

**Title 18**  
**SUBDIVISIONS**

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## Chapter 18.04

### GENERAL PROVISIONS

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#### **Section 18.04.010 Title.**

These regulations shall be known and may be cited as "The Rawlins Subdivision Regulations." (Ord. 4A-78 (part): prior code § 30-1)

#### **Section 18.04.020 Purpose.**

The purposes of the regulations are to promote the public health, safety and general welfare of the community. The overall objective of these regulations is to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the land within the Planning & Zoning Commission's jurisdiction. The following provisions shall guide the Planning & Zoning Commission in formulating its decisions:

A. Proposed streets shall compose a convenient and efficient traffic circulation system, properly related to the proposals of any transportation plan. Streets shall be of such width, grade and location to accommodate prospective traffic, provide adequate light and air, and to provide access by service and emergency vehicles.

B. Land of suitable location, size and character for utility or drainage easements or public community services shall be shown on the subdivision plat wherever appropriate.

C. Land subdivided shall be of such character that it can be used safely for building purposes without danger to health and welfare from flooding, fire, contamination, erosion and other menace.

D. The development of any subdivision should avoid unnecessary environmental degradation; pollution of air, streams, ponds and so on; and be in harmony with the natural environment.

E. Protect and conserve the value of land and buildings throughout the city and minimize conflicts among the uses of land and buildings.

F. Provide for adequate water, sewage, schools, parks, playgrounds, recreation and other public requirements, facilities and open space needs as will accommodate the anticipated rate of development.

G. Establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and insurance of proper legal descriptions and monumenting of subdivided land to provide adequate records for land titles.

H. Avoid excessive expenditure of public funds for the supply of public services. (Ord. 4A-78 (part): prior code § 30-4)

**Section 18.04.030 Administration.**

These regulations shall be administered by the administrative official to the Planning & Zoning Commission. (Ord. 4A-78 (part): prior code § 30-2)

**Section 18.04.040 Authorization.**

Authorization for these subdivision regulations is contained in Sections 15-1-501 through 15-1-512 of the Wyoming Statutes annotated, (LexisNexis 2017) for municipalities and Sections 34-12-101 through 34-12-115 of the Wyoming Statutes annotated, (LexisNexis 2017) on platting and dedication. (Ord. 4A-78 (part): prior code § 30-3) (Ord 4-2019, Amended 4/16/2019)

**Section 18.04.050 Jurisdiction.**

These regulations apply to all subdivisions of land within the jurisdictional area of the city council. (Ord. 4A-78 (part): prior code § 30-5)

**Section 18.04.060 Most Restrictive Provisions Applicable.**

These regulations supplement all other laws, regulations, ordinances or resolutions. The more restrictive requirements shall apply where they are at variance with other laws, regulations, ordinances or resolutions. (Ord. 4A-78 (part): prior code § 30-6)

**Section 18.04.070 Severability.**

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the city except as shall be expressly provided for in these regulations. (Ord. 4A-78 (part): prior code § 30-8)

**Section 18.04.080 Amendments.**

For the purpose of providing for the public health, safety and general welfare, the Planning & Zoning Commission may recommend to the city council proposed modifications and revisions of these subdivision regulations. Public hearings on all proposed amendments shall be held in the manner prescribed by law, after which the city council shall approve, amend or override the Planning & Zoning Commission's recommendations. (Ord. 4A-78 (part): prior code § 30-10)

**Section 18.04.090 Conditions Compliance.**

The developer shall comply with reasonable conditions laid down by the Planning & Zoning Commission for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the city and to the safety and general welfare of the future plot owners in the subdivision and of the community at large. (Ord. 4A-78 (part): prior code § 30-11)

**Section 18.04.120      Planned Unit Developments.**

These regulations may be modified by the degree necessary to accomplish the objectives and standards required for the planned unit development of residential, commercial or industrial subdivision, or a mixture, in accordance with provisions of the zoning ordinance. (Ord. 4A-78 (part): prior code § 30-14)

**Chapter 18.08**  
**DEFINITIONS**

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**Section 18.08.010      Generally.**

For the purpose of these regulations, certain numbers, abbreviations, terms and words used in this title shall be used, interpreted and defined as set forth in this chapter.

A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

B. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

C. The words "used" or "occupies" includes the words "intended," "designed" or "arranged" to be used or occupied.

D. The word "lot" includes the words "plot" or "parcel."

E. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations."

F. A "building" includes a "structure," a "building" or "structure" includes any part thereof. (Ord. 4A-78 (part): prior code § 30-72)

**Section 18.08.020      Administrative Official.**

"Administrative official" means any department, employee or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.030 Alley.**

"Alley" means a minor way dedicated to the public and designed or used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.040 Applicant.**

"Applicant" means a landowner or developer who has filed an application for development including his heirs, successors and assigns. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.050 Block.**

"Block" means a tract of land bounded by streets, or by a combination of streets, and public parks, cemeteries, railroad rights-of-ways, shorelines of waterways, or boundary line of municipalities. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.060 Bond.**

"Bond" means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the city council. All bonds shall be approved by the city council whenever a bond is required by these regulations. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.065 Boundary Line Adjustment,**

"Boundary Line Adjustment" means the modification of the size or alignment of adjacent parcels through relocation of their common boundary where an additional parcel is not created, and where the existing parcel which is being reduced in size is not reduced below the minimum lot size established by the zone which applies to the property, not is any zone violation caused by moving the boundary. (Ord 04-2019, Amended 4/16/2019)

**Section 18.08.070 Building.**

"Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and includes any structure. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.080 City.**

"City" refers to the incorporated area of the city of Rawlins, Wyoming, as it existed at the time of the adoption of these regulations and including any revisions thereto. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.090 City Attorney.**

The "City Attorney" means the licensed attorney designated by the city council to furnish legal assistance for the administration of these regulations. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.095 City Council.**

The "City Council" means the City of Rawlins City Council. (Ord 04-2019, Amended 4/16/2019)

**Section 18.08.100 City Engineer.**

"City Engineer" refers to the engineer employed or contracted by the city for the purpose of providing engineering services and inspecting the plans and construction of public facilities. (Ord. 4A-78 (part): prior code § 30-73 (part))  
(Ord. 11-2007, Amended, 11/06/2007)

**Section 18.08.110 Collector Streets.**

See "Street classifications." (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.120 Construction Plans.**

"Construction plans" means the maps or drawings approved by the city engineer showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the city as a condition of approval of the final plat. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.130 County.**

"County" refers to the territory of Carbon County. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.140 Cul-de-sac.**

"Cul-de-sac" means a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.150 Dead-end Street.**

"Dead-end street" means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.160 Developer.**

"Developer" means any individual, firm, association, corporation, governmental agency or any other legal entity commencing proceedings under these regulations, to carry out the development of land as defined in this chapter, for himself or for another. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.170 Development Plan.**

"Development plan" consists of maps or drawings and other documents relating to the use, location and bulk of buildings and other structures, streets, ways, parking facilities, common and open space, utilities, public facilities and drainage, all as may be prescribed by the city. (Ord. 4A-78 (part): prior code § 30-73 (part))  
(Ord. 11-2007, Amended, 11/06/2007)

**Section 18.08.180 Drainageway.**

"Drainageway" means an existing or proposed channel wherein normally only storm water runoff flows. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.190 Easement.**

"Easement" means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.200 Engineer.**

"Engineer" means any person licensed to practice professional engineering in the state as specified in Sections 33-29-101 through 33-29-113, Wyoming Statutes, annotated (LexisNexis 2017). (Ord. 4A-78 (part): prior code § 30-73 (part)) (Ord 4-2019, Amended 4/16/2019)

**Section 18.08.210 Flood, One-Hundred-Year.**

"One-hundred-year flood" means flood limits resulting from a one-hundred-year storm. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.220 Frontage.**

"Frontage" means that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.230 Grade.**

"Grade" means the inclination from the horizontal of a road, utility, land, etc., and as expressed by stating the vertical rise or fall as a percent of the horizontal distance. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.240 Improvements.**

"Improvements" means street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping and other related matters normally associated with the development of raw land into building sites. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.250 Local Street.**

See "Street classifications." (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.260 Lot or Parcel.**

"Lot" or "parcel" means a portion of land in a subdivision or plat of land, separated from other lots or portions of land by description as on a subdivision or record of survey map or by metes and bounds, for the purpose of sale, lease or separate use. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.270      Lot Area.**

"Lot area" means the amount of surface land contained within the property lines of a lot, including the land within easements on the lot, but excluding any land within the street right-of-way or public open spaces. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.280      Lot Improvement.**

"Lot improvement" means any building, structure, place, work of art or other object, or improvement of land on which they are situated, constituting a physical betterment of real property, or any part of the betterment. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.290      Lot of Record.**

"Lot of record" means a lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.300      Lot Width.**

"Lot width" means the distance between the property lines measured at right angles to the centerline of the right-of-way. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.310      Major Street.**

See "Street, major." (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.320      Marginal Access Street.**

See "Street, marginal access." (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.330      Master Plan.**

"Master plan" means a comprehensive plan for development of the city, prepared and adopted by the planning commission, pursuant to state law, and including any part of the plan separately adopted and any amendment to the plan, or parts thereof. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.340      Master Street Plan.**

See "Official map." (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.350      Monuments.**

"Monuments" means permanent concrete or metal markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.360 Official Map.**

"Official map" means the map established by the city council pursuant to law showing the streets, highway and parks, and drainage systems and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the city council resulting from the approval of subdivision plats by the Planning & Zoning Commission and the subsequent filing of the approved plats. (Ord. 4A-78 (part): prior code § 30-73 (part)) (Ord 4-2019, Amended 4/16/2019)

**Section 18.08.370 Off-Site.**

"Off-site" means any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.380 Open Space.**

"Open space" means an area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning & Zoning Commission deems permissive. Streets, structures for habitation and the like shall not be included. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.390 Ordinance.**

"Ordinance" means any legislative action, however denominated, of the city council which has the force of law, including any amendment or repeal of any ordinance. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.400 Owner.**

"Owner" means any person, group of persons, firm or firms, corporation or corporations, or any legal entity having legal title to the land sought to be subdivided under these regulations. (Ord. 4A-78 (part): prior code § 30-73 (part)) (Ord 4-2019, Amended 4/16/2019)

**Section 18.08.410 Parking, Off-Street.**

"Off-street parking" means parking space which shall be adequate in area to provide for the off-street parking as required in the zoning ordinance together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.420 Perimeter Street.**

"Perimeter street" means any existing street to which the parcel of land to be subdivided abuts on only one side. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.430 Planning & Zoning Commission.**

"Planning & Zoning Commission" means the city Planning & Zoning Commission established in

accordance with law. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.440 Plat, Final.**

"Final plat" means the final map, drawing or chart upon which the subdivider's plan of subdivision is presented to the Planning & Zoning Commission for approval, and which, if approved, will be submitted to the county clerk for recording. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.450 Plat, Preliminary.**

"Preliminary plat" means the preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning & Zoning Commission for approval. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.460 Public Facility.**

"Public facility" means any use of land, whether publicly or privately owned, for transportation, utilities or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers, including parks, and cemeteries. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.470 Public Improvement.**

"Public improvement" means any drainage ditch, roadway, parkway, sidewalk, pedestrianway, off-street parking area, lot improvement or other facility for which the city may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which responsibility is established. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.480 Public Way.**

"Public way" means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.485 Record of Survey.**

"Record of Survey" means a map prepared by a professional land surveyor that re-establishes survey controls, boundaries, locations of improvements, or the alignment of right-of-ways for recording. (Ord 4-2019, Added 4/16/19)

**Section 18.08.500 Right-of-way.**

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use. The usage of the term "right-of-way" for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separated and distinct from the lots or parcels adjoining the right-of-way and not included within the dimensions or areas of the lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade

trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which the right-of-way is established. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.510 Sale or Lease.**

"Sale" or "lease" means any immediate or future transfer of ownership, or any possessory interest in land, including contract sale, lease, devise, intestate succession or transfer, or an interest in a subdivision or part thereof, whether by metes and bounds, deeds, contract, plat, map, lease, devise, intestate succession or other written instrument. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.520 Same Ownership.**

"Same ownership" means ownership by the same person, corporation, firm, entity, partnership or unincorporated association; or ownership by different corporation, firms, partnerships, entities or unincorporated associations, in which a stockholder, partner or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.530 Specifications.**

"Specifications" means the engineering specifications of the city prepared by the city engineer for the purpose of regulating the installation of any public improvement or facility required to be installed as a condition of approval of the subdivision plat. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.540 Storm, One-Hundred-Year.**

"One-hundred-year storm" means a storm intensity with a probability of recurrence once in every one hundred years. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.550 Street.**

"Street" means a public right-of-way which affords primary vehicular traffic or pedestrian access to abutting properties, includes avenue, boulevard, road, highway, freeway, parkway, thoroughfare and viaduct, but shall not include a lane or an alley for the purposes of this title. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.560 Street Classifications.**

A. "Arterial street" means a major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications along large areas.

B. "Collector street" means a street collecting traffic from local streets, and connecting them with a major street, or another collector street.

C. "Local street" or "minor street" means a street exclusively or primarily providing access to abutting properties. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.570 Street Line.**

"Street line" means the dividing line between the street and the lot, also known as right-of-way line. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.580 Street, Major.**

"Major street" means a road intended to move through traffic to and from such major attractors as central business districts, regional shopping center, colleges and/or universities, major industrial areas and similar traffic between communities of large areas. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.590 Street, Marginal Access.**

"Marginal access street" means a local or collector street, parallel and adjacent to an arterial street, providing access to abutting properties and protection from arterial streets. (Also called frontage street.) (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.600 Street Roadway Width.**

"Street roadway width" means the distance between the curb faces measured at right angles to the centerline of the street. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.610 Subdivider.**

"Subdivider" means any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision. (Ord. 4A-78 (part): prior code § 30-73 (part)) (Ord 4-2019, Amended 4/16/2019)

**Section 18.08.620 Subdivision.**

"Subdivision" means the division of land into two or more lots. A development consisting of subdivided lots. (Ord. 4A-78 (part): prior code § 30-73 (part)) (Ord 4-2019, Amended 4/16/2019)

**Section 18.08.630 Subdivision Plat.**

"Subdivision plat" means the final map or drawing, described in these regulations, on which the subdivider's plan or subdivision is presented to the Planning & Zoning Commission for approval and which, if approved, may be submitted to the county clerk or recorder of deeds for filing. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.640 Through Lot.**

"Through lot" means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.650 Unit.**

"Unit" means a portion of a subdivision selected for development as one of a series of stages. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.660 Variance.**

"Variance" means a modification of the strict terms of the relevant regulations where such modifications will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.670 Vicinity Map.**

"Vicinity map" means a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the city and/or county in order to better locate and orient the area in question. (Ord. 4A-78 (part): prior code § 30-73 (part))

**Section 18.08.680 Walkway.**

"Walkway" means a dedicated public way for pedestrian use only, whether along the side of a road or not. (Ord. 4A-78 (part): prior code § 30-73 (part))

## Chapter 18.12

### PRELIMINARY PLAT

#### Sections:

<b>18.12.010</b>	<b>Sketch Plan.</b>
<b>18.12.020</b>	<b>Application.</b>
<b>18.12.030</b>	<b>Distribution.</b>
<b>18.12.040</b>	<b>Agency Review.</b>
<b>18.12.050</b>	<b>Approval.</b>
<b>18.12.060</b>	<b>Effective Period of Preliminary Approval.</b>
<b>18.12.070</b>	<b>Zoning Compliance.</b>

#### **Section 18.12.010 Sketch Plan.**

Prior to the submission of a preliminary plat, as prescribed by these regulations, the subdivider or his authorized agent may prepare and submit a sketch plan in four copies to the office of the Planning & Zoning Commission. The office of the Planning & Zoning commission shall review the sketch plan with the subdivider and other agencies and departments. The purpose of the sketch plan discussion is to resolve any major points of disagreement before the expenses are incurred in the development of a preliminary plat. No action is required of the Planning & Zoning Commission nor of any official or agency other than to offer appropriate comments on the sketch plan. (Ord. 4A-78 (part); prior code § 30-26) (Ord 04-2019, Amended 4/16/2019)

#### **Section 18.12.020 Application.**

The applicant shall file, in duplicate, an application for approval of a preliminary plat. The application shall:

- A. Be made on a form available at the office of the office of the Planning & Zoning Commission;
- B. Preliminary plats shall be submitted in fifteen (15) copies to the Community Development Department.
- C. The preliminary plats shall consist of a drawing or drawings and accompanying material and information prescribed by these regulations;
- D. The preliminary plat shall contain the following information:
  - i. The name of the subdivision. The names shall not duplicate the name of any previously filed subdivision in Carbon County.
  - ii. Date of preparation, scale and north arrow. The top of each sheet shall represent north whenever possible.
  - iii. A vicinity map showing the location of the proposed subdivision in the City and its relationship to surrounding development.
  - iv. A legal description of the subdivision boundary.
  - v. General location and extent of any significant natural features, vegetation and topography.
  - vi. Location, dimensions, and names of existing roads, streets, alleys, rights-of-way and structures within and within twenty (20) feet immediately adjacent showing how they relate to the proposed subdivision layout.
  - vii. Location, and size of existing sewers, water mains, gas lines, pipelines or other underground utilities or installations within the proposed subdivision or immediately adjacent thereto.
  - viii. Location and dimensions of all easements of record or know, obvious, or apparent upon view of the property.
  - ix. Existing zoning and land use of proposed subdivision and immediately adjacent areas.

E. The following information and material shall be part of any preliminary plat submittal and shall accompany the preliminary plat drawing:

- i. Payment of the total amount of the preliminary plat fee as prescribed by the resolution of the City Council pursuant to Title 1 of this code.
- ii. A detailed timeline explaining how and when the subdivider proposes to install water, sewer, paving, sidewalks, drainageways, and other required improvements.
- iii. A statement describing the development and maintenance responsibility for any private streets, rights-of-ways or open spaces.
- iv. A description of the phasing and scheduling of phases for the development of the final plat.
- v. Commitment for Title insurance.
- vi. If applicable, an application for the appropriate city zoning for the subdivided area of the existing zoning does not allow the type of use proposed.

(Ord. 4A-78 (part): prior code § 30-27(a))  
(Ord. 08a-2008, Amended, 08/19/2008) (Ord 04-2019, Amended 4/6/2019)

#### **Section 18.12.030 Distribution.**

The office of the Planning & Zoning Commission shall, within three working days, furnish each of the following agencies and offices with a copy of the preliminary plat for review and comment:

- A. City engineer;
- B. City attorney;
- C. Police department;
- D. Fire department;
- E. Director of public works;
- F. Public school district;
- G. U.S. Post Office;
- H. Electric power company;
- I. Gas company;
- J. Telephone company;
- K. Building department;
- L. Recreation board;
- M. Cable company;

N. Other agencies or public offices affected by the proposed subdivision. (Ord. 4A-78 (part): prior code § 30-27(b))  
(Ord. 11-2007, Amended, 11/06/2007)

#### **Section 18.12.040 Agency review.**

- A. Agencies receiving referral copies of the preliminary plat should return written comments on the plat to the office of the Planning & Zoning Commission within fourteen (14) days after receipt of the plat. (Ord. 4A-78 (part): prior code § 30-27(c)) (Ord 04-2019, Amended 4-16-2019)
- B. Upon the receipt of all agency comments, or at the end of the fourteen (14) day period, the office of the Planning & Zoning Commission will summarize the agency comments and recommendations from the department itself, and present the material and recommendation to the Planning & Zoning Commission for its consideration. (Ord. 4A-78 (part): prior code § 30-27(c)) (Ord 04-2019, Amended 4-16-2019)

**Section 18.12.050      Approval.**

The preliminary plat and all pertinent data shall be reviewed by the Planning & Zoning Commission and it shall hear testimony and arguments in favor of or in objection to the plat from any individual, firm, agency or official. The Planning & Zoning Commission shall thereupon approve, conditionally approve or disapprove the preliminary plat. Conditional approval may be given in instances where only minor deficiencies are present. In other cases, the preliminary plat shall be approved, unless, in the judgment of the Planning & Zoning Commission, the subdivision proposed by the preliminary plat would in one or more respects violate the spirit or letter of these regulations or of any applicable law or ordinances, or unless the preliminary plat and the associated information is lacking or inaccurate so as to make a decision on the substantive issues difficult or impossible. City Council shall hold a public hearing and take action on preliminary plats for all subdivisions with the exception of residential infill subdivisions which only need approval by the Planning & Zoning Commission, (Ord. 4A-78 (part): prior code § 30-27(d)) (Ord 04-2019, Amended 4/16/2019)

**Section 18.12.060      Effective Period of Preliminary Approval.**

The approval of a preliminary plat shall be effective for a period of one year; at the end of which time final approval on the subdivision must have been obtained from the Planning & Zoning Commission, although the plat need not yet be signed and filed with the county clerk. For good cause the subdivider may apply in writing to the Office of the Planning & Zoning Commission for an extension not to exceed twelve (12) months. Any plat not receiving final approval within the period of time set forth in this section shall be null and void, and the developer shall be required to resubmit a new plat for preliminary approval, subject to all new zoning restrictions and subdivision regulations. In the event the final plat covers only a portion of the territory covered by the preliminary plat, the approval of the preliminary plat shall be automatically renewed for additional one-year periods following the approval of each final plat, unless the Planning & Zoning Commission notifies the subdivider to the contrary. (Ord. 4A-78 (part): prior code § 30-27(e)) (Ord 04-2019, Amended 4/16/2019)

**Section 18.12.070      Zoning Compliance.**

Every plat shall conform to existing zoning regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the zoning ordinance rendering the plat nonconforming as to bulk or use; provided, that final approval is obtained within the one-year period. (Ord. 4A-78 (part): prior code § 30-27(f))

## Chapter 18.16

### FINAL PLAT

#### Sections:

- 18.16.010**      **Application.**
- 18.16.020**      **Review.**
- 18.16.030**      **Determination.**
- 18.16.040**      **Final Review.**
- 18.16.050**      **Vested Rights.**
- 18.16.060**      **City Council Approval.**
- 18.16.070**      **Signing and Recording.**

#### **Section 18.16.010**      **Application.**

Following the approval of the preliminary plat, the applicant, if he wishes to proceed with the subdivision, shall file, with the office of the Planning & Zoning Commission, an application for final approval of a subdivision plat. The application shall:

- A. Be made on forms available at the office of the office of the Planning & Zoning Commission;
- B. Include drawings and specifications showing over lot grading and the size, location and type of water, sewer and drainage lines and facilities;
- C. Include profiles, cross sections, plans and specifications of roads, streets and bridges as required by the city engineer;
- D. If access to the subdivision or any part thereof must be gained across property outside of the subdivision, a certified copy of an appropriate recorded instrument granting the right of public access shall be submitted;
- E. Provide evidence that the subdivided land is free of all encumbrances, and that the person who offers any part of the subdivision for sale or who solicits and offers for the purchase thereof, directly or through agents, may convey merchantable title, subject only to noted reservations or restrictions of record, but free of encumbrances and subject only to a proportionate share of real property taxes or assessments charged or assessed for the year in which any such sale may be legally effected. The subdivider will provide a “subdivision guarantee” that is obtained through a valid title insurance company and which verifies the names on the dedication of the plat. This guarantee will state ownership and encumbrances of the land that is to be subdivided.
  - a. If the real property is not free and clear of encumbrances and/or liens then the owner shall be responsible for notifying all lien holders and owners of any encumbrance of the application and holders of any encumbrances or liens shall provide their written approval of the application for final plat no later than twenty (20) days prior to the scheduled City Council’s consideration of approval of final plat.
- F. If the subdivider proposes to utilize adjoining property for any rights-of-way or easement, the subdivider shall provide copies of binding and recorded rights-of-way and easements from each property owner over whose land such services shall extend with all right-of-way not less than sixty (60) feet and easements having a width of not less than twenty (20) feet.
- G. Comply in all respects with the preliminary plat, as approved except that the final plat may constitute only a portion of the territory covered by the preliminary plat.
- H. Be accompanied by a detailed estimate of all the subdivision improvement costs, the estimate to be prepared by a professional engineer licensed to practice in the state;
- I. Include a performance bond or other guarantee as prescribed in 18.20 and as approved by city council. The performance bond or other guarantee shall be for one hundred twenty five (125%) percent of the cost of improvements as estimated by the subdivider’s licensed professional engineer.
- J. Provide verification from a State of Wyoming licensed engineer that the construction plans, the

final plat and the final drainage reports have been reviewed and approved and that the proposed sewage collection system and water distribution system together with all transmission and treatment facilities meet with City, State and Federal standards;

K. Be accompanied by any other information consistent with these regulations and the city council's published rules and regulations which the city council deems pertinent or relevant to the evaluation of the application.

L. Be accompanied by a final plat fee as may be prescribed by resolution of the city council pursuant to Title 1 of this code;

(Ord. 4A-78 (part): prior code § 30-28(a))

(Ord. 08a-2008, Amended, 08/19/2008) (Ord 04-2019, Amended 4/16/2019)

#### **Section 18.16.020 Review.**

After receipt of the final plat and all supporting documents, the office of the Planning & Zoning Commission shall review the submittal for completeness and for conformance with the approved preliminary plat and all requirements of these regulations. The office of the Planning & Zoning Commission shall refer copies of the final plat and appropriate supporting documents to seek comments from any other agency and official from whom approval is required or necessary. Provided the final plat and all supporting documents are complete and in accord with the provisions of these regulations and requirements made by the Planning & Zoning Commission, the final plat shall be scheduled to be considered at a regular meeting of the Planning & Zoning Commission within forty-five days after all documents have been filed. In the event all documents are not complete and approvable, the office of the Planning & Zoning Commission may extend the review time period, but in no case will the final plat be scheduled to be considered by the commission later than sixty days from the date of filing. Notice in writing shall be given the applicant of any incomplete or unapprovable documents. The recommendations and comments of the office of the Planning & Zoning Commission concerning the plat submittals shall be made to the Planning & Zoning Commission in writing at least five days prior to the scheduled Planning & Zoning Commission meeting and a copy of the same shall be sent to the applicant. (Ord. 4A-78 (part): prior code § 30-28(b))

#### **Section 18.16.030 Determination.**

At the Planning & Zoning Commission meeting, the Planning & Zoning Commission shall give an opportunity to any interested person or official to comment upon the plat. After due deliberation, the Planning & Zoning Commission shall approve, conditionally approve or disapprove the application. In its final action, the Planning & Zoning Commission shall stipulate in detail any conditions to which the approval is subject or reasons for disapproval. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval or disapproval noted thereon, and the reasons therefor accompanying the plat. (Ord. 4A-78 (part): prior code § 30-28(c))

#### **Section 18.16.040 Final Review.**

Subsequent to the action by the Planning & Zoning Commission, one copy of the original of the subdivision plat, and two copies of the subdivision plat on reproducible mylar and two copies of the subdivision plat on paper shall be submitted to the office of the Planning & Zoning Commission for final review. No final approval shall be endorsed on the plat until a review has indicated that all requirements of the Planning & Zoning Commission's action have been met. (Ord. 4A-78 (part): prior code § 30-28(d))

#### **Section 18.16.050 Vested Rights.**

No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual

signing of the plat by the mayor. All requirements, conditions or regulations adopted by the city council applicable to the subdivision or on all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the mayor. Where the Planning & Zoning Commission has required the installation of improvements prior to the signing of the final plat, the Planning & Zoning Commission shall not unreasonably modify the conditions set forth in the final approval. (Ord. 4A-78 (part): prior code § 30-28(e))

**Section 18.16.060 City Council Approval.**

The city council shall approve or disapprove the subdivision applications and issue a ruling within forty-five days after receiving a report from the Planning & Zoning Commission. Approval of the final subdivision plat shall be by resolution. (Ord. 4A-78 (part): prior code § 30-29)

**Section 18.16.070 Signing and Recording.**

A. Signing of Plat. The mayor shall endorse approval of the plat after the bond has been approved by the city council, and all the conditions of the Planning & Zoning Commission's action have been satisfied.

B. Recording of Plat.

1. The mayor will sign the original of the subdivision plat and two mylar reproducible copies of the subdivision plat. One signed mylar copy will be returned to the applicant's surveyor.

2. It shall be the responsibility of the office of the Planning & Zoning Commission to file the plat with the county clerk's office within thirty days of the date of signature. Simultaneously with the filing of the plat, the office of the Planning & Zoning Commission shall record such legal documents as shall be required to be recorded by the city attorney.

C. A notarized certificate by all parties having any title interest in or upon the land, consenting to the recording of the plat and dedicating public ways, grounds and easements. The certificate shall read:

Know all men by these presents that the undersigned (Official name of the subdivider), being the owner, proprietor, or parties of interest in the land shown on this plat, do hereby certify:

That the foregoing plat designated as (Name of subdivision or addition), is located in (Section, Township, Range, City, County, State), and is more particularly described as follows: (Insert full legal description)

And contains an area of \_\_\_\_\_ acres, more or less and

That this subdivision, as it is described and as it appears on this plat, is made with free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and

That the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Rawlins, and its licensees for perpetual public use all streets, alleys, easements and other public lands within the boundary lines of the plat as indicated and not already otherwise dedicated for public use.

Utility easements as designated on this plat are hereby dedicated to the City of Rawlins and its licensees for perpetual public use for the purpose of installing, repairing, re-installing, replacing and maintaining sewers, water lines, gas lines, electric lines, telephone lines, cable television lines and other forms and types of public utilities now or hereafter generally utilized by the public.

(On plats containing drainage easements add: )

Drainage easements as designated on this plat are hereby dedicated to the City of Rawlins and its licensees for public use to accommodate the flow or storage of storm waters and shall be kept free of all structures or other improvements.

(Individuals, where applicable, should add: )

All rights under and by virtue of the homestead exemption laws of the State of Wyoming are hereby waived and released.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_\_.

By:  
(Designation of interest: owner, mortgagee, etc. )

State of Wyoming )) ss.  
Carbon County )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ of \_\_\_\_\_ A.D., 20 \_\_\_\_\_ by \_\_\_\_\_ as a free and voluntary act and deed.

Witness my hand and official seal.

My commission expires \_\_\_\_\_.

\_\_\_\_\_ Notary Public

D. Certificate of registered land surveyor as follows:

I, \_\_\_\_\_ do hereby certify that I am a registered land surveyor licensed under the law of the State of Wyoming, that this plat is a true, correct, and complete plat of (Subdivision Name) as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements and streets of said subdivision as the same are staked upon the ground in compliance with the City of Rawlins regulations governing the subdivision of land.

Registered Land Surveyor

E. Certificate of review of City Engineer as follows:

Data on this plat reviewed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, by the City Engineer of Rawlins, Wyoming.

City Engineer

F. Certificate of Approval by the City of Rawlins Planning & Zoning Commission as follows:

This plat approved by the City of Rawlins Planning & Zoning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Chairperson

Recording Secretary

G. Certificate of acceptance and approval by the City Council of the City of Rawlins as follows:

Approve by the City Council of the City of Rawlins, Wyoming this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Mayor

City Clerk

H. Certificate for recording by the County Clerk and Recorder as follows:

This plat was filed for record in the Office of the Clerk and Recorder at \_\_\_\_\_ o'clock \_\_\_\_\_ m. \_\_\_\_\_, 20\_\_\_\_ and is duly recorded in Book \_\_\_\_\_, Page no. \_\_\_\_\_.

County Clerk

(Ord. 4A-78 (part): prior code § 30-30) (Ord 04-2019, Amended 4/16/2019)

**Chapter 18.17**  
**BOUNDARY LINE ADJUSTMENTS**

**Sections:**

- 18.17.010**      **Application Required.**
- 18.17.020**      **Requirements.**
- 18.17.030**      **Approval and Recording.**

**Section 18.17.010**      **Application Required.**

Boundary line adjustments as defined in 18.08 of this title shall require application to and review by the city, as set forth herein on a form made available by the office of the Planning & Zoning Commission.

**Section 18.17.020**      **Requirements.**

- A.      Property survey: Boundary line adjustments require a property survey prepared by a licensed land surveyor that shows all easements, buildings, utilities, property encroachments, curb cuts and pertinent right-of-way improvements. The property survey shall contain a title of “Boundary Line Adjustment Record of Survey” and necessary approval blocks and signature lines, including the surveyor’s certificate, the owner’s certificate(s) with a notary block, a certificate for approval by the office of the Planning & Zoning Commission, and county clerk and recorder acceptance. A draft of the record of survey document shall be submitted with the application. If the property owner is a corporation or LLC, they shall provide a resolution or other evidence of signatory authority to execute the documents.
- B.      Boundaries Identified. The boundary line adjustment record of survey shall identify the exterior boundaries of all properties involved in the boundary line adjustment, show the new interior property line(s), and clearly indicate the property being transferred and merged into the receiving parcel. Legal descriptions of the adjusted parcels shall be provided on the survey, and survey markers set to determine the parcel boundaries.
- C.      Payment of the total amount of the boundary line adjustment as prescribed by resolution of the City Council pursuant to Title 1.
- D.      Proof of ownership.

**Section 18.17.030**      **Approval and Recording.**

- A.      Approval Criteria: The Planning & Zoning Commission shall authorize the boundary line adjustment application if it meets the requirements of this title.
  - 1.      The parcels to be adjusted must share a common boundary for more than a single point, are not otherwise separated by a public right-of-way or alley.
  - 2.      The adjustment is not for the purpose of evading the development standards of the zoning or subdivision code.
  - 3.      The adjustment will not result in violation of any land use, subdivision, development, or design standards set forth in this code.
  - 4.      As applicable, proper easements are established for utility services and access.
  - 5.      The adjustment does not attempt to vacate or abandon any easement or right-of-way of record.
  - 6.      All property taxes on the parcels are current (not past due).
  - 7.      As applicable, the adjustment is consistent with the terms and conditions of any previously approved development plan that is still in effect.
  - 8.      No boundary line adjustment shall result in the creation of a new lot/parcel.
- B.      If the application is denied, the administrative official to the Planning & Zoning Commission shall issue said decision in writing, stating the reason(s) therefor.

C. Recording: Within ninety (90) days of the boundary line adjustment authorization, as evidenced by the signature of the Planning & Zoning Chairperson on the survey, the completed survey and the deed(s) for the property transfer(s) shall be recorded with the county clerk. After recording, a copy of the recorded survey, deed(s) and notation on any recorded plat shall be provided to the city. If these documents are not recorded within ninety (90) days, the authorization shall automatically become null and void.

D. Financing: The city boundary line adjustment authorization does not include a review of financial interests and/or liens filed against the properties. Modifications to financing such as mortgage releases and loan modifications may be needed to maintain compliance with lender requirements. It is the responsibility of the property owner to ensure that any financing companies and/or lien holders are notified of the boundary line adjustment and that their requirements are met. The city shall not have any liability for any adverse action taken by any party against the applicant or adjacent property owner as a result of the city's approval of any boundary line adjustment.  
(Ord 04/2019, Amended 4/16/2019)

**Chapter 18.18**  
**RESIDENTIAL INFILL**

**Sections:**

- 18.18.010 Purpose.**
- 18.18.020 Applicability.**
- 18.18.040 Residential Infill Subdivision Standards.**
- 18.18.050 Other Requirements.**

**Section 18.18.010 Purpose.**

The purpose of this chapter is to establish appropriate subdivision development standards for the infill and redevelopment of underutilized residential properties, to allow for additional housing opportunities on individual lots in existing neighborhoods that are currently zoned. To help minimize development cost and thereby encourage affordable housing, this chapter is intended to be utilized as a template for qualifying developments without the need for complete engineered plans- relying instead on the standards herein and qualified contractors to complete the subdivision improvements to acceptable standards. Therefore, the scope of this chapter is limited to projects that are relatively straightforward and do not require construction of any new public streets, public water lines, or public sewer lines. The maximum size limit for applicability of this chapter is meant to separate small infill situations from larger properties that are more appropriately developed with traditional development improvements. (Ord. 04-2019, Amended 4/16/2019)

**Section 18.18.020 Applicability.**

This chapter shall only be applicable to properties that have all the following characteristics.

- A. The property is 2.5 acres or less in size;
  - B. The property is located in a residential zone and does not contain any non-conforming commercial or industrial uses.
  - C. The property has frontage on and access directly to/from a paved public street;
  - D. The property shall contain the same lot density as properties adjacent to but in no case contain more than eight lots;
  - E. The access route to any lot in the proposed subdivision is not more than one hundred (100) feet in length, measured from the public street right-of-way to the middle of the turnaround;
  - F. All lots will be served with public sewer, water and power;
  - G. No sewer or water lines will be shared between lots- individual sewer and water service lines must be run to each lot pursuant to 13.04.060.
- (Ord. 04-2019, Amended 4/16/2019)

**Section 18.18.040 Residential Infill Subdivision Design Standards.**

The following design standards shall apply to residential infill subdivisions. All applicable required improvements are the responsibility of the subdivider and shall be installed prior to issuance of a building permit for a dwelling within the subdivision. The layout of the subdivision improvements shall be shown on the preliminary plat application drawings pursuant to Rawlins Municipal Code

Chapter 18.12.

A. Access and Frontage Requirements:

1. Lot Frontage: All lots shall be provided with frontage on a public street or private access easement.
2. Entrance Requirement: The physical connections of the subdivision access drive to the public street shall consist of a paved entrance/exit extending from the curb cut to a point at least twenty-five (25) feet from the public street, measured along the direction of travel. Asphalt thickness shall be at least three (3) inches, compacted depth.
3. Approach to Public Street: In areas that have curb and gutter along the property frontage, the approach to the public street shall be constructed to the City's standards with curb, gutter and ADA compliant sidewalk.
4. Access Drive Connection: If the access drive connects to a major collector or arterial, the City Engineer may require any existing approach be removed and all access to occur from the common access drive.
5. Property Frontage: If the property frontage has curb and gutter, but no sidewalk, the subdivider shall install sidewalk to City standards across the property frontage. If no curb and gutter exist along the property frontage, subdivider shall install curb and gutter to City standards.
6. Turnarounds: A turnaround associated easement shall be provided at the end of an access drive if any of the following conditions will exist. The distances are measured from the edge of the public right-of-way.
  - a. The access drive serves two (2) or more dwelling units, including front corner lots;
  - b. The Fire Chief or City Engineer determine that due to unique circumstances, a turnaround is necessary to prevent a significant traffic or access safety issue,
  - c. All turnarounds shall be constructed to the minimum dimensions of one of the following turnaround options. Construction specifications for the turnaround shall be the same as the access drive. A turnaround easement must be provided for the turnaround.
    - i. Cul-de-sac option: pursuant to Rawlins Municipal code section 15.24
    - ii. Boot option: pursuant to Rawlins Municipal code section 15.24
    - iii. Hammerhead option: pursuant to Rawlins Municipal code section 15.24;
  - d. Turnout: When required a turnout shall be provided approximately mid-point along the access drive by widening the driving surface to a minimum of twenty (20) feet for a length of thirty (30) feet and tapering at the ends of the turnout to the access drive at no more than forty five (45) degree angle. Construction of the turnout shall be to the same specifications as the access drive.

B. Utility Requirements:

1. Utility Service Connections: All lots shall be provided with utility service connections in accordance with the utility providers and applicable plumbing and electrical codes. At a minimum, city water, and sewer shall be provided by individual service lines to each lot.
2. Utility Design Guidelines: The following utility standards are applicable, in addition to any more specific standards of applicable utility codes and policies.

- a. The sewer and water services are to be stubbed into each lot to the point that they extend under the dry utility trench and to the building pad side of the utility easement;
  - b. Minimum depth of sewer service line is three (3) feet, unless insulated with rigid foam board per the requirements of the building official;
  - c. Minimum slope of four (4) inch sewer pipe is one (1) percent, although a minimum of one and one half (1.5) percent is recommended.
  - d. Provide a minimum of twelve (12) inches, measured horizontally on center, between sewer service lines;
  - e. Anywhere a domestic water line is within twelve (12) inches horizontally from a sewer line and either below or less than eighteen (18) inches vertically above a sewer line, the water line must be sleeved (i.e. placed in a sealed conduit);
  - f. Cleanouts are required in the sewer service lines at intervals not to exceed one hundred (100) feet, and at any change in direction greater than forty-five (45) degree angles. Any cleanout in a driving surface must be protected with a minimum five (5) inch thick concrete collar, measuring at least twelve inches (12) beyond the outside of the pipe,
  - g. All utility services are to be provided with either APWA uniform color-coded detectable warning tape, or a combination of non-detectable warning tape and color coded tracer wire. The warning tape is to be installed one (1) foot directly above the utility service pipe/conduit. If separate tracer wire is used, it is to be copper or copper clad steel, rated for direct bury, and be taped to the side of the pipe/conduit;
  - h. The ends of all utility stubs into the lots shall be marked with solid lumber (2x4 or larger) or PVC pipe that is painted the corresponding APWA color for the utility (i.e. green for sewer, blue for water).
- C. Stormwater/Drainage Requirements:
- 1. The area of the access easement shall be graded to manage stormwater within the subdivision so that no increase of runoff or creation of a concentrated discharge point occurs. The stormwater infiltration area is also intended to serve as snow storage area.
- D. Signage Requirements: The following signs are to be installed by the subdivider. The size and mounting methods shall comply with Title 19.48.
- 1. Address numbers for the dwelling units on the rear lots shall be posted at the intersection of the private access drive with the public road, and shall comply with Title 19.48;
  - 2. Install No Parking/Fire Lane signs along the access drive, located and spaced as approved by the Fire Chief;
  - 3. Any required turnout and turnaround must be signed "No Parking". (Ord. 04-2019, Amended 4/16/2019)

**Section 18.18.050 Other Requirements.**

- A. The number and location of all dwelling units, whether primary or accessor dwelling units, must be identified in the subdivision process and noted on the plat.
- B. Fire Hydrants must be installed per the adopted International code pursuant to Municipal Code 15.24.070. If a new fire hydrant is required, engineering and installation is the responsibility of the

subdivider and shall be coordinated with Public Works and the Fire Department.

C. Maintenance agreements or covenants must be established to set forth the maintenance responsibilities for the private access drive, including maintenance of the drive and stormwater facility. The agreement must include establishment of a bank account and schedule of payment by the lot owners. The payment levels must be based on anticipated costs for regular recommended maintenance and repair activities, such as snow removal, regrading, weed control, signage, etc. the maintenance agreement/covenant must be recorded with the plat. The initial minimum payment and schedule shall be determined with the final plat.

D. Enforcement of "No Parking" shall be by the homeowners, and authority for such included in the maintenance agreement or covenants for the subdivision.

E. All lots shall utilize a cluster mailbox stand, as specified by the local post office, which mailbox and associated concrete pad shall be installed to the USPS specifications by the subdivider.

F. Gates or other features that would obstruct vehicle or pedestrian use of the access drive are prohibited.

G. If the subdivision improvements are not installed prior to the recording of the final plat, the final plat shall include a note that states that no building permit shall be issued for a dwelling until all required subdivision improvements are completed.

(Ord 04-2019, Amended 4/16/2019)

## Chapter 18.20

### IMPROVEMENTS--COMPLETION AND MAINTENANCE

#### Sections:

18.20.010	Guarantee--Performance Bond.
18.20.020	Guarantee--Temporary Improvements.
18.20.030	Responsibility for Costs.
18.20.040	Guarantee--Governmental Unit.
18.20.050	Guarantee--Failure to Complete Improvements.
18.20.060	Acceptance of Dedications.
18.20.070	Guarantee--Alternate Methods--Authorized.
18.20.080	Guarantee--Alternate Methods--Escrow Account.
18.20.090	Guarantee--Alternate Methods--Property Escrow.
18.20.100	Guarantee--Alternate Methods--Irrevocable Letter of Credit.
18.20.110	Guarantee--Alternate Methods--Third Party Trust Agreement.
18.20.120	Guarantee--Alternate Methods--Combined Methods.
18.20.130	Guarantee--Time for Submittal.
18.20.140	Inspections and Fees.
18.20.150	Guarantee--Release or Reduction.
18.20.160	Maintenance.
18.20.170	Deferral or Waiver.
18.20.180	Certificates of Occupancy and Building Permits.
18.20.190	Consumer Protection and Conflicts of Interest.

#### Section 18.20.010 Guarantees--Performance Bond.

A. The applicant may post a performance bond, at the time of application for final subdivision approval by the council, in the amount estimated by the subdivider's licensed engineer as sufficient to secure to the city the satisfactory construction, installation and dedications of the uncompleted portion of required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.

B. The performance bond shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the city council in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event exceed two years from date of final approval.

C. The bond shall be approved by the city council as to amount and surety and conditions satisfactory to the city council. The city council may, upon proof of difficulty, extend the completion date set forth in the bond for a maximum period of three additional years. The city council may, at any time during the period of the bond, accept a substitution of principal or sureties on the bond upon the recommendation of the city Attorney and city Engineer. (Ord. 6A-83, 1983; Ord. 4A-78 (part): prior code § 30-41(a)) (Ord 04-2019, Amended 4/16/2019)

#### Section 18.20.020 Guarantees--Temporary Improvements.

The applicant shall build and pay for all costs of temporary improvements required by the city council and shall maintain them for the period specified by the city council. Prior to construction of any temporary facility or improvement, the developer shall file with the city council a separate suitable bond for temporary facilities, which bond shall ensure that the temporary facilities will be properly constructed, maintained and

removed. (Ord. 4A-78 (part): prior code § 30-41(b))

**Section 18.20.030      Responsibility for Costs.**

All required improvements shall be made by the applicant, at his expense, without reimbursement by the city, or any improvement district therein, except that the city may share in the cost of required improvements when they are of an unusual nature and not consistent with the character and/or size of normally required improvements. The cost sharing shall be in accordance with policies and rules properly adopted by the city council. (Ord. 4A-78 (part): prior code § 30-41(c))

**Section 18.20.040      Guarantee--Governmental Unit.**

Governmental units to which these bonds and contract provisions apply may file, in lieu of the contractor bond, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this chapter. (Ord. 4A-78 (part): prior code § 30-41(d))

**Section 18.20.050      Guarantee--Failure to Complete Improvements.**

In those cases where a performance bond has been posted and required improvements have not been installed within the terms of the performance bond, the city council may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default. (Ord. 4A-78 (part): prior code § 30-41(e))

**Section 18.20.060      Acceptance of Dedications.**

Acceptance of formal offers of dedication of streets, public areas, easements and parks shall be by resolution of the city council. The approval by the Planning & Zoning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the city of any street, easement or park shown on the plat. (Ord. 4A-78 (part): prior code § 30-41(f))

**Section 18.20.070      Guarantee--Alternate Methods--Authorized.**

If the city council finds that a developer is not able to post a performance bond, the city council may require the subdivider to use one of the improvement guarantee techniques set out in Sections 18.20.080 through 18.20.120. (Ord. 4A-78 (part): prior code § 30-41(g) (part))

**Section 18.20.080      Guarantee--Alternate Methods--Escrow Account.**

A. The subdivider shall deposit cash or U.S. government bonds, either with the city council or in escrow with a bank. The use of collateral other than cash, and the selection of the bank with which funds are to be deposited, are subject to the approval of the city council.

B. Where an escrow account is to be employed, the subdivider shall file with the city council his agreement with the bank guaranteeing the following:

1. That the funds in the escrow account are to be held in trust until released by the city council and may not be used or pledged by the subdivider as security for any obligation during that period;

2. And that in case the subdivider fails to complete the required improvements, the bank shall immediately make the funds in escrow available to the city for the completion of the improvements. (Ord. 4A-78 (part): prior code § 30-41(g)(1))

**Section 18.20.090 Guarantee--Alternate Methods--Property Escrow.**

The subdivider may offer as a guarantee, land or other property, including U.S. government bonds. A qualified real estate appraiser shall establish the value of any real property so used and in so doing, shall take into account the possibility of a decline or rise in the value of the property during the guarantee period. The city council reserves the right to reject the use as collateral of any property when the value of the property is unstable, when the property may be difficult to sell, or when other factors exist which will inhibit the city council from exchanging the property for an amount of money sufficient to complete the required improvements. When property is offered as an improvement guarantee, the subdivider shall:

- A. Execute an agreement with the escrow agent when it is not the city instructing the agent to release the property to the city in case of default. The agreement shall be placed on file with the county clerk;
- B. File with the city council an affidavit affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is to be put in escrow;
- C. Execute and file with the city council an agreement stating that the property to be placed in escrow as an improvement guarantee will not be used for any other purpose, or pledged as a security in any other matter, until it is released by the city council. (Ord. 4A-78 (part): prior code § 30-41(g)(2))

**Section 18.20.100 Guarantee--Alternate Methods--Irrevocable Letter of Credit.**

Subject to the approval of the city council, the subdivider shall provide an irrevocable letter of credit from the bank or other reputable institution or individual. This letter shall be deposited with the city council and shall certify the following:

- A. That the creditor guarantees funds in an amount equal to the cost, as estimated by the city engineer and approved by the city council, of completing all required improvements;
- B. That, if the subdivider fails to complete the specified improvements within the required period, the creditor will pay to the city immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter;
- C. That this irrevocable letter of credit may not be withdrawn or reduced in amount until released by the city council. (Ord. 4A-78 (part): prior code § 30-41(g)(3))

**Section 18.20.110 Guarantee--Alternate Methods--Third Party Trust Agreement.**

The subdivider may place title to the subdivided property in trust with a third party escrow agency or trust company authorized and licensed to do business in the state. The trust shall include an agreement between the trustee and the city that title to any lot or parcel within the subdivision shall not be transferred until all improvements required by these regulations have been installed and accepted by the city, on any particular lot or parcel, with written approval for release to the escrow agency or trust company holding the property in trust. The agreement shall contain special conditions providing for authorization of the city to abandon and resubdivide the property should the required improvements fail to be installed in compliance with city standard specifications. (Ord. 4A-78 (part): prior code § 30-41(g)(4))

**Section 18.20.120 Guarantee--Alternate Methods--Combined Methods.**

The council may adopt any combination of the foregoing requirements that will insure the completion of the improvements incident to the proposed subdivision. (Ord. 4A-78 (part): prior code § 30-41(g)(5))

**Section 18.20.130 Guarantee--Time for Submittal.**

The improvement guarantee shall be submitted to the city attorney for approval by the city council prior

to the signing of the plat by the mayor, regardless of which method of guarantee is selected. (Ord. 4A-78 (part): prior code § 30-41(h))

**Section 18.20.140 Inspections and Fees.**

The city council shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay the city inspection fees as may henceforth be established by resolution of the city council as per Title 1 of this code. These fees shall be due and payable upon application for permit to construct the various types of improvements. If the city engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the city's construction standards and specifications, the applicant shall be responsible for correcting the improvements. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications. (Ord. 4A-78 (part): prior code § 30-43(a))  
(Ord. 08a-2008, Amended, 08/19/2008; Ord. 11-2007, Amended, 11/06/2007)

**Section 18.20.150 Guarantee--Release or Reduction.**

A. Upon completion of the public improvements, the subdivider shall file with the city council an agreement dedicating the improvements to the city together with a statement stipulating the following:

1. That the subdivider knows of no defects from any cause in the improvements; and
2. That the improvements are free and clear of any encumbrance or lien.

B. Upon request by the subdivider, the office of the Planning & Zoning Commission shall, after making final inspection, file with the city council a statement either certifying that the improvements have been completed and are in compliance with appropriate specifications and requirements or listing the defects and deficiencies in the improvements.

C. If the city engineer has certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed in this section, the city council shall accept the dedication of those improvements. The city council may accept the dedication of any portion of the required improvements; provided, that all statements and agreements specified in this section have been received for the portion of the improvements.

D. Reduction of Improvement Guarantee. An improvement guarantee shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvements dedicated bear to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five percent of the principal amount. (Ord. 4A-78 (part): prior code § 30-43(b))

(Ord. 11-2007, Amended, 11/06/2007)

**Section 18.20.160 Maintenance.**

The applicant shall be required to maintain all public improvements within the subdivision and provide for snow removal on streets and sidewalks if required, until initial acceptance of the improvements by the city council. If there are any certificates of occupancy on a street not dedicated to the city, the city may, on twelve hours' notice, plow the street or effect emergency repairs and charge same to the applicant. (Ord. 4A-78 (part): prior code § 30-44)

**Section 18.20.170 Deferral or Waiver.**

A. The Planning & Zoning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate because of

inadequacy or lack of connecting facilities.

B. Whenever it is deemed necessary by the Planning & Zoning Commission to defer the construction of any improvement required in this chapter because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the city prior to the signing of the final subdivision plat, or the applicant may post a bond insuring completion of the improvements upon demand of the city council. (Ord. 4A-78 (part): prior code § 30-45)

#### **Section 18.20.180      Certificates of Occupancy and Building Permits.**

A. No certificate of occupancy for any building in the subdivision shall be issued prior to the completions of the improvements and dedication of same to the city as required in the final subdivision plat approval except that, in the event of winter freeze occurring prior to the placement of asphalt pavement on the adjacent street surface, a certificate of occupancy may be issued, provided the city engineer has certified that the following improvements, serving the subject property, have been completed and accepted:

1. Sewage collection system;
2. Water distribution system;
3. Storm drainage facilities;
4. Curbs, gutters and sidewalks;
5. Fire hydrants;
6. Final street and lot grading;
7. Aggregate base course for asphalt pavement together with asphaltic prime coat.

B. The extent of street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment and any other emergency service equipment prior to the issuance of an occupancy permit.

C. No building permit shall be issued for the final ten percent of lots in a subdivision, or if ten percent is less than two, for the final two lots of a subdivision, until all public improvements required by the Planning & Zoning Commission for the plat have been fully completed and dedicated to the city. (Ord. 4A-78 (part): prior code § 30-46)

#### **Section 18.20.190      Consumer Protection and Conflicts of Interest.**

A. No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent have violated any federal, state or local law pertaining to consumer protection of real estate land sales, promotion or practices, or any applicable conflicts of interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

B. With respect to the lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the city until so ordered otherwise by a court of competent jurisdiction provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

C. Any violation of a federal, state or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; and the Uniform Commercial Credit Code) or conflicts of interest statute, law or ordinance shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in Chapter 1.08. (Ord. 4A-78 (part): prior code § 30-47)

## Chapter 18.24

### IMPROVEMENTS, RESERVATIONS AND DESIGN

#### Sections:

18.24.010	Rules and Regulations Compliance.
18.24.020	Self-imposed Restrictions.
18.24.030	Plats Crossing Municipal Boundaries.
18.24.040	Monuments.
18.24.050	Character of Land.
18.24.060	Name of Subdivision.
18.24.070	Lot Arrangement.
18.24.080	Lot Dimensions.
18.24.090	Through Lots and Lot Access.
18.24.100	Relation to Adjoining Streets.
18.24.110	Street Dedication.
18.24.120	Major Street Design.
18.24.130	Street Minimum Standards.
18.24.140	Cul-de-sacs.
18.24.150	Marginal Access Streets Required When.
18.24.160	Half Streets.
18.24.170	Cross-Section Standards.
18.24.180	Centerline Radius at Curves.
18.24.190	Radius at Intersections.
18.24.200	Radius at Alley Intersections.
18.24.210	Protection Strips.
18.24.220	Block Dimensions.
18.24.230	Required Improvements.
18.24.240	Utilities.
18.24.250	School Sites.
18.24.260	Parks and Recreation--Dedications Required.
18.24.270	Parks and Recreation--Suitability of Land.
18.24.290	Parks and Recreation--Sale of Additional Land.
18.24.300	Parks and Recreation--Funds Payment.

#### Section 18.24.010 Rules and Regulations Compliance.

In addition to the requirements established in this title, all subdivision plats shall comply with the following laws, rules and regulations:

- A. All applicable statutory provisions;
- B. The city zoning ordinance, building and housing codes and other applicable laws of the city;
- C. The official master plan, official map, public utilities plan, and capital improvements program of the city, including all streets, drainage systems, and parks shown on the official map or master plan as adopted;
- D. The special requirements of these regulations and any rules of the health department and/or appropriate agencies;
- E. The rules of the State Highway Department if the subdivision or any lot contained therein abuts a state highway or connecting street;
- F. The standards and regulations adopted by the city council and all boards, commissions and agencies of the city; and
- G. Plat approval may be withheld if a subdivision is not in conformity with the above guides or policy

and purposes of these regulations. (Ord. 4A-78 (part): prior code § 30-58(a))  
(Ord. 11-2007, Amended, 11/06/2007)

**Section 18.24.020 Self-imposed Restrictions.**

If the owner places restrictions on any of the land contained in the subdivision, greater than those required by the zoning ordinance or these regulations, such restrictions, or reference thereto, may be required to be indicated on the subdivision plat; or, the Planning & Zoning Commission may require that restrictive covenants be recorded with the county clerk in a form to be approved by the city attorney. (Ord. 4A-78 (part): prior code § 30-58(b))

**Section 18.24.030 Plats Crossing Municipal Boundaries.**

Whenever access to the subdivision is required across land in another government entity, the Planning & Zoning Commission may request assurance from the city engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross city boundary lines. (Ord. 4A-78 (part): prior code § 30-58(c))  
(Ord. 11-2007, Amended, 11/06/2007)

**Section 18.24.040 Monuments.**

The applicant shall place permanent reference monuments in the subdivision as required by city specifications. (Ord. 4A-78 (part): prior code § 30-58(d))  
(Ord. 11-2007, Amended, 11/06/2007)

**Section 18.24.050 Character of Land.**

Land which the Planning & Zoning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning & Zoning Commission, upon recommendation of the city engineer, to solve the problems created by the unsuitable land conditions. The land shall be set aside for uses as shall not involve such a danger. (Ord. 4A-78 (part): prior code § 30-58(e))

**Section 18.24.060 Name of Subdivision.**

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area to designate the name of the subdivision. (Ord. 4A-78 (part): prior code § 30-58(f))

**Section 18.24.070 Lot Arrangement.**

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and health regulations and in providing driveway access to buildings on the lots from an

approved street. (Ord. 4A-78 (part): prior code § 30-59(a))

**Section 18.24.080 Lot Dimensions.**

Lot dimensions shall comply with the minimum standards of the zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning & Zoning Commission may require that the lots be arranged so as to allow further subdivision and the opening of future streets where they should be necessary to serve such potential lots, all in compliance with the zoning ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curve street lines) unless a variation from this rule will give a better street or lot plan. Depth and width of properties shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance. (Ord. 4A-78 (part): prior code § 30-59(b))

**Section 18.24.090 Through Lots and Lot Access.**

A. Through Lots. Through lots shall be avoided except where necessary to provide separation to residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

B. Access from Major Secondary Arterials. Single-family residential lots shall not, in general, derive access exclusively from a major street. (Ord. 4A-78 (part): prior code § 30-59(c))

**Section 18.24.100 Relation to Adjoining Streets.**

A. The arrangement of streets, in new subdivisions, shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the Planning & Zoning Commission for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

B. Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees. (Ord. 4A-78 (part): prior code § 30-60)

**Section 18.24.110 Street Dedication.**

Streets, in general, shall be dedicated to the city as public streets. (Ord. 4A-78 (part): prior code § 30-61(a))

**Section 18.24.120 Major Street Design.**

Major streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where the street plan has not been completed at the time the preliminary plan is submitted to the Planning & Zoning Commission, major streets shall be provided as required by the Planning & Zoning Commission, based upon recommendations from the city engineer. (Ord. 4A-78 (part): prior code § 30-61(b))

**Section 18.24.130 Street Minimum Standards.**

All streets and thoroughfares shall be platted according to the following minimum standards except where it can be shown by the subdivider, to the satisfaction of the Planning & Zoning Commission, that the

topography or the small number of lots served and the probable future traffic development are such as to justify a narrower width. Increased widths may be required where streets are to serve commercial or industrial property or where probable traffic conditions warrant.

<b>Classification</b>	<b>R/w width (feet)</b>	<b>Back of Curb (feet)</b>
Major collector streets	80	52
Minor collector streets	66	46
Local streets, commercial and industrial areas	66	46
Local streets, high and low density residential areas	60	40
Alleys	20	

(Ord. 4A-78 (part): prior code § 30-61(c))  
(01-2008, Amended, 01/16/2008)

**Section 18.24.140 Cul-de-sacs.**

A. Minor terminal streets (cul-de-sacs) shall be no longer than five hundred feet measured from the center of the turnaround to the centerline of the first intersecting street which is not a cul-de-sac. The right-of-way line of a cul-de-sac turnaround shall have a radius of not less than forty-seven feet, and shall be connected to the normal street right-of-way line by a reverse curve having a radius of seventy-five feet. If surface water drainage is into the turnaround, due to the grade of the street, necessary catchbasins and drainage easements shall be provided.

B. Where a street is designed to remain only temporarily as a dead-end street, an adequate temporary turning area shall be provided at the dead-end thereof to remain and be available for public use so long as the dead-end conditions exist. (Ord. 4A-78 (part): prior code § 30-61(d))

**Section 18.24.150 Marginal Access Streets Required When.**

Marginal access streets of not less than forty feet in width shall be required paralleling all major streets, unless the subdivision is so designed that lots back onto such major streets. (Ord. 4A-78 (part): prior code § 30-61(e))

**Section 18.24.160 Half Streets.**

Half streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved, except in cases of required partial dedication of major streets according to an adopted master street plan. (Ord. 4A-78 (part): prior code § 30-61(f))

**Section 18.24.170 Cross-Section Standards.**

All proposed streets, whether public or private, shall conform to the city street cross-section standards as recommended by the city engineer and adopted by the city council. (Ord. 4A-78 (part): prior code § 30-61(g))

**Section 18.24.180 Centerline Radius at Curves.**

The minimum centerline radius at street curves shall be as follows:

<b>Classification</b>	<b>Radius</b>
Major streets	800 feet
Collector streets	400 feet
Local streets	150 feet

(Ord. 4A-78 (part): prior code § 30-61(h))

**Section 18.24.190 Radius at Intersections.**

The following minimum radii will apply at street intersections for property lines:

<b>Classification</b>	<b>Property Line Radius</b>
Local street to local street	15 feet
Local street to collector street	15 feet
Collector street to collector street	15 feet
Collector street to major street	20 feet
Major street to major street	25 feet

(Ord. 4A-78 (part): prior code § 30-61(i))

**Section 18.24.200 Radius at Alley Intersections.**

The right-of-way lines of alley intersections shall be connected with a radius of not less than twenty feet. Dead-end alleys shall not be approved. (Ord. 4A-78 (part): prior code § 30-61(j))

**Section 18.24.210 Protection Strips.**

Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip of not less than one foot in width between the street and adjacent property; provided, that an agreement with the city and approved by the city attorney has been made by the subdivider, contracting to dedicate the one foot or larger protection strip free of charge to the city for street purposes upon payment by the then owners of the contiguous property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the street at the time of the agreement. (Ord. 4A-78 (part): prior code § 30-61(k))

**Section 18.24.220 Block Dimensions.**

A. The maximum length of blocks, generally, shall be one thousand three hundred feet and the minimum length of blocks shall be five hundred feet. Blocks over eight hundred feet in length may, at the discretion of the Planning & Zoning Commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkways shall be not less than ten feet in width.

B. The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the Planning & Zoning Commission because of design, terrain or other unusual conditions.

C. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities. (Ord. 4A-78 (part): prior code § 30-62)

**Section 18.24.230 Required Improvements.**

The owner of any land to be platted as a subdivision shall, at his own expense, install the following improvements, according to the specifications and under the inspection of the city:

- A. Water distribution system including laterals to the property line of each lot;
- B. Sewage disposal system including laterals to the property line of each lot;
- C. Drainage structures, storm sewers and other drainage facilities;
- D. Concrete curbs, gutters and sidewalks;
- E. Asphalt paved streets and alleys;
- F. Fire hydrants;
- G. Street name signs;
- H. Fencing where required;
- I. Other improvements as may be required by the Planning & Zoning Commission. (Ord. 4A-78

(part): prior code § 30-63)

(Ord. 11-2007, Amended, 11/06/2007)

#### **Section 18.24.240 Utilities.**

A. The subdivider shall, at his own expense, cause the installation of the following public utilities to be made available to each lot and parcel within the subdivision:

1. Electrical distribution system including electrical lines for street lights;
2. Telephone communication system;
3. Gas distribution system;
4. Cable television system.

B. All public utilities, including services, shall be installed underground except that electrical distribution systems may be installed on overhead utility poles in certain cases of industrial and commercial developments. (Ord. 4A-78 (part): prior code § 30-64)

#### **Section 18.24.250 School Sites.**

A. Where it is determined that land is required for school sites, the office of the Planning & Zoning Commission, after so apprising the school district, shall so advise the subdivider of the school site requirements and they shall be incorporated on the preliminary plat prior to its consideration by the Planning & Zoning Commission.

B. The subdivider, at the time of filing the final plat with the Planning & Zoning Commission, must offer to sell at a fair market price to the school district, within one year immediately following the recording of the final plat, any land so designated for school sites.

C. If any such proposed school sites have not been purchased by the school district within one year after the recording of the final plat, such areas may be subdivided into lots and blocks in accordance with the requirements of this title. (Ord. 4A-78 (part): prior code § 30-65)

#### **Section 18.24.260 Parks and recreation--Dedications required.**

All residential subdivisions shall provide for public parks and recreational sites by dedication of land in accordance with these regulations. Subject to the approval of the Planning & Zoning Commission, dedication of such sites and land areas to the city or at the option of the city and in lieu thereof, the subdividers may make a payment to the city of a sum of money equal to the value of the land which would otherwise be dedicated to the city. The value of the land to be dedicated shall be determined by the city council no later than January 30th of each calendar year. Any such sums, when required, shall be held by the city for the acquisition and improvement of such sites and land areas. Provision of land areas for parks and recreational sites shall be ten percent (10%) of grass land area. Dedication of such sites and land areas shall be made at the time of final platting in one or any combination of the following ways:

- A. By dedicating to the city on the final plat;
- B. By granting the land areas in fee simple or general warranty deed to the city. (Ord. 2A-84 § 2 (part))  
(Ord 04-2019, Amended 4/16/2019)

**Section 18.24.270 Parks and Recreation--Suitability of Land.**

Any land to be dedicated as a requirement of Sections 18.24.260 through 18.24.310 shall be reasonably adaptable for use of active park and recreational purposes and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of the proposed park and recreation areas shall include size and shape, topography, geology, tree cover, access and location. (Ord. 2A-84 §2 (part))

**Section 18.24.290 Parks and Recreation--Sale of Additional Land.**

Where it is determined that a greater amount of land is required for parks and open spaces to meet the master plan requirements for that area of the city, or where it is determined that land is required for any other type of public facilities, the subdivider, at the time of filing the final plat with the Planning & Zoning Commission, must offer to sell at a fair market price to the city, within one year immediately following the recording of the final plat, any land required to be dedicated in accordance with Section 18.24.260. If any such proposed public areas have not been purchased by the city within one year after the recording of the final plat, the areas may be subdivided into lots and blocks in accordance with the requirements of this title. (Ord. 2A-84 § 2 (part))

**Section 18.24.300 Parks and Recreation--Funds Payment.**

Payments made under the requirements of this section shall be made payable to the city. The city council shall receive such funds at the time of issuance of each building permit and deposit them with the city treasurer, who shall in turn deposit the funds in the city's, approved and designated financial institution within the city. The funds shall be deposited to special interest bearing escrow accounts. The status of these accounts shall be reported annually to the city council and shall be made available to the parks and recreation board and the general public. Funds may be withdrawn from the special escrow accounts by the city council for the specific purposes of acquiring lands for park and recreation sites respectively and of making improvements to the sites. (Ord. 2A-84 § 2 (part))

## Chapter 18.28 DOCUMENTS

### Sections:

<b>18.28.010</b>	<b>Preliminary Plat.</b>
<b>18.28.020</b>	<b>Final Plat--Size and Identification.</b>
<b>18.28.030</b>	<b>Final Plat--Identification of Sheets.</b>
<b>18.28.040</b>	<b>Final Plat--Boundaries.</b>
<b>18.28.050</b>	<b>Final Plat--Survey Information.</b>
<b>18.28.060</b>	<b>Final Plat--Lots and Parcels.</b>
<b>18.28.070</b>	<b>Final Plat--Dedications and Adjacent Streets.</b>
<b>18.28.080</b>	<b>Final Plat--Easements.</b>
<b>18.28.090</b>	<b>Final Plat--High Water and Bodies of Water.</b>
<b>18.28.100</b>	<b>Final Plat--Monuments and Markers.</b>
<b>18.28.110</b>	<b>Final Plat--Approval of Interested Parties.</b>
<b>18.28.120</b>	<b>Final Plat--Offer of Dedication.</b>
<b>18.28.130</b>	<b>Final Plat--Surveyor's Certificate.</b>
<b>18.28.140</b>	<b>Final Plat--Title Sheet--Other Affidavits.</b>
<b>18.28.150</b>	<b>Final Plat--Title Sheet--Vicinity Map.</b>
<b>18.28.160</b>	<b>Preliminary Water and Sewer Plan.</b>
<b>18.28.170</b>	<b>Preliminary Drainage Plan.</b>
<b>18.28.180</b>	<b>Final Drainage Study.</b>

### **Section 18.28.010 Preliminary Plat.**

The preliminary plat shall be a neat and legible drawing of one or more sheets measuring twenty-four inches by thirty-six inches. The scale of the map shall not be more than one hundred feet per inch. The following items shall be included on the preliminary plat:

- A. Name of subdivision, date, label "Preliminary Plat," scale and north arrow;
- B. Name, address and phone number of property owner and subdivider, if other than owner;
- C. Name, address and phone number of person or firm responsible for preparation of the plan;
- D. Names of adjacent subdivisions and streets;
- E. Boundaries of the tract will be drawn to scale showing all bearings and distances to the nearest one-hundredth foot;
- F. The plat shall show all physical features such as streams, wooded areas, fences and existing structures;
- G. Ground contours at two-foot intervals for predominate ground slopes within the tract between level and five percent grade and five-foot contours for predominate ground slopes within the tract over five percent grade. Contours shall be accurate to within one-half contour and elevations shall be based on Coast and Geodetic Survey sea level data. Assumed data shall not be permitted. U.S.G.S. quad maps shall not be accepted as evidence for topographical contours. Topographic contours on all preliminary plats shall correctly depict land contours;
- H. Locations, dimensions and names of existing streets, railroads, easements, municipal boundaries, or other public properties and significant features shall be shown within and adjacent to the plat;
- I. Any proposed public areas;
- J. A vicinity map at an appropriate scale shall be drawn on or shall accompany the preliminary plat. It shall show the street and tract lines of all abutting subdivisions, proposed streets and the outline of acreage parcels of land, within at least one-half mile of the boundary of the proposed tract together with the names and/or numbers of all tracts between it and the nearest existing highways or thoroughfares. It may also be required to show the proposed land use, highways or thoroughfares. It may also be required to show the

proposed land use and suggested street layout in any adjoining property under the same ownership;

K. Location and right-of-way widths of proposed streets, alleys and utility easements laid out according to sound planning principles;

L. Radii of streets and points of curvature;

M. Layout of proposed parcels of land including approximate dimensions of lot lines, lot numbers and building setback lines;

N. Street names;

O. A statement of the present zoning and proposed use or uses of the property, as well as proposed zoning classifications;

P. The approximate boundaries of areas as determined by a qualified drainage engineer, subject to inundation or storm water overflows from a one-hundred-year storm, and the location, width and direction of flow of all watercourses, lakes, marshy areas and swamps;

Q. Additional notations and information as may be required. (Ord. 4A-78 (part): prior code § 67)

#### **Section 18.28.020 Final Plat--Size and Identification.**

The final plat shall be accurately and legibly prepared in black waterproof ink upon one or more sheets of polyester film measuring twenty-four inches by thirty-six inches. A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of two inches on the left side and one-half inch on all other sides. All signatures shall be in black waterproof ink. The scale of the map shall be not more than one hundred feet per inch. The particular number of the sheet and the total number of sheets and the relations of each adjoining sheet shall be clearly shown by a small key map on each sheet. The items set forth in Sections 18.28.030 through 18.28.150 shall be included on the final plat. (Ord. 4A-78 (part): prior code § 68 (part))

#### **Section 18.28.030 Final Plat--Identification of Sheets.**

The title of each sheet of the final plat shall consist of the approved name of the subdivision conspicuously placed on the sheet. A subtitle in smaller lettering shall indicate the quarter section, township and range in which the subdivision is located and/or a statement that the subdivision is a resubdivision of a specifically named subdivision. Plats filed for the purpose of showing as acreage land previously subdivided into parcels or lots or blocks shall be designated with an appropriate approved title. (Ord. 4A-78 (part): prior code § 68(1))

#### **Section 18.28.040 Final Plat--Boundaries.**

An accurate and complete boundary survey shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground, but close within a limit of one foot to ten thousand feet in perimeter. The boundary of the subdivision shall be clearly indicated on the final plat. All lines shown on the plat which do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "NOT A PART OF THIS SUBDIVISION." (Ord. 4A-78 (part): prior code § 68(2))

#### **Section 18.28.050 Final Plat--Survey Information.**

The final plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii, lengths, tangent distances and deflection for all circular curves. Where, under unusual circumstances, curves other than circular are used, the final plat must

indicate type of curve and pertinent data. (Ord. 4A-78 (part): prior code § 68(3))

**Section 18.28.060 Final Plat--Lots and Parcels.**

All lots and parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets or easements shall be designated by letter or number. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every lot and parcel which is a part thereof. All lots and, wherever practicable, larger parcels in their entirety shall be shown on one sheet. Ditto marks shall not be used for lot dimensions. All lots shall be numbered systematically. The area of each lot and parcel one-half acre or larger shall be shown with an accuracy of 1:100. (Ord. 4A-78 (part): prior code § 68(4))

**Section 18.28.070 Final Plat--Dedications and Adjacent Streets.**

The plat shall show the right-of-way lines and monument lines of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets, lots and other properties within fifty feet of the subdivision shall be shown. If any street in the subdivision is a continuation or approximately a continuation of an existing street, the conformity or the amount of nonconformity of the street to the existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the date shall be shown on the final plat. (Ord. 4A-78 (part): prior code § 68(5))

**Section 18.28.080 Final Plat--Easements.**

The side lines of all easements shall be shown by fine dashed lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof, and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement must be arrowed or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication and dedicated to the appropriate grantee. (Ord. 4A-78 (part): prior code § 68(6))

**Section 18.28.090 Final Plat--High Water and Bodies of Water.**

The plat shall show by a fine continuous line the line of high water of a one-hundred-year flood. In case the subdivision is adjacent to or contains any stream, channel, marshlands, swamps or any body of water, the plat shall also show any such area by a fine continuous line. No permanent structure shall be constructed within such lines. (Ord. 4A-78 (part) prior code § 68(7))  
(Ord. 11-2007, Amended, 11/06/2007)

**Section 18.28.100 Final Plat--Monuments and Markers.**

The final plat shall show fully and describe clearly what stakes, monuments and/or other evidence were used to determine the boundaries of the legal description of the subdivision, where found on the ground. The final plat shall also show fully and clearly each adjacent corner of each adjoining subdivision or portion thereof, by lot and block numbers, tract names or number, and place of record; or by section, township or

range; or by other proper designation. The following required monuments shall be shown on the final plat:

A. The location of all monuments placed in making the survey and if any points were reset by ties, that information shall be stated. The external boundaries of all subdivisions shall, prior to the recording of any plat thereof, be monumented on the ground by reasonably permanent monuments solidly embedded in the ground. Affixed securely to the top of each such monument established shall be the Wyoming registration number of the land surveyor responsible for the establishment of the monument. These monuments shall be set at all angle points, and at the beginning, end and points of change of direction or change of radius of any curved boundaries. Monuments may be set after acceptance of the final plat by the city council, only under conditions recommended by the city.

B. Concrete and metal monuments of a type approved by the city shall be placed at intersections of street centerlines and at other points on street centerlines or monument lines as the city requires.

C. To insure accurate resurveys and future adjacent platting, ties to at least two section corners and/or quarter section corners shall be shown on the final plat. (Ord. 4A-78 (part): prior code § 68(8)) (Ord. 11-2007, Amended, 11/06/2007)

#### **Section 18.28.110 Final Plat--Approval of Interested Parties.**

The final plat shall contain a certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recording of the plat; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the plat:

A. Right-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of potential use or value and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signature shall also be endorsed on the plat. (Ord. 4A-78 (part): prior code § 68(9))

#### **Section 18.28.120 Final Plat--Offer of Dedication.**

A certificate, signed and acknowledged as set out in Section 18.28.110, offering for dedication all parcels of land shown on the final plat and intended for any public dedication, except those parcels other than streets which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants. (Ord. 4A-78 (part): prior code § 68(10))

#### **Section 18.28.130 Final Plat--Surveyor's Certificate.**

A certificate shall be signed by a licensed land surveyor in the state, stating that he is responsible for the survey and that the final plat accurately depicts the subdivision or development and the survey. A statement by the land surveyor explaining how bearings were determined shall be included on the plat. The signature of the surveyor shall be accompanied by his registration number. (Ord. 4A-78 (part): prior code § 68(11)) (Ord 04-2019, Amended 4/16/2019)

#### **Section 18.28.140 Final Plat—Title Sheet--Other Affidavits.**

The title sheet shall contain such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law and by these regulations. (Ord. 4A-78. (part): prior code 568(12))

#### **Section 18.28.150 Final Plat--Title Sheet--Vicinity Map.**

The title sheet shall contain a vicinity map drawn to an appropriate scale showing the following features surrounding the subdivision for a distance of at least one-half mile from all sides of the subdivision:

- A. Outlines of all recorded plats with names, recorded dates and recorded book and page;
- B. Major streets and highways with names;
- C. Important watercourses;
- D. City limits line, if appropriate, and boundary lines of public or quasi-public lands;
- E. Unsubdivided areas;
- F. Scale and north arrow. (Ord. 4A-78 (part): prior code § 68(13))

#### **Section 18.28.160 Preliminary Water and Sewer Plan.**

The preliminary water and sewer plan shall be a neat and legible drawing of one or more sheets. The scale of the map shall be not more than one hundred feet per inch and may be prepared on a reproducible copy of the preliminary plat. The following items shall be included on the preliminary water and sewer plan:

- A. Name of subdivision, date, label "Preliminary Water and Sewer Plan," scale and north arrow;
- B. Name, address and phone number of engineer or firm responsible for preparation of the plan;
- C. Boundaries of the tract will be drawn to scale;
- D. The plat shall show all physical features such as streams, wooded areas, fences and existing structures;
- E. The contours at two-foot intervals for predominate ground slopes within the tract between level and five percent grade and five-foot contours for predominate ground slopes within the tract over five percent grade. Contours shall be accurate to within one-half contour and elevations shall be based on Coast and Geodetic Survey sea level data. Assumed data shall not be permitted. U.S.G.S. quad maps shall not be accepted as evidence for topographic contours. Topographic contours on all preliminary water and sewer plans shall correctly depict land contours;
- F. Locations, dimensions and names of existing railroads, easements, municipal boundaries or other public properties and significant features shall be shown within and adjacent to the plat;
- G. Location and right-of-way widths of existing and proposed streets, alleys and utility easements;
- H. Radii of streets and point of curvature;
- I. Layout of proposed parcels of land including approximate dimensions of lot lines and lot numbers;
- J. Alignment of proposed sanitary sewage collection system together with any outfall sewers. Manhole locations shall be shown with approximate invert and rim elevations indicated. The diameter, approximate length of approximate slope of each sewer main shall be indicated;
- K. Alignment of proposed water distribution system together with any extensions of existing water mains necessary to provide an adequate water supply to the subdivision. Pipe diameters shall be indicated as well as the locations of proposed water valves;
- L. Locations of proposed fire hydrants as provided in the then existing city code;
- M. Additional notations and information as may be required. (Ord. 4A-78 (part): prior code § 69)

#### **Section 18.28.170 Preliminary Drainage Plan.**

A. The preliminary drainage plan shall be a neat and legible drawing of one or more sheets. The scale of the map shall be not more than one hundred feet per inch and may be prepared on a reproducible copy of the preliminary plat. The following items shall be included on the preliminary drainage plan:

1. Name of subdivision, date, label "Preliminary Drainage Plan," scale and north arrow;
2. Name, address and phone number of engineer or firm responsible for preparation of the plan;
3. The plan shall show all physical features such as streams, wooded areas, fences and existing structures;
4. The contours at two-foot intervals for predominate ground slopes within the tract between level

and five percent grade and five-foot contours for predominate ground slopes within the tract over five percent grade. Contours shall be accurate to within one-half contour and elevations shall be based on Coast and Geodetic Survey sea level data. Assumed data shall not be permitted. U.S.G.S. quad maps shall not be accepted as evidence for topographic contours. Topographic contours on all preliminary drainage plans shall correctly depict land contours;

5. Locations, dimensions and names of existing streets, railroads, easements, municipal boundaries or other public properties and significant features shall be shown within and adjacent to the plat;

6. Location and right-of-way widths of existing and proposed streets, alleys and utility easements laid out according to sound planning principles;

7. Any proposed public areas;

8. Layout of proposed parcels of land including approximate dimensions of lot lines and lot numbers;

9. The approximate boundaries of areas as determined by a qualified drainage engineer, subject to inundations or storm water overflows from a one-hundred-year storm, and the location, width and direction of flow of all watercourses, lakes, marshy areas and swamps;

10. Approximate grades of streets;

11. Existing drainage facilities and structures, including existing roadside ditches, drainageways, gutter flow directions, culverts, etc. All pertinent information such as size, shape, slope, location, etc., shall also be included to facilitate review and approval of the drainage plans;

12. Overall drainage area boundary and drainage subarea boundaries;

13. Proposed type of curb and gutter and gutter flow directions, including cross gutters;

14. Proposed piping and open drainageways, including proposed inlets, manholes, culverts and other appurtenances;

15. Proposed outfall point for runoff from the study area;

16. Routing and accumulative flows at various critical points for the major storm runoff;

17. Critical minimum finished flood elevations for protection from major storm runoff.

B. A written preliminary drainage study and report on eight and one-half by eleven inch size paper shall be submitted along with drainage plan. The information listed below, if not shown on the drawings, shall be included in the report:

1. Runoff calculations and method of analysis for both the initial storm and major storm, submitted in tabular form;

2. Open channel flow calculations;

3. Storm sewer and storm inlet flow calculations for initial storm runoff and major storm runoff;

4. Street capacities and flow calculations at critical street sections for initial storm runoff and major storm runoff;

5. Summation of all design variables used and design assumptions made;

6. Soil classification reports and depth of underground water table throughout the study area;

7. The boundary and designation of all tributary drainage areas and the area of each in acres;

8. The designation and location of each design point referred to in the calculations;

9. The reference source and a copy of all other monographs or design aids used in the calculations if they are not included in the city's specifications. (Ord. 4A-78 (part): prior code § 70)

### **Section 18.28.180 Final Drainage Study.**

The final drainage study and report shall be prepared for submittal to the city engineer at the time when improvement plans are submitted for review. The study and report shall provide the same items specified for the preliminary drainage plan except that all calculations, maps and charts shall reflect the final design for all improvements. (Ord. 4A-78 (part): prior code § 71)

## Chapter 18.32

### VARIANCES

#### Sections:

**18.32.010**      **Grounds Required.**

**18.32.020**      **Conditions.**

**18.32.030**      **Petition.**

#### **Section 18.32.010**      **Grounds Required.**

Where the Planning & Zoning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, if the variance does not have the effect of nullifying the intent and purpose of these regulations. The Planning & Zoning Commission shall not approve variances unless it finds, based upon the evidence presented to it in each specific case, that:

A. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property; or

B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property; or

C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or

D. The variance will not in any manner vary the provisions of the zoning ordinance, master plan or official map. (Ord. 4A-78 (part): prior code § 30-13(a))

#### **Section 18.32.020**      **Conditions.**

In approving variances, the Planning & Zoning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements of these regulations. (Ord. 4A-78 (part): prior code § 30-13(b))

#### **Section 18.32.030**      **Petition.**

A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning & Zoning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. (Ord. 4A-78 (part): prior code § 30-13(c))

## Chapter 18.36

### ENFORCEMENT AND PENALTIES

#### Sections:

- 18.36.010**      **Enforcement.**
- 18.36.020**      **Penalty for Violation.**
- 18.36.030**      **Civil Enforcement.**

#### **Section 18.36.010**      **Enforcement.**

A. The office of the Planning & Zoning Commission shall enforce these regulations and bring to the attention of the city attorney any violations or lack of compliance herewith.

B. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of the subdivision has been approved by the city council, in accordance with the provisions of these regulations. (Ord. 4A-78 (part): prior code § 30-15(a))

#### **Section 18.36.020**      **Penalty for Violation.**

Sections 15-1-611 and 15-1-612 of the Wyoming Statutes annotated, (LexisNexis 2017) provide the penalty for violations of the city planning and subdivision laws and regulations. (Ord. 4A-78 (part): prior code § 30-15(b)) (Ord 04-2019, Amended 4/16/2019)

#### **Section 18.36.030**      **Civil Enforcement.**

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described in this chapter. (Ord. 4A-78 (part): prior code § 30-15(c))