

ORIGINAL ORDINANCE NO.: 1912

INTRODUCED BY: Shuster

ENROLLED ORDINANCE NO.: 1679

AN ORDINANCE AMENDING TITLE 15 OF LARAMIE MUNICIPAL CODE TO ALLOW C2 PROPERTIES TO BE ELIGIBLE FOR THE RESIDENTIAL OVERLAY FOR BUSINESS DISTRICTS (ROB) OVERLAY DISTRICT ZONING.

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 January 12, 2015, 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 February 24, 2015 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.E [**Residential Overlay for Business Districts (ROB)**] be amended to read as follows: "**15.08.040.E Residential Overlay for Business Districts (ROB)**

**1. Intent**

Permitted uses in the B1 (Limited Business), B2 (Business) and C2 (Commercial) districts do not include residential uses. However, in recognition that residential and business uses can be compatible in specific locations and under specific criteria, an overlay district to allow this coexistence in B1, B2 and C2 districts is hereby established. The Residential Overlay for Business (ROB) district's intent is both to allow current

development of this type to continue in particular situations and to allow limited new development as deemed appropriate.

The Residential Overlay for Business (ROB) district is designed for zoning-map adoption primarily upon request by property owners who wish to perpetuate or create the mixed-use circumstances for which it is intended. The city may also initiate ROB zoning for these reasons as situations may warrant from time to time.

Developmental standards for the ROB district are intended essentially to be a blending of the underlying B1, B2 or C2 standards with those in the city's highest-intensity residential base zoning district – namely, R3 (Multiple-Family). This intent reflects the fact that development impacts in these districts are relatively similar in scale, and that in much of the city, R3 is geographically the closest residential district to most B1, B2 and C2 districts.

**2. Location**

The ROB overlay zone district shall be as illustrated on Maps 15.08.060-9, 15.08.060-10, 15.08.060-11, and 15.08.060-12, located in subsection 15.08.060.C. The overlay zone district may be expanded from time-to-time.

**3. Applicability**

The Residential Overlay for Business (ROB) district shall be available for application to areas with B1 (Limited Business), B2 (Business) or C2 (Commercial) district zoning. Any ordinance that rezones ROB-overlaid property to a base zoning district other than B1, B2 or C2 shall have the effect of terminating the ROB overlay zoning for that property. Any property newly zoned to the B1, B2 or C2 district shall be eligible for ROB zoning upon specific request, provided all appropriate criteria are found to be satisfactory in the course of rezoning.

**4. District Specific Standards**

**a. Non-Residential Properties – Generally**

Except as otherwise specified in this section, properties zoned ROB whose existing or proposed principal use is non-residential shall retain all underlying permitted uses, conditional uses (duly approved), dimensional standards, and development standards as the underlying B1, B2 or C2 district.

**b. Residential Properties – Generally**

Except as otherwise specified in this section, properties zoned ROB whose existing or proposed principal use is residential shall be subject to the R3 (Multiple-Family) regulations concerning permitted uses, conditional uses (duly approved), dimensional standards, and development standards.

**c. Properties with Both Residential and Non-Residential Uses**

A property zoned ROB may be used for residential and non-residential uses at the same time, provided that the following shall apply:

- (i) **Permitted Uses:** All permitted uses in the underlying business zoning district (B1, B2 or C2) or in the R3 district shall be permitted;
- (ii) **Conditional Uses:** All conditional uses in the underlying business zoning district (B1, B2 or C2) or in the R3 district shall be permitted, provided the conditional use is duly approved as required in this Title;
- (iii) **Dimensional Standards:** The dimensional standards for the R3 district as specified in chapter 15.12 shall apply;

- (iv) **Development Standards:** The development standards for the underlying business zoning district (B1, B2 or C2) shall apply.
- (v) **Conflicts in Permitted vs. Conditional Uses:** For any ROB-zoned property on which both residential and non-residential uses exist or are proposed, and for which the uses in (i) and (ii) are allowed under different procedures – e.g., a use is permitted in B1, but is a conditional use in R3 – such use shall be reviewed and approved as a conditional use.
- (vi) **Proportional Allocation of Developmental Standards:** For those development standards for which it is feasible and logical to allocate standards to each individual use on the property, such standards shall be applied proportionally. For example, required parking (15.14.040) may be allocated within the same parking area based on the residential (e.g., per bedroom) and non-residential (e.g., per gross floor area) standards. In cases in which the developmental standard cannot be allocated proportionally, the more restrictive standard shall control.”

**Section 2.** 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 3.** That this ordinance shall become effective after its passage, approval and its publication.

Passed and approved this 17th day of March, 2015.

Attest:   
Sue Morris-Jones, MMC  
City Clerk

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

First Reading: February 3, 2015  
Public Hearing: February 24, 2015  
Second Reading: March 3, 2015  
Third Reading and Final Action: March 17, 2015

Duly published in the Laramie Boomerang this 28<sup>th</sup> day of April, 2015.