

**IMPLEMENTATION SNAPSHOT: SUMMARY REPORT**  
**PLANCHEYENNE IMPLEMENTATION**  
**UNIFIED DEVELOPMENT CODE & FORM-BASED CODE**  
**CHEYENNE, WYOMING**  
*April 2008*



This is a summary of the Implementation Snapshot Report, produced as an initial step in updating the City of Cheyenne's development regulations to better implement *PlanCheyenne*. The full report will be available in April, with expanded commentary and a detailed comment log outlining a complete review of the regulations.

The report is based on a thorough review of *PlanCheyenne*, the Zoning Ordinance, the Subdivision / Development Regulations, and the Road, Street, and Site Design Standards. The report takes a critical look at these documents in relation to adopted plan policies and strategies. However nothing in this report reflects a formal recommendation or official policy of the City. Rather the report and this summary are intended to advance the dialogue on a range of potential regulatory strategies that are useful to consider as the City begins the update process.

**PROJECT OBJECTIVES...**

The following are the three primary objectives that will guide this project:

- **Clarify** – Reorganize the code, rewrite confusing language, add tables and graphics, and develop consistency and eliminate conflicts.
- **Streamline** – Analyze process, provide flexibility and options, and reduce risk and uncertainty.
- **Improve** – Upgrade existing regulations, add new regulations and/or zoning categories, reflect the future land use map of *PlanCheyenne*, and increase density (options) and flexibility.

**WHAT PLANCHEYENNE SAYS...**

*PlanCheyenne* was adopted in 2006. It is a general guide to future growth and development for the City of Cheyenne. It is a policy and is conceptual, and it must be implemented by the day to day decisions of landowners, developers, public officials, and other stakeholders. One part of successful implementation of a plan is to look at how a city's development regulations impact these decisions. The following foundation elements and key land use concepts provide the overall framework for the many more specific policies, strategies, and design and development concepts in *PlanCheyenne*.

*Plan Foundations*

1. Grow as a Community of Choice
2. Create Livable "Hometown" Neighborhoods
3. Fostering Vital Employment and Activity Centers
4. Developing a Connected and Diverse Transportation System
5. Celebrating our Character and Varied Heritages
6. Creating a Legacy of Parks, Open Spaces, and Trails
7. Developing in a Fiscally Responsible Way

*Key Land Use Concepts*

1. Urban development focused within an Urban Service Boundary (USB)
2. A balanced mix of housing and jobs

3. Neighborhoods with housing choices
4. A variety of vital “Activity Centers”
5. Connected and coordinated transportation system
6. System of connected parks throughout our neighborhoods and community
7. Viable agricultural and ranch lands
8. Natural/cultural resource conservation
9. Attractive community gateways and Interstate corridors
10. Flexibility in land use categories

#### WHAT THE SUBDIVISION / DEVELOPMENT REGULATIONS SAY...

Subdivision regulations are intended to coordinate development and establish efficient development patterns as land division occurs. One of the key public interests in regulating land division is ensuring that systems for serving broad groups of future land owners are put in place efficiently and according to long range plans. Subdivision regulations are therefore the first critical step in implementing a comprehensive plan from a regulatory perspective.

Cheyenne’s subdivision / development regulations were looked at in terms of four key “systems” that are the subject of most subdivision regulations, and which are the foundation of community development patterns: Transportation Systems / Street Networks, Open Space Systems, Blocks and Lots, and Infrastructure Systems.

1. *Transportation Systems / Street Networks.* A key element of any land division application is how it integrates within, and supports existing or planned transportation networks beyond the boundaries of a project. Cheyenne’s subdivision / Development Regulations defer most of the planning standards for transportation and street networks to the Road, Street, and Site Design standards reviewed below. Specific comments on the standards in relation to *PlanCheyenne* are addressed there.
2. *Open Space Systems.* Cheyenne’s standards have a general reference to preserving “natural features” on land proposed to be subdivided (80.060) and encourage “clustering” of residences, but only in the County (80.020(d)). In addition, they have detailed provisions for fees for neighborhood parks (Article IV. Community Facility Fees.). *PlanCheyenne* has many specific provisions for different parks and open spaces, including recommendations for updating the fee structure. However, the regulations currently don’t recognize that different contexts could allow a range of different open space solutions to serve neighborhoods, and only contain standards for natural open spaces. By including specific standards for different types of open spaces (per the Plan) in the regulations, greater flexibility may be offered to developers to include open spaces within their plans, dedicate it to the City based on specifications, and help implement a more connected system of parks, trails and open spaces per the plan. Specifications for open spaces are being developed as a parallel scope to the ordinance revisions, and will be used to help inform updates to the open space provisions of the subdivision regulations.
3. *Blocks and Lots.* Most of the standards in Article VIII on design standards deal with lots. However, they do not clearly identify any specific development patterns in relation to the Plan. Instead, much of Article VIII appears to be a collection of various standards addressing lots. *PlanCheyenne* indicates that a variety of development patterns, particularly neighborhoods, nodes and activity centers should be developed. Subdivision regulations emphasize an opportunity to link future development to the plan by enabling a range of block and lot development patterns that will serve the immediate development, and which will integrate with existing, planned or future development in the vicinity. Since much of the subdivision design standards defer to zoning ordinance lot standards, improvement of the zoning ordinance lot standards (see point 2 below under Zoning Ordinance comments), will improve this aspect of the subdivision standards. However, block limits are an essential component of implementing patterns called for in *PlanCheyenne*, and in promoting

connectivity of the Transportation Network. Currently the definition of a block is too vague to use this tool (it allows “other property lines” to define a block) effectively, and there are no specific block standards keyed to the different development contexts called for in the Plan.

4. *Infrastructure.* Cheyenne’s regulations do a good job of facilitating comprehensive infrastructure planning, including utilities, storm drainage and community facilities (public safety, schools, etc.). They ensure that the immediate development is adequately served and that opportunities and expenses for expanded facilities that meet long-term plans can be equitably shared by the City and developer. However, a clear process for reserving lands that could be appropriate, based on documented plans, for serving broader community needs can be helpful in implementing the Plan. These types of provisions allow acquisition strategies and provide incentives that balance the public and private interests at stake. Other improvements to the technical sections regarding infrastructure planning and design will be better gauged through interviews with key staff and the development community on issues affecting infrastructure design and maintenance.
5. *Applications and Procedures.* The administration of the development regulations can basically be organized under four primary functions – interpretation (including definitions), application requirements, review processes, and enforcement. Both the Zoning Ordinance and Subdivision / Development Standards contain many sections and pages related to development applications and review processes. Through key interviews, approaches to streamlining and clarifying these sections will be determined. Preferred approaches of staff to present processes in a flow-chart type approach will be incorporated, and generally checklists for applications will be explored. Many of the technical or specific details of the application sections may be better housed in an administrative manual or actual application packet maintained by the departments. Further, as part of a potential “unified code” project, the opportunity to organize all Administration and Procedures elements into a single Article of the code can improve consistency (particularly with respect to definitions) and streamlining of ordinance requirements among the three documents under consideration (Zoning, Subdivision, and Road, Street and Site Design Standards.)

In general the City’s Subdivision / Development Standards are very process intensive (54 pages of procedures in first seven articles) and do not emphasize the importance of broad community planning patterns (approximately 13 pages in Article VIII). Further, an organizational structure that separates the broad planning principles from the technical and engineering specifications should be explored. This can help draw more explicit links to the land use policies in *PlanCheyenne*, but still ensure that appropriate technical specifications are implemented on a lot by lot basis. In addition, this can aid in a more user-friendly format for the different professions that must interpret and use the regulations in the development process.

#### **WHAT THE ROAD, STREET, AND SITE DESIGN STANDARDS SAY ...**

The City of Cheyenne Road, Street and Site Planning Design standards were drafted to provide “uniform design standards for development of transportation facilities in the City of Cheyenne.” They apply to public rights-of-way and to private property where access to public rights-of-way is required. They primarily impact the design of roads, streets, and related public facilities, but include standards for private site design. They are intended to be used in conjunction with other applicable laws, including city subdivision and zoning regulations. These standards were updated in 2006 to address certain development issues facing the community, with several housekeeping changes made in 2007. The standards address issues such as street network requirements, traffic impact analysis, street cross-section designs (roadway and non-roadway rights of way), street access and intersection spacing and design requirements, requirements, pedestrian and bicycle facilities, drainage, and some site design standards on private property.

Cheyenne's Road, Street, and Site Planning Design Standards were analyzed for opportunities where transportation system and facility design can better support the land use concepts of *PlanCheyenne*. These comments will assist in the evaluation to reinforce standards that are working well, improve areas that may not work well, and add flexibility or more explicit strategies to implement some of the new or innovate concepts of the Plan.

1. *Hierarchies*. Road "hierarchies" (eg. major arterial, minor arterial, collector, and local), where most traffic is forced to larger-scale arterial streets, are emphasized as the fundamental planning element. This tends to create a development framework that could prioritize traffic volume and flow over all other goals, potentially having negative impacts on pedestrian design, multi-modal mix, aesthetics, urban design, or land use and development patterns identified in the Plan.
2. *Connectivity*. The connectivity standards between road classifications and road access, or "scale" for which the street hierarchy is planned, does not support development patterns identified in the Plan (activity centers, and walkable, mixed-dwelling neighborhoods.). They require large minimum separation points between different classifications of streets and access from those streets. The typical result from development patterns with this scale of connectivity is larger-scale commercial uses separated from other supporting uses (residential, employment, or civic). This pattern, if applied universally, will also lead to more vehicle trips, longer vehicle trips, increased automobile dependency, and eventually greater traffic and congestion. The result includes higher capital construction costs for the City as well as increased long-term maintenance costs. All of these conflict with the goals and objectives of *PlanCheyenne*.
3. *System / Land Use Relationship*. The hierarchy framework and connectivity standards could result in a system that will not clearly support or promote the key land use concepts in the plan, and in fact may prioritize more strip commercial patterns which are discouraged or rejected in the Plan. Large scale roadways (designed for 15,000 Average Daily Traffic [ADT] or greater), create market conditions where all lands along that corridor become attractive to commercial development interest due to exposure to pass through traffic. When design capacity approaches 40,000 ADT, all lands along that corridor become attractive to regional-scale commercial development. Eventually, development investment could become dispersed along the length of these corridors, and retail interests may compete against or possibly cannibalize each other competing for a limited market of residences within a trade area. Without local governments instituting regulatory measures to neutralize the negative market conditions created by the roadway system, strip commercial patterns can result. In contrast, if smaller scale streets are planned, but with greater frequency and network connections to support broad mobility goals, a market condition is created that targets development investment at key intersections (eg. 12,000 ADT + 12,000 ADT = 24,000 ADT, or an attractive retail environment), or in areas where sufficient residential density exists within an ¼ mile to ½ mile "walkable" radius. This type of transportation system and resulting development patterns is more consistent with the pattern of "nodes" and activity centers in *PlanCheyenne*.
4. *Design for Alternative Modes*. The design standards for streets, with the exception of standards in Chapter 8 that address pedestrian level of service, prioritize vehicle volumes and flow (vehicle LOS). Many development contexts anticipated in *PlanCheyenne*, and the Foundations and Key Land Use concepts in the Plan, suggest that there are many instances where other interests should take priority over vehicle flow, including considerations for other modes of transportation, relationships to adjacent land use and development patterns, or aesthetic considerations. The "complete streets" and pedestrian level of service concepts in the Plan should be emphasized as a mechanism for altering designs standards, or directly incorporated into the default design standards.
5. *Design of Specific Functional Classifications*. The design standards for street cross sections assume that any particular segment of a street within a single functional classification (eg. major arterial, minor arterial, collector, local) should be designed the same, regardless of the surrounding development patterns or adjacent land uses. If more connected street networks are

developed to support development, greater flexibility may exist for different street design types, without disrupting the overall function of the street or transportation system. This allows street designs that better support and relate to adjacent land uses, and can incorporate a better balance for different modes of transportation (vehicle, pedestrian, bike, and transit).

6. *Format and Usability.* The document format could be improved to “clarify” and “streamline.” It is a long document, with much narrative, and at times it can be difficult to find standards. It also includes a mix of planning, urban design, engineering, and construction / specification information without a clear organization or orientation for each of these different topics. (This can create difficulty for any of the different professions or specialists who may be working with just a part of the document). Lastly it appears to overlap with other regulatory topics that are in the zoning or subdivision regulations, without explicit cross-referencing. This has a tendency to breed conflicts or interpretation issues between all of the documents and forces applicants or other users of the regulations to go to three sources to gain a complete understanding of regulatory or design issues.

### WHAT THE ZONING ORDINANCE SAYS...

Zoning regulations represent the counterpart to subdivision regulations – establishing development standards that apply to private lots within the development patterns and public spaces established through subdivision regulations. Zoning is intended to implement plans by establishing different districts which “regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land”<sup>1</sup> distinctly, and within which each “class or kind of building”<sup>2</sup> enabled in the district is regulated similarly.

Although the statutes authorize zoning to address a broad range of topics, particularly when related to a comprehensive plan, the tendency among the planning profession over the past few decades has been to utilize zoning primarily to arrange similar land uses in limited groupings across large areas through broad application of districts. This approach often fails to take advantage of other appropriate design and development techniques which are authorized under the statutes, and which may better implement local plans. Cheyenne’s zoning ordinance was analyzed for opportunities to incorporate a wider range of design and development regulatory strategies in a manner that emphasizes the Foundations and Key Land Use Concepts of *PlanCheyenne*.

1. *Districts Generally.* The zoning ordinance has 25 different zoning districts, including rural districts, residential districts, commercial districts, mixed use districts, and special purpose districts. While this amount of zoning districts is not unusual, concepts or policies in the Plan may allow us to explore consolidating some districts. Where one or more districts can allow a greater mix or integration of similar uses, based on strategies or design concepts in the plan, it may present an opportunity to streamline development of the regulations. Further, the separation of City and County planning may mean that some districts will not need to be retained in the City’s zoning ordinance.

All of the zoning districts could be improved by beginning with an explicit “Intent and Applicability” statement. Such statements establish links to *PlanCheyenne* and the future land use map, explain parameters on the extent and intensity of any single zoning district before transitioning to other supporting uses, and explain goals for relationships between mutually supporting zoning districts. Such statements provide helpful guidance to applicants, public officials and staff in the development process, and keep long-range goals and strategies in focus amidst day to day decisions.

<sup>1</sup> Wyo. Stat. Ann. Section 15-1-601.(b).

<sup>2</sup> Wyo. Stat. Ann. Section 15-1-601.(c). Note the important implication that regulations of districts by urban form, or different “kinds and classes of buildings” within districts, in addition to uses.

In addition, there are many pages devoted to the various zoning districts. Most provide use and dimension standards for lots. In the current format it can become difficult to navigate these sections. Provided an overall format is developed to address other standards that may affect zoning districts (site design, parking, signs), much of the current format for all of the zoning districts could be consolidated into 2 or 3 pages of tables for allowed uses and dimension standards for all of the zoning districts. This may also allow easy comparison among zoning districts for landowners or developers who may need to better understand their options.

2. *Neighborhood Residential Districts.* There are six “neighborhood residential” districts ranging from low density to high density. Although they do allow a mix of housing types within some districts (as called for in *PlanCheyenne*) – particularly at the higher density range – the districts are primarily distinguished by lot size. For example, the difference between MR-1 district and LR-1 district, is that single-family houses may have lots with 2,000 square feet less (7,000 instead of 9,000) and duplexes may have lots with 1,000 square feet less (3,500 instead of 4,500). The MR-1 district also allows “multi-family” uses for the first time. A better approach that could more effectively implement the goals of *PlanCheyenne* for a compatible mix of housing types within some neighborhoods may be to tie the building type (i.e. large detached, small detached, semi-attached, attached, multi-unit, etc.) to the lot type so that no matter what district you are in consistent and quality urban design standards are applied to the building and lot. Then districts could be differentiated on the range and intensity of the building / lot combinations they allow.
3. *Commercial Districts.* There are three primary commercial (“business”) districts – Neighborhood, Community, and Central Business. This is typical, and it is consistent with the patterns of *PlanCheyenne* and the Future Land Use Map, and the Key Land Use Concept of a “variety of vital activity centers.” However, there is nothing in the standards of these districts to guide development within the three distinct scales intended – neighborhood scale, community scale, or downtown scale. The districts enable uses generally, and assume that all “retail and wholesale establishments” would have the same impacts and further the land use policy goals equally. This is not the case, as the scale of businesses in relation to surrounding supporting uses is instrumental in creating “vital centers” and in achieving the urban design principles of the Plan. Adding Intent and Applicability statements for each of these districts can help with this issue. In addition, while still maintaining a general approach to categories of uses (as the zoning ordinance currently does and *PlanCheyenne* recommends) there may be an opportunity to break down use categories to appropriate scales of uses consistent with the land use plan policies, and then differentiate these districts by scale.
4. *Mixed-use Districts.* *PlanCheyenne* has three mixed-use land use categories on the Future Land Use Map – Employment Campus, Residential Emphasis, and Commercial Emphasis. The current zoning ordinance has two mixed-use districts which match the later two categories. One of the priority code amendments recommended in *PlanCheyenne* is to update these districts consistent with the plan. However, although these districts do allow for a mix of uses, there are very little planning or urban design standards to indicate how these uses are to be arranged in a compatible development format, consistent with the plan. The MUR district appears to be more of a residential district with retail as a use requiring administrative approval. There is very little guidance to prospective developers as to what design and development standards are necessary to gain approval. The MUB district appears to be a business district that allows residential according to the MR-1 district standards (medium density residential). Neither of these will assure the desired or effective mix of uses. Further, it is worth pointing out that a compatible mix of uses consistent with the plans land use policies can be achieved by a better integration and relationship among compatible zoning districts. Better guidance on how to implement development using the NB (neighborhood business) and MR-1 (medium density residential) districts, can achieve the same or better results as is intended by the two existing mixed-use districts.

5. *Special / Planned Districts.* There are several special purpose districts in the ordinance including provisions for planned districts, Airport district, Military District, Airport and Capital Districts, and Development Incentive overlays, Wireless Telecommunications Facilities, and Manufactured Homes. As these are technical and issue-specific provisions, no immediate improvements are noted in light of implementing *PlanCheyenne*. However part of the process will include interviewing key people most familiar with the technical aspects of these sections of the ordinance to determine if any changes or improvements are needed.
6. *Rural / Agriculture Districts.* There are several districts addressing agriculture and rural residential development to varying degrees. This area presents the most likely opportunity for consolidating districts, due to the split of County and Zoning issues (some districts express “county only” application) and the fact that *PlanCheyenne* recommends limited application of large-lot or rural development in growth areas. A single district, reflecting the strategies and approaches in the plan should be explored.
7. *Design.* Design standards, or standards that address the physical and aesthetic arrangement of development on individual sites are scattered in several sections of the zoning ordinance. Common topics of design, most of which are reflected in the Cheyenne Zoning ordinance in some places, include Site Access and Circulation (vehicular), Parking, Landscape, Open Space (private – on-site), and Building Design (these can cover a range of basic urban form, aesthetics and materials, or architectural styles).

One immediate improvement to Cheyenne’s zoning ordinance is to remove the sign provisions from all of the individual zoning districts (where they are repeated) to a single section on signs (addressing all sign issues in the current section 17.128). The signs provisions included in all of the individual zoning districts have few distinctions between different zoning districts or groups of zoning districts, enabling to opportunity to reduce much of the repetitive text. This can be achieved in a format that still preserves important distinctions where a different character and sign allowance will be preserved. Another issue related to signs is the extensive list of sign definitions (some of the defined sign terms don’t appear to be used in the regulations). This list may be simplified while still achieving the City’s goals and protecting adjacent property interests. In addition, a few of the definitions appear to be “content based” (i.e. “political signs” or “real estate signs”), which presents constitutional concerns on whether the regulation can be more limiting than other similar signs.

The current parking provisions appear sufficient, although the content can be better organized in a table format. However, more specific incentives for reducing or sharing parking facilities should be explored to better meet the urban design principles in *PlanCheyenne*. For example, the parking section does not allow a mixed-use development to share spaces among different uses that may have different peak times, instead requiring parking to meet the cumulative requirement of all uses. (17.124.040.B.7.) Reducing the cumulative parking requirement is one of the advantages to more compact development with a mix of compatible uses. Several models exist to set an industry accepted threshold for parking sharing among compatible uses with different peak times. This can make the allowances and incentives of collective parking facilities (17.124.020) more explicit. In addition, location sharing, credits for existing on-street parking, and credits or reductions for site designs that support alternative modes of transportation (pedestrian, bicycle, and transit) should be explored as a means of reducing the parking footprint and allowing more better urban design features and amenities.

The landscape requirements within the site plan section (17.136.040) are extensive, and rely on a complex buffering requirement. Gaining a better understanding on how successfully these have been implemented through the development process will be key to identifying if improvements need to be made. However, it does appear that some more context-specific solutions should be explored so that landscape design is incorporated into the overall character of the district, and not simply used to “buffer” things that are assumed incompatible.

With respect to other site design elements (site access and circulation, open space, and building design), only large scale commercial uses are subject to specific standards (17.118). The site plan section (17.136) has some general provisions where a site plan is required, but no specific standard guiding how development sites should be arranged or relate to the adjacent public streetscape. These issues can be especially critical to successful and compatible development among different sites when a more compact development pattern is promoted as in *PlanCheyenne*. Further, the large-scale commercial design standards could benefit from a reorganization and streamline of words. This reorganization will present an opportunity to evaluate whether similar provisions (but with different specific standards) should be applied to other districts with respect to site access and circulation, open space, landscape, and building design.

In general, all of the design standards should be organized into one primary section of the ordinance. This will allow a more clear expression of the *Intent and Applicability* of the standards, the relationship to of the standards in developing integrated site designs, and allow design specialists in the development community to have access to the information that is most relevant to them in one location.

8. *Procedures / Administration*. [see comments offered with Subdivision / Development Regulations point 5. above.] In general, the opportunity to organize all Administration and Procedures elements into a single Article of the code can improve consistency (particularly with respect to definitions) and streamlining of ordinance requirements.

#### **OTHER CONSIDERATIONS FOR THE PROJECT...**

The following themes emerge after reviewing the development regulations and considering improvements to better implement *PlanCheyenne*.

- Begin with a logical framework for the overall development code. Improve cross-references so that topics or regulations are only addressed once, but it can be easily found when dealing with related sections. This will also help with identifying appropriate places to make future amendments when that need arises.
- Incorporate opportunities and flexibility for road networks and street designs that better relate to existing and planned land uses and development patterns, while still improving the system-wide mobility. In some contexts and specific development patterns called for in *PlanCheyenne* this may involve increasing the connectivity of public streets while offering a variety of street designs and cross-sections within the area that better support adjacent site designs, buildings, and uses.
- Emphasize the scale and site design of various uses allowed in the existing zoning districts. This can allow greater flexibility and a broader variety of different land uses and building types within zoning districts, but ensure compatibility and effective transitions between different zoning districts. For many districts, specifying a better match between building types and lot standards will improve implementation. Planned and mixed-use districts may also be improved with greater specificity on the scale of uses, range of acceptable uses, and more specific criteria for building and lot design. Some new zoning districts may be necessary, while others – where distinctions are simply based on lot sizes may be consolidated.
- Improve site design standards for the variety of different contexts established in *PlanCheyenne*. The charrette will identify a number of urban design strategies that can improve the relationship between buildings design, lot design, and street design on individual lots, and identify how lots and districts can most effectively transition where the characteristics of buildings and uses change. This exercise will identify proven prototypes in the community as well as investigate new approaches and strategies in relation to the plan goals. Many of these approaches may be appropriate for codification in existing or new zoning districts in the Unified development code.

- Improve flexibility and the ability to administer the code consistent with *PlanCheyenne*. In increasing the range of design solutions available, a greater mix or range of compatible development approaches may be possible. However, specificity in design objectives must be balanced with the ability to implement the best design solution on any individual site, if it furthers to goals, policies and strategies of *PlanCheyenne*. Increased use of Purpose, Intent and Applicability statements, and Design Objectives, can help to achieve both administrative flexibility and consistency in implementing *PlanCheyenne*.

Ideas and approaches for incorporating the themes in the *Implementation Snapshot* report into the development regulations will be the subject of future issue papers (*Implementation Structure Papers*), the Design Charrette, and review and discussions of the Initial Draft regulations.

#### SUMMARY ...

The strategy of Clarifying, Streamlining, and Improving Cheyenne's codes appears to be an effective approach. Cheyenne's current regulations are confusing, in dispersed locations, and lack visual descriptions to aid in interpretation and consistent enforcement. The process appears to have areas that are cumbersome and do not allow the flexible approaches described in the plan and would benefit from streamlining. Additions and new development opportunities would be well suited to help improve the community and the code.