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TITLE IX

SUBDIVISIONS

Chapter 1

General Provisions

9-101. PURPOSE. This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, an welfare of the present and future consultants of the Town of Cokeville, Wyoming, by: encouraging the proper arrangement of streets in relation to existing or planned streets and to the Master Plan adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, civil defense, recreation, sites for schools and educational facilities and related structures, light and air; avoiding congested population, and regulation of such other matters as the Cokeville Town Council may deem necessary in order to protect the best interests of the public.

9-102. AUTHORITY. This Ordinance was promulgated under Section 15-1-401 through 15-1-801, Wyoming Statutes, as amended, and by the general powers given to the Town of Cokeville by the State of Wyoming.

9-103. ADMINISTRATION. All plans of streets or highways for public use and all plans, plats, plots, and re-plots of land laid out in subdivisions or building lots and the streets, highways, alleys or other portions of same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission and the Town Council for approval, disapproval, or approval with stipulations. All plats must be approved by the Planning and Zoning Commission and Town Council prior to the plat being recorded by the County. No lots may be sold prior to recording of the plat with the County Clerk and Recorder. Previously approved plats should not be declared to be invalid by these regulations. Exemptions to these regulations are cemetery lots, sales to the United States of America or the State of Wyoming, railroad rights-of-way, and sale of an already platted lot.

9-104. INTERPRETATION. Where any provisions of this Ordinance impose more stringent regulations, requirements, or limitations than imposed or required by any other ordinance or statutes of the State of Wyoming, then the provisions of this Ordinance shall govern.

9-105. JURISDICTION. The territorial jurisdiction of these regulations shall include all of the incorporated land located within the Town of Cokeville, Wyoming.

TITLE IX

SUBDIVISIONS

Chapter 2

Procedural Requirements

9-201. PRE-APPLICATION PROCEDURES - SKETCH PLAN. Before subdividing, the subdivider shall:

(a) Meet with the Planning and Zoning Commission to discuss the proposed subdivision, and

(b) Reach an agreement as to any requirements and neighboring property relationships, and

(c) Meet with the Town Council and Town Engineer concerning proper standards which will be expected, and

(d) If the area to be subdivided is also to be annexed to the Town, reach an agreement with the Town concerning proposed annexation.

(e) Present a sketch plan of the proposed subdivision to the Planning and Zoning Commission and Town Council. The purpose of the sketch plan is to inform the Planning and Zoning Commission and Town Council what uses will be included where they will be located and how they are proposed to be served by streets and utilities. The applicant is also informed about specific requirements, potential problems and review processes.

(f) Planning and Zoning Commission and Town Council shall have thirty (30) days from date of submittal to review and make comments.

(g) No official action is required of the Planning and Zoning Commission and Council other than to offer appropriate written comments on the proposal.

9-202. PRELIMINARY PLAT. After preliminary discussions and agreements with the Planning and Zoning Commission and the Town Council, the subdivider shall:

(a) Prepare the preliminary plat as per standards set forth in Chapter 4, and

(b) File eight (8) copies of the preliminary plat with the Commission for approval or disapproval, and

(c) Present a copy to the Town Engineer for approval or disapproval, and

(d) Make any necessary corrections to the preliminary plat as per review of the Planning and Zoning Commission and the Town Engineer.

9-203. FINAL PLAT AND FINAL ENGINEERING PLANS. Not more than one (1) year after receiving approval of the preliminary plat, the subdivider shall:

(a) Submit the original and Five (5) copies of the final plat and final engineering plans, prepared in accordance with Chapter 5 of this Ordinance, and the estimated cost of the land improvements, to the Town Building Inspector, not less than ten (10) days in advance of the date set for Town Council action. The Town Building Inspector shall disperse these materials as follows: One (1) copy to the Town Engineer; one (1) copy to the Town Attorney; one (1) copy to the Town Council; and one (1) copy to the Planning and Zoning Commission. Planning and Zoning Commission approval shall not be required before Council approval. The Town Engineer and the Town Council shall approve or disapprove the final plat and final engineering plans. The Town Council may extend the one (1) year time limit, and

(b) Make arrangements with the Town Engineer for checking of engi­neering and improvements data and for the installation of proposed improve­ments or the furnishing of the bonds in lieu of improvement, and

(c) After having received Town Council approval, the subdivider shall post a guarantee to the Town for completion of all land improvements yet remaining to be installed and shall pay necessary fees to the Town Clerk, including necessary filing fee. Said plat shall then he signed by all parties as required by this ordinance and State Law, and the plat shall then be filed with the County Clerk.

9-204. PERMIT AND DENIAL: RE-APPLICATION AND VARIANCE. A disapproval of the preliminary plat or final plat or the denial of a permit shall contain in writing the specific reason(s) for approval or denial. An applicant may within six (6) months reapply for a permit, which application shall include an affidavit to the Planning and Zoning Commission that the deficiencies in the previous application have been corrected.

9-205. RE-APPLICATION OF VARIANCE.Appeal of the decision shall be to the Planning and Zoning Commission and the Council sitting as a body to hear reapplications or requests for variance.

9-206. ENGINEERING STANDARDS. Engineering standards of the Town of Cokeville are included in this Ordinance by reference.

9-207. OTHER PUBLIC AGENCIES. If, in its opinion, a preliminary plat contains land which may be needed for a public utility, park, school, or other public facility, the Planning and Zoning Commission shall submit copies of the plat to the appropriate public agency for review. The public agency shall have thirty (30) days within which to review the plat and file a report to the Planning and Zoning Commission.

TITLE IX

SUBDIVISIONS

Chapter 3

Rules and Definitions

9-301. RULES. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction;

(a) The singular number includes the plural and the plural, singular;

(b) The present tense includes the past and future tenses, and the future, the present;

(c) The word “shall” is mandatory, while the word “may” is permis­sive;

(d) The masculine gender includes the feminine and neuter;

(e) Whenever a word or term defined herein appears in the text of this Ordinance, its meaning shall be constructed as set forth in the defini­tion thereof; and any word appearing in parentheses, directly after a word herein defined, shall be construed in the same sense as that word;

(f) All measured distances shall be expressed in feet, tenths, and hundredths.

9-302. DEFINITIONS. The following words and terms, wherever they occur in this Ordinance, shall be construed as here defined.

DEFINITIONS - SUBDIVISIONS

1. Alley: A minor way, dedicated to the public, used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

2. Arterial Street: (thoroughfare, major street, highway): A public right-of-way with the highest degree of traffic and serving as a major traffic way for fast or heavy traffic between the various districts of the Town; as shown in the official plan.

3. Block: A parcel of land bounded by public right-of-way, another subdivi­sion or unplated land.

4. Building Setback Line: A line within a lot or other parcel of land so designated on the preliminary plat, between which line and the adjacent street the erection of an enclosed structure is prohibited.

5.Collector Street: A street of considerable continuity which carries traffic from minor streets to an arterial street, including the principal entrance streets of residential developments and the principal circulating streets within such a development.

6. Commission: Shall be the Cokeville Planning and Zoning Commission.

7. Council; Shall be the Cokeville Town Council.

8. County: Shall be Lincoln County.

9. Cul-De-Sac: A minor street having one open end and being permanently terminated at the other by a vehicular turnaround.

10. Dedication: A grant by the owner, of a right to use land for public purposes. This involves a transfer of property rights and or acceptance of the dedicated property by the appropriate public agency.

11. Easement: A grant by a property owner of the specific use of land by owners.

12. Encumbrance: Any legal hindrance upon a parcel of land.

13. Engineering Plan: A set of plans and specifications prepared by a registered engineer, showing in detail all data required in Chapter

14. Final Flat: A Surveyor’s plat of a proposed subdivision as described in Chapter 6.

15. Land Improvements: Sewer and water systems, including all appurtenances thereof, curb, paving, street lights, sidewalks, street signs, seeding and tree plantings required under this Ordinance.

16. Lot: A portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

17. Marginal Street: A minor street which is parallel to and adjacent to, or in the immediate vicinity of an arterial street and which has for its purpose the relief of such thoroughfares from the local service of abutting properties.

18. Minor Street: A street of limited continuity used primarily for access to abutting properties and the local needs of the neighborhood.

19. Official Plan: The composite of the functional and geographical elements of the official plan or any segment thereof, in the form of plans, maps, charts, and textual material, as adopted by the Town.

20. Owner: Any individual, Firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary Interest in the land sought to be subdividedto commence and maintain proceedings to subdivide the same under this Ordinance.

21. Pedestrian Way (crosswalk): A right-of-way across a block or providing access within a block, to be used primarily by pedestrians.

22. Person: Any individual, firm, association, partnership, corporation, trust, or any other legal entity.

23. Preliminary Plat: A tentative map or plan of a proposed subdivision as described in Chapter 5.

24. Protective Covenants: Contracts entered into between private parties which constitute a restriction on the use of all private property within a subdivision for the benefit of property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

25. Re-Plat: The changing of an existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder.

26. Right-of-Way: That portion of land dedicated to public use for roadway and utility purposes.

27. Sell: Includes sale, contract for sale, lease, assignment, action or award by lottery or any offer to do any of the foregoing concerning a subdivision or any part of a subdivision.

28. Sketch Plan: A. concept of proposed development presented in map form.

29. Street (avenue, highway, road, boulevard, land, court, drive, parkway, place, terrace): A right-of-way which affords means of access by pedestrians and vehicles to abutting properties.

30. Subdivider: Any person commencing proceedings under this Ordinance for himself or for another.

31. Subdivision: A described tract of and which is to be or has been sub­divided into two (2) or more lots or parcels, separate interests or interest in common for the purpose of transfer of ownership or building development, or, if a new street is involved, any division or parcel of land. Also included within the definition is any parcel of and used for condominiums. Unless the method of disposition is adopted for the purpose of evading this article, the term subdivision shall not apply to any division of land:

(a) which creates cemetery lots;

(b) which is created by order of any court in this state or by operation of laws or which could be created by any court in this state pursuant to the law of eminent domain;

(c) which is created by lien, mortgage, deed of trust, or any other security instrument;

(d) which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity; and

(e) which creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property.

TITLE IX

SUBDIVISIONS

Chapter 4

Pre-Application - Sketch Plan

9-401. SUBMISSION. The applicant shall submit the sketch plan along with the application for approval.

9-402. REQUIREMENTS. The sketch plan shall be in the following form and contain the following information:

(1) A map at a scale of 1inch equals 100 feet or 1 inch equals 50 feet illustrating the location of the subdivision, ownership boundaries, scale and north arrow.

(2) Topographic contours from available data such as U.S.G.S. maps.

(3) Proposed lot, street, park and open space layout indicating general dimensions of lots.

(4) Significant natural and man made features on the site and contiguous to the site.

(5) Existing easements on proposed site.

(6) Acreage of the total development area.

(7) A map illustrating soil types and their boundaries, as shown onsoil survey maps prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service, and also a table of interpretations for the soils types prepared by the Natural Resources Conservation Service.

(8) Uses on surrounding properties.

(9) Names of surrounding property owners as listed in the Lincoln County Assessor’s Office.

(10) Proposed uses and time frame for development.

9-403. REFUND TO SUBDIVIDERS FOR EXTENTION OF TOWN MAINS, STREETS, AND UTILITIES.

Refunds to the Subdivider for extension of water, sewer, storm sewer mains, town streets and utilities as provided for in Section 9-402(d) of the Revised Ordinances of Cokeville, or as directed by the Town Council, shall be made as follows:

(a) Refunds shall only be made on connections and extensions outside of a subdivision.

(b) The Town will determine the cost per foot of the extension. In determining the cost per foot of the extension, the total cost of extending the main line, street, or utility (including engineering and construction cost) will be divided by the total front footage of the property bordering on the extension. If, after the cost per foot has been computed and the cost figures have been filed with the Town, a new road intersects the extension, the cost per foot will remain the same as originally computed.

(c) The Town will maintain accurate cost records and establish a ledger sheet for each extension.

(d) When property located adjacent to the water, sewer, and storm sewer mains, and other Town streets and utilities is developed and the owner desires to connect to said line extensions, streets, and utilities, the owner of that property shall, before connecting to or using said mains, streets or utilities, pay the Town the regular connection fee as provided by Sections 8-107 and 8-211 of the Revised Ordinances of Cokeville, plus an additional fee based on the number of proposed units in the development and determined by the Town Engineer after reviewing the ultimate design population and cost of the project. The Town Engineer may consider the ultimate design capacity, the potential number of units in both the original property and the proposed development, the total actual costs of the extension of main lines, streets and utilities, and any other factors in making his determination.

(e) When property located not adjacent to the water, sewer, and storm sewer mains, and other Town streets and utilities is developed and the owner desires to connect to said line extensions, streets, and utilities, the owner of that property shall, before connecting to or using said mains, streets or utilities, pay the Town the regular connection fee as provided by Sections 8-107 and 8-211 of the Revised Ordinances of Cokeville, plus an additional fee based on the number of proposed units in the development and determined by the Town Engineer after reviewing the ultimate design population and cost of the project. The Town Engineer may consider the ultimate design capacity, the potential number of units in both the original property and the proposed development, the total actual costs of the extension of main lines, streets and utilities, and any other factors in making his determination.

(f) The regular connection fee will be retained by the Town.

(g) The additional amount will be refunded to the original Subdivider or other agent as he may direct.

(h) In the event that only one side of the street can be developed, the cost will be the same as provided in Section (d).

(i) Reimbursements for the extensions shall extend for a period of ten years from the date of completion of the main line, street, or utility, after which no further reimbursement shall be made to the Subdivider. After ten years, no further refunds shall be made to the Subdivider, nor shall the reimbursement include interest or be for a greater sum than the initial cost of the extensions. The date of completion shall be the date the Subdivider submits to the Town the total cost for the extension, and certifies to the Town that the costs submitted are the total actual costs of said extensions.

(j) If a particular situation does not fit into the above policy, the Town Council shall make such agreements as necessary to satisfy the intent of this policy.

TITLE IX

SUBDIVISIONS

Chapter 5

Preliminary Plat

9-501. SUBMISSION. The applicant shall submit the preliminary plat and proposed plan of the subdivision with every application for permit.

9-502. REQUIREMENTS. The plat and plan shall include the following information and documents:

(a) Description. In a title block located in the lower right hand corner of the sheet appear the following:

(1) The label “Preliminary Plat”.

(2) The proposed name of the subdivision.

(3) The location map of the subdivision including the address and the section, township and range, adjacent subdivisions, tracts, roads, streets and other pertinent information.

(4) The names and addresses of the owner, subdivider, if other than the owners, and the surveyor or planner of the subdivision.

(5) Date of preparation, scale (1”=100’ or 1”=50’) and north arrow.

(b) Existing conditions. The plat shall show:

(1) Existing contours at 2-foot intervals, except for very steep terrain, which shall be at 5-foot intervals.

(2) Location and extent of all significant natural features such as wooded areas, streams, bodies of water, wetlands, and rock outcroppings.

(3) The location of the nearest horizontal and vertical control monuments.

(4) The boundary of the proposed subdivision and the acreage included.

(5) Location map, drawn to a scale of not less than one inch (1”) equals one hundred feet (100’), showing boundary lines of adjoining unsubdivided or subdivided land within an area bounded by nearest arterial streets or other natural boundaries identifying type of use and ownership of surrounding property and showing alignments of existing streets.

(6) Where the plat submitted covers only a part of the subdivider’s tract, a sketch of the prospective street system of the unplatted parts of the subdivider’s land shall be submitted, and the street system of the part submitted shall be considered in the light of existing master street plans or other Planning and Zoning Commission studies.

(7) The location, width, and names of all existing streets within two hundred feet (200’) of the subdivision and of all prior platted streets or other public ways, utility rights-of-way, or easements, parks, and other public open spaces, permanent buildings and structures, houses, or permanent easements and section and incorporation lines within and adjacent to the tract.

(8) The location of all wells, proposed, active or abandoned, and all reservoirs within the tract and to a distance of at least one hundred feet (100’) beyond the tract boundaries.

(9) Existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of at least one hundred feet (100’) beyond the tract boundaries indicating pipe sizes, grades, man­holes, and exact locations.

(10) Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.

(11) Boundary -lines of adjacent tracts of unsubdivided land, showing ownership where possible.

(12) High water levels, where known, of all water courses, if any, shall he indicated in the same datum for contour elevations.

(c) Planning. Included in the preliminary plat of the proposed subdivision shall be:

(1) Finished contours at 2-foot intervals except for very steep terrain, then they shall be 5-foot intervals.

(2) Blocks shall be numbered.

(3) A summary of the total number of acres of land, number of lots, acreage of open space, amount of land in rights-of-way and other descrip­tive material useful in reviewing the proposed subdivision.

(4)A statement describing the development and maintenance responsibility for any private streets, ways, or open spaces.

(5) A description of any proposed staging of the development.

(6) An application for appropriate zoning for any areas not zoned for the use intended.

(7) The layout of streets, curbs, gutters and sidewalks, showing location, widths and other dimensions of (designated by actual or proposed) streets, crosswalks, and easements.

(8) The layout, numbers, and dimensions of lots.

(9) Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the sub­division.

(10) Easements for all utilities, drainage, and other purposes.

(11) A tentative plan or method by which the subdivider pro­poses to handle storm water drainage for the subdivision.

(12) A tentative plan or method by which the subdivider pro­poses to satisfy water supply and sewage disposal requirements.

(13) A tentative plan to adequately prevent siltation of streams during development.

(14) A tentative plan to provide fire hydrants.

(15) A tentative plan to provide street lighting.

(16) Where necessary, copies of any agreements with adjacent property owners, relevant to the proposed subdivision shall be presented to the Planning and Zoning Commission.

(d) Improvements. All subdivisions must provide for the following improvements and comply with the following standards:

(1) Streets:

(i) The arrangement of streets in new subdivisions shall make provisions 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 and 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.

(ii) Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees.

(iii) Occasionally it is to the best interest of adjacent landowners that a street right-of-way be centered on a property line. In such instances the dedication of a half-street may be appropriate. The adjacent landowner must dedicate the other half of the street when his land is subdivided.

(iv) The arrangement of streets in a new subdivision should make provisions for the continuation of streets to adjoining areas.

(v) Provisions shall be included to ensure the proper naming of streets.

(vi) Local residential streets shall be designed to mini­mize through traffic and maintenance problems for the Town.

(vii) Cul-de-sacs shall be no longer than 600 feet to the end of the pavement. The turn around should have a radius of not less than 36 feet and a right-of-way radius of not less than 60 feet.

(viii) Platting shall be done so that local streets and driveways access as infrequently as possible directly onto major streets.

(ix) No more than two streets shall intersect at one point.

(x) Access to private property shall be a minimum of 75 feet from the intersecting right-of-way lines of two arterial or collector streets and 60 feet from the intersecting right-of-way lines of two local (minor) streets.

(xi) Alleys shall be provided in commercial and industrial district unless definite provisions are made for access by service vehicles.

(xii) Standard street sections. All proposed streets, whether public or private, shall conform to standards adopted by the Town Council.

(xiii) All public and private access rights-of-way shall be graded and surfaced in accordance with the standards as set forth by the Town Engineer.

(xiv) Curbs, gutters, and sidewalks shall be constructed to Town standards and specifications.

(xv) Dead end streets shall be prohibited except where they are necessary to provide future access to adjacent undeveloped property. In that event, temporary turn arounds may be required on the dead end street until the adjacent property is developed and the street is extended.

(xvi) Streets shall be laid out to intersect at right angles whenever possible.

(2)Lots:

(i)The lot arrangements and design shall be such that lots will provide satisfactory and desirable sites for building and be proper­ly related to topography and to existing and probable future requirements.

(ii)Each lot shall abut on a public street, private street, or private access right-of-way, dedicated street, or on a street which has become public by right of use.

(iii) All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots rather than be allowed to remain as unusable parcels.

(iv) No standards are given for lots in subdivisions for multi-family, planned unit development, mobile home, commercial or industrial purpose. Subdivision plans for suchland uses shall be submitted to show land usage, proposed structures, vehicular and pedestrian circulation, parking, public uses, if any, landscaping and dedicated open spaces, and the plan shall include all necessary drawings to demonstrate the character and physical relationships of all proposed development within the subdivision to adjacent land uses and circulation systems.

(v) The Planning and Zoning Commission may require that easements for drainage through an adjoining property be provided by the subdivider and easements of not less than fifteen (15) feet in width for water, sewer, drainage, power lines, and other utilities shall be provided in the subdivision when required by the Council.

(vi) Blocks in residential subdivision shall be not less than 200 feet and not more than 600 feet in length.

(vii) In a residential subdivision, the block width shall normally be sufficient to allow for two tiers of lots. Blocks for commercial or industrial development should be of sufficient width and depth.

(viii) Corner lots for residential use shall have extra width as determined by the Town of Cokeville Zoning Ordinance to allow for proper setback from both streets.

(ix) Side lot lines shall be at right angles to straight street lines or radial to curved street lines.

(x) Out lots, normally larger in size than a typical lot ­in the subdivision, may be set aside for a special purpose such as drainage, ponding or public park use.

(xi) Utility easements shall be at least 15 feet in width, centered on side or rear lot lines, and required by the Town Council, not the Planning and Zoning Commission.

(xii) Park land dedication shall be 10 percent of the total area being subdivided when the residential density is 0-4 dwelling units per acre, 15 percent when the density is 5-8 dwelling units per acre, and 20 percent when the residential density is 9 or more dwelling units per acre. Cash in lieu of land arrangement shall be allowed at the rate of $200 per dwelling unit. The decision of whether to accept land or cash shall be made by the Town Council upon the recommendation of the Planning and Zoning Commis­sion. The price of such land shall be established and agreed upon by the Town and the subdivider prior to acceptance of the final plat of such subdivision. If the Town and subdivider fail to agree on the value of said land, the value shall be established by three (3) independent appraisers mutually acceptable to the subdivider and the Town. Such payments shall be used only for the acquisition or development of parks, playgrounds, or other similar public purposes.

(3) Water supplies:

(i) All subdivisions will be required to connect to the Town water system.

(ii) The subdivider will be required to construct a water distribution system in the subdivision that will connect to the Town’s existing water system with water connections being provided at each lot line, such construction to meet or exceed Town standards.

(iii) The subdivider shall convey to the Town all water rights appurtenant to the subdivided land.

(iv) The Town Council shall have the option of assessing a proportionate share of any necessary improvements to water supply facilities necessary to provide water to the subdivision.

(v) All public water lines shall be placed within the public rights-of-way or within easements obtained for that purpose.

(4) Sewage Disposal:

(i) All subdivisions will be required to connect to the Town’s sanitary sewage system. The subdivider will be required also to construct the necessary collection facilities with connections to each lot line in the subdivision.

(ii) The Town Council shall have the option of assessing a proportionate share of the cost necessary to upgrade the treatment and collec­tion facilities in order to handle adequately the sewage of the proposed subdivision.

(5) Storm Water:

(i) The Commission may require the subdivider to dispose of storm water if such provision is deemed necessary. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.

(ii) The Council may require that storm water be ponded­ temporarily on the subdivider’s land. The location of such ponding, its capacity, and its rate of release may be determined by Council upon the re­commendation of the Town Engineer.

(6) Fire Hydrants: Type, size, and location of fire hydrants shall be made by the Town Council upon the recommendation of the Planning and Zoning Commission.

(7) Protection Strips: Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon the recommendation of the Planning and Zoning Commission and approval of the Town Council, retain a protection strip not less than one foot in width between the street and adjacent property, provided that an agreement, approved by the Town Attorney, has been made by the subdivider, contracting to deed to the owners of the contiguous property, the one foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of land in the protection strip, the street improvements properly charge­able to the contiguous property, plus the value of one half (1/2) of the land in the street at the time of agreement together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the Town Attorney to the Commission prior to approval of the final plat. Protection strips shall not be permitted at the end of or within the boundaries of a public street or proposed street or within any area intended for future public use.

(8) Public Lighting: Public lighting shall be installed according to standards of the Town Engineer and the public utility providing the electrical power.

(9) Utilities:

(i) All utilities shall be located underground.

(ii) All public utilities shall be located within public rights-of-way or public easements for this purpose.

TITLE IX

SUBDIVISIONS

Chapter 6

Final Plat

9-601. PREPARATION. The Final Plat must be prepared by a land surveyor registered in the State of Wyoming. The plat must be prepared in accordance with Wyoming State Statute Section W.S 33-29-139, as amended, with north to the top.

9-602. REQUIREMENTS.

(a) Description and delineation. The final plat shall contain the following:

(1) The name of the subdivision (which name must be approved by the Commission) and the location of the subdivision in a title block at the lower right hand corner. The scale shall not be less than one hundred feet (100’) to the inch.

(2) Accurate angular and lineal dimensions for all lines, ankles, and curves used to described boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.

(3) An identification system for all lot and blocks and names of streets. Lot lines shall show dimensions in feet and hundredths. All lots to be numbered consecutively in accordance with Wyoming State Statutes W.S. 33-29-101 through 33-29-110, as amended.

(4) Perimeter subdivision lines shall be accurately related by distance and bearings to established roads or street lines, quarter-section corners, and closure shall be one foot (1’) in ten thousand (l0,000) feet.

(5) True angles and distances to the nearest established street lines or official monuments, which shall be accurately described in the plat and shown by appropriate symbol.

(6) Radii, internal angles, points of curvatures, tangent bearings and the lengths of all arcs.

(7) The accurate location of all monuments shown by the appro­priate symbol. All United States, state, county, or other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.

(8) Each lot corner shall be monumented with permanent markers. Description of all monuments found or set are to be shown upon plat either by legend or separate description.

(9) Accurate outlines and legal descriptions on any areas to be dedicated or reserved for public use, with the purpose indicated thereon and of any area to be reserved by deed or covenant for common use of all property owners.

(10) Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvements and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the Town Attorney.

(11) The sheet size shall be 24”x36” with a 1½” margin on the left side. Each sheet should be numbered and the total number of sheets indicated.

(12) North arrow, graphic scale, and date should be included.

(13) Boundary lines of the subdivision in a heavy solid line shall be included.

(14) Names of all streets shall be included.

(15) All dimensions on irregularly sloped parcels shall be included.

(16) Parcels completely or partially surrounded by the area being subdivided shall he marked “Excepted”, and the common boundary with the subdivision shall be shown in a heavy solid line with bearings and distances.

(b) Certificates and forms. The following shall be submitted:

(1) Description of land to be included in subdivision to be described in Certificate of Surveyor of “Certificate of Owner”.

(2) Certificate of Surveyor signed by a Land Surveyor registered under the laws of the State of Wyoming.

(3) Certificate of Owner in accordance with Wyoming State Statutes W.S. 33-29-101 through 33-29-110, as amended, and including dedication to the Town of streets, water system, and sewer system.

(4) Acknowledgement of Certificate of Surveyor and Certificate of Owner.

(5) Transfer of water rights to Town in form approved by the Town Attorney.

(6)Certificate of Approval of the Town of Cokeville and Lincoln County if property is outside of Town limits. See Wyoming State Statutes W.S. 33-29-101 through 33-29-110, as amended.

(c) Engineering Plans. Included with the final plat shall be the final engineering plans for the following:

(1) Streets, curbs, gutters, and sidewalks.

(2) Water system.

(3) Sanitary sewer system.

(4) Storm sewer system.

(5) Street lighting.

(6) Two copies of the final subdivision grade contour map.

(7) A certificate of review by the Town Engineer which shall be received by the Town Clerk no later than thirty (30) days from receipt ofall materials.

(d) Other documents.

(1) An appropriate instrument granting the right of access across another’s property if such is required.

(2) When applicable, a warranty deed conveying to the Town any public lands other than streets, alleys, or easements shown on the Final Plat, and title insurance on the subject parcel.

(3) Payment of fees in lieu of public land dedication, or any initial payment and a payment schedule keyed to subdivision development.

(4) Evidence satisfactory to the Town Council that the subdivided land is free of all encumbrances.

(5) Copies of easements on adjoining land when needed for utilities.

(6) A State of Wyoming Department of Health and Environmental Quality permit for any subdivision proposing ten (10) or more water or sewer hook-ups.

(7) A notarized certificate signed by all parties having any titled interest in or lien upon the land, consenting to the recording of the plat and dedicating public ways, grounds, and easements.

(8) A certificate of accuracy by a registered land surveyor or civil engineer in the State of Wyoming.

(9) Acertificate of approval by the Planning and Zoning Commission.

(10) A certificate of acceptance and approval by the Town Council of the Town of Cokeville.

(11) A certificate for recording by the County Clerk and County Recorder.

(e) Executed Agreement. Attached to the final plat shall be an executed agreement whereby the subdivider agrees to reimburse the Town of Cokeville for the actual cost of repairs to public facilities for one (1) year from the date of acceptance of the final plat or the completion of improvements, whichever is later. The Town Council at its option may require a surety or cash bond, a letter of credit or other collateral as guarantee of agreement.

(f) Guarantee on Improvements. After the Town Council has approved the final plat, the subdivider shall be notified by the Town Clerk. Final approval and signature by the Mayor shall be contingent upon the receipt by the Town of a guarantee by the subdivider to the Town for the completion of all land improvements yet remaining to be installed. The guarantee shall be in one of the following described forms:

(1) Deposit with the Town a subdivider’s bond in the amount of the estimated cost of the land improvements; said bond need never exceed one and one half (1½) times the estimated cost of the improvements remaining to be completed.

(2) Deposit with the Town cash in the amount of the estimated cost of land improvements; said amount of cash need never exceed one and one half (1½) times the estimated cost of the improvements remaining to be completed.

(3) Deposit with the Town a lien to be recorded in the County Clerk’s office on all property being subdivided, with the provision that partial releases may be obtained when the loaning company executes with the Town an agreement to withhold one and one half (1½) times the estimatedcost of the land improvements yet remaining to be installed, in escrow, until such time as all land improvements have been completed and accepted by the Town. All expenses incurred in determining the amounts apportioned against said land and the cost of releasing each lot or tract shall be paid by the subdivider.

(4) Deposit with the Town other collateral equivalent to one and one half (1½) times the estimated cost of the land improvements yet remaining to be installed, such collateral to be approved by the Town Council. Upon completion of the improvements, the subdivider shall call for inspection by the Town Engineer. Inspection shall be made within five (5) days from the date of request. If inspection shows that Town standards have been met in the completion of such improvements, the security shall be released within seven (7) days from the time of inspection. If the security provided by the subdivider is not released, refusal to release and the reasons therefore shall be given the subdivider in writing within seven (7) days of the time of inspection.

(g) Occupancy permits. Occupancy permits will not be granted until all public improvements have been installed and approved. Occupancy Permits are a part of the building permit procedure. The Town Council may, at their discretion, waive completion of specific improvements if weather conditions do not allow for completion of required improvements.

TITLE IX

SUBDIVISIONS

Chapter 7

Administrative Procedures

9-701. VARIANCE.

(a) Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of the Subdivision Regulations would result in extraordinary hardships to the subdivider because of unusual topography, or other such not self-inflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Town Council may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of these Regulations and the Cokeville Master Plan. In no case shall any variance, modification, or waiver be more than a minimum easing of the requirements.

(b) In granting such variances, modifications, and waivers, the Town Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so affected.

9-702. FEES. Any and all persons filing plats with the Town Clerk shall first have all fees paid herein before required. In addition, persons filing plats shall pay to the Town Clerk, prior to approval, an administrative fee to the following schedule:

Each application for a subdivision permit shall be accompanied by a fee to be determined by the Town Council. The fee shall be the greater of one hundred dollars ($100.00) or ten dollars ($10.00) per lot up to a maximum fee of one thousand dollars ($1,000.00). All fees collected sha1l be credited to the Town general fund.

9-703. APPLICATION FOR VARIANCES.

(a) Application for variances shall be filed by the sub­divider or his authorized agent upon forms provided by the Planning and Zoning Commission. The application shall set forth and state fully the reasons and grounds for the variance, and shall contain such information as the Planning and Zoning Commission shall prescribe. Accompanying the application shall be the following:

(1) A map showing the property described in the application and adjoining properties and public streets and ways within a radius of three hundred (300) feet of the exterior boundaries.

(2) A list of all property owners whose names and addresses appear on the latest adopted tax roll as owning property within a distance of three hundred (300) feet of the exterior boundaries.

(3) Photographs, drawings, and other supporting documents as maybe required by the Planning and Zoning Commission.

(b) Filing Fee. Before accepting an application for a variance, the Planning and Zoning Commission shall charge and collect a filing fee. Such fee shall be established by a resolution of the Town Council.

9-704. PLANNING AND ZONING COMMISSION ACTION. The Planning and Zoning Commission shall hold a public hearing on the application for a variance. Written notices concerning the hearings on applications for variances shall be mailed to the owners of the property within a distance of three hundred (300) feet of the exterior boundaries, no less than fifteen (15) days before the date of the public hearing. Said notice shall set forth the person requesting the variance, the intent of the variance, the legal description of the property, the street address, if applicable, any other pertinent information, and the date, time and place of the public hearing.

9-705. PLANNING AND ZONINGCOMMISSION RECCOMENDATION. Following the public hearing, the Planning and Zoning Commission shall make a recommendation tothe Town Council, recommending either that the variance be granted or that it be denied. Such recommendation shall be adopted by an affirmative vote of not less than a majority of the members attending and voting at a meeting of the Planning and Zoning Commission at which there is a majority present.

9-706. TOWN COUNCIL ACTION. Upon receipt of the recommendation of the Planning and Zoning Commission, the Town Council shall grant or deny the variance, in whole or in part. Such action or decision of the Town Council shall be by majority vote.

9-707. REVOCATIONOFVARIANCES.

(a) A variance may be revoked or modified by the Town Council after a public hearing on any one or more of the following grounds:

(1) That approval was obtained by fraud.

(2) That the use for which such approval was granted has ceased to exist, or has been suspended for one (1) year or more.

(3)That the use of which such approval was granted is not being within the time specified in such permit.

(4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, law or regulation.

(5) The use for which the approval, was granted has been so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

(b) Written notice of the intent to revoke shall be mailed to the ownersof the property, the occupants of the property, and the subdivider not less than fifteen (15) days before the date of the public hearing.

9-708. INSPECTION. Appropriate agencies and departments of the Town shall inspect or cause to be inspected all streets, curbs, gutters, sidewalks, fire hydrants, water supply and sewage disposal system, and buildings incidental thereto, in the course of construction, installation or repair. Excavation for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by the Town Engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the Town Engineer.

9-709. PERMITS. From the time after the effective date of this Ordinance, the Town shall not grant any permits, nor shall any Town officer grant any license or permit for the use of any land or the construction or alterations of any building, structure or fence on any lot which would be in violation of any provisions of this Ordinance, until a subdivision plat therefore has been recorded or approved as herein required. Any license or permit issued in conflict with such provision shall be void.

9-710. VACATION OF A RECORDED PLAT OR PUBLIC RIGHTS-OF-WAY.

(a) The landowner(s) may make application tothe Planning and Zoning Commission to vacate any plat of record or public right-of-way under the following conditions:

(1) Vacation will not interfere with development nor deny access via public thoroughfare to the adjoining properties or utility services and other improvements.

(2)Extension of utility services is not feasible for immediate development or development in the near future.

(3) The landowner shall submit an application to the Planning and Zoning Commission describing the property to be vacated.

(b) The Planning and Zoning Commission shall review the vacation request and forward its recommendation to the Town Council. The Town Council shall review the request at a regularly scheduled public meeting and deny or approve the vacation. All adjacent landowners of record in the County Assessor’s office, which are contiguous to the property, shall be notified of the time and place of the hearing.

9-711.APPEALS.

(a) Any subdivider aggrieved by the action of any board or administrative person of the Town of Cokeville in carrying out any provision of this Subdivision Ordinance, may, if he so desires, file with the Town Council a written request for hearing the same, setting forth the reasons for which he feels the ordinance has been unjustly enforced, within thirty (30) days of the act or acts alleged to be unjust and in error, and within sixty (60) days of receipt of said request the Town Council shall hold a public hearing to determine the proper application of the regulations in question.

9-712. PRIOR REGULATIONS. All subdivision regulations effective prior to the date of adoption of these regulations are hereby repealed.

9-713. VALIDITY.

(a) If any provision of these regulations is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that :

(1) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and

(2) Such decision shall not affect, impair, or nullify these regulations as a whole or any other part thereof, but the rest of these regulations shall continue in full force and effect.

(b) If the application of any provision of these regulations to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(1) The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and

(2) Such decision shall not affect, impair, or nullify these regulations as a whole or the application of any provision thereof to any other tract of land.

9-714. AMENDMENTS OR ADDITIONS. After study and recommendation by the Commission and upon public hearing, regulations may be amended and sections added hereto by the Commission and the Town Council.

9-715. ENFORCEMENT AND PENALTIES FOR VIOLATIONS.

(a) Town law enforcement officers, the Town Attorney, and such other duly authorized enforcement officials are hereby empowered to enforce the provisions of this Title.

(b) Whoever, being the owner, or agent of the owner, of any land or development qualifying as a subdivision, subdivides or uses any land in viola­tion of this Title, or any amendments of the Title, shall be fined a dollar amount in accordance with Ordinance 1-108 for each offense. Each day’s con­tinuance of such violation is a separate offense. This Title shall be enforceable by the Town in addition to the other remedies provided by law, by injunction, mandamus, or abatement. A violation shall not be construed to include a subdivision in existence at the time this Title takes effect, and it shall not be necessary to secure a permit permitting such continuance; provided, however, that the addition to any existing subdivision shall be in conformity with the provi­sions hereof.