

ORDINANCE NO. 4, 1994

AN ORDINANCE REGULATING SUBDIVISIONS TO THE TOWN OF SUNDANCE; DEFINITIONS; GENERAL PROVISIONS REGARDING THE REGULATION OF SUBDIVISIONS WITHIN THE TOWN OF SUNDANCE; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE;

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUNDANCE, WYOMING;

ARTICLE 1: PURPOSE AND SCOPE

Section 1.1: PURPOSE OF CHAPTER

These rules and regulations are adopted in order to promote a coordinated development of the Town of Sundance and its surrounding area. It is also the purpose of these rules and regulations to provide a flexible process whereby the developer can negotiate with the Town to ensure higher quality development and to protect the health, welfare and safety of all Sundance residents.

Section 1.2: DEFINITIONS

For purposes of this ordinance the following terms shall have the meanings as provided:

ACCESS: The place or way by which pedestrians and vehicles shall have safe, adequate and useable ingress and egress to a public dedicated street.

ADJACENT: Near, close or contiguous to a tract of land, highway, legal subdivision or other piece of property. For example, a tract of land separated by a public highway from a legal subdivision or property located within the Town of Sundance shall be considered adjacent.

ALLEY: A public way twenty feet (20') in width which affords vehicular access and utility service to the rear of buildings and lots.

BLOCK: A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way or parks, etc., or a combination thereof.

CENTER LINE: A line established by a licensed and registered surveyor for all streets, alleys and easements.

COUNCIL: The Sundance Town Council.

COMMISSION: The Sundance Planning Commission.

CUL-DE-SAC: A street having one end open to traffic and being permanently terminated by a vehicle turn-around.

EASEMENT: A grant of right to use a strip of land for a specific public or private purpose.

FINAL MAP OR PLAT: A map or plat prepared in accordance with the provisions of this ordinance and which is designed to be recorded in the office of the Crook County Clerk.

IMPROVEMENTS: Improvements refers to street work and utilities to be installed or agreed to be installed by any subdivider on the land to be used for public or private streets, highways, rights-of-way and easements, as necessary for the general use of the lot owners in the subdivision and for local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map or plat.

LOT: A portion of a subdivision intended as a unit of transfer or for development.

MAY: The word "may" means permissive.

PLANNED UNIT DEVELOPMENT: The site design and negotiation procedure between the developer, the Council and the Commission, the purpose of which is to provide the developer with greater flexibility and yet to protect the health, safety and welfare of the citizens within the Town of Sundance and the area to be developed. For example, the developer may be permitted by the Council and Commission to construct higher density housing than that normally accepted as traditional in exchange for providing sufficient public open space.

PRELIMINARY MAP OR PLAT: A legal survey and plat plan depicting the general intent of the subdivider, including all information required by this ordinance.

RIGHT-OF-WAY: The area either side of the centerline of a street upon which no private encroachment shall be allowed.

SHALL: The word "shall" as used within this ordinance means required in all instances.

SKETCH SITE PLAN: A sketch showing the general location and layout of a proposed subdivision as prepared in accordance with the terms and conditions of this ordinance.

STREET: A public right-of-way whose function is to carry pedestrian and vehicular traffic and provide access to all abutting property and utility service.

SUBDIVISION: The division of any improved or unimproved land into two or more lots, plats, sites or other parcels for the purpose of sale, resale, lease or financing, whether immediate or in the future. The term subdivision includes resubdivision of a parcel of land previously subdivided.

Section 1.3: **GENERAL REQUIREMENTS**

It shall be the policy of the Town of Sundance to require developers or other property owners to guarantee all improvements shall be completed before a parcel of land is subdivided and developed. Improvements shall consist of sewer and water service to each lot, proper drainage, paved streets, curbs, gutters and sidewalks. In cases where future adjacent development appears likely, subdividers or other developers may be required to install facilities of a size and nature that will accommodate future growth, in which case the Town Council may, by agreement with any developer, pay any difference between the cost of normal facilities and the cost of facilities required by the Town to accommodate future growth.

Section 1.4: EXCEPTIONS

In the event a property owner, developer or other subdivider believes a part of this ordinance causes undue hardship, the property owner, developer or other subdivider may submit a written request for a variance or exception to the requirements of this ordinance which shall be submitted to the Planning Commission. The Planning Commission will then recommend the Council to accept or reject the proposed variance or exception. No variance or exception shall be granted unless it is found that because of special circumstances the strict application of these regulations shall deprive the property owner, developer or subdivider of privileges enjoyed by other property in the vicinity and under similar circumstances.

Section 1.5: DEDICATIONS

The subdivider or developer shall furnish to the Town an effective dedication, without restrictions, to all street and other public spaces and a general easement shall be provided by the subdivision plan and map.

ARTICLE 2: GENERAL PROCEDURE

Section 2.1: GENERALLY

Before any land within the Town of Sundance is subdivided, the property owner or subdivider shall follow the procedure prescribed by this ordinance unless a variance or exception is recommended by the Commission and approved by the Council. The procedure for subdividing property within the Town of Sundance shall be as follows:

1. The subdivider or developer shall submit a sketch site plan to the Commission before formal filing of the preliminary plat or map with the Town of Sundance City Clerk. This sketch site plan will provide the Commission with the opportunity to give the developer its initial informal reaction to the proposal.

2. A preliminary plat or map shall be filed with the Sundance City Clerk at least twenty (20) days prior to the next regular Commission meeting. The filing fee shall be as established from time to time by resolution and payable to the Sundance City Clerk.

3. The Commission, at its next regularly scheduled meeting after the preliminary plat or map is filed, shall review the preliminary plat or map and reject, conditionally approve or approve the preliminary plat or map. In the event the plat or map is rejected or conditionally approved, the conditions of approval shall be noted and the reasons for rejection noted and provided to the subdivider or developer.

4. After approval has been given to the preliminary plat or map, a licensed land surveyor shall survey the proposed subdivision and shall set permanent survey monuments at all angle points on the perimeter of the subdivision as well as on all easements and dedications necessary for the construction of streets, sewer and water systems.

5. Within one hundred eighty (180) days after approval of the preliminary plat or map and after permanent survey monuments have been set pursuant to the terms of this ordinance, a final plat or map shall be submitted to the Planning Commission. The final plat or map shall contain survey locations, distance markings, angles, legal descriptions, et cetera necessary to identify the perimeter boundaries of the subdivision as well as all interior boundaries of lots or other subdivisions within the subdivided properties.

6. At its next regular meeting after the final plat or map is submitted and filed with the Commission, the Commission shall conditionally approve, disapprove, accept or reject the final plat or map. In the event the final plat or map, as filed, is disapproved or conditionally approved, the reasons for disapproval shall be noted as well as the conditions upon which approval shall be conditioned.

7. At such time as the requirements of the Planning Commission are met with respect to any disapproved or conditionally approved plat or map, the final plat or map shall be submitted to the Council and after receiving the final plat or map, the Council may accept or reject the proposed subdivision and may impose any additional conditions deemed necessary. Upon approval of the final plat or map, it shall be recorded in the office of the Crook County Clerk, Sundance, Wyoming.

ARTICLE 3: PRELIMINARY PLATS AND MAPS

Section 3.1: GENERALLY

Preliminary plats or maps, which are required to be submitted pursuant to the terms and conditions of this ordinance, shall be prepared by a registered professional surveyor licensed in the State of Wyoming.

Section 3.2: DESCRIPTION

Each and every preliminary plat or map and each and every final plat and map shall contain the following information:

- A. **TITLE:** The proposed name of the subdivision shall be provided with the plat and map.
- B. **NAMES AND ADDRESSES:** The name and address of the property owners, as well as the subdividers if different from that of the property owner, shall be provided.
- C. **LOCATION:** The general location of the subdivision with reference to existing streets and alleys and with reference to the Town of Sundance, together with a sketch site plan showing the names, addresses and location of adjacent property owners shall be provided.
- D. **PHYSICAL FEATURES:** The approximate location and principal dimensions for all existing or recorded section lines, active, functioning and known streets, alleys, easements, water courses containing directions of flow, areas subject to inundation of storm water overflow, private sewers and water mains and other important features within and adjacent to the tract to be subdivided.

E. CONTOUR MAPS: Preliminary and final plats and maps shall have sufficient contour intervals to show the topography of the land to be subdivided.

F. RESERVATIONS: The approximate location and principal dimensions for all proposed streets, alleys, easements, lot lines and areas to be reserved for public use.

G. CURVES: Approximate radii of all curves.

H. USES: Proposed use of property and an outline of any deed restrictions, including building lines and minimum yard dimensions shall be included.

I. DRAINAGE: A plan for drainage shall be incorporated into the planning and development of the subdivision.

J. SIDEWALKS: All sidewalks shall be located with widths noted.

K. SEWER: A provision for sewage disposal shall be boldly noted upon the proposed subdivision plat or map.

L. WATER SUPPLY: Provisions for water supply shall be boldly noted upon the proposed subdivision plat or map.

M. STREET PROFILES AND CROSS SECTIONS: The profile and centerlines of the different streets and alleys shall be provided with grades and a cross section of each proposed street and alley taken at the point of greatest slope and showing the width of sidewalks and the location and size of utility mains shall be included.

N. SEWER PLAN AND PROFILE: A sewer and water plan and profile of proposed sanitary and/or storm water sewers and a potable water supply, together with grades and pipe sizes and the proposed location of valves and fire hydrants shall be included.

O. WATER WAY AND CURB ELEVATIONS: Elevations indicating approximate slopes and flood water elevations of all ditches, canals and other water ways to be crossed, as well as the locations and elevations of existing curbs shall be provided.

ARTICLE 4: SURVEY MONUMENTS

Section 4.1: LOCATION

The final plat or map shall be prepared by a registered, licensed surveyor and the Council and Commission shall be held harmless for any errors in site preparation specifications. The engineer or surveyor shall be required to set sufficient permanent monuments to properly identify the exterior and interior boundaries of all lots as well as the dimensions of those boundaries. Monuments shall generally place at all angle points and curve points on the exterior boundary lines of the tract and at all points of intersection for street centerlines and other points as may be necessary to serve the above requirements and as may be required by the Commission and the Council.

Section 4.2: NOTATIONS UPON ALL PLATS AND MAPS

The character, type and position of all monuments and corners shall be noted on the preliminary plats or map as well as on all final plats or maps. All distances must be expressed on the plat or map to the nearest hundredth of a foot and all monuments destroyed before acceptance of the subdivision by the Council shall be replaced by the subdivider.

ARTICLE 5: FINAL PLAT OR MAP

Section 5.1: INFORMATION TO BE CONTAINED

The following information shall be set out in detail on the final plat or map:

- A. DIMENSIONS: Dimensions shall be provided for all lines, angles and curves used to describe lot and block boundaries as well as streets, alleys, easements and other areas to be reserved for public use.
- B. RELATION TO ADJACENT AREAS: The final plat or map shall depict corners of all adjoining subdivisions or portions thereof, including lot or block numbers and shall show all city boundaries crossing or adjoining the subdivision.
- C. BLOCK AND LOT NUMBERS: Blocks and lots shall be designated numerically beginning with the number one in each block.

Section 5.2: ADDITIONAL REQUIREMENTS

The final plat or map shall be accompanied by the following data and material which shall be provided by the subdivider or his agent:

- A. NAMES AND ADDRESSES OF OWNERS: The names and addresses of all owners of land adjacent to the proposed subdivision as their names appear on the plats in the office of the Crook County Clerk shall be provided.
- B. IMPROVEMENTS: All improvements, such as sanitary sewer systems, water systems, storm sewer systems, street and alley improvements, paving, curbs, gutters, sidewalks, et cetera shall be the responsibility of the subdivider, developer or owner and the subdivider, developer or owner who is responsible for completing the aforementioned improvements may negotiate with the Commission and the Council to provide satisfactory assurances the improvements will be completed. The Town Council may consider options such as performance bonds, escrow agreements and phased construction agreements. In the event a subdivider, developer or owner should default upon their requirement to complete the improvements as may be agreed upon between the subdivider, developer or owner and the Town of Sundance, the Council may take whatever action necessary to complete the development of the improvements pursuant to any agreement which may have been agreed upon including, but not limited to, notification to the bonding company, notification to the escrow of default, or completion of the improvements at the expense of the Town of Sundance, in which event the Town shall have a lien against all subdivision lots which may be foreclosed by the Town in order to complete the improvements.

Section 5.3: CERTIFICATES

The following certificates and dedications shall be submitted with the preliminary and final plats or maps:

A. **OWNER DEDICATION:** A certificate signed and acknowledged by all persons or corporations having any record interest to the surface of the land subdivided, consenting to the preparation and recording of the subdivision and offering for dedication all parcels of land shown on the final plat or map intended for any public use shall be included. This certificate shall be accompanied by evidence of legal ownership such as a copy of a title insurance policy or an abstract. However, the certificate evidencing ownership need not be placed upon the preliminary plat or map or upon the final plat or map.

B. **ATTORNEY'S VERIFICATION:** A verification or certificate by a Wyoming licensed attorney verifying all persons or corporations having any recorded interest in the land to be subdivided have signed the dedication certificate shall accompany the final plat or map but does not need to be included as part of the final plat or map.

C. **NOTARY PUBLIC:** All acknowledgments, dedications or other certificates shall be acknowledged by a Wyoming notary public.

D. **SURVEYOR CERTIFICATE:** A surveyor certificate signed by the surveyor responsible for all surveys and preparation of the plats and maps submitted shall accompany the preliminary as well as the final plats and maps.

E. **COUNCIL CERTIFICATE:** A certificate of approval and acceptance of the subdivision and dedication by the Town of Sundance, by and through the Town Council, shall be appended to the final plat and map and shall be attested by the Sundance City Clerk. The Council's certificate shall be signed by the mayor and the duly elected council members at the time final approval of the subdivision plat or map shall occur.

ARTICLE 6: CLASSIFICATION OF SUBDIVISIONS

Section 6.1: CLASS A

All Subdivisions located within the corporate limits of the city.

Section 6.2: CLASS B

A. All subdivisions adjoining or touching the corporate limits of the city.

B. Any subdivision adjoining or touching the boundaries of a tract or area for which annexation proceedings have been commenced by the city.

C. Any subdivision touching or adjoining an approved subdivision which touches or adjoins the corporate boundaries of the city.

Section 6.3: **CLASS C**

A subdivision lying within the planning area that does not adjoin the city limits, that does not adjoin another subdivision that adjoins or touches the city limits. A subdivision lying within the planning area that does not adjoin the city limits, that does not adjoin another subdivision that adjoins or touches the city limits, and does not lie adjacent to a major thoroughfare.

ARTICLE 7: REQUIREMENTS FOR EACH CLASS OF SUBDIVISION

Section 7.1: **UTILITY REQUIREMENTS**

In all classes of subdivisions the area of the lots will be determined by the availability of public sewer and public water supply. The determination of whether or not public utilities are available in sufficient quantities to serve the subdivision shall be made in the following manner:

- A. A copy of the preliminary plat shall be sent to the city water department for preliminary recommendation.
- B. A copy of the preliminary plat shall be sent to the city engineer for a report on the availability of sewers.
- C. A copy shall be sent to the planning commission for a report on compliance with the subdivision regulations and zoning regulations. The recommendation of the water department and report from the city engineer shall be sent to the planning commission for review and action.

Section 7.2: **OTHER REQUIREMENTS**

The following particular requirements are hereby made of each of the classes of subdivisions:

A. **Class "A" and "B" subdivisions.**

- (1) If the proposed subdivision is serviced with a public water supply and city sewer or a community type sewage treatment plant, approval of the plat shall be subject to the minimum requirements set forth herein and the zoning regulation of the city and county.
- (2) If the proposed subdivision is serviced with a public water supply but not with a public sewer system, the preliminary plat will be submitted on the basis of a minimum of one-half (1/2) acre lots and subject to the approval of the appropriate health department who shall cause the subdivider or developer to make and complete percolation tests for each lot and make recommendations to the planning commission. The plat will be so proportioned as to permit future replatting consistent with good subdivision design. The optimum proportion shall be one hundred twenty five foot (125') frontage by one hundred sixty foot (160') depth.

(3) If the proposed subdivision is served with a public sewer system and not with a public water supply and the subdivider or developer will use a private water supply, the preliminary plat will be submitted on the basis of a minimum of one-half (1/2) acre lots, subject to the approval of the appropriate health department and be so proportioned that future platting will be consistent with good subdivision design. The optimum proportion shall be one hundred twenty five foot (125') frontage by one hundred sixty foot (160') depth.

(4) If the proposed subdivision is not served with either a public water supply or a public sewer system and the subdivider or developer will be using a private water supply with a septic tank sewage disposal system, the subdivider shall submit his preliminary plat on the basis of two and one-half (2½) acre lots, subject to the approval of the appropriate health department, who shall cause the subdivider or developer to secure and complete percolation tests and submit a recommendation to the planning commission. The plat will be so proportioned as to permit future replatting consistent with good subdivision design.

(5) The subdivider, landowner or developer shall submit a petition for consideration for annexation of the subdivision to the city with the preliminary plat in all Class A and B subdivisions.

B. Class C Subdivisions

In all Class C subdivisions the same requirements shall apply as applied to Class A and Class B subdivisions with the exception that in Class C subdivisions subdividers shall not be required to submit a petition for annexation of the proposed subdivision.

C. All Subdivisions

In all subdivisions where the minimum lot size is two and one-half (2½) acres or larger, the subdivider may choose to construct a rural street section without curb and gutter.

ARTICLE 8: DESIGN STANDARDS

Section 8.1: GENERALLY

All streets, alleys, blocks, lots and other improvements shall be designed and constructed in accordance with generally accepted and existing subdivision and development standards.

Section 8.2: BLOCKS

Intersecting streets (which determine block lengths), shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In all blocks, pedestrian ways and/or easements through the block may be required by the Town Council. In residential development the block width shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

Section 8.3: **STREETS, ALLEYS AND PUBLIC WAYS**

A. **Relationship to adjoining street system**

The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements.

B. **Street names**

Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets.

C. **Major streets**

Major streets through subdivisions shall conform to the major street plan as adopted by the planning commission and the governing body.

D. **Minor streets**

Minor streets shall be so designed to discourage through or non-local traffic.

E. **Cul-de-sacs**

Cul-de-sacs shall be permitted only when topography or ownership prevents normal subdivision of a tract or plot of ground. Cul-de-sacs shall normally be no longer than five hundred feet (500'), including an adequate turn around which shall be provided at the closed end.

F. **Intersection of streets**

Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right angle intersection, the minimum angle shall be sixty degrees (60°).

G. **Alleys**

Alleys shall be provided in commercial and industrial districts, except that these requirements may be waived where other definite and assured provisions are made for service access to off-street loading and unloading areas and to off-street parking areas, consistent with and adequate for the uses proposed. Dead-end alleys shall be avoided wherever possible and alleys shall be required in residential areas.

H. **Minimum street width requirements**

All streets, alleys and public ways, included in any new subdivision, hereafter dedicated and accepted, shall not be less than the minimum dimensions for each classification as follows:

Major Streets	
Arterial	100 feet
Collectors	80 feet
Local Streets	60 feet
Cul-de-sacs	60 feet radius on turn-around

I. **Additional requirements**

When existing or anticipated traffic on arterial and collector thoroughfares warrants greater widths of rights-of-way, the additional width shall be provided.

J. **Drainage easements**

Drainage easements may be required, in addition to street rights-of-way, where the street or streets adjoining or are parallel with streams or drainage areas or where lots back on where said drainage areas exist. The width of the drainage easement shall be determined by the city engineer who shall notify the planning commission of his recommendation in writing.

K. **Street grades**

The grades of streets, alleys and other public ways included in any subdivision shall not be greater than is necessary for the topographical conditions.

L. **Street design**

Street design and construction shall meet or exceed the following minimum design standards:

- (1) **Arterial and collector streets.** Gravel to meet the requirements of Section 703.06 Grade W of Specification for Road & Bridge Construction of the Wyoming Highway Department as adopted from time to time. Design shall be based on a minimum hot mix asphalt thickness of 3 inches and a minimum concrete thickness of 6 inches with a 6 inch crushed base. Curb and gutter concrete shall be Class B concrete and concrete used in concrete pavement shall be Class A concrete. All arterial and collector streets within Class A and Class B subdivisions shall comply with the acceptable, typical section criteria as represented by the design requirements and section criteria as pictured and required in the attached Exhibit A.
- (2) **Local streets.** Gravel to meet the requirements of Section 703.06 Grade W of Specification for Road & Bridge Construction of the Wyoming Highway Department as may be adopted from time to time. Design shall be based on a minimum hot mix asphalt thickness of 3 inches and a minimum concrete thickness of 6 inches with a 6 inch crushed base. Curb and gutter concrete shall be Class B concrete and concrete used in concrete pavement shall be Class A concrete. All local streets within Class A and Class B subdivisions shall comply with the acceptable, typical section criteria as represented by the design requirements and section criteria as pictured and required in the attached Exhibit B.

- (3) **All roads in Class C subdivisions.** All streets and roadways within Class C subdivisions shall comply with the acceptable typical section criteria without curb as represented by the design requirements and section criteria as pictured and required in the attached Exhibit C.
- (4) **Electric utility requirements.** All subdivisions shall be designed with underground electric utilities.

M. Curb design

Curb design and construction within Class A and Class B subdivisions shall comply with the acceptable, typical section criteria as represented by the design requirements and section criteria as pictured and required in the attached Exhibit D.

ARTICLE 9: PLANNED UNIT DEVELOPMENT

A developer, subdivider or owner may negotiate a contract with the Town to develop an area through a planned unit development. Pursuant to this provision the Town may require the submission of bonds, escrow agreements, et cetera as previously indicated.

ARTICLE 10: SEVERABILITY

Should the Courts of this State or the United States declare any section, provision, paragraph, clause, sentence, phrase or part of this ordinance invalid or unconstitutional or in conflict with any other section, provision, paragraph, clause, sentence, phrase or part thereof of this ordinance, then such decision shall affect only the section, provision, paragraph, clause, sentence, phrase or part thereof declared to be unconstitutional or unauthorized and shall not affect any other part of this ordinance.

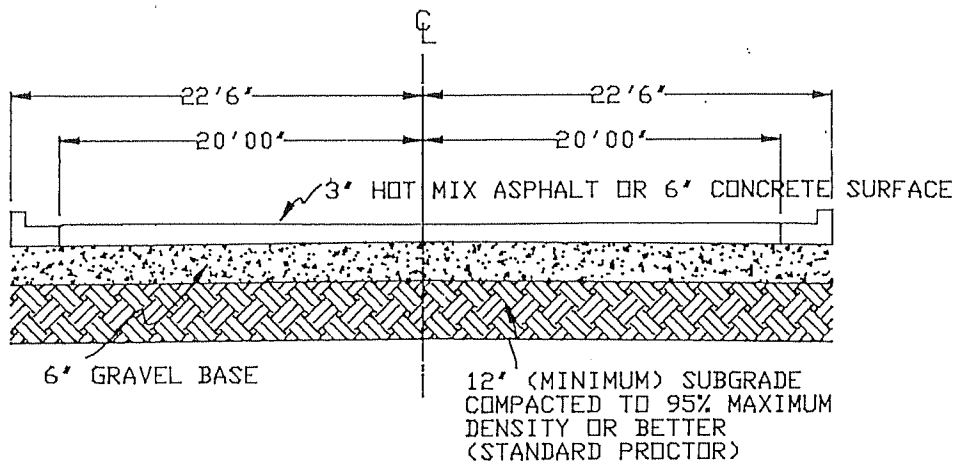
ARTICLE 11: DECLARING AN EMERGENCY EXISTS

The Town Council hereby declares an emergency exists insofar as the provisions of this ordinance are concerned, due to the fact the Town's current ordinance is outdated and there are planned developments within the Town of Sundance and adjacent to the Town of Sundance in the near future which need to be regulated by the provisions of this ordinance. Without the adoption of this ordinance and the applications of the guidelines and provisions set forth herein the orderly development of the Town of Sundance could be seriously jeopardized.

ARTICLE 12: PROVIDING FOR AN EFFECTIVE DATE

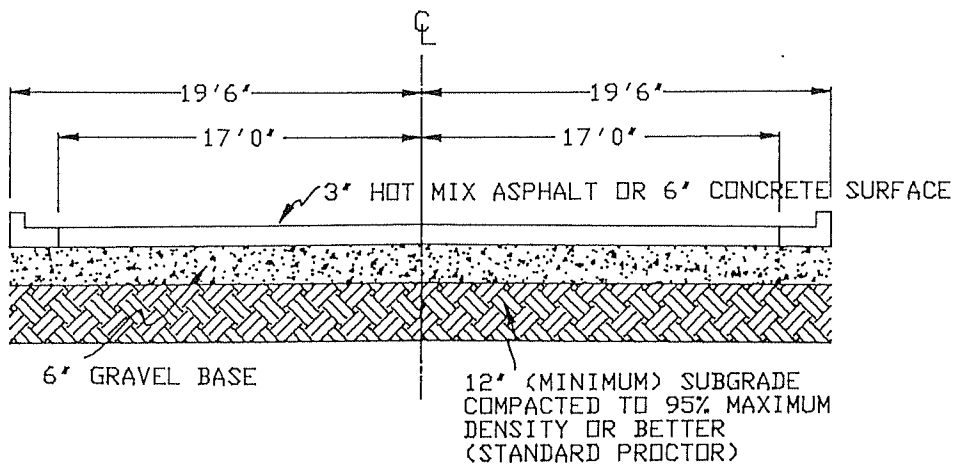
This ordinance shall be in full force and effect from and after its approval, passage and adoption as required by law and Ordinance No. 8, 1993 and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

EXHIBIT A



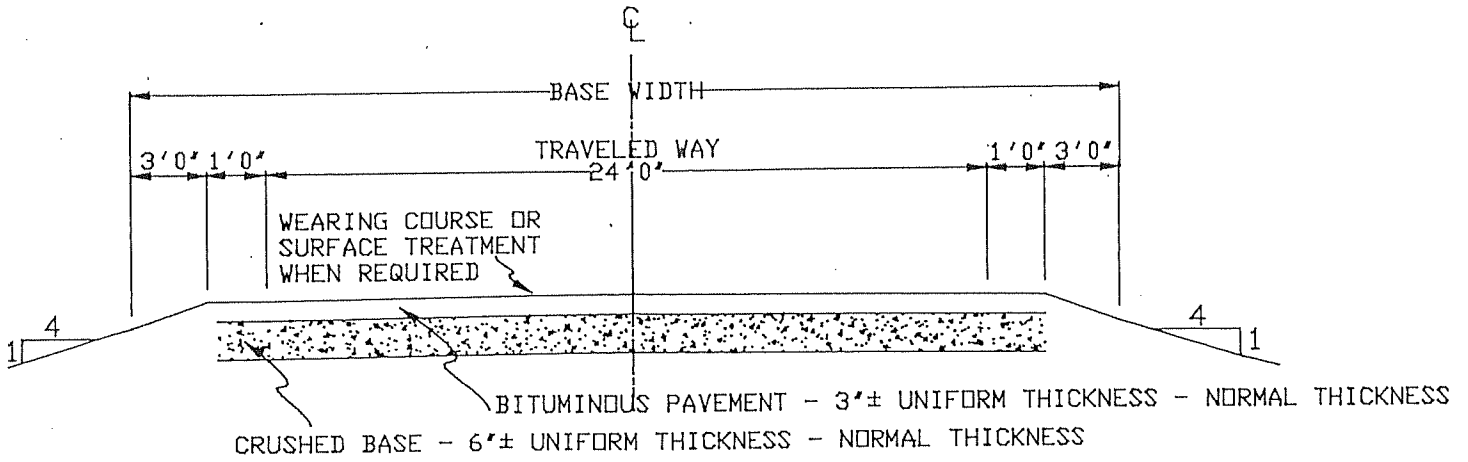
TYPICAL ROAD SECTION
COLLECTOR
PAVED WITH CURB & GUTTER

EXHIBIT B



TYPICAL ROAD SECTION
LOCAL STREET WITH CURB

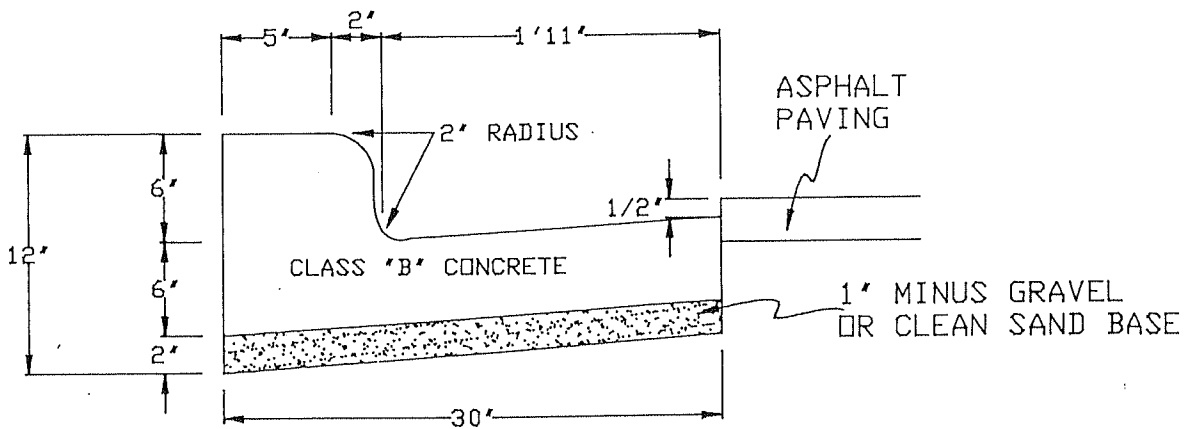
EXHIBIT C



TYPICAL RURAL ROAD SECTION
WITHOUT CURB

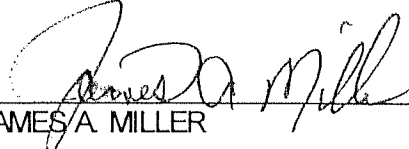
ALL ROADWAY FILL WILL BE
COMPACTED TO 95% OF MAXIMUM
DENSITY OR BETTER, BUT NO LESS
THAN 12" OF SUBGRADE TREATMENT.
(STANDARD PROCTOR)

EXHIBIT D

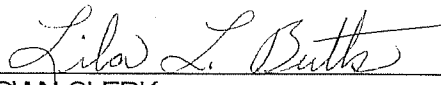


PASSED, ADOPTED AND APPROVED this 11 day of July,
1994.

TOWN OF SUNDANCE

BY: 
JAMES A. MILLER

ATTEST:


TOWN CLERK

(SEAL)

1st Reading: July 11, 1994

Publish On: July 21, 1994