

ORIGINAL ORDINANCE NO.: 1768
ENROLLED ORDINANCE NO.: 1546

INTRODUCED BY: O'MALLEY

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LARAMIE, WYOMING, TO PERMIT CONSTRUCTION OF A NEW ACCESSORY BUILDING 1,408 SQUARE FEET IN SIZE AND 15 FOOT 5 INCHES IN HEIGHT, EXCEEDING 1,000 SQUARE FEET AND THE 15 FOOT HEIGHT MAXIMUM ALLOWED WITHIN THE CITY, FOR A 8,712 SQUARE FOOT PARCEL OF LAND ZONED R3 (MULTIPLE-FAMILY) LOCATED AT 1015 S. 4TH STREET, LARAMIE, WYOMING.

Whereas, on August 14, 2008, Scott and Debra Dawson filed a petition with the City for a conditional use of a tract of land commonly known as 1015 S. 4th Street for construction of a new accessory building 1,408 square feet in size and 15 foot 5 inches in height, exceeding 1,000 square feet and the 15 foot height maximum allowed within the city and more particularly described in Attachment A (plot plan) which is attached hereto and incorporated herein, for a 8,712 square foot parcel of land zoned R3 (multiple-family); along with a list of the names and addresses of property owners within 140 feet of the property;

Whereas, this tract of land is zoned R3 and pursuant to Section 17.20 of the City Municipal Code, the conditional use is a permissible conditional use in a R3 district;

Whereas, on October 27, 2008, the City Planning Commission recommended approval of the conditional use subject to all staff conditions;

Whereas, City Clerk gave notice of a public hearing by publishing the notice in the Laramie Boomerang on December 19, 2008.

Whereas, the City Council held a public hearing on January 6, 2009 in Council Chambers, City Hall, to consider all comments, remonstrances and objections and as a condition to adopting the ordinance approving the conditional use herein shall make the following findings as required by Section 17.09.040 of the Code of the City of Laramie, Wyoming:

- (1) That the proposed use shall not adversely affect the public interest;
- (2) That the City Council has been presented with such plot plans, elevations, building plans, specifications and covenants as has been required by it including, but not limited to:
 - (a) Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - (b) Off-street parking and loading areas where required, and the regulation of the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.
 - (c) Refuse and service areas.
 - (d) Utilities, with reference to locations, availability and compatibility.
 - (e) Screening and buffering, with reference to type, dimensions and character.
 - (f) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
 - (g) Required yards and other open space.

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

Section 1. That the foregoing recitals are incorporated in and made a part of this Ordinance by this reference.

Section 2. That City Council finds that the proposed new accessory building (1,408 square feet in size and 15 foot 5 inches in height, exceeding 1,000 square feet and the 15 foot height

maximum allowed within the city) on the tract of land at 1015 S. 4th Street, is a permissible conditional use in a R3 district pursuant to 17.20 and does not adversely affect the public interest of the City; and City Council has been presented with such plot plans, elevations, building plans, specifications and covenants as required pursuant to Section 17.09.040 of the City Municipal Code.

Section 3. That the zoning district map of the City of Laramie, Wyoming is amended by allowing a conditional use for a new accessory building 1,408 square feet in size and 15 foot 5 inches in height, exceeding 1,000 square feet and the 15 foot height maximum allowed within the city on the following tract of land:

GENERALLY DESCRIBED AS 1015 S. 4TH STREET OR MORE PARTICULARLY DESCRIBED AS LOT 8, BLOCK 293 OF SHEROD'S ADDITION TO THAT CITY OF LARAMIE, ALBANY COUNTY, WYOMING.

Section 4. The following restrictions apply to the conditional use established by this ordinance:

A. Whenever the conditional use established herein has been discontinued for a period of six consecutive months, the conditional use automatically terminates, and any use after termination shall fully conform with the basic R3 zoning requirements; provided, however, that the City Council, upon application, may grant an extension of any additional period of non-use not to exceed six months, for good cause shown.

B. The conditional use established herein may be reconverted at any time to basic R3 use without further approval of the City Council or amendment to this ordinance; provided, reconversion is a termination of the conditional use.

C. A building permit for the proposed structure shall be applied for within 6 months of approval of this conditional use. If a building permit is not applied for the conditional use for the proposed accessory building shall be considered null and void and no longer in effect.

D. The proposed structure shall conform to Attachment A (plot plan) and all R3 zoning district setbacks.

E. Any lighting shall conform to Laramie Municipal Code, shall be directed downward, shall not spill onto adjacent properties and shall be shielded from the night sky.

F. No additional driveway cuts shall be constructed for access to Russell Street.

Section 5. Violation of any of the conditions contained in Section 4 herein are a violation of this ordinance and of Chapters 17.09 and 17.15 of City Municipal Code and may be prosecuted pursuant to the provisions of Chapter 17.52 of the City Municipal Code.

Section 6. This ordinance shall become effective after its passage, approval and publication.

Passed and approved this 6th day of January, 2009.

/s/Jodi Guerin, Mayor and President of the City Council

Attest:/s/Sue Morris-Jones, CMC, City Clerk

First Reading: November 18, 2008

Public Hearing: January 6, 2009

Second Reading: December 16, 2008

Third Reading and Final Action: January 6, 2009

Duly published in the Laramie Daily Boomerang this 16th day of January, 2009.