



A COMMUNITY OF CHOICE

Planning and Development Department

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MEMO

To: Honorable Mayor Patrick Collins and Members of the City Council
From: Seth Lloyd, Senior Planner
Subject: PLTA-25-7 – Amending UDC 4.2.5 Park Fees – potential substitute
Date: June 5, 2025

Background:

An Ordinance amending UDC 4.2.5 Park Fees was introduced on May 27, 2025 and discussed at Public Services Committee on June 2, 2025. In the Committee meeting, the Council requested Staff create a substitute with the following changes:

1. Clarification that schools could only be exempt from paying park fees if they created an agreement with a City to keep recreation areas open for public use.
2. Reversion of 4.2.5.f to the original language with a change to the report deadline to make the deadline August 30th.

Proposed Language:

- 4.2.5.c.1 to read as follows:
“1. Lands developed for governmental recreational use. ~~(i~~ Including but not limited to parks, greenways, and schools. A school may only be granted an exemption under this paragraph upon the execution of an agreement with the City that ensures the school’s recreational areas remain accessible to the public for recreational use during non-school hours. ~~-with play areas or fields that are open and publicly accessible during non-school hours, etc.)~~”
(black text is originally proposed UDC amendment language)
- 4.2.5.f.1 to read as follows:
“1. ~~At the third regularly scheduled City Council meeting after the end of each fiscal year~~ On or before August 30th, a written report shall be presented to the City Council on the fees with the following information:
(a) Source of all fees by person, subdivision/development name and amount collected;
(b) Disbursement of any fees to whom and by project or item(s) and the amount of purchase; and
(c) Balance in the fee accounts as of June 30th of each year. ”
(black text is original UDC language)

Attachments:

1. Ordinance
2. Redlined Ordinance

ORDINANCE NO. _____

ENTITLED: "AN ORDINANCE AMENDING PORTIONS OF THE UNIFIED DEVELOPMENT CODE, MODIFYING PROVISIONS RELATED TO PARK IMPACT FEES, INCLUDING THE TIMING OF FEE PAYMENT AND PERMITTED USES OF SUCH FEES, AND MAKING CONFORMING AMENDMENTS THERETO."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

Section 1. That the Governing Body of the City of Cheyenne finds that the text amendment to the Unified Development Code (UDC) that is the subject of this ordinance meets the review criteria specified in Section 2.4.1.d of the UDC.

Section 2. That on May 19, 2025, the Planning Commission conducted a public hearing, reviewed the proposed text amendment, and recommended approval of said text amendment.

Section 3. That Section 4.2.5, Park Fees, of Chapter 4.2, Community Facilities and Fees, of Article 4, Subdivision Regulations, of the Unified Development Code of the City of Cheyenne, Wyoming, is hereby amended as set out in this section:

4.2.5 Park and Recreation Fees

- a. ***Establishment.*** Development in the City requires the assessment of park and recreation development impact fees. The assessment of fees is made in association with new development and redevelopment.
- b. ***Park and Recreation Fee Calculation.*** The required fee shall be calculated as follows for lands being developed or redeveloped on or after July 1, 2025:

TABLE 4-1: PARK AND RECREATION FEES	
<i>Land Acquisition Fee*</i>	<ul style="list-style-type: none">• \$350.00 per acre (pro-rated to the nearest one-tenth of an acre)• Minimum fee \$125.00
<i>Infrastructure Fee*</i>	<ul style="list-style-type: none">• \$350.00 per acre (pro-rated to the nearest one-tenth of an acre)• Minimum fee \$125.00
<i>Enhancement Fee, Residential*</i>	<ul style="list-style-type: none">• \$400.00 per dwelling unit**
<i>Enhancement Fee, Non-residential*</i>	<ul style="list-style-type: none">• \$1,100.00 per acre (pro-rated to the nearest one-tenth of an acre)• Minimum fee \$250.00

* To be paid into the Park and Recreation Impact Fee account to be used for park land acquisition, base infrastructure, and/or enhancements to new or existing parks or recreational facilities on City of Cheyenne owned properties.

**** For the purposes of this section, dwelling unit shall be defined by the applicable adopted version of the International Building Code and International Residential Code, and exclude hospitals, nursing homes, and correctional facilities.**

c. Exemptions. The following developments are exempt from the Park and Recreation Fees in Table 4-1:

1. Lands developed for governmental recreational use, including but not limited to parks, greenways and schools. A school may only be granted an exemption under this paragraph upon the execution of an agreement with the City that ensures the school's recreational areas remain accessible to the public for recreational use during non-school hours.
2. Lands developed for public rights-of-way (including streets, roads, alleys, trails, etc.)
3. Lands developed for public utility (including drainage facilities, channels, detention areas, etc.)
4. Lands developed for the purposes of meeting any Civic Open Space requirements in Section 4.4.
5. Property that is developed for residential or agricultural use in the AG, AR, and RR zones.
6. Where land is being redeveloped, it shall be exempt if the developer or builder can provide evidence that the proposed redevelopment:
 - (a) Consists of a development of equal or lesser intensity of the previous use; or
 - (b) Results in no additional dwelling units.

All other redeveloping land shall be subject to the fees in Table 4-1, except any fee previously paid may be credited to the amount required by Table 4-1. To receive the credit, it shall be the responsibility of the builder or developer to provide evidence of previous fee payment.

d. Limitations of Fee Use. The Land Acquisition Fee, Infrastructure Fee, and Enhancement Fee shall not be used for the following:

1. Routine maintenance of public parks.
2. Overhead or general fund purposes.

e. Payment Schedule. Fees shall be payable according to the following schedules.

TABLE 4-2: PAYMENT SCHEDULES	
Land Acquisition Fee; Infrastructure Fee; and Enhancement Fee	Payable at the issuance of a building permit. If a property is being developed for a use that does not require a permit, fees are due upon the issuance of a site plan approval.

f. Public Reporting and Accountability. The City shall each year report the source and disbursement of the fees as follows:

1. On or before August 30th, a written report shall be presented to the City Council on the fees with the following information:
 - (a) Source of all fees by person, subdivision/development name and amount collected;
 - (b) Disbursement of any fees to whom and by project or item(s) and the amount of purchase; and
 - (c) Balance in the fee accounts as of June 30th of each year.

2. The Treasurer of the City shall maintain a specific account for all fees independent from all other general fund accounts of the City. This account shall be represented and budgeted in the annual budget reporting of the City.

Section 4. That in accordance with the changes made by Section 3 of this Ordinance, the City Treasurer is directed to create the “Park and Recreation Impact Fee” account.

Section 5. That all unencumbered funds in the Park Acquisition and Infrastructure (PAI) and Park Enhancement Account (PEA) accounts are to be transferred to the “Park and Recreation Impact Fee” account as created by this Ordinance.

Section 6. Sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise unlawful, such declaration shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.

Section 7. This ordinance shall be in full force and effect upon approval and publication.

FIRST READING: _____

SECOND READING: _____

THIRD AND FINAL READING: _____

PATRICK COLLINS, MAYOR

(SEAL)

ATTEST:

KYLIE SODEN, CITY CLERK

Published: _____
Wyoming Tribune-Eagle

ORDINANCE NO. _____

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Section 2. That on May 19, 2025, the Planning Commission conducted a public hearing, reviewed the proposed text amendment, and recommended approval of said text amendment.

Section 3. That Section 4.2.5, Park Fees, of Chapter 4.2, Community Facilities and Fees, of Article 4, Subdivision Regulations, of the Unified Development Code of the City of Cheyenne, Wyoming, is hereby amended as set out in this section:

4.2.5 Park and Recreation Fees

- a. **Establishment.** ~~Platting-Development~~ in the City requires the assessment of park and recreation development impact fees. ~~The fees are considered an impact fee for development. The assessment of fees is made in association with new development and redevelopment. an approved Final Plat. Fees listed apply to either first time plats or replats, but fees shall not be duplicated for the same parcel. A development agreement or other mechanism may be used to clarify reimbursement of fees.~~
- b. **Plat-Park and Recreation Fee Calculation.** The required fee shall be calculated as follows for lands being ~~platted, replatted or any land being annexed that was platted in the County after adoption of these regulations~~ developed or redeveloped on or after July 1, 2025:

TABLE 4-1: PARK <u>AND RECREATION</u> FEES	
<i>Land Acquisition Fee*</i>	<ul style="list-style-type: none">• \$350.00 per acre (pro-rated to the nearest one-tenth of an acre)• Minimum fee \$125.00
<i>Infrastructure Fee*</i>	<ul style="list-style-type: none">• \$350.00 per acre (pro-rated to the nearest one-tenth of an acre)• Minimum fee \$125.00
<i>Enhancement Fee, Residential***</i>	<ul style="list-style-type: none">• \$400.00 per dwelling unit***
<i>Enhancement Fee, Non-residential***</i>	<ul style="list-style-type: none">• \$1,100.00 per acre (pro-rated to the nearest one-tenth of an acre)• Minimum fee \$250.00

* To be paid into the Park ~~Acquisition and Infrastructure (PAI), and Recreation Impact Fee account~~ to be used for park land acquisition, ~~and/or~~ base infrastructure, ~~supporting the service area.~~

~~** To be paid into the Park Enhancement Account (PEA), to be used for and/or~~ enhancements to new or existing parks ~~supporting the service area.~~ or recreational facilities on City of Cheyenne owned properties.

~~***~~ For the purposes of this section, dwelling unit shall be defined by the applicable adopted version of the International Building Code and International Residential Code, and exclude hospitals, ~~and~~ nursing homes, and correctional facilities.

c. **Exemptions.** The following ~~lands~~ developments are exempt from the Park and Recreation Fees in Table 4-1:

1. Lands ~~platted~~ developed for governmental recreational use, ~~(including schools, including but not limited to~~ parks, greenways, ~~offices, etc.)~~ and schools. A school may only be granted an exemption under this paragraph upon the execution of an agreement with the City that ensures the school's recreational areas remain accessible to the public for recreational use during non-school hours.
2. Lands ~~dedicated~~ developed for public rights-of-way (including streets, roads, alleys, trails, etc.)
3. Lands ~~dedicated~~ developed for public utility (including drainage facilities, channels, detention areas, etc.)
4. Lands ~~platted as un-developable parcels~~ developed for the purposes of meeting any Civic Open Space requirements in Section 4.4.
5. Property that ~~remains zoned~~ is developed for residential or agricultural use in the AG, AR, and RR ~~shall not be assessed a fee until rezoned.~~ zones.
6. Where land is being ~~replatted,~~ redeveloped, it shall be exempt if the developer or builder can provide evidence that the proposed redevelopment:
 - (a) ~~The replat consists only of reconfiguring or eliminating interior lot lines with no additional land or building area added to the development;~~ Consists of a development of equal or lesser intensity of the previous use; or
 - (b) ~~The replat results~~ Results in no additional dwelling units, ~~residential units, non-residential units or lots, and therefore causes no greater impact on public park facilities than the original plat; and~~
 - (c) ~~The replat results in no change in zoning, density, or intensity of use than the original plat.~~ 7. Lands platted as remainder lot(s) created in accordance with Chapter 2.1 of this code.

All other ~~replatted~~ redeveloping land shall be subject to the fees in Table 4-1, except any fee previously paid ~~at the initial plat~~ may be credited to the amount required by Table 4-1. To receive the credit, it shall be the responsibility of the builder or developer to provide evidence of previous fee payment.

d. **Limitations of Fee Use.** The Land Acquisition Fee, Infrastructure Fee, and Enhancement Fee shall not be used for the following:

1. Routine maintenance of public parks.
2. Overhead or general fund purposes.

- e. **Payment Schedule.** Fees shall be payable according to the following schedules.

TABLE 4-2: PAYMENT SCHEDULES	
Land Acquisition Fee; Infrastructure Fee; and	Payable in full at the time of the signing of the plat if the total fee is less than \$5,000.00. If the total fee is greater than \$5,000.00, 10% of the total fee shall be paid at the time of the signing of the plat along with a contractual agreement between the City and the Applicant outlining a payment schedule for the remaining balance. The contractual agreement shall be executed with the plat signing.
Land Acquisition Fee; Infrastructure Fee; and Enhancement Fee	Payable at the issuance of a building permit. <u>If a property is being developed for a use that does not require a permit, fees are due upon the issuance of a site plan approval.</u>

~~Any land platted after adoption of these regulations but prior to annexation, shall be subject to the applicable Land Acquisition Fee, Infrastructure Fee and Enhancement Fee at the time of annexation or at the issuance of a building permit as provided in Table 4-2.~~

- f. **Public Reporting and Accountability.** The City shall each year report the source and disbursement of the fees as follows:
- ~~At the third regularly scheduled City Council meeting after the end of each fiscal year~~ On or before August 30th, a written report shall be presented to the City Council on the fees with the following information:
 - Source of all fees by person, subdivision/development name and amount collected;
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