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CHAPTER 15.04: REVIEW AUTHORITIES¹

15.04.000 PURPOSE AND ORGANIZATION OF THIS CHAPTER

This chapter describes the powers of review bodies for all applications for land use and development activity in Laramie.

15.04.010 TABLE OF REVIEW AND APPROVAL AUTHORITIES

Table 15.04-1 summarizes the role of relevant review authorities for each major development review procedure. Provisions specific to each type of land development application are found in Section 15.06.060 of this Code.

TABLE 15.04-1: SUMMARY TABLE OF REVIEW AND APPROVAL AUTHORITIES ²						
<i>D = Decision (Responsible for Final Decision) R = Review (Responsible for Review and/or Recommendation)</i>						
<i>A = Appeal (Authority to Hear/Decide Appeals)</i>						
Procedure/Applicable Section of Code	Community Development Director	City Manager	City Engineer	Board of Adjustment	Planning Commission	City Council
Text Amendments/15.06.060.A	R				R	D
Rezoning/15.06.060.B	R				R	D
Planned Unit Development (PUD) / 15.06.060.C	Preliminary (PUD) Development Plan	R			R	D
	Final (PUD) Development Plan	R/D			R	D
Variances/15.06.060.D	R			D		A
Conditional Use Permits/15.06.060.E	R				R	D
Temporary Use Permits, Minor/15.06.060.F		R/D			A	
Temporary Use Permits, Major/15.06.060.F		R			D	A
Sign Permits/15.06.060.I ³	D				A	
Minor Administrative Modifications/15.06.060.J	D				A	
Alternative Equivalent Compliance/ 15.06.060.K	Determined by accompanying application					
Solar Access Permits/15.06.060.L	R				D	A
Annexations/15.06.060.M	R				R	D
Additions by Plat/15.06.060.N	R				R	R
Site Plan Review/15.06.060.O	R/D				A	
Subdivisions, Major/15.06.060.P	Preliminary Plat	R			R	D
	Final Plat	R			R	D
Subdivisions, Minor/15.06.060.Q	D				A	
Other Land Adjustments and Lot Consolidations/15.06.060.R	D				A	

¹ Per page 39 of the Diagnosis, this is a new chapter that sets forth review and approval authorities for the various decision-making bodies in Laramie. The purpose of this chapter is to establish clear lines of authority for each entity, as well as staff's role (specifically the Community Development Director) in the development review process.

² We will attempt to consolidate this table into one page once all footnotes are eliminated and more space is freed up.

³ Subdivision identification signs must be approved by the planning commission per Section 15.06.060.I.

TABLE 15.04-1: SUMMARY TABLE OF REVIEW AND APPROVAL AUTHORITIES ²						
<i>D = Decision (Responsible for Final Decision) R = Review (Responsible for Review and/or Recommendation)</i>						
<i>A = Appeal (Authority to Hear/Decide Appeals)</i>						
Procedure/Applicable Section of Code	Community Development Director	City Manager	City Engineer	Board of Adjustment	Planning Commission	City Council
Replats/15.06.060.S	R/D ⁴				D/A	
Condominium Process/ 15.06.060.T	R/D					
Grading Permits/15.06.060.U			D		A	
Vacations, Subdivision/15.06.060.V	R				R	D
Vacations, Public Ways/15.06.W	R				R	D
Comprehensive Plan Amendments/15.06.060.X	R				R	D
Nuisance ⁵						

15.04.020 CITY COUNCIL⁶

The city council shall have the review and decision-making responsibilities listed in Table 15.04-1, to be carried out in accordance with the terms of this Code. All other duties and council procedures shall be pursuant to Chapter 2.04 of the Municipal Code.

15.04.000.A Decision-Making Authority

The city council shall have the authority to review and make a final decision on the following:

1. Text Amendments
2. Rezoning
3. Planned Unit Development (PUD)
4. Conditional Use Permits
5. Annexations
6. Additions by Plat
7. Subdivisions, Major
8. Vacations, Subdivisions
9. Vacations, Public Ways
10. Comprehensive Plan Amendments

15.04.000.B Appeals

The city council shall hear and decide on appeals as follows:

⁴ The procedural requirements for replats depend on the nature of the project, as outlined in Section 15.06.060.R.

⁵ STAFF NOTE: Chris tells me that there is a nuisance provision elsewhere in the code. Do we want to reference it here, and if so, where can I find it?

⁶ There is extensive language of the duties and procedures for city council contained in Title 2 of the current municipal code. We suggest the following basic language to encompass their role specific to the new Code as a supplement to that title, with the added language relating to the adoption and evaluation of the comprehensive plan.

1. Variances from the board of adjustment
2. Solar Access Permits from the planning commission
3. Temporary Use Permits from the planning commission

15.04.000.C Adoption of Fee Schedule

The city council shall adopt and amend from time-to-time a fee schedule setting forth an assessment of fees to defray the cost of processing land development applications under Chapter 15.06, Review Procedures.

15.04.030 PLANNING COMMISSION⁷

15.04.000.D Generally

There is created a planning commission, which shall consist of seven persons, who shall be qualified electors of the City, and who shall serve without compensation. (Ord., 1522 § 2, Prior code § 2-33).

15.04.000.E Appointment--Term

The members of the planning commission shall be appointed by the city council for a term of three years. (Ord. 861 § 6, 1986; Ord. 752 § 1, 1983; prior code § 2-34).

15.04.000.F Duties

1. In addition to the review and decision-making authority set forth below, the planning commission shall advise the city council in urban planning, land use studies, urban renewal plans, and other types of planning studies and in connection therewith shall perform technical services.
2. The Planning Commission shall serve as the city of Laramie Zoning Commission. The duties shall be those set forth in Wyoming statutes title 15, chapter 1, article 6, including:
 - a. Providing recommendations to the city council on zoning district boundaries;
 - b. Providing recommendations to the city council on appropriate regulations for zoning districts;
 - c. Holding public hearings before making its recommendation and submitting its report to the City Council.
3. The Planning Commission shall serve as the city of Laramie Board of Adjustment. The duties shall be those set forth by Wyoming State Statutes title 15, chapter 1, and Laramie Municipal Code Chapter 17.48.
4. The Planning Commission shall also serve as the nuisance board. The duties shall be those as set forth by Laramie Municipal Code Chapter 8.32.

⁷ The following is taken from Chapter 2.36 of the Municipal Code (A-E). New language reflecting this draft is provided in subsection F.

5. The Planning Commission shall also serve as the Solar Board Of Review. The duties shall be those as set forth by Wyoming State Statutes Title 15, chapter 22 and Laramie municipal code chapter 5.58. (Ord, 1522 § 3, Prior code § 2-35).

15.04.000.G Organization--Time of Meetings

The members of the planning commission shall elect from their number a president, shall create their own rules of procedure, and shall designate their own times and places of meeting; except, that the mayor or the city council may request their convening in extraordinary session at any time. (Ord, 1522 § 4, Prior code § 2-36).

15.04.000.H Removal of Members--Filling Vacancies

The city council may, by majority vote, remove any member of the planning commission whenever it appears that such removal would be in the best interests of the city, as determined by the city council, and shall fill vacancies created by the resignation, death, or removal of any member. (Ord. 752 § 2, 1983: prior code § 2-37).

15.04.000.I Review and Decision-Making Authority

The planning commission shall have the review and decision-making responsibilities listed in Table 15.04-1, to be carried out in accordance with the terms of this Code.

1. Review Authority

The planning commission shall have the authority to review and make recommendations to the appropriate decision-making authority for the following:

- a. Text Amendments
- b. Rezonings
- c. Planned Unit Development (PUD)
- d. Conditional Use Permits
- e. Sign Permits (when planning commission approval is required)
- f. Annexations
- g. Additions by Plat
- h. Subdivisions, Major
- i. Vacations, Subdivisions
- j. Vacations, Public Ways
- k. Comprehensive Plan Amendments

2. Decision-Making Authority

The planning commission shall have the authority to review and make the final decision on the following:

- a. Replats (Major)
- b. Sign Permits (Subdivision Identification Signs)

- c. Temporary Use Permits, Major
- d. Site Plan Review (When planning commission review is required)
- e. Solar Access Permits

15.04.000.J Appeals

The planning commission shall hear and decide on appeals as follows:

1. Sign permits from the Community Development Director (“Director”)
2. Minor subdivisions from the Director
3. Site Plan Review from the Director
4. Other land divisions and lot consolidations from the Director
5. Replats from the Director (when classified as a “minor” replat)
6. Minor Temporary Use Permits from the City Manager

15.04.040 BOARD OF ADJUSTMENT ⁸

15.04.000.K In General

The Planning Commission shall serve as the Board of Adjustment. Appointments and terms of members to the Board of Adjustment shall coincide with the appointments and terms of the Planning Commission. (Ord. 1522 § 5, Ord. 858 § 1, 1986: Ord. 194 § 9.1 (part), 1964).

15.04.000.L Meetings

Meetings of the board shall be held at the call of the chairman, and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public except that the board may hold executive sessions as provided in Section 16-4-405, W.S. 1977. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if the member was absent, or failed to vote. The board shall keep records of its deliberations and other official actions, all of which shall be filed with the Director and shall be a public record. (Ord. 858 § 2, 1986: Ord. 194 § 9.1 (part), 1964).

15.04.000.M Review and Decision-Making Authority

The board of adjustment shall have the review and decision-making responsibilities listed in Table 15.04-1, to be carried out in accordance with the terms of this Code.

1. Decision-Making Authority

The board of adjustment shall have the authority to review and make the final decision on the following:

⁸ The following BOA language is taken from 17.48.010-060 of the current code with some additional language. Section F is suggested new language reflecting the procedures set forth in this draft. We have suggested removing language that repeats state law relating to variances (approval criteria) in favor of placing this language in Section 15.06.060.D, Variances.

- a. Variances
- b. Variances from the terms and conditions of any conditional use granted pursuant to Section 15.06.060.E of this Code
- c. Appeal of abatement orders⁹

15.04.000.N Appeals

The board of adjustment shall hear and decide on appeals as follows:

1. Minor administrative modifications
2. Appeals from any order of abatement issued to a property owner, lessee, or occupant pursuant to Section 15.14.100, Fences and Walls, provided, that no adjustment of the provisions of Section 15.14.100 shall be granted by the board unless it finds:
 - a. That the abatement of the violation shall constitute an unnecessary removal of or destruction of trees or hedges, or
 - b. That there exists a reasonable alternative to the abatement which will render the abatement unnecessary and which provides a safe line of sight at the intersection; and
 - c. Relative to Section 15.14.100.B it finds:
 - (i) That the allowable heights therein stated should be adjusted to allow for the effect of a surface slope or other physical characteristic of the lot which would render the application of those provisions of said section unreasonable.¹⁰

15.04.000.O Voting Required – Reversals¹¹

1. In exercising the above-mentioned powers such board may, in conformity with the provisions of this Code, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination, as necessary.
2. The concurring vote of four members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass any ordinance or to effect any variation in such ordinance.

15.04.050 COMMUNITY DEVELOPMENT DIRECTOR

The Community Development Director (“Director”) shall have the review and decision-making responsibilities listed in Table 15.04-1, to be carried out in accordance with the terms of this Code.

15.04.000.P Review Authority

The Director shall have the authority to review and make recommendations to the appropriate decision-making authority for the following:

⁹ STAFF Question: This refers to previous section 17.08.050. We have combined all of the abatement proceedings into one location, should we eliminate this reference?

¹⁰ Taken from 17.48.050 of the current code.

¹¹ The following is taken from 17.48.060 (B-C) of the current code. We suggest removing the current 17.48.060.A (redundant to variance criteria) and placing the current 17.48.060.D in the solar access permit procedures section (stating a majority vote is needed when the board of adjustment is acting as solar board).

1. Text Amendments
2. Rezoning
3. Planned Unit Development (PUD)
4. Variances
5. Conditional Use Permits
6. Sign Permits (Subdivision Identification Signs)
7. Annexations
8. Additions by Plat
9. Replats (Major)
10. Subdivisions, Major
11. Site Plan Review
12. Comprehensive Plan Amendments
13. Solar Access Permits

15.04.000.Q Decision-Making Authority

The Director shall have the authority to review and make a final decision on the following:

1. Sign Permits (Excluding Subdivision Identification Signs)
2. Minor Administrative Modifications
3. Site Plan Review
4. Subdivisions, Minor
5. Subdivisions, Other
6. Replats (Minor)
7. Similar Use Determinations¹²

15.04.060 BUILDING OFFICIAL¹³

The building official shall have the review and decision-making responsibilities listed in Table 15.04-1, to be carried out in accordance with the terms of this Code.

15.04.000.R Decision-Making Authority

The building official shall have the authority to review and make a final decision on the following:

¹² Per page 29 of the Diagnosis, we have drafted a new section in the definitions chapter stating the Director's authority to make similar use determinations, as these are currently done by city council (Section 17.08.010).

¹³ The following is taken from 17.60 of the current code.

1. Building Permits
2. Electrical Permits
3. Plumbing Permits
4. Mechanical Permits

15.04.070 CITY ENGINEER

The city engineer shall have the review and decision-making responsibilities listed in Table 15.04-1, to be carried out in accordance with the terms of this Code.

15.04.000.S Decision-Making Authority

The city engineer shall have the authority to review and make a final decision on the following:

1. Grading Permits

15.04.080 SOLAR BOARD OF REVIEW

The planning commission shall act as the solar board of review until such time as the city council determines that it is logical and feasible to form a solar board of review. See Section 15.04.030 of this chapter for a description of the planning commission's authorities.