

ORIGINAL ORDINANCE NO.: 1978
ENROLLED ORDINANCE NO.: 1744

INTRODUCED BY: GABRIEL

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 15 OF LARAMIE MUNICIPAL CODE FOR THE PURPOSES OF AMENDING FRANCHISE UTILITY INSTALLATION STANDARDS, PUBLIC IMPROVEMENT REQUIREMENTS, PRELIMINARY PLAT EXPIRATION, LANDSCAPING REQUIREMENTS, LOT CONSOLIDATION CRITERIA, ALLEY DEVELOPMENT REQUIREMENTS, CENTRAL GATHERING AREA REQUIREMENTS, AND FENCE STANDARDS; AND CORRECTING TYPOGRAPHICAL ERRORS AND INCORRECT CROSS REFERENCES.

WHEREAS, on August 21, 2007, the City Council adopted the Laramie Comprehensive Plan which lists as one of its recommendations to create a unified development code that would combine the zoning and subdivision ordinances in into a single, unified document consisting of multiple parts or sections, including administrative procedures, zoning, subdivision regulations and improvement standards;

WHEREAS, on June 22, 2009 the Laramie Planning Commission affirmatively voted to recommend to the Laramie City Council adoption of the Unified Development Code subject to modifications;

WHEREAS, on March 2, 2010, the City Council adopted the Unified Development Code with an effective date of July 1, 2010;

WHEREAS, 15.02.050 of the Laramie Municipal Code (LMC) calls for the Unified Development Code to be amended from time to time so as to become or remain consistent with the Comprehensive Plan, and should be regularly reviewed, evaluated and amended, if necessary, based on private and city economic conditions, vision for the community, changing planning and zoning principles, frequent difficulty in implementing or enforcing any specific standard(s), or changes in the state, federal or case law;

WHEREAS, typographical errors consisting of incorrect cross-references have been found in LMC Title 15 and need correction;

WHEREAS, staff has identified other sections of Title 15 in need of clarification;

WHEREAS, on December 11, 2017, the Laramie Planning Commission affirmatively voted to recommend to the Laramie City Council adoption of amendments to the Unified Development Code as shown in this ordinance; and

WHEREAS, the Laramie City Council held a public hearing on January 16, 2018 to take and consider public comments;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

Section 1. That LMC 15.04.030.G.1 is **amended** to read as follows “Minor Land Division”; and

Section 2. That LMC 15.04.050 is **amended** to read as follows: “City Manager’s Office. The City Manager’s Office shall have the review and decision-making responsibilities listed in this section, to be carried out in accordance with the terms of this code.”; and

Section 3. That LMC 15.04.050.A.14 is **created** to read as follows “Major Temporary Use Permits”; and

Section 4. That LMC 15.04.050.B.4 is **amended** to read as follows “Minor Land Division”; and

Section 5. That Table 15.06-1 shown in LMC 15.06.020 is be **amended** to merge columns titled “Community Development Department” and “City Manager” and the column be renamed to “City Manager’s Office”; and

Section 6. That Table 15.06-1 shown in LMC 15.06.020 is be **amended** to change “Subdivision, Minor” in column one to “Minor Land Division”;

Section 7. That LMC 15.06.030.B.1 is **amended** to read as follows “Form of Application. Application submittal requirements and contents shall be established by the “City of Laramie Land Development Administrative Manual,” herein referred to as the “Administrative Manual,” adopted as a supplement to this code and made available in the City Manager’s Office, unless otherwise specified”; and

Section 8. That LMC 15.06.030.B.4 is **amended** to read as follows “Applications required by this section shall be submitted only after a pre-application meeting, if required. All applications required by this section shall be submitted to the City Manager’s Office, unless otherwise specified.”; and

Section 9. That LMC 15.06.030.D.3.f is **amended** to read as follows “Identify the location where the public may view the application and related documents.”; and

Section 10. That LMC 15.06.030.C.8.a.(ii) is **amended** to read as follows “Unless the City Manager’s Office agrees to an extension of time, the applicant shall submit the revised application and related materials to the City Manager’s Office no later than 90 calendar days after the date of the response meeting. If the applicant does not submit a revised application within this time frame, the application shall be considered automatically withdrawn, and the city shall treat submittals after expiration of the time period as a new application for purposes of review, scheduling, and payment of application fees.”; and

Section 11. That LMC 15.06.060.C.4 is **amended** to read as follows: “Relationship to Subdivisions. Preliminary PUDs may be filed, processed and acted upon by the planning

commission and city council concurrently with preliminary plat applications for a major subdivision or minor land division application for all or part of the property. Final PUDs may be filed, processed, and acted upon by the planning commission and city council concurrently with final plat applications for a major subdivision or minor land division application. Preliminary and final PUDs shall not be processed concurrently.”

Section 12. That LMC 15.06.060.D.2.e.(ii).(3) is **amended** to read as follows: “A variance shall not authorize a use other than those permitted in the district for which the variance is sought; also, an application or request for a variance shall not be granted with regard to any parcel of property or portion thereof upon which an active zoning request, including Planned Unit Developments, for any parcel of property or portion thereof has not been finally acted upon by the city council”; and

Section 13. That LMC 15.06.060.P.2.c is **amended** to read as follows: “The subdivision is not otherwise eligible for the minor land division process.”; and

Section 14. That LMC 15.06.060.P.9 is **amended** to read as follows “Duration of Preliminary Plat After Effective Date. A final plat for the subdivision approved after the effective date of this code shall be approved by the city council and recorded no later than five years after approval or conditional approval of the preliminary plat by the city council. If the subdivision is to be recorded as multiple final plats, each subsequent final plat shall be approved by the city council and recorded no later than five years after the recordation date of the preceding phase. If a final plat for the entire subdivision or any phase thereof is not approved by the city council and recorded as specified above, the approval or conditional approval of the preliminary plat shall be null and void.”;

Section 15. That references to “Subdivisions Minor” within LMC 15.06.060.Q and all subsections and graphics within the section be amended to read “Minor Land Division”; and

Section 16. That LMC 15.06.060.R.2.b is **amended** to read as follows: “Lot consolidations involving two or more lots, and including the circumstances below:

- (i) The property has previously been platted;
- (ii) There is no public right-of-way dedication required;
- (iii) There are no public improvements required or public improvements have been financially secured in accordance with applicable provisions of LMC 15.18;
- (iv) The adjustment or consolidation will create only de minimis negative impacts on existing facilities, adjacent properties, or local public service providers; and
- (v) There will be no modifications to the design standards in chapter 15.16, Subdivision or 15.18 Improvements (Ord. 1671 § 5, 2014; Ord. 1596 § 22-23, 2011).”; and

Section 17. That LMC 15.06.060.S be is **amended** to read as follows: “Replats. 1. Administrative Replats. Administrative replats involve only minor changes to lot line configurations on recorded plats as determined by the City Manager’s Office. Upon receipt of the application, the City Manager’s Office shall notify the applicant in writing within ten calendar days if the request shall be processed as an administrative replat or a major replat as set forth in subsection 15.06.060.S.b. No preliminary plat shall be required for administrative replats. The procedure for such replats shall follow the procedures set forth for minor land divisions in

subsection 15.06.060.Q (Ord. 1596 § 26, 2011).

2. Major Replats. Major replats involve any changes, erasures, modifications, or revisions to any recorded plat of a subdivision as determined by the City Manager's Office. Upon receipt of the application, the City Manager's Office shall notify the applicant within ten calendar days if the request shall be processed as an administrative replat as set forth above or a major replat. Major replats shall follow the same procedures set forth for major subdivisions in subsection 15.06.060.P."

Section 18. That LMC 15.08.040.C.2.f.(iii) is **deleted** in its entirety and the remainder of the subsection be renumbered accordingly; and

Section 19. That LMC 15.08.040.C.2.i is **created** to read as follows: "Deviations from PUD Overlay Requirements. No PUD may request a variance from the standards of 15.08.040.C from the Board of Adjustment. Any deviations from the PUD standards of 15.08.040.C shall be specifically requested by the applicant and the applicant shall demonstrate why the standard is necessary and equivalent to the prescribed standard of this Chapter and/or Laramie Municipal Code. All deviations shall be specifically approved by Council as part of the Rezoning Ordinance. No deviations from subsections 15.08.040.C.2.e and f, Permitted Uses and Commercial and Office Uses shall be permitted."; and

Section 20. That LMC 15.10.030.D.1.f is **amended** to read as follows "There shall be only incidental sale of stocks, supplies, or products."; and

Section 21. That LMC 15.10.040.B is **amended** to read as follows: "Temporary Uses and Structures Allowed. The following temporary uses are allowed provided they comply with the general standards of subsection 15.10.040.E below. Temporary uses are categorized as major or minor subject to the procedures set forth in section 15.10.040. Temporary uses shall not be established for a period exceeding three (3) months in any given calendar year, however, a three (3) month extension may be granted upon application and approval by the City Manager's Office. Minor Temporary Uses shall be considered as a permitted accessory use subject to the limitations of subsection 15.10.040.E. Temporary Uses may be approved on property of which a principal use has not been established provided said Temporary Use is approved by the City Manager or his/her designee and complies with the general standards of subsection 15.10.040.E. Questions about the definition of an event as a special event may be determined by the department in the same manner as provided for in subsection 15.10.000.C, Classification of New and Unlisted Uses. (Ord. 1671 § 2, 2014)."; and

Section 22. That LMC 15.14.100.D.5 is **amended** to read as follows:

"A higher level of design detail shall be required for highly visible walls and fences along collectors, minor and major arterial roads and interstates, including but not limited to, elements such as the incorporation of mosaic designs, relief panels, or similar public art. In order to achieve this end, the following provisions shall apply to new construction on properties abutting major or minor arterial streets and Interstate highways:

- a. All site plans for new construction shall include elevations and details for fencing visible from collector, major or minor arterial or Interstate rights-of-way, with detail specifications for color, texture, articulation, and artistic or graphic design elements. Review of site plans

shall address architectural and graphic compatibility with the remainder of the project and with surrounding natural and built landscape (Ord. 1671 § 21, 2014).

b. All proposed preliminary subdivision plats for property abutting collector, major or minor arterial or interstate rights-of-way shall include a required common fencing plan, applicable to proposed lots abutting said rights-of-way. The common fencing plan shall include elements specified in subsection (a), and shall be reviewed according to the compatibility criteria as specified therein.

c. Use of chain link, barbed wire or vinyl fencing shall be prohibited for fencing visible from collector, major or minor arterial or interstate rights-of-way.”;

Section 23. That LMC 15.14.120.C.3.A is amended to read as follows “Abandoned signs that are not removed within the specified 180-day inactivity period, per Sec. 15.14.120.H.4 of this Title”; and

Section 24. That LMC 15.14.060.E.4.b.(i) . is amended to read as follows: “Direct driveway access (ingress or egress) from any single-family residential lots to any collector street, arterial street or highway shall be prohibited on any lot preliminarily platted after the effective date of this code.”; and

Section 25. That LMC 15.14.070.B.8.a is amended to read as follows: “Applicability. If a development would require, by virtue of subsection 15.14.070.B.3 above, less than five acres to be dedicated as park land, the developer shall be required to pay cash in-lieu of land in an amount determined as set out in this section unless the city council determines the land area to be dedicated has a positive impact to the park system.” and

In instances where dedication is proposed or required, the city council shall have the right to refuse dedication of land, and instead, require payment of cash in-lieu of land as provided in this section if it determines that such dedication will not have a positive impact upon the park system, will not provide the necessary opportunities for the public, is unsuitable for public use, or other such reason determined by the city council.”; and

Section 26. That LMC 15.16.020.B is amended to read as follows “Before a preliminary plat for a subdivision shall be approved, the owner or his or her authorized agency shall apply for and secure approval pursuant to section 15.06.060 Subdivisions, Major; Minor Land Division; or Other Land Adjustments and Lot Consolidations.”; and

Section 27. That LMC 15.16.030.B is amended to read as follows “15.16.030.B. Minor Land Division. A Minor Land Division is a subdivision that creates two lots, tracts, or parcels. The procedure for creating a minor subdivision is located in section 15.06.060.P Minor Land Division.”; and

Section 28. That LMC 15.16.040.J is amended to read as follows: “Franchise Utilities and Electrical Transmission Lines. Concurrent with final platting, all new and existing IT (telecommunications, cable TV, fiber, and similar) and electrical utilities within the final plat area and within rights-of-way adjacent to the final plat shall be undergrounded in streets, alleys and easements in a manner approved by the City with the following exceptions:

- a. Existing pole-mounted primary (greater than 600 volt) electrical distribution lines, any existing IT attached or adjacent to these poles, and any existing secondary (less than 600 volt) electrical lines attached to these poles, in non-residential zone districts; and
- b. Electrical transmission lines (WAPA and similar) that transmit electrical power from generation to substations (Prior code § 35-3 (u)).”; and

Section 29. That LMC 15.16.040.K is **created** to read as follows: “Alleys. Alleys shall be at least 24 feet in width, unless additional width is required for utility installation; dedicated to the city as rights-of-way and improved in accordance with the improvement standards of LMC 15.18.010.A.15. Alleys are not required, unless proposed to provide rear-yard access to properties, or access to maintain city utilities.”; and

Section 30. That LMC 15.18.010.A.3 is **amended** to read as follows: “Roads Adjoining Development Boundary . Planned or existing roads adjoining a property on which a minor land division or major subdivision, or a development which requires site plan review, that are not improved to the city’s engineering and public works design standards, and at a minimum shall include the following:

- a. Full pavement width;
- b. Curb, gutter and sidewalk on the side of the road adjoining the minor land division, major subdivision, or development;
- c. Curb and gutter on the opposite side of the road from the minor land division, major subdivision or development;
- d. Stormwater conveyance infrastructure necessary for proper drainage;
- e. Hydrants, if required by city standards;
- f. Street signs, if required by city standards; and
- g. Street lights, if required by city standards.”; and

Section 31. That LMC 15.18.010.A.4 is **amended** to read as follows: “Access Roads not Adjoining Development Boundary. Roads providing access to a minor land division, major subdivision or development shall be paved. The pavement shall be a minimum of 28 feet in width. The final decision maker may grant an exemption from this requirement if it is determined by the final decision maker that paving of a road cannot meet engineering standards enforced by the city or that paving of the road will result in detrimental impacts to adjacent properties or city infrastructure.”; and

Section 32. That LMC 15.18.010.A.5 is **amended** to read as follows: “Improvement of Internal Roads. All roads proposed within a minor land division or major subdivision shall be constructed to the City’s engineering and public works design standard.”; and

Section 33. That LMC 15.18.020.A is **amended** to read as follows: “Completion of Improvements. Before a final plat for an entire or a portion of a minor land division or major subdivision is approved by the city, or before a final Certificate of Occupancy is issued for a new development project entailing site plan review and approval, all public and private improvements required by this code, conditions of approval, and other applicable standards shall be completed by the developer and approved by the city. The developer also shall construct all temporary improvements required as a condition of approval of the applicable plat or site plan-reviewed

development project and shall maintain all such temporary improvements throughout the period specified in such approval. Any dedication of public improvements or land to the City shall be free and clear of all liens and encumbrances.

“Build and Dedicate” Option.

[Reserved]”; and

Section 34. That LMC 15.18.110.A.2 is **amended** to read as follows: “If a development agreement is associated with minor land division or major subdivision, it shall be reviewed and considered by the Planning Commission prior to or concurrently with the final plat; and reviewed and acted upon by the City Council prior to or concurrently with the final plat.”; and

Section 35. That LMC 15.18.110.B.2 is **amended** to read as follows: “If a delayed improvement agreement is associated with minor land division or major subdivision, it shall be reviewed and considered by the Planning Commission prior to or concurrently with the final plat; and reviewed and acted upon by the City Council prior to or concurrently with the final plat.”; and

Section 36. That LMC 15.18.110.B.4.(iii) is **amended** to read as follows: “Does the improvement result in detrimental impacts to adjacent properties and whether or not construction of such improvement requires other improvements outside the nexus or proportionality of the minor land division, major subdivision or development.”; and

Section 37. That LMC 15.18.030.A.1 is **amended** to read as follows: “Security and Deferred Improvement Agreement Form Required Before Permits Issued . Except as otherwise specifically provided under the “Build and Dedicate” Option (15.18.020.A), no city permits, including building permits, shall be issued for a project unless and until the applicable Security and Deferred Improvement Agreement has been properly executed and filed with the City.”; and

Section 38. That LMC 15.18.030.A.2 is **amended** to read as follows: “Financial Security Required Before Issuance of Any Certificate of Occupancy. Except as otherwise specifically provided under the “Build and Dedicate” Option (15.18.020.A), no Certificate of Occupancy (whether temporary or final) shall be issued unless and until all applicable financial security is received and accepted by the City.”; and

Section 39. That LMC 15.18.010.B is **amended** to read as follows: “Water, Wastewater and Stormwater Main Extensions

1. Private Installation The developer shall install the mains to and within the development by private contract, subject to approval of the plans and specifications by the City, and City inspection of actual construction; provided, that the City may elect to install the mains, in which case the developer shall deposit with the City the estimated cost of installing the mains, plus engineering and administrative costs, and the City may then proceed to make the installation by contract with a private contractor according to standard City policies and procedures. In the event that the original deposit is insufficient, the developer shall upon notification, immediately deposit the balance required with the City to complete the work. (Prior code § 39-53).

2. Installation Cost Developer’s Responsibility--Full Extensions

All water, wastewater and stormwater mains required to serve a development, including cross-

connecting mains, shall be installed at the cost of the developer. The developer shall install mains to the farthest points of the subdivision or to the appropriate terminus within the development as determined by the department.

3. Connecting Loops and Crossties

Connecting loops and crossties within a development shall be constructed by the developer as determined necessary by the department. If the connecting loop is such that property outside the subdivision abuts such loop or ties, and connections are made to such line, the reimbursement provisions of subsections 15.18.100.D shall apply. Before any abutting property connects to such mains constructed at the expense of the water utility, the charge based on the front footage of the property to be served shall be collected by the City.

4. Water Pumping Stations

When, in the discretion of the City, additional water pumping stations are required to serve new platted subdivisions or development, the decision making entity, as a condition to acceptance of a final plat or approval of a development, may require the installation of the stations and require the developer to execute such instruments as may be necessary to convey title to the stations to the City upon completion. The installation and cost of the stations shall be the responsibility of the developer. The City shall supervise the construction and determine all matters with respect to the installation of the stations including, but not limited to, capacity, type, design and location, as in his discretion would meet minimum requirements for fire and domestic demand. The City may require oversize stations to serve demand or areas larger than that proposed by the developer; however, in such cases the City shall pay the cost of the oversize, which cost shall thereafter be collected from other developers using the stations. Upon completion the City shall assume responsibility for operation and maintenance of stations installed pursuant to this section (Ord. 1671 § 21, 2014).”; and

Section 40. That LMC 15.14.090.E.1 is **amended** to read as follows: “Central Gathering Space.

1. Commercial development shall incorporate on-site indoor or outdoor gathering spaces or community amenities as visible, accessible, focal points as follows:

a. Lots with lot areas greater than 50,000 square feet shall provide at least one central gathering place or community amenity (Ord. 1596 § 49, 2011).”; and

Section 41. That LMC 15.18.080.B.4 is **amended** to read as follows: “The following forms of security, and no others, shall be acceptable to the city of issuance of a TCO: cash; cashier’s or certified check; letter of credit; or bond.”; and

Section 42. That LMC 15.18.080.B.5 is **amended** to read as follows: “The City, at its discretion, may extend or renew the expiration date for any Temporary Certificate of Occupancy; provided, however, that no Temporary Certificate of Occupancy, whether original, new, extended or renewed, shall exceed one (1) calendar year from the date the initial Temporary Certificate of Occupancy is issued by the city. No extension of the maximum one-year Temporary Certificate of Occupancy period shall be granted. This one-year maximum is hereby declared not eligible for a variance under provisions of this Title.”; and

Section 43. That LMC 15.18.080.B.6 is **amended** to read as follows: “For any project with a Temporary Certificate of Occupancy with an original issuance date two hundred and seventy (270) calendar days prior, the department shall issue a “Nine-Month Notice” on the next working day

following the 270-day date, stating that: (a) the project has approximately three (3) months to complete all work, schedule and pass all inspections, and achieve all necessary city acceptances; (b) no [further] extensions of existing Temporary Certificates of Occupancy shall be available nor shall any granted by the city; and (c) failure to complete work, pass inspection, and gain acceptance by the one-year anniversary of original TCO issuance shall be deemed prima facie grounds for the city to call the security and complete remaining work with the security funds. Failure by the city to provide the “Nine-Month Notice” shall not constitute grounds for waiving or extending the one-year deadline, nor shall it constitute grounds for delaying or waiving the process of calling the security and completing work under this Chapter. (Ord. 1671 § 15 and 21, 2014).”; and

Section 44. That LMC Table 15.14.050-2 to is **amended** to read as shown in Attachment A;

Section 45. That LMC 15.26.030.B is **amended** to read as follows: “Civil Penalties
In addition to other remedies provided in section 15.26.030 or other sections of this Title, any person, firm or corporation, either as owner, lessee, occupant or otherwise, who violates any of the provisions of this division, or any amendment thereof, or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him by the provisions of this division, upon conviction thereof, shall be fined not more than \$750.00. Each day during which such violation shall continue shall be deemed to be a separate offense. (Ord. 194 § 11.1, 1964).”; and

Section 46. That LMC 15.28.030.A.114. is amended to read as follows: “Development Pad
“Development pad” means the portion of a lot subject to site disruption from construction activities including construction of principal and accessory buildings, driveways, walkways, loading areas and storage yards; or a development area internal to a development site platted as a lot for development of townhouses, condominiums or commercial buildings. (Ord. 1322 § 2 (part), 2000).”; and

Section 47. That LMC 15.28.030.A.259 is amended to read as follows: “Outdoor Storage
“Outdoor storage” means the storage of materials or inventory naturally and normally incidental to the primary use of a property limited to the primary user of the property and located on the same lot with the primary use. Outdoor storage is not an outdoor display. All outdoor storage shall be approved in accordance with subsection 15.10.060.D.3”; and

Section 48. That LMC 15.28.030.A.8 is **created and inserted** after LMC 15.28.030.A.6 to read as follows “7. Administrative and Professional Office. See “Office”” and the remainder of the subsection be renumbered accordingly; and

Section 49. That LMC 15.28.030.A.16 (Alternative Tower Structure) is **deleted** in its entirety and the remainder of the subsection be renumbered accordingly; and

Section 50. That LMC 15.28.030.A.17 (Animal) is **deleted** in its entirety and the remainder of the subsection be renumbered accordingly; and

Section 51. That LMC 15.28.030.A.22 (Antique Shop) is **deleted** in its entirety and the

remainder of the subsection be renumbered accordingly; and

Section 52. That LMC 15.28.030.A.24 (Appliance Store) is **deleted** in its entirety and the remainder of the subsection be renumbered accordingly; and

Section 53. That LMC 15.28.030.A.28 (Art Shop) is **deleted** in its entirety and the remainder of the subsection be renumbered accordingly; and

Section 54. That LMC 15.28.030.A.31 (Auction) is **deleted** in its entirety and the remainder of the subsection be renumbered accordingly;

Section 55. That LMC 15.28.030.A.235 is **created** and **inserted** after LMC 15.28.030.A.234 to read as follows “Minor Land Division. “Minor Land Division” means a division of land that creates two lots, tracts or parcels.” and the remainder of the subsection be renumbered accordingly; and

Section 56. That LMC 15.28.030.A.342 (Subdivision, Minor (Minor Subdivision) is **deleted** in its entirety and the remainder of the subsection be renumbered accordingly; and

Section 57. That this ordinance shall become effective after its passage, approval and its publication.

Passed and approved this 6th day of March 2018.



Andi Summerville, Mayor and President of the
City Council

Attest:



Angie Johnson
City Clerk

First Reading: January 16, 2018
Public Hearing: February 6, 2018
Second Reading: February 13, 2018
Third Reading and Final Action: March 6, 2018

Duly published in the Laramie Boomerang this 13th day of March 2018.