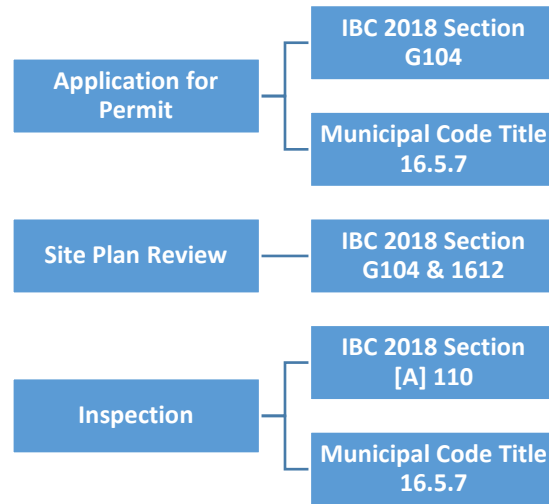


## ELEVATION CERTIFICATE STANDARD OPERATING PROCEDURE

### Purpose

The objective of this SOP is to:

- Establish guidelines for handling and maintaining Elevation Certificates
- Provide quality control guidelines for Elevation Certificates



### Background

The City of Douglas maintains Floodplain Management Regulations under Municipal Code Title 16 Chapter 5.7. Title 16.5.7.1(H) outlines the duties and responsibilities of the floodplain administrator and requires an elevation certificate of the lowest floor elevations (including basement or crawlspace) of all new or substantially improved structures, and whether or not the structure contains a basement as well as elevation certificates for proposed subdivisions. Title 16.5.7.1(N)(iv) requires base flood elevation data, including elevation certificate(s) shall be provided for all subdivision proposals and other proposed developments that include land located within a special flood hazard area.

Elevation certification shall be conducted as follows.

### Procedure

This procedure applies to buildings in the SFHA only. Areas outside the SFHA do not require an Elevation Certificate.

This procedure applies to and requires the Federal Emergency Management Agency (FEMA) Elevation Certificate, Form 81-31.

The Community Development Department will not issue a building permit for new construction or substantial improvement of an existing structure without an approved FEMA Elevation Certificate for the “Construction Drawing.” The Elevation Certificate must be completed in accordance with FEMA instructions and be approved by an engineer from who is a Certified Floodplain Manager from the Association of State Floodplain Managers.

Should an Elevation Certificate be found to contain errors, the reviewer shall provide an explanation of what needs to be corrected and how to make those corrections. Applicants should be encouraged to submit draft Elevation Certificates for informal review and comment by the Community Development Department at no charge to the applicant.

Once an Elevation Certificate is deemed acceptable, it will be stored in the Community Development Department. An electronic copy will be stored on the City’s main server and duplicate copies will be kept in the Community Development Department files.

## CODE REFERENCES

### IBC 2018

#### SECTION G104 PERMITS

##### **G104.1 Required.**

Any person, owner or owner's authorized agent who intends to conduct any development in a flood hazard area shall first make application to the building official and shall obtain the required permit.

##### **G104.2 Application for permit.**

The applicant shall file an application in writing on a form furnished by the building official. Such application shall:

1. Identify and describe the development to be covered by the permit.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitely locate the site.
3. Include a site plan showing the delineation of flood hazard areas, floodway boundaries, flood zones, design flood elevations, ground elevations, proposed fill and excavation and drainage patterns and facilities.
4. Include in subdivision proposals and other proposed developments with more than 50 lots or larger than 5 acres (20 234 m<sup>2</sup>), base flood elevation data in accordance with Section 1612.3.1 if such data are not identified for the flood hazard areas established in Section G102 2.
5. Indicate the use and occupancy for which the proposed development is intended.
6. Be accompanied by construction documents, grading and filling plans and other information deemed appropriate by the building official.
7. State the valuation of the proposed work.
8. Be signed by the applicant or the applicant's authorized agent.

##### **G104.3 Validity of permit.**

The issuance of a permit under this appendix shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the building official from requiring the correction of errors. The building official is authorized to prevent occupancy or use of a structure or site that is in violation of this appendix or other ordinances of this jurisdiction.

##### **G104.4 Expiration.**

A permit shall become invalid if the proposed development is not commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

### **G104.5 Suspension or revocation.**

The building official is authorized to suspend or revoke a permit issued under this appendix wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

## **SECTION 110 INSPECTIONS**

### **[A] 110.1 General.**

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

### **[A] 110.2**

Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

### **[A] 110.3 Required inspections.**

The building official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.11.

#### **[A] 110.3.1 Footing and foundation inspection.**

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job.

#### **[A] 110.3.2 Concrete slab and under-floor inspection.**

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

#### **[A] 110.3.3 Lowest floor elevation.**

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 shall be submitted to the building official

**[A] 110.3.4 Frame inspection.**

Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

**[A] 110.3.5 Lath, gypsum board and gypsum panel product inspection.**

Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

**Exception:** Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly

**[A] 110.3.6 Weather-exposed balcony and walking surface waterproofing.**

Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

**Exception:** Where special inspections are provided in accordance with Section 1705.1.1, Item 3. [A] 110.3.7 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

**[A] 110.3.8 Energy efficiency inspections.**

Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency

**[A] 110.3.9 Other inspections.**

In addition to the inspections specified in Sections 110.3.1 through 110.3.8, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

**[A] 110.3.10 Special inspections.**

For special inspections, see Chapter 17.

**[A] 110.3.11 Final inspection.**

The final inspection shall be made after all work required by the building permit is completed.

**[A] 110.3.11.1 Flood hazard documentation.**

If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 shall be submitted to the building official prior to the final inspection.

**[A] 110.4 Inspection agencies.**

The building official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability

**[A] 110.5 Inspection requests.**

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code

**[A] 110.6 Approval required.**

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official

## **SECTION 1612 FLOOD LOADS**

### **1612.1 General.**

Within flood hazard areas as established in Section 1612.3, all new construction of buildings, structures and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures shall be designed and constructed to resist the effects of flood hazards and flood loads. For buildings that are located in more than one flood hazard area, the provisions associated with the most restrictive flood hazard area shall apply.

### **1612.2 Design and construction.**

The design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas and coastal A zones, shall be in accordance with Chapter 5 of ASCE 7 and ASCE 24.

### **1612.3 Establishment of flood hazard areas.**

To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for [INSERT NAME OF JURISDICTION]," dated [INSERT DATE OF ISSUANCE], as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section

### **1612.3.1 Design flood elevations.**

Where design flood elevations are not included in the flood hazard areas established in Section 1612.3, or where floodways are not designated, the building official is authorized to require the applicant to do one of the following:

1. Obtain and reasonably utilize any design flood elevation and floodway data available from a federal, state or other source.
2. Determine the design flood elevation or floodway in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice.

### **1612.3.2 Determination of impacts.**

In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed work will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction of the applicable governing authority

### **1612.4 Flood hazard documentation.**

The following documentation shall be prepared and sealed by a registered design professional and submitted to the building official.

1. For construction in flood hazard areas other than coastal high hazard areas or coastal A zones:
  - 1.1. The elevation of the lowest floor, including the basement as required by the lowest floor elevation inspection in Section 110.3.3 and for the final inspection in Section 110.3.11.1.
  - 1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.7.2.1 of ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.7.2.2 of ASCE 24.
  - 1.3. For dry floodproofed nonresidential buildings, construction documents shall include a statement that the dry floodproofing is designed in accordance with ASCE 24.
2. For construction in coastal high hazard areas and coastal A zones:
  - 2.1. The elevation of the bottom of the lowest horizontal structural member as required by the lowest floor elevation inspection in Section 110.3.3 and for the final inspection in Section 110.3.11.1.
  - 2.2. Construction documents shall include a statement that the building is designed in accordance with ASCE 24, including that the pile or column foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16.

- 2.3. For breakaway walls designed to have a resistance of more than 20 psf (0.96 kN/m<sup>2</sup>) determined using allowable stress design, construction documents shall include a statement that the breakaway wall is designed in accordance with ASCE 24.

## **Municipal Code**

### **Title 16 Unified Land Development Code**

#### **Chapter 2 Definitions and Acronyms**

##### **2.2 - Definitions**

The following represent the definitions of the terms and phrases used in this Code. The terms are listed in alphabetical order.

##### **A**

###### **Abandonment**

Any cessation, discontinuance, or any interruption of any use on a property for a period of one (1) year or more, regardless of intent or circumstances.

###### **Above-Ground Level Residential**

Residential uses occurring within a structure on and above the second floor of a multiple-story building or structure where a non-residential use is planned or is occurring on the first floor or ground level.

###### **Access**

The location, place, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a public dedicated street.

###### **Agricultural Stand**

A structure, booth, or counter for the display and sale of consumable goods, including but not limited to fruits, vegetables, and grains which have been raised, grown, or made on the same lot or parcel.

###### **Agriculture**

The science, art, or business engaged in the tilling of soil, the raising of crops, horticulture and gardening, dairying, or animal husbandry for profit, including all uses customarily incidental thereto, but not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals, commercial feed lots, or similar uses.

###### **Airport Approach Zones**

An imaginary surface longitudinally centered on a runway centerline, extending outward and upward from the end of the runway, and based upon the type of approach available or planned for the runway end.

###### **Alley**

A public way, which is not designed for general travel, which is used as a means of access to the rear of residences and business establishments, and generally affords only secondary means of access to the property abutting along its extent.

###### **Alluvial Fan**

The geomorphologic feature characterized by a cone or fan-shaped deposit of clay, silt, sand, gravel, and boulders that have been eroded from mountain slopes, transported by flood flows, and deposited on the valley floor.

###### **Alluvial Fan Flooding**

Flooding occurring on the surface of an alluvial fan or similar land form which originates at the apex and



is characterized by high velocity flows, active processes or erosion, sediment transport, deposition, and unpredictable flow paths.

**Alteration**

As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or enlargement, whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

**Alteration, Substantial or Expansion**

Any change or enlargement of any building or other improvement that will, upon completion, effect a change in use that will increase the applicable parking requirements provided in this Code, or any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the current market value of the structure either before the improvement or repair is started; or if the structure has been damaged and is being restored, before the damage occurred.

**Amusement Center, Indoor**

An establishment totally contained within a structure designed or intended to provide entertainment or recreation for the general public, but not including bars, nightclubs or sexually-oriented businesses. The term includes, among other things, arcades (pinball, video, etc.), theaters, dinner theaters, bowling alleys, skating rinks, billiard parlors, pool halls, teen clubs, indoor shooting ranges, laser tag, privately-owned gymnasium, athletic, and/or recreational facilities, health clubs, and organizational clubs. Accessory uses may include the preparation and serving of food or sale of equipment related to the identified uses.

**Amusement Center, Outdoor**

An establishment, which can be contained in part by a structure, but is largely exposed to the weather, designed or intended to provide entertainment or recreation for the general public characterized by being open for specific hours, receiving remuneration, advertising activities or use of the property, using sanctioned leagues, or holding organized events. The term includes, among other things, drive-in theaters, amusement parks, rodeo grounds, horse arenas, carousels, miniature golf courses, golf courses and driving ranges, go-cart tracks, skateboard parks, water parks, and privately-owned outdoor recreational facilities, but does not include bars, nightclubs, or sexually-oriented businesses. Accessory uses may include the preparation and serving of food or sale of equipment related to the identified uses.

**Anchor**

A series of methods used to secure a structure in place so that it will not be displaced by flood or wind forces.

**Animal**

Any vertebrate creature excluding humans.

**Animal Keeping**

The activity of having, owning, and caring for domesticated animals, including animals not commonly regarded as household pets.

**Antennae**

A transmitting and/or receiving device that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omnidirectional antennas, such as whips used in the provision of personal wireless services, but expressly excluding radar antennas,

amateur radio antennas, satellite earth stations, MMDS antennas, television receiving antennas and direct broadcast satellite dishes.

**Antennae Support Structure**

Any building or structure other than a tower which can be utilized for location of telecommunications facilities.

**Apartment**

A room or suite of rooms, including kitchen facilities, located within a single structure that is intended or designed for use as a residence.

**Apex**

The highest point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**Appeal**

A request for a review of the administrative authority's interpretation of any provision of this Code.

**Applicant**

Any person or entity who has submitted an application for a permit.

**Assisted Living Facility**

A dwelling operated by any person, firm, or corporation engaged in providing limited nursing care, personal care and boarding home care, but not rehabilitative care, for persons not related to the owner of the facility.

**Auction Facilities**

A permanent facility for public sale of real or personal property to the highest bidder.

**Auto Wrecking or Salvage Yards**

Any lot or parcel upon which inoperable motor vehicles of any kind are stored for any purpose, including but not limited to dismantling, recycling, or the retail or wholesale sale of recycled or salvaged parts.

**Automobile and Trailer Sales**

An open area used for the display, sale, or rental of automobiles, trailers, boats, recreational vehicles, mobile homes and manufactured homes, and where no repair work is done except minor incidental repair and preparation work on automobiles, mobile homes, and manufactured homes to be displayed, sold or rented on the premises.

**Automotive and Vehicle Repair Garage**

Any building, structure, premises, or any portion thereof, used for the repair of vehicles for profit but not including auto wrecking or storage of wrecked cars. Repair activity shall be conducted in enclosed places or completely screened from public view.

**B**

**Bakeries, Retail**

An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared either on or off-site and may include the incidental preparation and/or sale of other consumable food products.

**Banks and Other Financial Institutions**

A building with or without a drive-up window used for the deposit, withdrawal, loan, or transfer of money.

**Barn or Private Stables**

Any privately owned structure where farm animals are boarded and owned by the occupants of the premises and are not kept for remuneration or hire.

**Bars, Liquor Stores, Taverns, Pubs, Brewpubs**

An area primarily devoted to the serving of alcoholic beverages consumed on premise and where the preparation, sale, and service of food is incidental to the service and consumption of alcoholic beverages.

**Basement**

Any floor level below the first story in a building, except that a floor level in a building having only one (1) floor level shall be classified as a basement unless such floor level qualifies as a story as defined herein.

**Batch Plant**

A processing plant, together with its accessory facilities, for the manufacturing of concrete or asphalt and related materials and products.

**Beauty and Barber Shops**

An establishment or place of business where the practice and trade of barbering and cosmetology is engaged by one or more barber or beautician.

**Bed and Breakfast Home**

A residence which provides temporary overnight lodging for remuneration with a maximum of two (2) guest rooms.

**Bed and Breakfast Inn**

A residence which provides temporary overnight lodging for remuneration having three (3) or more guest rooms.

**Bicycle**

Any vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels except scooters and similar devices.

**Block**

An area of land within a subdivision that is entirely bounded by streets or a street and rights-of-way, natural barriers or adjacent corporate or subdivision line.

**Boarding (Rooming) House**

Any building containing lodging provided for three (3) or more persons, with or without meals, and which is open to transient or permanent guests on a weekly or monthly basis, with no provision for cooking in any guest room.

**Building**

A structure for the habitation or shelter of human beings or animals, or the shelter or storage of property, or for the occupation of industries engaged in trade or manufacturing.

**Building Site**

A parcel of land occupied by one (1) building and its accessory buildings, or by a group of buildings, together with such open spaces as are required under the provisions of the respective zoning district.

**Bus**

Any motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

**Business**

The engagement in the purchase, sale, barter or exchange of goods, wares, merchandise or service or the maintenance or operation of offices or recreational or amusement enterprises for profit or material gain on a continual or habitual basis. Any location having a yard, garage or similar type sale on more than six (6) days in any calendar year is deemed to be a business.

**Business District**

The territory contiguous to and including a highway within any six hundred (600) feet along the highway where there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings, which buildings occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

**C****Carwash**

A facility for the cleaning of automobiles. The term includes, among other things, truck or recreational vehicle wash facilities.

**Centerline**

A line established as the midpoint of all arterials, streets, and easements.

**Certificate of Occupancy**

The key document used to certify the legal use and occupancy of a building.

**Channel**

A natural or artificial watercourse with definite bed and banks to confine and conduct flowing water.

**Channel Capacity**

The maximum flow that can pass through a channel without overflowing the banks.

**City**

The City of Douglas, Wyoming.

**City Administrator**

The City staff member who provides overall supervision for all City departments and is charged with implementing all laws, ordinances, and policies as established by the City Council. Through this office, citizens can get information on City Council issues, report a concern, or request information.

**City Building Official**

The City staff member responsible for all inspections, enforcement actions, administrative duties, and

responsibilities for enforcement and administration of all building codes and permits required under the City of Douglas Municipal Code. The building official is authorized to issue citations to appear in the Douglas Municipal Court to any person deemed to be in violation of the provisions of Title 15 of the Douglas Municipal Code and this Code.

### **City Council**

The City Council of the City of Douglas, Wyoming.

### **Club**

Organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests, or activities, characterized by membership qualifications, dues or regular meetings, including country clubs and lodges but excluding clubs operated for profit and places of worship or assembly.

### **CTF (Commercial Telecommunication Facility)**

An unmanned facility consisting of antennae, accessory equipment, and equipment storage shelters used for the reception, switching, transmission, or receiving of wireless telecommunications operating at 1000 watts or less effective radiated power and using frequencies authorized by the Federal Communications Commission, including, but not limited to, paging, enhanced specialized mobile radio, personal communication systems, personal wireless service, cellular telephone, point-to-point microwave signals, and similar technologies. Also known as a wireless telecommunications service facility.

### **CTF Facility, Accessory Equipment for a**

Equipment, including buildings and structures, used to protect and enable radio switching equipment, back-up power, support structures, and other devices incidental to a CTF facility, but not including antennae.

### **CTF Facility, Roof-Mounted**

A CTF facility with antennae that are mounted and supported entirely on the roof of a legally existing building or structure.

### **CTF Facility, Wall-Mounted**

A CTF facility with antennae that are mounted and supported entirely on the wall of a legally existing building, including the walls of architectural features such as parapets, chimneys, and similar appurtenances.

### **CTF Facility, Freestanding**

A CTF facility that consists of a stand-alone support structure, such as a tower or monopole, and antennae and accessory equipment.

### **CTF Facility, Pole-Mounted**

A CTF facility with antennae that is mounted and supported entirely on a legally existing traffic signal, utility pole, street light, flagpole, co-located freestanding CTF facility, electric or transmission line support tower, or other similar structure.

### **CTF Facility, Stealth**

Any telecommunications facility which is designed to blend into the surrounding environment or are designed to resemble actual structures that would be constructed in the surrounding area. Examples of stealth facilities include, but are not limited to, architecturally screened roof-mounted antennas,

antennas integrated into architectural elements, and painting antennas to blend in with the existing structure.

#### **CTF Facility Tower**

Any guyed, monopole or self-support/lattice tower, or similar structure such as a utility pole, or extension thereto, constructed as a freestanding structure, containing one or more antennas used in the provision of, or designed to contain, personal wireless services. An existing tower other than a telecommunications tower becomes a telecommunications tower once one or more personal wireless facilities are located upon it.

#### **Community Development Director**

The City staff member responsible for interpretation and enforcement of this Code. The Director shall also be responsible for inspections pursuant to the provision of this Code and shall have administrative approval authorities as identified herein.

#### **Code of Federal Regulations**

The codification of the general and permanent rules published in the Federal Regulations (CFR) Register by the executive departments and agencies of the federal government.

#### **Condominium**

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

#### **Construction-Related Storage and Offices**

The storage of vehicles, materials, equipment, and field offices associated with a construction project occurring on the same lot, parcel, or tract as the construction project.

#### **Contractor Equipment Yards**

A service establishment primarily engaged in general contracting or subcontracting in the construction, repair, maintenance, or landscape trades. It may include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles used by the establishment.

#### **Convenience Store**

An establishment for the purpose of offering for sale to the neighborhood in which it is located such items as groceries, ready to eat food, over the counter drugs, and sundries. A convenience store may include retail sale of gasoline and other petroleum products.

#### **Critical Feature**

An integral and readily identifiable part of a flood protection system (e.g., dams, floodwalls, channel improvements), without which the flood protection provided by the entire system would be compromised.

#### **Critical Structure**

Any structure for which even a slight chance of flooding would reduce or eliminate its designed function of supporting a community in an emergency (fire stations, hospitals, etc.).

#### **Crosswalk**

That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway; or any portion of a roadway at an intersection or elsewhere

distinctly indicated for pedestrian crossing by lines or other markings on the surface measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one (1) side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

## **D**

### **Date of Construction**

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date.

### **Day Care Center**

A location or facility where day care is provided for six (6) or more minors at any one (1) time for periods of less than 24 hours per day or as otherwise allowed under State Statute. Day care centers shall include preschools and nursery schools.

### **Density**

The number of dwelling units of any type, including mobile homes, on the site of any development, expressed as the number of units per acre, taking into account the total area of the land contained within the exterior boundaries of the site.

### **Development**

Any man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

### **Development, Type A**

A Type A development project has a value of less than seven hundred fifty thousand dollars (\$750,000.00), or that would result in a structure of less than five thousand (5,000) square feet.

### **Development, Type B**

A Type B development project has a value of more than seven hundred fifty thousand dollars (\$750,000.00), or that would result in a structure of five thousand (5,000) square feet or larger.

### **Development, Type B-LSR**

A Type B-LSR (Large Scale Retail) development project means any retail business which occurs individually or jointly in a single structure or combination of structures situated upon a building site under the same ownership, in excess of twenty-five thousand (25,000) gross square feet of floor area.

### **Development Standard**

Any of the physical requirements related to the establishment of a use on a site or in a structure thereof, or the conduct of such use, or related to the preparation of a site and the construction of a building thereof, as prescribed.

### **District**

A section or sections of the City for which uniform regulations governing the use of land and buildings, size of yards, open space, and densities and intensities of use are prescribed.

## **Douglas Municipal Code**

The regulatory and penal ordinances and certain of the administrative ordinances of the City of Douglas, Wyoming.

### **Dry Proofing**

The flood proofing method used to design and construct buildings so as to prevent the entrance of floodwaters.

### **Dwelling**

A structure or building, or any portion thereof, designed for permanent occupancy by one (1) family for residential purposes as a single housing unit. In no case shall a motor home, recreational vehicle, travel trailer, automobile, motor vehicle, tent, or portable building be considered a dwelling. A micro-dwelling, or tiny house, approved for occupancy by the City Building Official may be considered a dwelling.

### **Dwelling Unit**

One (1) or more rooms providing complete living facilities for one (1) family, including equipment for cooking or provisions for the same, and including room, or rooms, for living, sleeping, eating, and sanitation.

### **Dwelling, Accessory**

A dwelling that is accessory and subordinate to the principal residence and under the same ownership as the principal residence. Accessory Dwellings shall be limited to accommodations for extended family members of the owner of the principal residential structure or as rental units located within or attached to the principal dwelling or located within a detached accessory structure.

### **Dwelling, Duplex**

A residential dwelling unit that contains two primary dwelling units on one (1) lot. The units must share a common wall or common floor/ceiling, including single-family attached dwellings located on separate lots that share one (1) or more common or abutting walls, located on the common property line.

### **Dwelling, Modular Home**

A transportable structure, designed to be used with a permanent foundation as a dwelling unit when connected to public utility facilities and which is built in a factory in accordance with the building standards of the City.

### **Dwelling, Multi-Family**

A structure or building, or portion thereof, containing three (3) or more individual dwellings containing individual and separate cooking, bath, and toilet facilities.

### **Dwelling, Patio Home**

An attached or detached single-family dwelling unit, typically situated on a reduced-sized lot that orients outdoor activity and recreation within side or rear yard patio areas for better use of the site for outdoor living space.

### **Dwelling, Row House**

A residential dwelling unit, located on its own lot, which shares one or more common or abutting walls with one or more dwelling units. The units must share a common wall but not common floors or ceilings, and may include single-family attached dwellings located on separate lots that share one or more common or abutting walls, located on the common property line, or townhouses and row houses.



**Dwelling, Single-Family Detached**

A single detached structure or building designed and constructed to be occupied exclusively by one (1) single family unit.

**Dwelling, Single-Family Semi-Detached Row House**

A structure or building containing three (3) or more attached dwellings on individual lots that are separated by vertical fire walls in which each residence has its own individual and separate front and rear yards and entrances and is contained entirely within two (2) separate vertical fire walls.

**E****Easement**

An area which is reserved, conveyed or dedicated for a specialized or limited purpose without the transfer of fee title.

**Elevations Certificate**

The document that is required to show that new buildings and substantial improvements in all identified Special Flood Hazard Areas (SFHAs) are property elevated and in compliance with the floodplain management ordinance and are required in order to properly rate post-FIRM buildings (buildings constructed after publication of the flood insurance rate map). An elevation certificate is not required for pre-FIRM buildings unless the building is being rated under the optional post-FIRM flood insurance rules.

**Enclosure**

That portion of an elevated building below the lowest elevated floor that is either partially or fully shut-in by rigid walls.

**Equipment Rental**

An establishment where heavy equipment, large machinery, and tools used for construction and building purposes are rented and stored and which may include maintenance and parts sales. Heavy equipment shall include, but not be limited to, bulldozers, tractors, graders, caterpillar tractors, cranes, backhoes, trenchers, and earthmovers.

**Erosion**

The process of the gradual wearing-away of earthen materials by flowing water, storm water, wind, ice, or gravity.

**Excavation Work**

The excavation and other work permitted under an excavation permit and where a trencher, backhoe, boring machine, jackhammer, cable plow, or any other methods or equipment are used to excavate or disturb lands within the right-of-way of a City street.

**Explosive, Toxic, or Hazardous Material Storage**

Bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**F****Façade**

The exterior face of a building or structure.

**Façade, Primary Exterior**

The side of a building generally designed as the main entrance into such building and located adjacent to a public street. The primary façades for all primary structures shall front on a public street.

**Family**

Any individual, or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage, living together as a single housekeeping unit.

**Farms and Ranches**

Any parcel of land used primarily for the commercial, soil-dependent cultivation of an agricultural crop, the raising of aquatic plants or animals, or the accessory raising of livestock. This does not include livestock feed yard or exotic animal facilities or a parcel of land which is used primarily for the raising of livestock, breeding of horses, practice equestrian courses and arenas not used for scheduled public or club events, and ancillary sales and previews of livestock and occasional weekend activities.

**Farm/Ranch Residence**

A farm/ranch residence is a dwelling unit occupied by persons principally employed at or engaged in the operation of the farm or ranch.

**Federal Emergency Management Agency (FEMA)**

The federal agency under which the National Flood Insurance Program (NFIP) is administered.

**Federal Insurance Administration**

The government unit, a part of the Federal Emergency Management Agency (FEMA) that administers the National Flood Insurance Program (NFIP).

**Feedlots, Commercial**

A place of confinement (whether by structure, fence, pens, or corrals) for cattle, sheep, goats, swine, or other livestock for the purposes of concentrated feeding operations for meat or milk production where crop or forage growth or production is not sustained in the area of confinement. This definition specifically excludes educational agricultural projects and horses as defined under the term stable.

**Fence**

Any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure, including walls.

**Financial Assurance**

A financial guarantee, naming the City of Douglas as beneficiary, that public infrastructure and improvements required for a project will be constructed and certified according to the plans, specifications, and applicable standards for public improvements.

**Financial Assurance Estimate**

An estimation of the cost of the construction of the public and common subdivision improvements associated with a subdivision or development.

**Flammable and/or Hazardous Substance Storage Facility**

A facility used for the storage, which may include treatment, of any flammable substance(s) or hazardous substance(s), as defined pursuant to the United States Code or the United States Environmental Protection Agency. This shall include wholesale sales, storage, and/or distribution of flammable substances, including, but not limited to, gasoline, diesel, and any other flammable

substances sold for use in passenger vehicles. This definition shall not apply to retail sales of gasoline, diesel, or any other flammable substances sold for use in passenger vehicles with such sales commonly occurring at a gas station, as defined herein.

**Flood, Flooding, or Floodwaters**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood, Base**

A flood having a one percent (1%) chance of being equaled or exceeded in any given year. (Also called a "100-year flood.")

**Flood Depth, Base (BFD)**

The depth shown on the flood insurance rate map (FIRM) for zone AO that indicates the depth of water above highest adjacent grade resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in a given year.

**Flood Elevation, Base (BFE)**

The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplain of riverine areas.

**Flood, Flash**

A flood that crests in a short period of time and is often characterized by high-velocity flows resulting from heavy rainfall in a localized area.

**Flood Control**

The keeping of flood waters away from specific developments or populated areas by the construction of flood storage reservoirs, channel alterations, dikes and levees, bypass channels, or other engineering works.

**Flood Frequency**

The statistical expression of the average time period between floods equaling or exceeding a given magnitude.

**Flood Hazard Boundary Map (FHBM)**

An official map issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A (100-year floodplain as indicated on reference map).

**Flood Hazard, Area of Special**

The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. These areas are designated as zones A, AE, AO, AH, and A1-A30 on the flood insurance rate map.

**Flood Insurance Rate Map (FIRM)**

An official map, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zone applicable to the City.

**Flood Insurance Rate Map, Countywide**

A flood insurance rate map (FIRM) that shows flood information for the entire geographic area of a county, including the incorporated communities within the county.

**Flood Insurance Risk Zone Designations**

The zone designations indicating the magnitude of flood hazard in specific areas of the community.

**Flood Insurance Study**

The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as flood boundary, floodway maps, and the water surface elevation of the base flood.

**Floodplain, Base**

The floodplain that would be inundated by a one percent (1%) chance flood.

**Floodplain Encroachment**

The advance of infringement of uses, plant growth, excavation, fill, buildings, permanent structures or development, storage of equipment and materials, or any other physical object placed in the floodplain that hinders the passage of water or otherwise affects flood flows.

**Floodplain Management Regulations**

The floodplain regulations of this Code and any federal, state or local regulations, community zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of jurisdictional regulation which control development in flood-prone areas to prevent and reduce flood loss and damage.

**Flood Proofed**

Watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

**Flood Proofing**

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures, and their contents.

**Flooding, Area of Shallow**

The designated zones AO and AH on the flood insurance rate map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Floodplain, 100 Year**

The relatively flat area or lowlands adjoining the channel of a stream or water course and subject to floodwater overflow resulting from a 100-year flood which is defined as that flood equivalent of a one percent (1%) or greater chance of flooding in any given year.

**Floodplain Administrator**

The individual who is given specific authority and responsibilities to enforce the local floodplain management regulations.

**Floodplain Approval**

A request for a review of the City's interpretation of any provision in the floodplain district or a request for a variance in the floodplain district.

**Floodplain Management**

The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works and floodplain management plans, regulations and ordinances, and drainage way routine inspection and maintenance programs.

**Floodplain or Flood Prone Area**

Any land area susceptible to being inundated by water from any source.

**Floodplain Pollutant**

Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt or industrial, municipal, and agricultural waste discharged into water.

**Floodplain Protection System**

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

**Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation. Also referred to as the "regulatory floodway."

**Floodway Encroachment Lines**

The lines marking the limits of floodways on federal, state, and local floodplain maps.

**Floodway Fringe**

The area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

**Floodway, Regulatory**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Floodway, Designated**

The channel of a stream and the portion of the adjoining floodplain designated by a regulatory agency to be kept free of further development to provide for unobstructed passage of flood flows.

**Floor Area**

The total area of all floors of a building, including basements (if used for other than utility and/or

storage) but excluding perimeter walls, any floor area devoted to off-street parking, and basements if used only for utility and/or storage space.

**Footing**

The enlarged base of a foundation wall, pier, or column, designed to spread the load of the structure so that it does not exceed the soil bearing capacity.

**Foundation or Foundation Walls**

The underlying structure of a building, usually constructed of concrete that supports the main portion of the building or superstructure and which shall be based on engineering design parameters.

**Fowl**

Live fowl, including chickens, turkeys, ducks, geese, carrier pigeons, or other similar aviary species.

**Freeboard**

A margin of safety usually expressed in feet or inches above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. For purposes of this Code, freeboard shall be a minimum of 12 inches above the known base flood elevation, unless otherwise required by the City Engineer.

**Funeral Home**

A building used for the preparation of the deceased for burial or cremation, or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies, and shall also include funeral parlor, mortuary, and crematory.

**G**

**Garage, Attached**

Any building or structure which has a roof or wall, or a major portion of a roof or wall in common with a dwelling structure designed and constructed primarily for the indoor storage and parking of motor vehicles.

**Garage, Private**

A building, structure, or part thereof accessory to a main building, attached or detached, and providing for the indoor storage and parking of automobiles or storage of other items in which no other occupation or business for profit is conducted.

**Gas Stations**

A property used for the retail sale of gasoline, diesel fuel, oil, or other fuel for vehicles and which may include, as incidental accessory uses, the retail sale of vehicle accessories, minor vehicle repair facilities, a convenience store, and a carwash .

**Golf Course**

An area of land laid out for the game of golf with a series of 9 or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. It may also include a clubhouse and other accessory structures.

**Governing Body**

The local governing unit, county, or municipality that is empowered to adopt and implement regulations to provide for public health, safety and general welfare of its citizenry.

**Greenhouse, Private Personal Use**

A greenhouse for the non-commercial personal use or enjoyment of the private property owner.

**Group Home, Family**

A residential type facility where two (2) or more responsible adults are in charge of less than twenty (20) adults or children for medical or social reasons.

**Guest Ranch**

Any functioning and operational ranch which opens its grounds or facilities to guests or patrons for the purposes of participation in daily or seasonal operations and activities normally occurring on an active ranch which may include lodging and the preparation and service of food and beverages.

**H****Hardship**

The resulting impact of requiring strict compliance with any provision of this Code or upon denial by the City Council of any requested variance. Accommodation of any hardship or variance requires exceptional, unusual, or undue practical difficulty, and shall pertain only to the property involved. Mere economic or financial hardship shall not be considered as an exceptional, unusual, or undue practical difficulty for the purposes of constituting a hardship. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the approval of similar hardship or variances by one's neighbors, or the existence of similar conditions which have not been authorized by the City Council cannot and shall not, as a rule, qualify as consideration as exceptional hardship or justification of approval of a variance. Hardships that can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere, or put the parcel to a different use than originally intended, shall not qualify as a hardship for the purpose of granting a variance.

**Hazard**

Any natural or man-induced event or phenomena having the potential to be detrimental to public health, safety or property. Natural hazards include but are not limited to geologic hazards, avalanches, landslides, ground subsidence, expansive soil and rock, corrosive soil, radioactivity, seismic effects, flooding, high wind areas and wildfire areas.

**Hazardous Waste**

Any waste listed as a hazardous waste in Subpart D, Section 261.30 of the Code of Federal Regulations.

**Height, Building**

The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof, to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip or gambrel roof.

**Highest Adjacent Grade**

The highest natural elevation of ground surface prior to construction next to the proposed walls of a structure.

**Highway Department**

The Department of Transportation of the State of Wyoming.

**Highway, Controlled Access**

Any highway, street, or roadway in which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except only at such points and in such a manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

**Hobby Farm**

A parcel of land where livestock, animals, or birds are raised or garden crops are grown in a manner either incidental to the principal residential use of the property or where the production of livestock or garden crops on the property does not constitute a principal income for the property owner (e.g., 4-H and other similar types of programs).

**Home Improvement Center**

A business that offers for sale hardware, tools, lumber, electrical, plumbing, home, lawn, garden supplies, landscaping materials, plants, brick, lumber; and other similar materials and the incidental and accessory outside storage of materials.

**Home Occupation**

A small home-based business conducted on a residentially zoned parcel by the resident or occupant of that property which is clearly incidental and subordinate to the use of the property for residential purposes and which may be conducted in a principal or accessory structure pursuant to the requirements of this Code.

**Hospital**

An institution or facility providing health services, primarily for in-patients and emergency or planned medical or surgical care of the sick or injured and other ancillary services.

**Hotel**

A building or structure containing rooms designed and rented out for sleeping purposes for transients and where only a general kitchen and dining room may be provided for the benefit of guests that is located in the same or accessory building or structure.

**House Trailer**

A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer but which is used instead permanently or temporarily for advertising, sales display, or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

**Hydraulics**

The science that deals with practical applications of water in motion.

**Hydrodynamic Loads**

Forces imposed on structures by floodwaters due to the impact of moving water on the upstream side of the structure, drag along its sides, and eddies or negative pressures on its downstream side.



**Hydrology**

The science of the behavior of water in the atmosphere, on the earth's surface, and underground.

**Hydrostatic Loads**

The forces imposed on a flooded structure due to the weight of the water.

I

**Intersection**

The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or, where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highway shall be regarded as a separate intersection; however, the junction of an alley with a street or highway does not constitute an intersection.

J

**Junkyard**

Any primary or accessory use of a parcel of land for the storage, dismantling or selling of cast-off salvage material of any sort other than the original form or condition in which it was manufactured and/or assembled; not including reconditioned, secondhand furniture, fixtures, or antiques sold from within an enclosed building.

K

**Kennel, Commercial**

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.

L

**Landscape Architect**

Any person who is licensed to practice landscape architecture in the State of Wyoming.

**Landscaping**

The placement or designing of ornamental fixtures such as fountains, ornamental walls, berms, fences, benches, along with vegetative planting of trees, shrubs, grasses, flowers, etc.

**Large Scale Retail (LSR)**

Any retail business or businesses which occur individually or jointly in a single structure or combination of structures situated upon a building site within the same development, in excess of twenty-five thousand (25,000) gross square feet of floor area.

**Laundromats and Dry Cleaning Establishments**

A facility or business that provides washing and drying machines for patrons to use on premises for remuneration, or which provides dry cleaning services for patrons in which the dry cleaning of garments or other materials occurs on or off-premises.

**Letter of Map Amendment (LOMA)**

The procedure by which any owner or lessee of property who believes his property has been inadvertently included in a special flood hazard area can submit scientific and technical information to the federal insurance administrator for review to remove the property from said area.

**Letter of Map Amendment, Conditional (CLOMA)**

A letter from the Federal Emergency Management Agency (FEMA) stating that a proposed structure that is not to be elevated by fill would not be inundated by the base flood if built as proposed.

**Letter of Map Revision (LOMR)**

An official revision to a currently effective flood insurance rate map (FIRM). A LOMR officially changes flood zone, floodplain and floodway designations, flood elevations and planimetric features.

**Letter of Map Revision (Based on Fill) (LOMR-F)**

A letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.

**Letter of Map Revision (Based on Fill), Conditional (CLOMR-F)**

A letter from the Federal Emergency Management Agency (FEMA) stating that a parcel of land or proposed structure that is elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

**Letter of Map Revision, Conditional (CLOMR)**

The procedures by which contractors, developers, and communities can request review and determination by the Federal Insurance Administration of scientific and technical data for a proposed project, which when complete and functioning effectively would modify the elevation of individual structures and parcels of land, stream channels, and floodplains on the flood insurance rate map (FIRM).

**Levee**

A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Levee System**

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Light Manufacturing**

Manufacturing and processing in which no operations are carried on which will be likely to create smoke, fumes, noise, odor, vibration, or dust, or any other nuisance and which will not be detrimental to the health, safety, or general welfare of the community. The following are examples of light manufacturing or processing: beverage manufacturing; book binding; canvas products manufacturing; clothing or cloth manufacturing; computer manufacturing; dry cleaning plant; electronics manufacturing; fish hatchery; furnace installation, repair, and cleaning; hosiery manufacturing; machine

shops; machine tool manufacturing; machinery sales; public utility storage, yards, and service installments; sheet metal shops; shoe manufacturing; sign manufacturing, repair, and maintenance.

**Light Pollution**

Excess or obtrusive artificial skylight projecting from light fixtures that project upwards as well as downwards.

**Livestock Auction Yards and Barns, Commercial**

A confined enclosure used for the purpose of selling livestock.

**Loading Area, Off-Street**

An off-street space or berth on the same lot with a principal building for the parking of a commercial vehicle while loading or unloading merchandise and which has direct access from a public street or alley.

**Loading Space**

An onsite space for the standing, loading, and unloading of vehicles to avoid undue interference with the public use of streets and alleys. Such space shall not be less than ten (10) feet in width, fourteen (14) feet in height and thirty (30) feet in length, exclusive of access aisles and maneuvering space.

**Local Government**

A city, town, county, or any other political subdivision of the State.

**Lot**

A legally plotted subdivision of a block.

**Lot, Corner**

A lot situated at the intersection of two (2) or more streets with the orientation of the front door of the building generally describing the front yard.

**Lot Area Coverage, Maximum**

The percentage of the lot, parcel, or tract area that may be covered by structures not including parking areas, open and unenclosed patios, decks, platforms, landings, or ramps that do not exceed 18 inches in height measured from the finished floor to any adjacent point of the finished grade.

**Lot Coverage**

The total area of a lot covered by the principal and accessory buildings.

**Lot Lines**

The lines bounding or defining the area of a lot as defined by this Code.

**Lot of Record**

Any lot shown upon an official subdivision map duly approved and recorded prior to the effective date of this Code, or any lot for which a bona fide deed is of record in the office of the Converse County Clerk and Recorder or for which a valid, bona fide contract of sale or memorandum of agreement is in full force and effect at the time that this Code becomes effective, and the map, deed or contract of sale or memorandum of agreement is of record on said date.

**Lot Width**

The width of a lot along a line parallel to the street frontage.

**Lot, Cul-de-sac**

Any lot fronting on the turnaround end of a dead-end street.

**Lot, Double Frontage**

Any lot having frontage on two (2) parallel or approximately parallel streets.

**Lot, Flag**

A lot, parcel, or tract with the appearance of a flag and flagpole where the main use or building area does not front or abut a public roadway and where the narrow "flagpole" part of the lot, parcel, or tract is used to provide access to the public roadway. Typically, the widest part of a flag lot is located at the rear of another lot, parcel, or tract and the flagpole part of the lot, parcel, or tract is comprised entirely of a private right-of-way or driveway.

**Lot, Legal Non-Conforming**

A non-conforming lot is a legally created lot or parcel of land which due to subsequent amendments of this Code, right-of-way acquisition by a government entity, or to the zoning or rezoning of the lot or parcel, does not conform with the minimum lot area requirement of this Code.

**Lowest Adjacent Grade**

The ground elevation at the lowest point around the building foundation.

**Lowest Floor**

The lowest floor of the lowest enclosed area, (including basement or crawlspace). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code.

**Lowest Floor Elevation**

The measured distance of a building's lowest floor above the North American Vertical Datum (NAVD) or other datum specified on the FIRM for that location.

**M****Manufactured or Mobile Home Park or Subdivision**

A parcel (or contiguous parcels) of land divided into two (2) or more manufactured or mobile home lots for rent or sale.

**Manufactured Home**

Any structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term "manufactured home" shall include any structure that meets all the requirements of this definition, Title 15 of the City of Douglas Municipal Code, and is certified to have been manufactured in accordance with the U. S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. The term "manufactured home" does not include "recreational vehicles."

**Manufacturing, Processing, and Fabricating**

Establishments engaged in the on-site and primarily indoor production of goods by manual, mechanical,

or chemical transformation of materials or substances into new products, including but not limited to the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors and spirits.

**Map Amendment (Rezoning)**

A revision to the City of Douglas Zoning Map which modifies the zoning district applicable to specific lot(s), parcel(s), or tract(s).

**Master Plan**

The comprehensive long-range plan adopted by the City Council intended to guide the growth and development of the City of Douglas and areas within future annexation areas, including analysis, goals, policies, recommendations, and proposals for the community's existing and future population, economy, housing, transportation, public facilities, and land use.

**Mean Sea Level**

For the purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

**Meeting, Conference, and Lodge Halls**

A facility designed for the purpose of holding scheduled meetings, conferences, assemblies, and/or conventions for remuneration and which may include dining facilities where food and beverages are prepared and served to guests or attendees to be consumed at the facility. This definition shall also include private facilities for clubs and other private organizations.

**Membrane Structure**

Any air-supported, air-inflated and membrane-covered cable or frame structures, as further defined in Appendix Chapter 31 of the Uniform Building Code.

**Microwave Dish Antenna**

A dish-like antenna used to link personal wireless service sites together by wireless transmission of voice or data.

**Mineral Deposit, Commercial**

A natural mineral deposit of limestone used for construction purposes, including coal, sand, gravel, and quarry aggregate, for which extraction by an extractor is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogical, or other scientific data that the deposit has significant economic or strategic value to the area, state, or nation.

**Mobile Home, Post-1976**

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, and which has been certified under the "National Manufactured Housing Construction and Safety Standards Act" (42 U.S.C. 4501 et seq., as amended) in effect after June 15, 1976 or which has been certified according to the Building Code.

**Mobile Home, Pre-1976**

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, and which has not been certified under the "National Manufactured Housing Construction and Safety Standards Act" (42 U.S.C. 4501 et seq., as amended).

**Mobile Home Occupancy Permit**

A permit issued to a mobile home owner after the mobile home and location have been inspected for compliance with City standards.

**Mobile Home or Manufactured Home Lot**

A plot of ground within a manufactured or mobile home park or subdivision which is designed for the accommodation of one (1) manufactured or mobile home together with its accessory structures including carports or other off-street parking areas, storage lockers, patios, and other appurtenances.

**Mobile Home Space**

A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home together with its accessory structures including carports or other off-street parking areas, storage lockers, patios and other appurtenances.

**Mobile Home Space Line**

The clearly defined boundaries of each mobile home space, physically identifiable on the perimeter and reflected in the mobile home park development plan.

**Mobile Home Stand**

That part of the mobile home space which has been reserved for the placement of a mobile home.

**Mobile Home and Travel Trailer Park Permit**

A written instrument issued by the City authorizing the construction or extension of a park and/or the annual renewal of such permit.

**Model Home/Subdivision Sales Office**

The temporary use of a model home built within a subdivision as an office for the purposes of selling lots and construction of homes on lots for purchase within an approved subdivision.

**Monument**

The actual marker set on the ground to locate, delineate, or describe lots, parcels, or tracts of land or the marker set to define a legal description of a lot, parcel, or tract of land including the points or corners set by a Wyoming Registered Land Surveyor in accordance with State Statute.

**Motel**

A building or group of buildings, whether detached or as connected units, used as individual sleeping or dwelling units designed primarily for transient occupancy and providing for accessory off-street parking facilities.

**Multichannel Multipoint Distribution Service**

Formerly known as broadband radio service and also known as wireless cable and wire service utilities, is a wireless telecommunications technology, used for general-purpose broadband networking or, more commonly, as an alternative method of cable television programming reception.

**Museums, Libraries, and Galleries**

A building or use within a facility serving as a repository for the collection of natural, scientific, or literary curiosities or objects of interest, works of art, or published materials which are arranged, intended, and designed to be used, observed, or viewed by members of the general public with or without admission fees or membership requirements.

**N**

**National American Vertical Datum (NAVD)**

A vertical control datum of orthometric height established for vertical control surveying and used as a reference for establishing varying elevations within the floodplain, as established in 1988.

**Natural Grade**

The grade unaffected by construction techniques such as fill, landscaping, or berming.

**Naturally Vegetated Areas**

Outdoor areas which have either not been disturbed by construction, development, or other ground disturbing activities or have been left or restored to their natural vegetated state or condition if previously disturbed or otherwise altered by man-made activities or acts of nature that otherwise alter the natural landscape and vegetation of the area.

**Newspaper, Document Processing, and Printing Offices**

A facility for the custom reproduction of periodical newspapers and other written or graphic materials, on a custom order basis for individuals or businesses, and which services also may include, but not be limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

**Nurseries and Greenhouses, Commercial**

An establishment which may include a greenhouse for the retail sale of trees, shrubs, and plants to the general public. Commonly known as a garden center, products and services related to gardening, growing of plants, and outdoor landscaping may also be included. A greenhouse is a building having roof and sides that are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the propagation, cultivation, or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines.

**Nursery**

Any space or building, structure, or a combination thereof, for cultivation, storage or sale of live trees, shrubs, or plants including products used for gardening or landscaping. The definition of a nursery does not include any space or building used for the sale of fruits, vegetables or other related products.

**Nursing Home**

Any institution, except hospitals within the meaning of Wyoming Statutes 1977, Sections 35-2-101 to 35-2-112, as amended, place, building, or agency in which any accommodation is maintained, furnished, or offered for the hospitalization or care of any persons requiring or receiving chronic or convalescent care. This definition shall not apply to hotels or other similar places that furnish only board and room or either, to their guests, nor to hospitals operated by the federal government.

**O****Obstruction**

Any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**Offices, Professional**

Use of a site for business, professional, or administrative offices excluding medical offices. General offices are characterized by a low proportion of vehicle trips attributable to visitors or clients in relation

to employees. Typical uses include real estate, insurance, management, travel, or other similar business offices; organization and association offices; and law, architectural, engineering, accounting, telemarketing, or other similar professional offices.

#### **Official Traffic Control Devices**

All signs, signals, markings, and devices not inconsistent with this Code placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

#### **Open Space**

Publicly or privately owned parcels of land which have been permanently set aside or otherwise preserved to retain land, water, historic, and other aesthetic or environmentally sensitive features in a primarily natural state. Open space may include trail corridors and may serve one or more of the following functions: (a) identify or separate communities and other developed areas, and to provide expansive visual relief; (b) buffer and provide transitions between different land uses; (c) preserve or protect scenic areas and vistas, prominent landforms, floodplains, riparian areas, and critical ecosystems; (d) provide outdoor recreation opportunities such as hiking, biking, and equestrian uses; or (e) assist with the preservation of existing and ongoing ranching and agricultural uses.

#### **Outdoor Display and Sales of Garden Supplies and Nursery Stock**

Open air storage of vehicles, raw materials, supplies, finished or semi-finished products or equipment, lawn and garden supplies; landscaping materials, plants, bricks, lumber, and other similar materials.

#### **Outside Retail Display**

The temporary display of goods or merchandise for sale by a retail establishment that is stored outside the principal building and which is secured inside the establishment during non-operating hours. This definition shall also include the seasonal display of retail products within a limited area of the onsite parking lot which does not reduce the minimum number of required parking and/or loading spaces or prevent or otherwise restrict pedestrian or vehicular circulation into or through the respective site.

#### **Outside Storage**

Open air storage of vehicles, raw materials, supplies, finished or semi-finished products, or equipment.

### **P**

#### **Park**

Any place for use by the public for recreation, not including any grounds or premises owned by any person, corporation or business entity in which the public is admitted for a charge made by such person, corporation or entity for the purpose of private profit.

#### **Park Trees**

Trees, shrubs, bushes, and all other woody vegetation in public or private parks.

#### **Parking Lots and Garages**

An area, structure, or building used for the sole purpose of parking vehicles in legal operating condition for periods of less than 24 hours, excluding recreational vehicles, and which is generally paved and striped for the purpose of identifying parking spaces and drive aisles.

#### **Parking Space, Off-Street**

Any space that is not located within public right-of-way that allows for the parking of any motor vehicle,



with adequate space to get in to and out of either side of the vehicle, adequate vehicle maneuvering space, and having access to a public street or alley.

**Parkway**

The area between the sidewalk and the curb that may include trees and other vegetation. Parkways shall be the property of the City with responsibility for maintenance and care of the parkway lying with the adjacent property owner.

**Permanent Foundation**

Any site-built foundation, constructed of durable materials; i.e., concrete, mortared masonry, treated wood or other approved materials, in accordance with the applicable building standards as adopted by the City.

**Pet Store**

Any lot, building, structure, enclosure or premises whereon or wherein animals are kept or maintained for any commercial purpose, such as breeding, selling, advertising, boarding, or rental of animals.

**Physical Map Revision**

A reprinted NFIP map incorporating changes to floodplains, floodways, or flood elevations. Because of the time and cost involved to change, reprint, and redistribute an NFIP map, a PMR is usually processed when a revision reflects large scope changes.

**Planned Unit Development**

An area of land to be developed under unified control or a unified plan of development which includes any combination of dwelling units, commercial, educational, recreational, or industrial uses, pursuant to a plan which does not directly correspond to the existing land use regulations of this Code in terms of lot size, bulk or type of use, density, lot coverage, open space, or other restrictions.

**Planning and Zoning Commission**

The City of Douglas Planning and Zoning Commission.

**Plat, Amended**

A plat which contains mapping modifications to an existing approved and recorded plat and which do not significantly affect the land use of an area or are technical in nature and do not trigger requirements for the construction of public improvements.

**Plat, Condominium**

The division of the legal interests of a lot, tract, or parcel into individual interests including the air space contained of the individual condominium units contained within a completed structure and the partial and proportionate interests in common property on which the structure is located.

**Plat, Final**

The finalized plat map identifying the final block, lot, and tract design and layout and final engineering plans, which may be accompanied by a subdivision improvement agreement, financial assurances, covenants, and any other documents, reports, or studies that are necessary to support an application for approval of a proposed division of land.

**Plat, Preliminary**

A map of a proposed subdivision of land providing an in-depth analysis of the proposed subdivision, including a refinement of the design and layout due to geologic hazards, environmentally sensitive

areas, public and utility services, vehicular and pedestrian circulation, and with respect to existing and approved adjacent land uses for the purposes of preliminary review and approval of the general compliance of the division of land with the requirements of this Code.

**Plat, Townhome**

The division of the legal interest(s) of a lot, tract, or parcel and the completed onsite townhome structure and associated real property on and over which the townhome structure is located into individual interests for individual conveyance.

**Plat of Record**

A map depicting platted lots or metes and bounds parcels which has been recorded in the records of the Converse County Clerk and Recorder's Office.

**Ponding Hazard**

Any flood hazard that occurs in flat areas when there are depressions in the ground that collect "ponds" of water. The ponding hazard is represented by the zone designation AH on the FIRM.

**Post-FIRM Construction**

Construction or substantial improvement that started on or after the effective date of the initial flood insurance rate map (FIRM) of the community, or after December 31, 1974, whichever is later.

**Pre-FIRM Construction**

Construction or substantial improvements which were initiated on or before December 31, 1974, or before the effective date of the initial flood insurance rate map (FIRM) of the community, whichever is later.

**Private Road or Driveway**

Any way or place in private ownership and maintenance used for vehicular travel and access by the owner and those having express or implied permission from the owner.

**Property Lines**

The legal boundaries of any particularly described parcel of land.

**Public and Private Utilities**

Any public or private entity whose principal purpose is to provide electricity, water, sewer, storm drainage, gas, radio, television, telephone, fiber optic, and other forms of communication.

**Public Buildings and Facilities**

Any building, facility, or site used by a public entity as defined in this Code in the performance of their specifically mandated duties.

**Public Entity**

The state, county, municipality, school district, special improvement district, and any other kind of district, agency, instrumentality, or political subdivision thereof that is organized pursuant to law and any separate entity created by intergovernmental contract or cooperation only between or among the state, County, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof.

**Public Nuisance, Floodplain-Based**

In the context of the City's floodplain regulations, any structure, building, fill, excavation, development, or condition(s) located or maintained within any area of special flood hazard in violation of this Code.

**Publication, Legal**

Any official notice in a newspaper of general circulation as prescribed by the Wyoming Statutes, the City of Douglas Municipal Code, and this Code.

**R****Racetracks or Strips**

A course on which races are run and are characterized by organized events or by being open or available to the public, or for public use, which may result in remuneration. Includes accessory structures and uses such as concessions, grandstands, bleachers, horse barns, kennel structures, parking lots, and other similar supporting structures and uses. The definition includes animal races, autocross, motocross, and similar facilities, but specifically excludes school facilities or related indoor and outdoor running tracks and the recreational and unstructured use of motor vehicles on private property with the property owner's permission.

**Recreational Facilities**

A facility providing recreation/pool facilities and/or meeting rooms and typically oriented to the recreational needs of the residents.

**Recreational Vehicle (RV)**

Any vehicle built on a single chassis at a size of four hundred (400) square feet or less when measured at the largest horizontal projections which is designed to be self-propelled or permanently towable and is not primarily designed for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Religious Institution**

An establishment primarily for the conduct of religious activities, limited to sanctuary, educational classrooms, religious institution-operated daycares and day care centers, committee and office work, a single parsonage/rectory, or religious camp.

**Replat**

The vacation of a portion of the final plat where the change is proposed to occur or vacation of an entire recorded final plat where all or a majority of lot lines will be changed, and approval of a new plat that results in the creation of an additional lot, tract, or parcel, modification of platted lot or tract boundaries, or change to a final plat that would add, remove, or modify a note or restriction on a final plat.

**Restaurant**

Any establishment, however designated, within which food and/or beverages are prepared and primarily served to customers to be consumed by customers seated within the structure or elsewhere on the premises, or served to customers as carry-out to be consumed off-premises.

**Restaurant, Drive-In**

Any establishment, however designated, at which food or beverages are prepared and served to customers to be consumed at outdoor seating areas, in vehicles parked on the premises, or off-premises.

**Retail Sales**

Any establishment selling goods, wares, or merchandise directly to the ultimate consumer.

**Riding Academies**

An establishment which rents, boards, or leases riding horses or ponies or gives lessons to develop horsemanship.

**Right-of-Way, Public**

Any portion of land dedicated to public use for streets, alleys, sidewalks and other pedestrian walkways, drainage, and utility purposes.

**Riverine**

Any natural feature relating to, formed by, or resembling a river, including tributaries, stream, brook, etc.

**Roadway**

That portion of a street that is improved, designed, or ordinarily used for vehicular travel, exclusive of the berms, ditches, or shoulder. In the event a street includes two (2) or more separate vehicular travel ways, the term "roadway" as used herein shall refer to any such vehicular travel ways separately but not to all such vehicular travel ways collectively.

**Rubbish**

Waste resulting from regular housekeeping, commercial enterprises, trades, manufacturing processes, offices, and other waste-generating uses. Rubbish shall also include, but not be limited to, household and commercial waste and garbage consisting of discarded organic or inorganic materials.

**Recreational Vehicle (RV) Sanitary Station**

A facility provided for the emptying of self-contained tanks in travel trailers or other recreational vehicles.

**S****Safety Zone**

The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart and protected as a safety zone.

**Sanitary Sewer**

A sewer that carries liquid and water-carried wastes from residences, commercial and industrial buildings and plants, and other institutions together with minor quantities of ground, storm, and surface water that are not admitted intentionally.

**Sawmills and Lumberyards**

A facility or site where logs are sawn, split, shaved, chipped, or otherwise processed to produce wood products. Operations that include the processing of lumber, wood, or timber for use on the same site shall not be considered a sawmill or lumberyard.

**School**

A place for systematic instruction in any branch or branches of knowledge, specifically public and private parochial schools, elementary, middle, junior high, and high schools and private schools with equivalent curriculum, and colleges.

**Semi-Trailer**

A detachable trailer for hauling freight, with wheels at the rear end, the forward end being supported by the rear of a truck tractor when attached or a stand when detached.

**Service Building**

A building housing separate toilet and bathing facilities for men and women and having laundry facilities and a service sink for domestic cleanup uses.

**Setback**

The minimum distance between the lot, tract, or parcel boundary line and the location of structures or buildings.

**Setback Line**

A line that is the required minimum distance from any lot, tract, or parcel boundary line which establishes the area within which the principal or accessory structure may be erected or placed.

**Sexually Oriented Business**

An inclusive term used to describe collectively, but not limited to, adult cabaret, adult media store, adult motion picture theater, adult video arcade, sex shop, or combination thereof; any establishment that, as a significant aspect of its operation, rents, sells or distributes adult media, and/or sexually oriented toys or novelties including, but not limited to, establishments that advertise or hold themselves out in any forum as "XXX," "adult," "sex," or otherwise as a sexually oriented business; any establishment featuring topless, nude or seminude dancing. "Significant aspect of its operation" as used herein, means an establishment which devotes a significant or substantial portion of its stock-in-trade or interior floor space to, receives a significant or substantial portion of its revenues from, or devotes a significant or substantial portion of its advertising expenditures to the sale, rental, viewing, or other distribution of adult media.

**Shooting Range, Indoor**

An indoor facility for the firing of any gun or shooting with bow and arrow. The definition shall also include rifle and pistol shooting and skeet and trap shooting. An indoor facility may be operated as an ancillary facility to an approved outdoor shooting range.

**Shooting Range, Outdoor**

An outdoor facility for the firing of any gun or shooting with bow and arrow. The definition shall also include rifle and pistol shooting and skeet and trap shooting. An indoor facility may be operated as an ancillary facility to an approved outdoor shooting range. Excluded from this use type shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

**Shopping Center**

One (1) or more buildings containing retail businesses planned and developed as a unit, with off-street parking provided on the same property.

**Shopping/Office Complex**

Three (3) or more separate enterprises, institutions, or businesses on a single parcel of property, which may have joint or shared services or facilities for all businesses.

**Sidewalk**

Any portion of a street between the curb line and the adjacent property line that is improved and intended for use by pedestrians.

**Sign**

Any object, device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, identify, display, direct, or attract attention to a person, institution, organization, business, service, event, location, or entity or to communicate information of any kind to the public. Words or pictures placed on a window and merchandise, pictures, or models of products or services incorporated with a window display shall not be considered a sign. National, State, religious, fraternal, professional, and civic symbols or crests, or works of art, which in no way identify a product or device shall not be considered a sign. If, for any reason, it cannot be readily determined whether or not the object is a sign, the Community Development Director shall make such determination.

**Sign Area**

The entire area within a continuous perimeter enclosing the extreme limits of sign display including any frame or border. Sign area for a building site is the total area of all signs located on the site and shall include any directional signs for off-premise businesses, but shall not include temporary signs. The area of double-faced signs shall be calculated on the basis of one (1) face only.

**Sign, Banner**

Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. Flags of nations, states, cities, fraternal, religious, and civic organizations, or the official flag of any institution or business shall not be considered banners.

**Sign, Canopy**

Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

**Sign, Community Events**

Any sign erected by a public agency and located on private property advertising current community events.

**Sign, Contractor**

Temporary construction signs no larger than three (3) square feet on residential projects or 32 square feet on commercial projects, identifying the contractor engaged in construction on the premises.

**Sign, Directional**

A sign directing the public to a place, including a business, where such sign is not located on the same parcel of land as the subject destination.

**Sign, Freestanding**

Any sign supported by structures or supports that are permanently anchored in or to the ground and that are independent from any building or other structure, including pole signs.

**Sign, Home Occupation**

A sign advertising a lawful home occupation that is attached to the building in which the home occupation is performed.

**Sign, Marquee**

A sign attached parallel to and within six (6) inches of the face of a marquee.

**Sign, Non-Conforming**

A legally existing sign which does not conform to the requirements of this Code either on the effective date of this Code or as a result of subsequent amendments to this Code.

**Sign, Off-Premise**

Any sign advertising goods or services not sold on, or advertising an establishment not located on the premises upon which the sign is located, and which may be described as billboards. Directional signs and temporary signs or banners displayed in accordance with the provisions of this chapter shall not be considered "off-premise" signs.

**Sign, Pole**

Any sign supported by one (1) or more poles and not attached to any structure.

**Sign, Political**

Any sign of a political nature and pertaining to a specific election.

**Sign, Portable**

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported by means of wheels or other mobile improvements.

**Sign, Projecting**

Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

**Sign, Real Estate Development**

Any temporary signs used to advertise properties in larger scale development projects such as housing subdivisions, office, or shopping complexes.

**Sign, Real Estate Sign**

Any sign used to advertise individual properties for sale or rent until such property is sold or leased.

**Sign, Roof**

Any sign erected and constructed wholly on and over the roof of a building supported by the roof structure of the building.

**Sign, Sidewalk**

Any sign placed on the ground in front of the business that is the subject of the sign advertisement.

**Sign, Suspended**

Any sign that is suspended from the underside plane surface and is supported by such surface.

**Sign, Wall**

Any sign attached parallel to but within six (6) inches of a wall, painted on a wall surface, or erected and confined within the limits of an outside wall of any building or structure, and which displays only one (1) sign surface.

**Sketch Plan**

A conceptual-level plan and analysis of the feasibility and design qualities of a proposed development based upon the development standards of this Code.

**Small Repair Services**

A business, the primary purpose of which is to engage in repair services, including but not limited to, repairing household appliances, televisions, furniture, clocks and watches, stereos, various types of small electronic equipment, computers, and other similar repair businesses.

**Solar Energy Generation Farm**

A large-scale electrical energy generation facility with a minimum energy generation capacity of 500 kilowatts typically consisting of photovoltaic panels, heliostats (mirrors), collection tower(s), turbine(s), collection lines, electrical substation(s), transmission line(s), and other appurtenant facilities.

**Solar Energy Generator, Personal**

A solar energy system designed to only provide energy for the ownership on which it is located except as state or federal law may allow the sale of excess energy.

**Spot Zoning**

The act of creating, through the rezoning (map amendment) process, isolated parcels of land within the City on which the designated land uses are different from and incompatible with the zoning districts which surround it and which are not consistent with the City of Douglas Master Plan.

**Stable, Commercial**

Any property, building, structure, or other facility, including barns and stables, where horses or other livestock are boarded for remuneration or where horses or other livestock are kept or maintained for any commercial purpose, such as breeding, selling, advertising, boarding or rental of animals, except as permitted under the definition of ranch. This definition shall not be construed as applying to a duly licensed veterinary hospital or any public animal shelter.

**State**

The State of Wyoming.

**Stop Work Order**

A written statement from the Building Official, Building Inspector, Community Development Director, or Floodplain Administrator to halt work on a project until the stated issues are resolved or until corrections are made.

**Story**

That portion of a building included between a floor and the floor or roof next above it. A story with more than one-half ( $\frac{1}{2}$ ) of its height below the level of the building grade shall be termed a "basement." A basement is not to be counted as a story unless the ceiling height exceeds four (4) feet above the average finished grade.

**Street**

A public thoroughfare which is in a public right-of-way and which has been dedicated or deeded to the City for public use and accepted by the City for public ownership and maintenance and which affords principal means of access to abutting properties.



**Street Trees**

Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of streets, avenues, or rights-of-way within the City.

**Street, Arterial**

A dedicated street providing for the through traffic movement between areas and across the City and indirect access to abutting property and which is subject to necessary control of entrances, exits, and curb use.

**Street, Collector**

A dedicated street providing for the traffic movement between arterials and local streets, and direct access to abutting property.

**Structure**

Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment of something having a permanent location on the ground. The term shall include "building" as defined herein, but not include fences or walls six (6) feet in height or less, retaining walls four (4) feet in height or less and 20 feet in length or less, or poles, lines, cables or other transmission or distribution facilities of public utilities.

**Structure, Accessory**

A subordinate detached building or structure incidental to the principal structure and located on the same lot, tract, or parcel as the principal structure.

**Structure, Elevated**

A non-basement building or structure that has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Structure, Historic**

Any structure that is listed individually on the National Register of Historic Places, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district, or a district preliminarily determined by the secretary to qualify as a registered historic district; or individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior.

**Structure, Non-Conforming**

Any legally existing building or structure which does not conform to the location, bulk, density, and dimensional regulations of this Code, either at the effective date of this Code or as a result of subsequent amendments which may be incorporated into this Code.

**Structure, Principal**

A structure or combination of structures of chief or primary importance or function on a lot or parcel. In general, the principal use of the site is carried out in a principal structure. The difference between a principal and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

**Subdivision**

The division of a parcel or tract of land into two (2) or more lots, or any other combination of lots and tracts, for the purpose of sale or development, and including all divisions of land involving the construction and dedication of streets, rights-of-way, or other public improvements.

**Subdivision, Illegal**

Any parcel of land not legally created in accordance with the subdivision and platting requirements of the Douglas Municipal Code prior to the adoption of the Douglas Unified Land Development Code, or created after the adoption of this Code, or created without being in conformance with Chapter 3, Application and Review Procedures and Chapter 7, Subdivision Regulations, of the Douglas Unified Land Development Code, as amended.

**T****Tenant**

Any person who occupies the whole or a part of a building or land, whether alone or with others.

**Tent Trailer**

Any non-motorized, vehicular, portable structure with an expandable enclosure of canvas, fabric, or metal designed primarily as a short-term dwelling for travel, recreation, and vacation uses.

**Tower, Commercial and Private (Non-Commercial Telecommunication Facilities)**

An unmanned facility consisting of antennae, accessory equipment, and equipment storage shelters used for the reception, switching, transmission or receiving of wireless telecommunications operating at 1000 watts or less effective radiated power and using frequencies authorized by the Federal Communications Commission, including, but not limited to, paging, enhanced specialized mobile radio, personal communication systems, personal wireless service, cellular telephone, point-to-point microwave signals, and similar technologies. Also known as a wireless telecommunications service facility.

**Tower, Meteorological**

Any facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a small wind energy conversion system. Meteorological towers shall not be allowed for time periods in excess of twelve (12) months, and shall be removed prior to the installation of the wind energy conversion system for which they are measuring. A request to install a meteorological tower shall be included in the application to install a small wind energy conversion system.

**Tower, Monopole**

Any telecommunications tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors.

**Tower, Radio and Television Transmission and Reception**

The structure on which transmitting or receiving antennas are located and not considered a Commercial Telecommunication Facility (CTF). This term shall include the following: VHF and UHF television and AM and FM radio. Private towers and citizens band radios shall not be included within this definition.

**Tower, Self-Supported/Lattice**

A telecommunications tower that is constructed without guy wires and ground anchors.

**Tower Height**

The total height above finished grade of the fixed portion of the tower, including the turbine and the wind turbine blades extended to their highest point.

**Townhouse**

A residential dwelling unit, located on its own lot, which shares one or more common or abutting walls with one or more dwelling units. The units must share a common wall but not common floors/ceilings, and include single-family attached dwellings located on separate lots that share one or more common or abutting walls, located on the common property line

**Tract**

An area of land that is not a lot or a public right-of-way, platted as part of a subdivision, the use of which is restricted to those uses consistent with the stated purpose as described on the respective plat, in the maintenance agreements, or through the applicable CC&Rs. Examples include storm water management tracts, private street or alley tracts, school tracts, parks and open space tracts, and tracts for future development that will require subsequent final platting.

**Trailer**

Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight and that of its load rests upon or is carried by another vehicle.

**Travel Trailer**

Any non-motorized, vehicular, portable structure designed primarily as a short-term dwelling for travel, recreation, and vacation uses.

**Travel Trailer and Recreation Vehicle Park**

Any area or tract of land rented or offered for rent to one (1) or more persons or users for temporary parking or placement of travel trailers or recreational vehicles.

**Truck Camper/Motor Home/Recreational Vehicle**

Any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and constructed in such a manner that temporary facilities for dwelling or sleeping are provided upon the frame or bed of such vehicle.

**Truck or Recreational Vehicle Repair Service**

An establishment primarily engaged in the care, service, and/or repair of trucks generally larger than one-half (½) ton and recreational vehicles including major or minor work such as body and fender work or engine and transmission overhaul and incidental storage or parking of repaired vehicles or vehicles awaiting repair, but excluding the dismantling or wrecking of vehicles and storage of junk vehicles.

**Trucking and Other Transportation Terminals**

A facility designed or intended to be used for the receiving or discharging of cargo and providing for the temporary or permanent storage of the conveyance vehicle.

**Turbine**

The parts of a wind system including the blades, generator and tail. The definition of a turbine includes both horizontal axis wind turbines (HAWT) and vertical axis wind turbines (VAWT).

**Twin House**

A residential dwelling unit, located on its own lot, which shares one or more common or abutting walls with another dwelling unit. The two units must share a common wall but not common floors/ceilings, and include single-family attached dwellings located on two separate lots that share one or more common or abutting walls, located on the common property line.

**U****Use**

The defined purpose for which land or structures thereon are designed, arranged, or intended.

**Use, Legal Non-Conforming**

Any legally existing use, whether within a structure or on a piece of land, which does not conform to the use regulations of the zoning district within which the use is located, either at the effective date of this Code or as a result of subsequent amendments hereto.

**Use Permit, Conditional**

The written authorization which allows a landowner to use his or her property in a manner compatible with the zoning district within which it is located; provided, that the landowner demonstrates compliance with all standards and criteria enumerated in this Code and by the City Council in approving the permit.

**Use, Accessory**

A use which is incidental and subordinate to the principal use of the structure, building, lot, tract, or parcel of land upon which the use is located.

**Use, Change of**

Any change in the use or occupancy classification of any building, structure, parcel, tract, or lot that will have the effect of increasing the applicable parking requirements or which may require approval of a conditional use permit and issuance of a zoning certificate.

**Use, Conditional**

A use for which prior approval must be obtained from the City Council. Approval of a conditional use may or may not be granted by the City Council and if granted, the City shall have the authority to place reasonable conditions upon the use in order to enhance the appearance of the property, reduce adverse impacts on nearby properties, preserve the character of the area, or to make the conditional use more acceptable in other similar ways.

**Use, Continuation of**

The continuation of a use on a property or within a structure or building without interruption for a period of less than one (1) year.

**Use, Non-Conforming**

Any use within a building or structure or portion of land existing at the time of the enactment of this Code or the time of designation of the zoning classification of the respective zoning district which does not conform to the regulations of the zoning district within which it is located.

**Use, Permitted**

Any use which is allowed by right in a zoning district.

**Use, Temporary**

A seasonal, short-term or transient land use allowed on a property on a temporary basis.

**V****Variance**

The means by which an adjustment is made to the strict application of the specific bulk, dimensional, or performance standards set forth in this Code to a specific property.

**Vehicle**

Any device by which a person or property is or may be transported or drawn upon a street, except devices used exclusively on stationary rails or tracks.

**Vehicle Repair Garage**

Businesses servicing passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. This definition shall include, but is not limited to, transmission or muffler shops, auto body shops, alignment shops, auto upholstery shops, auto detailing shops, and facilities for tire sales and mounting. This definition shall not include the repair and service of industrial vehicles and equipment or heavy trucks. This definition shall also not include vehicle towing and storage facilities and vehicle wrecking and salvage yards.

**Vested Property Rights**

The right to undertake and complete the development and use of the property under the terms and conditions of a site-specific development plan.

**Veterinary Hospitals and Clinics**

A facility where animals requiring medical care are treated and/or temporarily housed. The facilities may include veterinarian offices, administrative offices, and spaces for examination, surgery, and recovery and may also include boarding of animals while under treatment, but do not include general animal boarding where licensed medical treatment is not being provided.

**Violation**

The failure of a structure, parcel of land, or other development to be fully compliant with the provisions of this Code. A structure or other development in a special flood hazard area, without an elevation certificate, other certifications, or other evidence of compliance required in this Code, is presumed to be in violation until such time as such documentation is provided evidencing otherwise, as determined by the Community Development Director.

**Violator, Alleged**

The owner of record, whether as a person, partnership, firm, corporation, governmental agency, or other association of persons, any authorized agent or representative of the owner of record and any occupant of the premises or property upon which there is probable cause to believe a violation of this Code, a City Ordinance, the City of Douglas Municipal Code, or a development permit or approval exists or has occurred.

**W**

**Waiver**

The request for relief from strict compliance with a specific development standard, subdivision standard, or submittal requirement or action of this Code.

**Wall, Decorative Screening**

Any wall designed and constructed for the purpose of screening uses conducted on a site from adjoining properties.

**Warehouse**

A building or portion thereof used by the occupant for the inside storage, safekeeping, distribution, or selling at wholesale of goods and materials in the regular course of commercial dealing and trade. This generally includes land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor trailers and other trailer units, and may include incidental retail sales. Bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions is considered flammable material storage or hazardous material storage.

**Warehouse, Mini-**

Buildings designed primarily for the storage of household items and inventory of small commercial businesses where storage units are individually leased or rented, where access to storage units is infrequent, and where no utilities are provided except for services provided to a manager's apartment and for the lighting and climate control of individual storage units.

**Wastewater**

Any combination of the liquid and water-carried wastes from residences, commercial or industrial buildings and plants, and other institutions, together with any groundwater, surface water and storm water that may be present.

**Watchman or Caretaker Residence**

A dwelling, mobile home, manufactured home, or apartment unit within a principal building which is only occupied by a caretaker and the caretaker's immediate family and which shall be accessory to the principal commercial or industrial use.

**Watercourse**

Any lake, river, creek, stream, wash, arroyo, channel, or other hydrological surface feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Whip Antenna**

A cylindrical antenna that transmits signals in three hundred sixty (360) degrees.

**Wholesale**

A business use characterized by the selling of goods primarily to retailers, contractors, manufacturers, industrial users, commercial users, or professional business users.

**Wind Energy Conversion System, Small**

Any wind energy conversion system consisting of a tower, a turbine, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a rated nameplate capacity of twenty-five (25) kW or less per tower. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers.

Excess electrical power generated, and not presently needed for on-site use, may be utilized by the respective utility company.

**Wind Energy Generator, Personal**

A machine by which mechanical energy supplied by the wind is changed to electric energy, generally located in association with a residential dwelling or commercial or industrial business.

**Wind Energy System, Accessory**

A system designed as a secondary use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. The system consists of a wind turbine and associated controls and may include a tower in the case of small wind energy conversion systems.

**Wind System, Micro**

Any building-mounted wind system (either a vertical or horizontal axis turbine) that has a rated nameplate capacity of ten (10) kW or less, and projects no more than fifteen (15) feet above the highest point of the roof. Such building-mounted wind systems shall be regulated by applicable building and electrical codes, and shall not be considered a small wind energy conversion system. A micro wind system shall not be considered in determining total building height for zoning or setback purposes. Multiple turbines are permitted, provided the total cumulative rated nameplate capacity does not exceed ten (10) kW.

**X**

**Xeriscape**

Landscaping characterized by the use of indigenous and compatible vegetation that is native to the environment and/or is drought tolerant or in character requires low water usage

**Y**

**Yard**

The unoccupied or vacant portion of a lot, parcel, or tract between the lot, parcel, or tract boundary line and a structure.

**Yard Sales**

The onsite sale or offering for sale of articles of tangible personal property by the owner, lessee or other occupant of the residential dwelling. The term "yard sale" shall include patio sale, garage sale, rummage sale, temporary auction, or any other similar sale.

**Yard, Front**

Any open unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the front property line and the front line of the building.

**Yard, Rear**

Any open unoccupied space on the same lot with a principal building, between the rear line of the principal building and the rear line of the lot extending the full width of the lot.

**Yard, Side**

Any open unoccupied space on the same lot as a principal building situated between the building and the side line of the lot and extending from the front line of the building to the rear line of the building.

**Year**

The period of time from one date in the calendar year to the corresponding date in the following calendar year.

**Z**

**Zoning**

The division of the City by legislative regulations into areas, or zones, which specify allowable uses for real property and size restrictions for structures. This definition also means a program that implements the land use policies and recommendations of the City of Douglas Master Plan, as amended.

**Zoning Certificate**

A written certificate issued by the Community Development Department that the plans for a proposed use are in conformance with the requirements of this Code.

**Zoning District**

A specifically delineated area within which uniform regulations and requirements govern use, placement, spacing, and size of lots, tracts, parcels, and buildings.

**Zoning Map**

The official zoning map of the City of Douglas as originally adopted and subsequently amended by various resolutions to apply zoning or to change the previous zoning of a property.

( [Ord. No. 967, § 42, 8-10-2015](#) ; Ord. No. [990](#) , §§ 7, 10, 5-22-2017)

**2.3 - Abbreviations and Acronyms**

The following represent the abbreviations used in this Code. The abbreviations are in alphabetical order.

<b>ADA</b> Americans with Disabilities Act	<b>CC &amp; Rs</b> Covenants, Conditions, and Restrictions	<b>CTF</b> Commercial Telecommunications Facility
<b>BFD</b> Base Flood Depth	<b>CFR</b> Code of Federal Regulations	<b>db</b> Decibel
<b>BFE</b> Base Flood Elevation	<b>CLOMA</b> Certified Letter of Map Amendment	<b>DFIRM</b> Digital (Or Digitized) Flood Insurance Rate Map
<b>BMM</b> Benchmark Maintenance	<b>CLOMR</b> Certified Letter of Map Revision	<b>DIA</b> Development Improvements Agreement
<b>CAC</b> Community Assistance Contact	<b>CLOMR-F</b> Certified Letter of Map Revision based on Fill	<b>DU</b> Dwelling Unit
<b>CAV</b> Community Assistance Visit	<b>CRS</b> Community Rating System	<b>EGL</b> Energy Grade Line



**EMD**  
Electronic Message Display

**FAA**  
The Federal Aviation  
Administration of the United  
States Department of  
Transportation

**FAR**  
Floor Area Ratio

**FBFM**  
Flood Boundary Floodway  
Map

**FCC**  
Federal Communications  
Commission

**FECC**  
Federal Emergency  
Communications Coordinator

**FEMA**  
Federal Emergency  
Management Agency

**FERC**  
FEMA Emergency Response  
Capability

**FHBM**  
Flood Hazard Base Map

**FHBM**  
Flood Hazard Boundary Map

**FIA**  
Flood Insurance  
Administration

**FICO**  
Flood Insurance Claims Office

**FIRM**  
Flood Insurance Rate Map

**FIS**  
Flood Insurance Study

**FRCM**  
FEMA Regional  
Communications Manager

**FRO**  
Flood Response Office

**FT**  
Feet

**HAG**  
Highest Adjacent Grade

**HAWT**  
Half Axis Wind Turbines

**HGL**  
Hydraulic Grade Line

**IAM**  
Impact Adjustment Map

**ISO**  
Insurance Services Office

**kW**  
Kilowatt

**L.S.**  
Land Surveyor

**LAG**  
Lowest Adjacent Grade

**LFE**  
Lowest Floor Elevation

**LOMA**  
Letter of Map Amendment

**LOMR**  
Letter of Map Revision

**LOMR-F**  
Letter of Map Revision Based  
on Fill

**LSR**  
Large Scale Retail

**MM**  
Millimeters

**MMD**  
Mechanical Message Display

**MMDS**  
Multichannel Multipoint  
Distribution Service

**MOA**  
Memorandum of Agreement

**MOU**  
Memorandum of  
Understanding

**MSL**  
Mean Sea Level

**MU-PUD**  
Mixed-Use Planned Unit  
Development

**NAVD**  
North American Vertical  
Datum

**NFIP**  
National Flood Insurance  
Program

**NGS**  
National Geodetic Survey

**NOAA**  
National Oceanic and  
Atmospheric Administration

**NR**  
Non Radial

**NSRS**  
National Spatial Reference  
System

**O-DD**  
Designated Downtown  
Overlay District

**O-DMS**  
Designated Main Street  
Overlay District

**O-LDH**  
Local Downtown Historic  
Overlay District

**O-NRH**  
National Residential Historic  
Overlay District

**OHS**  
Office of Homeland Security

**OPA**  
Otherwise Protected Area

**OSHA**  
Occupational Safety and  
Health Administration of the  
United States Department of  
Labor

**PA**  
Public Affairs

**PAO**  
Public Affairs Officer

**PLI**  
Planned Light Industrial  
District

**PMR**  
Physical Map Revision

**ROW**  
Right-of-Way

**RV**  
Recreational Vehicle

**SFHA**  
Special Flood Hazard Area

**SIA**  
Subdivision Improvements  
Agreement

**SOB**  
Sexually Oriented Business

**SQ. FT.**  
Square Feet

**TB**  
Technical Bulletin

**ULDC**  
Unified Land Development  
Code

**USGS**

United States Geologic  
Survey

**VAWT**  
Vertical Axis Wind Turbines

**WDEQ**  
State of Wyoming  
Department of  
Environmental Quality

**WDOT**  
State of Wyoming  
Department of  
Transportation

**WEMA**  
State of Wyoming  
Emergency Management  
Agency

**WOHS**  
State of Wyoming Office of  
Homeland Security

( [Ord. No. 967, § 42, 8-10-2015](#); Ord. No. [990](#), §§ 4, 8, 5-22-2017)

## Chapter 5 General Development Standards

### 5.7 - Natural Hazards

#### 5.7.1 Floodplains

##### A. Intent

This Section is intended to promote the public health, safety, and general welfare of the existing and future residents of the City, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- Protect human life and health;
- Minimize expenditure of public money for costly flood-control projects;
- Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- Minimize prolonged business interruptions;
- Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood-blight areas;
- Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

##### B. Applicability

This Section shall apply to all areas of special flood hazards within the City of Douglas.

##### C. Interpretation

In interpreting and applying the requirements of this Section, all provisions shall be:

- i. Considered as the minimum requirements;
- ii. Liberally construed in favor of the City of Douglas; and
- iii. Deemed neither to limit nor repeal any other powers granted under State statutes.

##### D. Establishment of Flood Hazard Areas and Adoption of Flood Hazard Map

To establish flood hazard areas, the City of Douglas has adopted a flood hazard map and supporting data. The flood hazard map includes, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report titled "The Flood Insurance Study for City of Douglas, Wyoming," dated 2009, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

**E. Statutory Authority**

Wyo. Stat. § 15-1-103(xxxi) and (xli) delegates to local governments the responsibility of adopting regulations designed to regulate the channels of streams and water courses, and promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Douglas hereby adopts the following floodplain management regulations.

**F. Findings of Fact and Basis for Establishing Areas of Special Flood Hazard**

- i. Flood hazard areas within the City of Douglas are subject to periodic inundation which may result in the following impacts: loss of life; damage to property, health, and safety; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base. Each of these impacts has the potential for adversely affecting the public health, safety and general welfare.
- ii. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
- iii. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the City of Douglas, Wyoming has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Management Ordinance.
- iv. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report titled "The Flood Insurance Study for the Town of Douglas, Wyoming," dated April 1978/Revised: 3/15/83, with an accompanying flood insurance rate map (FIRM), and the flood insurance study and flood insurance rate map effective on November 04, 2009, are adopted by reference and declared to be part of this chapter. The flood insurance study and attendant mapping is the minimum area of applicability of this Section and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the governing body by the floodplain administrator. A copy of the flood insurance study and the flood insurance rate map shall be on file in the Community Development Department.
- v. Regulations within this Section shall apply to zones A, AE, AO, AH, and zone A1-A30 as indicated on the flood insurance rate map.

**G. Methods of Reducing Flood Losses**

In order to accomplish its purpose, this Section includes methods and provisions for:

- i. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights and velocities;
- ii. Requiring that uses vulnerable to flood, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- iii. Controlling the alteration of natural floodplains, alluvial fans, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- iv. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- v. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

#### H. **Designation and Duties of the Floodplain Administrator**

##### i. Designation

The Community Development Director or his/her designated representative is appointed to administer and implement this Section by granting or denying development permit applications in accordance with its provisions.

##### ii. Duties and Responsibilities of the Floodplain Administrator

Duties of the floodplain administrator shall include, but not be limited to:

###### a. Permit Review

- Review all development permits to determine that the permit requirements of this chapter have been satisfied;
- Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;
- Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, ensure that the encroachment provisions of this Section are met.

###### b. Use of Other Base Flood Data

When base flood elevation data has not been provided, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other authoritative source, in order to administer the requirements of this Section.

###### c. Information to be Obtained and Maintained.

The floodplain administrator shall obtain and retain for public inspection and have available for the National Flood Insurance Program coordinator or the Federal Emergency Management Agency representative conducting a community assistance visit, the following:

- Floodplain development permits and certificates of compliance;
- Elevation certificate of the lowest floor elevations (including basement or crawlspace) of all new or substantially improved structures, and whether or not the structure contains a basement;
- Floodproofing certifications;
- Elevation certificates for proposed subdivisions;
- Certifications required for floodway encroachments;

- Variances issued pursuant to this Section; and
  - Notices required pursuant to this Section (Alteration of Watercourses).
- d. **Alteration of Watercourses**  
Prior to issuing a permit for any alteration or relocation of watercourse the floodplain administrator must:
- Have processed a letter of map revision (LOMR);
  - Notify adjacent communities and the State Coordinating Agency (Wyoming Office of Homeland Security) and/or the Natural Resources Conservation Service prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and
  - Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
- e. **Interpretation of FIRM Boundaries**  
Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation.
- f. **Inspections**  
The floodplain administrator or his designee shall make periodic inspections throughout the period of construction to monitor compliance with the requirements of the floodplain development permit and this chapter.
- g. **Issuance of Stop Work Order**  
The floodplain administrator shall issue, or cause to be issued, a stop work order for any floodplain development found to be non-compliant with the provisions of this chapter or conditions of the development permit, and all development found ongoing without a floodplain development permit. Disregard of a stop work order shall subject the violator to the penalties described in this Section.

**I. Establishment of Development Permit**

A floodplain development permit shall be required for all construction and other development (including the placement of manufactured homes) undertaken in special flood hazard areas within the City of Douglas, for the purpose of protecting its citizens from increased flood hazards and ensuring new development is constructed in a manner that minimizes its exposure to flooding.

**i. Permit Timing**

A floodplain development permit shall be obtained prior to construction or development begins within any area of special flood hazard established.

**ii. Permit Application**

Application for a development permit shall be made on forms furnished by the floodplain administrator, and may include, but not be limited to:

- a. Plans in duplicate, drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage, facilities; and the location of the foregoing.
- b. Elevation in relation to mean sea level, of the lowest floor (including basement or crawlspace) of all structures;
- c. Elevation in relation to mean sea level to which any non-residential structure has been floodproofed;
- d. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria of this Section; and
- e. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

J. **Unlawful Acts, Enforcement, and Penalties for Noncompliance**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Section and other applicable regulations. The following restrictions shall also apply:

i. Unlawful Violations

- It shall be unlawful for any person to divert, retard or obstruct the flow of waters in any watercourse without first securing the written authorization from the floodplain administrator.
- Where the watercourse is a delineated floodplain, it shall be unlawful to excavate or build any structure affecting the flow of waters without securing written authorization from the floodplain administrator.
- It shall also be unlawful to dispose of grass clippings, ashes, brush, fill, trash, debris, obstructions, unwanted materials, or any materials other than storm water into storm sewers, or within or along banks of man-made or natural watercourses, streams, ditches or drainages, or in adjacent floodplain areas which may wash into streams and sewers.

ii. Notice of Violation

Any person found to be in violation of this Section shall be served with written notice stating the nature of the violation, and providing ten (10) days for the satisfactory correction thereof. The violator shall, within the period of time stated in such notice, permanently cease all violations.

iii. Unresolved Violation as Separate Offenses

After notification has been received, each day that the structure or land remains in noncompliance, beyond the ten (10) days provided, shall constitute a separate offense. Nothing contained in this Section shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

iv. Misdemeanor Offense

Violation of the provisions of this Section, by failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with conditions, shall constitute a misdemeanor.

v. **Penalty**

Any person who violates this Section or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than seven hundred fifty dollars (\$750.00) for each violation.

K. **Abatement of Violations**

Every new structure, building, fill, excavation, development, or condition(s) located or maintained within any special flood hazard area in violation of this chapter is a public nuisance and may be abated, prevented or restrained by action of the City of Douglas. The floodplain administrator or his designee is authorized to:

- i. Enter upon all properties for the purpose of inspection, observation and measurement;
- ii. Take necessary action to effect the abatement of violations;
- iii. Order the owner of the property upon which the violation exists to provide whatever additional information may be required;
- iv. Obtain whatever documentation is necessary, including, but not limited to, elevation certificates, letter of map amendment or revision, etc.;
- v. Submit to the administrator of the Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited statute, local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

L. **Abrogation and Conflicting Regulations**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

M. **Warning and Disclaimer of Liability**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state of Wyoming, the Federal Insurance Administration, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

N. **Construction Standards**

- i. **Anchoring of Construction**



All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

ii. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, or shall be floodproofed when required by other parts of this chapter.
- d. All new construction shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

iii. Construction of Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

iv. Subdivision Standards

- a. All subdivision proposals and other proposed developments, including proposals for manufactured home parks and subdivisions, shall:
  - Be consistent with the need to minimize flood damage;
  - Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and
  - Have adequate drainage provided to reduce exposure to flood damage.
- b. Base flood elevation data, including elevation certificate(s), shall be provided for all subdivision proposals and other proposed developments that include land located within a special flood hazard area.
- c. Both preliminary and final subdivision plats shall include delineation of any land located in the one hundred-year floodplain. Such land shall be set aside as open

space, drainage or flowage easements, back yards, or otherwise kept free from development.

- d. All subdivision proposals and other proposed developments, including proposals for manufactured home parks and subdivisions that include any land located within the one hundred-year floodplain will demonstrate, by providing detailed hydrologic and hydraulic analyses, that the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood.

v. Standards for Critical Structures

Critical structures are not authorized in a special flood hazard area, unless all alternative locations have been considered and rejected. If the floodplain manager determines the only practical location for the development of a new or substantially improved critical structure is in a special flood hazard area, the floodplain administrator must give public notice of the decision and reasons for the elimination of all alternative locations.

vi. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of twelve (12) inches above base flood elevation ("freeboard"), or elevated at least two (2) feet above the highest adjacent grade if no base flood elevation is specified. Crawl spaces shall be considered basements, unless constructed as "below-grade crawlspaces" to the specifications listed below. New construction and substantial improvement of any below-grade crawlspace shall meet the following criteria:

- a. Interior grade elevation below base flood elevation shall be no lower than two (2) feet below the lowest adjacent grade;
- b. Height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the foundation wall, shall not exceed four (4) feet at any point;
- c. Have an adequate drainage system to permit flood waters to drain from the interior area of the crawlspace within a reasonable time following the flood;
- d. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.
- e. Be anchored to prevent flotation, collapse, or lateral movement of the structure, and be capable of resisting hydrostatic and hydrodynamic loads;
- f. Be constructed with materials and utility equipment resistant to flood damage using methods and practices that minimize flood damage;
- g. Be constructed with electrical heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding;

- h. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
  - A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
  - The bottom of all openings shall be no higher than one (1) foot above grade;
  - Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters;
  - Any other applicable criteria listed in Technical Bulletin 11-01 (Crawlspace Construction for Buildings Located in Special Flood Hazard Areas) as published by the Federal Emergency Management Agency—Federal Insurance and Mitigation Administration.
- i. Upon completion of the structure, the elevation of the lowest floor, including basement or crawlspace, shall be certified by a registered professional engineer or surveyor and verified by the building official to be properly elevated. The certification shall be provided to the floodplain administrator using the current FEMA elevation certificate.

vii. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated a minimum of twelve (12) inches above base flood elevation ("freeboard"); or, together with attendant utility and sanitary facilities, shall:

- a. Have the lowest floor, including basement, elevated at least two (2) feet above highest adjacent grade if no base flood elevation is available;
- b. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- c. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- d. Be certified by a registered professional engineer or architect that the standards of this Section are satisfied. Such certifications shall be provided to the floodplain administrator.

viii. Standards for Manufactured Homes

Any request to locate, place, or otherwise establish a manufactured home on a lot or parcel shall meet the following criteria:

- a. All manufactured homes to be placed or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home (including basement or crawlspace) is a minimum of twelve (12) inches above the base flood elevation (freeboard) and is securely anchored

to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

- b. Manufactured homes located in areas designated in this Code as mobile home park zones (MH-2), or that have been grandfathered to allow manufactured (mobile) home use, shall be elevated so that the bottom of the structural frame or the lowest point of the manufactured home will be a minimum of twelve (12) inches above base flood elevation (freeboard), or at least three (3) feet above highest adjacent grade when no base flood elevation is available, and be securely anchored to resist flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, reinforced piers or other foundation elements of at least equivalent strength, over-the-top or frame ties to ground anchors. (See FEMA publication "Manufactured Home Installation In Flood Hazard Areas.") This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

ix. Recreational Vehicles Prohibited

The siting or stationary occupation of a recreational vehicle within any special flood hazard area, as indicated on the flood insurance rate map, shall be prohibited.

x. Standards for Areas Below the Lowest Floor

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 (Openings in Foundation Walls for Buildings Located in Special Flood Hazard Areas) and TB 7-93 (Wet Floodproofing Requirements for Structures Located in Special Flood Hazard Areas), and must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:

- a. Must have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding; and
- b. The bottom of all such openings will be no higher than one (1) foot above the lowest adjacent finished grade. Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

### 5.7.2 Floodways

Located within areas of special flood hazards are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- i. Prohibit encroachments, including fill, new construction, substantial improvements, storage of equipment or supplies, and other development unless it has been demonstrated through hydrologic and hydraulic analyses, performed in accordance with

standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge, and the Federal Emergency Management Agency has issued a conditional letter of map revision (CLOMR);

- ii. If Subsection i. of this Section is satisfied, all new construction and substantial improvements shall comply with all applicable flood-hazard reduction provisions of Subsection 5.7.1 above.

### 5.7.3 **Geological Hazards**

Geologic hazards shall include but not be limited to avalanches, landslides, rockfalls, mudflows, debris fans, unstable or potentially unstable slopes, ground subsidence, faulting, expansive soil or rock and mining-related modifications or other human-made modifications of the natural geology which may pose some geologic hazard. No development shall occur in any area of, or affected by, a geologic hazard unless the application for such development is supported by an engineered design for the development. The engineered design shall be prepared and certified by a licensed engineer in the State of Wyoming. Any area identified in a geology and soils report in support of an application for approval of a final plat shall be depicted on the subject final plat as a "No Build Area." Any request to construct within an identified "No Build Area" shall require prior submittal of an updated geology and soils report for the property, which shall specifically address the hazard area and the mitigation of the subject hazard, and approval by the City Council of a Major Final Plat Amendment pursuant to the requirements of Chapter 3 of this Code in order to remove the "No Build Area" restriction on the final plat.

### 5.7.4 **Additional Provisions**

#### A. **Danger to Life or Property**

No development shall increase danger to life or property from flood hazard within the city. This shall include but not be limited to prohibition of actions which might decrease the size of the floodway, reduce flood channel capacity, constrict the size or flow of the flood channel, create a significant backflow condition, increase the potential for debris in the floodway or increase the volume or velocity of floodwaters.

#### B. **Floodplains**

No land shall be platted for occupancy unless suitable hazard protection and mitigation can be shown according to the provisions of the Douglas Floodplain Ordinance.

#### C. **Floodway and Floodplain Improvements**

Improvements to the floodway, floodplain, or any part thereof which will result in an overall reduction of flood hazard areas are encouraged.

( [Ord. No. 967, § 42, 8-10-2015](#) )