

ORIGINAL ORDINANCE NO.: 1876

INTRODUCED BY: HENRY

ENROLLED ORDINANCE NO.: 1657

AN ORDINANCE AMENDING TITLE 15 OF LARAMIE MUNICIPAL CODE AMENDING THE TREE AREA 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 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, based on public comment and input from the Laramie City Council protection of the neighborhood's character as outlined in the Unified Development Code is no longer a priority and specific development regulation for the area established as the Tree Area Overlay be removed;

WHEREAS, the Laramie City Council held a public hearing on January 10, 2014 to take and consider public comments;

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

Section 1. That LMC 15.08.040.F is amended to read as shown in Attachment "A" which is attached hereto and incorporated herein and page numbers within chapter 15.08 be renumbered accordingly;

Section 2. That LMC 15.08.060.E 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 3. That LMC 15.06.020 is amended to read as shown in Attachment "C" which is

attached hereto and incorporated herein and page numbers within chapter 15.06 be renumbered accordingly;

Section 4. That LMC 15.06.00.A is amended to read as shown in Attachment "D" which is attached hereto and incorporated herein and page numbers within chapter 15.06 be renumbered accordingly;

Section 5. That LMC 15.14.120 is amended to read as shown in Attachment "E" which is attached hereto and incorporated herein and page numbers within chapter 15.14 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 1 day of April, 2014.

Attest:


Sue Morris-Jones, MMC
City Clerk


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

First Reading: June 18, 2013
Public Hearing: January 10, 2014
Second Reading: March 18, 2014
Third Reading and Final Action: April 1, 2014

Duly published in the Laramie Boomerang this 07th day of May, 2014.

"Attachment A"

15.08.040.F Tree Area Overlay (TAO)

1. Intent

The Tree Area Overlay (TAO) district is hereby established to preserve, enhance and promote historical building architecture and unique streetscape character of an area within the city of Laramie, generally located west and south of the University of Wyoming. The buildings in the TAO area exhibit many recognized architectural styles, including Gothic Revival, Italianate, Queen Anne, Eastlake, Folk-Victorian, Prairie, Craftsman, Colonial Revival, Tudor Revival, Dutch Colonial Revival, Renaissance Revival, Mission Revival, Moderne, and International. The streetscape generally includes detached sidewalks, landscaped planter strips and mature trees. It is the intent of the TAO to establish review procedures and adopt by reference design standards to ensure that additions to or alterations of existing structures, new development, and redevelopment of properties match the character of this area in terms of building architecture, site layout and streetscape.

2. Applicability

The Tree Area Overlay district boundary shall be as illustrated in Map 15.08.060-13 located in subsection 15.08.060.E. Review procedures established in this section shall apply to the following:

- a. Additions or exterior alterations to existing buildings requiring a building permit.
- b. Construction of new primary and accessory structures requiring a building permit.
- c. Replacement or redevelopment of existing primary or accessory structures requiring a building permit.
- d. Reroofing of existing structures requiring a permit.
- e. Site development or redevelopment requiring design review.

3. Design Review Required

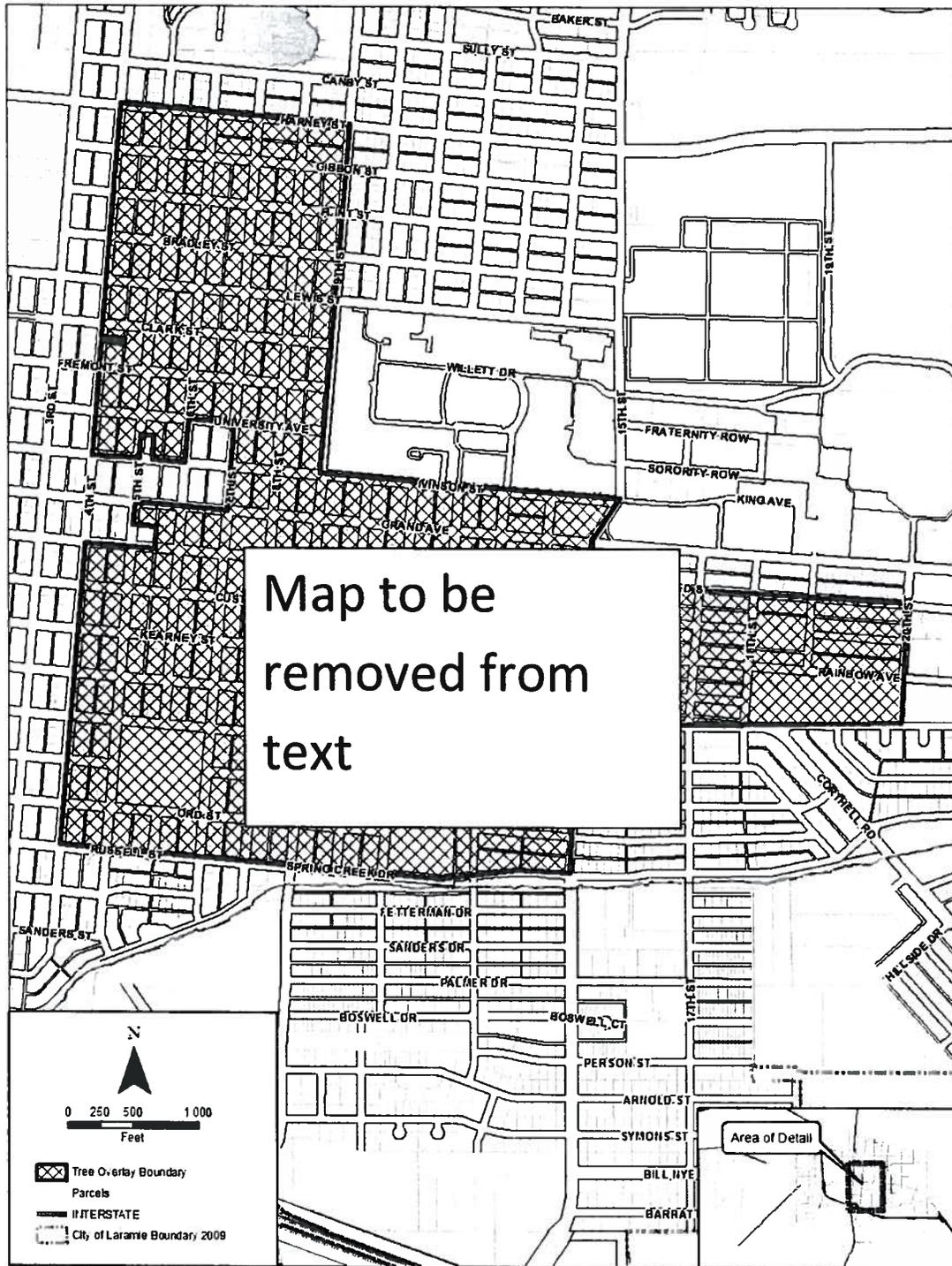
All projects listed in subsection 15.08.040.F.2, above, shall be subject to design review procedures set forth in subsection 15.06.060.V. The design review shall be approved by the city and the applicant shall comply with any conditions of the design review prior to approval of an application for a building permit or any other construction permit.

4. Tree Area Design Standards

The city may adopt a design manual specifically for the Tree Area Overlay that provide accepted standards for design elements including, but not limited to architectural design, building materials, exterior building colors and site layout. Any project subject to design review within the Tree Area Overlay shall comply with such standards.

"Attachment B"

15.08.060.E Tree Area Overlay (TAO) District Map



Map 15.08.060-13, Tree Area Overlay District

"Attachment C"

CHAPTER 15.06 REVIEW PROCEDURES
 15.06.020 Table of Procedures
 Table 15.06-1 Table of Review Procedures

TABLE 15.06-1: SUMMARY TABLE OF REVIEW PROCEDURES										
Procedure/Applicable Section of Code	Pre-Application Meeting	Review and Decision-Making Authority							Lapse of Approval	
		Community Development Department	City Manager	Board of Adjustment	Planning Commission	City Council	Published	Written (mailed)		Posted
Design Review / 15.06.060.0		D			A					2 years See subsection 15.06.060.1.4.5
Preliminary Plat	✓[3]	R			R	D	✓	✓	✓	5 years [2]
Subdivisions, Major / 15.06.060.P		R			R	D	✓		✓	60 days See subsection 15.06.060.P.5
Subdivisions Minor / 15.06.060.C		D			A				✓	60 days
Other Land Adjustments and Lot Concentrations / 15.06.060.R		D			A					30 days
Replats / 15.06.060.S		D			A					5 years
Administrative Major		R		R	D					3 years
Condominium / 15.06.060.T		D								1.1.A
Grading Permits / 15.06.060.U		D			A					1.1.A
Vacations, Subdivisions / 15.06.060.V		R			R	D				1.1.A
Vacations, Public Ways / 15.06.060.W		R			R	D	✓		✓	1.1.A
Comprehensive Plan Amendments / 15.06.060.X		R			R	D		See Sec. 15.06.060.4		1.1.A
Design Review, Tree Area Overlay / 15.06.060.Y		D			A					1.1.A

[1] Subsequent approvals as a recording of final PUDs within the PUD boundary restart the 5-year time period. See subsection 15.06.060.C.7.
 [2] Subsequent approvals as a recording of final plats within the preliminary plat boundary restart the 3-year time period
 [3] Required if more than 10 lots are proposed

(Ord. 1625 § 2, 2012)

“Attachment D”

15.06.000.A Design Review

1. Purpose

The purpose of the design review process is to ensure compliance with the development and design standards and provisions of this code. It is designed to encourage quality development reflective of the goals, policies, and objectives of the comprehensive plan.

2. Applicability

- a. Subsection 15.06.060.O.3 below identifies the types of development and activities that require design review plan approval. For land uses requiring design review, such uses shall not be established in the city, and building or land use permits shall not be issued, until a design review plan showing the proposed development has been approved in accordance with the procedures and requirements of this section.
- b. Design review shall not be required for single family detached / attached, IBC / IRC modular home, manufactured homes, and two-family / duplex, multifamily developments with less than four units, or accessory structures associated with the preceding uses. ~~unless required pursuant to subsection 15.06.060.Y, Design Review, Tree Area Overlay (Ord. 1596 § 11, 2011).~~
- c. Design review shall not be required for any changes that are wholly interior such as electrical, plumbing or mechanical permit.
- d. Design review shall not apply to projects that are defined as permissible under the Minor Administrative Modifications process, per subsection 15.06.060.J.

3. Types of Design Review

The following types of projects shall be subject to design review approval:

- a. All new uses and structures, unless specifically excluded in subsection 15.06.060.O.2 above, submitted under the provisions of this code;

15.06.060.Y Design Review, Tree Area Overlay

1. Purpose

The purpose of the Tree Area Overlay design review process is to ensure compliance with the development and design standards for the Tree Area Overlay. It is designed to encourage development and redevelopment in character with the existing attributes of the Tree Area.

2. Applicability

The Tree Area Overlay design review shall apply to all projects identified in subsection 15.08.040.F.2.

3. Procedure for Tree Area Design Review

a. Step 1: Pre-Application Meeting

Not applicable.

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

Applicable pursuant to subsection 15.06.030.B.

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.

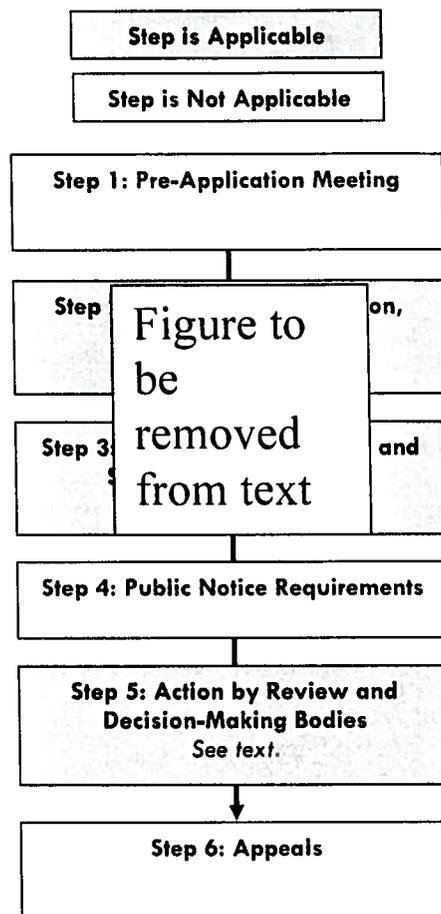
e. Step 5: Action by Review and Decision-Making Bodies

Applicable pursuant to subsection 15.06.030.E. The following additional procedures shall apply:

(i) Action by Department

The department shall review each Tree Area Overlay design review 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, approve with conditions, or deny the application based on the applicable approval criteria below. The department's review and decision, including referral to other agencies and bodies, shall be completed and final action taken within 30 calendar days of receipt of a complete application. The department's failure to act in 30 calendar days shall not constitute deemed

Procedures for Design Review, Tree Area Overlay



~~approval of the application, however if the department does not act on the application within 30 calendar days, the applicant may request the department to move the application to the next available (as determined by department submittal schedule) planning commission agenda for review, which the department shall do upon receipt of such request.~~

~~(ii) Referral to Planning Commission~~

~~Applicants may request one or more deviation(s), modification(s), or exemption(s) from the adopted Tree Area Design Standards (TADS). The department may refer to the planning commission any application involving any requested deviation, modification, or exemption from the TADS, and/or any application that in the department's opinion presents issues that require planning commission attention. Such applications shall state all reasons for requesting any deviation, modification, or exemption from the rules, requirements, and regulations of this code.~~

~~(iii) Approval Criteria~~

~~The department shall approve a Tree Area Design Review application and design review plan upon a finding that the application and design review plan meet all of the following criteria:~~

- ~~(1) The design review plan complies with all applicable development and design standards set forth in this code, including but not limited to the provisions in chapter 15.08 (Zoning Districts), chapter 15.10 (Use Regulations), chapter 15.12 (Dimensional Standards), and chapter 15.14 (Development Standards);~~
- ~~(2) The proposed project complies with design standards and guidelines adopted specifically for the Tree Area Overlay; and~~
- ~~(3) The development proposed in the application and design review plan and its general location is or will be compatible with the character of surrounding land uses.~~

f. Step 6: Appeals

~~Applicable pursuant to subsection 15.06.030.F.~~

4. Lapse

~~Approved application shall be binding upon the applicants and their successors and assigns. No permit shall be issued for any building or structure or use that is not in accord with the approved documents or any approved modifications thereto. The construction, location, use, or operation of all land and structures within the site shall conform to all conditions and limitations set forth in the documents. No structure, use, or other element of approved design review documents shall be eliminated, altered, or provided in another manner unless an amended application and design review plan are approved.~~

~~5. Expiration~~

~~Approved application and design review plan documents shall expire if a building permit has not been obtained or the approved use established within two years of the date of approval, whichever occurs earlier. In the event that the documents expire due to the passage of this time period, new application and design review documents shall be submitted for approval in the same manner as an original application and design review.~~

~~6. Modifications to Plans~~

~~The holder of an approved application may request a modification to the documents or the conditions of approval by submitting amended application and design review documents to the department. The amended documents shall be filed and processed in accordance with the procedures for an original application and design review.~~

~~7. Projects Requiring Design Review~~

~~A project that requires a design review application pursuant to subsection 15.06.060.0 shall not need a separate tree area design review plan. The review of such project shall include compliance with the approval criteria contained in this subsection. All other requirements of the design review plan application shall apply.~~

“Attachment E”

15.14.120.D

3. Other Zoning Districts (AG, O, DC) Overlay Districts (PUD, TTO, GO, ROB, TAO)

a. Planned Unit Development (PUD) Overlay District

Planned Unit Development signage shall be regulated as specified in Section 15.08.040.C, Planned Unit Development (PUD) Overlay District, of this Title.

b. Turner Tract (TTO) Overlay District

Turner Tract Overlay (TTO) district signage shall be regulated by standards set for the underlying zoning district. For cases in which the TTO overlaps another overlay district (e.g., Gateway Overlay District), the more restrictive standards shall control.

c. Gateway (GO) Overlay District

Gateway Overlay District signage shall be regulated as specified in Section 15.08.040.E.4.(v), Signs, of this Title. For properties on which the Gateway Overlay District overlays the Interchange Sign District, or the I-80 Corridor Billboard Sign District, or both, the regulations of the Interchange Sign District, or the I-80 Corridor Billboard Sign District, as applicable, shall control.

d. Residential Overlay for Business (ROB) District

Residential Overlay for Business (ROB) district signage shall be regulated according to the underlying zoning district regulations of this Title.

e. ~~Free Area Overlay (TAO) District~~

~~Free Area Overlay (TAO) district signage shall be regulated as specified in the Tree Area Design Standards, as authorized per Sec. 15.08.040.F.4, Tree Area Design Standards, of this Title.~~