

TITLE 18

SUBDIVISIONS

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Section 1. Title 18 shall hereby be created and be entitled “Subdivisions.” Chapters 18.04, 18.08 18.12, 18.16, 18.18, 18.20, and 18.24 in Title 18 are hereby created. Chapter 18.04 shall be entitled “Generally”, Chapter 18.08 shall be entitled “Definitions”, Chapter 18.12 shall be entitled “Administration and Enforcement”, Chapter 18.16 shall be entitled

“Application and Permit Procedure”, Chapter 18.20 shall be entitled “Preliminary Plat”, Chapter 18.22 shall be entitled “Final Plat and Chapter 18.24 shall be entitled “Improvements”. Further and Article I shall be created under Chapter 18.24 and shall now be entitled “Requirements Generally” and an Article II shall be created under Chapter 18.24 shall be entitled “Completion and Maintenance.”

Section 2. Section 18.04.010 of the Hanna Municipal Code is hereby created to read as follows:

18.04.010 Title.

These regulations shall be known and may be cited as “the Subdivision Regulations of Hanna, Wyoming.”

Section 3. Section 18.04.015 of the Hanna Municipal Code is hereby created to read as follows:

18.04.015 Authorization.

Authorization for these subdivision regulations is contained in W.S. 2007, Sections 15-1-601 through 15-1-612 for municipalities and W.S. 2007, Sections 34-12-101 through 34-12-115 on platting and dedication.

Section 4. Section 18.04.030 of the Hanna Municipal Code is hereby created to read as follows:

18.04.030 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 commission’s jurisdiction. The following provisions shall guide the planning commission in formulating its decisions:

A. Proposed streets shall compose a convenient and efficient traffic circulation system, properly related to the Saratoga major street 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 and be consistent with the design standards of the major street plan.

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 to be 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 town and minimize conflicts among the uses of land and buildings.

F. Provide for adequate and efficient transportation, 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.

Section 5. Section 18.04.035 of the Hanna Municipal Code is hereby created to read as follows:

18.04.035 Application and Exemptions.

A. Application

1. These regulations shall apply to all of the lands within the boundaries of the Town of Hanna, Wyoming, as they shall from time to time be amended.

2. Every owner or proprietor of any tract or parcel of land who shall hereafter subdivide or resubdivide his land into two (2) or more parts for the immediate or future purpose of sale, building development or redevelopment for any residential, recreational, industrial, commercial, public or other use, shall submit a subdivision plat or plats in accordance with these regulations. No person shall commence the physical layout or construction on the ground of a subdivision without first obtaining the approval of the City Council, in the form of an approved subdivision plat.

3. None of the provisions of these regulations shall be construed to require replatting in any case in which subdivision plats have been made and legally recorded, pursuant to any regulations previously in force; and all plats heretofore filed for record and not subsequently vacated are hereby declared valid, notwithstanding the fact that the procedures or the manner and form of

acknowledgment may have been different than those prescribed by these regulations.

B. Exemptions

1. Unless the method of the sale of land is adopted for the purpose of evading these regulations, these regulations shall not apply to:
 - (a) the subdivision of land for and the sale of cemetery lots;
 - (b) the sale of land to the State of Wyoming or any political subdivision thereof;
 - (c) railroad rights-of-way; and,
 - (d) any designated lot of any already recorded subdivision, if the lot is not being altered in any way for the sale.

Section 6. Section 18.04.040 of the Hanna Municipal Code is hereby created to read as follows:

18.04.040 Conflicting provisions.

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.

Section 7. Section 18.04.045 of the Hanna Municipal Code is hereby created to read as follows:

18.04.045 Amendments.

For the purpose of providing for the public health, safety and general welfare, the planning commission may recommend to the local government body of the town 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 town council shall approve, amend or override the planning commission's recommendations.

Section 8. Section 18.04.050 of the Hanna Municipal Code is hereby created to read as follows:

18.04.050 Compliance with conditions.

The developer shall comply with reasonable conditions laid down by the planning commission for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the town and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.

Section 9. Section 18.04.055 of the Hanna Municipal Code is hereby created to read as follows:

18.04.055 Severability.

The invalidity of any provisions of these regulations shall not invalidate any other part thereof which is not itself invalid.

Section 10. Section 18.04.055 of the Hanna Municipal Code is hereby created to read as follows:

18.04.060 Saving provision.

These regulations shall not be construed as abating any action now pending under, 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 town 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 town except as shall be expressly provided for in these regulations.

Section 11. Section 18.08.010 of the Hanna Municipal Code is hereby created to read as follows:

18.08.010 Usage 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 section.

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

B. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

C. "Shall" is a mandatory requirement, "may" is a permissive requirement and "should" is a preferred requirement.

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 section.

D. "Used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."

E. "Lot" includes the words "plot" or "parcel."

F. 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; 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 section of these regulations, certain numbers, abbreviations, terms and words used in this title shall be used, interpreted and defined as set forth in this section “herein” means “in these regulations”; “regulations” means “these regulations.”

G. “Building” includes “structure”; “building” or “structure” includes any part thereof.

Section 12. Section 18.08.020 of the Hanna Municipal Code is hereby created to read as follows:

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 section.

A. “Alley” means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

B. “Applicant” means the owner of land proposed to be subdivided or his or her representative. Consent shall be required from the legal owner of the premises.

C. “Block” means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of municipalities.

D. “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 governing body. All bonds shall be approved by the governing body wherever a bond is required by these regulations.

E. “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.

F. “Chairman” means the elected chairman of the planning commission or, in his or her absence, the vice-chairman or other delegate.

G. “Collector streets” means streets penetrating neighborhoods, collecting traffic from local streets in the neighborhoods and channeling it into the arterial systems. A minor amount of through traffic may be carried on collector streets, but the system primarily provides land access service and carries local traffic movements within neighborhoods, commercial and industrial areas.

H. “Commission” means the planning commission administering these regulations.

I. “Construction plan” means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission as a condition of approval of the plat.

J. “County” refers to the territory of Carbon County.

K. “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.

L. “Density” means a unit of measurement; the number of dwelling units per acre of land.

M. “Gross density” means the number of dwelling units per acre of the total land to be developed.

N. “Net density” means the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

O. “Designated engineer” refers to the engineer responsible for preparation of cost approximations and certification as to the improvements being in conformance with the construction drawings and specifications.

P. “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 herein, for him or herself or for another.

Q. “Easement” means authorization by a property owner for the use by another and for a specified purpose of any designated part of his or her property.

R. “Engineer” means any person licensed to practice professional engineering in the state as specified in W.S. 2007, Section 33-29-113.

S. “Escrow” means a deposit of cash with the town council in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the zoning officer in a separate account.

T. “Final plat” means the map or plan or record of a subdivision and any accompanying material, as described in these regulations.

U. “Frontage” means any street to be constructed by the developer or any existing street in which development shall take place on both sides.

V. "Grade" means the inclination from the horizontal of a road, unimproved land, etc., and is expressed by stating the vertical rise or fall as a percent of the horizontal distance.

W. "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.

X. Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

Y. "Local street" means a road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes.

Z. "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.

AA. "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 space.

BB. "Corner lot" is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.

CC. "Lot depth" means the average horizontal distance between the front and rear property lines of a lot.

DD. "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 such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

EE. "Minimum area of lot" means the area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

FF. A lot shall be measured as follows:

1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

2. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line; provided, however, that the width between side lot lines at their foremost points (where they intersect with street lines) shall not be less than eighty percent of the required lot width.

GG. "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 recorded.

HH. Lot types. Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows:

1. A "corner lot" is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lots lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.

2. An "interior lot" is a lot other than a corner lot with only one frontage on a street.

3. A "through lot" is 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."

4. A "reversed frontage lot" is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot

II. "Lot width" means the distance between the two side property lines of a lot measured along the building setback line. The width between side property lines along with right-of-way line should not be less than sixty percent of the lot width for residential lots.

JJ. "Master plan" means a comprehensive plan for development of the local government, prepared and adopted by the planning commission, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan or parts thereof.

KK. Master street plan. See official Hanna major street plan adopted by the Hanna town council.

LL. "Monuments" means permanent concrete or iron 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.

MM. “Official map” means the map established by the governing body pursuant to law showing the streets and setback lines theretofore laid out, adopted and established by law and any amendment or additions thereto adopted by the governing body or additions thereto resulting from the approval of subdivision plats by the planning commission and the subsequent filing of such approved plats.

NN. “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.

OO. “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 or any other recreational facilities that the planning commission deems permissive. Streets, structures for habitation and the like shall not be included.

PP. “Ordinance” means any legislative action however denominated of a local government which has the force of law, including any amendment or repeal of any ordinance.

QQ. “Out lot” means property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

RR. “Owner” means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

SS. Parking space, off-street. For the purpose of these regulations, an “off-street parking space” consists of an area adequate for parking an automobile with room for opening doors on both sides, 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. 356 Ch. 6 § 2 (part), 1979)

TT. “Performance bond” or “surety bond” means an agreement by a subdivider or developer with the town for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to the plans and specifications within the time prescribed by the subdivider’s agreements.

UU. “Perimeter street” means any existing street on which the parcel of land to be subdivided abuts on only one site.

VV. “Planning commission” means the town’s planning commission established in accordance with law.

WW. “Plat” means a map or layout of a subdivision indicating the location and boundaries of individual properties.

1. “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 commission for approval.

2. “Final subdivision plat” means the final map, drawing or chart upon which the subdivider’s plan of subdivision is presented to the planning commission for approval, and which, if approved, will be submitted to the county clerk for recording.

XX. “Principal arterials” means street and highways serving major metropolitan activity centers, the highest traffic volume corridors, the longest trip desires and high proportion of total urban area travel on a minimum of mileage. Service to abutting land should be subordinate to the provision of travel service to major traffic movements. This system carries the major portion of trips entering and leaving the urban area, as well as the majority of through movement desiring to bypass the central city.

YY. “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.

ZZ. “Public improvement” means any drainage ditch, roadway, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded.

AAA. “Public way” means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, 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.

BBB. “Resubdivisions” means a change in map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

CCC. “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 separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such 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 such right-of-way is established.

DDD. “Dead-end road” means a road or a portion of a street with only one vehicular traffic outlet.

EEE. “Road right-of-way width” means the distance between property lines measured at right angles to the centerline of the street.

FFF. “Sale” or “lease” means any immediate or future transfer of ownership or any possessory interest in land, including contract of sale, lease, devise, intestate succession or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or other written instrument.

GGG. “Same ownership” means ownership by the same person, corporation, firm, entity, partnership or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations in which a stockholder, partner or associate, or a member of his or her family, owns an interest in each corporation, firm, partnership, entity or unincorporated association.

HHH. “Sidewalk” means that portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.

III. “Subdivider” means any person who lays out any subdivision or parts thereof either for the account of the subdivider or others.

JJJ. For municipalities, “subdivision” means the division of a tract or parcel of land into three or more parts for immediate or future sale or building development.

KKK. “Subdivision plat” means the final map or drawing, described in these regulations on which the subdivider’s plan of subdivision is presented to the planning commission for approval and which, if approved, may be submitted to the county clerk or recorder of deeds for filing.

LLL. “Thoroughfare,” “street” or “road” means the full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. “Alley” means a minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

2. “Collector streets” means streets penetrating neighborhoods, collecting traffic from local streets in the neighborhoods and channeling it into the arterial system. A minor amount of through traffic may be carried on collector streets, but the system primarily provides land access service and carries local traffic movement within neighborhoods, commercial and industrial areas.

3. “Cul-de-sac” means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

4. “Dead-end street” means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

5. “Local street” means a street primarily for providing access to residential, commercial or other abutting property.

6. “Major street (principal arterial)” means a general term denoting a highway primarily for through traffic carrying heavy loads and large volume of traffic, usually on a continuous route.

7. “Marginal access street” means a local or collector street parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called “frontage streets”).

MMM. “Town” refers to the incorporated area of the town of Hanna as it existed at the time of the adoption of these regulations and including revisions thereto.

NNN. “Unit” means a portion of a subdivision selected for development as one of a series of stages.

OOO. A “variance” is a modification of the strict terms of the relevant regulations where such modification 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 hardships.

PPP. “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 development or landmarks and community facilities and services within Carbon County in order to better locate and orient the area in question.

QQQ. “Walkway” means a dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

RRR. “Yard” means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward, provided accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front. “Front yard” means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

2. Yard, Rear. “Rear yard” means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

3. Yard, Side. “Side yard” means a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

SSS. “Zoning officer” means the person designated by the town council to enforce the zoning and subdivision regulations.

Section 13. Section 18.12.010 of the Hanna Municipal Code is hereby created to read as follows:

18.12.010 Administration.

These regulations shall be administered by the Hanna planning commission.

Section 14. Section 18.12.020 of the Hanna Municipal Code is hereby created to read as follows:

18.12.020 Enforcement generally.

A. The administrative official (zoning officer) to the planning commission shall enforce these regulations and bring to the attention of the town 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 such subdivision has been approved by the town council, in accordance with the provisions of these regulations and filed with the county clerk.

C. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivision sold in violation of the provisions of these regulations.

Section 15. Section 18.12.025 of the Hanna Municipal Code is hereby created to read as follows:

18.12.025 Violations—Penalties.

A. W.S. 2007, Section 18-5-314, specifies the penalties for violators of the county subdivision laws and regulations. W.S. 2007, Sections 15-1-511 and 15-1-512, provide the penalty for violators of the town planning and subdivision laws and regulations.

B. 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 above.

C. Any person, firm, partnership, association or corporation who violates any of the provisions of this title shall upon conviction be fined not more than one hundred dollars or imprisonment not exceeding sixty days together with court costs not exceeding ten dollars. Each day's violation of this title constitutes a separate offense.

Section 16. 18.12.030 of the Hanna Municipal Code is hereby created to read as follows:

18.12.030 Variances

(1) When it can be shown that, in the case of a particular subdivision, strict compliance with the provisions of these regulations would cause undue hardship, the City Council may authorize a variance to these requirements. The granting of any variance shall be based upon findings by the Council that:

(a) the subdivider is proceeding in good faith;

(b) there are unusual topographical or other special circumstances associated with the property which are not the result of any action of the subdivider and which prohibit the use of the property in a manner similar to the use of adjacent or nearby properties;

(c) the variance is necessary for reasonable development of the property in question and will alleviate a clearly demonstrable hardship;

(d) the variance will not nullify the intent or purpose of these regulations; and,

(e) granting the variance will not be detrimental to the general public health, safety and welfare.

(2) Any variance granted shall constitute the minimum adjustment necessary to alleviate the hardship.

(3) A request for variance may be submitted only after the Planning Commission has formally reviewed the preliminary plat and has either [1] recommended disapproval because the plat does not conform to these regulations; or, [2] conditionally approve the plat specifying those amendments which must appear on the final plat in order for it to be approved. The subdivider may then seek relief from the specific provisions of these regulations with which he cannot comply.

(4) All requests for variances shall be submitted, in writing, to the City Council and shall be referred to the Planning Commission for comments and recommendations prior to any action taken by the City Council. In granting a

variance, the Council may impose such conditions as will insure substantial compliance with the objectives and standards of these regulations. The findings and action on each variance, and any conditions imposed, shall be recorded in the minutes of the Council and a copy thereof provided to the Department of Community Development

(5) If the subdivision variance is granted by the City Council, the subdivider may incorporate the provisions of the variance into the final plat to be submitted to the Planning Commission and to the Council for approval. In its review of the final plat, the Planning Commission shall be bound by the decision of the Council regarding the variance and shall review and approve the final plat with the variance, if the plat in all other respects conforms to the preliminary plat and any other conditions imposed by the Planning Commission.

Section 17. 18.12.035 of the Hanna Municipal Code is hereby created to read as follows:

18.12.035 Vacation

(1) Any plat may be vacated by the owners or proprietors thereof at any time before sale of any lots, or before the City has made substantial improvements in the subdivision, by submitting a copy of the plat to the Planning Commission, along with a written request for the vacation. In cases where lots have been sold, the written request shall be by all of the owners of lots within the plat. The Planning Commission shall make a recommendation on the vacation to the City Council, and the Council shall approve or disapprove the vacation. The recording of an instrument vacating the plat shall operate to destroy the force and effect of the recording of the original plat and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in such a plat.

(2) Streets and alleys platted and laid out under the provisions of these regulations, or laid out under any prior law of the State of Wyoming regulating private plats, may be altered or vacated in the manner provided by law for the alteration or discontinuance of highways.

(3) Any part of a plat may be vacated under the provisions, and subject to the conditions of this Title, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat; and provided, further, that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law. The request for vacation shall be made by all of the owners of lots within that portion of the overall plat sought to be vacated.

(4) When any part of a plat shall be vacated as aforesaid, streets, alleys and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions.

(5) The County Clerk shall write in plain, legible letters across that part of said plat so vacated, the word "vacated" and also make a reference on the same of the volume and page in which the said instrument of vacation is recorded.

(6) Land covered by a vacated plat may be replatted, as described by these regulations. Any later replatting of an area already platted and not vacated shall be construed to be a request for the vacation of the original plat or portion thereof. Any such plat, once approved and recorded, shall act to vacate the original plat which it replaces.

Section 18. 18.12.040 of the Hanna Municipal Code is hereby created to read as follows:

18.12.040 Fees.

A. Preliminary Plat

Each preliminary plat shall be accompanied by a fee of fifty dollars (\$50.00), payable to the Town of Hanna.

B. Final Plat

Final plat submittals shall be accompanied by a minimum fee of one hundred dollars (\$100.00), plus ten dollars (\$10.00) per lot for each lot in excess of ten (10) lots, up to a maximum fee of one thousand dollars (\$1,000.00). Fees are payable to the Town of Hanna and are for the purpose of partially offsetting costs incurred by the Town for necessary plat review and shall be credited to the Town general fund.

C. Recording Fee

As determined by the County Clerk. To be included in the final plat submittal and made payable to the "Carbon County Clerk" °.

D. Appeals

There shall be no fees for an appeal from the Planning Commission or from the administrative staff of the Town, with respect to these regulations.

E. Annexation Plats

Each annexation plat submitted for consideration by the Planning Commission, separate from a subdivision plat, shall be accompanied by a fee of fifty dollars (\$50.00), payable to the Town of Hanna.

F. Correction Plat

Each correction plat submitted shall be accompanied by a fee of fifty dollars (\$50.00), payable to the Town of Hanna.

G. Final Plat (Outside of the Town Limits)

Each final plat located in unincorporated areas within one (1) mile of the City limits submitted for Town approval shall be accompanied by a review fee of fifty dollars (\$50.00), payable to the Town of Hanna.

Section 19. Section 18.16.010 of the Hanna Municipal Code is hereby created to read as follows:

18.16.010 General procedure.

The planning commission shall receive all subdivision applications and shall, after evaluation, make findings and recommendations to the town council concerning an application for a final plat within thirty days from the date of the filing with the administrative official of the planning commission (zoning officer). If no action is taken by the planning commission within that time, the plat shall be deemed to be approved by the planning commission. The governing body shall approve or disapprove the subdivision application and issue a subdivision permit or ruling within thirty days after receiving a report from the planning commission.

Section 20. Section 18.16.015 of the Hanna Municipal Code is hereby created to read as follows:

18.16.015 Approval.

The town council shall approve or disapprove the subdivision application and issue a subdivision permit or ruling within forty-five days after the application was filed after receiving a report from the planning commission. If any part of the subdivision lies outside the limits of an incorporated city or town but adjacent to or within one mile of the boundaries of an incorporated city or town, the approval of the governing body of the city or town must also be obtained in accordance with W.S. 2007, Section 34-12-103.

Section 21. Section 18.16.020 of the Hanna Municipal Code is hereby created to read as follows:

18.16.020 Plat—Signing and recording.

A. Signing of Plat. The town council shall endorse approval on the plat after the security assurance has been approved by the governing body and all the conditions of the planning commission review if concurred upon by the town council pertaining to the plat have been satisfied. This approval is contingent upon having the lots staked and execution of the certification by a registered land surveyor stating that he or she is responsible for the survey and that the final plat accurately depicts the subdivision and the survey. Approval of the final subdivision plat shall be by resolution of the town council.

B. Recording of Plat.

1. The governing body will sign the tracing cloth or reproducible mylar original of the subdivision plat and two sepia prints of the subdivision plat. The sepia prints will be returned to the applicant's engineer.

2. It shall be the responsibility of the zoning officer of the planning commission to file the plat with the county clerk's office within thirty days of the day of signature. Simultaneously with the filing of the plat, the zoning officer of the planning commission shall record any other legal documents as shall be required to be recorded by the town attorney.

Section 22. Section 18.16.025 of the Hanna Municipal Code is hereby created to read as follows:

18.16.025 Permit—Issuance.

After final approval, a subdivision permit will be issued upon payment of the subdivision permit fee. The fee shall be the greater of one hundred dollars or ten dollars per lot up to a maximum fee of one thousand dollars.

Section 23. Section 18.16.030 of the Hanna Municipal Code is hereby created to read as follows:

18.16.030 Resubdivision.

A. Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the planning commission by the same procedure, rules and regulations as for a subdivision.

B. Procedure for Subdivisions Where Future Resubdivision Is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land, there are indications that such lots will eventually be resubdivided into small building sites, the planning commission may require that such parcel of land allow for the future opening of streets and the ultimate extensions of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

Section 24. Section 18.16.035 of the Hanna Municipal Code is hereby created to read as follows:

18.16.035 Planned unit development.

These regulations may be modified by the degree necessary to accomplish the objectives and standards required for the planned unit development of residential or commercial subdivisions, or a mixture, in accordance with Chapter 18.51 of this code. A developer is not exempt from meeting the requirements of these regulations.

Section 25. Section 18.20.010 of the Hanna Municipal Code is hereby created to read as follows:

18.20.010 Application procedure and requirements.

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

A. Be made on forms available at the office of the zoning officer of the planning commission;

B. Include all land which the applicant proposes to subdivide and all land immediately one hundred feet therefrom, or of that directly opposite thereto, extending one hundred feet from the street frontage of such opposite land, with the names of the owners as shown in the assessor's office showing the subdivision superimposed thereon;

C. Be accompanied by a minimum of twelve copies of the preliminary plat as described in these regulations;

D. Be accompanied by a minimum of three copies of construction plans as described in these regulations;

E. The zoning officer of the planning commission shall submit the preliminary plat to the planning commission at the first regular meeting.

Section 26. Section 18.20.015 of the Hanna Municipal Code is hereby created to read as follows:

18.20.015 Documents to be submitted.

A. Preliminary Plat. The following items shall be included on the preliminary plat:

1. Name of subdivision, date, label "Preliminary Plat," graphic scale, north arrow;

2. Name and address of property owner, subdivider (if other than owner) and developer;

3. Name, address and seal of the registered professional engineer or land surveyor responsible for preparation of the plat;

4. Names of adjacent property owners of record and abutting subdivisions and street;

5. The plat shall be drawn at a scale of not less than one hundred feet per inch. Boundaries of the tract will be drawn to scale showing all bearings and distances to the nearest one hundredth foot;

6. Location 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;

7. Zoning classification of the tract and adjacent property shall be shown;

8. Radii of streets, points of curvature, lengths or arcs, street names;
9. Layout of proposed parcels of land including dimensions of lot lines, lot numbers and building setback lines.

B. Construction Drawings. The following items shall be included in the construction drawings submitted with the preliminary plat:

1. The drawings shall show all physical features such as streams, wooded areas and existing structures;
2. Existing topographic contours at an interval of not greater than five feet shall be shown;
3. Location of existing sewers, water mains, storm drains, power transmission lines with capacities and direction of flow within and adjacent to the tract and showing proposed connections;
4. Location, right-of-way and pavement width of proposed streets and utility easements laid out according to sound planning principles.

Section 27. Section 18.20.020 of the Hanna Municipal Code is hereby created to read as follows:

18.20.020 Preliminary approval.

After the planning commission has reviewed the preliminary plats and construction plans, any municipal recommendations and testimony and exhibits submitted at the meeting, the applicant shall be advised of any required changes and/or additions. The commission shall approve, conditionally approve or disapprove the preliminary plat within thirty days after the date of the regular meeting of the commission. One copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval or disapproval and the reasons therefor accompanying the plat. Before the commission approves a preliminary plat showing park reservation or land for other local government, the commission shall obtain approval of the park or land reservation from the town council.

Section 28. Section 18.20.025 of the Hanna Municipal Code is hereby created to read as follows:

18.20.025 Improvements to be indicated.

The planning commission shall require the applicant to indicate on the plat all roads and public improvements to be dedicated, all special districts for water, fire

and utility improvements which shall be required to be established or extended and any other special requirements deemed necessary by the planning commission in order to conform the subdivision plat to the official map and the master plan of the town.

Section 29. Section 18.20.030 of the Hanna Municipal Code is hereby created to read as follows:

18.20.030 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 commission, although the plat need not yet be signed and filed with the county clerk. Any plat not receiving final approval within the period of time set forth in this title 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.

Section 30. Section 18.20.035 of the Hanna Municipal Code is hereby created to read as follows:

18.20.035 Zoning regulations.

Every plat shall conform to existing zoning regulations and subdivision 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.

Section 31. Section 18.20.040 of the Hanna Municipal Code is hereby created to read as follows:

18.20.070 Soils data.

The subdivider shall obtain and review recommendations from the local conservation district regarding soil suitability, erosion control, sedimentation and flooding problems. The subdivider shall provide these recommendations to the zoning officer and planning commission. The subdivider shall provide evidence that recommendations from the local conservation district have been taken into account in the design of the proposed subdivision.

Section 32. Section 18.24.010 of the Hanna Municipal Code is hereby created to read as follows:

18.24.010 Application procedure and requirements.

Following the approval of the preliminary plat the applicant, if he or she wishes to proceed with the subdivision shall file with the planning commission an application for final approval of a subdivision plat. The application shall:

- A. Be made on forms available at the office of the zoning officer of the planning commission;
- B. Include the entire plat;
- C. Be accompanied by a minimum of twelve copies of the final subdivision plat and the construction plans, as described in these regulations;
- D. Comply in all respects with the preliminary plat, as approved;
- E. Be presented to the zoning officer of the planning commission. The date of the regular meeting of the commission at which the public hearing on final approval, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat for the purposes of these regulations;
- F. A certificate signed and acknowledged by all parties having any recorded title in the land subdivided shall appear on the final plat offering for dedication all parcels of land shown in 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;
- G. A certificate shall appear on the final plat stating that a registered land surveyor in the state is responsible for the survey and that the final plat accurately depicts the subdivision and the survey. A statement by the land surveyor explaining how bearings were determined shall be included in the plat. The signature of such surveyor shall be accompanied by his or her registration number;
- H. Evidence satisfactory to the board that the proposed subdivision complies with any applicable zoning ordinance;
- I. Evidence satisfactory to the town council that:
 - 1. The subdivided land and appurtenances will be conveyed free of all encumbrances and that the person who offers any part of this subdivision for sale or who solicits any 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 encumbrance 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.

2. Binding arrangements have been made by the person who offers any part of the subdivision for sale, directly or through an agent, to assure purchasers of any part of the subdivision that upon full payment of the purchase price a deed can and will be delivered conveying merchantable title subject only to noted reservations or restrictions of record and free of encumbrances not specifically assumed by the purchaser, subject only to a proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which such sale may be legally effected;

J. If the subdivider proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, the developer shall provide copies of binding easements of no less than ten feet in width for the proposed facilities from each property owner over whose land such services shall extend;

K. Evidence satisfactory to the town council that adequate access has been provided and that all proposed streets, alleys and roadways within the subdivision conform to the minimum standards adopted by the town council and applied uniformly throughout the jurisdiction, which shall not in itself constitute consent of the governing body to locate, repair or maintain roadways and facilities. If, however, the subdivider proposes to make any streets, alleys or roadways private, then the subdivider shall submit to the governing body properly acknowledged written certification that certain streets, alleys or roadways within the subdivision shall remain private and the town council shall be under no obligation to repair, maintain or accept any dedication of such roads to the public use. If no such public maintenance is contemplated, the subdivider shall put a legend on the plat of the subdivision, on the advertisements for the subdivision and on the contracts or agreements for the sale and purchase of lots within the subdivision showing the streets, alleys and roadways showing in capital letters "NO PUBLIC MAINTENANCE OF STREETS OR ROADS." It should be noted that there is no mandate for the town to provide police protection on private roads;

L. The designated engineer shall prepare and submit written cost estimates for the construction of all required subdivision and off-site improvements;

M. The subdivider shall provide evidence satisfactory to the town council that he or she has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the subdivider, including but not limited to water system, sewage systems, streets and roadways. The applicant shall provide a security assurance equal to one hundred twenty-five percent of the cost of the required improvements to guarantee that any facilities proposed or represented to be part of the subdivision shall in fact be completed as proposed. The security assurance shall be based on the cost estimates for the improvements set out in this subsection as determined by the designated engineer;

N. The applicant shall publish notice of his or her intent to submit his or her final plat once each week for two weeks prior to the planning commission

meeting at which said plat is scheduled to be reviewed. The notice will include the name of the subdivider and the general location of the land to be subdivided;

O. Any other information consistent with these regulations and the governing body's published rules and regulations which the governing body deems pertinent or relevant to the evaluation of the application.

Section 33. Section 18.24.015 of the Hanna Municipal Code is hereby created to read as follows:

18.24.015 Documents to be submitted.

The following items shall be included on the final plat:

- A. Name of subdivision or portion thereof, date, label "Final Plat," graphic scale, north arrow;
- B. Name and address of property owner and subdivider (if other than owner);
- C. Name, address and seal of registered professional engineer or land surveyor responsible for preparation of the plat and certification that the plat represents a survey by him or her and that all monuments shown actually exist and their location, size and material are correctly shown;
- D. Names of adjacent property owners or subdivisions and abutting streets;
- E. All exterior plat boundary lines with lengths of courses and bearings as determined by an accurate survey in the field. The plat shall be prepared at a scale of not smaller than one hundred feet per inch;
- F. Exact location, right-of-way and names of all streets within and adjoining the plat;
- G. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs and lengths and bearings of chords of all applicable streets within the plat area;
- H. Location and dimensions of all easements right-of-way when provided for or owned by public utilities, with the limitations of the easement rights definitely stated on the plat;
- I. Location of lots and blocks showing dimensions to nearest one hundredth foot, bearing of lot lines, building setback and identification by consecutive lot number or letter designation;
- J. Legal description of the tract being subdivided and reflecting the boundary survey and including the section, township and range;

K. Location of and dimensions of existing and proposed parks.

Section 34. Section 18.24.020 of the Hanna Municipal Code is hereby created to read as follows:

18.24.020 Determination.

At the planning commission meeting, the planning commission will give an opportunity to any interested persons to examine or comment upon the plat and construction plans. The planning commission shall, within thirty days after closing of the public hearing approve, modify and approve or disapprove the subdivision application by written notice to the town council which shall set forth in detail any conditions to which the approval is subject, or reason for disapproval. In no event shall the period of time stipulated by the planning commission for completion of required improvements exceed two years from the date of the final resolution. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval or disapproval noted thereon, and the reasons therefor accompanying the plat.

Section 35. Section 18.24.025 of the Hanna Municipal Code is hereby created to read as follows:

18.24.025 Submission and review.

Subsequent to planning commission review three copies of the construction plans and one copy of the original of the subdivision plat on tracing cloth and/or reproduction mylar and two copies of the subdivision plat on sepia paper shall be submitted to the zoning officer for final review. No final approval shall be endorsed on the plat until a review has indicated that all requirements have been met.

Section 36. Section 18.24.030 of the Hanna Municipal Code is hereby created to read as follows:

18.24.030 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 town council. All requirements, conditions or regulations adopted by the town 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 town council.

Section 37. Section 18.28.010 of the Hanna Municipal Code is hereby created to read as follows:

18.28.010 Compliance with rules and regulations.

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

- A. All applicable statutory provisions;
- B. The Hanna zoning ordinance, building codes and all other applicable laws of the town;
- C. The official master plan, official map, public utilities plan and major street plan of the town, 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 state 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 town and all boards, commissions, agencies and officials of the local government; and
- G. Plat approval may be withheld if a subdivision is not in conformity with the guides or policy and purpose of these regulations established in subsections A through F of this section and Section 18.04.030.

Section 38. Section 18.28.015 of the Hanna Municipal Code is hereby created to read as follows:

18.28.015 Monuments.

- A. The applicant shall place permanent monuments on all boundary lines as required in this title. The monuments shall be placed under the supervision of a registered land surveyor, licensed in the state. All monuments shall be marked and have affixed securely to the top of each monument the initials and the Wyoming Registration Number of the land surveyor responsible for the establishment of such monument. Also affixed shall be sufficient information to identify the monument.
- B. All monuments shall be properly set in the ground prior to filing the plat with the county clerk.
 - 1. The angle point external boundary shall be monumented with monuments of concrete or metal. Where practicable, monuments shall be a

minimum of two inches in diameter, twenty-seven inches in length, and marked on top with a securely attached cap.

2. All boundary monuments shall be placed so as to be not more than one thousand four hundred feet apart in any straight line and at all corners at each end of all curves at the point where a curve changes its radius and at all angle points in any line. Reference monuments or witness corners shall be used where it is not practicable to set a monument at the actual corner location.

Section 39. Section 18.28.020 of the Hanna Municipal Code is hereby created to read as follows:

18.28.020 Unsuitable land.

Land which the planning commission finds to be unsuitable for subdivision 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 developed unless adequate methods are formulated by the developer and approved by the planning commission, upon recommendation of the designated engineer to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

Section 40. Section 18.28.025 of the Hanna Municipal Code is hereby created to read as follows:

18.28.025 Subdivision name.

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations. The planning commission shall have final authority to designate the name of the subdivision which shall be determined at preliminary plat approval.

Section 41. Section 18.28.030 of the Hanna Municipal Code is hereby created to read as follows:

18.28.030 Lot improvements.

A. 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 such lots from an approved street.

B. 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 commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would 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 or curving 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.

C. Through Lots and Access to Lots.

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

2. Access from Principal and Minor Arterials. Lots shall not in general derive access exclusively from a principal or minor arterial street. Where driveway access from a principal or minor arterial street may be necessary for several adjoining lots, the planning commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on principal or minor arterials.

Section 42. Section 18.28.035 of the Hanna Municipal Code is hereby created to read as follows:

18.28.060 Continuation of adjoining street system.

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 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 convenience access to it.

B. Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees.

Section 43. Section 18.28.040 of the Hanna Municipal Code is hereby created to read as follows:

18.28.040 Streets and alleys.

A. Street Dedication. Streets in year-around subdivisions shall be dedicated to the town as public streets.

B. Arterial and Collector Streets. Arterial and collector 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 such street plan has not been completed at the time the preliminary plan is submitted to the planning commission, arterial or collector streets shall be provided as required by the planning commission with minimum right-of-way widths of one hundred feet for arterial streets and eighty feet for collector streets.

C. Local Streets. Local streets shall have a minimum right-of-way width of sixty feet, except that minor terminal streets and loop streets serving not more than ten lots may have widths of not less than fifty feet.

D. Minor Terminal Streets.

1. Minor terminal streets (cul-de-sacs) shall be not longer than four hundred feet to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred feet in diameter. If surface water drainage is into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided.

2. 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 condition exists.

E. Half-streets. Half-streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.

F. Street Grades. Except where due to special circumstances, street grades over any sustained length shall not exceed the following percentages:

1. On major public streets, four percent;
2. On collector streets, eight percent;
3. On local and subdivision streets, ten percent;
4. On private streets, fifteen percent.

G. Alleys. Alleys shall have a minimum width of twenty feet. Alleys may be required in the rear of business lots.

Section 44. Section 18.28.045 of the Hanna Municipal Code is hereby created to read as follows:

18.28.045 Blocks.

A. The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the planning commission because of design, terrain or other unusual condition.

B. Blocks intended for business or industrial use shall be designed specifically for such purpose with adequate space set aside for off-street parking and delivery facilities.

Section 45. Section 18.28.050 of the Hanna Municipal Code is hereby created to read as follows:

18.28.050 Dedication of land—Parks—Schools.

A. Every subdivider who subdivides land for residential uses shall dedicate a portion of such land or pay a fee in lieu of dedication as set forth in this section for the purpose of providing park and recreational facilities to serve future residents of such subdivisions.

B. The amount of land required to be dedicated by a subdivider pursuant to this title shall be based on the gross area included in the subdivision, determined by the following formula:

Density Formula

Net Density per Dwelling Unit

Percentage of Gross Area of Subdivision Required When Park Land is Dedicated

(percentage)

1 D.U. per acre or more
0.60

1 D.U. per 1/2 to 1 acre
1.20

1 D.U. per 10,000 sq. ft. to 1/2 acre
1.73

1 D.U. per 9,000 to 9,999 sq. ft.
2.70

1 D.U. per 8,000 to 8,999 sq. ft.
3.01

1 D.U. per 7,000 to 7,999 sq. ft.
3.40

1 D.U. per 6,000 to 6,999 sq. ft.
3.90

1 D.U. per 5,000 to 5,999 sq. ft.
4.58

10 to 19 D.U.'s and over per acre
5.79

C. 1. Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to subsection B of this section. The amount of such fee shall be a sum equal to the fair market value of the amount of land required in accordance with the formula in subsection B of this section.

2. "Fair market value" shall be determined prior to approval by the town council of the final plat in accordance with the following:

a. The town and subdivider may agree as to the fair market value;

b. If the subdivider objects to such an arrangement he or she may, at his or her own expense, obtain an appraisal of the property by a qualified real estate appraiser approved by the town, which appraisal may be accepted by the town council if found reasonable. The town council reserves the right to reject the appraisal if it is found to be unreasonable.

D. The determination of whether a subdivider is to dedicate land or pay a fee in lieu thereof shall be made by the town council. This determination shall be based on the following:

1. Town master plan;

2. Topography, geology, access and location of land in the subdivision available for dedication; and

3. Size and shape of the subdivision and land available for dedication.

E. The land and fees received under this title shall be used for the purpose of providing park and recreational facilities to serve the area in which the subdivision is located. Moneys spent may be expended on neighborhood or community facilities in reasonable proximity to the subdivision.

F. All land and fees received under this title shall be legally transferred to the town prior to the recording of the final plat with the county clerk.

G. Where it is determined that a greater amount of land than that required in this title is required for parks and open spaces to meet the master plan requirements for that area of the town; or a school site is required, the planning commission after so apprising the appropriate agency, shall so indicate the open space or school site requirements to the subdivider on the approved preliminary plat.

H. The subdivider at the time of filing the final plat with the planning commission must offer to sell at a fair market price to the town or other appropriate public agency within one year immediately following the recording of the final plat, any land so designated for school sites or any land designated for park or open space in excess of that required by the provisions of this title.

I. If any such proposed public areas or school sites have not been purchased by the appropriate agency 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.

Section 46. Section 18.28.055 of the Hanna Municipal Code is hereby created to read as follows:

18.28.055 Required improvements.

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

A. Water Supply. The subdivider shall connect with the town water system and must provide water lines throughout the subdivision in conformance with the town's adopted master water and sewer plan and the specifications of the town administrator. The subdivider shall furnish to the health officer (public works director) three copies of plans showing the location and size of proposed water lines and fire hydrants and also existing water lines to which a connection is to be made. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished.

B. Sewage Disposal. The subdivider shall connect with the town sewer system and must provide sewer lines throughout the subdivision in conformance with the

town's adopted master water and sewer plan and specifications of the town administrator.

C. Street Grading and Surfacing. All public and private streets and private access rights-of-way within the proposed subdivision shall be graded and surfaced with asphalt pavement in accordance with the Hanna major street plan.

D. Curbs and Gutters. Curbs and gutters shall be installed on existing and proposed streets by the subdivider, where in the opinion of the planning commission and designated engineer they will be necessary to remove surface water or for safety or other reasons.

E. Fire Hydrants. Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number and installed in such location as determined by the town.

F. Street Lighting. It is the responsibility of the developer to make appropriate arrangements with Rocky Mountain Power to have an adequate number of street lights installed within the proposed subdivision.

Section 47. Section 18.28.060 of the Hanna Municipal Code is hereby created to read as follows:

18.28.060 Guarantee—Required.

All improvements required in these regulations shall be guaranteed. All improvements shall be dedicated to the town, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

Section 48. Section 18.28.065 of the Hanna Municipal Code is hereby created to read as follows:

18.28.065 Assurances—Generally.

No final subdivision plat will be approved by the town unless one or more of the methods of assurance set out in Sections 18.28.130 through 18.28.220 are submitted with the final plat. Assurances shall be maintained for a specific period of time necessary to ensure completion of the required improvements within the time period determined by the governing body, not to exceed two years. Extensions of this period shall be granted only upon timely application by the subdivider to the governing body and upon consent of the issuer of the assurance and the governing body.

Section 49. Section 18.28.070 of the Hanna Municipal Code is hereby created to read as follows:

18.28.070 Performance bond.

A. The applicant may post a performance bond at the time of application for final subdivision approval in an amount estimated by the town council as sufficient to secure to the town the satisfactory construction, installation and dedications of the incompleting 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. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the town 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 town 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. Such bond shall be approved by the town council as to amount and surety and conditions satisfactory to the governing body. The planning commission may, upon proof of difficulty, recommend to the town council extension of the completion date set forth in such bond for a maximum period of one additional year. The town council may at any time during the period of such bond accept a substitution of principal of sureties on the bond upon recommendation of the planning commission.

Section 50. Section 18.28.075 of the Hanna Municipal Code is hereby created to read as follows:

18.28.075 Escrow account.

A. The subdivider shall deposit cash or collateral readily convertible to cash at face value either with the town 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 town council.

B. When an escrow account is to be employed, the subdivider shall file with the town council his or her 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 town council and may not be used or pledged by the subdivider as security for an 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 town for the completion of these improvements.

Section 51. Section 18.28.080 of the Hanna Municipal Code is hereby created to read as follows:

18.28.080 Property escrow.

The subdivider may offer as a guarantee land or other property, including corporate stocks or 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 town 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 town 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 town instructing the agent to release the property to the town in the case of default. The agreement shall be placed on file with the county clerk;
- B. File with the town council an affidavit affirming that the property to be used as 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 town 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 town council.

Section 52. Section 18.28.085 of the Hanna Municipal Code is hereby created to read as follows:

18.28.085 Trust agreement.

The subdivider shall place on deposit in a bank or trust company in the name of the town and approved by the town attorney in a trust account a sum of money equal to the estimated cost of all site improvements required by this resolution. The cost and time of completion shall be approved by the designated engineer. Selection of the trustee shall be executed on the form approved by the town and approved as to form and legality by the town attorney. Periodic withdrawal shall be based on progress work estimates and approved by the designated engineer. All such withdrawals shall be approved by the trustee and the governing body.

Section 53. Section 18.28.090 of the Hanna Municipal Code is hereby created to read as follows:

18.28.090 Special trust agreement.

The developer will establish a trust account for the assignment of funds to be used for subdivision improvements. A title insurance company, bank or any other fiduciary institution approved by the town shall act as trustee. Funds shall be withheld and impounded from the cash sales of lots in the subdivision to cover improvement costs on a prorated basis. In the event of a sale for part cash, the balance on a deferred basis, a specified monthly sum from the installment will be withheld and impounded. Periodic withdrawals may be made from the trust account for a progressive payment of installation costs with the concurrence of the trustee and the governing body. If the developer completes the improvements as required, the trust funds shall be returned to him or her. If the developer does not complete the improvements, then the town may direct that the funds in the trust account be transferred to the town. The town may require that improvements be installed in stages and that lots be sold in stages. The number of lots involved shall be determined at the discretion of the town

Section 54. Section 18.28.095 of the Hanna Municipal Code is hereby created to read as follows:

18.28.095 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 town 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 town, or 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 town to abandon and resubdivide the property should the required improvements fail to be installed in compliance with standard specifications.

Section 55. Section 18.28.100 of the Hanna Municipal Code is hereby created to read as follows:

18.28.100 Construction prior to final plat recordation.

If the subdivider chooses to construct the required improvements prior to the recording of the final plat, he or she shall submit the construction plans to the designated engineer. A certificate by the engineer on the as-built plans stating the construction conforms to the specification and standards contained in or referred to in this title must be presented to the planning commission and the town council prior to approval of the final plat.

Section 56. Section 18.28.115 of the Hanna Municipal Code is hereby created to read as follows:

18.28.115 Special improvement district.

The owner of any land to be plotted as a subdivision shall at his or her own expense, or through the formation of a special improvement district, install such improvements providing that if the special improvement district method is chosen the following steps are to be taken:

- A. Town will not pledge any faith, credit, taxes or resources to the special improvement district.
- B. Owner will provide assurances as required by town council until the special improvement districts success is realized.
- C. Assessments will be paid in full upon sale of each lot or assumption of assessments by new owner in writing.
- D. Owner will escrow an amount estimated to cover costs of initiating district if it should fail.

Section 57. Section 18.28.120 of the Hanna Municipal Code is hereby created to read as follows:

18.28.120 Irrevocable letter of credit.

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

- A. That the creditor guarantees funds in an amount equal to one hundred twenty-five percent of the cost, as estimated by the designated engineer and approval by the town 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 town 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 town council

Section 58. Section 18.28.125 of the Hanna Municipal Code is hereby created to read as follows:

18.28.125 Other assurances.

In the event that none of the forms of security assurances set out in Sections 18.28.120 through 18.28.210 can be agreed upon, provision is made for any assurance or combination of assurances acceptable to the subdivider, the issuer of the assurance and the governing body.

Section 59. Section 18.28.130 of the Hanna Municipal Code is hereby created to read as follows:

18.28.130 Inspection.

A. General Procedure and Fee. If the designated engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the town council's construction standards and specifications, the applicant shall be responsible for completing the improvements.

B. Release on Reduction of Improvement Guarantee.

1. Certification.

a. Upon completion of these improvements, the designated engineer or other knowledgeable official as specified by the governing body shall file with the town council a statement either certifying that the improvements have been completed in the specific manner or listing the defects in those improvements.

b. Upon completion of the improvements, the subdivider shall file with the town council a statement stipulating the following:

i. That all required improvements are complete;

ii. That these improvements are in compliance with the minimum standards specified by the town council for their construction;

iii. That the subdivider knows of no defects from any cause in these improvements;

iv. And that these improvements are free and clear of any encumbrance or lien;

v. In addition to the above statement, upon completion of all improvements, the subdivider shall submit to the town as-built drawings for a permanent record of actual construction.

2. If the designated 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 town shall accept the dedication of those improvements by official resolution of the town council. The town 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 that portion of the improvements.

Section 60. Section 18.28.135 of the Hanna Municipal Code is hereby created to read as follows:

18.28.135 Certificate of occupancy—Completion required.

The issuance of certificate of occupancy prior to completion of required improvements is discouraged. Whenever by reason of the season of the year any improvements required by the subdivision regulations cannot be performed the zoning officer may nevertheless issue a certificate of occupancy; provided there is no danger to health, safety or general welfare. The guarantee assurance shall remain in full force and effect.

Section 61. Section 18.28.140 of the Hanna Municipal Code is hereby created to read as follows:

18.28.140 Maintenance.

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until initial acceptance of the improvements by the town council.

Section 62. Section 18.28.145 of the Hanna Municipal Code is hereby created to read as follows:

18.28.145 Deferral or waiver when.

The planning 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.

Section 63. Section 18.28.150 of the Hanna Municipal Code is hereby created to read as follows:

18.28.150 Building permits—Issuance.

A. The extent of street improvement shall be adequate for vehicular access by the prospective occupancy and by police and fire equipment, prior to the issuance of an occupancy permit.

B. No building permit shall be issued for the final ten percent of lots in a subdivision or if ten percent be less than two for the final two lots of the subdivision, until all public improvements required by the planning commission for the plat have been fully completed and dedicated to the local government.

Section 64. Section 18.28.155 of the Hanna Municipal Code is hereby created to read as follows:

18.28.155 Contract.

Upon acceptance of final plat a contract will be drawn between owner and town to establish in each individual case the methods of assurance and outlining means of construction improvements and any other pertinent matters to the development of the subdivision. Such contract shall impose no additional requirements not contained in this title.

Section 65. **Repealer.** All ordinances or part of ordinances in conflict herewith are hereby repealed.

Section 66. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance or application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

Section 67. This ordinance shall become effective after passage, approval and publication.

PASSED AND APPROVED THIS 11th DAY OF MAY, 2010.

Rick Kinder, Mayor of the Town of
Hanna, Wyoming

ATTEST:

Penny Parr
Town Clerk

First Reading: April 13, 2010
Second Reading: April 30, 2010
Third Reading: May 11, 2010

ATTESTATION

I, Penny Parr, the Clerk of the Town of Hanna, Wyoming, do hereby attest and state that the above ordinance was published/posted in the manner required by law and that all procedures required by Wyoming State law were complied with.

By: _____
Penny Parr, Town Clerk