

ORDINANCE NO. 2019- 14

AN ORDINANCE AMENDING ARTICLES 16-1, 16-3, 16-4, 16-5, 16-6 AND 16-7 OF THE ORDINANCES OF THE CITY OF ROCK SPRINGS, WYOMING, ENTITLED "SUBDIVISION REGULATIONS".

WHEREAS, after notice given in the manner and for the time required by law, the Planning and Zoning Commission of the City of Rock Springs held a public hearing on June 12, 2019 on proposed amendments to Articles 16-1, 16-3, 16-4, 16-5, 16-6 and 16-7 of the Ordinances of the City of Rock Springs; and,

WHEREAS, the Planning and Zoning Commission of the City of Rock Springs, Wyoming, voted to recommend approval of the proposed amendments to 16-1, 16-3, 16-4, 16-5, 16-6 and 16-7 of the Ordinances of the City of Rock Springs; and,

WHEREAS, notice of hearing before the governing body of the City of Rock Springs, Wyoming, has been given as required by law, and the governing body has determined that said amendments should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROCK SPRINGS, STATE OF WYOMING:

**Amendment 1.** That Article 16-1 of the Ordinances of the City of Rock Springs be amended as follows (deletions are denoted by ~~strike through~~ and additions are denoted by **bold underline**):

**16-101 Authority.**

This Ordinance is adopted pursuant to and in accordance with the authority vested in the City Council of the City of Rock Springs; **and** by the Statutes of the State of Wyoming, Sections 15-1-601 through 15-1-612, and Sections 34-12-101 through 34-12-115, **as amended**. All previously existing subdivision regulations for the City of Rock Springs are hereby repealed.

**16-102 Short Title.**

This Ordinance shall be known, cited and referred to as the Subdivision Regulations of the ~~City of Rock Springs, Wyoming.~~

**16-103 Intent and Purpose.**

This Ordinance is enacted for the purpose of:

(A) Ensuring orderly development in conformance with a duly adopted Comprehensive Plan, **known as the Master Plan, which may include a major street plan and any plan or program officially adopted under the Comprehensive Plan.**

(B) Protecting the public health, safety, and general welfare of present and future residents of the City of Rock Springs, Wyoming **by establishing standards and procedures for development which promote physical, social and economic growth.**

~~(C) Establishing standards and procedures for the protection of the common interests of the general public, the landowner, and the subdivider.~~

(D) Protecting the character and value of lands and buildings throughout the City of Rock Springs and minimizing conflicts among the uses of land and buildings.

- (E) Providing for safe and adequate transportation systems, utilities and other public facilities.
- (F) Establishing adequate and accurate records of land subdivision.
- (G) Encouraging the use of innovative land planning and urban design techniques.

#### **16-104 Severability.**

It is hereby declared to be the intention of the City that the several provisions of this Ordinance are severable in accordance with the following:

If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of such provision to any other property, building, or structure not specifically included in said judgment.

#### **16-105 Conflict With Other Regulations.**

In the case of a conflict between this Ordinance and/or any part thereof, or any other Ordinance of the City of Rock Springs, the more restrictive in all cases shall apply.

**Amendment 2.** That Article 16-3 of the Ordinances of the City of Rock Springs be amended as follows (deletions are denoted by strikethrough and additions are denoted by **bold underline**):

#### **16-301 Definitions.**

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the plural and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders.

~~Administrator: The duly appointed person charged with enforcement of this Ordinance.~~

**Affidavit of Correction: A signed and notarized affidavit stating facts relating to conflicts and ambiguities in descriptions of land on a recorded plat, map or other document allowed by Statute or Ordinance.**

**Affidavit of Exemption: A signed and notarized affidavit by all owners of record stating the exemptions in the Subdivision Regulations for which a property qualifies.**

Alley: A public right-of-way which affords secondary means of access to abutting property.

**Arterial Street: A street which serves or is designed to serve heavy flows of traffic between communities and/or other heavy traffic generating areas.**

~~Attorney: The person licensed by the state to practice law who has been engaged by the Council.~~

Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

~~Building: To include all structures of every kind regardless of similarity to buildings. Any structure having enclosed space and a roof for the housing and/or enclosure of persons, animals or chattels, except mobile homes and mobile offices.~~

~~Building Setback: The minimum horizontal distance from the street right-of-way as prescribed in the Zoning Ordinance.~~

~~Clerk: The City Clerk of Rock Springs, Wyoming.~~

**Major or Minor Collector Street: A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major an arterial street.**

Commissions: The duly appointed Planning and Zoning Commission of the City of Rock Springs.

Comprehensive Plan: A ~~comprehensive development plan, prepared by the Commission~~ which indicates the general locations recommended for various functional classes of land uses, places and structures and for the general physical development of the City and includes any ~~unit or part of such plan~~ or program separately prepared and any amendment to ~~such plan or parts therein.~~ **Also known as the Master Plan.**

Council: The City Council of the City of Rock Springs.

Cul-De-Sac: ~~A street or a portion of a street with only one vehicular traffic outlet and a turnaround at the other end~~ **A dead-end street with a circle at the end for turning around.**

Dead-End Street: ~~A street or a portion of a street with only one vehicular traffic outlet and in which traffic cannot continue through.~~

Easement: ~~Authorization by a property owner for the use of another, and for a specified purpose, of any designated part of his property.~~ **The right to use the real property of another for a specified purpose.**

Engineer: ~~The professional engineer engaged by the Council.~~

Half Street: A street designed to provide access to only one side of the right-of-way.

Licensed Engineer: A person licensed as a professional engineer by the State of Wyoming.

Lot: A parcel, ~~place~~ **piece**, tract or portion of land designated by metes and bounds, registered land survey, ~~auditor's plat~~, or other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof.

Lot, Butt: A lot located on the end of a block excluding the two (2) corner lots.

Lot, Corner: A lot located at the intersection of two (2) streets, having two (2) adjacent sides abutting streets.

Lot, Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot Line: The property line bounding a lot except that where any portion of a lot extends into the right-of-way or a proposed public right-of-way, the line of such right-of-way shall be the lot line.

Lot-Line Adjustment: ~~An adjustment between two or more adjacent lots where the land taken from one lot is added to an adjacent lot and where a greater number of lots than originally existing is not thereby created.~~

~~Lot Split: A division of a lot, parcel or tract into not more than two lots which meet the minimum standards of the zoning ordinance. Multiple lot splits by consecutive or multiple property owners shall not be used to evade the subdivision ordinance.~~

Lot, Through: Any lot other than a corner lot which abuts more than one (1) street.

Lot, Width: The horizontal distance between the side lot lines of the lot measured parallel to the front line of the lot at the front setback line.

~~Major Street, or Arterial Street: A street which serves or is designed to serve heavy flows of traffic between communities and/or other heavy traffic generating areas.~~

May: Means permissive.

Minor Street: A street intended to serve primarily as an access to abutting properties.

Minor Subdivision: Any subdivision of unplatted land which creates not more than four (4) lots, ~~which does not create any new streets or vacate any existing streets, and which does not require the extension of any municipal utilities or the creation of any new public improvements.~~

Official Map: The map established by the Council in accordance with State Statutes showing streets, highways, and parks and drainage, both existing and proposed. The official map may be a part or parts of the Comprehensive Plan.

Owner: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parkway: That portion of a street right-of-way between the curb or curb line and the property line.

~~Pedestrian Way: The right-of-way across or within a block, for use by the pedestrian way, crosswalk, or however otherwise designated.~~ **A path, sidewalk, crosswalk or other designated place for use by pedestrians.**

~~Person: An individual, to include both male and female, and shall also extend and be applied to bodies political and corporate and to partnership and corporate and to partnership and other unincorporated association.~~ **A natural person, firm, corporation, partnership or association or any combination of the above, or any other legal or commercial entity.**

~~Planned Unit Development: A development which may consist of two (2) or more principal structures or uses on a single parcel of land and which meets the requirements of the Zoning Ordinance for Planned Unit Developments.~~

~~Private Street: A street which is not dedicated for public use.~~

~~Protective Covenant: A contract entered into between private parties and constitutes a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide protection against undesirable aspects of development which would impair values.~~

Public Land: Land owned and/or operated by a governmental unit, including school districts.

Publication: An official notice as prescribed by State Statutes **or City Ordinance.**

**Restrictive Covenant: A civil document used in developments to regulate the use, appearance and maintenance of property and enforced through a homeowners' association (HOA). Also known as Covenants, Conditions and Restrictions (CC&Rs).**

~~Resubdivision: A resubdivision shall be any amendment, including a lot split, to an already approved and recorded plat, except for the correction to any drafting or surveying errors.~~

**Replat: An administrative process which allows the reconfiguration of lots in a platted subdivision. Setback: The minimum horizontal distance, measured perpendicular from a building line to a lot line.**

Service Street: A marginal access street which is generally parallel and adjacent to a major street and provides secondary access to abutting property.

Shall: Means mandatory.

Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.

**Street, Private: A street which is not a public street.**

Street, Public: Any street which has been dedicated to the City, or is otherwise publicly owned by the City, and is improved and constructed to the appropriate standards as required by the Subdivision Ordinance.

Street, Right-of-Way: Any street which has been dedicated to the City, or is otherwise publicly owned by the City, and **but** is unimproved as opposed to a public street which is improved and constructed to Subdivision Ordinance standards.

Street or Road: A public right-of-way which affords the primary means of access to abutting property.

Street Width: The width of the right-of-way, measured at right angles to the center lines of the streets.

~~Subdivider: Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof as defined herein, either for himself or others.~~ **Any person who lays out any subdivision or parts thereof either for themselves or others.**

Subdivision: The division of a lot, tract, parcel or other unit of land into two (2) or more lots ~~for the immediate or future purpose of sale, building development or redevelopment, for residential, industrial, commercial or public purposes~~ **parts**.

Surveyor: A person duly registered as a land surveyor by the State of Wyoming.

Used For: To include the phrases: "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

Zoning District: An area as prescribed by the adopted Zoning Ordinance.

**Amendment 3.** That Article 16-4 of the Ordinances of the City of Rock Springs be amended as follows (deletions are denoted by ~~strikethrough~~ and additions are denoted by **bold underline**):

**16-400 General Requirements.**

The following general requirements shall be met by the subdivider unless ~~the Council grants~~ **granted** a variance ~~upon recommendation of the Commission in accord~~ **in accordance** with the provisions of this Ordinance.

**16-401 Conformity With Official Map and Comprehensive Plan.**

All subdivisions shall conform to the adopted Official Map and be in harmony with the Comprehensive Plan.

**16-402 Delayed Approval of Subdivisions.**

Where a proposed park, playground, school site or other public site as shown in the Comprehensive Plan and/or Official Map is embraced in part or in whole by the boundaries of a proposed subdivision and such public land shall be reserved, no action shall be taken towards approval of a Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

**16-403 Conformity to Zoning Ordinance.**

All subdivisions shall conform to the Zoning Ordinance and its map.

**16-404 Character of the Land.**

(A) The land to be subdivided shall be of such character that it can be used safely for the building **development** proposed without danger to health or peril from fire, flood, mine subsidence, or other menaces.

(B) All subdivision proposals shall be consistent with the need to minimize flood damage.

(C) All subdivision proposals shall preserve exceptional rock outcrops and native trees to the greater **greatest** extent possible.

(D) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

**16-405 Established Monuments.**

All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development **until all improvements have been accepted by the City.** All section and quarter (1/4) section corners shall be duly described and tied.

**16-406 Preventive Measures.**

The subdivider shall be required to institute measures as determined and directed by the Engineering Department to ~~insure~~ **ensure** the prevention of wind and water erosion during and upon the completion of construction.

**Amendment 4.** That Article 16-5 of the Ordinances of the City of Rock Springs be amended as follows (deletions are denoted by ~~strikethrough~~ and additions are denoted by **bold underline**):

**Sections:**

**16-501 Sketch Plat.**

**16-502 Preliminary Plat.**

**16-503 Final Plat.**

**16-504 ~~Lot Line Adjustment and Lot Splits Not Requiring Resubdivision.~~**

**16-505 ~~Corrected Plat.~~ Plat Corrections.**

**16-506 ~~Resubdivisions~~ Replats.**

**16-507 Approval of Minor Subdivisions.**

**16-501 Sketch Plat.**

(A.) Prior to the submission of a Sketch Plat **application** as required by these Regulations, the subdivider shall ~~contact the Director of Public Services, City Planner, and Director of Engineering and Operations~~ **schedule a meeting with the Planning Department, who shall coordinate a meeting with other City Departments,** to discuss and determine the procedures and requirements for filing the Sketch Plat and ~~Preliminary and Final Plats.~~

(B.) **Once the procedures and requirements are determined,** ~~t~~The subdivider shall submit a Sketch Plat along with a Sketch Plat Application, **a list of property owners within 200 feet,** Form and Sketch Plat Checklist. Thirty (30) **two 24" x 36" printed** copies **and one pdf** of the Sketch Plat **drawing** shall be submitted by the subdivider. The Sketch Plat shall include property which the developer intends to own or owns and intends to develop within a reasonable time period of five (5) years or less. The property owner(s) of record, if different from the applicant, shall either sign the application or shall be made aware of the proposal via certified letter by the applicant. A copy of the certified letter and delivery confirmation shall be included as part of the Sketch Plat application materials if the application is not signed. A developer may request the Planning and Zoning Commission to review and determine the amount of property to be included within a Sketch Plat. The Sketch Plat shall include a list of adjacent property owners within 200 feet. The Sketch Plat **drawing** shall contain the following information:

**(1)**1. The entire property to be developed now and in the future must be included in the plan. The Sketch Plat shall indicate the layout of streets and lots, street connections, and the phasing of the development.

**(2)** A drainage plan shall be submitted which adequately illustrates how the 25-year flow will be handled in the subdivision. The drainage plan must indicate how drainage within the Sketch Plat will match up with drainage of adjacent properties. The manner in which each lot will drain must also be shown. Subdivision drainage may be managed with such measures as retaining walls, alleys or easements.

**(3)**2. Availability of public water and sewer. A plan indicating the proposed location and sizing of water and sewer lines shall be provided.

**(4)**3. Zoning requirements on the property.

(5)4. — Requirements of the Comprehensive Plan for land use, arterial and collector streets, schools, parks, and other public open space.

(6)5. The location and extent of any floodplains.

(C.) After receipt of the **a complete** Sketch Plat **submittal**, the Planning Department shall submit copies to the appropriate agencies and officials **Utility Review Committee** for their review and **shall request that comments be returned within 10 days. Members of the Utility Review Committee who do not return comments within 10 days will be considered to be in support of the application.** At a minimum, copies of the Sketch Plat shall be referred to:

1. Director of Engineering and Operations
2. All utilities and special districts
3. Water Department
4. Fire Department
5. Police Department
6. Park and Recreation Director
7. Building Inspection Department

Agencies receiving review copies of the Sketch Plat shall submit their comments within 10 days.

(D.) After receipt of the Sketch Plat, ~~the~~ The Planning Department shall schedule the plan **application** for review and consideration at the next regular meeting of the **Planning and Zoning Commission** which occurs after 23 days from the date which the plat was submitted **once the application is considered complete.**

(E.) At least seven (7) days prior to the date of the **Planning and Zoning** Commission meeting at which the Sketch Plat is to be reviewed, the Planning Department shall, from information provided by the subdivider as part of the Sketch Plat submittal, notify the owners of property **owners** within 200 feet of the proposed subdivision of the time and date of the **Planning and Zoning** Commission meeting.

(F.) The **Planning and Zoning** Commission shall review the Sketch Plat at a public meeting. The purpose of the Sketch Plat procedure is to determine any problems with the proposed development before expenses are incurred in the preparation of a Preliminary Plat. No official action is required of the Planning Department or other agencies other than to offer appropriate comments on the proposal.

(G.) The **Planning Commission Department** shall provide **to the applicant** the subdivider, in writing, within ten (10) days from the date of the review, all comments received from the public, agencies, staff and the Commission. **These comments shall be incorporated into the Preliminary Plat.**

#### 16-502 Preliminary Plat.

(A) Following receipt of the written Sketch Plat comments, a Preliminary Plat **application** may be prepared and submitted. ~~The Preliminary Plat shall be submitted a minimum of twenty-three (23) days prior to the Planning and Zoning Commission meeting at which it will be considered.~~ The **lot layout of the** Preliminary Plat shall substantially conform to the Sketch Plat. The Preliminary Plat shall consist of a drawing, prepared and certified **as** to its accuracy by a registered land surveyor licensed in the state of Wyoming, and accompanying materials and information as required by these regulations. ~~The subdivider shall also submit a Preliminary Plat Application Form and Preliminary Plat Checklist.~~ The application form shall be signed by all property owners of record of all property located fully or partially within the boundaries of said Preliminary Plat. ~~Thirty (30)~~ **Two 24" x 36" printed** copies **of the Plat drawing and one pdf**

of the Preliminary Plat **application and drawing** shall be submitted by the subdivider. If the Preliminary Plat is submitted on a sheet larger than 11" x 17", one reduced copy no larger than 11" x 17" shall also be submitted in addition to the thirty full size copies. Within three (3) working days of the submittal, ~~the~~ The Planning Department shall review the application for **completeness and** conformance with the Preliminary Plat submittal requirements. If the application does not conform to the submittal requirements, the application will be deemed as incomplete, the subdivider will be notified and the application will be returned.

(B) The Preliminary Plat drawing shall be prepared at a scale of 1" = 100' or larger for subdivisions where the majority of lots are less than five (5) acres in size. The scale may be reduced to 1" = 200' for subdivisions in which the minimum lot size is five (5) acres or more. The face of the drawing shall contain the following information:

~~(1)~~1. The name of the subdivision. The name shall not duplicate or too closely resemble the name of any subdivision previously filed in the County.

~~(2)~~2. Date of preparation, scale and North arrow. The top of each sheet shall represent North wherever possible.

~~(3)~~3. A vicinity map drawn at a scale of 1" = 1,000' or 1" = 2,000', showing the location of the proposed subdivision in the City and its relationship to surrounding development.

~~(4)~~4. The names, addresses, and phone numbers of the developer or subdivider, and the individual or firm responsible for the preparation of the Preliminary Plat.

~~(5)~~5. A legal description of the subdivision boundary.

~~(6)~~6. The boundary lines of the subdivision in a heavy, solid line and referenced to section or quarter ~~(1/4)~~ section lines.

~~(7)~~7. A description of all monuments, both found and set, which mark the boundary of the subdivision, and a description of all control monuments used in the survey.

~~(8)~~8. Existing contours at a maximum interval of two ~~(2)~~ feet unless waived by the City **Engineering Department**.

~~(9)~~9. General location and extent of any significant natural features such as streams or drainage ways.

~~(10)~~10. Floodplains as delineated on maps provided by the Federal Emergency Management Agency.

~~(11)~~11. Location, dimensions, and names of existing roads, streets, alleys, railroad rights-of-way and structures within one hundred ~~(100)~~ feet immediately adjacent showing how they relate to the proposed subdivision layout.

~~(12)~~12. Location, size, and grades of existing sanitary and storm sewers and location and size of water mains, gas lines, pipelines, or other underground utilities or installations within the proposed subdivision or within one hundred ~~(100)~~ feet immediately adjacent thereto.

~~(13)~~13. Location and dimensions of all easements of record.

~~(14)~~14. Existing zoning and land use of proposed subdivision and immediately adjacent areas.

~~(15)~~15. Location and width of proposed water and sewer lines, fire hydrants, streets, alleys, pedestrian ways, easements and all necessary appurtenances.

~~(16)~~16. Layout, numbers and approximate dimensions of proposed lots and blocks. Do not number blocks; number lots consecutively.

~~(17)~~17. Location, dimension and size in acres of all sites proposed to be used for commercial, industrial, multi-family residential, public or quasi-public use with the use noted.

~~(18)~~18. A summary of the total number of acres, number of lots, acreage of commercial or industrial areas, acreage of open space, amount of land in rights-of-way and other descriptive material useful in reviewing the proposed subdivision.



~~(19)~~19. The drainage plan for each lot must be shown. Arrows indicating the direction of drainage, along with any easements or retaining wall structures must be included.

(C) The following information and material shall be a part of any Preliminary Plat submittal and shall accompany the Preliminary Plat drawing:

~~(1)~~1. Payment of the total amount of the Preliminary Plat fee.

~~(2)~~2. A statement explaining the design and function of the water system, sewage system, paving, sidewalk, drainage systems, their compatibility with existing systems and the timing and/or phasing of installation.

~~(3)~~3. A statement describing the development and maintenance responsibility for any private streets, ways or open space.

~~(4)~~4. The recommendations of a qualified professional engineer or the affected Soil Conservation District regarding soil suitability, erosion control, sedimentation and flooding problems.

~~(5)~~5. A description of the phasing and scheduling of phases for the development if the Final Plat is to be submitted in separate phases. The subdivision shall be constructed in the order in which the phases are numbered. **Phasing of a subdivision shall be valid for 5 years from the date of Council approval. At the end of 5 years, a two year extension can be requested from the Council. If the extension is not granted, the remaining phases shall become null and void.**

~~(6)~~6. A petition for annexation to the City of Rock Springs if the land to be subdivided is contiguous to, either itself or as part of a larger tract, the boundaries of the City.

~~(7)~~7. An application for appropriate City zoning for the subdivided area if the area is to be annexed or if the existing zoning district does not allow the type of use proposed.

~~(8)~~8. ~~The names and addresses of all owners of subdivided lots and unplatted land contiguous to or within two hundred (200) feet of the boundary of the proposed subdivision.~~ **A list of property owners within 200 feet of the proposed subdivision.**

~~9. A subdivision application on the standard forms provided.~~

~~10. A completed Preliminary Plat check list on the standard forms provided.~~

~~(D) The Preliminary Plat shall be reviewed by applicable City Agencies and Utility Companies. For review purposes, at a minimum, copies of the Preliminary Plat shall be referred to:~~

~~1. Director of Engineering and Operations~~

~~2. All utilities and special districts~~

~~3. Water Department~~

~~4. Fire Department~~

~~5. Police Department~~

~~6. Parks and Recreation Director~~

~~7. Building Inspection Director~~

**(E) Agencies receiving referral copies of the Preliminary Plat should return written comments on the Plat to the Planning Department within ten (10) days after receipt of the Plat. Agencies may also present comments on the Plat at the Planning and Zoning Commission meeting at which the Plat is considered. After receipt of the Preliminary Plat application, the Planning Department shall submit copies to the Utility Review Committee for their review and shall request that comments be returned within 10 days. Members of the Utility Review Committee who do not return comments within 10 days will be considered to be in support of the application.**

(F) Upon receipt of all agency comments, or at the end of the ~~ten (10)~~ day period, the Planning Department will summarize the agency comments, add written comments and recommendations

from the Department itself, and present the material and recommendations to the ~~Planning and Zoning~~ Commission for its consideration.

(G) At least seven (7) days prior to the date of the ~~Planning and Zoning~~ Commission meeting at which the Plat is to be considered, the Planning Department shall, from information provided by the subdivider as a part of his Preliminary Plat submittal, notify the property owners of subdivided lots and owners of unplatted land within two hundred (200) feet of the boundaries of the proposed subdivision of the time and date of the meeting.

(H) The subdivider, or duly authorized representative, shall attend the Commission meeting at which ~~his~~ the proposal is scheduled for consideration.

(I) The ~~Planning and Zoning~~ Commission shall review the Preliminary Plat in a public hearing. A notice of the time, date, place and purpose of the hearing shall be published in the official newspaper of the City of Rock Springs at least fifteen (15) days prior to the date of the hearing. In its deliberations on the Preliminary Plat, the Commission shall consider oral or written statements from the applicant, the public, City Staff, and ~~the Commission~~ its own members. The Commission may recommend approval, conditional approval, disapproval, or may table the Preliminary Plat. The ~~Planning and Zoning~~ Commission shall notify the City Council in writing of its recommendation. Approval of a Preliminary Plat by the ~~Planning and Zoning~~ Commission shall remain effective for twelve (12) calendar months, from the date of approval. A Preliminary Plat which has not received approval of the City Council within twelve (12) calendar months following ~~Planning and Zoning Commission~~ approval shall, ~~be subject to the requirements of Section 16-502(I)~~ require approval through the Preliminary Plat process. The petitioner may submit to the ~~Planning~~ Commission a written request for a six (6) month extension.

(J) The City Council shall hold a public hearing on the Preliminary Plat. A notice of the time, date, place and purpose of the hearing shall be published in the official newspaper of the City of Rock Springs at least fifteen (15) days prior to the date of the hearing. In its deliberations on the Preliminary Plat, the Council shall consider oral or written statements from the subdivider, the public, City staff, and its own members. The City Council may approve, deny, or table the Preliminary Plat. ~~Upon approval of the Preliminary Plat, a 24" x 36" mylar shall be submitted to the City.~~ Approval of a Preliminary Plat by the City Council shall remain effective for eighteen (18) calendar months, from the date of approval. The subdivider may apply in writing for, and the Council may for cause shown, grant a six (6) month extension. If a final Plat has not been submitted within this specified period, approval through the Preliminary Plat process shall be required on all or a portion of the land area included in the Preliminary Plat, a Preliminary Plat must again be submitted for approval. In a phased development, any land area for which a Preliminary Plat has been approved and for which a Final Plat has not been submitted within sixty (60) months from the date of the approval of the Preliminary Plat, shall not be allowed to proceed with final platting until a new Preliminary Plat is submitted and approved.

#### **16-503 Final Plat.**

(A) Following approval of the Preliminary Plat, a Final Plat application may be prepared and submitted. ~~The Final Plat shall be submitted a minimum of seventeen (17) days prior to the Planning and Zoning Commission meeting at which it will be considered.~~ The Final Plat shall be prepared and certified to its accuracy by a registered land surveyor licensed in the State of Wyoming. The Final Plat and required supporting material shall conform to the design and engineering standards set forth in these regulations and to any conditions of approval specified by the ~~Planning and Zoning~~ Commission and the City Council. The Final Plat shall conform with to the Preliminary Plat and any requirements of the Council. ~~The subdivider shall also submit a Final Plat Application Form and Final Plat Checklist. Thirty (30)~~ Two 24" x 36" printed copies

**and one pdf** of the Final Plat shall be submitted ~~by the subdivider~~ **with the application and all required materials**. ~~One reduced copy no larger than 11" x 17" shall also be submitted in addition to the thirty full size copies. Within three (3) working days of submittal,~~ The Planning Department shall review the application for conformance with the Final Plat submittal requirements. If the application does not conform to the submittal requirements, the application will be deemed as incomplete, the subdivider will be notified and the application will be returned.

(B) Final platting may be accomplished in ~~stages covering reasonable portions of the area of an~~ **phases as shown on the** approved Preliminary Plat. When this is done, each sheet of the Final Plat shall contain a vicinity map showing the location of the portion being submitted in relationship to the area for which the Preliminary Plat was submitted. All Final Plats so submitted shall be of the same scale, shall have identical titles, legends and other information, and shall have match lines so that mosaics of the entire subdivision can be developed. Each ~~stage~~ **phase** of the subdivision shall be as nearly self-sustaining and complete as possible and shall by itself, or in conjunction with previous ~~stages~~ **phases**, meet the design standards set forth in these regulations so that if development of the entire subdivision is interrupted or discontinued after one or more ~~stages~~ **phases** is completed, a viable development will result **whether the approved phase remains or is replatted as a separate subdivision**. The subdivision shall be constructed in the order in which the phases are numbered. Altering the phasing of the subdivision shall require resubmittal and approval of a new Preliminary Plat

(C) The final Plat shall be clearly and legibly drawn in black, ~~waterproof india ink upon tracing linen,~~ mylar of .004 inch in thickness (minimum) or some similar stable base material. Required affidavits, certificates and acknowledgments shall be legibly printed on the Plat in opaque ink. The sheet size of all Final Plats shall be 24" high by 36" wide. ~~Information on the Plat shall be so positioned that a 1 1/2" margin is left on the three remaining sides.~~ **Margins shall be 1-1/2" on the left side and 1/2" on the three remaining sides.** The scale may be reduced to 1" = 200' for subdivisions in which the minimum lot size is five (5) acres or more. Each sheet of the Final Plat shall be numbered and the total number of sheets comprising the plat shall be stated on each sheet (for example: Sheet 2 of 4). The relationship of one sheet to the other shall be shown by key maps and by match lines.

(D) **Once approved,** A a mylar copy of the Final Plat must be submitted to the Planning Department **as required.**

(E) The submitted Final Plat shall contain the notarized signatures of the owner or owners, mortgagees, or others with an equitable or legal interest in the land of whatever nature and the signature of the registered land surveyor. In addition, the mortgagees, if any, shall provide the City with a letter confirming that they are aware of the subdivision and concur with the subdivision filing.

(F) All Final Plats shall include the following information on the face of the Plat:

- ~~(1)~~1. The name of the subdivision at the top center of each sheet.
- ~~(2)~~2. General location of the subdivision by section, township, range, county, and state, entered under the name of the subdivision.
- ~~(3)~~3. North arrow, date, and scale.
- ~~(4)~~4. Boundary lines of the subdivision in a heavy solid line.
- ~~(5)~~5. Legal description of the subdivision boundary based on an accurate traverse, giving bearing and linear dimensions that result in a maximum allowable error of closure of one (1) part in ten thousand (10,000).
- ~~(6)~~6. The location and description of the point of beginning and its proper reference to the monumented boundary survey.
- ~~(7)~~7. Location and description of all monuments.

~~(8)~~8. Bearings, distances, and curve data of all perimeter boundary lines indicated outside of the boundary lines.

~~(9)~~9. On curved boundaries and on all curves within the Plat, sufficient data to allow the reestablishment of the curves on the ground.

~~(10)~~10. The location and layout of lots, blocks, tracts, streets, alleys, easements, and other public grounds within and immediately adjoining the Plat, with accurate dimensions in feet and one-hundredths of feet (1/100), bearings, curve data, length of radii and/or arcs of all curves.

~~(11)~~11. Drainage easements and drainage detention areas, clearly labeled as such and a note indicating the ownership and maintenance responsibility of the drainage easements and drainage detention areas.

~~(12)~~12. The names of all streets.

~~(13)~~13. All lots logically and consecutively numbered in the center of the lot.

~~(14)~~14. All dimensions shown on irregularly shaped lots.

~~(15)~~15. Parcels completely or partially surrounded by the area being subdivided shall be clearly marked "EXCEPTED," and the common boundary with the subdivision shown in a heavy solid line with bearings and distances.

~~(16)~~16. A notation of the total acreage of the subdivision, the total number of lots, and a breakdown of total acreage for street right-of-ways, parkland, open space, drainage detention or other public areas.

~~(17)~~17. A notarized certificate 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. All signatures shall be in permanent, black ink. The certificate shall read:

CERTIFICATE OF DEDICATION

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

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

(Insert full legal description)

and contains an area of \_\_\_ acres, more or less, and that this subdivision, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and that the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Rock Springs and its licensees for perpetual public use all streets, alleys, easements for the purposes designated and other lands within the boundary lines of the plat as indicted and not otherwise dedicated for public use.

(Individuals, where applicable, should add:) All rights under and by virtue of the homestead exemption laws of the State of Wyoming are hereby waived and released.

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

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

STATE OF WYOMING )

) SS.

SWEETWATER COUNTY )

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

Witness my hand and official seal.  
My commission expires:

Notary Public

On plats containing mortgagees, add:

The undersigned (name of Mortgagee), hereinafter MORTGAGEE, holds a mortgage in and to the property embraced by this subdivision plat, which mortgage was filed with the ~~Clerk of Sweetwater County and Ex-Officio Recorder of Deeds~~ Sweetwater County Clerk at-in Book \_\_\_\_\_, Page \_\_\_\_\_. MORTGAGEE, by his signature on this plat, consents to the dedication made herein and specifically releases all streets, alleys, parks, easements, open spaces and other areas dedicated to the City of Rock Springs for public use, as listed and described on this plat from the aforementioned mortgage.

~~(18)~~18. Certificate of a registered land surveyor as follows:

I, \_\_\_\_\_ do hereby certify that I am a registered land surveyor licensed under the laws of the State of Wyoming, that this plat is a true, correct, and complete plat of (Subdivision Name) as laid out, platted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance with the City of Rock Springs' regulations governing the subdivision of land to an accuracy of one (1) part in ten thousand (10,000).

\_\_\_\_\_  
DATE  
(Registered Land Surveyor)  
No.

STATE OF WYOMING     )  
  ) SS.  
SWEETWATER COUNTY )

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

Witness my hand and official seal.  
My commission expires:

Notary Public

~~(19)~~19. Certificate of review of the Department of Engineering and Operations as follows:

Data on this plat reviewed this \_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_ by a Licensed Professional Engineer on behalf of the Department of Engineering ~~and~~ Operations & Public Services of the City of Rock Springs, Wyoming.

Licensed Professional Engineer

~~(20)~~20. Certificate of approval by the City of Rock Springs Planning and Zoning commission as follows:

This plat approved by the City of Rock Springs Planning and Zoning Commission this \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

Chairman  
Attest:  
Secretary

~~(21)~~21. Certificate of acceptance and approval by the City Council of the City of Rock Springs as follows:

Approved by the City Council of the City of Rock Springs, Wyoming, this \_\_\_ day of \_\_\_\_, A.D., 20\_\_.

Mayor  
Attest:  
City Clerk

~~(22)~~22. Certificate for recording by the ~~County Clerk and Recorder~~ Sweetwater County Clerk as follows:

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

~~County Clerk~~ Sweetwater County Clerk

~~23. When the plat of a subdivision or resubdivision intends to vacate an existing easement, the location of the easement shall be shown on the plat with a notation that it is being vacated by the plat. In the case of a resubdivision of an existing subdivision or portion of a subdivision, the following declaration shall appear above the Mayor's signature or below the title:~~

~~DECLARATION VACATING PREVIOUS PLATTING:  
This plat is the resubdivision of (subdivision or portion of subdivision being resubdivided), as recorded in the Book of Plats, Page \_\_\_\_\_, of the records of the Sweetwater County Clerk. All earlier plats or portions thereof, encompassed by the boundaries of this plat are hereby vacated.~~

~~(23)~~23. On plats containing drainage easements, add:  
Maintenance and upkeep of drainage easements will be the responsibility of the individual lot owner. Fences, walls or footings that would impede drainage flows within those drainage easements and regarding of drainage easements shall not be permitted.

~~(24)~~24. Floodplain.  
If a subdivision lies within a ~~one hundred~~ (100) year flood plain, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision: "THIS SUBDIVISION IS (OR THE FOLLOWING LOTS ARE) LOCATED IN

THE ~~ONE HUNDRED~~ 100 YEAR FLOOD PLAIN AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.”

~~(25)~~25. Mined Areas.

If a subdivision lies over a known mined area, the following statement shall appear on the face of the final plat and all contracts and agreements relating to the subdivision: “THIS SUBDIVISION ~~OR IS~~ (OR THE FOLLOWING LOTS ARE) LOCATED OVER KNOWN MINED AREAS.”

(G) The Final Plat shall be accompanied by the total amount of the Final Plat fee and the following supporting documentation:

~~(1)~~1. A Final Plat Application and Final Plat Checklist on standard forms provided.

~~(2)~~2. Two (2) copies of the Drainage Report. A Drainage Report for the site in question and all pertinent offsite areas shall be prepared by a licensed engineer or hydrologist. The report shall examine ~~one hundred (100)~~ year storm flows (Q 100's), the ~~one hundred (100)~~ year high-water mark of any river, creek, arroyo, gully, diversion ditch, spillway, reservoir, etc., that may in any way effect the project area, along with the depth of flow for ~~one hundred (100)~~ year runoff. The watershed in all off-site areas shall be considered fully developed. Intensities shall be for this area's ~~one (1)~~ hour ~~one hundred (100)~~ year term based upon ~~two (2)~~ inches per hour. Time of Concentration (TC) used in the study providing for “C” to be 0.5 or greater and the overlot flow time to gutter to be ~~eight (8)~~ minutes unless adequate evidence is provided to the contrary. A certificate shall be provided, signed, and sealed by a Registered Professional Engineer that all drainage facilities, including on site drainage facilities that convey any off site storm flows, utilizing gutters and streets, are designed and sized to handle ~~one hundred percent (100%)~~ of the Q 100 runoff.

~~(3)~~3. Two (2) copies of the Soils Report. A Soils Report for the site in question and all pertinent off-site areas shall be prepared by a licensed engineer or soil scientist. The report shall indicate the type and location of soils using the Unified Soil Classification System, shall contain drill logs and swell consolidation curves, and shall contain a discussion of any present or potential hazards, including mine subsidence, associated with soils on the site along with measures which could be taken to mitigate such hazards. In addition the Soils Report shall contain recommendations on subsurface area drains and peripheral drains, foundation design, erosion control measures and surface drainage. Minimum protective slopes away from buildings shall be specified and a typical section of peripheral drain shall be shown with the upper end invert a minimum of ~~six (6)~~ inches below finished grade basement floor, and laid at a minimum of ~~two percent (2%)~~ gradient.

~~(4)~~4. Two (2) copies of the Grading, Drainage and Development Plan. A Grading, Drainage and Development Plan shall be prepared at a scale of 1” – 100’ or larger showing proposed right-of-ways, easements, walkways, parks, common areas, roadways, water lines and reservoirs, sanitary and storm sewer lines, manholes and treatment facilities, curbs and gutters, culverts, drains, storm water detention and retention basins, swales, ditches and other drainage devices, spot elevations of flow line of curb, high and low street points, drainage arrows, street plans, all drainage areas and acreages, all ~~twenty five (25)~~ year (Q 25's) for existing developed areas adjacent to and/or flowing onto the development and on-site at each surface flow junction, storm water “pick-up” and “take-off” points designated to handle ~~twenty five (25)~~ year flow on the surface cross sections and high water elevations for all ~~twenty five (25)~~ year flows. Spot elevations shall be given for all inverts, low points and flowing entry and exit points.

For residential subdivisions, all minimum building setbacks shall be shown. No ~~twenty-five (25)~~ year flow line shall encroach upon any minimum setback line.

The following standards shall be used in preparation of the Grading, Drainage and Development Plan: ~~twenty-five (25)~~ year storm flow unless otherwise required by the adopted FIRM; pipes into which surface water flows will have a minimum diameter of ~~fifteen (15")~~ inches; a capability for handling all Q 25's on the surface within the roadway. Exceptions and variations to these standards must be recommended by a licensed engineer and approved by the City Engineer and City Planner.

In addition, for residential developments, the Plan shall be prepared in a manner that will allow the following conditions to be met prior to, or as part of, actual building construction. If necessary, individual lot grading plans will be required prior to issuance of building permits.

A minimum fall of ~~six (6")~~ inches in the first ~~ten (10')~~ feet away from any building is required, with a maximum gradient of ~~twenty-one percent (21%)~~ within ~~four (4')~~ feet of the foundation and usable minimum yard area of ~~three-hundred (300)~~ square feet with a maximum slope of 5.0% percent, a minimum foundation exposure above finished grade is ~~eight (8")~~ inches; slopes of 3:1 and steeper must be sodded and will be accepted only when the developer and engineer can show this to be the most feasible approach; driveway grades should be maintained between 9.5% and 5.0% when possible; entry walks shall not exceed 5.0%; lots should be graded at a minimum slope of ~~two percent (2%)~~ between the sewer flow line in the street and the finish grade first floor elevation; minimum depth of any sewer line shall be ~~five (5')~~ feet.

~~(5)~~5. Six ~~(6)~~ copies of the Construction Plans and Details. Copies for other reviewing agencies may be needed as required. Construction Plans and details must be prepared by or under direct supervision of a Registered Professional Engineer in the State of Wyoming and shall provide for all improvements indicated on the Grading, Drainage, and Development Plan including right-of-way and easement cross-sections showing construction and placement of streets, walks, curbs, gutters, medians, swales, ditches, utilities, planting strips and property lines; details of hydrants, valves, manholes, pipe junctions, pumps, thrust-blocking, catch basins, etc.; street profiles showing natural and finish grades, center line and both curbs with a recommended minimum vertical scale of 1" = 60'; sanitary sewer line and manhole profiles with natural and finish grades, showing area under drains, if applicable, and the location of gravity outfall lines; storm drainage system profiles showing natural and finish grade; erosion control and revegetation details and other details as necessary to adequately convey the design intent. Quantity take-offs shall also be provided.

~~(6)~~6. Deeds. When required by the City, assurance that a warranty deed or other acceptable instrument conveying to the City or other appropriate public agency any public lands ~~other than streets, alleys or easements~~ shown on the Final Plat and title insurance if required by the City ~~on the subject parcel~~, shall be presented to the City upon approval of the Final Plat. The method of assurance will be approval by the City Attorney.

~~(7)~~7. Fees in Lieu of Land. Payment of any fees in lieu of public land dedication or any initial payment and a payment schedule keyed to subdivision development.

~~(8)~~8. Title Opinion. Evidence satisfactory to the City must be submitted showing all taxes and assessments due on the property to be subdivided have been paid in full, showing title or control of the property to be subdivided and showing the property to be subdivided as free and clear of any liens. An attorney's title opinion or ownership and encumbrance report from a land title company shall be considered satisfactory evidence. Such an opinion or report shall also note any reservation for mineral rights and the existence of any mineral or oil and gas leases.

~~(9)~~9. Financial Guarantee. A contractor's performance bond, an irrevocable letter of credit, funds in escrow or other appropriate commitment to guarantee the complete and timely



development of any facilities or improvements which are the subdivider's responsibility. The bond shall be in an amount of 125% of the Engineer's Cost Estimate, as approved by the City Engineer. The Engineer's Cost Estimate shall be submitted as part of the Final Plat submittal.

~~(10)~~10. Easements. If the subdivider proposes to utilize adjoining property for water lines, drainage, sewer lines, power lines, or other utilities, the subdivider shall provide copies of the recorded binding easements of not less than ~~twenty (20')~~ feet in width for the proposed facilities from each property owner over whose land such services shall extend. The Final Plat shall show the Book and Page number as recorded in the Office of the ~~County Clerk and Recorder~~ **Sweetwater County Clerk** for all recorded easements.

(H) After receipt of the Final Plat, and determination that a complete submittal has been made, the Planning Department shall refer material to the ~~appropriate departments and agencies for review and comment. Any such comments should be made known to the Department within ten (10) days after the date of submittal of the final Plat~~ **Utility Review Committee for their review and shall request that comments be returned within 10 days. Members of the Utility Review Committee who do not return comments within 10 days will be considered to be in support of the application.** At least seven (7) days prior to the date of the Planning and Zoning Commission meeting at which the Plat is to be considered, the Planning Department shall, from information provided by the subdivider as a part of his ~~the~~ Final Plat submittal, notify the **property owners of subdivided lots and owners of unplatted land within two hundred (200) feet of the boundaries of the proposed subdivision of the time and date of the meeting.** In reviewing the Final Plat, the Commission shall consider oral or written statements from the applicant, the public, City Staff, and the ~~Commission~~ **its own members.** The Commission may recommend approval, conditional approval, disapproval, or may table the Final Plat. Approval of a Final Plat by the Planning and Zoning Commission shall remain effective for ~~twelve (12) calendar months.~~ A Final Plat which has not received approval of the City Council within ~~twelve (12) calendar months following Planning and Zoning Commission approval~~ shall be subject to the requirements of Section 16-502. The subdivider may apply, in writing, for and the Commission may, for cause shown, grant a six (6) month extension to the ~~twelve (12)-month period.~~

(I) City Council Action.

~~(1)~~1. Upon being notified of the comments and any necessary approvals of reviewing agencies, the Planning Department shall forward the Final Plat, comments and approvals of reviewing agencies, pertinent supporting materials, and the recommendations of the ~~Planning~~ Commission to the City Council. Incomplete Final Plats for which necessary approvals have not been secured shall not be forwarded to Council for action.

~~(2)~~2. The City Council shall either approve the Final Plat or disapprove the Final Plat and notify the subdivider of the conditions to be met to gain approval. If a disapproved Final Plat is modified and resubmitted to the City Council at a later date for their consideration, the Council may require the concurrent submittal of an updated ownership and encumbrance report or title opinion.

(J) ~~Filing With County Clerk.~~ **Recording the Final Plat.**

~~Upon approval by the City Council of the Final Plat, the subdivider shall submit the recording fee to the Planning Department within sixty (60) days after approval of the Final Plat by the City Council. The Department shall transmit the subdivider's recording fee and the duly approved and executed Final Plat to the County Clerk and Recorder for the filing of the Final Plat among the official records of the County.~~ **Within 180 Days of approval by the Council, the Final Plat shall be recorded in the office of the Sweetwater County Clerk.**

(K) Alternate Approval Procedure.

As an alternate procedure and at the request of the subdivider, the City Council may approve a Final Plat and instruct the Planning Department to withhold the approved Final Plat from recording for a period of time to allow the subdivider to install all of the required public improvements according to the plans and specifications approved by the City Engineer. This procedure, when approved by the Council, shall be in lieu of the guarantees for installation or improvements as set forth in ~~Section 16-504(A)11~~ of these regulations. An executed standard contract as approved by the City Attorney regarding installation of improvements shall be submitted with the Final Plat. The contract shall require that all improvements be completed no later than ~~twelve (12) months~~ from the date the Final Plat was approved by the City Council. The subdivider may apply in writing for, and the Council may, for cause shown, by Resolution grant a ~~six (6) month~~ extension to the ~~twelve (12) month~~ period. After all improvements are inspected and approved by the ~~Governing Body by Resolution~~ **Council**, the Plat shall be recorded ~~by the Department in accordance with Section 16-503(J)~~ **within 180 days**, and the sale of lots may proceed according to the approved and recorded plat. Building permits for structures will not be issued within the subdivision until the plat is recorded and the requirements of ~~Section 16-808~~ **for improvements** are met. If after receiving approval of the alternate approval procedure the subdivider chooses to submit a Financial Guarantee ~~in accordance with 16-503.G.(9)~~, the subdivider shall provide the City Engineer an Engineer's Cost Estimate of the remaining improvements. After approval of the cost estimate by the City Engineer, the Financial Guarantee shall be submitted and approved by the ~~Governing Body of the City of Rock Springs~~ **Council** by Resolution and the filing of the plat shall proceed ~~as specified in 16-503(J)~~.

**16-504 Lot Line Adjustments and Lot Splits not Requiring Resubdivision.**

~~(A) Lot Line Adjustments and Lot Splits not requiring resubdivision may be approved in accordance with the requirements of this section. At no time shall the lot split procedure be used to intentionally evade the subdivision ordinance.~~

~~(B) To obtain approval, a completed application, signed by all affected owners and mortgagees, shall be submitted to the planning department. The application shall include a report from a title company identifying owners and mortgagees and twenty (20) copies of a detailed map drawn to scale by a Wyoming licensed land surveyor within including the following information:~~

- ~~\_\_\_\_\_ (1) Property lines, both existing and proposed;~~
- ~~\_\_\_\_\_ (2) Existing building location(s) and setbacks (from existing and proposed property lines);~~
- ~~\_\_\_\_\_ (3) Easements and adjoining streets;~~
- ~~\_\_\_\_\_ (4) Existing and proposed utilities;~~
- ~~\_\_\_\_\_ (5) Labeled dimensions.~~

~~(C) Upon receiving a complete application, the City shall review and approve the application if it is in compliance with the zoning and building ordinance. The Planning Department may refer copies of the plan to and seek comment from other officials and agencies. Any such comments should be made known to the Department within ten (10) days after submittal of the plan. Conditions may be imposed to bring the lot line adjustment into compliance with the building and zoning ordinance.~~

~~(D) Following approval by the Planning Department, the lot line adjustment shall be accomplished by the applicant(s) recording a deed or deeds with the Sweetwater County Clerk's office, containing legal descriptions prepared by a licensed land surveyor and a copy of the map. The applicant(s) shall place on file with the planning department a copy of the recorded deed or deeds within forty five (45) days of approval.~~

~~(E) If the applicant is unable to obtain approval of the Lot Line Adjustment from the planning and building department, the applicant may bring the matter before the Governing Body for its consideration through the Minor Subdivision process.  
(Ord. No. 2007-05, 03/06/2007)~~

#### **16-505 Plat Corrections.**

~~(A) If, after the approval and recording of a Final Plat, errors are found in the language or numbers on the recorded Plat, **an Affidavit of Correction stating the exact nature of the error may be recorded after submittal to and approval by the Planning Department.** the subdivider shall file a properly signed, corrected or revised original mylar or linen with the Department. The Plat shall be noted **CORRECTED PLAT** under the name of the subdivision. Notations shall be made on the face of the Plat listing all corrections made and the book and page numbers where the original plat was recorded. The Department shall review the Plat for correction, secure the signatures of the proper public officials on the corrected plat and present the plat to the City Council for the reaffirmation of their approval and to the County Clerk for recording. The recording of the corrected plat shall void the incorrect original plat, and the County Clerk shall note **VOID** across the face of the incorrect plat.~~

#### **16-506 Resubdivisions Replats.**

~~(A) If, after the approval and recording of a Final Plat, a subdivider wishes to modify the location of lot lines on part or all of the recorded plat, and if there is no change in the location or size of dedicated streets or an increase in the number of lots within the subdivision, the subdivider shall **For lots in a platted subdivision, a Replat may be used to combine adjacent lots into one lot, to divide one lot into not more than two lots and/or to alter lot lines, easements or other public dedications by submitting a new Final Plat drawing with the plotting arrangement revised. All lots resulting from a replat shall be developable and shall conform to all zone district regulations and ordinances, including, but not limited to, lot size, access to street frontage, and access to public utilities.** The City Planner **and City Engineer** shall determine which of the required supporting documents and which of the drawing requirements of the Final Plat regulation shall be submitted with **required for** the revised Final Plat **Replat**. The plat shall be marked the **RESUBDIVISION-A Replat of Lots**, under the name of the **original** subdivision and shall be processed as a Final Plat.~~

~~(B) If, after the approval and recording of a Final Plat, a subdivider wishes to substantially change the street and plotting arrangement of a part or all of the platted area (including any increase in the number of lots within the subdivision) **creating more than two lots or altering or vacating a platted street or right-of-way**, the resulting subdivision shall be treated as a new submittal with both a Preliminary Plat and a Final Plat required. Based on the currency of the information submitted with the original plat and the magnitude of the change(s), the Preliminary and Final Plat submittal may be processed simultaneously as outlined in Section 16-507(B) of this Ordinance. The subdivision shall be identified as the **RESUBDIVISION OF:**~~

~~(C) The owner's certificate **Certificate of Dedication** on resubdivision plats **Replats** shall contain a legal description of platted areas being vacated and resubdivided. The new legal description shall not duplicate existing lot, block or tract designations used in previous platting of the same area. **The new lots shall be designated by the smallest number of the lots being vacated unless a different designation is required by the City.**~~

~~**(D) The following supplemental information is required with all Replat submittals:**~~

~~**(1) Replat application signed by all property owners of record and all mortgagees together with the required fee. All recording fees are payable by the applicant to the**~~

**Sweetwater County Clerk.**

**(2) A Replat drawing containing all notes and other pertinent information from the face of the original recorded Plat.**

**(3) Warranty or Quitclaim Deeds for all lots subject to the Replat which shall contain a legal description of the lot prepared by a licensed Surveyor and a copy of the Replat drawing which shall be signed and notarized.**

**(4) A Title Report showing ownership and encumbrances.**

**(5) When creating new lots, "will-serve" letters from each utility currently serving the existing subdivision which state that the new lot will be served by the utility and that their facilities are adequate for the new lots.**

**(E) Upon receiving a complete application, the City Planner shall review the application for compliance with City Ordinances. The City Planner may refer copies of the plan to and seek comment from other officials and agencies. Comments may be incorporated into the Replat.**

**(F) Once a complete Replat has been submitted which complies with the Ordinances and any required comments from other agencies, notice of the Replat application shall be mailed by the City Planner to each owner of property situated wholly or partially within 200 feet of the property to which the Replat relates. The decision of the City Planner shall be made no sooner than 10 calendar days following notification.**

**(G) Following approval by the City Planner, the applicant shall record the Replat in the Sweetwater County Clerk's Office within 180 days. Failure to record the Replat within 180 days shall cause the Replat to become null and void.**

**(H) Once approved and recorded, the County Clerk will write or cause to be written in plain legible letters across that part of said original plat so affected by the Replat "Vacated by and Subject of a Replat recorded on Page        in the Book of Plats in the records of the Sweetwater County Clerk.**

**(I) If the applicant is unable to obtain approval of the Replat, the applicant may bring the matter before the Council for its consideration through the Minor Subdivision process.**

**16-507 Approval of Minor Subdivisions.**

(A) A Sketch Plat of the Minor Subdivision shall be submitted and reviewed in conformance with Section 16-501.

(B) The Preliminary Plat and the Final Plat shall be submitted and reviewed simultaneously as outlined in Section 16-502 and 16-503. The City Planner and City Engineer shall determine which supporting documentation listed in Section 16-503.G. must be submitted. It is possible for Preliminary and Final Plats to be one and the same instrument.

**Amendment 5.** That Article 16-6 of the Ordinances of the City of Rock Springs be amended as follows (deletions are denoted by ~~strikethrough~~ and additions are denoted by **bold underline**):

**Sections:**

**16-601 Sketch Plat and Preliminary Plat.**

**16-602 Final Plat.**

**16-603 Recording Fee.**

**16-604 Variances.**

**16-605 Annexation Plats.**

**16-606 Appeals.**

**16-607 Vacations**

**~~16-608 Lot Line Adjustments and Lot Splits~~**

**~~16-609 Resubdivisions Replats~~**

**16-610 Correction Plats**

**16-601 Sketch Plat and Preliminary Plat.**

Each Sketch Plat submittal (including submittal for a Minor Subdivision) shall be accompanied by a fee of ~~Fifty Dollars (\$50.00)~~ **payable to the City of Rock Springs**. Each Preliminary Plat submittal (including submittal for a Minor Subdivision) shall be accompanied by a fee of ~~Three Hundred Fifty Dollars (\$350.00)~~ **payable to the City of Rock Springs**.

(97-01, Amended, 02/04/1997)

**16-602 Final Plat.**

Final Plat submittals (including submittal for a Minor Subdivision) shall be accompanied by a minimum fee of ~~Two Hundred (\$200.00) Dollars~~ plus ~~Twenty (\$20.00) Dollars~~ per lot for each lot in excess of ~~ten (10) lots~~ up to a maximum fee of ~~One Thousand (\$1,000.00) Dollars~~. Fees are payable to the City of Rock Springs and are for the purpose of partially off-setting cost incurred by the City for necessary plat review and shall be credited to the City general fund.

**16-603 Recording Fee.**

~~As determined by the County Clerk. To be submitted to the Department after approval of the Final Plat and made payable to the Treasurer, Sweetwater County.~~ **Recording fees, as determined by the Sweetwater County Clerk, are payable by the applicant.**

**16-604 Variances.**

Each request for a variance shall be accompanied by a fee of ~~Twenty-five (\$25.00) Dollars~~ payable to the City of Rock Springs.

**16-605 Annexation Plats.**

Each annexation plat submitted ~~for consideration by the Planning Commission~~ submitted concurrently with a subdivision plat shall be accompanied by a fee of ~~Fifty (\$50.00) Dollars~~ **payable to the City of Rock Springs**. Each Annexation Plat submitted for consideration separately from a subdivision plat shall be accompanied by a fee of ~~Five Hundred Dollars (\$500.00)~~ **payable to the City of Rock Springs**.

**16-606 Appeals.**

There shall be no fees ~~for appeal from the Planning and Zoning~~ **to appeal a decision of the Commission to the City-Council with respect to these regulations.**

**16-607 Vacations.**

Each petition for vacation shall be accompanied by a fee of ~~One Hundred Dollars (\$100.00)~~ **payable to the City of Rock Springs**.

**~~16-608 Lot Line Adjustments and Lot Splits.~~**

~~Each Lot Line Adjustment and Lot Split application shall be accompanied by a fee of Fifty Dollars (\$50.00).~~

**~~16-609 Resubdivisions~~ 16-608 Replats.**

The Final Plats fees shall accompany the submittal of the Resubdivision application and if required to submit a Preliminary Plat as outlined in Section 16-509, the Preliminary Plat fees shall also be submitted. Each Replat application shall be accompanied by a fee of \$350.00 payable to the City of Rock Springs.

**16-610 Correction Plats 16-609 Plat Corrections.**

Each correction plat submitted to the City of Rock Springs shall be accompanied by a fee of Fifty Dollars (\$50.00) payable to the City of Rock Springs. Recording fees, as determined by the Sweetwater County Clerk, are payable by the applicant.

Amendment 6. That Article 16-7 of the Ordinances of the City of Rock Springs be amended as follows (deletions are denoted by strikethrough and additions are denoted by **bold underline**):

**16-701 Administration.**

(A) These regulations shall be administered and enforced by the Planning Department of the City of Rock Springs, Wyoming, or other agency as designated by the City Council.

(B) All subdivision plats submitted to the City of Rock Springs shall first have been examined by the Planning Department and the Rock Springs Planning and Zoning Commission in accordance with the procedures established by these regulations, **whether located inside of or, pursuant to Wyoming Statute §34-12-103, located outside of, but within one mile of, the City.** As part of their examination, the Department and the Commission may consult with other public or private agencies to determine whether or not the plat, as proposed, will contribute to the orderly growth and development of the City. The actions of the Department, the Commission and the Council shall be governed by the procedures and schedules hereinafter set forth.

~~(C) Pursuant to the provisions of Section 34-12-103, Wyoming Statutes, when any part of a subdivision lies outside of, but within one (1) mile of the City of Rock Springs, that subdivision shall be approved by the City Council of the City of Rock Springs before it is finally approved by the Sweetwater County Board of Commissioners.~~

~~(D)~~ The City shall not extend utilities and services and shall not approve any proposed subdivision of land which, by itself or as a part of a larger tract, is contiguous to the boundaries of the City unless the Preliminary Plat submitted to the Planning Department is accompanied by a properly acknowledged petition for annexation to the City and a separate application for proper zoning.

~~(E)~~ The Planning Department shall review both the annexation petition and the Preliminary Plat for accuracy and completeness and shall process the plats as if the land were already part of the City. The required plats and the annexation petition may be considered by the City simultaneously, however, final action by the City Council on the annexation petition and zoning shall precede or be taken concurrently with final action on the Final Plat.

**16-702 Variances.**

(A) 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 regulations provided that the general intent of these regulations are preserved, that public interest is protected, and that such variances do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance. The granting of a variance shall be based upon finding by the Council that:

(1) The subdivider is proceeding in good faith.

~~(2)2.~~ 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.

~~(3)3.~~ The variance is necessary for reasonable development of the property in question and will alleviate a clearly demonstrable hardship.

~~(4)4.~~ The variance will not nullify the intent or purpose of these regulations.

~~(5)5.~~ Granting the variance will not be detrimental to the general public health, safety and welfare.

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

(C) 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 approved the Plat specifying those amendments which must appear on the ~~F~~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.

(D) 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~~ **ensure** 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 Planning Department.

(E) 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.

### 16-703 Vacations.

~~(A) Any All or part of a plat may be vacated by the owners or proprietors thereof at any time before sale of any lots, or before any substantial improvements have been made in the subdivision, by submitting a copy of the plat to the Planning Commission along with a written request for a an application for vacation. In cases where lots have been sold, The written request application shall be signed by all of the owners of lots within the plat and all of the holders of any interest in the easements and public dedications contained on 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, 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 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.~~

~~(B) 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 may be altered or vacated in the manner provided by law for the alteration or discontinuance of highways.~~

~~(C) Any part of a plat may be vacated under the provisions and subject to the conditions of Section 16-703(A) of this ordinance, 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.

(D) 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 **unless waived by an adjacent property owner. When any part of a plat shall be vacated, the part vacated shall remain inside of the plat so vacated.**

(E) The **Sweetwater** 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 to the volume and page in which the said instrument of vacation is recorded.

(F) Land covered by a vacated plat may **subsequently** be replatted **subdivided in accordance with** 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.~~

**(G) When vacating all or part of a recorded subdivision by Replatting, a depiction of the area being vacated shall be shown on the face of the Replat which vacates the original subdivision with a notation that it is being vacated. In addition, the following declaration shall appear at the top of the Replat under the general location information beneath the name of the subdivision:**

#### **DECLARATION VACATING PREVIOUS PLATTING**

**All earlier plats, or portions thereof, as noted on this Replat are hereby vacated.**

**Once approved and recorded, the County Clerk will write or cause to be written in plain legible letters across that part of said original plat so affected by the vacation "Vacated by and Subject of a Replat recorded on Page      in the Book of Plats in the records of the Sweetwater County Clerk."**

**(H) The City Planner and the City Engineer shall determine which of the required supporting documents shall be submitted with an application for vacation. After receipt of a complete application, the Planning Department shall submit copies to the Utility Review Committee for their review and shall request that comments be returned within 10 days. Members of the Utility Review Committee who do not return comments within 10 days will be considered to be in supports of the vacation.**

**After receipt of comments from the Utility Review Committee, the vacation shall be scheduled for review and consideration at the next regular meeting of the Commission.**

**A notice of the time, date, place and purpose of the hearing shall be published in the official newspaper of the City of Rock Springs at least 15 days prior to the date of the hearing. At least seven days prior to the date of the Commission meeting, the Planning Department shall notify the property owners within 200 feet of the proposed vacation of the time and date of the meeting.**

**In its deliberations, the Commission shall consider oral or written statements from the applicant, the public, City Staff, and its own members. The Commission may recommend approval, conditional approval, disapproval, or may table the application. The Commission shall notify the Council in writing of its recommendation.**

**The Council shall hold a public hearing on the application for vacation. A notice of the time, date, place and purpose of the hearing shall be published in the official newspaper of the City of Rock Springs at least 15 days prior to the date of the hearing. In its deliberations, the**



**Council shall consider oral or written statements from the subdivider, the public, City staff, and its own members. The Council may approve, deny, or table the application. Upon approval, the applicant shall record the documents required to complete the vacation.**

**16-704 Penalties.**

Any person who violates any provision of these regulations and any person who, as an agent for a subdivider, developer or owner of subdivided lands, offers for sale any subdivided lands or subdivisions without first complying with the provisions of these regulations shall upon conviction be fined not more than ~~Two Hundred Fifty (\$250.00) Dollars~~ **\$500.00** or be imprisoned in a county jail for not more than ~~thirty (30)-days~~ or be punished by both fine and imprisonment. Each day of violation constitutes a new offense.

**16-705 Administrative Liability.**

The City shall hold harmless ~~the Public Works Department, other~~ all City agencies and officials, and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by these regulations, or for the omission of any act on the part of the Department, agency or official or their authorized agents in the discharge of their duties hereunder. Any suit brought against the City or the City Administration because of any such act or omission in the carrying out of the provisions of these regulations shall be defended by the City's legal department through final determination of such proceedings.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

1<sup>st</sup> Reading: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_

3<sup>rd</sup> Reading: \_\_\_\_\_