

Title 16

SUBDIVISIONS

Chapters:

- 16.04 General Provisions
- 16.08 Procedures And Requirements
- 16.12 Master Plan
- 16.13 Design Standards
- 16.14 Other Submittals
- 16.15 Improvements
- 16.16 Final Plat
- 16.20 Administrative Provisions

CHAPTER 16.04 GENERAL PROVISIONS

Sections:

- Section 16.04.010 Intent and Purpose
- Section 16.04.020 Interpretation
- Section 16.04.030 Subdivision Permit Required
- Section 16.04.040 Fees
- Section 16.04.050 Definitions

16.04.010. Intent and Purpose.

- A. The Town Council of the Town of Marbleton establishes these subdivision ordinances to promote public health, safety, welfare, and orderly growth; to preserve human values and property values; and to develop for the Town of Marbleton its own distinctive character arising from its special climate, topography, economy, and people.
- B. These ordinances are enacted to regulate and control the design and improvement of all subdivisions of land within the Town to achieve the following additional purposes:
 - 1. To encourage well-planned subdivisions by establishing adequate standards for design and improvement thereof.
 - 2. To safeguard the interests of the public, the property owner, and the developer.
 - 3. To ensure equitable processing of all subdivision proposals by establishing uniform procedures and standards. (Ord. 2006-7, 11/13/2006)

16.04.020. Interpretation. In their interpretation and application, the provisions of these ordinances shall be held to be minimum requirements. Where any provision of this ordinance differs from requirements or limitations imposed by any other ordinance of the Town or any statute of the State of Wyoming, then the more stringent requirement

or limitation shall govern. (Ord. 2006-7, 11/13/2006)

16.04.30. Subdivision Permit Required. No person shall subdivide land located in the Town of Marbleton, or commence construction improvements to a subdivision without securing a subdivision permit in the manner prescribed in this Title.

- A. Such subdivision permit shall be signed by the Town Council indicating approval of the subdivision.
- B. No subdivision permit shall be issued unless and until the requirements of this Title have been complied with.
- C. A subdivision permit may be transferred upon sale of the subdivision. (Ord. 2006-7, 11/13/2006)

16.04.40. Fees. Each application for a subdivision permit shall be accompanied by a filing fee of \$250.00 plus 10.00 per lot with the total filing fee not to exceed \$1000.00 paid at the time of filing the application. (Ord. 2006-7, 11/13/2006)

16.04.50. Definitions. For the purpose of this Title, the following words shall have these meanings. Where not inconsistent, words in the present tense include the future, words in the singular include the plural, and vice versa, and the word "shall" is mandatory.

- A. **Addition** is a subdivision of land within the incorporated limits of the Town of Marbleton.
- B. **Alley** is a minor road which is primarily used, or intended to be used, for secondary vehicular service access to the back or side of properties.
- C. **Application** is the entire package of materials and information necessary to allow for a complete review and approval of the proposed subdivision.
- D. **Arterial Street or Road** is a street or road of considerable continuity which serves, or is intended to serve, principle traffic flow between separated areas or districts, and which is the main means of access to non-arterial streets.
- E. **Block** is a cluster of lots generally surrounded by streets and numbered sequentially with other blocks within the same subdivision.
- F. **Commission** is the Planning and Zoning Commission of Town of Marbleton, Wyoming.
- G. **Cul de Sac or Dead End Street** is a minor street with only one outlet.
- H. **Day** is business day, Monday through Friday.
- I. **Dedication** is a landowner setting apart land for public use followed by an acceptance of such dedication by the Town.
- J. **Developer** is any individual, firm, association, syndicate, copartnership, corporation, agent, trust, or any other legal entity commencing proceedings under these ordinances to affect a development under these regulations.
- K. **Easement** is a quantity of land set aside, or, over which a liberty, privilege, or advantage in land, existing distinct from the ownership of land, is granted to the public or part of the public or some particular person or entity.
- L. **Final Plat** is the final survey plat of a subdivision meeting the Final Plat requirements of this Ordinance and to be recorded in the Office of the Clerk of Sublette County.
- M. **Frontage** is the side of the lot abutting on a street; the front line.
- N. **Improvements** are all such facilities, utilities, sewage and drainage works,

and street work to be constructed or installed in and upon streets, easements, and other rights of way.

- O. **Lot** is a numbered, unique parcel of land shown on an addition or subdivision plat of record in the Office' of the Clerk of Sublette that is described in land title records simply by reference to its number and its addition or subdivision name.
- P. **Master Plan** is a map showing all of the information required under Chapter 16.12 of this ordinance.
- Q. **Official Street Map** of Town of Marbleton is a map established and adopted by the Town Council in accordance with Wyoming Statute 15-1-508 showing existing public streets and alleys and future plans for streets.
- R. **Owner** is a natural person, firm, association, partnership, private corporation, public or semi-public corporation, or any combination thereof, in which full right of title to real property is vested.
- S. **Right of Way** is the right of the public to cross the real property of another person.
- T. **State Board** is the Wyoming State Board of Professional Engineers and Professional Land Surveyors.
- U. **Street** is a right-of-way dedicated to the Town for public use for transportation and utility facilities.
- V. **Street Width** is the shortest distance between the lines delineating the right of way of a street.
- W. **Subdivision** shall mean the creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses including mobile home courts, condominiums, town homes, zero lot line homes, twin homes, apartments, duplexes, etc. Subdivision includes additions to the Town of Marbleton. The word "subdivide" or any derivative thereof shall have reference to the term subdivision, the creation of which constitutes a subdivision of land.
- X. **Subdivision Permit** is a permit issued by the Town indicating approval of a development meeting the requirements of this ordinance and allowing a developer the right to proceed with construction of the required improvements after design plans have been approved as described herein.
- y. **Town** is the Town of Marbleton.
- Z. **Town Council** is the Town Council of Town of Marbleton, Wyoming.
- AA. **Zoning** is the confining of certain classes of building and land uses to certain localities, areas, districts, or zones, and the regulation of heights, area, bulk, location, and use of private and public structures and premises, and population density. (Ord. 2006-7, 11/13/2006)

CHAPTER 16.08
PROCEDURES AND REQUIREMENTS

Sections:

16.08.10 Application; Filing Requirement

16.08.020	Application; Routing
16.08.030	Application; Commission Action
16.08.040	Commission Report.
16.08.050	Application; Town Council Action
16.08.060	Required Findings
16.08.070	Denial of Approval; Reapplication
16.08.080	Improvements; Required
16.08.090	Improvements; Performance Guaranty in Lieu of Construction
16.08.100	Final Plat Application; Submittal Requirements
16.08.110	Final Plat; Town Clerk Action
16.08.120	Final Plat; Town Council Action
16.08.130	Recordation
16.08.140	Lapse of Subdivision Permit
16.08.150	Reinstallation of Lapsed Subdivision Permit
16.08.160	Revocation of Subdivision Permit

16.08.010 Application: Filing Requirement. An application for a subdivision shall be filed with the Town Clerk on a form provided by the Town Clerk.

- A. The application shall contain the name and address of the owner or applicant and, if the applicant is not the owner, a notarized statement signed by the owner that the applicant is authorized by the owner to make application and act as agent of the owner.
- B. The application shall be accompanied by the required application fee, a copy of the latest recorded deed to the property and ten (10) prints of a Master Plan meeting the requirements of Chapter 16.12 and any required material and information prescribed in Chapter 16.14. (Ord. 2006-7, 11/13/2006)

16.08.020. Application: Routing. The Town Clerk shall review the application and accompanying items to the best of her ability and, if they are believed to be complete, shall accept the application and the fee and distribute copies of the Application and accompanying items to the members of the Commission, the town attorney, the town engineer, the town maintenance foreman and the town surveyor and any public agencies from which review comments are desired, including, but not limited to the County Sheriff and the Fire Department no later than ten (10) days prior to the next meeting of the Commission and in accordance with Chapter 16.20.090. (Ord. 2006-7, 11/13/2006)

16.08.030. Application: Commission Action. The Commission shall hold a public hearing in accordance with Chapter 16.20.090 at its next regularly scheduled meeting to review the application, its accompanying items and any comments received from other reviewers and hear comments from the attending public. At the conclusion of the public hearing the Commission shall move to either:

- A. Table the application, one time only, until its next regularly scheduled meeting, if the Commission determines that insufficient information or facts have been submitted to allow a decision on the application based upon the required findings prescribed in Section 16.08.060 of this Chapter. Prior to its next meeting, the Commission may request review by any qualified professional person and may conduct such investigations, examinations, tests and site evaluations as it deems necessary to verify the information

contained in the application and/or may require additional information be provided by the applicant. The submittal of an application automatically grants the Commission and its agents permission for reasonable entry upon the subject land for these purposes; or

B. Recommend that the Town Council:

1. Approve the application; or
2. Approve the application with conditions as the Commission deems necessary to justify its making the findings prescribed in Section 16.08.060 of this Chapter; or,
3. Deny the application with a statement as to the reasons for denying it.
(Ord. 2006-7, 11/13/2006)

16.08.040 Commission Report. Within ten (10) days after the hearing, the chairman of the Commission shall submit to the Town Clerk a report of its recommendation including a copy of the minutes of the hearing for distribution to the Town Council. The Town Clerk will distribute copies of the report to the Town Council no later than ten (10) days prior to its next meeting. (Ord. 2006-7, 11/13/2006)

16.08.050. Application Town Council Action. At its next regularly scheduled meeting after receipt of the report from the Commission, the Town Council shall hold a public hearing in accordance with Chapter 16.20.090 on the application. After reviewing the report from the Commission and hearing any public comments, the Town Council shall:

- A. Approve the application; or
- B. Approve the application with conditions as the Town Council deems necessary to justify its making the findings prescribed in Section 16.08.050 of this Chapter; or
- C. Deny the application with a statement as to the reasons for denying it; or
- D. Remand the application to the Commission if the Town Council determines that insufficient information or facts have been submitted to allow a decision on the application based upon the required findings prescribed in Section 16.08.060 of this Chapter. (Ord. 2006-7, 11/13/2006)

16.08.060. Required Findings. Before recommending approval or approving the application, the Commission and the Town Council shall make the findings that the subdivision:

- A. Conforms with the applicable provisions of the zoning ordinances of the Town.
- B. Will not have any significant adverse impacts on neighboring properties.
- C. Will not have any significant adverse impacts on the Town's scenic resources.
- D. Will not cause traffic congestion or safety hazards.
- E. Is consistent with the purposes of these ordinances.
- F. Is in an area where public utilities, including water and sewer, are available, accessible and have sufficient capacity. (Ord. 2006-7, 11/13/2006)

16.08.070. Denial of Approval; Reapplication. An application that has been denied may be resubmitted provided that it is accompanied by evidence sufficient to show that the previous reasons for denial have been corrected or the situation has changed. (Ord.

2006-7, 11/13/2006)

16.08.080. Improvements: Required. The developer of any subdivision to the Town is responsible, at his expense, to have improvements as required in Chapter 16.15.010 installed or constructed in accordance with the standards of the Town. (Ord. 2006-7, 11/13/2006)

16.08.090. Improvements: Performance Guaranty in Lieu of Construction. The developer of a subdivision may petition the Town Council to accept a performance guaranty in the form of a bond, letter of credit or other acceptable security in lieu of completing construction of improvements prior to Final Plat approval.

- A. The developer will have a Cost of Improvements Estimate prepared by a professional engineer and/or professional land surveyor duly registered with the State Board and submit it with the petition; or
- B. The developer may submit a signed contract from a contractor whose work reputation is acceptable to the Town as the Cost of Improvements Estimate.
- C. The amount of the guaranty will be 125% of the estimated cost of improvements.
- D. The approved performance guaranty must be in place prior to obtaining Final Plat approval. (Ord. 2006-7, 11/13/2006)

16.08.100. Final Plat Application: Submittal Requirements. Within one year from the date of issuance of a subdivision permit, a Final Plat application must be submitted to the Town Clerk with seven (7) prints of the final plat prepared in accordance with Chapter 16.16, showing at least the first phase of the subdivision, and other necessary supporting documents, such as Title Policy, Declarations, Performance Guaranty, etc. (Ord. 2006-7, 11/13/2006)

16.08.110. Final Plat: Town Clerk Action. Upon receipt of the Final Plat application, the Town Clerk will distribute copies of the application and accompanying materials to the Town Council, the town attorney and the town surveyor for review no later than ten (10) days before the next regularly scheduled meeting of the Town Council. (Ord. 2006-7, 11/13/2006)

16.08.120. Final Plat: Town Council Action. At its next regularly scheduled meeting following receipt of the Final Plat application, the Town Council shall review the Final Plat and accompanying documents and,

- A. If found to be complete and correct, adopt a resolution authorizing the Mayor and Town Clerk to sign the original Mylar of said Final Plat.
- B. If the items are not complete or correct, the Town Council may:
 - 1. Adopt a resolution authorizing the Mayor and Town Clerk to sign the original Mylar of said Final Plat after corrections have been made, or
 - 2. Table it until the necessary corrections have been made, or
 - 3. Deny the application with a written statement delivered to the developer as to the reasons for denying it. (Ord. 2006-7, 11/13/2006) .

16.08.130. Recordation. Within 30 days of approval of the Final Plat by the Town Council, the developer shall cause that the original Mylar of the Final Plat with all required signatures be recorded in the Office of the Clerk of Sublette County.

- A. A copy of the recorded plat shall be delivered to the Town Clerk.

B. Developer will also submit a digital DWG or DXF file of the Final Plat to the Sublette County GIS. (Ord. 2006-7, 11/13/2006)

16.08.140. Lapse of Subdivision Permit. Unless extended by the Town Council upon petition by the developer, a subdivision permit shall lapse and become null and void one year following the issuance of the permit, unless, prior to the expiration date, a Final Plat of at least the first phase of the subdivision has been submitted for approval. (Ord. 2006-7, 11/13/2006)

16.08.150. Reinstallation of Lapsed Subdivision Permit. A developer whose permit has lapsed may petition the Town Council to have his permit reinstated providing that he can show just cause for such reinstatement, including a schedule and contract for installation of improvements. The Town may require that the developer upgrade his original permit to meet any ordinances that may have been enacted since his original application was submitted. (Ord. 2006-7, 11/13/2006)

16.08.160. Revocation of Subdivision Permit. The Town Council may revoke a subdivision permit:

- A. Upon failure of developer to comply with conditions of approval the permit;
- B. Upon violation of any of the provisions of these ordinances;
- C. For fraudulent representations or material omissions made to the Commission or Town Council by or on behalf of the applicant. (Ord. 2006-7, 11/13/2006)

CHAPTER 16.12 MASTER PLAN

Section:

- 16.12.010 Master Plan Contents.
- 16.12.020 Size and Scale.
- 16.12.030 Descriptive Information.
- 16.12.040 General Information.
- 16.12.050 Existing Conditions.
- 16.12.060 Design Information.

16.12.010. Master Plan Contents. The Master Plan accompanying an application for a subdivision permit shall conform to the standards and contain the information required in this chapter. (Ord. 2006-7, 11/13/2006)

16.12.020 Size and Scale.

- A. Plat size G (24" x 36") in accordance with Wyoming Statutes, Section 33-29-139.
- B. Plat scale 1"=100' or larger, Le., 1"=60', etc. (Ord. 2006-7, 11/13/2006)

16.12.030 Descriptive Information.

- A. Title block shall be located in lower right hand comer containing the following information:

1. Name of the subdivision including the phrase "Addition to the Town of Marbleton". The name must be pre-approved by the Town and County Clerks;
 2. Location by Quarter-Quarter, Section, Township and Range, County, State.
- B. Vicinity Map.
1. Minimum scale of 1"=2000'.
 2. Location of subdivision within Section.
 3. Town boundary within Section.
 4. North Arrow and scale. (Ord. 2006-7, 11/13/2006)

16.12.040 General Information. The following information will be located above the Title Block.

- A. Name and address of the owner, developer, surveyor, engineer.
- B. Date of preparation.
- C. Total acreage, quantity of lots, density in acres per lot.
- D. Zoning District.
- E. Phase timetable. (Ord. 2006-7, 11/13/2006)

16.12.050 Existing Conditions.

- A. Boundary of the property to be subdivided.
- B. Names and widths of nearest existing streets.
- C. Easements of sight or of record on or adjoining the property with recordation data.
- D. Nearest utility, sewer, water, etc., lines on all sides of the property with size, grades, manholes, valves, etc.
- E. Ditches, culverts, canals, natural drainage channels, open waterways on or affecting the property.
- F. Potentially hazardous areas on or adjacent to the property.
- G. Elevations at each boundary corner based upon the Town's benchmark.
- H. Contour lines at 2' vertical interval for slopes 5% to 10% and 5' vertical intervals for slopes greater than 10%.
- I. Names of adjoining landowners and their abutting property lines. (Ord. 2006-7, 11/13/2006)

16.12.060 Design Information.

- A. Lot lines, lot numbers; approximate dimensions, areas.
- B. Streets and alleys with right-of-way widths and names pre-approved by the Town and County Clerks.
- C. Easements for utilities, drainage and other purposes identified by use and width.
- D. Open space areas and intended use and ownership -private or public.
- E. Sewer, water, electrical, telephone, natural gas lines and points of connection to existing facilities.
- F. Storm water drainage directions, and relocation, if any, of ditches.
- G. Design contour lines at the same interval as for existing conditions for any areas to be significantly re-contoured.
- H. Phase boundaries. (Ord. 2006-7, 11/13/2006)

DESIGN STANDARDS

Sections:

- 16.13.010 Streets
- 16.13.020 Alleys
- 16.13.030 Easements
- 16.13.040 Lots

16.13.010. Streets.

- A. Intersections may not vary more than 10 degrees from 90 degrees.
- B. Minimum right-of-way widths 80 feet for arterial streets, 60 feet for all other streets.
- C. A cul-de-sac shall be designed at the end of each dead end street with a right-of-way radius equal to the right-of-way width of the incoming road.
- D. Provision shall be made for continuation of streets and alleys through adjoining properties.
- E. No block shall exceed 300 feet in length. (Ord. 2006-7, 11/13/2006)

16.13.020. Alleys. Alleys shall be provided in mobile home parks, commercial, business and industrial districts except that the Town Council may waive this requirement where other adequate and assured provision is made for service access, off-street loading, parking and installation of public facilities.

- A. No dead end alleys shall be allowed except the Town Council may waive this requirement where such a dead end alley is unavoidable and adequate turnaround facilities have been provided.
- B. Minimum right-of-way width shall be twenty (20) feet for alleys. (Ord. 2006-7, 11/13/2006)

16.13.030. Easements.

- A. Where appropriate utility easements with a minimum right-of-way width of ten (10) feet shall be provided along the front, side and rear lot lines of each lot.
- B. Easements for continuation of streets and alleys across adjoining lands for future development will have the same width as the street or alley being continued.
- C. Storm water drainage easements shall be required for all existing drainage courses and for needed new drainage structures or corridors.
- D. Irrigation easements shall be required for all existing irrigation facilities that will continue in use. (Ord. 2006-7, 11/13/2006)

16.13.040 Lots.

- A. All lots shall have at least 30 feet of frontage along a dedicated street.
- B. Lot lines shall run generally perpendicular/normal to the street right-of-way.
- C. Lot sizes shall conform with the requirements of the applicable Zoning District. (Ord. 2006-7, 11/13/2006)

CHAPTER 16.14.
OTHER SUBMITTALS

Sections:

- 16.14.010 Drawings, Statements and Other Data
- 16.14.020 Declaration of Restrictive Covenants

16.14.010 Drawings, Statements and Other Data. The following listed drawings and statements may be required, depending upon the type and needs of the proposed subdivision:

- A. Drawings.
 - 1. Typical cross sections and proposed gradients of all streets which do not comply with the Town Road Standards.
 - 2. Elevation views of proposed buildings.
 - 3. Landscape plans.
- B. Statements.
 - 1. Statements from utility companies, including, but not limited to, electrical, telephone, natural gas, that there is adequate capacity for them to provide utility services to the proposed subdivision.
 - 2. Statement from the developer that he has sufficient financial capacity to complete the subdivision. (Ord. 2006-7, 11/13/2006)

16.14.020 Declaration of Restrictive Covenants. The Town Council may require that a Declaration of Restrictive Covenants be prepared, duly executed and recorded in connection with the approval of the subdivision permit application. The Town Council may require that:

- A. The declaration establishes a homeowners' association to enforce the provisions of the declaration.
- B. The provisions of the declaration, or any portion thereof, may not be amended without the prior approval of the Town Council at a public hearing.
- C. The declaration authorize third parties, such as the Town Council, to enforce specified provisions of the declaration.
- D. Restrictive Covenants not be executed or recorded prior to the recordation of the final Subdivision Plat. (Ord. 2006-7, 11/13/2006)

CHAPTER 16.15.
IMPROVEMENTS

Sections:

- 16.15.010 Improvements; Required
- 16.15.020 Improvements; Design Plans
- 16.15.030 Improvements; Construction
- 16.15.040 Improvements; Inspection
- 16.15.050 Improvements; Acceptance of Construction

16.15.010. Improvements: Required. The following improvements shall be installed: water, sewer, electrical, natural gas and telephone mains or trunk lines, streets, sidewalks, curb and gutter and survey monuments, including any extension or enlargement of facilities outside the subdivision that are necessary to provide services within the subdivision. The following standards will apply:

- A. Utilities are to be installed underground in dedicated streets or alleys unless otherwise provided in the master plan.
- B. Fire hydrants are to be installed in accordance with established fire safety guidelines.
- C. Traffic control and street name signs shall be placed at all street intersections appurtenant to the subdivision.
- D. Lot comers and angle points, block comers and street rights-of-way angle points will be monumented with permanent metal markers with inscribed metal caps in accordance with the monumentation standards in the Rules and Regulations of the State Board of Professional Engineers and Surveyors and W.S. § 15-1-415 (b)(i) and any amendments thereto.
- E. The official Benchmark for all improvements constructed within the Town shall be the Wyoming Department of Transportation Right-of-Way Marker "STAT.S. 722+58.3-75' RT" located on Lot 8 of Block 30 of the original Townsite of Marbleton with a designated elevation of 6864.62 feet. (Ord. 2006-7, 11/13/2006)

16.15.020. Improvements: Design Plans. Prior to installation of water mains, sewer mains, streets, sidewalks, curb and gutter or storm drainage improvements, design plans prepared by a registered professional engineer shall be submitted to the Town Clerk for review and approval by the Commission, the Town Council, the town maintenance foreman and the town engineer. For sewer and water plans, after the Town review, the design engineer shall also submit the plans for approval to the Wyoming Department of Environmental Quality prior to construction.

16.15.030. Improvements: Construction. Notice of commencement of construction of any improvements must be given to the Town Clerk at least one week prior to such commencement. (Ord. 2006-7, 11/13/2006)

16.15.040 Improvements: Inspection.

- A. All sewer and water improvements must be inspected by a town appointed inspector prior to being covered.
 1. Notice of readiness for inspection must be given to the Town Clerk not less than one day prior to the need for such inspection.
 2. If any such improvement is covered before being inspected and approved by the Town, it shall be uncovered at the contractor's expense after notice to uncover is given to the contractor by the inspector.
 3. The inspector shall submit a written inspection report to the Town Clerk and a copy to the developer.
- B. All street, curb and gutter and sidewalk improvements shall be inspected by a professional engineer at the expense of the developer. The inspecting engineer shall file a report with the Town Clerk certifying that the

- improvements have been constructed in accordance with the approved plans.
- C. Developer will submit as-built drawings of sewer, water, electrical, telephone, natural gas, curb, gutter, street and any other "public" facility or improvement prior to the final approval of the improvements. (Ord. 2006-7, 11/13/2006)

16.15.050 Improvements Acceptance of Construction. At its next regularly scheduled meeting after receipt of an inspector's report and the as-built plans, the Town Council shall review the report of the inspector and the plans. Upon completion of the review the Town shall:

- A. Accept the improvements and plans and, if a performance guaranty was issued, release or partially release the performance guaranty. A prorated partial release may be approved if only part of the required improvements have been completed and accepted; or,
- B. Reject the improvements and/or plans with a statement as to why they were rejected.
- C. Within ten (10) days after the Town Council meeting, the Town Clerk will send the developer a written notice of the decisions of the Town Council including the statement of the reasons for the rejection of improvements, if any. (Ord. 2006-7, 11/13/2006)

CHAPTER 16.16 FINAL PLAT

Sections:

- 16.16.010 Final Plat Requirements and Contents.
- 16.16.020 Plat Specifications.
- 16.16.030 Title Block.
- 16.16.040 Vicinity Map.
- 16.16.050 General Information.
- 16.16.060 Map Details.
- 16.16.070 Dimensions.
- 16.16.080 Legend.
- 16.16.090 Certificates.

16.16.010 Final Plat Requirements and Contents. The Final Plat will be prepared by a professional land surveyor duly registered with the State of Board of Registration for Professional Engineers and Professional Land Surveyors and shall conform to the standards and contain the information required in this chapter. (Ord. 2006-7, 11/13/2006)

16.16.020 Plat specifications.

- A. Plat size G (24" x 36") in accordance with Wyoming Statutes, Section 33-29-139.
- B. Plat scale 1"=100' or larger, i.e., 1"=60', etc.
- C. North to the top of the map or to the left side.
- D. A true north arrow and scale on each sheet which shows lots.

- E. A sheet index on the first sheet if more than one sheet shows lots.
- F. Title block and date on each sheet.
- G. Blocks and Lots numbered progressively.
- H. Subdivision boundary closure not less than 1:5000.
- I. Angular dimensions in Bearing degrees, minutes and seconds.
- J. Lineal dimensions in U.S. Survey Feet to the nearest 0.01'.
- K. Identifying labels for all easements, common areas, dedicated areas, open space and monuments not otherwise readily identified. (Ord. 2006-7, 11/13/2006)

16.16.030. Title Block. Located in lower right hand comer and containing the following information:

- A. Name of the subdivision, including the phrase "Addition to the Town of Marbleton", as pre-approved by the Town and County Clerks;
- B. Location by Quarter-Quarter, Section, Township and Range, County, State. (Ord. 2006-7, 11/13/2006)

16.16.040 Vicinity Map.

- A. Minimum scale of 1"=2000'.
- B. Location of subdivision within Section.
- C. Town boundary within Section.
- D. North arrow and scale. (Ord. 2006-7, 11/13/2006)

16.16.050 General Information: The following information shall be located above the Title Block

- A. Name and address of the owner, developer, surveyor, engineer.
- B. Date of preparation.
- C. Total acreage, quantity of lots, density in acres per lot.
- D. Zoning District. (Ord. 2006-7, 11/13/2006)

16.16.060 Map Details.

- A. Surveyed boundary of the subdivision.
- B. Elevations on top of boundary monuments with a statement of basis of elevation.
- C. Names and widths of adjoining existing streets.
- D. Easements of sight or of record with recordation data.
- E. Warning of potentially hazardous areas on or adjacent to the subdivision.
- F. All monuments of previous subdivisions or other property boundaries which fall on subdivision boundaries.
- G. Lot lines, lot numbers, dimensions, areas.
- H. Streets and alleys within the subdivision with right-of-way widths and names as pre-approved by the Town and County Clerks.
- I. Easements for utilities, drainage and other purposes identified by use and width.
- J. Open space areas and intended use and ownership -private or public. (Ord. 2006-7, 11/13/2006)

16.16.070 Dimensions.

- A. Angular and lineal dimensions between all shown monuments and along

lines, angles and curves used to describe boundaries, streets, alleys, easements, common areas, dedicated areas, open space, etc.

- B. Angular and lineal dimensions from the subdivision boundary to at least two readily found and easily identified control monuments which can be corners of the Public Land Survey System, the Town boundary, blocks or lots of previously platted subdivisions. (Ord. 2006-7, 11/13/2006)

16.16.080 Legend: showing and describing all symbols and line types used on the plat with a detailed description of each monument found or set including size, material, inscription. (Ord. 2006-7, 11/13/2006)

16.16.090 Certificates.

- A. Certificate of Surveyor, signed and acknowledged, including the statement: "That the said Addition has been accurately surveyed; that the parts thereof are accurately staked off and marked with an appropriate metal monument including magnetic iron and inscribed at least with the registration number of the land surveyor to provide source identification at all lot corners of the said Addition, and that their location is correctly shown hereon", as required by Wyoming Statute 15-1-415 (b)(ii).
- B. Certificate of Owner, signed and acknowledged, in accordance with Section 34-12103, Wyoming Statutes [current] as amended, with dedication of all streets, alleys, sewer mains, water mains and any other "public facility or area".
- C. Certificate of Mortgagee, signed and acknowledged, if applicable.
- D. Certificate of Approval, signed and attested, stating the date and number of the resolution approving said Addition, and worded as follows: "Pursuant to Section 3412-103, Wyoming Statutes [current], as amended, the foregoing described plat [name of addition] was approved at the regular meeting of the Town Council held on the _____ day of _____ (month), _____ (year). (Ord. 2006-7, 11/13/2006)

CHAPTER 16.20

ADMINISTRATIVE PROVISIONS

Sections:

- 16.20.010 Variances.
- 16.20.020 Filing Requirements.
- 16.20.030 Commission Action.
- 16.20.040 Town Council Action.
- 16.20.050 Standards.
- 16.20.060 Conditions.
- 16.20.070 Lapse of Variance.
- 16.20.080 Revocation.
- 16.20.090 Public Hearing.
- 16.20.100 Public Hearing; Rescheduled.
- 16.20.110 Enforcement.

- 16.20.120 Validity.
- 16.20.130 Burden of Proof.

16.20.010 Variances. Where in the case of a particular proposed subdivision it can be shown that strict compliance with the requirements of the Subdivision Regulations would result in extraordinary hardships to the developer, because of unusual topography or other such not- self inflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of these ordinances, Commission may recommend, and the Town Council may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of these ordinances. In no case shall any variance, modification, or waiver be more than a minimum necessary easing of the requirements. (Ord. 2006-7, 11/13/2006)

16.20.020 Filing Requirements. An application for variance shall be filed with the Town Clerk, shall be accompanied a filing fee of \$100.00, and shall include materials setting forth the following information.

- A. The name and address of the owner or applicant, and a statement that the applicant, if not the owner, is authorized by the owner to make application and act as agent for the owner.
- B. A legal description or other information necessary to identify the site.
- C. A site plan drawn at scale and including a degree of detail appropriate to the complexity of the requested variance, showing all existing and proposed features on the site, and on adjoining sites if necessary, pertinent to the requested variance, including site boundaries, setbacks, building locations and heights, parking areas, other graded or paved areas, driveways and roads, landscaped areas, and open space areas to remain in their undisturbed natural state, topography, and any other physical feature pertinent to the application.
- D. A statement of the precise nature of the variance requested, the regulation involved, and the extraordinary hardship inconsistent with the purposes of these ordinances that would result from strict or literal interpretation and enforcement of the specified regulation. (Ord. 2006-7, 11/13/2006)

16.20.030 Commission Action. The Commission shall review the application at a regular meeting. Within ten (10) days after its review, the Commission shall make recommendations to the Town Council that the Town Council grant the variance, grant the variance subject to conditions or modifications, or deny the variance. In making its recommendations the Commission shall consider the variance standards set forth in this chapter. (Ord. 2006-7, 11/13/2006)

16.20.040 Town Council Action. The Town Council shall consider the application at a the next regularly scheduled meeting of the Town Council after the recommendations of the Planning and Zoning Commission have been received. The Town Council shall consider the variance standards set forth in this chapter in making its decision.

- A. The Town Council may grant the variance, or
- B. Grant the variance subject to conditions or modifications, or

C. Deny the variance. (Ord. 2006-7, 11/13/2006)

16.20.050 Standards. In addition to the findings prescribed in Chapter 16.08.060, a recommendation by the Commission that a variance be approved, and an action by the Town Council granting the variance shall find that the variance:

- A. Will not be detrimental to the public health, safety or welfare, or materially injurious to other properties in the vicinity.
- B. Will not constitute a grant of a special privilege inconsistent with the limitations on use of other properties in the district.
- C. Is not based upon a self-inflicted hardship.
- D. Is justified for one or more of the following reasons:
 1. Strict interpretation or enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the purposes of these ordinances.
 2. Exceptional or extraordinary circumstances or conditions are applicable to the site of the variance that do not apply generally to other properties in the same district.
 3. Strict interpretation or enforcement of the development standard would deprive the applicant of privileges enjoyed by other property owners in the same district. (Ord. 2006-7, 11/13/2006)

16.20.060 Conditions. In acting on a variance, the Commission or the Town Council may prescribe such conditions as either body determines to be necessary to achieve the purposes of the standards or requirements so affected. (Ord. 2006-7, 11/13/2006)

16.20.070 Lapse of Variance. A variance shall lapse and become void one year following the date on which the variance was granted, unless prior to the expiration date a subdivision plat is filed or development is commenced and diligently pursued toward completion. However, the Town Council may, in its discretion, extend authorization for an additional six months on request. (Ord. 2006-7, 11/13/2006)

16.20.080 Revocation. A variance granted subject to a condition or conditions shall be suspended automatically upon failure to comply with the condition or conditions. Within 60 days of the suspension of the variance, if not satisfied that the condition is being complied with, the Town Council may revoke the variance or take such action as it deems necessary to ensure compliance with the condition. (Ord. 2006-7, 11/13/2006)

16.20.090. Public Hearing.

- A. When the provisions of these ordinances require that a public hearing be held on any matter, such hearing shall be conducted in the following manner:
 1. Notice of the hearing shall be published in a newspaper of general circulation in the Town not less than 10 days nor more than 30 days prior to the date of the hearing.
 2. Hearings shall be conducted in such a manner as to afford an applicant or petitioner and any interested party the opportunity to comment with respect to the issues involved, provided that the Commission and the Town Council may limit the number of and length of such comments. (Ord. 2006-7, 11/13/2006)

16.20.100. Public Hearing Rescheduled. If a quorum is' not present for either a regularly scheduled Commission meeting or Town Council meeting at which an application or petition relating to matters in this Title are to be heard and decided, the Commission or the Town Council will adjourn that meeting to another date within seven (7) days of the original meeting. (Ord. 2006-7, 11/13/2006)

16.20.110. Enforcement.

- A. The Town Council, through the Town and Prosecuting Attorney or any other duly authorized enforcement official, shall enforce the provisions of these ordinances.
- B. All officials, departments, and employees of the Town vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of these ordinances and shall issue no permit, certificate, or license which conflicts with the provisions of these ordinances. Any permit, certificate, or license issued in conflict with the provisions of these ordinances shall be null and void.
- C. Whomever, being the owner or agent of the owner of any land located within the incorporated area of Town of Marbleton, subdivides or uses such land in violation of the provisions of these ordinances, or any amendment thereto, shall be fined not more than \$100 for each offense. Each day's continuance of any violation is a separate offense.
- D. These ordinances shall be enforceable by the Town by injunctive action, in addition to all other remedies at law or in equity.
- E. A violation shall not be construed to include a subdivision lawfully in existence as of the effective date of these ordinances, and it shall not be necessary to secure a permit allowing such continuance, provided that an addition to or change of any existing subdivision shall conform with all of the provisions of these ordinances. (Ord. 2006-7, 11/13/2006)

16.20.120. Validity. If any provision of these ordinances is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- A. The effect of such decision shall be limited to that provision or those provisions which are expressly stated in the decision to be invalid; and
- B. Such decision shall not affect, impair, or nullify these ordinances as a whole or any other part thereof, but the rest of these ordinances shall continue in full force and effect.
- C. If the application of any provision of these ordinances to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:
 - 1. The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action, or proceeding in which the judgment or decree of invalidity was rendered; and
 - 2. Such decision shall not affect, impair, or nullify these ordinances as a whole or the application of any provision thereof to any other tract of land. (Ord. 2006-7, 11/13/2006)

16.20.130. Burden of Proof. The applicant for any permit required by this Title shall have the burden of proving to the Commission and the Town Council that the proposed use or development complies with all applicable requirements established by this Title. (Ord. 2006-7, 11/13/2006)