

## **PRE-MEETING AGENDA**

---

**Casper City Council  
City Hall, Council Meeting Room  
Tuesday, May 21, 2019, 5:30 p.m.**



	<b>Presentation</b>	<b>Allotted</b>	<b>Beginning Time</b>
1.	Three Technical Ordinance Amendments	5 min	5:30
2.	Food Truck Parking Lot	20 min	5:35
3.	Agenda Review	5 min	5:55
	Approximate Ending Time		6:00

We are CASPER

**Communication    Accountability    Stewardship    Professionalism    Efficiency    Responsiveness**

**MEMO**

TO: Charles Powell, Mayor  
Casper City Council Members  
J. Carter Napier, City Manager

FROM: John Henley, Casper City Attorney *JH*  
Wallace Trembath, Deputy City Attorney *WT*

DATE: May 20, 2019

RE: Council Pre-Session on May 21, 2109  
Three Technical Ordinance Amendments

At the June 4, 2019, City Council meeting, on behalf of the Community Development Department, we would like to bring forward three technical ordinance amendments that correct conflicts, inconsistencies and ambiguities in the Casper Municipal Code (“Code”) as follows:

**1. An ordinance amending Section 16.08.480 of the Code.**

Section 16.08.480 of the Casper Municipal Code (“Code”) currently gives the City’s definition of a “subdivision.” Wyoming Statutes § 15-1-501(a)(iii) also defines a “subdivision” in cities. The two definitions conflict. State law trumps a City ordinance in the event of a conflict. So, the City should amend its Code to eliminate the conflict between the two. The practical impact is minimal to non-existing as City staff currently follows the Wyoming Statute.

**2. An ordinance to amend Sections 17.12.150(D) (Site Plan Approval Criteria) and 17.12.150(H) (City Council Review) of the Casper Municipal Code.**

Section 17.12.150 of the Casper Municipal Code (Code) currently governs the City’s approval process for Site Plans. Two subsections of Section 17.12.150 (17.12.150(D)(1) and 17.12.150(H)) need to be amended because:

- Section 17.12.150(D)(1) refers to plans that are outdated and no longer in effect. By replacing these specific outdated plans with all plans currently adopted by Council, the Code would require site plans to maintain compliance with Council approved plans, while eliminating the need for Council to constantly update this subsection.
  
- Section 17.12.150(H) refers to site plans that require Council approval. However, for additions to existing buildings of exactly forty-three five hundred sixty thousand square feet, both sections G and H apply, creating confusion about whether the site plan should go before Council or the Planning and Zoning Commission. To rectify this confusion, the Code should be amended so that site plans for additions to existing buildings follow the same process as site plans of new multi-family developments, public buildings, commercial buildings, industrial buildings, or

churches. This code section would be amended to clarify exactly when a building addition requires the approval of the Planning and Zoning Commission and City Council.

**3. An ordinance Amending Sections 17.52.100 & 17.52.110 of the Code.**

The City needs to update its PUD approval ordinance because the current ordinance contains scrivener's errors which make the sections contradictory or impossible to comply with as follows:

- The title of Section 17.52.100 indicates that the section applies to PUD's of 20,000—43,560 square feet. But, the text of 17.52.100(A) gives the commission authority over PUD's of 5,000 square feet or more. The 5,000 square feet language of 17.52.100(A) is a scrivener's error, and should change to match the title of the section.
- Section 17.52.110 addresses PUD's consisting of more than twenty residential units, and commercial and industrial PUD's consisting of over 43,560 square feet of building area. A conflict exists between 17.52.110(A) and (B). 17.52.110(A) requires a public hearing to be held by the Commission within 15 working days after receipt of the required information. But, then, Section (B) requires notice of that same public hearing to be mailed and delivered at least 15 calendar days prior to the hearing. That is impossible because it takes several days to mail and deliver notice. The 15 day language of 17.52.110(A) should change to 90 days, and the first clause of 17.52.110(B) should be deleted.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING SECTION 16.08.040 OF THE CASPER MUNICIPAL CODE TO HARMONIZE WITH WYOMING STATUTES § 15-1-501(a)(iii)

WHEREAS, the definition of a “subdivision” is defined differently in Wyoming Statutes § 15-1-501(a)(iii) and Casper Municipal Code Section 16.08.040; and,

WHEREAS, the City Council of Casper, Wyoming, has determined that Section 16.08.040 of the Casper Municipal Code should be amended to harmonize with Wyoming Statutes § 15-1-501(a)(iii); and,

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

Section 1:

That section 16.08.040 of the Casper Municipal Code shall be amended to read as follows:

"Subdivision" means the division of a ~~lot, tract~~ OF LAND or parcel of land into ~~two~~ THREE or more PARTS ~~lots, tracts or other division of land for IMMEDIATE OR FUTURE SALE OR the purpose of transfer of ownership, for building development, or, if a new street is involved,~~ any division of land. The term includes resubdivision of land.

Section 2:

This ordinance shall become in full force and effect twenty-one (21) days after passage on third reading and publication.

PASSED on 1<sup>st</sup> reading the \_\_\_\_ day of \_\_\_\_, 2019

PASSED on 2<sup>nd</sup> reading the \_\_\_\_ day of \_\_\_\_, 2019

PASSED, APPROVED, AND ADOPTED on third and final reading the \_\_\_\_ day of \_\_\_\_, 2019.

APPROVED AS TO FORM:

\_\_\_\_\_  
ATTEST:

CITY OF CASPER, WYOMING  
A Municipal Corporation

\_\_\_\_\_  
Fleur D. Tremel  
City Clerk

\_\_\_\_\_  
Charles Powell  
Mayor

## Current Code and Statutory Sections

### 1. Casper Municipal Code Section 16.08.480 – Subdivision (*emphasis* added)

"Subdivision" means the division of a lot, tract or parcel of land into ***two or more lots***, tracts or other division of land for the purpose of transfer of ownership, for building development, or, if a new street is involved, any division of land. The term includes resubdivision of land.

(Ord. 34-84 § 1 (part), 1984: prior code § 35-1 (part))

### 2. W.S.1977 § 15-1-501 (*emphasis* added)

§ 15-1-501. Definitions

(a) For the purposes of this article:

(iii) "Subdivision" means the division of a tract or parcel of land into ***three (3) or more*** parts for immediate or future sale or building development.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING SECTION 17.12.150 OF THE  
CASPER MUNICIPAL CODE PERTAINING TO SITE PLANS

WHEREAS, the City Council of Casper, Wyoming, has determined that certain subsections of Section 17.12.150 are currently outdated and contradictory with other subsections of Section 17.12.150.

WHEREAS, the City Council wishes to make the code comprehensible and easy to comply with.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

Section 1:

That paragraph D sub paragraph 1 of Section 17.12.150 of the Casper Municipal Code shall be amended to read as follows:

- D. Site Plan Approval Criteria. A site plan shall be approved if the site plan is found to satisfy the standards of this title, including the following:
  1. Be compatible with the goals and policies of ~~the 1993 Future Housing and Land Use Plan, 1995 5 Year Consolidated Housing Plan, 1985 and 1992 Neighborhood Analysis, 1983 Stormwater Management Plan, 1997 Water Facility Master Plan, 1981 201 Facility Plan, 1999 Wastewater Facility Master Plan 1998 Long Range Transportation Plan, 1998 Elkhorn Creek Stormwater Master Plan and the 2000 Casper Area Comprehensive Plan~~ ALL PLANS CURRENTLY adopted by the council.

Section 2:

That paragraph H of Section 17.12.150 of the Casper Municipal Code shall be amended to read as follows:

- H. City Council Review. Site plan applications for new multi-family developments, public buildings, commercial buildings, industrial buildings, or churches, with a ground floor area in excess of forty-three thousand five hundred sixty square feet, ~~and all additions to existing buildings IN EXCESS OF forty three THOUSAND five hundred and sixty square feet or larger,~~ must be approved by both the planning and zoning commission and the council pursuant to the ~~following~~ procedure below. IF THE GROUND FLOOR OF ANY ADDITION TO ONE OF THE ABOVE-LISTED DEVELOPMENTS, BUILDINGS OR CHURCHES IS IN EXCESS OF FORTY-THREE THOUSAND FIVE HUNDRED SIXTY SQUARE FEET, IT REQUIRES APPROVAL BY BOTH THE PLANNING AND ZONING COMMISSION AND THE COUNCIL PURSUANT TO THE PROCEDURE BELOW; OTHERWISE, IF THE GROUND FLOOR OF THE ADDITION ITSELF (NOT THE RESULTING SQUARE FOOTAGE OF THE BUILDING AFTER CONSTRUCTING THE ADDITION) IS FORTY-THREE

THOUSAND FIVE HUNDRED SIXTY SQUARE FEET OR LESS, ONLY ADMINISTRATIVE APPROVAL IS REQUIRED.

Section 3:

This ordinance shall become in full force and effect twenty-one (21) days after passage on third reading and publication.

PASSED on 1<sup>st</sup> reading the \_\_\_\_ day of \_\_\_\_, 2019

PASSED on 2<sup>nd</sup> reading the \_\_\_\_ day of \_\_\_\_, 2019

PASSED, APPROVED, AND ADOPTED on third and final reading the \_\_\_\_ day of \_\_\_\_, 2019

APPROVED AS TO FORM:

  
\_\_\_\_\_

ATTEST:

CITY OF CASPER, WYOMING  
A Municipal Corporation

\_\_\_\_\_  
Fleur D. Tremel  
City Clerk

\_\_\_\_\_  
Charles Powell  
Mayor

## Current Code Sections

### Section 17.12.150

D. Site Plan Approval Criteria. A site plan shall be approved if the site plan is found to satisfy the standards of this title, including the following:

1. Be compatible with the goals and policies of the 1993 Future Housing and Land Use Plan, 1995—5 Year Consolidated Housing Plan, 1985 and 1992 Neighborhood Analysis, 1983 Stormwater Management Plan, 1997 Water Facility Master Plan, 1981 201 Facility Plan, 1999 Wastewater Facility Master Plan 1998 Long Range Transportation Plan, 1998 Elkhorn Creek Stormwater Master Plan and the 2000 Casper Area Comprehensive Plan adopted by the council.
2. Promote the efficient use of land by means of a sound arrangement of buildings, safe and functional points of access, well planned parking circulation systems, and adequate sidewalks and pathways for pedestrians.
3. Provide for landscaping, and within high density housing complexes, usable open space, such as, but not limited to, bicycle paths, playground areas, courtyards, areas for active recreation, swimming pools, landscaping, gardens, walks, outdoor seating areas, outdoor picnic areas, and similar open space.
4. Preserve and utilize where possible, existing landscape features and amenities, and blend such features with the new structures and other improvements.

H. City Council Review. Site plan applications for new multi-family developments, public buildings, commercial buildings, industrial buildings, or churches, with a ground floor area in excess of forty-three thousand five hundred sixty square feet, and all additions to existing buildings of forty three five hundred and sixty thousand square feet or larger, must be approved by both the planning and zoning commission and the council pursuant to the following procedure:

1. Site plan applications must be reviewed by the planning and zoning commission pursuant to the procedures set forth in Section 17.12.150(G) prior to council review in the event the planning commission denies the application, the applicant may appeal to the city council pursuant to Section 17.12.150(G);
2. Upon approval, or approval with conditions, of a site plan recommendation by the planning and zoning commission, a written notice of the date, time, and place of the council public hearing shall be mailed or delivered to the applicant and all owners of private real property within a three hundred foot radius of the perimeter of the project area, as shown on the site plan. The notice shall be mailed at least fifteen calendar days prior to the hearing date;
3. After being placed on the agenda, the application will be considered by the council at its meeting. The applicant will be given the opportunity to discuss the site plan with the



council, and other comments regarding the site plan may be made by any person in favor of or opposed to the site plan;

4. The council shall then take one of the following actions:
  - i. Approve;
  - ii. Approve with conditions;
  - iii. Deny; or
  - iv. Continue discussion of the application to a future council meeting.
5. If the site plan application is approved or approved with conditions, the applicant shall sign a site plan agreement stating the terms of approval and his willingness to comply with those terms. The agreement may then be executed by the mayor upon approval of the council. If the application is continued, it may be considered at the next regularly scheduled council meeting and the decision to approve, approve with contingencies, or deny shall be made. Appeal of decisions may be made in writing to district court within ten calendar days of written notice of the council's decision.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING SECTIONS 17.52.100 AND 17.52.110 OF THE CASPER MUNICIPAL CODE ABOUT PUD APPROVAL

WHEREAS, the City Council of Casper, Wyoming, has determined that Sections 17.52.100 and 17.52.110 of the Casper Municipal Code need to be amended to correct scrivener's errors and harmonize those Sections; and,

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

Section 1:

That the heading of Section 17.52.100 shall be changed to read as follows:

17.52.100 - Approval for PUD's ~~consisting~~ from one to twenty residential units, and commercial and industrial PUD's ~~consisting of~~ from 20,000—43,560 square feet of building area.

Section 2:

That paragraph (A) of Section 17.52.100 of the Casper Municipal Code shall be amended to read as follows:

- A. The commission shall have authority to approve a site and development plan for an existing PUD ~~consisting~~ of not more than twenty residential units, or commercial and industrial PUD's ~~consisting of five thousand square feet or more~~ FROM TWENTY THOUSAND SQUARE FEET TO FORTY-THREE THOUSAND FIVE HUNDRED AND SIXTY SQUARE FEET in building area. The procedure for approval shall be as set forth in Section 17.52.110.

Section 3:

That paragraphs (A) and (B) of Section 17.52.110 of the Casper Municipal Code shall be amended to read as follows:

- A. Within NINETY ~~fifteen~~ working days after submission of the required information has been made, the commission shall hold a public hearing for which public notice shall be given. At such meeting, all interested parties may present testimony and evidence pertinent to the proposed planned unit development. Within ten calendar days after the public hearing, the commission shall recommend approval, approval with contingencies, table, or deny the proposal and shall state the rationale of their decision in writing, and shall forward their decision to the council.
- B. ~~Within fifteen working days after the submission of the required information has been made,~~ a A written notice of the date, time and place of the public hearing shall be mailed first class U.S. mail, or delivered to the applicant and all owners of private real estate within a three hundred foot radius of the perimeter of the property in question as

shown on the review required information. The notice shall be mailed and delivered at least fifteen calendar days prior to the hearing. Notice shall be published at least fifteen calendar days prior to the hearing, as required by law.

Section 4:

This ordinance shall become in full force and effect twenty-one (21) days after passage on third reading and publication.

PASSED on 1<sup>st</sup> reading the \_\_\_\_ day of \_\_\_\_, 2019

PASSED on 2<sup>nd</sup> reading the \_\_\_\_ day of \_\_\_\_, 2019

PASSED, APPROVED, AND ADOPTED on third and final reading the \_\_\_\_ day of \_\_\_\_, 2019

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING  
A Municipal Corporation

---

Fleur D. Tremel  
City Clerk

---

Charles Powell  
Mayor

## **Current Code Sections**

17.52.100 - Approval for PUD's consisting from one to twenty residential units, and commercial and industrial PUD's consisting of from 20,000—43,560 square feet of building area.

- A. The commission shall have authority to approve a site and development plan for an existing PUD consisting of not more than twenty residential units, or commercial and industrial PUD's consisting of five thousand square feet or more in building area. The procedure for approval shall be as set forth in Section 17.52.110.
- B. Within fifteen working days after submission of the required information has been made, the commission shall hold a public hearing for which public notice has been given. At such meeting, all interested parties may present testimony and evidence for and against, which is pertinent to the proposed planned unit development. Within ten calendar days after the public hearing, the commission shall approve, approve with contingencies, table, or deny the proposal and shall state the basis for its decision in writing. The commission shall also have the option of forwarding the proposal, with its comments, to the council, should it be deemed necessary.
- C. Upon approval or approval with contingencies of the proposal by the commission and council, the developer shall execute a site plan agreement with the city.
- D. Tabling. The commission may table the proposal until its next regular meeting, at which time the proposal shall be considered and decided.
- E. Within ten working days after the commission's decision on the PUD, the council may recall and review the commission's decision and amend the same.
- F. If the proposal is denied because of major deficiencies or discrepancies or because it is contrary to the purpose of this title, it may be appealed, in writing, to the council within ten calendar days of denial by the commission. If the decision is not appealed, it shall become final.

17.52.110 - Approval for PUD's consisting of more than twenty residential units, and commercial and industrial PUD's consisting of over 43,560 square feet of building area.

- A. Within fifteen working days after submission of the required information has been made, the commission shall hold a public hearing for which public notice shall be given. At such meeting, all interested parties may present testimony and evidence pertinent to the proposed planned unit development. Within ten calendar days after the public hearing, the commission shall recommend approval, approval with contingencies, table, or deny the proposal and shall state the rationale of their decision in writing, and shall forward their decision to the council.

- B. Within fifteen working days after the submission of the required information has been made, a written notice of the date, time and place of the public hearing shall be mailed first class U.S. mail, or delivered to the applicant and all owners of private real estate within a three-hundred-foot radius of the perimeter of the property in question as shown on the review required information. The notice shall be mailed and delivered at least fifteen calendar days prior to the hearing. Notice shall be published at least fifteen calendar days prior to the hearing, as required by law.
- C. The council shall then approve, table, or deny the application.
- D. If the application is approved, the owner(s) may proceed with the development and shall obtain the required building permits from the office of the city engineer.
- E. If the application is tabled, it shall be considered at the next regular council meeting and a determination made, unless the council, at its option and upon request of the owner(s), determines to table the proposal until a future date.
- F. A denial of the proposal shall be considered final.