

**INITIAL DRAFT EXECUTIVE SUMMARY**  
**PLAN CHEYENNE IMPLEMENTATION**  
**UNIFIED DEVELOPMENT CODE & FORM-BASED CODE**  
**CHEYENNE, WYOMING**  
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## **Introduction**

The Initial Draft of the Unified Development Code is the first step in meaningful code revision for the City of Cheyenne. This draft, and the review process associated with it, allows critical public and stakeholder input into the drafting process. Therefore, the initial draft is necessarily incomplete. It includes formatting issues (such as tables or text that break across pages) and drafting notes. These items will be cleaned up in subsequent drafts and reviewers are encouraged to focus attention on:

- 1) The overall framework, organizational structure, and topical content of the Initial Draft (i.e. does the draft address the critical provisions in the right place to maximize “user-friendliness”);
- 2) Whether any important sections from the current regulations (Subdivision Standards, Zoning Ordinance, or Road, Street and Site Planning Design Standards) have been overlooked and left out of this draft; and
- 3) The content compared to current regulations and recent planning policies. In this regard, grey highlighted comments are for general background; blue highlighted comments are considered more important and/or represent where changes from current regulations are recommended. (Pink highlights generally indicate drafting notes to be cleaned up or added in future drafts, and are not necessarily critical for reviewers).

This Initial Draft was prepared according to the project philosophy of “CSI”: *Clarify, Streamline, Improve*. However it is an initial draft, and with Advisory Committee and Technical Committee input there is much room for further “CSI.” Additionally, this draft tries to marry and reconcile regulations from three different sources: the Subdivision Standards; the Zoning Ordinance; and the Road, Street and Site Planning Design Standards (RSSPD). Because of the complexity of this task, there may be items that need further work between the Initial and Final Draft review (the next phase of this project).

## **Approach**

A number of topics are currently addressed in two or more of the City’s current regulation documents (subdivision, zoning, or RSSPD standards), sometimes with a different emphasis on certain provisions, sometimes with a different approach, or sometimes in direct conflict. Where this occurred, the consultant team’s approach to proposed standards in the Initial Draft is based upon a combination of the following:

- (1) Our interpretation of what the current standards would require, and simplifying the language;
- (2) Developing revised or new standards based on guidance from *PlanCheyenne*; and
- (3) Considering input in the project process to date, including the Implementation Snapshot Paper, the charrette conducted in April 2008, and the focus group and key person interviews.

In most cases, the standards in the Initial Draft originate in one of the existing three documents. However, where new or different standards are proposed they are usually noted in the comments.

Below is a summary of the most significant changes. They are organized by article of the Initial Draft, with a brief overview of the general purposes of each article and the types of provisions included in each Article. This list is intended to assist review and discussion of the Initial Draft.

## **Article 1           General Provisions**

Article 1 includes mechanics on how the Unified Development Code (UDC) works. It will not be used much by the design and development profession, and will typically only be used by those who work daily with the code or referenced when a question on the technical application of the code arises. The Initial Draft organizes most of the existing mechanical items such as legal authority, broad purposes, and enforcement provisions here.

The most significant changes in this article to be discussed in the Initial Draft Review are in the approach taken in Section 1.4 *Interpretation*. This Section contains several sub-sections that are designed to balance the desired flexibility, with effective and consistent implementation. The most notable of these changes are the distinctions between how sub-section 1.4.2 *Interpretation of Dimensional Standards*, sub-section 1.4.3 *Defined Terms* (to be developed in final draft), and 1.4.4 *Description of Uses of Land and Buildings* (to be developed in final draft) will operate and be interpreted.

Additionally, the current regulations have references to other outside resources or model codes and guidelines, and it is often not clear how they are to influence implementation. Sub-section 1.4.7, *Resources, Guides and Industry Standards* is a new section to house those references and also be specific as to how they are used. This section is also broadened to allow new and emerging guides on “best practices” or state of the art techniques to be used. It is thought that this can help give the new code a longer shelf life as the design and development profession changes over the next several decades.

## **Article 2           Procedures**

Article 2 is where all procedures will be listed for those who are entering into the development review process. The Initial Draft has only a framework for organization and the types of applications that will be necessary under the Unified Development Code. Drafting the procedures is deferred until the final draft, after discussion on the substantive provisions of the draft UDC and when there is better direction and guidance on what procedures are necessary.

However, this section is where much of the “streamlining” will occur. All of the current procedures will be simplified and this section will include flow charts to improve user-friendliness for citizens and other stakeholders who will be involved in the development review process. One consideration as the initial draft review occurs is that by getting more specific on the “form” standards for development, there is an opportunity to remove more of the decision making out of vague or cumbersome discretionary review processes, and into more streamlined review. (this has been a consistent theme of some of the early project input.) Additionally, where there is discretionary review, such as with rezoning decisions, conditional or administrative use, or planned developments, the *Intent* statements and *Design Objectives* at the beginning of each of the substantive sections of the Initial Draft can be relied on heavily as decision-making criteria. This can lead to better predictability and a clear tie to the public purposes in the development review process.

## **Article 3           Transportation Impact Studies**

This section is from the current Road, Street and Site Planning Design Standards (RSSPD), and is included in its entirety in the Initial Draft of the UDC (with changes only where noted in the draft). This is a foundation of determining transportation solutions for large and moderate-scaled

development proposals. The thresholds for the two levels of study – Transportation Impact Study (TIS) and Transportation Impact Analysis (TIA) – have been maintained as they appear in the current RSSPD standards.

Two notable items on how this Article will work are:

- (1) The Pedestrian Level of Service guidelines in the current RSSPD standards (Chapter 8) will be incorporated into the UDC in their entirety as an Appendix. References to considering and incorporating these guidelines into TISs or TIAs has been emphasized; and
- (2) Some of the specific standards on intersection and access management from other sections (Chapters 4 and Chapters 5) could conflict with the Pedestrian Level of Service guidelines and planning goals in certain contexts. Rather than leave those standards in the draft UDC as default standards to apply universally, there are references to the TISs and TIAs. It is felt that this approach will put more emphasis on these studies determining the most appropriate context-based solution, maintaining the City's interest in better transportation solutions as development occurs, and removing potential conflicts or interpretation issues from the development regulations.

#### **Article 4      Subdivision Standards**

This Article accomplishes broad planning purposes and implements lasting development patterns. It has the most impact on larger-scale and green field development. This section of the UDC is where the most specific link to *PlanCheyenne* should occur. In essence, subdivision standards generally deal with “systems” that stretch across multiple developments and possibly across multiple timeframes of development in knitting several development projects together in a coordinated manner.

As indicated in the Implementation Snapshot report (a review of the City's current regulations), the subdivision standards have very few standards that address broad community planning and design standards, and instead operate more as a technical manual on platting lots. To better implement *PlanCheyenne* the Initial Draft UDC shifts the emphasis of subdivision back towards the broader planning issues and development patterns. It is based on four key elements that shape community character:

- (1) Transportation Networks and Street Designs (including access requirements and how development on private lots – the topic of zoning – may impact the public realm)
- (2) Community Facilities (and fees to support them);
- (3) Open Space Systems (whether public, common, or private); and
- (4) Require Improvements (the systems necessary to support development)

Each of these elements applies a more context-based approach referencing the different contexts called for in *PlanCheyenne*. However, most of the standards in these sections have a basis from standards found in either the current Subdivision Standards, Zoning Ordinance, or RSSPD standards.

The most significant changes to be discussed in the Initial Draft Review are:

- *Street Design Types*. Sub-section 4.3.4 adding different “Street Design Types” that can apply to the functional classifications. Many of these types come from the current RSSPD, however a few new ones have been added. These were identified at the charrette. The intent of this section is to let street designs, regardless of the functional classification, better support planned and anticipated land uses, and improve the transitions between the public realm and private development sites
- *Block and Lot Access*. Sub-section 4.3.6 on block and lot access, allowing access standards more appropriate to the Street Design Type and adjacent land use. As

mentioned in the Article 3 discussion, increase reliance on TIAs and TISs for appropriate transportation solutions is a critical part of this approach.

- *Civic Open Space Systems.* Sub-section 4.4 on open space places community design at the forefront of laying out any division of land. It links to the *PlanCheyenne* Parks and Recreation Plan goals and types of open space, but does not necessarily require dedication. Proper arrangement and location of open spaces, regardless of ownership, is intended to address many of the concerns expressed in the Public Safety focus group with respect to maintenance and security of these undeveloped areas. Additionally, incentives for location and public dedication where appropriate are included.

## **Article 5          Zoning Regulations**

This article sets up districts to regulate the “kinds, classes, and uses” of buildings and lots. The intent is to create districts that differentiate the character of areas in terms of scale and intensity, based upon *PlanCheyenne*. Understanding that all areas of the City are currently zoned, the approach to this section is to make as few changes as possible that would negatively impact existing development on already zoned property.

The most notable items for discussion in the Initial Draft Review are:

- *District Intent and Applicability.* All of the zoning districts – particularly the residential, commercial and mixed use districts have improved *Intent* and *Applicability* statements. These are not regulations and will not require strict enforcement, but can be used when deciding to rezone property or expand the size of a current zoning district. These sections draw more direct links to the policies of *PlanCheyenne* and make reference to the presence of surrounding and compatible land uses or zoning districts.
- *Residential Lot and Building Types.* The approach to residential lots is new. Most of the current zoning districts already allow a mix of dwelling types (“single-family,” “duplex,” “townhouse,” or “multi-family”). However in doing so, they use one of two approaches to protect against incompatibility of development within the district: (1) space, through regulating low-density, buffers and large lots; and/or (2) discretionary approvals. Neither approach is going to necessarily be effective in meeting the goals of *PlanCheyenne* for housing choices and strong neighborhoods. The new approach suggests linking building types and lot standards together to create a broad range of housing choices, even within a category (i.e. 3 “townhouse” types), and then determining what range is appropriate within each district. The *Neighborhood Design Standards* (Section 6.5 of the Initial Draft UDC) and the *Transition* provisions added in some districts (MR-1, MR-2, and HR-1) are critical to supporting this approach. This approach may also avoid some of the oddities of current provisions such as having “multi-family” as a conditional use in even the highest density residential district.
- *Commercial Lot and Building Types.* A similar approach to the approach taken for residential lots and buildings was applied to the NB, MUR, and MUB districts. These zoning districts are most directly related to the potential activity centers called for in *PlanCheyenne*, but are the least used currently. Like the residential districts, the current standards use space to protect against potential incompatibility of development, requiring large setbacks. These setbacks are not characteristic of small-scale, walkable activity centers, so a range of building types that better meet these goals have been added with more appropriate setbacks. The *Small-Scale Commercial and Mixed Use Design Standards* (Section 6.6 in the Initial Draft) and the addition of some of the pedestrian-oriented *Street Design Types* (Section 4.3) are critical to allowing this approach to work.
- *Uses.* *PlanCheyenne* recommends a more general approach to uses in the zoning ordinance. The current regulations take a very general approach to uses in some instances, and a very specific approach in other instances. The initial draft recommends breaking uses into Categories and General Types. The general types are then

differentiated typically only based on scale and intensity. (i.e. retail and office are broken into different scales by square footage). The intent is to enable different formats of the use to be incorporated into appropriate districts, thus improving the performance of a mix of uses within a district. Some uses are more specifically defined where the distinction is important to a regulatory approach. For example a “grocery store” is called out as a specific kind of retail. This is done because a grocery store is often an important anchor of a small-scale neighborhood center, but its square footage requirement is often bigger than what you would typically want in that scale of a zoning district. Small format grocery stores (i.e. 45,000 square feet) fit into these districts as good and key additions. Similar approaches were taken to a number of different uses, however most changes did not alter significantly what uses (as broadly defined now) would be allowed in any zoning district.

## **Article 6          Design Regulations**

This article includes all of the site design elements that affect various zoning districts, primarily Parking, Signs, and Landscape/Open Space. It also includes special character design regulations for Residential Neighborhoods (discussed above), Small-scale Commercial or Mixed-Use Centers (discussed above), and Large-scale Commercial Centers (from existing regulations).

The most significant changes to discuss with the initial draft (other than the entirely new sections) are:

- *Parking.* The required parking rate table is the same as the current regulations, however this section gives more opportunity for flexibility by emphasizing the shared parking concept in the RSSPD standards (sub-section 6.2.3 of the Initial Draft), and adding “credits” for certain circumstances that reduce parking demand or increase a shared or “park-once” supply of parking (sub-section 6.2.4 of the Initial Draft). The parking area location and size requirements also take a new approach (sub-section 6.2.6 a.). The current standards prohibit “more than 50% of the parking” in front of buildings. The intent of this current provision is to minimize the visual and environmental impact of large parking areas along the street, but it may be too strict in some contexts and not strict enough in others. The new approach is to mitigate the impacts of parking generally through a sliding scale on buffers and internal landscape islands based on the parking lot size and location (rather than a % of what is require by use), and then apply these mitigating strategies generally to all parking areas. Further restrictions on front parking can be accomplished through the special character design standards, as is done in sub-section 6.2.6 a.3 and a.4 for certain zoning districts.
- *Signs.* The sign standards represent a consolidation of all current sign provisions. Although no substantive changes are intended, the current regulations had a complex approach to the types of signs permitted, and were scattered throughout several sections of the regulations, so the Initial Draft review should focus on if it accurately reflects how those sections were typically administered. One notable change is the removal of a number of “content-specific” sign types from the current standards. Where this was done, a general approach is taken to sign types and it may mean an increase in the specific types of signs allowed for any one lot. For example, residential lots are currently allowed “political signs,” “for sale signs,” and “construction signs” among others. Content-specific regulations that are based on the message (as those are) are a problem due to constitutional free-speech issues. The recommended approach in the Initial Draft is to allow residential lots up to two “temporary signs” within which property owners could choose to allocate between political, for sale, or construction messages.
- *Special Character Area Site and Building Design Standards.* The new design standards in sub-sections 6.5 and 6.6 are initially discussed above. These sections are important to support some of the more compact development and walkable activity centers called for in *PlanCheyenne*, and better integrate them with surrounding development. Establishing

these standards as the “default” for certain uses and in specific districts, may also allow many uses to be moved out of the current category of discretionary approvals to “by right” uses and building types, provided these standards are met. If these default standards can not be met on certain sites or in specific development circumstances, planned developments or a Form-based Code are still available (in addition to other typical relief mechanisms) to allow the appropriate level of flexibility.

## **Article 7            Form-based Code Standards**

The charrette held in April used the development tool called a “Form-based Code” to demonstrate new approaches to planning and regulation on specific sites. It applied the concepts and principles of *PlanCheyenne* to these sites, and a model approach based on the SmartCode. The results of the charrette demonstrated concepts, a process and typical documents that would be prepared in order to apply form-based codes to development plans in specific areas. Essentially it is an alternative process to a Planned Unit Development (PUD) for moderate and larger-scale master plan developments, and is most applicable to the activity centers in *PlanCheyenne*.

Many of the results from the charrette were used to inform the overall UDC process, and have been incorporated into Articles 1 through 6. Article 7 will be reserved for standards for applying form-based codes to a master planned area as an alternative process. The Charrette Summary Report gives greater explanation to the elements of this draft code and how it operates in practice.

A draft of these provisions is included as a separate document. However, as this document reviewed along with the UDC, opportunities to incorporate this document into the framework and format of the overall UDC will be explored. It is also possible for the City to advance and adopt the form-based code sections as a separate alternative process as a stand-alone document.