

ORIGINAL ORDINANCE NO.: 1875

INTRODUCED BY: Pearce

ENROLLED ORDINANCE NO.: 1644

AN ORDINANCE AMENDING TITLE 15 OF LARAMIE MUNICIPAL CODE AMENDING THE PROCEDURES FOR THE ESTABLISHMENT OF PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS AND REZONINGS, AND AMENDING PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT STANDARDS.

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 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, on March 25, 2013 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;

WHEREAS, the Laramie City Council held a public hearing on May 28, 2013 to take and consider public comments;

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

Section 1. That LMC 15.06.060.B.1 is amended to read as follows:

“1. Purpose

The boundaries of any zone district may be changed, or the zone classification of any parcel of land may be changed, by ordinance amending the official zoning map of the City pursuant to this section. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the official zoning map that are necessary in light of changed conditions, changes in public

policy, to conform to the city's comprehensive plan, or that are necessary to advance the general welfare of the city. Rezoning should not be used as a way to legitimize isolated nonconforming uses or structures or when a conditional use, variance, or minor administrative modification could be used to achieve the same result."

Section 2. That LMC 15.06.060.B.3.e.(ii) is amended to read as follows: "City Council Consideration. The city council shall hold a public hearing and shall approve, postpone, or deny the application for rezoning."

Section 3. That LMC 15.06.060.B.4 is amended to read as follows: "Protest. If there is a protest against the change signed by the owners of 20 percent or more of the area of the lots or portions thereof included in the proposed change, or by the owners of 20 percent or more of the area of the lots or portions thereof adjacent within a distance of 140 feet, an amendment will not become effective except upon the affirmative vote of 3/4 of all qualified members of the governing body shall be required on third and final reading of the rezoning ordinance. In determining the 140 feet, the width of any intervening street or alley shall not be included. (Ord. 837 § 3, 1985; Ord. 194 § 8.1(4), 1964)"

Section 4. That LMC 15.06.060.C is amended to read as shown in Attachment "A" which is attached hereto and incorporated herein and page numbers within chapter 15.06 be renumbered accordingly;


Section 5. That LMC 15.08.040.C is amended to read as shown in Attachment "B" which is attached hereto and incorporated herein and page numbers within chapter 15.08 be renumbered accordingly;


Section 6. That if any section, subsection, sentence, clause, phrase, graphic, or portion of this ordinance is for any reason held invalid or deemed unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall be deemed a separate and distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this ordinance; and

Section 7. That this ordinance shall become effective after its passage, approval and its publication.

Passed and approved this 18th day of June, 2013.

Attest


Sue Morris-Jones, MMC
City Clerk


David A. Paulekas, Mayor and President of the
City Council

First Reading: May 7, 2013
Public Hearing: May 28, 2013
Second Reading: June 4, 2013
Third Reading and Final Action: June 18, 2013

Duly published in the Laramie Boomerang this 14th day of July, 2013.

Attachment A:

15.06.060.C Planned Unit Development (PUD)

1. Purpose

This section is intended to provide for the growing demand for housing of all types and designs and for necessary supportive commercial facilities conveniently located to such housing, to create functional and attractive development, to minimize adverse impacts, and to ensure that projects will be assets to the community. It is the purpose of this section:

- a. To promote and permit flexibility that will encourage innovative and imaginative approaches in land development and renewal that will result in a more efficient, aesthetic, desirable, and economic use of land while maintaining density and intensity of use consistent with the applicable adopted plans, regulations, and policies of the city;
- b. To promote development within the city that can be conveniently, efficiently, and economically served by existing municipal utilities and services or by their logical extension;
- c. To promote design flexibility including placement of buildings, use of open space, pedestrian and vehicular circulation systems to and through the site, and off-street parking areas in a manner that will best utilize potential on-site characteristics, such as topography, geology, geography, size, and proximity;
- d. To provide for the preservation of historic or natural features where they are shown to be in the public interest, including but not limited to such features as: drainage ways, floodplains, existing topography or rock outcroppings, sensitive environmental areas or features, unique areas of vegetation, historic landmarks, or structures;
- e. To provide for compatibility with the area surrounding the project site;
- f. To provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas, and similar open space;
- g. To minimize adverse environmental impacts of development;
- h. To improve the design, quality and character of new development; and
- i. To provide compensating community benefits to offset any impacts of the development and in recognition of design flexibility.

2. Applicability

The PUD procedure shall be followed for any proposed residential or commercial PUD.

3. General Procedures

All PUDs are processed in two stages: 1) the preliminary PUD and 2) the final PUD. The preliminary PUD shall be approved by Ordinance and the final PUD shall be approved by the Department to ensure compliance with the conditions and stipulations of approved preliminary PUD Ordinance. The final PUD shall not be filed with the

city for review and processing until after the preliminary PUD has been approved or conditionally approved by the city council. A preliminary PUD serves as a design review plan for the purposes of required reviews. The approval of a preliminary or final PUD plan shall not constitute the effective dedication of easements, rights-of-way, or access control, nor shall the approved PUD be either the equivalent of or substitute for the final platting of land. Specific procedures for preliminary PUD and final PUD are outlined below.

4. 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 minor or major subdivision 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 minor or major subdivision. Preliminary and final PUDs shall not be processed concurrently.

5. Procedures for Preliminary Planned Unit Development

a. Step 1: Pre-Application Meeting

Applicable pursuant to subsection 15.06.030.A.

b. Step 2: Application Submission, Contents, and Fees

Applicable pursuant to subsection 15.06.030.B.

The following additional information shall be included with the application:

- (i) Preliminary design review plan,
- (ii) Preliminary landscaping plan,
- (iii) Preliminary parks and open space plan,
- (iv) Preliminary project phasing plan and
- (v) Development plan handbook.

c. Step 3: Staff Review, Referral, and Staff Recommendation

Applicable pursuant to subsection 15.06.030.C.

d. Step 4: Public Notice Requirements

Applicable. Published, written, and posted notice required prior to the planning commission hearing and the city council hearing pursuant to subsection 15.06.030.D.

Procedures for Preliminary PUD Review

Step is Applicable

Step is Not Applicable

Step 1: Pre-Application Meeting

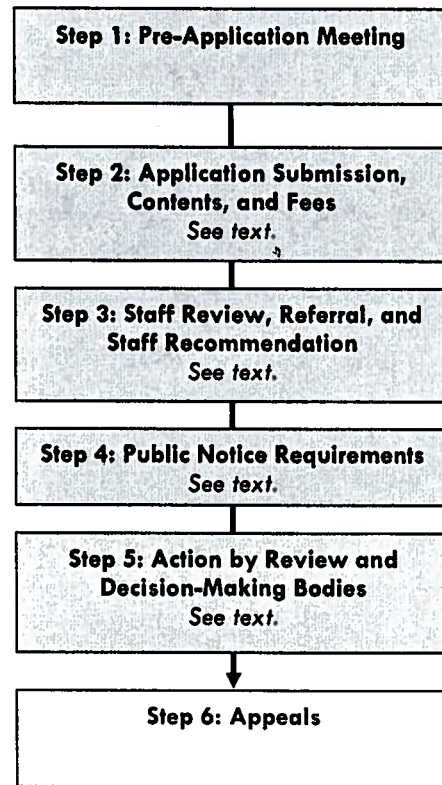
Step 2: Application Submission, Contents, and Fees
See text.

Step 3: Staff Review, Referral, and Staff Recommendation
See text.

Step 4: Public Notice Requirements
See text.

Step 5: Action by Review and Decision-Making Bodies
See text.

Step 6: Appeals



e. Step 5: Action by Review and Decision-Making Bodies

(i) Planning Commission Public Hearing

The planning commission shall hold a public hearing and make a recommendation to approve, approve with revisions, postpone, or deny the application.

(ii) City Council Public Hearing

Within 60 calendar days of planning commission action, the city council shall hold a public hearing and shall approve, approve with conditions, postpone, or deny the proposed preliminary PUD.

f. Step 6: Appeals

Applicable pursuant to subsection 15.06.030.F. .

6. Procedures for Final Planned Unit Development

a. Step 1: Pre-Application Meeting

Not applicable.

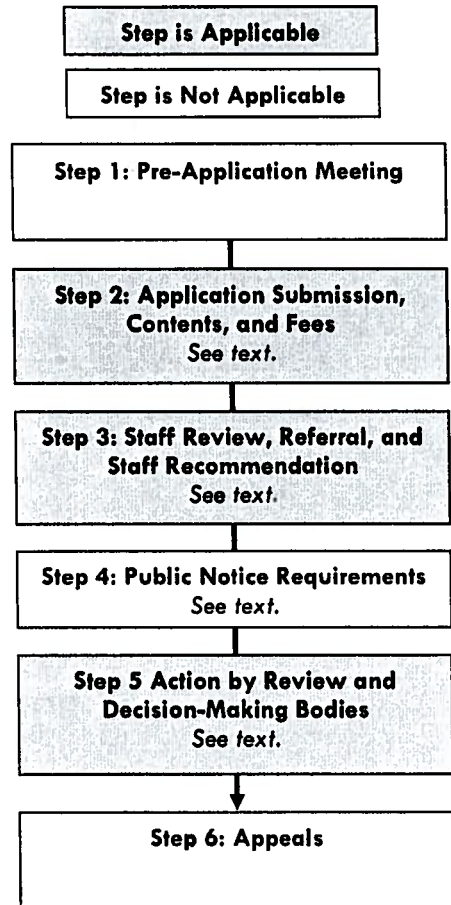
b. Step 2: Application Submission, Contents, and Fees

Applicable pursuant to subsection 15.06.030.B

The following additional information shall be included with the application:

- (i) Final design review plan,
- (ii) Final landscaping plan,
- (iii) Final parks and open space plan,
- (iv) Final phasing plan and
- (v) Final development handbook.

Procedures for Final PUD Review



c. Step 3: Staff Review, Referral, and Staff Recommendation

Applicable pursuant to subsection 15.06.030.C.

d. Step 4: Public Notice Requirements

Not Applicable.

e. Step 5: Action by Review and Decision-Making Bodies

Applicable pursuant to subsection 15.06.030.E. At the applicant's request, a Final PUD application may be run concurrently with a building permit or other applicable development application. The following other procedures shall apply

(i) Action by Department

The department shall review each final PUD application and, as deemed necessary, distribute the application to other reviewers. Taking into account results of those reviews, the department shall take final action on the application and approve, or deny, on the application based on the applicable approval criteria below.

(ii) Required Findings for Approval

The department shall not approve any final development plan unless the final development plan meets all of the following criteria:

- (1) The proposed final PUD complies with the approved preliminary PUD overlay district.
- (2) The layout and design of the proposed final PUD is in compliance with the approved preliminary PUD overlay district including but not limited to number of lots or parcels, street and block layout, and access. Minor modifications shall be permitted pursuant to section 15.06.060.J, Minor Administrative Modifications. Modifications to use within the overlay district shall not be permitted.
- (3) All required improvement plans for parks, open space, or other public or private facilities as shown on the final landscaping plan, parks and open space plan and development handbook have been reviewed and approved by the city for construction.

f. Step 6: Appeals

Not applicable.

7. Lapse

a. Recordation of the Final Development Plan After Approval

The applicant shall record the approved final PUD and related PUD documents, as approved by the department, in the office of the county clerk no later than sixty (60) days after the date of approval by the city council. Four (4) copies of the recorded document shall be provided to the department within seven (7) calendar days of recording. If the final PUD is not recorded,

the approval of the city council shall be deemed to have been withdrawn; and the approval shall be null and void.

b. Duration of Preliminary PUD After Approval

The applicant shall record a final PUD, obtain approval of any required final plat for the whole or part of the PUD, or obtain a building permit, no later than five years after approval of the preliminary PUD or subsequent final PUD approvals by the city council. Extensions may be granted pursuant to subsection 15.06.050.C.

8. Procedures for Amendments to a Planned Unit Development

a. Preliminary Planned Unit Development Overlay District

Amendments to an approved PUD Overlay District shall be treated as a new application and shall require rezoning to a new PUD Overlay District.

b. Final Planned Unit Development

(i) Major

(1) Definition

A major amendment to a final PUD shall include all alterations in use, intent, rearrangement of lots, realignment of major circulation patterns, increase in density levels, provisions governing common or open space, or the ratio thereof, or any other alterations that in the judgment of the department substantially change the PUD or its impacts. Major amendments shall require an amendment to the PUD Overlay District. Amendments to the PUD Overlay District shall be treated as a new application and shall require rezoning to a new PUD Overlay District.

(ii) Procedure

Applications for major PUD amendments shall follow the same procedure set forth above for a new PUD, and at the discretion of the department, may exclude pre-application meetings.

(iii) Minor

(1) Definition

Minor amendments to a final PUD shall include all amendments not defined as major, including but not limited to minor alterations in location of uses and buildings, alignments, bulk of structures, placement or types of plant material, changes in grades, heights, character of structures, rearrangement of lots that in the judgment of the department do not have a significant adverse impact on surrounding properties, other similar alterations, or modifications that qualify as a Minor Administrative Modification pursuant to subsection 15.060.060.J.

(2) Procedure

Minor PUD amendments may be approved pursuant to subsection 15.06.060.J, Minor Administrative Modifications. Upon approval, the director shall affix his signature on the approved document and the final development plan or development handbook shall be recorded with the county clerk.

Attachment B:

15.08.040.C Planned Unit Development (PUD) Overlay

1. Purpose

The City has implemented the Planned Unit Development (PUD) overlay district to provide for the growing demand for housing of all types and designs and for necessary supportive commercial facilities conveniently located to such housing, to create functional and attractive development, to minimize adverse impacts, and to ensure that projects will be assets to the community. It is the purpose of this section to:

- a. Promote and permit flexibility that will encourage innovative and imaginative approaches in land development and renewal which will result in a more efficient, aesthetic, desirable, and economic use of land while maintaining density and intensity of use consistent with the applicable adopted plans, regulations, and policies of the city;
- b. Promote development within the city that can be conveniently, efficiently, and economically served by existing municipal utilities and services or by their logical extension;
- c. Promote design flexibility including placement of buildings, use of open space, pedestrian and vehicular circulation systems to and through the site, and off-street parking areas in a manner that will best utilize potential on-site characteristics such as topography, geology, geography, size, and proximity;
- d. Provide for the preservation of historic or natural features where they are shown to be in the public interest, including but not limited to such features as: drainageways, flood plains, aquifers, existing topography or rock outcroppings, unique areas of vegetation, and historic landmarks or structures;
- e. Provide for compatibility with the area surrounding the project site;
- f. Provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas, and similar active or passive open space;
- g. Minimize adverse environmental impacts of development; and
- h. Improve the design, quality, and character of new development.

2. District-Specific Standards

A planned unit development shall be consistent with the statement of purpose for planned unit development and the following criteria:

a. Minimum Acreage

The minimum acreage for a planned unit development site is five (5) acres, except that it may be reduced to two (2) acres if department determines that a smaller site size will encourage development in conformance with the comprehensive plan. Other properties eligible for minimum PUD size reduction to two (2) acres shall be located in the following specified areas:

- (i) The Downtown Commercial District; and
- (ii) Infill development areas.

b. Density

- (i) The maximum density shall be based on the applicable base zoning designation as follows:

TABLE 15.08-3: PUD Density Standards	
Base Zone District	Maximum Density
RR	3 residential units per gross acre
LR	5 residential units per gross acre
R1	8 residential units per gross acre
R2, R2M	12 residential units per gross acre
R3, NB, B1, B2, DC	44 residential units per gross acre

- (ii) The maximum gross density of the PUD shall be based on the zone in which it is located. Actual gross density shall be computed by dividing the total acreage of the planned unit development by the number of dwelling units. The density for portions of the PUD may exceed the maximum gross density for the underlying zone as long as the maximum gross density for the entire PUD does not exceed the maximum gross density allowed in that zone. The net density of a particular phase of the PUD shall be computed by dividing the acreage of the phase by the number of dwelling units. The total acreage shall be that area contained in the planned development application and include all proposed streets, common areas, public parks, dwelling sites, and similar areas within the proposed development. When such computation ends with more than 0.5 of a dwelling unit, the maximum density will be increased to the next whole number.
- (iii) Density bonuses may be awarded as set forth in subsection 15.08.040.C.2.g.

c. Common Areas

Before final PUD approval, the developer shall specify the manner of holding title to common areas or facilities of joint use. Such areas and facilities shall be retained in title by the developers of the planned unit development or deeded to an organization composed of all owners in the development. The method used by the developer shall be subject to approval by the city attorney. Common areas may be offered for dedication to the city. The city council may accept the offer of any or all portions of the common areas being offered pursuant to subsection 15.080.040.C.2.h(ii)(2) and may approve a development agreement which specifies terms and conditions for accepting the common areas. Common areas may be offered for dedication to the city. The city council may accept the offer of any or all portions of the common areas being offered pursuant to subsection 15.080.040.C.2.h(ii)(2) and may approve a development agreement which specifies terms and conditions for accepting the common areas.

d. Standards

Planned unit developments shall meet the use and development standards in this section and all use and development standards and requirements in this Code, including chapter 15.10, Use Regulations, chapter 15.12, Dimensional Standards, chapter 15.14, Development Standards and chapter 15.16, Improvements. If the standards and requirements of this section conflict with the requirements of other earlier enacted sections of this Code, the provisions of this section shall apply.

e. Permitted Uses

Except as otherwise permitted or restricted, all uses permitted in the RR, LR, R1, R2, R2M and R3 districts are permitted in a PUD. In instances where there are different base zone districts within the boundaries of the PUD, the uses allowed for all base zone districts may be allowed in the PUD.

f. Commercial and Office Uses

Commercial and Office development shall be deemed to include commercial buildings and uses and associated parking, required yard areas, and all other areas accessory to such commercial or office usage. Commercial and office uses shall be allowed within a planned unit development with underlying RR, LR, R1, R2, R2M and R3 zone provided that all of the following criteria shall be met:

- (i) The developer demonstrates to the satisfaction of city council that any commercial or office use proposed for the PUD will not change, injure, or destroy, temporarily or permanently, the predominantly residential character of the PUD or have a significant adverse impact on surrounding residential property;
- (ii) The gross acreage of the PUD shall be at least 5 acres in size;
- (iii) 100 or more dwelling units are developed within the PUD;
- (iv) The commercial or office uses within a PUD Overlay District shall not exceed ten (10) percent of the Preliminary PUD area; and
- (v) Commercial uses shall comply with the development standards of LMC section 15.14.090;

g. Density bonuses

Subject to the limitation in subsection (iv) below, a residential density bonus shall be given to developments zoned Planned Unit Development Overlay District as follows:

- (i) If the developer commits to the provision of low income housing units, per HUD Section 8 guidelines (80 percent of median county income), by assurances approved by the city attorney, a bonus equivalent to the percentage of the total number of dwelling units for low income housing shall be granted;
- (ii) If the developer commits to the provision of handicapped accessible housing as defined by American National Standards Institute (ANSI) Section A117.1, by assurances approved by the city attorney, a bonus equivalent to the percentage of the total number of dwelling units for handicapped accessible housing shall be granted;
- (iii) If the developer installs automatic fire extinguishing systems in each dwelling unit a bonus of 15 percent of the total number of dwelling units shall be granted;
- (iv) If the developer provides additional open space, public or private, over and above the minimum required, a bonus equivalent to the additional percentage provided above the minimum shall be granted;
- (v) A bonus of five percent for every 50 acres included in the development shall be granted; or
- (vi) The total density bonus given by the city shall not exceed 15 percent of the maximum total density as calculated per Table 15.08-1 for the development.

h. Development Standards

Development within the PUD overlay district shall conform to the following standards:

- (i) **Minimum Lot Standards**
Minimum lot area, lot width, and setback requirements of underlying districts shall not apply in the PUD. Minimum lot areas, lot widths, and setback requirements shall be defined in the preliminary development handbook and preliminary design review plan.
- (ii) **Open Space**

- (1) A minimum of 20 percent of the total land area shall be retained as usable open space. Open space shall meet the requirements of subsection 15.14.070.B.4 Character of Land to be Dedicated.
- (2) The city may accept or refuse for any reason the dedication of land or any interest therein for public use and maintenance.
- (3) Detention ponds shall not count towards minimum required open space unless otherwise specifically approved as part of a PUD by the city council.

(iii) Open Space Maintenance and Guarantee

- (1) Concurrent with final PUD approval, the developer shall establish an entity for the ownership and maintenance of recreation areas and common open spaces where such are to be retained in private ownership. The developer shall submit to the city attorney a contract providing for the permanent care and maintenance of open spaces, recreational areas and communally owned facilities and parking lots. The final development plan shall not be accepted until the agreement required by this subsection is approved as to legal form and effect. If the common open space is deeded to a homeowners' association, the developer shall file the proposed

documents governing the association. Such documents shall meet the following requirements:

- (a) The homeowners' association shall be established before any lots or residences are sold,
 - (b) Membership in the association shall be mandatory for each residence owner,
 - (c) Open space restrictions shall be permanent and not for a period of time,
 - (d) The homeowners' association shall be made responsible for liability insurance, taxes, and maintenance of recreational and other facilities,
 - (e) The association shall have the power to levy assessments that can become a lien on individual premises for the purpose of paying the cost of operating and maintaining common facilities, and
 - (f) The governing board of any such association shall consist of at least five members who shall be owners of property in the PUD Overlay District.
- (2) If the entity established to own and maintain the common open space and recreation areas or any successor entity shall at any time fail to fulfill any obligation imposed on such entity as a condition of approval of the planned unit development, the city may give written notice to the entity or to the residents and owners of the planned unit development or both, setting forth the manner in which the entity has failed to fulfill its obligation. The notice shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the city, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space and recreation areas from becoming a public nuisance, may enter upon the common open space and recreation areas and maintain the same and perform the other duties of the entity until the entity shall again resume its obligations. All costs incurred by the city in carrying out the obligations of the entity shall be assessed against the properties within the Planned Unit Development Overlay District and shall become a tax lien on the properties;

- (3) Open space shown on the approved final PUD plan shall not be used for the construction of any structures not in conformance with the PUD Overlay District.
- (iv) **Access**
- (1) PUDs shall comply with the transportation, mobility and connectivity standards of LMC section 15.14.060, Transportation, Mobility and Connectivity; and
 - (2) Each PUD greater than fifteen (15) acres shall have at least two direct accesses to a collector or arterial street as designated on the major street and highway plan. No individual residential building lot shall be created that has direct access to a collector or arterial street. Each individual residential lot must have access to a street, public or private, that has been constructed to the public street standards of the city.
- (v) **Sidewalks**
- Sidewalks built to city specifications shall be required along both sides of all streets, public or private.
- (vi) **Building Requirements**
- (1) The maximum building height shall be the same as for the zone district in which the PUD is located, except that a greater height may be approved if surrounding open space within the PUD, building setbacks, and other design features are used to avoid any adverse impact due to the greater height; and
 - (2) The front of a dwelling structure shall not face upon the rear of another, unless approved by the city council as part of the PUD Overlay District.
- (vii) **Landscaping**
- (1) The landscape plan shall be prepared by a certified landscape architect and shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements. Landscaping shall conform to the landscaping standards of section 15.14.050, Landscaping;
- (viii) **Signs**
- (1) Signs within the residential portion of a planned unit development shall be permitted as follows:
 - (a) One ground sign that identifies the development is allowed at each entrance to the development provided such sign does not exceed 24 square feet in area.
 - (b) Development identification signs shall follow a design theme that is related and complementary to other elements of the overall site design, as determined by the department.
 - (2) Signs within the commercial portion of the planned unit development shall be permitted at a location, size, and height that is determined by the department to be appropriate in relation to the residential character of the development.
- (ix) **Off-Street Parking**
- (1) Off-street parking shall be provided for residential dwellings in accordance with the requirements of section 15.14.040 of this Code unless the reduced street standards for a PUD are used for the development in which case the one family dwelling off-street parking requirements shall be:
 - (a) 1 - 3 bedroom: 2 spaces

(b) 4 - 5 bedroom: 3 spaces

- (2) Off-street parking spaces for all commercial uses and all non-residential uses of an educational, cultural, recreational, or religious nature shall be the same as set forth for such uses in section 15.14.040 of this Code, unless a reduction is approved by the city as part of the plan.**