

**ORDINANCE NO. \_\_\_\_\_**

**ENTITLED: “AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) TO CREATE A COMMON LANDSCAPING PLAN AND DEFINITION OF DEVELOPMENT FOOTPRINT.”**

**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 create a common landscaping plan and definition of development footprint.

Section 3. That on February 26, 2022, the Planning Commission conducted a public hearing, reviewed the proposed text amendment, and recommended approval of said text amendment with modifications.

Section 4. That Section 1.4.3 of the UDC is amended to add the following definition:

*“Development Footprint.* The development footprint is the total land area that is permanently affected by development activities, and includes buildings, structures, hardscape, utilities, roads and parking areas, maneuvering areas, storage areas, areas associated with the use on the property, and areas cleared of natural vegetation and topsoil.”

Section 5. That Section 6.3.10, is created to read as follows:

**“6.3.10 Common Landscape Plan**

As an alternative to individual site landscaping, developments of eighty (80) acres or larger in Light Industrial (LI) and Heavy Industrial (HI) zoning districts may submit a common landscape plan that would contribute to uniformity of a development’s collective appearance. Common landscape plans shall focus on providing landscaping that is beneficial to the public, consistent with the general landscape character and context of the area, and water conservation. Common landscape plans shall be administratively approved by the Director.

- a. *Submittal Requirements.*** Applications for a common landscape plan may be initiated by all property owner(s) of all property subject to the common landscape plan, or an agent or entity authorized by all property owner(s) through mutual agreement or a property owner’s association.
- b. *Application, Submittal, and Phasing.*** An applicant shall submit a conceptual common landscape plan, prepared by a licensed landscape architect, for the entire development based on presumed development footprints for the plan

area. Installation of landscaping may be developed in phases and the developer shall submit phasing plan in conjunction with submittal of common landscape plan. Phasing plans shall show general locations of landscaping, materials, plantings, groundcover, anticipated development footprints, and any transferred points within the plan area. As development occurs, site / landscape plans shall be submitted and reviewed by the City to determine that each site meets the intent of the common landscape plan.

- c. ***Common Landscape Plan Standards.*** The landscape standards of Chapter 6.3 of the UDC shall apply, except as set forth below.
  - 1. ***Required Internal Landscape Area.*** The Required Internal Landscape Area of Section 6.3.3 shall be ten (10) percent of the development footprint. Required internal landscaping may be transferred to other areas within the area subject to the plan. The use of required internal landscape trees within and adjacent to parking areas and as an addition to required street trees, is encouraged.
  - 2. ***Street Trees.*** The Street Tree standards of 6.3.6 shall be adjacent to arterials, collectors, local streets, and interstates subject to City Forestry's standards for street trees and the Street Design Standards of Section 4.3, at the rate of one tree per sixty (60) feet of street frontage. Street trees shall be in the adjacent public right-of-way or seventy-five (75) feet of the property line adjacent to a street right-of-way if circumstances unique to the site prevent the placement of street trees within the right-of-way.
  
- d. ***Tree Reduction and Relief of Requirements Allowance.*** Up to a twenty (20) percent reduction of the required number of internal and/or street trees may be granted by the Director based on specific site conditions and to best meet the development's collective appearance. If a tree reduction is approved:
  - 1. A per tree monetary donation shall be made by the applicant to the City, for every tree reduced, to be deposited in a specific fund for use in purchasing and installing trees for the Greater Cheyenne Greenway and other City lands, including but not limited to, open spaces, park areas and rights-of-way.
  - 2. The City Forester shall determine the monetary donation per tree yearly on January 1st of each year, based on the average wholesale and installation cost of trees from three regional wholesale nurseries. This fee shall be in effect for the calendar year and be available to the public.
  - 3. A per tree monetary reduction can count toward the point system as a new tree.

- e. **Review Criteria.** In reviewing, providing comments, and making decisions on a proposed common landscape plan, the Director shall use the following criteria:
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 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 landscaping on each lot is not practical because of location, topographic, or site constraints while the alternative design can accommodate site-specific issues.
  3. The plan represents a logical phasing plan for the development.
  4. Adequate utilities exist to serve the landscape elements detailed in the plan.
  5. The plan shall not place an undue fiscal burden on the City or other public entities.
  6. An entity has been identified for maintenance of common landscape plan elements and any necessary agreements can be executed within sixty (60) days of approval.
  7. Incorporates an area of at least eighty (80) contiguous acres. For the purposes of area calculation, intervening rights-of-way shall be included in the measurement.
  8. The plan is prepared by a licensed landscape architect.
- f. **Amendments and Alterations.** Amendments to the common landscape plan may only be initiated with the consent of all property owner(s) of all property subject to the common landscape plan or an agent or entity authorized by all property owner(s) through mutual agreement or a property owners' association.
- g. **Recording and Approval.** Following approval of a Common Landscape Plan, the Director shall sign the plan and the applicant shall then record the plan on each affected lot or parcel in the office of the County Clerk and be responsible for any associated fees. The applicant shall provide a copy of the recorded plan to the Director prior to issuance of any building permits.
- h. **Abandonment of Plan.** In the event the applicant wishes to abandon the approved Common Landscape Plan, the Director must determine that abandonment of the plan is not detrimental to the plan area and that the applicant has taken reasonable and necessary steps to mitigate any non-conforming site conditions on existing sites in the plan area. Requests for abandonment may be initiated by the Governing Body, the Director, by all property owner(s) of all property subject to the common landscape plan, or an

agent or entity authorized by all property owner(s) through mutual agreement or a property owner's association. Upon Director determination that abandonment is acceptable, the Director shall sign any necessary releases to be filed with the office of the County Clerk.”

Section 6. The aforementioned sections of the UDC are 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:** February 14, 2022

**SECOND READING:** February 28, 2022

**THIRD AND FINAL READING:** March 14, 2022

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PATRICK COLLINS, MAYOR

(SEAL)  
ATTEST:

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KRISTINA F. JONES, CITY CLERK