

ORIGINAL ORDINANCE NO.: 1783

INTRODUCED BY: Shumway

ENROLLED ORDINANCE NO.: 1559

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LARAMIE, WYOMING, TO PERMIT OPERATION OF A FAMILY DAYCARE HOME FOR A PARCEL OF LAND APPROXIMATELY 5770 SQ. FT. IN SIZE, ZONED R2 (LIMITED MULTIPLE-FAMILY), AND LOCATED AT 262 NORTH BUCHANAN ST. LARAMIE, WYOMING.

Whereas, on January 28, 2009, Suzanne Gonda filed a petition with the City for a conditional use of a tract of land commonly known as 262 North Buchanan Street for operation of a Family Daycare Home for a parcel of land approximately 5770 sq. ft. in size; 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 R2 (Limited Multiple-Family) and pursuant to Section 17.20 of the City Municipal Code, the conditional use is a permissible conditional use in an R2 district;

Whereas, on March 23, 2009, the City Planning Commission recommended approval of the conditional use subject to all staff conditions and to two additional conditions;

Whereas, City Clerk gave notice of a public hearing by publishing the notice in the *Laramie Boomerang* on April 26, 2009;

Whereas, the City Council held a public hearing on May 12, 2009, in Council Chambers, City Hall, to consider all comments, remonstrances and objections;

Whereas, the City Council as a condition to adopting the ordinance approving the conditional use hereby makes 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 Family Daycare Home for the property located at 262 North Buchanan Street is a permissible conditional use in an R2 district pursuant to Laramie Municipal Code Sec. 17.16.020, 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 operation of a Family Daycare Home on the following tract of land:

THE EASTERLY 164.03 FEET OF THE NORTHERLY 35 FEET OF THE
SOUTHERLY 160 FEET OF LOT 4, BLOCK 44, TOWN OF WEST LARAMIE,
NOW THE CITY OF LARAMIE, ALBANY COUNTY, WYOMING.

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


1. Whenever the conditional use has been discontinued for a period of six consecutive months, the conditional use shall automatically terminate, and any use after termination shall fully conform with the basic R2 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.
2. The conditional use established herein may be reconvertd at any time to basic R2 use without further approval of the City Council or amendment to this ordinance; provided, reconversion shall be a termination of the conditional use.
3. The Family Day Care Home shall conform to the plot plan and any change in or modification shall be reviewed by the Planning Commission acting as the Zoning Board of Adjustment, pursuant to the provisions of Chapter 17.48 of the Laramie Municipal Code of the City of Laramie, Wyoming.

4. The Family Day Care Home (group Day Care Home) shall have eleven or fewer children, excluding the licensee's children, and shall be duly licensed by the Department of Family Services.
5. One sign shall be approved. The sign shall be a maximum of 8 ½" x 11", not illuminated, and located within 3' of the front door of the structure.
6. The Family Day Care Home's hours of operation shall be limited to the following: from 6:00 a.m. to 6:00 p.m., Monday through Friday.
7. The Family Day Care Home Conditional Use permit shall expire two (2) years after the effective date of this Ordinance. The property owner or agent thereof may apply for extensions of the Conditional Use permit for periods of up to two (2) additional years. Provided that the City has received no complaints during the period of operation, the permit may be administratively extended for the specified period. If one (1) or more substantiated complaints have been received during the period of operation, the Conditional Use permit shall not be extended except through the Code-required Conditional Use process in effect at the time the extension request is filed.

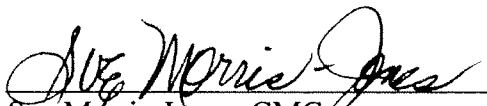
Section 5. That violation of any of the conditions contained in Section 4 herein are a violation of this ordinance and of Chapters 17.09 and 17.15 of City Municipal Code and may be prosecuted pursuant to the provisions of Chapter 17.52 of the City Municipal Code.

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

Passed and approved this 02th day of June, 2009.


Jodi Guerin, Mayor and President of the
City Council

Attest:


Sue Morris-Jones, CMC
City Clerk

Duly published in the *Laramie Boomerang* this 07th day of June, 2009.

First Reading: April 21, 2009
Public Hearing: May 12, 2009
Second Reading: May 19, 2009
Third Reading and Final Action: June 02, 2009