

Substitute As Amended by City Council 8/27/07

ORDINANCE NO. _____

ENTITLED “AN ORDINANCE CREATING CHAPTER 17.107, DOWNTOWN OVERLAY DISTRICT, OF TITLE 17, ZONING, OF THE CHEYENNE CITY CODE PERTAINING TO DESIGN REVIEW POLICIES.”

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

Section 1. That Chapter 17.107, Downtown Overlay District, of Title 17, Zoning, of the Cheyenne City Code, pertaining to Downtown Design Review Policies, is hereby created as follows:

Chapter 17.107 DOWNTOWN OVERLAY DISTRICT (DOD)

17.107.010 Purpose – Authority – General provisions.

A. The purpose of this chapter is to recognize the importance of preserving the historic character of Cheyenne’s Downtown as well as promoting compatible in-fill development and influencing quality design in downtown Cheyenne by creating a downtown overlay district (DOD). Downtown design review, based upon the Downtown Cheyenne Design Guidelines, will serve to assist with maintaining the character of the overlay district, enhancing pedestrian friendly areas and establishing a sense of visual continuity among properties. Implementing the policies will encourage and protect investments of properties within the district, so as to keep downtown Cheyenne economically viable.

B. Pursuant to authority provided by Wyo. Stat. Section 15-9-201 through 15-9-223, Wyo. Stat. section 15-1-601 et seq., and Chapter 2.76, Downtown Development Authority, of city code, the Downtown Development Authority board may create policies and procedures, including amendments or revisions thereto, relating to recommended downtown design criteria in compliance with provisions of Wyo. Stat. section 16-3-101, Wyoming Administrative Procedure Act.

C. Downtown Cheyenne Design Guidelines will provide criteria for the review, design and/or assistance for the rehabilitation of existing structures, proposed demolition of structures, streetscape improvements, development and construction of new structures, and the encouragement of compatible design and the use of quality materials for all elements within this overlay District. Following adoption by the Governing Body of the City of Cheyenne, a copy of the guidelines, including any subsequent amendments or revisions, will be on file and open for public inspection in the offices of the city clerk, city/county development and Downtown Development Authority.

17.107.020 Downtown Overlay District – Boundaries.

The downtown overlay district (DOD) consists of those structures and areas located within the Cheyenne Downtown Development Authority boundaries as described in Title 2, Chapter 2.76, Sec. 2.76.040 of city code.

17.107.030 Design review process.

A. Projects within the Downtown Overlay District (DOD) having the zoning classification of P-Public, CB-Community Business, or CBD-Central Business District that require a building permit for the following types of work shall be subject to a mandatory review:

1. New construction;
2. Rehabilitation (exterior) of existing structures;
3. Demolition of existing structures;
4. Exterior construction requiring a building permit;
5. Signage and/or awning(s).

B. The Applicant and the Design Review Board shall meet at the next scheduled twice monthly meeting after submission of the project application packet, to review the proposed project. Conformance to the Downtown Cheyenne Design Guidelines shall be discussed with the

Applicant at that time to allow for a dialogue regarding the proposed design and applicability of the guidelines. The Design Review Board may require a waiting period of up to ten (10) business days from the date of the mandatory meeting during which the applicant may consider the recommendations of the Design Review Board. Upon the completion of the mandatory review meeting, a Letter of Appropriateness shall be sent to the City Building Permit Office indicating that the mandatory review requirement has been met and specifying the date on which building permits may be applied for.

C. New construction, defined as an extension or increase in floor area or height of a building or structure which is visible from the exterior, or a street façade renovation or reconstruction for which the vertical area exceeds 25% of the building street front, or the erection of a new principal or accessory structure, on a lot that is located within the following area shall be subject to mandatory review and compliance with the Downtown Cheyenne Design Guidelines: bounded by Thomes Avenue on the west, Warren Avenue on the east, 19th Street on the north and the Union Pacific Railroad on the south.

D. Projects related to existing building repair or maintenance that do not change the façade, materials, equipment type, or design of the existing building and require a building permit may apply for a waiver for the Letter of Appropriateness requirement. A written request for waiver shall be provided to the Planning Services Director, who shall provide a response within 3 business days. If a response is not provided within 3 business days, the waiver shall be granted. Projects related to an emergency shall be processed under provisions allowed for in the adopted building code.

E. The Design Review Board shall be responsible for the mandatory review of downtown design projects and shall be appointed by the Mayor and approved by the Governing Body. The Design Review Board shall include expertise in areas that may include but are not limited to architecture, construction, engineering, landscape architecture, downtown development and design and shall also include downtown property and business owner(s), and representative(s) of the City of Cheyenne and the Downtown Development Authority. The Board shall consist of not more than 9 members to serve 3-year staggered terms.

F. Annually, the Design Review Board, with input from the DDA Board, relevant City and DDA staff and property owners within the Overlay District, shall provide a written report to the Governing Body summarizing the work of the Design Review Board, the positive and negative impacts of this ordinance, and recommendations for any appropriate changes. Unless extended by ordinance adopted by the Governing Body, this ordinance shall be deemed repealed effective December 31, 2011.

G. Any applicant adversely affected by a decision of the Design Review Board under 17.107.030.c shall have the right to request a hearing before the Board of Adjustment pursuant to Wyo. Stat. section 15-1-601 et seq. and the established rules of procedure. The Board of Adjustment hearing shall be conducted as a contested case hearing pursuant to the Wyoming Administrative Procedure Act, section 16-3-107 et seq. The decision of the Board of Adjustment constitutes agency action on the application for new construction and may be appealed as provided by law.

Section 3. That this ordinance shall be in full force and effect upon its passage and publication, except that Sections 17.107.030 A, B, C and D shall become effective fifteen days after a copy of the Downtown Cheyenne Design Guidelines, as promulgated by the DDA Board pursuant to the Wyoming Administrative Procedure Act, Wyo. Stat. section 16-3-101, and subsequently adopted by the Governing Body of the City of Cheyenne, and the same has been duly filed with the City Clerk.

FIRST READING: _____
SECOND READING: _____
THIRD AND FINAL READING: _____

(S E A L) _____
JACK R. SPIKER, MAYOR

ATTEST:

CAROL A. INTLEKOFER, CITY CLERK

Publish: Wyoming Tribune-Eagle