

ORIGINAL ORDINANCE NO.: 1917A

INTRODUCED BY: Shuster

ENROLLED ORDINANCE NO.: 1684

AN ORDINANCE AMENDING TITLE 15 OF LARAMIE MUNICIPAL CODE TO ALLOW DC PROPERTIES TO BE ELIGIBLE FOR ROB (RESIDENTIAL OVERLAY FOR BUSINESS DISTRICTS) 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 April 27, 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 June 9, 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), C2 (Commercial) and DC (Downtown 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, C2 and DC

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, C2 or DC 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, C2 and DC 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), C2 (Commercial) or DC (Downtown Commercial) district zoning. Any ordinance that rezones ROB-overlaid property to a base zoning district other than B1, B2, C2 or DC shall have the effect of terminating the ROB overlay zoning for that property. Any property newly zoned to the B1, B2, C2 or DC 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, C2 or DC district.

b. Residential Properties – B1, B2 or C2 District with ROB Overlay

Except as otherwise specified in this section, properties zoned B1, B2, or C2 with ROB Overlay 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. Residential Properties – DC District with ROB Overlay

Except as otherwise specified in this section, properties zoned DC with ROB Overlay whose existing or proposed principal use is residential shall be subject to the following standards:

- (i) **Permitted Uses:** All uses permitted in the R3 District or the DC District;
- (ii) **Conditional Uses:** All duly approved conditional uses in either the DC or R3 Districts;
- (iii) **Dimensional Standards:** Dimensional Standards in either the DC or R3 District, whichever standard may be less restrictive for a given property;
- (iv) **Development Standards:** Development Standards in either the DC or R3 District, whichever standard may be less restrictive for a given property.

d. 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:

- (v) **Permitted Uses:** All permitted uses in the underlying business zoning district (B1, B2, C2 or DC) or in the R3 district shall be permitted;
- (vi) **Conditional Uses:** All conditional uses in the underlying business zoning district (B1, B2, C2 or DC) or in the R3 district shall be permitted, provided the conditional use is duly approved as required in this Title;
- (vii) **Dimensional Standards:** The dimensional standards for the R3 district as specified in chapter 15.12 shall apply; provided, however, that in the case of a property zoned DC with ROB Overlay, the dimensional standards for either DC District or R3 District shall apply, whichever standard may be less restrictive for a given property;
- (viii) **Development Standards:** The development standards for the underlying business zoning district (B1, B2, C2 or DC) shall apply; provided, however, that in the case of a property zoned DC with ROB Overlay, the development standards for either DC District or R3 District shall apply, whichever standard may be less restrictive for a given property;
- (ix) **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.
- (x) **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 less 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 23rd day of June, 2015.

Attest: 
Sue Morris-Jones, MMC
City Clerk


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

Duly published in the Laramie Boomerang this 23rd day of July, 2015.

First Reading: May 19, 2015
Public Hearing: June 9, 2015
Second Reading: June 16, 2015
Third Reading and Final Action: June 23, 2015