letter to the owner so notifying, correct the work as required by this code. The city may employ private contractors to assist in the repair of the public improvement. All costs and fees for the repairs performed will be borne by the owner.

**Commented [CC22]:** Change: Discovered with Verizon Tower request that any form of financial assurance (e.g. a letter from their lending institution or a surety bond) would not be likely to be good 10 or 20 years down the road. Added language to keep the requirement on the owner, but to also allow for the City to recoup costs if the City has to remove a facility.

**Section 19.** Section 16.6.23.3(vi) of the Douglas Municipal Code is hereby amended to read as follows:

**16.6.23 – Manufactured and Mobile Home Parks**

**16.6.23.3 Additional Mobile Home Requirements**

- vi. A mobile home in a MH-1 zone shall be supported by and anchored to a permanent foundation:
  - a. As defined by the United States Department of Housing and Urban Development Foundation Handbook; or
  - b. Constructed in accordance with the construction codes adopted by the City of Douglas, or
  - c. As designed by a structural engineer licensed to practice in the state of Wyoming;
  - d. Having exterior foundation walls, either structural bearing or non-bearing walls, constructed of concrete or mortared masonry; or concrete or cement based skirting product specifically designed for lower perimeter enclosures; or a lower perimeter enclosure assembly as approved by the City consisting of framing, sheathing, vapor barrier, and siding, with a minimum six (6) inch separation from grade provided by cement masonry units.

**Commented [CC23]:** Change: Mobile homes in a MH-2 zone are intended to be mobile (e.g. Lone Tree) while mobile homes in a MH-1 zone are intended to be permanent. Separated language to clarify between the two zones.

**Section 20.** Section 16.6.9.1 of the Douglas Municipal Code is hereby amended to read as follows:

**Commented [CC24]:** The Code has this as 16.6.9.2 but this is a typo that can be fixed without an ordinance.

**16.6.9 – Animals**

**16.6.2.1 – Animal Keeping**

**A. Prohibited Species**

Poisonous or venomous biting or injecting species of amphibian or reptile, including snakes, shall not be brought into, kept, maintained, offered for sale or barter, or released within the City. This restriction does not prohibit any circus or other entertainment organization, or educational or research facility, from keeping such an animal where the animal is securely and humanely confined.

**B. Exceptions**

The requirements of this section shall not apply to the private keeping of aquarium-based animals, such as fish, turtles, frogs, non-poisonous and non-venomous biting and injecting species of amphibians, insects, or reptiles (including snakes), or any other similar animal. This section shall also not apply to the private keeping of small domestic animals, such as guinea pigs, hamsters, ferrets, commonly recognized household pet birds, and household pet rabbits that are not raised for sale or slaughter. All such animals shall be kept within the confines of the principal structure on the subject property.

**C. Animal Keeping By Conditional Use Permit**

The keeping, stabling, and corralling of any of the following animals within the City limits shall be prohibited and shall be considered a nuisance in any zoning district:

- Big game animals, exotic species, fur bearing animals, game birds, predatory animals, protected animals, small game animals, trophy game animals, or wildlife as defined in W.S. § 23-1-101.

The keeping, stabling, and corralling of any of the following animals within the City limits shall be prohibited and shall be considered a nuisance in any zoning district except in the A (Agriculture) or zoning districts unless the same have been approved as a conditional use permit in any other zoning district:

- Fowl, Horses, hogs, sheep, llamas, cows, goats, ponies, mules, and donkeys, and other similar barnyard animals.

**Commented [CC25]:** Change: separating Fowl into a new section D

All conditional use permit applications for the keeping of any of the above listed animals shall be subject to the following:

i. Conditional Use Permit

Any persons wishing to keep animals listed above in this Section 6.9.2.C on any property that is not zoned A (Agriculture) or RR (Rural Residential) must apply for a conditional use permit pursuant to the application, review, and approval procedures and requirements of Section 3.15 of this Code.

ii. Conditions and Restrictions of Conditional Use Permit

Upon the issuance of a conditional use permit for the keeping of animals, the City Council may place such conditions and restrictions upon the permit as it deems reasonable and necessary, including, but not limited to, the following:

- a. The number and types of animals;
- b. Required barriers and facility structural specifications;
- c. Setbacks;
- d. Lot size, with a requirement of a minimum lot size of twenty thousand (20,000) square feet for keeping of large animals such as horses or cows for extended periods of time;
- e. Animal health certificate by licensed veterinarian;
- f. Provisions for the removal of excrement from the property on a regular basis; and
- g. Any other matter which the City Council deems reasonably pertinent or relevant to the issuance of the permit.

iii. Compliance with State and Federal Requirements

The requirement to obtain a conditional use permit for animal keeping shall be in addition to the requirement to comply with all other state and federal permits, statutes and

regulations regarding the care and keeping of such animals ~~or fowl~~ for which a permit is sought.

**Commented [CC26]:** Change: separating Fowl into a new section D

iv. Exceptions

a. Commercial Operations

Commercial animal use operations (including, but not limited to, sale barns, veterinary hospitals, animal grooming facilities, and pet stores) shall not be required to obtain a permit under this section, provided such operations are located in zoning districts wherein such use is an allowed use as identified in Table 4-4 in Chapter 4 of this Code.

b. Service Animals

The requirements of this Section 6.9.1 shall not apply to service animals. Service animals may or may not be registered as a service animal.

v. Additional Considerations

In zoning districts wherein commercial animal use operations are allowed as permitted conditional uses, owners or operators shall first obtain a conditional use permit from the City according to the requirements contained in this section. The granting of such a permit shall be at the discretion of the City Council, who shall take into consideration the type of construction to be employed as it relates to sanitation and the manner in which animals, ~~fowl, birds,~~ or livestock are to be housed, as well as such zoning regulations or regulations concerning animal use operations as may be adopted by the governing body from time to time.

**Commented [CC27]:** Change: separating Fowl into a new section D

~~vi.i. Additional Fowl Specific Requirements~~

~~Upon the issuance of a conditional use permit for the keeping of fowl, the City Council may place such conditions and restrictions upon the permit as it deems reasonable and necessary, including, but not limited to:~~

~~a. No parcel of land or lot shall have more than four (4) fowl unless that parcel of land is larger than ten thousand (10,000) square feet. Then one (1) fowl per one thousand (1,000) square feet will be permitted;~~

~~b.a. Male fowl are prohibited;~~

~~c.a. Fowl must be kept in a coop in a rear yard and must remain in the coop or an adjoining fenced enclosure at all times.~~

~~d.a. Enclosures, which are subject to zoning standards for fence height and accessory buildings, must be at least seven and one half (7.5) feet from any property line and forty (40) feet from any neighboring houses.~~

~~e.a. The maximum size of a coop or enclosure may not exceed ten (10) square feet per chicken and both together may not exceed fifteen (15) square feet per chicken.~~

~~f.a. Fencing, landscape buffering or screening of a minimum of six (6) feet in height and enclosing the entire perimeter of the coop and chicken exercise area (yard) must be installed and maintained at all times.~~

~~g.a. There shall be no slaughtering of fowl on the premises. Harvesting of the chicken for meat or any purpose other than eggs shall be conducted at a USDA approved facility.~~

~~h.a. Provisions for the removal of excrement from the property on a regular basis; and~~

~~i.a. Any other matter which the City Council deems reasonably pertinent or relevant to the issuance of the permit.~~

~~j.a. Exception to Additional Fowl Specific Requirements for FFA or 4 H Project Animal Keeping~~

~~k.a. This Section 6.9.1.C.vi. shall not apply to an animal that is an FFA or 4 H project and that is being kept and maintained in accordance with the requirements of such program, and is and remains in good standing and on an official list of such authorized projects filed with the City by the authorized sponsor of such FFA or 4 H program; provided that such exemption shall be withdrawn upon the sponsor of the applicable FFA or 4 H program notifying the~~

~~animal control officer that such animal is not being maintained and cared for in compliance with the standards of such FFA or 4-H program, or is otherwise no longer an authorized FFA or 4-H project, provided the same does not become a public nuisance.~~

**Commented [CC28]:** Change: separating Fowl into a new section D – moved language

~~vii~~.vi. Conditional Use Permit Approval

- a. The City Council may make the granting of a conditional use permit subject to reasonable limitations or conditions as it may deem necessary to enhance the appearance of the property, to reduce the adverse effects on nearby property, to preserve the character of the area, or to make the conditional use more acceptable in other ways.
- b. The conditional use permit shall be issued and signed by the Community Development Director and attested by the City Clerk.
- c. Upon the performance of the conditions set forth in the conditional use permit and the continued performance, if the conditions are of a continuing nature, the use shall be considered to be a permitted use. No conditional use may be modified, structurally enlarged, or expanded in ground area, unless such is allowed by the terms of the permit until and unless the conditional use permit is amended and approved in accordance with the ordinance codified in this chapter.

~~viii~~.vii. Permit Revocation

- a. Upon the recommendation of staff, and notification of specific deficiencies, the Planning and Zoning Commission shall review, during a public meeting, any conditional use permit which appears to be in violation of the conditions set forth in accordance with the proper issuance of the permit.
- b. If the commission finds that the permittee is not acting in compliance with the conditional use permit, it shall recommend to the City Council that said permit be revoked.
- c. Within thirty (30) days, the City Council shall review the commission's finding and shall make a ruling on the permit.
- d. There shall be no right of appeal from a decision of the governing body revoking a conditional use permit. The decision of the governing body shall be final and exclusively within the province of the governing body.
- e. The City may resort to any other remedy allowed by law for violations of the ordinance codified in this chapter.

~~ix~~.viii. Review/Amendments to Permit

- a. Community Development Department staff shall conduct an annual review of all conditional use permits; and shall make adequate inquiries to ensure that the conditions of the permit are in force.
- b. Where deficiencies are apparent in compliance with a conditional use permit, Community Development Department staff shall notify the permit holder of the nature of any violations and said permit holder shall have no more than thirty (30) days in which to correct any deficiencies.
- c. In the case where conditional use permit holders will not or do not comply with staff's required corrections, staff shall notify the Planning and Zoning Commission at its next public meeting of any deficiencies in a conditional use permit, and of attempts made to resolve the problem. The permit holder shall be allowed to speak in defense of any actions or inactions. The Planning and Zoning Commission shall then, on the basis of evidence presented, make a recommendation to the City Council on the continuance of the permit.
- d. In cases where the permit holder desires modification to a permit, either to alleviate a prior condition to use, or to allow for expansion or change in operations, the permit holder shall submit, in writing, a request for such amendment, and shall pay a seventy-five dollar (\$75.00) filing fee paid to the finance department. Public hearings and approval procedures shall be as provided for new conditional use permits as specified in Section 18.72.010 of this chapter.

- e. In any case in which the Community Development Department staff believe a change in the reasonable limitations or conditions of an existing conditional use permit needs to be made to reduce the adverse effects on nearby property, to preserve the character of the area, or to make the conditional use acceptable in other ways, staff may make such recommendation to the Planning and Zoning Commission for review during a public meeting. Public hearings and approval procedures for the recommended changes shall be as provided for new conditional use permits as specified in Section 18.72.015(D) through (G).

**D. Fowl Specific Requirements**

~~Additional Fowl Specific Requirements~~

~~Upon the issuance of a conditional use permit for t~~The keeping of fowl in the City limits may be allowed with the following restrictions, the City Council may place such conditions and restrictions upon the permit as it deems reasonable and necessary, including, but not limited to:

- a. No parcel of land or lot shall have more than four (4) fowl unless that parcel of land is larger than ten thousand (10,000) square feet. Then one (1) fowl per one thousand (1,000) square feet will be permitted.
- b. Male fowl are prohibited.
- c. Fowl must be kept in a coop in a rear yard and must remain in the coop or an adjoining fenced enclosure at all times.
- d. Enclosures, which are subject to zoning standards for fence height and accessory buildings, must be at least seven and one-half (7.5) feet from any property line and forty (40) feet from any neighboring houses or as far from neighboring houses as possible.
- e. The maximum size of a coop or enclosure may not exceed ten (10) square feet per chicken and both together may not exceed fifteen (15) square feet per chicken.
- f. Fencing, landscape buffering or screening of a minimum of six (6) feet in height and enclosing the entire perimeter of the coop and chicken exercise area (yard) must be installed and maintained at all times.
- g. There shall be no slaughtering of fowl on the premises. Harvesting of the chicken for meat or any purpose other than eggs shall be conducted at a USDA-approved facility.
- h. Provisions for the removal of excrement from the property on a regular basis;  
and

~~Any other matter which the City Council deems reasonably pertinent or relevant to the issuance of the permit.~~

~~Exception to Additional Fowl Specific Requirements for FFA or 4-H Project Animal Keeping~~

~~This Section 6.9.1.C.vi. shall not apply to an animal that is an FFA or 4-H project and that is being kept and maintained in accordance with the requirements of such program, and is and remains in good standing and on an official list of such authorized projects filed with the City by the authorized sponsor of such FFA or 4-H program; provided that such exemption shall be withdrawn upon the sponsor of the applicable FFA or 4-H program notifying the animal control officer that such animal is not being maintained and cared for in compliance with the standards of such FFA or 4-H program, or is otherwise no longer an authorized FFA or 4-H project, provided the same does not become a public nuisance.~~

**Commented [CC29]:** Change: removed CUP requirement but kept all other language and added language to letter "d" which would take into consideration house placement and smaller lots throughout the community.

Ordinance 927, Published December 5, 2012, adopted the language for fowl. Since that time the CDD has received approximately 4-5 calls concerns that were reviewed and unfounded.

**Section 21.** Douglas Municipal Code Sections 1.04.050, 1.04.060 and 2.08.060, by reference, are incorporated herein and made a part hereof.

**PASSED AND APPROVED ON FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED AND APPROVED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED, APPROVED, AND ADOPTED** on Third and Final Reading this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Rene' Kemper, Mayor

**Attest:**

\_\_\_\_\_  
Karen Rimmer, City Clerk

Published: \_\_\_\_\_, 2019

**ATTESTATION**

I, Karen Rimmer, the Clerk of the City of Douglas, Wyoming, do hereby attest and state that the above ordinance was published/posted in the manner required by law and that all procedures required by Wyoming State law were complied with.

\_\_\_\_\_  
Karen Rimmer, City Clerk