

ORDINANCE NO. 1011

AN ORDINANCE CREATING SECTION 16.6.31 AND AMENDING SECTIONS 6.04.060, 6.04.080, 6.08.010(H), 6.08.040, 6.08.170 12.20.020, 16.1.3.1, 16.2.2, 16.3.5.6(A)(ii), 16.3.6.4(B), 16.3.6.6(A)(ii), 16.3.7.4(B), 16.3.7.6(A)(ii), 16.3.8.1, 16.3.8.4(B), 16.3.9.5(B), 16.3.9.8(A)(ii), 16.3.16.5(A)(ii), 16.3.17.2(A), 16.3.17.4(H)(c), 16.3.17.5(J)(c), 16.3.20.2.8(A)(ii), 16.3.20.2.8(B)(ii), Table 4-6 and Table 4-7, 16.4.7.2(D), 16.5.9.4(H), Figure 5.9-3, Table 5.9-1, 16.6.3.1, 16.6.7.1, 16.6.15, 16.8.2.3(A)(iv) AND 16.9.2.3 OF THE DOUGLAS MUNICIPAL 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 City of Douglas Municipal 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 16.3.17.6 of the Douglas Municipal Code is hereby created to read as follows:~~

Commented [CC1]: This adds on to the end of Chapter 3.17

~~Section 21. Section 16.6.31 of the Douglas Municipal Code is hereby created to read as follows and the following sections shall be renumbered sequentially:~~

Commented [CC2]: All sections starting with Section 6.31 need to change numbers.

6.31 - Short-Term Rentals

6.31.1 Intent

This section is intended to provide regulations for short-term rentals in a manner that protects both the quality and the safety of the community, maintains local housing stock, and benefits the local and tourism economy.

6.31.2 Definitions

“Short-Term Rental” means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, but no provided meal, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Commented [CC3]: This is due to Department of Ag. requirements that would come into play for commercial kitchens.

6.31.3 Prohibitions

- a. No short-term rental shall be permitted within 1,000 feet, including public right-of-way, of a school or daycare.
- b. No more than two (2) short-term rentals shall be permitted within one block on the same street in any residential zone.
- c. No short-term rental shall be permitted in a multi-family dwelling with more than four (4) units.
- d. No person shall sublet a short-term rental unit.
- e. Short-Term Rental permits are nontransferable.

6.31.4 Occupancy and Parking

- a. Occupancy is limited to three (3) persons per sleeping-room listed for rent.
- b. One (1) off-street parking space shall be provided for short-term rentals in residential zones.

6.31.5 Permit Required

Approval of a conditional use permit, pursuant to the requirements in Chapter 3 of this Code, shall be required to for the operation of a short-term rental.

Commented [CC4]: Link in MuniCode

6.31.6 Lodging and Sales Tax

Short-term rental unit owners are subject to, and responsible for, collecting and remitting all applicable taxes, specifically including the sales and lodging tax.

6.31.7 Compliance with Building and Fire Codes

All short-term rental units are subject to the applicable building and fire codes. Properties being renovated to accommodate short-term rentals shall apply for a building permit and are subject to all applicable building and fire codes.

6.31.8 Safety Inspections

All short-term rentals are subject to safety inspections as deemed reasonably necessary by the Community Development Department.

6.31.9 No Separate Utility Meters

All electric, gas, sewer, and water services to boarding and rooming accommodations shall be interconnected to and indistinguishable from that of the principal residential structure and shall not have separate meters, service lines, or billing.

6.31.10 Violation, Advertising

Advertising of a short-term rental without the appropriate City permit shall be considered a violation and shall be subject to the enforcement provisions of Chapter 9 of this Code.

Section 2. Section 6.04.060 of the Douglas Municipal Code is hereby amended to read as follows:

6.04.060 - Cruelty to animals.

It is unlawful for any person to overdrive, overload, drive when overloaded, overwork, or ~~wilfully-willfully~~ and maliciously torture, torment, harass, badger, bully or terrorize, deprive of necessary sustenance, cruelly beat, mutilate or kill needlessly, poison, abandon, permit any dogfight, cockfight, bullfight or other combat between animals, or to carry in a cruel or inhumane manner, any animal, ~~place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health, or well-being of such animal due to heat, cold, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability or death,~~ or to cause any of these acts or omissions to be done. It is unlawful for any person owning an animal to fail to provide it with proper and adequate food ~~and-or~~ drink, which consists of access to drink ~~and-or~~ food, ~~and or~~ to fail to provide the animal with necessary protection from extreme weather ~~and-or~~ medical attention ~~and-or~~ treatment to prevent suffering or to cause any of the acts or omissions to be done. Ownership or the commission of such acts of cruelty on private property shall not be a justifiable defense for violation of this chapter.

Section 3. Section 6.04.080 of the Douglas Municipal Code is hereby amended to read as follows:

6.04.080 – Keeping of certain animal – Permit.

- A. The keeping, stabling and corralling of ~~fowl,~~ horses, hogs, sheep, llamas, cows, goats, ponies, mules, and donkeys, and other similar barnyard animals without a valid permit in any zoning district other than A agriculture or RR rural residential is considered a nuisance.
- B. The keeping of animals within the city limits is governed by the conditional use permit procedures in Section 3.15 of the Unified Land Development Code.

Section 4. Section 6.08.010(H) of the Douglas Municipal Code is hereby amended to read as follows:

6.08.010 – Definitions.

- H. "Kennel" means ~~any place or premises used in whole or in part for the purpose of keeping, training, boarding, breeding or sale of domesticated dogs or cats in which five (5) or more domestic animals exist, and all of which exceed 4 months in age, to include animal pounds and shelters. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels. "Kennel" means any place where more than three (3) dogs or cats, regardless of sex, are harbored or kept for commercial purposes.~~

Section 5. Section 6.08.040 of the Douglas Municipal Code is hereby amended to read as follows:

6.08.040 – Vaccination for rabies.

~~As part of the application for dog or cat licenses, the~~Any person owning or keeping dogs and/or cats ~~making such application must, before a license shall be issued,~~shall be able to exhibit to the licensing authority, ~~or its designee,~~ a current certificate signed by a licensed veterinarian that the dog or cat ~~for which the license is to be issued~~ has been vaccinated with an antirabies vaccine immunizing the dog or cat against rabies ~~for a period equal in time to, or in excess of, the term of the license applied for.~~

Section 6. Section 6.08.170 of the Douglas Municipal Code is hereby amended to read as follows:

6.08.170 – Entry to private property.

Pursuant to Section 6.12.030 (nuisances) ~~or Section 6.04.060 (cruelty to animals) or and~~ in the enforcement of any of the provisions of this chapter, the animal control officer or member of the police department may, and is authorized to, enter the premises ~~or motor vehicle~~ of any person and take possession of any animal, licensed or unlicensed ~~either,~~ when in pursuit of such animal at the time the animal goes upon private property ~~or in order to examine any animal thereon or therein; provided, however, that no such officer shall~~

Commented [C5]: Link in MuniCode

Commented [C6]: Removed due to changes in 16.6.9

Commented [C7]: Replaced definition to match word-for-word the definition in 16.2.2 (one had 3 dogs, the other had 5).

Commented [C8]: Edited at request of Jen. Needed way to ensure all dogs and cats were vaccinated even if the owner wasn't following the licensing rule.

~~have the right to enter a house or structure which is in use as a residence without having first secured a search warrant therefor.~~

Whenever an Animal Control Officer or any Peace Officer finds that any animal is, or will be, without proper care, the Animal Control Officer or Peace Officer may take such animal into his protective care; and in the event of sickness, injury or abuse of the animal, the Animal Control Officer or Peace Officer may take any action to prevent undue pain and suffering, including impoundment, veterinary care or immediate destruction of the animal.

Section 7. Section 12.20.020 of the Douglas Municipal Code is hereby amended to read as follows:

12.20.020 - Definitions.

As used in this chapter:

"Park trees" means trees, shrubs, bushes and all other woody vegetation in public parks.

"Parkway" means the area between the sidewalk and the curb that may include trees and other vegetation. ~~The parkway is the property of the city, and~~ Responsibility for, of maintenance, and care of the parkway lies with the adjacent property owner/resident.

Commented [CC9]: Change intended to make the responsibility clear.

"Street trees" means trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or rights-of-way with the city.

"Topping" means the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the crown of the tree to such a degree as to remove the normal canopy and disfigure the tree.

Section 38. Section 16.1.3.1 of the Douglas Municipal Code is hereby amended to read as follows:

16.1.3 – Overview and Purpose

16.1.3.1 – Overview

This Code is organized into ten (10) chapters which are presented herein in a chapter-by-chapter format. Each chapter is intended to provide information pertaining to a particular phase, component, or specific consideration associated with the land development process. The chapters of this Code include: 1) General Provisions, 2) Definitions and Acronyms, 3) Application and Review Procedures, 4) Zoning, 5) General Development Standards, 6) Use-Specific Development Standards, 7) Subdivision Regulations, 8) Public Improvements and Construction, 9) Enforcement, and 10) Annexations. ~~This Code also includes a comprehensive Table of Contents as a preface to the regulations and an Appendix, which includes resource documents that support the purpose and function of the provisions and regulations of this Code.~~

Section 9. Section 16.2.2 of the Douglas Municipal Code is hereby amended to add the following definition in alphabetical order:

2.2 – Definitions

Covered Parking Areas

Covered Parking Areas shall be defined as a structure built attached or detached from the primary structure that is open on at least three (3) sides and where vision through the three (3) open sides is not impeded. This definition does not include garages.

Domestic Dog Services

Any place or premises used in whole or in part for the purpose of training, grooming, or short-term daytime care of domesticated dogs in which twenty (20) or fewer dogs exist, so long as the animals are not kept on the premises overnight, do not create a nuisance, and have adequate care per the City of Douglas Municipal Code.

Housing, Temporary

Temporary housing facilities constructed to house workers on resource development projects.

Rental, Short-Term

Short-Term Rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, but no provided meal, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Commented [CC10]: This is due to Department of Ag. requirements that would come into play for commercial kitchens.

Shipping Container

Shipping Container shall mean a unit originally used or designed to store goods or other merchandise during shipping or hauling by a vehicle, including, but not limited to, rail cars of any kind, truck trailers, or multi-modal shipping containers or similar structures such as look-alike shipping container buildings or metal buildings marketed as "containers", "portable storage units", or "conex."

~~This Code also includes a comprehensive Table of Contents as a preface to the regulations and an Appendix, which includes resource documents that support the purpose and function of the provisions and regulations of this Code.~~

Section 10. Section 16.3.5.6(A)(ii) of the Douglas Municipal Code is hereby amended to read as follows:

3.5 – Preliminary Plats

3.5.6 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 preliminary plat application, the Community Development Department shall provide first class mailed notice to the owner or owners of all properties located within two hundred twenty (220) feet, ~~excluding all public streets and alleys,~~ of the boundaries of the preliminary plat area ~~of the Planning and Zoning Commission hearing.~~ 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, the legal description of the subject property and the proposed number of lots and tracts.

Section 11. Section 16.3.6.4(B) of the Douglas Municipal Code is hereby amended to read as follows:

3.6 – Final Plats and Replats

3.6.4 Final Plat and Replat Mapping Standards

B. Cover Sheet Requirements

In addition to the General Requirements above, the cover sheet of a final plat or replat shall also include each of the following details:

- Vicinity Map, which shall depict the location of the subject property in relation to the nearest major roadways and existing subdivisions;
- ~~Signature blocks, including blocks for the property owner(s) and developer(s), found in Appendix A;~~
- ~~A certificate for the land surveyor of record found in Appendix A of this Code, which shall include the land surveyor's (L.S.) number and signature;~~
- Signature block for the engineer of record, as applicable, including location for stamping;
- ~~An owner's dedication statement found in Appendix A of this Code;~~
- ~~Certificates for City Council, Planning and Zoning Commission, City Engineer, and County Clerk and Recorder approval found in Appendix A of this Code;~~
- A key diagram, if more than three (3) sheets are used, showing the areas covered by each sheet of the final plat or replat;
- Statements detailing the providers of water supply, sewage disposal, and electrical and/or gas service to the proposed subdivision.

Section 12. Section 16.3.6.6(A)(ii) of the Douglas Municipal Code is hereby amended to read as follows:

3.6 – Final Plats and Replats

3.6.6 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 preliminary plat application, the Community Development Department shall provide first class mailed notice to the owner or owners of all properties located within two hundred twenty (220) feet, ~~excluding all public streets and alleys,~~ of the boundaries of the preliminary plat area ~~of the Planning and Zoning Commission hearing.~~ 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

Commented [CC11]: Remove reference to Appendix A. Appendix A was not included in the ULDC adoption. Instead, all the information in Appendix A was included in the text of the ULDC to avoid having to reference another document.

Commented [CC12]: Removed *excluding all public streets and alleys* and *of the Planning and Zoning Commission hearing*

Commented [CC13]: Remove reference to Appendix A. Appendix A was not included in the ULDC adoption. Instead, all the information in Appendix A was included in the text of the ULDC to avoid having to reference another document.

Commented [CC14]: Removed *excluding all public streets and alleys* and *of the Planning and Zoning Commission hearing*

thereafter as possible." The notice shall include a brief summary of the proposal, including, but not limited to, the legal description of the subject property and the proposed number of lots and tracts.

Section 13. Section 16.3.7.4(B) of the Douglas Municipal Code is hereby amended to read as follows:

3.7 - Major Final Plat Amendments

3.7.4 Major Final Plat Amendment Mapping Standards

B. Cover Sheet Requirements

In addition to the General Requirements above, the cover sheet of a major final plat amendment shall also include each of the following details:

- Vicinity Map, which shall depict the location of the subject property in relation to the nearest major roadways and existing subdivisions;
- Owner's signature block ~~found in Appendix A;~~
- A certificate for the land surveyor of record ~~found in Appendix A of this Code;~~
- Certificates for City Council, Planning and Zoning Commission, City Engineer, and County Clerk and Recorder approval ~~found in Appendix A of this Code;~~ and
- A key diagram, if more than three (3) sheets are used, showing the areas covered by each sheet of the major final plat amendment.

Commented [CC15]: Remove reference to Appendix A. Appendix A was not included in the ULDC adoption. Instead, all the information in Appendix A was included in the text of the ULDC to avoid having to reference another document.

Section 14. Section 16.3.7.6(A)(ii) of the Douglas Municipal Code is hereby amended to read as follows:

3.7 - Major Final Plat Amendments

3.7.6 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 final plat or replat application, the Community Development Department shall provide first class mailed notice to the owner or owners of all properties located within two hundred twenty (220) feet, ~~excluding all public streets and alleys,~~ of the boundaries of the final plat or replat area ~~of the Planning and Zoning Commission hearing.~~ 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, the legal description of the subject property and the proposed number of lots and tracts.

Commented [CC16]: Removed *excluding all public streets and alleys* and *of the Planning and Zoning Commission hearing*

Section 15. Section 16.3.8.1 of the Douglas Municipal Code is hereby amended to read as follows:

3.8 - Minor Final Plat Amendments

3.8.1 Intent and Applicability

A. Intent

These procedures are intended to create a formal process for making an application for approval of a minor final plat amendment.

B. Applicability

i. A proposed amendment to an approved final plat that would not result in a major amendment of the final plat, as regulated under Section 3.7 of this Code, shall be considered a minor final plat amendment. Examples of a minor plat amendment include, but are not limited to, vacation of an interior lot line (a.k.a., combination of lots) and lot line adjustments. A proposed amendment to an approved final plat that would result in any of the following shall be considered a minor final plat amendment:

- A change to three (3) or fewer lots;
- A change to a legal description of the land included within the final plat; or
- A request to add or remove a plat note or restriction.

ii. These procedures for minor amendments to an approved final plat shall not apply to amendments that would result in any of the following:

~~A change to three (3) or fewer lots;~~

- A new street or alley;
- The dedication of any lands for public use;
- A vacation of streets, alleys, or easements;
- A significant increase in services (e.g., utilities, drainage, schools, traffic control, streets, etc.) or interference with the ability to maintain existing service levels, as determined by the Community Development Director.
- A deficiency in street right-of-way as required by City regulations, unless additional street right-of-way can be dedicated by separate instrument;
- A failure to satisfy all easement requirements;
- The creation or reconfiguration of a lot, tract, or parcel that would not have direct access to a publicly maintained street;
- The creation or reconfiguration of a lot, tract, or parcel that would not comply with the zoning requirements of this Code; or
- The creation or reconfiguration of a lot that would be subject to periodic flooding which cannot be feasibly corrected, as determined by the City Engineer.

Requests to amend a final plat to accomplish any of the actions outlined in Section 3.7.1.B.ii above shall still be considered a plat amendment but shall be subject to the procedures for a final plat application under Section 3.5 of this Code.

Section 16. Section 16.3.8.4(B) of the Douglas Municipal Code is hereby amended to read as follows:

3.8 – Minor Final Plat Amendments

3.8.4 Minor Final Plat Amendment Mapping Standards

B. Cover Sheet Requirements

In addition to the General Requirements above, the cover sheet of a minor final plat amendment shall also include each of the following details:

- Vicinity Map, which shall depict the location of the subject property in relation to the nearest major roadways and existing subdivisions;
- Names, addresses, telephone numbers, and email addresses (as available) of the property owner(s) and land surveyor;
- Owner's signature block ~~found in Appendix A;~~
- A certificate for the land surveyor of record ~~found in Appendix A of this Code;~~
- Certificates for City Administrator, City Engineer, and County Clerk and Recorder ~~found in Appendix A of this Code;~~
- A statement that all expenses for the following shall be provided by the applicant, developer, or owner: utilities, street and alley improvements, sidewalk and other pedestrian improvements, regulatory and street name signs and signalization, sight screening and sound barriers, grading, landscaping, parking lot and street lighting, and drainage facilities; and
- A key diagram, if more than three (3) sheets are used, showing the areas covered by each sheet of the major final plat amendment.

Section 17. Section 16.3.9.5(B) of the Douglas Municipal Code is hereby amended to read as follows:

3.9 – Townhome and Condominium Plats

3.9.5 Townhome and Condominium Plat Mapping Standards

B. Cover Sheet Requirements

In addition to the General Requirements above, the cover sheet of a townhome or condominium plat shall also include each of the following details:

- Vicinity Map, which shall depict the location of the subject property in relation to the nearest major roadways and existing subdivisions;
- Names, addresses, telephone numbers, and email addresses (as available) of the property owner(s), developer(s), engineer(s) of record, and land surveyor(s);
- Signature blocks, including blocks for the property owner(s) and developer(s), ~~found in Appendix A;~~

Commented [CC17]: Clarification of the definition of a minor plat.

Commented [CC18]: Remove reference to Appendix A. Appendix A was not included in the ULDC adoption. Instead, all the information in Appendix A was included in the text of the ULDC to avoid having to reference another document.

Commented [CC19]: Remove reference to Appendix A. Appendix A was not included in the ULDC adoption. Instead, all the information in Appendix A was included in the text of the ULDC to avoid having to reference another document.

- A certificate for the land surveyor of record ~~found in Appendix A of this Code~~, which shall include the land surveyor's (L.S.) number and signature;
- An owner's dedication statement ~~found in Appendix A of this Code~~;
- Certificates for City Council, Planning and Zoning Commission, City Engineer, and County Clerk and Recorder ~~found in Appendix A of this Code~~;
- A key diagram, if more than three (3) sheets are used, showing the areas covered by each sheet of the townhome or condominium plat;
- A table detailing the total area within the subdivision, the total area of each lot, the total number of dwelling units; and
- Statements summarizing the providers of water supply, sewage disposal, and electrical and/or gas service to the proposed subdivision.

Section 18. Section 16.3.9.8(A)(ii) of the Douglas Municipal Code is hereby amended to read as follows:

3.9 – Townhome and Condominium Plats

3.9.8 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 preliminary plat application, the Community Development Department shall provide first class mailed notice to the owner or owners of all properties located within two hundred twenty (220) feet, ~~excluding all public streets and alleys~~, of the boundaries of the preliminary plat area ~~of the Planning and Zoning Commission hearing~~. 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, the legal description of the subject property and the proposed number of lots and tracts.

Commented [CC20]: Removed *excluding all public streets and alleys* and of the Planning and Zoning Commission hearing

Section 19. Section 16.3.16.5(A)(ii) of the Douglas Municipal Code is hereby amended to read as follows:

3.16 - Zoning Variances

3.16.5 Public Hearing Requirements

The Planning and Zoning Commission, in its role as the Board of Adjustment for the City of Douglas, shall hear and has the authority to take final action on all zoning variance applications pursuant to the following requirements:

A. Notice

ii. Mailed Notice

At least seven (7) calendar days prior to ~~Planning and Zoning Commission~~**Board of Adjustments** review of a ~~Type B Development Plan Variance~~ application, the Community Development Department shall mail legal notice of the hearing by first-class mail to all property owners within two hundred twenty (220) feet of the property that is proposed for approval of the ~~Type B Development Plan Variance~~ application ~~of the Planning and Zoning Commission Board of Adjustments and City Council hearings~~. The notice shall indicate the date, time, and location of the ~~Planning and Zoning Commission Board of Adjustments~~ 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 Variance~~ application, including, but not limited to, the legal description of the subject property and a description of the proposed uses.

Commented [CC21]: Correcting terminology from Planning & Zoning Commission to Board of Adjustments.

Section 20. Section 16.3.17.2(A) of the Douglas Municipal Code is hereby amended to read as follows:

3.17 - Multi-Family, Commercial, and Industrial Development Plans

3.17.2 Application Submittal Requirements

A. Application Fee and Form

All Type A, B, and B-LSR Development Plan applications shall include payment of the associated application fee, ~~as outlined in Appendix B of this Code~~, and a completed development plan application form. The development plan application form shall, at a minimum, include the following:

Commented [CC22]: Remove reference to Appendix B. Appendix B was not included in the ULDC adoption. Instead, all the information in Appendix B was included in the text of the ULDC to avoid having to reference another document.

- Name, address, telephone number, and email address of the applicant; if the applicant is a legal entity, the principal officer or partners thereof shall be similarly identified, as well as the applicant's authorized agent representing the applicant in the matter;
- Name, address, telephone number, and email address of the plan preparer(s), architect(s), and/or engineer(s) of the proposed development, if different from the applicant;
- Legal description and ownership of the subject property;
- Copies of all easements and covenants recorded against the subject property;
- Current use and zoning of the subject property;
- A description of the proposed development, including, but not limited to, proposed use, proposed structures and improvements, hours of operation, number of employees, number of multi-family units and density, total commercial and industrial square footage, and any other information pertinent to the proposed development application.

Section 21. Section 16.3.17.4(H)(c) of the Douglas Municipal Code is hereby amended to read as follows:

3.17 – Multi-Family, Commercial, and Industrial Development Plans

3.17.4 Type B Development Plan Procedures

H. Post Hearing Requirements

c. Addition Review and Management Fees

Additional fees shall be assessed to offset the ongoing cost to the City of Douglas in reviewing and managing Type B development projects. ~~The additional fee rate shall be as indicated in the Fee Schedule located in Appendix B of this Code.~~

Commented [CC23]: Remove reference to Appendix B. Appendix B was not included in the ULDC adoption. Instead, all the information in Appendix B was included in the text of the ULDC to avoid having to reference another document.

Section 22. Section 16.3.17.5(J)(c) of the Douglas Municipal Code is hereby amended to read as follows:

3.17 – Multi-Family, Commercial, and Industrial Development Plans

3.17.5 Type B-LSR Development Plan Procedures

J. Post Hearing Requirements

c. Addition Review and Management Fees

Additional fees shall be assessed to offset the ongoing cost to the City of Douglas in reviewing and managing Type B-LSR development projects. ~~The additional fee rate shall be as indicated in the Fee Schedule located in Appendix B of this Code.~~

Commented [CC24]: Remove reference to Appendix B. Appendix B was not included in the ULDC adoption. Instead, all the information in Appendix B was included in the text of the ULDC to avoid having to reference another document.

Section 23. Section 16.3.20.2.8(A)(ii) of the Douglas Municipal Code is hereby amended to read as follows:

3.20 – Annexations, Additions, and De-Annexations

3.20.2.8 Notice Requirements

A. Notice Requirements for Planning and Zoning Commission Hearings

ii. Mailed Notice

At least fifteen (15) days prior to Planning and Zoning Commission review of an addition application, the Community Development Department shall provide first class mailed notice to the owner or owners of all properties located within two hundred twenty (220) feet, ~~excluding all public streets and alleys,~~ of the boundaries of the addition area ~~of the Planning and Zoning Commission hearing.~~ The notice shall indicate the date, time, and location of the hearing and shall provide a brief summary of the proposal, including, but not limited to, the legal description of the subject property, the acreage of land included in the addition, the proposed number of lots and tracts, and the proposed total acreage of right-of-way. The applicant requesting approval of the addition application shall be responsible for reimbursing the City for costs incurred in providing the required first class mailed notice.

Commented [CC25]: Removed *excluding all public streets and alleys* and *of the Planning and Zoning Commission hearing*

Section 24. Section 16.3.20.2.8(B)(ii) of the Douglas Municipal Code is hereby amended to read as follows:

3.20 – Annexations, Additions, and De-Annexations

3.20.2.8 Notice Requirements

B. Notice Requirements for City Council Hearings

ii. Mailed Notice

Commented [CC26]: Removed *excluding all public streets and alleys*

At least fifteen (15) days prior to City Council review of an addition application, the Community Development Department shall provide first class mailed notice to the owner or owners of all properties located within two hundred twenty (220) feet, ~~excluding all public streets and alleys,~~ of the boundaries of the addition area ~~of the City Council hearing.~~ The notice shall indicate the date, time, and location of the hearing and shall provide a brief summary of the proposal, including, but not limited to, the legal description of the subject property, the acreage of land included in the addition, the proposed number of lots and tracts, and the proposed total acreage of right-of-way. The applicant requesting approval of the addition application shall be responsible for reimbursing the City for costs incurred in providing the required first class mailed notice.

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Section 25. Table 4-6 and Table 4-7 of the Douglas Municipal Code is hereby amended to read as follows:

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. + Properties in MU-PUD or PLI zone districts without development plans shall comply with this use table.

Commented [CC27]: Correction of reference numbers, removal of duplicates, additions of new content and references.

Use	Zoning Districts															Additional Requirements	
	A	RR	R-1	R-2	R-3	R-4	RE	MH-1	MH-2	CB-1	B-1	B-2	MU-PUD+	PLI+	I		GRN
Principal Agricultural Uses																	
Agriculture	A	A															
Agricultural Stands	A	A								T	T	T	T				See sections 6.8 and 6.32 of this Code
Animal Keeping	A	C	C	C	C	C	C	C	C	C	C	C	C	C	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
Principal Residential Uses																	
Assisted Living Facility		C	C	C	A	A	C	C		A	A	A	A				See section 6.17 of this Code
Boarding and Rooming (no transient occupancy)		A	C	C	A	A		C		A	A	A	C				See section 6.12 and 6.186.13 of this Code
Dwelling, Single-Family	A	A	A	A	A	A	A	A	A	A	A	A	A				

Dwelling, Duplex				A	A	A		A		A	A		A				
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 6.23-24 of this Code
Mobile Home Park									A								See section 6.22-24 of this Code
<u>Short-Term Rental</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				See section 6.31 of this Code
Temporary Housing	Prohibited in all zoning districts (see also section 6.32-35 of this Code)																
Temporary Residential Uses	C	C	C	C	C	C	C										See section 6.33-36 of this Code
Watchman or Caretaker Residence	A	A														A	
Principal Institutional Uses																	
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	<u>C</u>		C	
Principal Commercial Uses																	
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
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		

Mobile Home Sales										A										<p>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</p> <p>In CB-1, no outside storage of vehicles or parts and no body or fender work, painting, or upholstery</p> <p>In MH-2, must be located at least 100 feet from any MHP boundary</p>
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 sub Section 6.3-1 and 6.32 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								

Small Repair Services (2,000 sq. ft. or less)											A	A	A						
Temporary Commercial Uses											T	T	T		T				See section 6.33-36 of this Code
Temporary Construction Buildings	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			See section 6.33-16 of this Code
Veterinary Hospitals and Clinics	A					C					C	C	A		A	A			
Theaters											A	A	A						
Truck or Recreational Vehicle Repair and Service													C			A			
Wholesale Bakeries												C	C		A	A			
Wholesale	C										C	C	C		A	A			In CB-1, only storage of samples allowed, storage of additional stock not allowed
Vehicle Repair Garage												A	A			A			See section 6.36-40 of this Code
Vehicle Repair Garage (Basic Automobile Repair, maximum two (2) bay)											<u>A</u>				<u>A</u>	<u>A</u>			See section 6.40 of this Code
Principal Industrial Uses																			
Sawmills	C																		C
Light Manufacturing													C		A	A			
Light Manufacturing (2,000 sq. ft. or less)											<u>C</u>	<u>C</u>			<u>C</u>	<u>A</u>	<u>A</u>		
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 6.48-19 of this Code
Contractor Yards (vehicles, equipment, materials and/or supplies)															C	A			See section 6.16 of this Code
Flammable and/or Hazardous Substance Storage Facility																<u>C</u>			See section 6.18 of this Code

Manufacturing, Processing, and Fabricating																		C	A	
Oil and Gas Operations	C																		C	See section 6.37-41 of this Code
Temporary Industrial Uses																		T	T	See section 6.32-36 of this Code
Trucking and Other Transportation Terminals																			A	
Principal Utility and Communication Uses																				
Public and Private Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	See section 6.27-29 of this Code
Radio and Television Transmission and Reception Towers <u>(Commercial and Non-Commercial Telecommunication Facilities)</u>	CA	CA				CA				CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	-See section 6.15 of this Code
Solar Energy Generation Farm	C																	C	C	
Principal Recreational, Entertainment, and Sexually Oriented Uses																				
Amusement Center, Indoor											A	A	A							
Amusement Center, Outdoor	C											C	C						C	
Bowling Alley											A	A	A							
Commercial Gymnasium											A	A	A							
Golf Courses	C	C					A													A
Naturally Vegetated Areas	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Open Space	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Parks and Playgrounds	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Racetracks or Strips	C																			
Recreational Facilities (Public or Private)	C	C	C	C	C	C	C	C			A	A	A						A	
Shooting Range, Outdoor	C	C																		
Shooting Range, Indoor																			A	
Sexually Oriented Business																			C	See section 6.30-34 of this Code
Social and Recreational Facilities (Public or Private)	C										A									
Travel Trailer and Recreation Vehicle (RV) Park										A										See section 6.28-30 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. +Properties in MU-PUD or PLI zone districts without development plans shall comply with this use table.

Use	Zoning Districts																Additional Requirements
	A	RR	R-1	R-2	R-3	R-4	RE	MH-1	MH-2	CB-1	B-1	B-2	MU-PUD+	PLI+	I	GRN	
Accessory Agricultural Uses																	
Accessory Agricultural Structures and Uses	A	A															See section 6.2 of this Code
Animal Keeping	A	A	C	C	C	C	C	C			C	C	C	C	C		See Section 6.9+ of this Code
Bee Keeping	A	A	C	C	C	C	C	C			C	C			C		
Fowl Keeping	A	A	A	A	A	A	A	A			A	A	A	A	A		See Section 6.9+ 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															
Accessory Residential Uses																	
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															
<u>Short-Term Rental</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				See section 6.31 of this Code
Accessory Commercial Uses																	
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 6.32-36 of this Code

Carnival or Circus	T									T	T	T				T	See Section 6.32-36 of this Code
Christmas Tree Sales										T	T	T	T	T			See Section 6.32-36 of this Code
Home Day Care	A	A	C	C	C	C	C	C		A	A	A	C				See Section 6.48-17 of this Code
Home Occupations	A	A	A	A	A	A	A	A	A	A	A	A	A				See Section 6.48-20 of this Code
Home Occupations, Agricultural	A/C	A/C															See Sections 6.19-20, and 6.20-21, and 6.22 of this Code
Manufactured or Mobile Home Park Management Office									A								
Outside Retail Display	A									T	A	A		A	A		See Section 6.34 of this Code
Outdoor Storage	A										A	A		A	A		See Section 6.25-26 and 6.32 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		
Accessory Industrial Uses																	
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		See section 6.16 of this Code
Flammable and/or Hazardous Substance Storage Facility															C		See section 6.48-19 of this Code
Membrane Structures (120 square feet or less)	A	A	A	A	A	A	A	A					A	A	A		See section 6.23-25 of this Code
Membrane Structures (more than 120 square feet)	A													A	A		See section 6.23-25 of this Code
Accessory Industrial Uses																	

Personal Wind Energy Generator	A	A	A	A	A	A	A	A			A	A	A	A	A		See Section 6.26-28 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	A	A		See Section 6.25-27 of this Code
Roof, Wall, or Pole Mounted Commercial Mobile Radio Service Facility										A	A	A	A	A	A		See section 6.15 of this Code
Tower, Commercial and Private (Non-Commercial Telecommunication Facilities)	C	C				C				C	C	C	C	C			See section 6.15 of this Code

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Section 26. Section 16.4.7.2(D) of the Douglas Municipal Code is hereby amended to read as follows:

4.7 Use Standards

4.7.2 Accessory Uses and Structures

D. Prohibited Storage Buildings

Semi-trailers, mobile storage containers, and mobile homes shall not be used as accessory storage buildings, except as allowed by Section 6.3 or Section 6.7. 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.

Commented [CC28]: Link in MuniCode

Section 27. Section 16.5.9.4(H) of the Douglas Municipal Code is hereby amended to read as follows

5.9 Signs

5.9.4 General Sign Standards

H. Freestanding and Pole Signs (see Figure 5.9-3 below for an example of a freestanding sign)

~~Wall, canopy, or signs projecting from a building facade shall be located on the building face adjacent to the space occupied by the use.~~

Commented [CC29]: Removed nonrelevant language

i. Height

Freestanding sign and pole signs shall be a minimum height of eight (8) feet as measured from finished grade to the bottom of the sign and shall not exceed a maximum height of fifteen (15) feet as measured from finished grade to the top of the sign in vehicular travel and maneuvering areas. All other freestanding signs shall not exceed the maximum building height of applicable zoning district.

ii. Area

The total area of freestanding signs and pole signs shall not exceed two (2) square feet for each linear foot of the building wall closest to the freestanding sign or fifty (50) square feet in a R-3, R-4, MH-1, MH-2, CB-1 or GRN zone, or one hundred (100) square feet in a B-1, B-2, MU-PUD, PLI or I zone, whichever is less. The maximum area of a freestanding sign where no building exists shall be fifty (50) square feet.

iii. Number of Freestanding Signs and Pole Signs Permitted on a Site

One (1) freestanding sign or pole sign shall be allowed on a single lot or parcel. Multiple tenants may be advertised on a single freestanding sign.

Section 28. Figure 5.9-3 of the Douglas Municipal Code is hereby amended to read as follows:



Commented [CC30]: Edited image to show 15 feet to match the text

Section 29. Table 5.9-1 of the Douglas Municipal Code is hereby amended to read as follows:

Table 5.9-1 Allowed Sign Types by Zone Districts

Commented [CC31]: Added EMD and MMD's to table.

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
Banner						A	A	A	A	A	A	A	A	A	A	A
Canopy sign						A	A	A	A	A	A	A	A	A	A	A
Community events sign	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Contractor sign	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Directional sign						A	A	A	A	A	A	A	A	A	A	A
Electronic Message Display (EMD)	<u>C</u>			<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Freestanding sign						A	A	A	A	A	A	A	A	A	A	A
Home occupation sign	A	A	A	A	A	A	A	A							A	
Marquee sign						C	C			A	A	A			C	
Mechanical Message Display (MMD)	<u>C</u>			<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Monument sign			C	C	C	A	A	A	A		A	A	A	A	C	
Off-premise sign						C	C			A	A	A	A	A	C	
Pole sign						C	C	A	A	C	A	A	A	A	C	A
Political sign	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Portable sign	A					A	A	A	A	A	A	A	A	A	C	A
Projecting sign						A	A			A	A	A	A	A	C	A
Real estate sign	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Real estate development sign	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Roof sign						C	C			A	A	A	A	A	C	A
Shopping/office complex sign						C	C			A	A	A	A	A	A	
Sidewalk sign						T	T			T	T	T			T	
Suspended sign						A	A	A	A	A	A	A	A	A	A	A
Wall sign						A	A	A	A	A	A	A	A	A	A	A

Note: A = Allowed sign in the identified zoning district. T = Temporary sign in the identified zoning district. C = Allowed sign in the identified zoning district if the respective site includes an approved or legally existing conditional or commercial use. All blank cells/boxes represent a sign that is not allowed in the identified zoning district. *This table only applies to PLI and MU-PUD zones without Master Plans.

Section 30. Section 16.6.3.1 of the Douglas Municipal Code is hereby amended to read as follows:

6.3 – Accessory Commercial Structures and Uses

6.3.1 Allowed Uses and Structures

The following uses and structures are considered accessory to a principal commercial use:

- On-site parking lots or garages providing parking for a commercial structure;
- On-premise signs;
- Carports or other motor vehicle or commercial vehicle covered parking areas (hereinafter “Covered Parking Areas”) shall comply with the following:
 - ~~Carports or other motor vehicle or commercial vehicle covered parking areas limited to a maximum of 500 square feet of coverage area. All covered parking areas shall be constructed using permanent concrete footers, metal framing or wood beams, and metal or wood rafters. Any covered parking structure that is affixed to a principal structure shall comply with the principal structure setbacks for the applicable zoning district. Any covered parking structure that is not attached to a principal structure shall comply with the necessary structure setbacks for the applicable zoning district.~~
 - **Definition:** Covered Parking Areas shall be defined as a structure built attached or detached from the primary structure that is open on at least three (3) sides and where vision through the three (3) open sides is not impeded. This definition does not include garages.
 - **Location:** Covered Parking Areas are limited to the side and rear of the property.
 - **Exception:** Covered Parking Areas may project from the front of the primary structure when designed to favorably add to the architecture of the primary structure at the discretion of the Community Development Director.
 - **Setbacks:** Covered Parking Areas smaller than two hundred (200) square feet may project into a required setback not to exceed one-third the distance of the required setback. Covered Parking Areas larger than two hundred (200) square feet shall comply with the principal structure setbacks for the applicable zoning district. Covered Parking Areas in the side yard shall not be less than twenty (20) feet from the front lot line.
 - **Size:** When allowed in the front, Covered Parking Areas affixed to the front of the primary structure are limited to a maximum of 500 square feet of coverage area. Detached Covered Parking Areas or Covered Parking Areas affixed to the side or rear of the primary structure are limited to a maximum of 500 square feet of coverage area or twenty percent (20%) of the primary structure, whichever is larger.
 - **Height:** Covered Parking Areas may not exceed the maximum height for an accessory structure in each zone district.
 - **Architectural Design:** The design of the Covered Parking Areas shall be in character with, and constructed of, the same quality permanent materials as the principal building, or adopted design standards. No metal buildings or structures shall be allowed for Covered Parking Areas over two hundred (200) square feet unless concealed with materials in character with the principal building.
 - **Building Permit Required:** Covered Parking Areas shall require a building permit.
 - **Construction:** All Covered Parking Areas two hundred (200) square feet or less shall meet all applicable building codes, including wind and snow loads. All Covered Parking Areas exceeding two hundred (200) square feet shall be constructed using permanent concrete footers, metal framing or wood beams, and metal or wood rafters, and shall meet all applicable building codes, including wind and snow loads.
 - **Maintenance:** Covered Parking Areas shall be maintained in good condition at all times.
- Fully enclosed accessory structures used for storing merchandise or materials needed for operation of the principal commercial use. Merchandise storage within the CB-1 (Downtown Business) zoning district shall be limited to areas within the principal structure and shall not be allowed within an accessory structure;
- Shipping containers in commercial zones shall comply with the following:
 - **Definition:** “Shipping Container” shall mean a unit originally used or designed to store goods or other merchandise during shipping or hauling by a vehicle, including, but not limited to, rail cars of any kind, truck trailers, or multi-modal shipping containers or similar

Commented [CC32]: Existing code was extremely restrictive and we found most properties could not comply

Commented [CC33]: Added language due to the high volume of requests the Department receives for use of shipping containers

structures such as look-alike shipping container buildings or metal buildings marketed as “containers”, “portable storage units”, or “conex.”

- Occupation: Shipping containers shall not be used as dwellings, sleeping quarters or for occupancy for any period of time.
 - Limited: Only one shipping container allowed per commercial lot.
 - Building Permit Required: Shipping containers shall require a building permit.
 - Location: Shipping containers are limited to the rear of the property.
 - Setback: Shipping containers shall comply with the setbacks for the applicable zoning district.
 - Size and Height: The maximum size allowed for a shipping container shall be eight (8) feet wide by twenty (20) feet long by eight and one half (8.5) feet tall.
 - Architectural Design: Shipping containers shall be concealed on all sides and top with materials that are in character with, and constructed of, the same quality permanent materials as the principal building, or adopted design standards. No corrugated or ribbed metal shall be allowed unless the principal building is sided with the same material.
 - Maintenance: Shipping containers shall be maintained in good condition at all times.
 - Exception: Temporary portable moving containers/moving pods placed on private property for the purpose of moving household goods. Shipping containers shall be permitted on construction sites provided there is an active building permit and placement is ancillary to a project on site. Such shipping containers shall be removed within 30-days of completion of work associated with the building permit.
- Outside storage, which shall be fully screened pursuant to the requirements of this Chapter and Chapter 5 of this Code. Under no circumstances shall outside storage be allowed in the CB-1 (Downtown Business) zoning district;
 - Fences, walls, and hedges;
 - Outdoor retail displays, which shall be limited to a maximum display area of five percent (5%) of the total area of the lot or parcel upon which the commercial use operates or 1,000 square feet, whichever is less;
 - Antennas, radio facilities, and satellite dishes, subject to the requirements of this Code; and
 - Any accessory structure or related use expressly designated as accessory in a commercial zoning district under this Code, or otherwise established as an accessory use through an interpretation of the Community Development Department Director.

Section 31. Section 16.6.7.1 of the Douglas Municipal Code is hereby amended to read as follows:

6.7 - Accessory Residential Structures and Uses

6.7.1 Allowed Uses and Structures

The following uses and structures are considered accessory to a principal residential use:

- Detached private parking garages;
- Carports or other motor vehicle covered parking areas (hereinafter “Covered Parking Areas”) limited to a maximum of two hundred (200) square feet of coverage area shall comply with the following: Any covered parking structure that is affixed to a principal structure shall comply with the principal structure setbacks for the applicable zoning district. Any covered parking structure that is not attached to a principal structure shall comply with the accessory structure setbacks for the applicable zoning district.
 - Definition: Covered Parking Areas shall be defined as a structure built attached or detached from the main structure that is open on at least three (3) sides and where vision through the three (3) open sides is not impeded. This definition does not include garages.
 - Location: Covered Parking Areas are limited to side and rear yards.
 - Exception: The Community Development Director may approve a Covered Parking Area to be placed in the front yard if the structure is two hundred (200) square feet or less, if the structure is attached to the primary structure, and if the structure is designed to favorably add to the architecture of the primary structure.
 - Setbacks: Covered Parking Areas smaller than two hundred (200) square feet may project into a required setback not to exceed one-third the distance of the required setback.

Commented [CC34]: Existing code was extremely restrictive and we found most properties could not comply.

Covered **Parking Areas** larger than two hundred (200) square feet shall comply with the principal structure setbacks for the applicable zoning district. Covered **Parking Areas** in the side yard shall not be less than twenty (20) feet from the front lot line.

- **Exception:** The Community Development Director may approve a Covered **Parking Area** to be placed no closer than five (5) feet off the front lot line if the structure is two hundred (200) square feet or less, if the structure is attached to the primary structure, and if the structure is designed to favorably add to the architecture of the primary structure.

- **Size:** Covered **Parking Areas** are limited to a maximum of two hundred (200) square feet or forty percent (40%) of the primary structure, whichever is larger.

- **Height:** Covered **Parking Areas** may not exceed the maximum height for an accessory structure in each zone district.

- **Architectural Design:** The design of the Covered **Parking Areas** shall be in character with, and constructed of, the same quality permanent materials as the principal building, or adopted design standards. No metal buildings or structures shall be allowed for Covered **Parking Areas** over two hundred (200) square feet unless concealed with materials in character with the principal building.

- **Building Permit Required:** Covered **Parking Areas** shall require a building permit.

- **Construction:** All Covered **Parking Areas** two hundred (200) square feet or less shall meet all applicable building codes, including wind and snow loads. All Covered **Parking Areas** exceeding two hundred (200) square feet shall be constructed using permanent concrete footers, metal framing or wood beams, and metal or wood rafters, and shall meet all applicable building codes, including wind and snow loads.

- **Maintenance:** Covered **Parking Areas** shall be maintained in good condition at all times.

- Storage sheds;

- Shipping containers in residential zones shall comply with the following:

- **Definition:** “Shipping Container” shall mean a unit originally used or designed to store goods or other merchandise during shipping or hauling by a vehicle, including, but not limited to, rail cars of any kind, truck trailers, or multi-modal shipping containers or similar structures such as look-alike shipping container buildings or metal buildings marketed as “containers”, “portable storage units”, or “conex.”

- **Occupation:** Shipping containers shall not be used as dwellings, sleeping quarters or for occupancy for any period of time.

- **Limited:** Only one shipping container allowed per residential lot.

- **Building Permit Required:** Shipping containers shall require a building permit.

- **Location:** Shipping containers are limited to rear yards.

- **Setback:** Shipping containers shall comply with the setbacks for the applicable zoning district.

- **Size and Height:** The maximum size allowed for a shipping container shall be eight (8) feet wide by twenty (20) feet long by eight and one half (8.5) feet tall.

- **Architectural Design:** Shipping containers shall be concealed on all sides and top with materials that are in character with, and constructed of, the same quality permanent materials as the principal building, or adopted design standards. No corrugated or ribbed metal shall be allowed unless the principal building is sided with the same material.

- **Maintenance:** Shipping containers shall be maintained in good condition at all times.

- **Exception:** Temporary portable moving containers/moving pods placed on private property for the purpose of moving household goods. Shipping containers shall be permitted on construction sites provided there is an active building permit and placement is ancillary to a project on site. Such shipping containers shall be removed within 30-days of completion of work associated with the building permit

- Gazebos;
- Domestic pets;
- Personal, private-use greenhouses;
- Fences, walls, and hedges;

Commented [CC35]: Added language due to the high volume of requests the Department receives for use of shipping containers

- Antennas, radio facilities, and satellite dishes, pursuant to the requirements of this Code;
- Personal solar and wind energy generators;
- Swimming pools, hot tubs, tennis courts or other similar private recreational facilities; and
- Any accessory structure or related use expressly designated as accessory in a residential zoning district under this Code, or as otherwise established as an accessory use through an interpretation of the Community Development Department Director.

Section 32. Section 16.6.15 of the Douglas Municipal Code is hereby amended to read as follows:

6.15 - Commercial Telecommunications Facilities (CTF)

6.15.1 Applicability

The provisions of this Section shall apply to the construction of new or the alteration, expansion, modification, or relocation of existing commercial telecommunications facilities.

6.15.2 Exemptions/Exceptions

Communication towers proposed for essential public services, public safety, and for communication purposes of public or private utilities shall only be subject to the General provisions of this Section.

6.15.3 Permits Required

~~A. Conditional Use Permit Required~~

~~B. 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), PLI (Planned Light Industrial), I (Industrial), and GRN (Green Space) 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 [CC36]: Added CTF's to use table in Chapter 4, changed from being a CUP as this is typically a permanent structure, added language on rehabilitation/redevelopment and enforcement

~~C.A. Building Permit Required~~

~~A building permit is required prior to any construction, alteration, expansion, modification, or relocation of any new or existing commercial telecommunications facility, unless otherwise restricted by City Council approval.~~

~~D.B. Compliance with Concourse County Airport Approach Zones~~

~~No commercial telecommunications facility 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.~~

~~C. Development Plan Approval/Maintenance Required~~

~~Commercial Telecommunication Facilities shall be maintained in good condition at all times.~~

~~D. Rehabilitation/Redevelopment~~

~~A renewal plan shall be provided as part of the building permit application for the rehabilitation or redevelopment of the property and/or structure in the event of closure of the Commercial Telecommunication Facility. Such plan shall:~~

- ~~Afford maximum opportunity for rehabilitation or redevelopment of the property and/or structure(s) by both private enterprise and the City of Douglas; and~~
- ~~Provide for the removal or reuse of the facility or facilities within twelve (12) months of closure.~~

~~E. Enforcement~~

~~Any violation of this Section shall be subject to the enforcement provisions of Chapter 9 of this Code.~~

Commented [CC37]: Link in MuniCode

~~i. New Commercial Telecommunications Facilities~~

~~Approval of a Type A or Type B Development Plan shall be required prior to construction of new commercial telecommunications facilities~~

~~ii. Existing Commercial Telecommunications Facilities~~

~~The Community Development Department Director shall approve a Type A Development Plan for the alteration, expansion, or modification of an existing commercial telecommunications facility that he/she deems insubstantial. The substantial alteration, expansion, modification or relocation of an existing commercial telecommunications facility shall require approval of a Type B Development Plan by the City Council.~~

Section 33. Section 16.8.2.3(A)(iv) of the Douglas Municipal Code is hereby amended to read as follows:

8.2 - Public Improvements

8.2.3 Subdivision and Development Improvement Agreements

A. General

iv. Deferred Development Agreements

The governing body may agree to defer the development of required infrastructural improvements in commercial, business and industrial zones when it is deemed to be in the best interest of the City to do so, and provided that:

- a. The governing body and developer(s) enter into a written agreement that specifically states which improvements will be deferred. The agreement shall also specifically identify the timing and conditions that will dictate the need for completion of the deferred improvements.
- b. The agreement addresses each of the following improvements:
 - 1. Streets
 - 2. Curbs and gutters
 - 3. Sidewalks
 - 4. Water service
 - 5. Sanitary sewer service
 - 6. Drainage
 - 7. Landscaping
 - 8. Off-site improvements
 - 9. Other development issues

The City Council may, at its sole discretion, require financial assurance from the developer(s) to guarantee the completion of the improvements. Financial assurance may include cash, performance bond, irrevocable letter of credit, or any other form that is approved by the City Attorney and can be readily converted to cash in an amount not less than one hundred ~~ten-twenty-five percent (110-125%)~~ of the financial assurance estimate amount approved by the City Engineer. The City Council shall also have the right and authority to file a lien when necessary to accomplish completion of the improvements within the subject development.

Deferred development agreements shall be reviewed annually by the Community Development Department to ensure compliance with the agreement. City staff may elect to send written notice of the review to the developer(s) indicating the current status of the agreement and may elect to provide an update to the City Council at an open and public hearing.

Commented [CC38]: Increase percent financial assurance from 110% to 125% to ensure rising costs from the time of the bid to the time a bond is called are covered

Section 34. Section 16.9.2.3 of the Douglas Municipal Code is hereby amended to read as follows:

9.2 – Zoning Certificates

9.2.3 Application Fee

An applicant seeking a zoning certificate shall pay a fee in accordance with the fee schedule adopted and approved by the City Council (~~see Appendix B~~) in order to defray the cost of plan reviews and inspections incurred by the City in ensuring compliance with the requirements of this Section and to defray the cost of the City in issuing zoning certificates. The following shall be exempt from payment of the application fee for a zoning certificate:

- i. New developments requiring site plan review and approval pursuant to Chapter 3 of this code shall be exempted from the zoning certificate application fee, provided all other plan review and building permit fees are paid, and
- ii. Any request by a local, state, or federal government agency for issuance of a zoning certificate.

Commented [CC39]: Remove reference to Appendix B. Appendix B was not included in the ULDC adoption. Instead, all the information in Appendix B was included in the text of the ULDC to avoid having to reference another document.

Section 35. 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 _____, 2021.

PASSED AND APPROVED ON SECOND READING this ____ day of _____, 2021.

PASSED, APPROVED, AND ADOPTED on Third and Final Reading this ____ day of _____, 2021.

René Kemper, Mayor

Attest:

Chaz Schumacher, City Clerk

Published: _____, 2021

ATTESTATION

I, Chaz Schumacher, 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.

Chaz Schumacher, City Clerk

DRAFT