



# CHAPTER 15.02: GENERAL PROVISIONS <sup>1</sup>

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## 15.02.000 TITLE

This ordinance shall be known as the “Unified Development Code of the City of Laramie, Wyoming,” referred to as this “Code.”

## 15.02.010 AUTHORITY

This Code is enacted pursuant to the provisions of Section 15-1-601 of the Wyoming Statutes, et seq.

## 15.02.020 PURPOSE <sup>2</sup>

The purpose of this Code shall be to promote the public health, safety, and general welfare of the City of Laramie (referred to as the “City”) and the residents thereof. The zoning regulations and districts as herein set forth have been designed to:

- 15.02.020.A** Implement the Laramie Comprehensive Plan;
- 15.02.020.B** Ensure efficient development review with clear and understandable procedures and standards;
- 15.02.020.C** Encourage the efficient use of the available land supply in the City, including redevelopment of underutilized land in central areas;
- 15.02.020.D** Promote a balanced supply of residential, commercial, industrial, institutional, and transportation land uses that is compatible with adjacent land uses and has good access to transportation networks;
- 15.02.020.E** Ensure the provision of adequate open space for light, air, and fire safety;
- 15.02.020.F** Conserve the value of buildings and land;
- 15.02.020.G** Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 15.02.020.H** Protect the historic resources of Laramie;
- 15.02.020.I** Preserve the character and quality of residential neighborhoods;
- 15.02.020.J** Preserve the character and quality of downtown Laramie;
- 15.02.020.K** Preserve and protect existing trees and vegetation, floodplains, stream corridors, scenic views, water quality, wildlife habitat, gateways, and corridors, and other areas of scenic and environmental significance from adverse impacts of land development;
- 15.02.020.L** Ensure greater public safety, convenience, and accessibility through the physical design and location of land-use activities;
- 15.02.020.M** Enhance the quality of development through superior building and site design;

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<sup>1</sup> This brief article is based generally on the current Section 17.02 with additional language suggested. While not read frequently, this article serves as an important legal foundation for the entire document.

<sup>2</sup> The following is suggested new purpose language applicable to the entire Code. Note that we have addressed the key themes from part 2 of the Diagnosis generally, including implementing the comprehensive plan (A), improving the efficiency and effectiveness of the development review process (B), encouraging infill development (C), and natural resource protection standards (K).

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- 15.02.020.N** Encourage development of an accessible system of recreational facilities, parks, trails, and open space that meets year-round neighborhood and community-wide needs; and
- 15.02.020.O** Ensure that service demands of new development will not exceed the capabilities of existing streets, utilities, or other public facilities and services.

### **15.02.030 EFFECTIVE DATE<sup>3</sup>**

This Code shall take effect and be in force from and after \_\_\_\_\_<sup>4</sup>.

### **15.02.040 APPLICABILITY**

This Code is applicable to all land located within the City, as now or hereafter established. The use of land and buildings or structures located upon the land, and the construction, reconstruction, alteration, expansion, or relocation of buildings or structures upon the land shall conform to the regulations applicable to the district in which the land is located unless otherwise provided for in this Code. No land, building, structure, or premises shall be used for any purpose or in any manner other than that which is permitted in the district in which it is located.

Except as provided in Section 15.18, Nonconformities and Section 15.04.040, Board of Adjustment:<sup>5</sup>

- 15.02.040.A** No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designated, or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land, or premises is located.
- 15.02.040.B** No building shall be erected, reconstructed, or structurally altered to exceed in height and maximum coverage of lot the limits hereinafter designated for the district in which such building is located.
- 15.02.040.C** No building shall be erected, nor shall any existing building be structurally altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the building site area and width, building location, yard, and floor area regulations hereinafter designated for the district in which such building or open is located.
- 15.02.040.D** No yard or other open space provided about any building for the purpose of complying with provisions of this Code shall be considered as providing a yard or other open space for any other building, and no yard or other open space of one lot shall be considered as providing a yard or open space for a building on any other lot.
- 15.02.040.E** In the event a nonconforming building is moved, altered, added to, or enlarged all improvements shall be in conformity with the setback requirements and required yards for the zone in which the property is located. (Ord. 954 § 1, 1989; Ord. 194 § 2.1, 1964).

<sup>3</sup> We have eliminated the language in Sec. 17.02.050, Enactment in favor of this more simple language.

<sup>4</sup> This date will be added when the city council establishes an adoption date.

<sup>5</sup> The following is taken from 17.02.010 of the current code.

## **15.02.050 RELATION TO THE LARAMIE COMPREHENSIVE PLAN <sup>6</sup>**

The administration, enforcement, and amendment of this Code should be consistent with the Laramie Comprehensive Plan. In the event this Code becomes inconsistent with the comprehensive plan, then this Code should be amended within a reasonable time so as to become or remain consistent with the comprehensive plan. Additionally, all amendments to this Code should maintain and enhance the consistency between this Code and the land use plan.

## **15.02.060 TRANSITIONAL REGULATIONS<sup>7</sup>**

The purpose of transitional regulations is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, at the time of the adoption of this Code.

### **15.02.060.A Violations Continue**

Any violation of the previous versions of this Code shall continue to be a violation under this Code and shall be subject to the penalties and enforcement set forth in Section 15.24, Enforcement, unless the use, development, construction, or other activity complies with the provisions of this Code. Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this Code.

### **15.02.060.B Uses, Structures, and Lots Rendered Nonconforming**

Except as specifically provided in this Code, if any use, building, structure, lot, or parcel that legally existed on the effective date of this Code does not meet all standards set forth in this Code, such building, structure, or lot shall be considered nonconforming and shall be controlled by Section 15.20, Nonconformities.

### **15.02.060.C Legal Recorded Nonconforming Lots and Parcels**

1. A legally recorded nonconforming lot or parcel not in a subdivision may be used for any use permitted in the zoning district in which it is located, provided that the lot conforms to all other requirements of this Code, except as provided for in paragraph 2 below.
2. A legally recorded nonconforming lot or parcel not in a subdivision shall be permitted to retain its approved minimum lot area, minimum lot width, and minimum required yards.

### **15.02.060.D Processing of Applications Commenced or Approved Under Previous Ordinances**

#### **1. Pending Applications**

- a. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Code, shall be reviewed in accordance with the provisions of the Code in effect on the date the application was deemed complete by the City. The applicant, however, may waive review under the prior ordinance through a written letter to the Director and request review of the entire application pursuant to this Code.
- b. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this Code.

<sup>6</sup> The following is suggested new language to reinforce the relevance of the Laramie Comprehensive Plan.

<sup>7</sup> The following is new language per page 39 of the Diagnosis.

- c. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

## 2. Approved Projects

- a. Final plats of subdivisions approved prior to [REDACTED]<sup>8</sup> shall be permitted to retain their approved minimum lot area, minimum lot width, and minimum required yards.
- b. Approved planned unit developments, rezoning requests, site plans, variances, grading permits, or building permits that are valid on the effective date of this Code shall remain valid until their expiration date, where applicable.
- c. Projects with valid approvals or permits should comply with the development standards of this Code where the standards will not materially affect the project. In the case that these standards would materially affect the project, it shall be carried out with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.
- d. Any building or development for which a building permit was granted prior to the effective date of this Code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this Code, as long as the building permit remains valid.
- e. If the development for which the building permit is issued prior to the effective date of this Code fails to comply with the time frames for development established for the building permit, the building permit shall expire, and future development shall be subject to the requirements of this Code.

## 15.02.070 RELATIONSHIP TO OTHER LAWS AND AGREEMENTS

### 15.02.070.A Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This Code is intended to complement other municipal, state, and federal regulations that affect land use. This Code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Code are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of this Code shall govern.

### 15.02.070.B Conflict with Private Agreements

This Code is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this Code are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Code shall govern. Nothing in this Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Code. In no case shall the City be obligated to enforce the provisions of any easements, covenants, or agreements between private third parties.

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<sup>8</sup> This date will be inserted when the city council establishes an adoption date.

### **15.02.080 SEVERABILITY**

- 15.02.080.A** If any court of competent jurisdiction invalidates any provision of this Code, then such judgment shall not affect the validity and continued enforcement of any other provision of this Code.
- 15.02.080.B** If any court of competent jurisdiction invalidates the application of any provision of this Code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
- 15.02.080.C** If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.
- 15.02.080.D** Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this Code, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

### **15.02.090 CONFLICTING ORDINANCES**

- 15.02.090.A** All ordinances of the City inconsistent herewith to the extent of such inconsistency, and no further, are repealed.<sup>9</sup>
- 15.02.090.B** The repeal of any of the above-mentioned ordinances does not revive any other ordinances or portions thereof repealed by said ordinance.
- 15.02.090.C** Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any ordinance repealed, for an offense committed prior to the repeal. (Ord. 194 § 13.1, 1964).

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<sup>9</sup> The following is taken from 17.02.040 of the current code.