

ORDINANCE NO. 4382

ENTITLED: "AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) TO CREATE THE URBAN USE OVERLAY DISTRICT."

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 that is the subject of this ordinance meets the criteria specified in Section 2.4.1.d of the UDC.

Section 2. That the intent of this text amendment is to facilitate Urban Development in areas adjacent to the Central Business District.

Section 3. That on September 8, 2020 the Planning Commission conducted a public hearing, reviewed the proposed text amendment, and recommended approval of said text amendment.

Section 4. That sub-section 5.4.7, Urban Use Overlay, is **created** to read as follows:

- a. **Intent.** The UU overlay district is intended for Urban Development adjacent to the Central Business District of Downtown Cheyenne. The UU district is intended to transition and step down from the urban core of Cheyenne into the surrounding neighborhoods.
- b. **Applicability.** The UU overlay district is applicable to various lands adjacent to the Central Business District. A base zone district of P, MUB, or MUR must be in place in order for the UU overlay to apply.
- c. **Context.** This district is most appropriate in areas with urban development patterns.
- d. **Lot and Building Standards.** The following lot and building standards shall apply and replace the lot standards for the underlying district for all uses:

TYPE UU: Urban Use Overlay District Lot and Building Standards		
Lot Area		No minimum or maximum
Lot Frontage		n/a
Setbacks (Minimum)	Front	0' minimum, 10' maximum, or context of surrounding properties
	Side	0' minimum, no maximum side setback 0' minimum, 10' maximum on street side setbacks 5' minimum and 15' maximum on lot lines fronting and adjacent to the Reed Avenue ROW

	Rear	0'
Building Height		Buildings shall not have a pinnacle height that exceeds an elevation of 6,150' in the West Edge District.
Total Lot Coverage (max.)		90%, 100% if site provides a street furnishing or projection as listed in 5.4.7.f.4.

e. **Permitted and Restricted Uses.** This section shall apply when the underlying zoning district is P, MUR or MUB.

1. Permitted Uses

a. All uses allowed in the underlying zoning district are allowed as indicated in Table 5-1, except as specifically prohibited or allowed in subsections 5.4.7.e.2 below.

2. Prohibited Uses:

The following Uses are prohibited in the UU overlay base zone districts:

- a. Impoundment Yards
- b. Outdoor Sales
- c. Automobile Service Repair
- d. Automobile Service Station – Limited and General

3. Allowed by Conditional Use in all UU overlay base zone districts:

- a. Moderate Industrial

f. **Site and Building Design Standards.** The following development standards shall supplement those contained in this Code. Wherever possible, and if not exempted, development shall comply with the standards of Article 5 and Article 6 of the UDC, and the standards of this section; however, in the event of a direct conflict the standards of this section shall govern.

1. **Parking, Lot Access and Circulation.** The minimum required Automobile Parking standards of UDC 6.2.4.a shall not apply to property within the UU district.

(a.) **Bicycle Parking.** All new development or changes of use that require a Site Plan per section UDC 2.2.3.b. shall provide 2 bicycle parking spaces per 2,000 square feet of gross floor area.

- 1. Required bicycle parking is permitted in the ROW so long as the parking does not interfere with the 5' required ADA pedestrian zone.
- 2. Applicant will have the ability to provide cash-in-lieu for bicycle parking to the shared biking facilities fund.

2. **Commercial Building Design Standards.** Development shall comply with the standards of UDC 6.7. with the following modifications:

(a.) **West Edge Area.** Properties included in the UU overlay district that fall within the West Edge district, located between 24th Street and the Union Pacific Railroad from north to south and Carey Avenue to Missile Drive from east to west, shall incorporate the design standards of UDC 6.7; or, as alternative compliance, shall incorporate the design guidelines from Chapter 5

of the 2016 West Edge Area Wide Plan into any development that requires a Site Plan Review per UDC 2.2.3.b.

- (b.) **Adaptive Reuse.** Adaptive reuse is encouraged in the Urban Use Overlay District. Developments that incorporate an existing structure designated as a significant building in any overlying subarea plan, such as the 2016 West Edge Area Wide Plan, shall receive an exemption from the standards of UDC 6.7. Buildings that receive this exemption shall incorporate design guidelines from the applicable plan.
- (c.) **Alternatives.** Minor deviations from the standards may be evaluated by the Director to meet the intent of the small scale commercial and mixed-use design standards of the UDC through an alternative design to allow a site-specific plan that is qualitatively equal to or better than the strict application of a design standard specified in this code. This procedure is not intended as a substitute for a variance or administrative adjustment or a vehicle for relief from standards of this Code. To grant an alternative design, the director shall find either:
 - 1. The proposed alternative design achieves the intent of the subject design standard to the same or better degree than the subject standard; achieves the goals and policies of PlanCheyenne or the applicable plan to the same or better degree than the subject standard; and results in benefits to the community that are equivalent to or better than compliance with the subject standard; or
 - 2. The required improvement would be ineffective because of locational, topographic, or site constraints while the alternative design can accommodate site-specific issues.
- 3. **Street Trees.** Shall comply with the standards of UDC 6.3.6.
- 4. **Street Furnishings and Projections into ROW.** May be placed in the ROW so long as the furnishing does not interfere with the 5' required ADA pedestrian zone. All street furnishings and projections into the ROW shall be shown and approved by the Site Plan process per UDC 2.2.3.b.
 - (a.) Street furnishings shall include benches, tables, chairs, decorative patio fencing, hosting stands, or other items permitted by the Director.
 - (b.) Other projections into the ROW may include awnings, patios, or other projections permitted by the Director.

Section 5. That sub-section 6.2.2.a. is amended to read as follows: “The standards in this section shall apply to all new construction and changes of use in all zoning districts, except that no parking is required in the CBD district or the UU Overlay District. When sites do elect to provide parking in the CBD district or the UU Overlay District, all maximum quantity, location, design standards and specific limitations in this Article shall apply.”

Section 6. That the aforementioned Section of the UDC is hereby amended as set out within this ordinance and sections currently existing within the UDC not set out within this ordinance remain unchanged.

Section 7. 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, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.

Section 8. That this ordinance shall be in full force and effect upon approval and publication.

FIRST READING: _____ May 24, 2021 _____

SECOND READING: _____ June 14, 2021 _____

THIRD AND FINAL READING: _____ June 28, 2021 _____



PATRICK COLLINS, MAYOR

(SEAL)
ATTEST:



KRISTINA F. JONES, CITY CLERK

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