

ORDINANCE NO. _____

ENTITLED: “AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) SECTION 6.6.3.b.1, ENCROACHMENTS.”

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. The intent of this amendment is to recognize changing development needs and patterns in the City.

Section 3. That on March 1, 2021 the Planning Commission conducted a public hearing, reviewed the proposed text amendment, and recommended approval of said text amendment.

Section 4. That sub-section 6.6.3.b.1 is amended to read as follows:

1. Encroachments.

- (a) Where the front building line is built at the front setback line, small projections such as bays, balconies, eaves and other minor projections integral to the structure and design may encroach up to 5’ in front of the front building line, but in no case beyond the front lot line.
- (b) Porches and stoops associated with a front entrance may encroach up to 10’ in front of the front setback line provided any roof or associated structure is no greater than a single story. See Figure 6-9.

(1) Shifted porches or side porches may encroach up to 50% of the side setback.

(c) Uncovered Decks and porches may encroach up to 50% of the required principal building side and rear setback, provided that no portion other than a handrail shall extend higher than 30 inches above the finished grade level.

~~(e)~~(d) Encroachments for accessibility such as handicap ramps attached and projecting from the foundation are not restricted, except that in no case will these accessibility encroachments extend into adjacent properties, easements or rights-of-way. Where accessibility issues and pedestrian access along the right-of-way are appropriately balanced and the design is consistent with the streetscape design, handicap ramps may be approved by the City Engineer according to the subdivision waiver procedures and criteria in Article 2.

~~(d)~~(e) These rules apply whether the encroachment as described in the section includes a foundation or not.

(f) Alternative designs or proposals Exceptions to the height and setback requirements exceeding the allowances of this section may be considered

by the Board of Adjustment through the Conditional Use process of Section 2.2.4.

Section 5. 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 6. 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 7. That this ordinance shall be in full force and effect upon approval and publication.

FIRST READING: _____

SECOND READING: _____

THIRD AND FINAL READING: _____

PATRICK COLLINS, MAYOR

(SEAL)
ATTEST:

KRISTINA F. JONES, CITY CLERK

Published: _____
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