

ORIGINAL ORDINANCE NO.: 1904

INTRODUCED BY: Henry

ENROLLED ORDINANCE NO.: 1671

AN ORDINANCE AMENDING TITLE 15 OF LARAMIE MUNICIPAL CODE FOR THE PURPOSES OF AMENDING CHAPTER 15.06 (PROCEDURES), CHAPTER 15.14 (DEVELOPMENT STANDARDS), CHAPTER 15.18 (IMPROVEMENTS), RENAMING THE DESIGN REVIEW PROCESS TO SITE PLAN REVIEW PROCESS, AND CORRECTING TYPOGRAPHICAL ERRORS WITHIN TITLE 15.

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 September 8, 2014 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 November 18, 2014 to take and consider public comments;

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

**Section 1.** That subsection LMC 15.06.060.X.3 be **deleted** in its entirety and renumber the subsection accordingly;

**Section 2.** That LMC 15.10.030.B.1 be **amended** to read as follows: "The following temporary uses are allowed provided they comply with the general standards of subsection 15.10.030.E below. Temporary uses are categorized as major or minor subject to the procedures set forth in subsection 15.08.030.B, below. **Temporary uses shall not be established for a period exceeding three (3) months in any given calendar year, however, a three (3) months**

**extension may be granted upon application and approval by the Department.** Minor Temporary Uses shall be considered as a permitted accessory use subject to the limitations of subsection 15.10.030.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.”;

**Section 3.** That LMC 15.14.100.B.2 be **amended** to read as follows “Side and Rear. No fence or wall shall exceed six feet in height when located between the front building line or front setback whichever distance is greater, and a line forty-five feet from the front lot line; and no wall or fence shall exceed eight feet in height when located more than forty-five feet from the front lot line. Fences exceeding ~~six~~ **seven** feet in height shall require a building permit.”;

**Section 4.** That LMC 15.14.06.060.Q.2 be **amended** to read as follows: “The property has previously been platted ~~within the city~~”;

**Section 5.** That LMC 15.14.06.060.R.2.b.i be **amended** to read as follows: “The property has previously been platted ~~within the city~~”;

**Section 6.** That LMC15.14.040.C.1 be **amended** to read as follows: “Parking Lot Access and Circulation Parking lots should be designed with a hierarchy of circulation. For example, major driveways should be clearly delineated by landscaped areas and should have limited or no parking along them while parking aisles should provide direct access to parking spaces. Parking lots shall not dominate the street frontage, interrupt pedestrian routes, or negatively impact surrounding neighborhoods. Parking lots should be located behind buildings or in the interior of a block whenever possible. Parking areas shall not abut street intersections. All sites, where feasible, shall allow two-way cross-access to adjacent parcels. Parking lot design shall also incorporate the standards of subsection ~~15.14.030.F~~ **15.14.060.F** (Pedestrian Circulation)”

**Section 7.** That LMC 15. 10.010.B.3.a be **amended** to read as follows: “Sexually-oriented businesses shall not be permitted on any property within 500 feet, **as measured from property lines**, of the following:”;

**Section 8.** That LMC 15.14.040.C.2. be **amended** to read as follows: “A parking-lot lighting fixture shall not exceed ~~18~~ **twenty-four (24)** feet in height, including the base or pedestal, measured from grade, and shall be located so as to not impede pedestrian or vehicular travel.”;

**Section 9.** That LMC 15.14.060.E.2.c is **amended** to read as follows “Vehicular Access to Public Streets, **Public Access Easements**, and Adjacent Land”

**Section 10.** That LMC 15.14.060.E.2.c.(iii) is **created** to read as follows “No public right-of-way or public access easement shall be gated, have security-personnel stations or facilities, or have similar barriers installed, so as to restrict free vehicular access thereupon. This provision shall not apply to: (a) gates or barriers, temporary or permanent, installed under authority of public-safety agencies; (b) temporary street closures installed under authority of the City’s Right-of-Way Obstruction License (LMC 12.08.090 *et seq.*) or Special Event permits (LMC 12.60); (c) License Agreements granted by City Council; or (d) temporary closures required to perform

infrastructure work or similar public-property maintenance duties (e.g., LMC 12.20.010, LMC 12.24.010 *et seq.*);

**Section 11.** That LMC 15.14.060.E.4.b.(i).2 be **renumbered** to 15.14.060.E.4.b.(ii);

**Section 12.** That LMC 15.14.060.E.4.b.(iii) is **created** to read as follows “A minimum of one (1) driveway access to a multi-family dwelling site shall be maintained with unobstructed vehicular access between the dwelling entrance(s) and the public street access. Gates capable of closure and similar barriers shall be specifically prohibited from installation or operation on such driveways. This section shall not prohibit secondary additional accessways to a multi-family development from having emergency-access-only gates or barriers, provided the design, installation and operation shall be approved by appropriate public-safety review entities, including the City Fire Marshall, for that purpose.”;

**Section 13.** That LMC 15.14.060.E.4.b.(iv) is **created** to read as follows “The provisions of subsection (iii) above shall also apply to driveways serving manufactured home communities (LMC 15.14.140) and mobile home communities (LMC 15.14.150).”;

**Section 14.** That LMC 15.14.060.E.2.c.(vi) is **created** to read as follows “Gate-restricted access and similar physical access-control barriers and facilities shall be permitted across private driveways associated with non-residential developments; provided that: (a) all such barriers and facilities shall require approval by the City for public-safety and emergency access, including approval by the City Fire Marshall, prior to installation or operation; and (b) no gates or other access-restriction measures shall be installed across public right-of-way or access easements, except as may be permitted under LMC 15.14.060.E.2.c.(iii) (Vehicular Access to Public Streets, Public Access Easements, and Adjacent Land).”;

**Section 15.** That LMC Sections 15.18.020, 15.18.030, 15.18.040, 15.18.050, 15.18.060, 15.18.070, 15.18.080 are **amended** to read as shown in Attachment “A” which is attached hereto and incorporated herein;

**Section 16.** That LMC Section 15.10.010 be **created** to read as shown in Attachment “B” and existing LMC 15.10.010 and subsequent sections be renumbered accordingly;

**Section 17.** That LMC Section 15.10.010 be **created** to read as shown in Attachment “B” and existing LMC 15.10.010 and subsequent sections be renumbered accordingly;

**Section 18.** That LMC Section 15.14.010.A be **amended** to read as shown in Attachment “C”;

**Section 19.** That LMC Section 15.06.060.J be **amended** to read as shown in Attachment “D”;

**Section 20.** That LMC Section 15.06.060.O be **amended** to read as shown in Attachment “E”;

**Section 21.** That the words “Site Plan” be **substituted** for “Design Review” throughout the

entirety of Title 15;

**Section 22.** 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 23.** That this ordinance shall become effective after its passage, approval and its publication.

Passed and approved this 18th day of November, 2014.

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

Attest:   
\_\_\_\_\_  
Sue Morris-Jones, MMC  
City Clerk

Duly published in the Laramie Boomerang this 07<sup>th</sup> day of December, 2014.

First Reading: October 7, 2014  
Public Hearing: November 18, 2014  
Second Reading: November 5, 2014  
Third Reading and Final Action: November 18, 2014

**15.18.020 REQUIRED IMPROVEMENTS AND AGREEMENT TO COMPLETE**

**15.18.020.A Completion of Improvements**

Before a final plat for an entire or a portion of a minor 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]

**15.18.020.B Deferral of Required Improvements Associated with Plats**

As an alternative to completion of the required public and private improvements associated with plats or site plan-reviewed developments as referenced in subsection 15.18.020.A, the developer may defer the completion of those required improvements pursuant to section 15.18.030.

**15.18.020.C Failure to Complete Improvements**

If the required improvements are not completed within the period specified in the applicable approval conditions, or within the time specified in the security and improvement deferral acknowledgement, the city shall have the authority to call the financial security and use the funds therefrom to construct the improvements.

**15.18.020.D Payment of In-lieu Fees**

The City may require the developer to pay proportional fees in-lieu of constructing certain improvements if it is determined that the certain improvement is preferred to be constructed by the City or other agency as part of a larger improvement.

**15.18.030 SECURITY AND IMPROVEMENT DEFERRAL AGREEMENT**

**15.18.030.A Security and Deferred Improvement Agreement Required**

If the required improvements are not completed, inspected and accepted by the city prior to approval of the applicable final plat or site plan-reviewed development, the developer shall file with the city a financial security in accordance with this section for the improvements being secured. Prior to or concurrently with the submittal of the security, the developer shall submit a signed Subdivision Security and Deferred Improvement Agreement (for final plats) or a signed Development Security and Deferred Improvement Agreement (for site plan-reviewed developments) on the appropriate form prepared and provided by the city.

**1. Security and Deferred Improvement Agreement Form Required Before Permits Issued**

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Except as otherwise specifically provided under the "Build and Dedicate" Option (15.18.020.B), 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.

### **2. Financial Security Required Before Issuance of Any Certificate of Occupancy**

Except as otherwise specifically provided under the "Build and Dedicate" Option (15.18.020.B), 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.

### **15.18.030.B Security and Deferred Improvement Agreement Contents**

The security and deferred improvement agreement form shall include, but may not be limited to, the following:

1. A detailed reference to the improvements requiring completion, including City engineer's cost estimates (for public improvements) or contractor's invoices (for private or on-site improvements);
2. For final plats, a statement that all required public and private improvements shall be completed by the developer and accepted by the City within two years of approval of the final plat or prior to the issuance of a final Certificate of Occupancy for the first building, whichever occurs first;
3. For site plan-reviewed developments, a statement that all required public and private improvements shall be completed by the developer and accepted by the City within two years of approval of the site plan review or prior to the issuance of a final Certificate of Occupancy for the first building, whichever occurs first;
4. A statement that all work shall be completed in accordance with the improvement drawings and specifications approved by the city;
5. A statement that a notice of completion issued by the department shall be submitted indicating that all improvements comply with the applicable approval requirements, conditions of approval and this code, prior to issuance of any final Certificate of Occupancy;
6. A statement that the financial security may be withdrawn by the developer in part or in whole upon final completion, inspection, and approval of the improvements in proportionate share to the withdrawn security, as determined by the department;
7. A provision that the developer warrants and shall repair, at his sole cost and expense, any hidden defects in design, workmanship and materials which appear in the work within two years following acceptance by the City;
8. A statement that each required public improvement shall be maintained to city standards by the developer until the improvement is accepted by the city;
9. A statement that all temporary improvements shall be constructed and maintained by the developer until no longer required by this code or by conditions of approval for the plat or site plan-reviewed development project; and
10. A statement that the security and improvement deferral agreement shall run with the land and bind all successors, heirs and assigns of the developer.
11. The agreement shall be approved by the department and shall be filed with the city clerk.

## **15.18.030.B Financial Security**

1. The security for all improvement-security matters covered in this Chapter, except Warranty of Public Improvements (15.18.060), Temporary Certificates of Occupancy (15.18.080.B), and Delayed Improvements (15.18.110) , shall be one hundred and twenty five percent (125%) of the city engineer's estimate for the required improvements being secured. The city engineer's estimate shall be submitted by the developer's engineer on a form provided by the department. The security shall be reviewed and approved by the department prior to commencement of development activities.
2. The security shall be in a form of a letter of credit, bond, cash escrow, certificate of deposit, or certified or cashier's check. The security shall explicitly be for the construction of the improvements, warranty and maintenance promises contained in the security and improvement deferral acknowledgement, including those pertaining to temporary improvements.
3. If a security is required by and provided or secured to another governmental agency for the same improvements required by the city, the developer shall not be required to submit a security with the City for the same improvements. Proof of sufficiency of such security with the other governmental agency shall be submitted in lieu of filing the requisite security. In such cases, completion of the Security and Deferred Improvement Agreement form shall still be required prior to issuance of permits, per 15.18.030.A.1.

## 15.18.040 REMEDIES

### 15.18.040.A Fault of Terms

In those cases where a security and improvement deferral acknowledgment has been executed and securities have been posted and required public improvements have not been installed within the terms of this code, the City may then:

1. Suspend plat or development plan approval or construction of a building or other private or public improvements until the improvements are completed, and record with the Albany County Recorder, a document to that effect for the purpose of public notice;
2. Obtain funds under the security and complete the improvements itself or through a third party;
3. Assign its right to receive funds under security to any third party, including a subsequent owner of the land to be divided or building constructed for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's binding commitment to complete the required improvements; or
4. Exercise any other rights available under the law.

## 15.18.050 INSPECTION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

### 15.18.050.A Prior Responsibility

Prior to the commencement of any work, the developer shall obtain all required permits and pay all required fees, where applicable for the construction of required public and private improvements. No final plat shall be approved, nor shall site plan review be approved, nor shall building permits be issued, until all applicable permits are obtained and fees are paid.

### 15.18.050.B Periodic City Inspection

City shall inspect improvements during and at the completion of construction of improvements. It shall in all cases be the responsibility of the developer to timely call for and schedule the appropriate inspections with the department. Failure to timely call for the applicable inspection, or failure to provide for unimpeded access or ability by the city or its designated inspecting agents to complete the applicable inspection, shall be grounds for failing the inspection and for rejection of the completed improvement or portion thereof. "Timely" in this section shall be defined as a minimum of twenty-four hours prior to inspection; provided that the department in its sole discretion may schedule an inspection less than twenty-four (24) hours for cause shown. If completed in accordance with the standards and specifications for such improvements, the city shall certify the improvements as being in compliance with city's standards and specifications. If upon the inspection, the department finds the construction performed to be in a satisfactory condition for inclusion in the completed project, the department shall issue a statement of inspection which shall permit the developer to perform the next phase of the construction. A final inspection by the department of all completed improvements shall be required before any improvements are accepted and before any final Certificate of Occupancy is issued. If it is determined upon inspection that any one or more of the required improvements have not been constructed in accordance with the city's construction standards the developer shall be responsible for properly completing the improvements, or the city shall have the

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option to call the applicable security and cause the work to be completed per section 15.18.040 (Remedies).

### **15.18.050.C Notice of Completion**

Upon inspection and acceptance of completed improvements by the department, the department shall issue to the developer a Notice of Acceptance. Improvements may be inspected and accepted in stages or phases, as may be determined appropriate by the department, provided that each completed stage or phase constitutes a functionally independent and separate stage or phase of the overall project. The dedication of applicable required public improvements shall not be accepted, nor shall the amount of any remaining security posted by the developer be reduced, until the department or other agency having jurisdiction over the improvements has issued a Notice of Acceptance stating that required improvements have been satisfactorily completed and accepted.

### **15.18.050.D Developer Responsibility Until City Acceptance**

The developer shall be responsible for the care and maintenance of all improvements until completion, inspection and acceptance by the city. During mobilization, construction, and demobilization, the developer shall keep the site free and clean from dangerous accumulation of rubbish and debris, and shall maintain sufficient and proper temporary traffic control devices in conformance with the MUTCD for the protection of the public. Final acceptance of the improvements shall not be made by the city until the construction areas and adjacent property has been cleared of all rubbish, surplus materials and equipment resulting from the contractor's operations, to the satisfaction of the department.

## **15.18.060 WARRANTY OF PUBLIC IMPROVEMENTS**

### **15.18.060.A Two-Year Warranty**

The developer shall warrant all public improvements for a period of two (2) years from the date the city accepts via dedication or other appropriate instrument of a completed improvement or group of public improvements (the warranty period), and shall agree to replace or reconstruct any defective or otherwise unsatisfactory part or parts of the improvements without delay or cost to the city.

### **15.18.060.B Financial Security**

A financial security for the warranty period shall be posted or retained from the original security with the city for the warranted improvements. The amount of the security for the warranty period shall be twenty five percent (25%) of the approved city engineer's estimate for the improvements. The posted twenty-five percent (25%) security may be reduced to twelve and one-half percent (12.5%) on or after the one-year anniversary date of the original posting of the security, upon written request of the developer and inspection and approval of the secured improvements by this department, with the difference to be refunded to the developer following approved inspection of the improvements.

### **15.18.060.C Damages**

The developer shall repair any damages to the improvements without cost to city before and during the warranty period due to private construction-related activities or defective work. If the improvements have been rejected by the city, the developer shall remove all

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damaged or defective work from the site and replace it with non-defective work. If developer fails to promptly repair or replace damaged or defective work, the city may at its option have the defective work corrected or the rejected work removed and replaced, and all direct and indirect costs of such removal and replacement, including compensation for professional services, shall be paid by the financial security for the warranty.

### 15.18.070 REDUCTION OF SECURITY FOR PUBLIC IMPROVEMENTS

#### 15.18.070.A Reductions

The amount of security posted by the developer may be reduced by the ratio of the costs of public improvements completed by the developer and inspected and approved by the city. In no event shall the security be reduced to less than 25 percent of its original amount unless and until a warranty security or other form is posted for the warranty period.

#### 15.18.070.B Request

The request of reduction of the security shall be made in writing by the developer to the department. The request shall include an itemized list of public improvements that were completed by the developer and inspected and approved by the city for which the reduction of the security is being sought.

### 15.18.080 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

#### 15.18.080.A Final Certificates of Occupancy

No final Certificate of Occupancy for any structure or facility shall be issued prior to the completion, inspection and acceptance of the required public and private improvements, as specific in this Code and in applicable Site Plan Review and building permit approval documents.

#### 15.18.080.B Temporary Certificates of Occupancy (TCO)

1. A Temporary Certificate of Occupancy (TCO) is hereby declared to be a privilege, not a right.
2. A Temporary Certificate of Occupancy (TCO) may be issued for a development prior to completion of non-fire and life/safety public or private improvements, provided that: (a) satisfactory city inspections have been completed for the applicable improvements; (b) appropriate full security has been provided to the city in accordance with this Chapter; and (c) the applicable Security and Deferred Improvement Agreement has been executed and filed with the City.
3. In order to obtain a Temporary Certificate of Occupancy (TCO), the developer shall submit to the City a financial security in the amount of one hundred and fifty percent (150%) of the cost of remaining improvements, including labor and materials. For public infrastructure and for any other improvements that have been or are intended to be dedicated to the city, the basis for determining the security amount shall be the City Engineer's estimate of cost. For on-site and similar improvements intended to be retained in private ownership or maintenance, invoices or similar confirmation of cost signed by the

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project contractor may be accepted by the city as the basis for security amount.

4. 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; or bond. 5. 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 not 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 TCO period shall be granted. This one-year maximum is hereby declared not eligible for a Variance under provisions of this Title.

6. 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.



## ATTACHMENT B

### 15.10.010 CHANGE OF USE

LMC 15.10.000.E identifies separate Use Categories within Table 15.10-1. Each "Use Category" of Table 15.10-1 is hereby categorized into Use Levels as shown in Table 15.14-1, Use Levels. Change of Use outside of the existing Use Level requires conformance with the development standards of this chapter as indicated in subsections a. and b. below.

Table 15.14-1 Use Levels	
Use Category	Use Level
Agriculture	1
Household Living	1
Group Living*	2
Animal Sales and Service	3
Transportation	3
Utility	3
Assembly	3
Community Services	4
Educational Facilities	4
Health Care Facilities	5
Child Care*	6
Financial Service	6
Office and Technology	6
Personal Services	6
Retail	6
Food and Beverage Services	7
Recreation and Entertainment, Outdoor	7
Recreation and Entertainment, Indoor	7
Wholesale Business	8
Visitor Accommodation	9
Vehicles and Equipment	10
Industrial	11
Adult Business	12
Manufacturing and Production	13
Warehouse and Freight Movement	13
Waste and Salvage	14

\*excluding residential structures



**15.14.010.A. Applicability**

**1. New Development**

The development standards of this code shall apply to all new development of the type identified in each section or subsection.

**2. Enlargement or Modifications to an Existing Development**

a. Except in the case of residential design standards for detached and attached one-and two-family dwellings, additions and modifications to an existing development shall fully comply with the development standards of this code including but not limited to building design, building materials, parking, landscaping, screening, buffering, and public improvements. The development standards shall apply to the entirety of the existing development if proposed development:

- (i) Increases the number of stories of a building on the lot; or
- (ii) Increases the size of a structure by more than twenty percent or 20,000 square feet, whichever is less, as measured by the combined gross floor areas of a building; or
- (iii) Increases the non-permeable lot coverage by more than 2,000 square feet.

**b. Exceptions**

Alternative design that satisfactorily meets the intent of the code may be granted pursuant to LMC15.06.060.J, Minor Administrative Modification.

**3. Redevelopment of an Existing Development**

Redevelopment involving demolition of one or more principal buildings shall require full compliance with the standards of this code within the development pad, included but not limited to, construction of principal and accessory buildings, driveways, walkways, loading areas and storage yards; public improvements or a development area is internal to a development site.

**a. Exceptions**

Alternative design that satisfactorily meets the intent of the code may be granted pursuant to LMC15.06.060.J, Minor Administrative Modification.

**4. Change of Use**

LMC 15.10.010 identifies Use Categories and corresponding Use Levels. The development standards of this code shall apply to Changes of Use within or outside of Use Levels as follows:

- a. Change of Use within each use level as shown in Table 15.14-1 above shall not require mandatory compliance with the development standards of chapter 15.14 this code. For example, a change of use from a Financial Institution (Level 6 - Financial Service) to a Clothing

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Store (Level 6 –Retail) shall not require compliance with the development standards of chapter 15.14 this code.

- b. Change of Use between adjacent levels as shown in Table 15.14-1 above shall require compliance with 15.14.050.F, Site Perimeter Landscaping, for all adjacent street frontages. For example, A change of Use from a Clothing Store (Level 6 –Retail) to a Restaurant (Level 7 – Food and Beverage Services) shall require compliance with 15.14.050.F, Site Perimeter Landscaping, for all adjacent street frontages –internal landscaping, and site perimeter landscaping not adjacent to rights-of-way shall not be required.
- c. Change of Use differing by 2 or more levels as shown in Table 15.14-1 above shall require full compliance with the development standards of this code. For example, A change of Use from a Clothing Store (Level 6 –Retail) to a Wholesale Business (Level 8 - Wholesale Business) shall require full compliance with the development standards of this chapter, including but not limited to parking, landscaping, and screening.
- d. **Exceptions**
  - (i) **Multi-tenant Commercial Complex**

Change of Use within a multi-tenant complex shall not require conformance with the development standards of the chapter provided that the use is permitted within the zoning district and the change of use does not result in any addition to the existing structure. Exterior modifications such as signage, screening of new mechanical units and compliance with parking shall be required to conform to applicable standards of this chapter.
  - (ii) Alternative design that satisfactorily meets the intent of the chapter may be granted pursuant to LMC15.06.060.J, Minor Administrative Modification.

### 5. Interior Improvements/Remodel

Where development changes are wholly internal to the existing structure and there is no Change of Use, the development standards of this chapter shall not be mandatory. Examples of internal changes to a building shall include, but are not limited to, work performed in conjunction with a plumbing, electrical permit, mechanical permit or interior structural alteration.

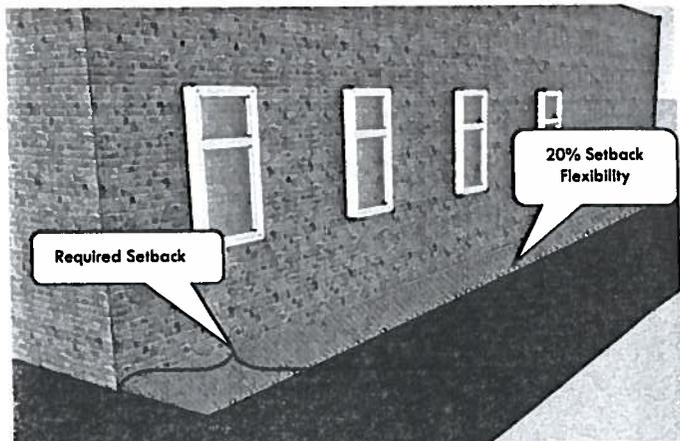
**15.06.060.J Minor Administrative Modifications**

**1. Purpose**

This section sets forth the required review and approval procedures for "minor administrative modifications." Minor modifications may include either or both of the following:

- (a) Minor deviations from otherwise applicable standards that may be approved by the department, board of adjustment, planning commission, or city council; or
- (b) Streamlined review processes in cases involving changes to structures and/or sites that are not significant enough to require the full formal design review process per subsection 15.06.060.O.

Minor modifications are to be used when the minor degree of the modification requested, and the unlikelihood of any significant adverse effects on nearby properties, the neighborhood and the City make it unnecessary to complete a formal design review or variance process.



**Figure 15.06-2:** Minor administrative modifications of up to twenty percent may be approved administratively. A maximum of twenty percent of any quantitative development standard or setback, as shown above, may be granted if the criteria of subsection 15.06.060.J.3.e are met.

**2. Applicability**

**a. Minor Modifications to General Development and Zoning District Standards**

As part of the review and approval of any application set forth in this chapter, the department may approve minor modifications of up to a maximum of twenty percent from the following general development and zoning district standards, provided that the applicable approval criteria below are met. The city council and planning commission may also grant minor modifications in the course of any discretionary review pursuant to the requirements of this section.

- (i) Setback requirements (section 15.12.000); or
- (ii) Quantitative development standards set forth in chapter 15.14, Development Standards (e.g., number of parking spaces).

**b. Minor Modifications to Existing Building and/or Site Design(s)**

The department may administratively approve minor changes to existing buildings and/or sites that would otherwise require a complete design review process as specified in subsection 15.06.060.O of this Title. Such administrative approval shall follow the steps in this subsection. Minor changes eligible for this streamlined review process are as follows:

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- (i) Parking lot repairs or improvements that do not involve reconstruction of the travel surface. For purposes of this subsection, the term "reconstruction" shall include removal of asphalt and/or base or replacement of drainage facilities that necessitate removal of asphalt and/or base; provided, however, that minor repairs or maintenance as specified in subsection 15.22.000.F shall not in and of themselves be deemed reconstruction;

- (ii) Changes to existing buildings that meet all of the following criteria:

Additions that do not exceed 800 square feet floor area or 10 percent of the building's existing floor area, whichever is less; and

Additions or modifications that do not include any increase in parking area (whether required or voluntary).

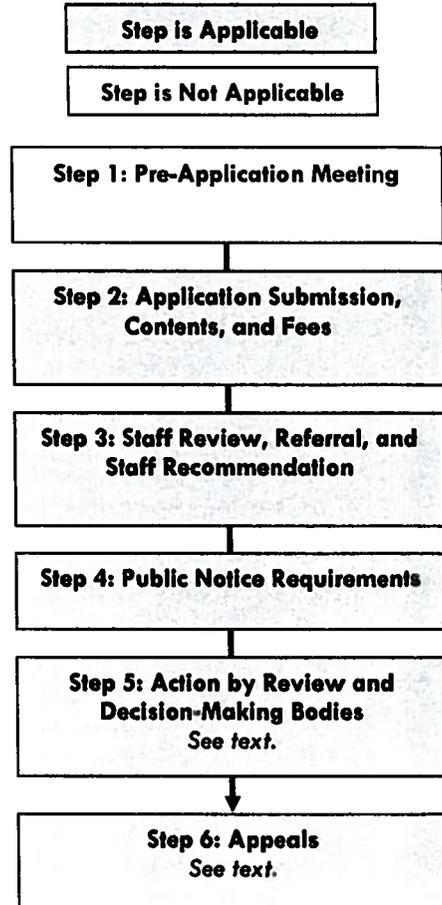
**a. Exceptions to Authority to Grant Minor Modifications**

Notwithstanding subsections a. and b. above, except as permitted in other provisions of this code (e.g., PUD, Sec. 15.06.070.C) no decision-making authority shall approve a minor modification that results in:

- (i) An increase in overall project density, except for projects meeting the criteria in subsection 15.06.060.J.2.b.ii;
- (ii) A change in permitted uses or mix of uses;
- (iii) A deviation from the use-specific standards, set forth in section 15.10.010; or

- (iv) A change in conditions attached to the decision making body's approval of any subdivision plan, design review plan, or special review use.

**Procedures for Minor Administrative Modifications**



**3. Procedures**

**a. Step 1: Pre-Application Meeting**

Not applicable.

**4. Procedures**

**a. Step 1: Pre-Application Meeting**

Not applicable.

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**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**

Applicable. The following procedures shall apply and take precedence over those in Section 15.06.030.D (Ord. 1596 § 5, 2011):

- (i) The Department shall notify adjacent property owners by mailed notice at least ten days prior to rendering the decision (Ord. 1596 § 6, 2011),
- (ii) Objections shall be deemed untimely unless received in writing during such ten day period and shall be directly related to concerns regarding the request as determined by the Director. General objections regarding existing land use conditions or issues not related to the request will not be considered grounds for denial (Ord. 1596 § 7, 2011).

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

**(i) Department Action**

The department shall render a decision no later than 30 calendar days after a complete application for minor administrative modification has been filed with the city. The department may approve the minor modification only after consideration of all objections and a finding that the modification meets all of the criteria below:

The requested modification is consistent with the comprehensive plan and the stated purpose of this code;

The requested modification meets all other applicable building and safety codes;

The requested modification does not encroach into a recorded easement;

The requested modification will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and

The requested modification is necessary to either: (a) address some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general; or (b) accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing standard to be modified. In determining if "practical difficulty" exists, the approval criteria for variances in subsection 15.06.060.D.2.f.ii shall be considered.

Failure of the department to act on the application within 30 calendar days shall be considered a denial of the application.

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(ii) **Objection Received During Ten-Day Notice Period**

The department shall consider such objection and give the person filing such objection an opportunity to be heard in an informal meeting open to the applicant prior to rendering his decision.

f. **Step 6: Appeals**

Applicable pursuant to subsection 15.06.030.F. Appeals from decisions by the department for minor administrative modifications shall be heard by the planning commission, pursuant to subsection 15.06.030.F.1.

**15.06.060.O Site Plan Review**

**1. Purpose**

The purpose of the Site Plan 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. Site Plan Review shall be required for all new uses and structures.
- b. Site Plan Review shall not be required for any changes that are wholly interior and there is no Change of Use as defined in LMC 15.14.010.B.5 such as electrical, plumbing or mechanical permit.
- c. Site Plan Review shall not apply to projects that are defined as permissible under the Minor Administrative Modifications process, per subsection 15.06.060.J.
- d. Site Plan 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 residential uses (Ord. 1596 § 11, 2011, Ord. 1657 § 4, 2014).

**3. Procedure for Site Plan 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. At the applicant's request, a Site Plan Review application may be run concurrently with a building permit or other applicable development application. The following other procedures shall apply (Ord. 1596 § 10, 2011):

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### (i) Action by Department

The department shall review each site plan 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, on 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 within 30 calendar days of receipt of a complete application. Failure to complete such review in 30 calendar days shall not constitute deemed approval of the site plan; 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 planning commission agenda for review, which the department shall do upon such request.

### (ii) Referral to Planning Commission

The department may refer to the planning commission any application involving any requested deviation, modification, or exemption from the requirements of this code, 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 site plan upon a finding that the application meets all of the following criteria:

- (1) The site plan is consistent with the comprehensive plan;
- (2) The site plan is consistent with any active subdivision plat, planned development, or any other plan or land use approval as applicable;
- (3) The site plan complies with all applicable development and site plan 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;
- (4) Any significant adverse impacts reasonably anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
- (5) The development proposed in the plan and its general location is or will be compatible with the character of surrounding land uses; and
- (6) The development can be adequately served by city services, including but not limited to roads, water, and wastewater.

### f. Step 6: Appeals

Applicable pursuant to subsection 15.06.030.F.

## **ATTACHMENT E**

### **4. Lapse**

Approved site plan review documents 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 site plan review documents shall be eliminated, altered, or provided in another manner unless an amended site plan is approved.

### **5. Expiration**

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

### **6. Modifications to Site plan Review Plans**

The holder of an approved site plan may request a modification to the document or the conditions of approval by submitting amended documents to the department. The amended documents shall be filed and processed in accordance with the procedures for an initial site plan review submittal.

