

CITY OF LANDER  
SUBDIVISION RULES AND REGULATIONS



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**SUBDIVISION AND LAND USE REGULATIONS**

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**SECTION 1: AUTHORITY** - This resolution is adopted pursuant to and in accordance with the authority vested in the City Council of the City of Lander, by Sections 4-7-1 through 4-7-2 of the Municipal Code of the City of Lander. All previously existing subdivision and land use regulations for the City of Lander are hereby repealed.

**SECTION 2: SHORT TITLE** - This Resolution shall be known, cited and referred to as the Subdivision and Land Use Regulations of the City of Lander, Wyoming.

**SECTION 3: PURPOSE** - These regulations have been promulgated and adopted with the following purposes in mind:

- a. To insure orderly development in conformance with a duly adopted Comprehensive Plan.
- b. To protect the public health, safety and general welfare of present and future residents of the City of Lander, Wyoming.
- c. To establish standards and procedures for the protection of the common interests of the general public, the landowner and the subdivider.
- d. To protect the character and value of lands and buildings throughout the City of Lander and minimize conflicts among the uses of land and buildings.
- e. To provide for safe and adequate transportation systems, utilities and other public facilities.
- f. To establish adequate and accurate records of land subdivision.
- g. To encourage the use of innovative land planning and urban design techniques.

**SECTION 4: APPLICATION AND EXEMPTIONS**

- a. Application. Application. Application: These regulations shall apply to:
  - (1) All of the lands within the boundaries of the City of Lander, Wyoming as they shall from time to time be amended.
  - (2) Every owner or proprietor of any tract or parcel of land who shall hereafter subdivide or resubdivide his land into more than two (2) parts. No person shall commence the physical layout or construction on the ground of a subdivision without first obtaining the approval of the City Council in the form of an approved subdivision plat.

- (3) None of the provisions of these regulations shall be construed to require replatting in any case in which subdivision plats have been made and legally recorded pursuant to any regulations previously in force; and all plats heretofore filed for record and not subsequently vacated are hereby declared valid, notwithstanding the fact that the procedures or the manner and form of acknowledgement may have been different than those prescribed by these regulations. However, if any such subdivision has never been or has partially been improved with paved streets, curb, gutter, sidewalks and proper utility lines, no building permit will be issued for those lots within such subdivision or part thereof that does not have direct access to said improvements until those public improvements have been installed according to the adopted City of Lander Engineering Standards and Specifications Manual - Most Recent Edition. The financial responsibility for installing those improvements rests with the owner(s) of record of that/those lot(s). The owner(s) that must have those public improvements installed shall make application to the City for the establishment of a Public Improvement District as provided under Chapter 15, Title 6, Wyoming State Statutes (1977), as amended, with said District being of sufficient size to encompass the entire subdivision or a portion thereof as determined by the Director of Planning. *(Section 4(a)(3) amended Resolution 231 effective 8-23-83)*

b. Exemptions

- (1) Unless the method of the sale of land is adopted for the purpose of evading these regulations, these regulations shall not apply to:
- (a) The subdivision of land for and the sale of cemetery lots.
  - (b) The sale of land to the State of Wyoming, U.S. Government or any political subdivision thereof.
  - (c) A lot, tract, or parcel of land 35 acres or more in size.
  - (d) The relocation of a property line whereby the width of two adjoining lots is altered or any contiguous property under common ownership is divided so as to create not more than one (1) additional lot, tract or parcel, except that such a relocation of a property line or the division of such property into one (1) additional part shall not be made without first obtaining a certificate of compliance from the Department of Planning that such division or relocation of a property line would result in lots, parcels, or tracts which would meet all of the following requirements:
    - (1) Minimum lot area for the zoning district in which the lots, parcels or tracts are located.
    - (2) Minimum lot width for the zoning district which the lots,

parcels or tracts are located.

- (3) Minimum setbacks required for principal structures for the zoning district in which the lots, parcels or tracts are located.
  - (4) Adequate provision can and has been made for proper installation of all utility services.
- (i) For purposes of obtaining such certificate of compliance, the person or entity proposing to divide such lot, parcel or tract or relocate a property line shall provide to the Director of Planning a survey by a licensed land surveyor which shows all of the following items:
- (1) The locations, bearings and lengths of boundary lines of the lot or lots to be divided in a heavy solid line and the proposed dividing line in a normal broken line, all referenced to section, quarter, or existing subdivision lines.
  - (2) A description of all monuments, both found and set, which mark the boundary of the lot or lots to be divided and the proposed dividing line and a description of all control monuments used in the survey.
  - (3) Location and existence of all easements of record, and those which would be created by the proposed division.
- (ii) The Director of Planning shall either issue or deny such certificate of compliance within thirty (30) days of the date that all required submissions by the applicant have been made. Any denial shall be made in writing and shall cite the reasons for such denial. Any such denial or refusal by the Director of Planning to issue such certificate of compliance may be appealed as provided in Municipal Code Section 4-4-3.
- (iii) If a proposed division is approved and a certificate of compliance received, the applicant shall, after recording of the instrument, submit information showing said instrument was recorded to the Department of Planning within thirty (30) days from the date the certificate was issued.

## **SECTION 5: ADMINISTRATION AND ENFORCEMENT**

### **a. Administration**

- (1) These regulations shall be administered by the City of Lander Department of Planning.
- (2) All plats submitted to the City Council of the City of Lander shall first have been examined by the Department of Planning and the Planning Commission in accordance with the procedures established by the City Council. As a 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 Department of Planning shall receive all materials required to be submitted by these regulations. Preliminary and final subdivision plats, supporting materials and the Department's recommendations thereon shall be reviewed and evaluated by the Planning Commission. After concluding its examination, the Planning Commission shall, in the case of Preliminary Plats, notify the subdivider of its decision in writing, and in the case of Final Plats communicate its findings and recommendations to the City Council in writing. The actions of the Department, the Commission and the Council shall be governed by the procedures and schedules hereinafter set forth.
- (3) Section 5 (a)(3) – Pursuant to the provisions of Section 34-12-103, Wyoming Statutes, when any part of the subdivision lies outside of, but within one (1) miles of the City of Lander, that subdivision shall be approved by the City Council of the City of Lander before it is finally approved by the Fremont County Board of County Commissioners, a Subdivision Permit issued therefore, and the plat filed in the office of the County Clerk. The following minimum requirements must be met:

**CITY OF LANDER  
COUNTY SUBDIVISION WITHIN 1 MILE  
REQUIREMENTS/CHECKLIST**

**Case #** \_\_\_\_\_

**Date Received:** \_\_\_\_\_

**Planning Commission Hearing Date:** \_\_\_\_\_

*WS 18-5-308 (b) states ...if any part of the subdivision lies within one (1) mile of the boundaries of an incorporated city or town the approval of the governing body of the City or town must also be obtained in accordance with WS 34-12-103.*

*WS 34-12-103 ... The Plat shall meet the approval of the board of commissioners if it is of land situated without the boundaries of any city or town or by the governing body of the city or town if situated within the boundaries of such city or town. When thus executed, acknowledged and approved, said plat shall be filed for record and recorded in the office of the clerk of the proper county; provided, however, that any such plat of land adjacent to any incorporated city or town, or within one (1) mile of the boundaries of any such city or town, shall be jointly approved by both the board of county commissioners of said county and the governing body of said city or town before same shall be filed and recorded in the office of the county clerk as aforesaid.*

**Name of Subdivision** \_\_\_\_\_

**Date Submitted** \_\_\_\_\_

**Legal Description of Property to be Subdivided:** \_\_\_\_\_

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**Total area of this subdivision:** \_\_\_\_\_ acres. **If part of a proposed larger development, total adjacent area contemplated for future subdivision** \_\_\_\_\_ acres.

**Number of Proposed Lots:** \_\_\_\_\_ **Typical Lot Size** \_\_\_\_\_

**Linear feet of proposed streets:**   **Total** \_\_\_\_\_   **Arterial** \_\_\_\_\_  
  **Collector** \_\_\_\_\_   **Local** \_\_\_\_\_

**Name, Address and Phone number of Subdivider:**

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**Name, Address and Phone Number of Owner if other than above:**

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**Name, Address and Phone Number of Person or Firm Preparing Plat:**

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**Name, Address and Phone Number of Engineer Designing Improvements (if other than above):** \_\_\_\_\_

The following are minimum requirements that must be met before any subdivision within one (1) mile of the City of Lander is approved by the governing body of the City of Lander.

(1) The Plat shall be given to the Department of Planning for the City of Lander. The Plat shall consist of a drawing or drawings and accompanying material and information prescribed as hereinafter:

(2) The Plat drawing shall be prepared on a scale selected to produce an overall plan sheet measuring 24 x 36 inches. The face of the drawing shall contain the following information:

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

\_\_\_\_\_ (b) Date of preparation, scale and north arrow. The top of each sheet shall represent north wherever possible.

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

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

\_\_\_\_ (e) Documentation satisfactory to the board that the subdivider has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the subdivider, including but not limited to water supply systems, sewage systems, streets and roadways.

\_\_\_\_ (f) A legal description of the subdivision boundary.

\_\_\_\_ (g) The boundary lines of the subdivision in a heavy, solid line and referenced to section or quarter section lines.

\_\_\_\_ (h) 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.

\_\_\_\_ (i) Existing contours at a minimum interval of twenty (20) feet.

\_\_\_\_ (j) General location and extent of any significant natural features such as wooded areas, streams, drainage ways, or lakes.

\_\_\_\_ (k) Floodplains of designated streams as delineated on maps available in the office of the County Planner.

\_\_\_\_ (l) Location, dimensions, and names of existing roads, streets, alleys, rights-of-ways and structures within and within twenty (20) feet immediately adjacent showing how they relate to the proposed subdivision layout.

\_\_\_\_ (m) Location, size, and grades of existing sewers, water mains, gas lines, pipelines or other underground utilities or installations within the proposed subdivision or immediately adjacent thereto.

\_\_\_\_ (n) Location and dimensions of all easements of record.

\_\_\_\_ (o) Location and width of proposed streets, alleys, pedestrian ways and easements. Proposed streets will be a minimum of 50' right-of-way, depending on the density of the subdivision. Road ways will be all weather surface. Cul-de-sacs must be a minimum of 45° radius.

\_\_\_\_ (p) Layout, numbers and approximate dimensions of proposed lots and blocks. Minimum lot width will have 50' frontage.

\_\_\_\_ (q) 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.

\_\_\_\_ (r) 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.

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

\_\_\_\_ (t) The recommendation of a qualified professional engineer or the affected Soil Conservation District regarding soil suitability, including corrosion hazard, erosion control, sedimentation and flooding problems.

\_\_\_\_ (u) A description of the phasing and scheduling of phases for the development if the Final Plat is to be submitted in separate phases.

\_\_\_\_ (v) Information as to appurtenant water rights, including but not limited to quantity, source and applicable documents.

\_\_\_\_ (w) Any **exceptions** to the subdivision must be noted

\_\_\_\_ (x) Certification and dedication statement signed by all owners, or others with an equitable interest with their signatures properly acknowledged.

\_\_\_\_ (y) Signed certification by a registered land surveyor

\_\_\_\_ (z) Certificates for the City Planning Commission and the City Council as specified in the regulations

\_\_\_\_ (aa) Certificate for recording by the County Clerk of Records

\_\_\_\_ (bb) Disclosure statement of hazards if required

\_\_\_\_ (cc) Plans for elimination or ameliorating natural hazards.

\_\_\_\_ (dd) A study evaluating the sewage system proposed for the subdivision and the adequacy and safety of the system. The study shall, at a minimum, include the following:

(A) Identification of the type of sewage system to serve the subdivision and identification of the entity or entities responsible for the design, construction, operation and maintenance of the proposed facility;

(B) For all types of sewage systems except individual on-lot sewage systems, a report submitted by the subdivider as to the adequacy and safety of the proposed sewage system. The report shall address, at a minimum, the following issues:

(I) An assessment of the adequacy of the proposed sewage system in relation to the proposed population density of the subdivision and any other existing or proposed land and water uses in the vicinity of the subdivision that may affect the adequacy of the system;

(II) An estimate of the total number of gallons per day of sewage generated by the proposed subdivision where a central sewage system is proposed;

(III) A demonstration that technical requirements and design standards of the department of environmental quality applicable to central sewage systems can and will be met;

(IV) Where utilization of or connection to an existing private or public sewage system is proposed, documentation that application to such entity has been made and that the entity can and will provide service;

(V) A detailed demonstration that the proposed sewage system for the subdivision is compatible with the proposed water supply system for the subdivision. The study shall demonstrate that the operation of the sewage system will not affect the suitability or safety of the proposed water supply system and a determination of the potential impacts of downgradient use of groundwater;

(VI) Demonstration that the proposed sewage system will meet all county, state and federal standards. The demonstration shall address the relationship of the development to any local or state approved water quality management plans established pursuant to section 201 of the federal Clean Water Act, 33 U.S.C. section 1281 and demonstrate no conflict exists with any state approved local wellhead protection plan or local source water protection plan established pursuant to the federal Safe Drinking Water Act.

(C) Where individual on-lot sewage systems are proposed by the subdivider, a report submitted by the subdivider shall document the safety and adequacy of the proposed on-lot sewage systems including the following:

(I) Adequacy of separation distances;

(II) Separation of drain field relative to groundwater and impervious soils;

(III) Suitability of the subdivision soil conditions;

(IV) Suitable topography;

(V) Proposed population density;

(VI) Protection of groundwater uses; and

(VII) Watersheds located on or draining into, under or over the proposed subdivision.

(D) Where individual on-lot sewage systems are proposed, the words "NO PROPOSED CENTRALIZED SEWAGE SYSTEM," in bold capital letters shall appear

on all offers, solicitations, advertisements, contracts, agreements and plats relating to the subdivision.

(I) If the subdivider proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, the subdivider shall provide copies of 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 and shall provide a minimum access roadway right-of-way of sixty (60) feet to the subdivision for all public ways;

\_\_\_\_ (ee) A study evaluating the water supply system proposed for the subdivision and the adequacy and safety of the system. The study shall, at a minimum, include the following:

(A) Identification of the type of water supply system proposed to serve the subdivision and identification of the entity or entities responsible for the design, construction, operation and maintenance of the proposed facility;

(B) For all water supply systems except individual on-lot wells, a report submitted by the subdivider demonstrating the adequacy and safety of the proposed water supply system. The report shall address, at a minimum, the following issues:

(I) The estimated total number of gallons per day for the subdivision water supply system;

(II) Documentation that the proposed water supply system will be compatible with and not adversely affected by the sewage system proposed for the subdivision or any other sources of pollution within a reasonable distance;

(III) List of all surface and groundwater rights which will be used or which may be affected, including state engineer application and permit numbers and description of expected effects;

(IV) Plans for the mitigation of water right conflicts resulting from the use of water within the proposed subdivision;

(V) When connecting to an existing water supply system, the report shall also contain:

(1) Documentation that public or private water suppliers can and will supply water to the proposed subdivision, stating the amount of water available for use within the subdivision and the feasibility of extending service to that area;

(2) Documentation concerning the potability of the proposed water supply for the subdivision.

(VI) Where a centralized water supply system is proposed containing a new source of water supply to be developed, the report shall also demonstrate that the water supply system is sufficient in terms of quality, quantity and dependability and will be available to ensure an adequate water supply system for the type of subdivision proposed. The report shall include a narrative summary of:

(1) Where the water supply system source is derived from groundwater, the geologic setting of the water supply system source and the area of influence such as nearby communities, sources of pollution, surface water bodies and aquifers described by a Wyoming registered professional geologist;

(2) The quantity, quality and source of the water to be used including proposed and existing surface and groundwater facilities and their locations. Where the proposed water supply system for the subdivision is from a groundwater source, a written report submitted by the subdivider demonstrating that the proposed source is sufficient in terms of quality, quantity and dependability for the type of subdivision proposed;

(3) The proposed disposal of water not consumed, including water obtained under permits, storm drainage, dewatering, sewage and other wastewater sources;

(4) A delineation of primary sources of water, secondary sources and occasional or seasonal sources;

(5) Graphic location of all water supply sources including wells, raw water intakes, treatment facilities, treated water storage facilities and ponds;

(6) Documentation of all data sources on the occurrence and availability of surface and groundwater;

(7) Historic stream flows and well levels;

(8) Senior water rights;

(9) Flood damage and flood protection;

(10) Impact of and protection from supply shortages.

(C) Where individual on-lot wells are proposed as the water supply system, a report submitted by the subdivider demonstrating the safety and adequacy of the water supply system shall address, at a minimum, the following:

(I) The estimated total number of gallons per day for the subdivision;

(II) Information relative to the potential availability and quality of groundwater proposed within the subdivision which may consist of new data, existing data on other working wells in the area, or other data, including drilling logs, from a test well drilled within the proposed subdivision indicating soil types, depth, quantity and quality of water produced in the test well;

(III) Documentation that the proposed water supply system will be compatible with and not adversely affected by the sewage system proposed for the subdivision or any other sources of pollution within a reasonable distance;

(IV) List of all surface and groundwater rights which will be used or which may be affected, including state engineer application and permit numbers, and description of expected effects; and

(V) Plans for the mitigation of water right conflicts resulting from the use of water within the proposed subdivision.

(D) Where individual on-lot wells are proposed, the words "NO PROPOSED CENTRAL WATER SUPPLY SYSTEM," in bold capital letters shall appear on all offers, solicitations, advertisements, contracts, agreements and plats relating to the subdivision.

- (4) 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 or completely surrounded by the boundaries of the City unless the Preliminary Plat submitted to the Department of Planning is accompanied by a properly acknowledged petition for annexation to the City and a separate application for proper zoning.
- (5) The Department of Planning 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 a 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.

b. Appeals

Any subdivider or landowner aggrieved by the action of the Planning Commission or the administrative staff of the City of Lander in their administration of these regulations, may request a hearing before the City Council. The request shall be in writing, shall be submitted to the Department of

Planning within thirty (30) days of the receipt of such a request, the City Council shall hold a hearing to determine the proper disposition of the matter. At the hearing, the Council shall consider not only the subdivider's appeal, but also the written or verbal comments of the Commission, agency or person appealed from. The Council shall either reaffirm or modify the decision of the Commission, agency or person and note the decision in the record of its hearing. The subdivider or landowner may then proceed with the subdivision of the land based upon this decision of the Council. This decision shall be binding upon all agencies and administrative personnel of the City of Lander.

c. Variances

- (1) When it can be shown that in the case of a particular subdivision, strict compliance with the provisions of these regulations would cause undue hardship, the City Council may authorize a variance to these requirements. The granting of any variance shall be based upon findings by the Council that:
  - (a) The subdivider is proceeding in good faith.
  - (b) There are unusual topographical or other special circumstances associated with the property which are not the result of any action of the subdivider and which prohibit the use of the property in a manner similar to the use of adjacent or nearby properties.
  - (c) The variance is necessary for reasonable development of the property in question and will alleviate a clearly demonstrable hardship.
  - (d) The variance will not nullify the intent or purpose of these regulations.
  - (e) Granting the variance will not be detrimental to the general public health, safety and welfare.
- (2) Any variance granted shall constitute the minimum adjustment necessary to alleviate the hardship.
- (3) A request for a 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 Final Plat in order for it to be approved. The subdivider may then seek relief from the specific provisions of these regulations with which he cannot comply.
- (4) All requests for variances shall be submitted in writing to the City Council and shall be referred to the Planning Commission for comments and

recommendations prior to any action taken by the City Council. In granting a variance, the Council may impose such conditions as will insure substantial compliance with the objectives and standards of these regulations. The findings and action on each variance and any conditions imposed shall be recorded in the minutes of the Council and a copy thereof provided to the Department of Planning.

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

d. Vacations

- (1) Any plat may be vacated by the owners or proprietors thereof at any time before sale of any lots, or before the City has made substantial improvements in the subdivision, by submitting a copy of the plat to the Planning Commission along with a written request for the vacation. In cases where lots have been sold, the written request shall be by all of the owners of lots within the plat. The Planning Commission shall make a recommendation on the vacation to the City Council and the Council shall approve or disapprove the vacation. The recording of an instrument vacating the plat shall operate to destroy the force and effect of the recording of the original plat and to divest all public rights in the streets, alleys, common and public grounds laid out or described in such a plat.
- (2) Streets and alleys platted and laid out under the provisions of these regulations or laid out under any prior law of the State of Wyoming regulating private plats may be altered or vacated in the manner provided by law for the alteration or discontinuance of highways.
- (3) Any part of a plat may be vacated under the provisions, and subject to the conditions of Section 5 d (1) of these regulations, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat and provided, further, that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law. The request for vacation shall be made by all of the owners of lots within that portion of the overall plat sought to be vacated.
- (4) When any part of a plat shall be vacated as afore said, streets, alleys and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions.
- (5) The County Clerk shall write in plain, legible letters across that part of

said plat so vacated, the word "vacated" and also make a reference on the same to the volume and page in which the said instrument of vacation is recorded.

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

e. Administrative Liability.

The City shall hold harmless the Department of Planning, other 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.

**SECTION 6: PROCEDURES AND REQUIREMENTS FOR PLATTING -**

a. Pre-Application

- (1) Prior to the submission of a Preliminary Plat as required by these regulations, the subdivider shall contact the Director of the Department of Planning, the City Engineer and any other administrative personnel or public or private agencies to determine:
  - (a) Procedures and requirements for filing the Preliminary and Final Plats.
  - (b) Availability of public water and sewer and requirements when public systems are not readily available.
  - (c) Zoning requirements on the property.
  - (d) Requirements of the duly adopted Comprehensive Plan for major streets, land use, schools, parks and other public open space.
  - (e) The location and extent of any floodplains as shown by maps in the office of the City Engineer.
  - (f) Soil types and problems on the property as shown on available soil survey maps prepared by the Soil Conservation Service.

- (2) As part of this contract, the subdivider may discuss with the Department of Planning or any other appropriate agency his tentative proposals for the development of the property.
- (3) The subdivider may request that the Planning Commission review and comment on a Sketch Plat prior to his preparation of a Preliminary Plat. The Planning Commission shall make such a review and make their comments known to the subdivider in writing within five (5) days from the date of the review.
- (4) The purpose of this pre-application 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 Department of Planning or other agencies other than to offer appropriate comments on the proposal.

#### B. Preliminary Plat

- (1) Preliminary Plats shall be submitted in twelve (12) copies, and a mylar or sepia reproducible, to the Department of Planning. The Preliminary Plat shall consist of a drawing or drawings and accompanying material and information prescribed by these regulations.
- (2) 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:
  - (a) The name of the subdivision. The name shall not duplicate or too closely resemble the name of any subdivision previously filed in the County.
  - (b) Date of preparation, scale and north arrow. The top of each sheet shall represent north wherever possible.
  - (c) 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.
  - (d) The names, addresses and phone numbers of the developer or subdivider, and the individual or firm responsible for the preparation of the Preliminary Plat.
  - (e) A legal description of the subdivision boundary.
  - (f) The boundary lines of the subdivision in a heavy, solid line and referenced to section or quarter section lines.

- (g) 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.
  - (h) Existing contours at an interval of two (2) feet unless portions of the proposed subdivision has such severe slopes that, as determined by the City Engineer, intervals greater than two (2) feet would be more suitable.
  - (i) General location and extent of any significant natural features such as wooded areas, streams, drainageways, or lakes.
  - (j) Floodplains of designated streams as delineated on maps available in the office of the City Engineer.
  - (k) Location, dimensions, and names of existing roads, streets, alleys, rights-of-ways and structures within and within twenty (20) feet immediately adjacent showing how they relate to the proposed subdivision layout.
  - (l) Location, size, and grades of existing sewers, water mains, gas lines, pipelines or other underground utilities or installations within the proposed subdivision or immediately adjacent thereto.
  - (m) Location and dimensions of all easements of record.
  - (n) Existing zoning and land use of proposed subdivision and immediately adjacent areas.
  - (o) Location and width of proposed streets, alleys, pedestrian ways and easements.
  - (p) Layout, numbers and approximate dimensions of proposed lots and blocks.
  - (q) 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.
  - (r) 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.
- (3) The following information and material shall be a part of any Preliminary Plat submittal and shall accompany the Preliminary Plat drawing:

- (a) Payment of the total amount of the Preliminary Plat fee.
  - (b) A statement explaining how and when the subdivider proposes to install water, sewer, paving, sidewalks, drainageways, and other required improvements.
  - (c) A statement describing the development and maintenance responsibility for any private streets, ways or open spaces.
  - (d) The recommendation of a qualified professional engineer or the affected Soil Conservation District regarding soil suitability, including corrosion hazard, erosion control, sedimentation and flooding problems.
  - (e) A description of the phasing and scheduling of phases for the development if the Final Plat is to be submitted in separate phases.
  - (f) A petition for annexation to the City of Lander if the land to be subdivided is contiguous to and, either by itself or as part of a larger tract, is completely surrounded by the boundaries of the city.
  - (g) 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.
  - (h) The names and addresses of all owners of subdivided lots and unplatted land contiguous and immediately adjacent to the boundary of the proposed subdivision.
  - (i) A subdivision application on the standard forms provided.
  - (j) A completed Preliminary Plat check list on the standard forms provided.
  - (k) Information as to appurtenant water rights, including but not limited to quantity, source and applicable documents.
- (4) After receipt of the Preliminary Plat and all required supporting material, City Clerk shall schedule the Plat for consideration at the next regular business meeting of the Planning Commission, which shall be at least twenty-one (21) days from the date on which the Plat was submitted, and shall, within three (3) days transmit copies to appropriate agencies and officials for their review and comment. At a minimum, copies of the plat shall be referred to:
- (a) The City Engineer/Public Works Director
  - (b) The City Building Inspector
  - (c) Any utility or special district

- (d) City Parks and Recreation Commission
  - (e) The City Fire Department (*Section 6(b)(4) amended by Resolution 560, effective 4-9-96*)
- (5) Agencies receiving referral copies of the Preliminary Plat should return written comments on the Plat to the Department of Planning within fourteen (14) days after receipt of the Plat. Agencies may also present comments on the Plat at the Planning Commission meeting at which the Plat is considered.
- (6) Upon receipt of all agency comments, or at the end of the fourteen (14) day period, the Department of Planning will summarize the agency comments, add written comments and recommendations from the Department itself, and present the material and recommendations to the Planning Commission for its consideration.
- (7) At least seven (7) days prior to the date of the Planning Commission meeting at which the Plat is to be considered, the Department of Planning shall, from information provided by the subdivider as a part of his Preliminary Plat submittal, notify the owners of subdivided lots and owners of unplatted land contiguous and immediately adjacent to the boundaries of the proposed subdivision of the time and date of the meeting.
- (8) The subdivider and all other interested or affected parties shall be allowed to offer comments on the Preliminary Plat at the Planning Commission meeting. After due deliberation, the Planning Commission shall either approve or disapprove the Preliminary Plat and so notify the subdivider in writing within ten (10) days after the date of the meeting at which final action was taken. The Planning Commission may attach conditions to its approval. If the plat is disapproved, the Planning Commission shall specify conditions under which the Plat may gain approval.
- (9) If the subdivider contends that conditions of approval attached by the Planning Commission are of such a nature as to make development of his land impractical or if the subdivider contends that disapproval of his Preliminary Plat by the Planning Commission was a wrongful decision, he may, in writing, request a hearing before the City Council and proceed according to the provisions of Section 5b of these regulations.
- (10) Approval of the Preliminary Plat either by the Planning Commission, or upon appeal, by the City Council shall be effective for twelve (12) consecutive calendar months from the date of approval. The subdivider may apply in writing for and the Planning Commission may, for cause shown, grant a six (6) month extension to the twelve month period. If a Final Plat has not been submitted within this specified period on all or a portion of the land area included in the Preliminary Plat, a Preliminary Plat must be again 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 thirty-six (36) 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.

c. Final Plat

- (1) After approval of the Preliminary Plat, the Final Plat may be prepared and submitted. The Final Plat shall be prepared and certified as to its accuracy by a registered land surveyor licensed to do such work in the State of Wyoming. The Final Plat and required supporting material shall conform to the design and engineering standards set forth by the City Council.
- (2) Final platting may be accomplished in stages covering reasonable portions of the area of an 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 of the subdivision shall be as nearly self-sustaining and complete as possible, and shall by itself, or in conjunction with previous stages, 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 is completed, a viable development will result. Plats of a phased subdivision may be submitted together for concurrent review by the Planning Commission. If submitted for concurrent review, the plats shall be assessed a single Final Plat fee and shall require a single set of supporting documentation covering all phases.
- (3) The Final Plat shall be clearly and legibly drawn in black, water-proof India ink upon tracing linen, mylar or some similar stable base material. Required affidavits, certificates and acknowledgements 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 remains on the left side of the sheet and a 1/2" margin is left on the three remaining sides. The scale of the Final Plat shall be 1"=100' or larger. The scale may be reduced to 1"=200' for subdivisions in which the minimum lot size is (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.
- (4) A reproducible linen or mylar, and eight (8) prints of the Final Plat and two (2) copies of all required supporting material shall be submitted to the Department of Planning at least fourteen (14) days prior to the Planning Commission meeting at which the Final Plat is to be considered.

- (5) The submitted Final Plat shall contain the notarized signatures of the owner or owners, or others with an equitable interest in the land, and the signature of the registered land surveyor.
- (6) All final plats shall include the following information on the face of the plat.
  - (a) The name of the subdivision at the top center of each sheet.
  - (b) General location of the subdivision by section, township, range, county, and state, entered under the name of the subdivision.
  - (c) North arrow, date and scale.
  - (d) Boundary lines of the subdivision in a heavy solid line.
  - (e) Legal description of the subdivision boundary based on an accurate traverse, giving angles and linear dimensions that result in a maximum allowable error of closure of one part in 10,000.
  - (f) The location and description of the point of beginning and its proper reference to the monumented boundary survey.
  - (g) Location and description of all monuments.
  - (h) Bearings, distances, and curve data of all perimeter boundary lines indicated outside of the boundary lines.
  - (i) On curved boundaries and on all curves within the Plat, sufficient data to allow the reestablishment of the curves within the Plat, sufficient data to allow the reestablishment of the curves on the ground.
  - (j) 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, interior angles, length of radii and/or arcs of all curves.
  - (k) Drainage easements clearly labelled as such.
  - (l) The names of all streets.
  - (m) All lots and blocks logically and consecutively numbered in the center of the lot or block.
  - (n) All dimensions shown on irregularly shaped lots.

- (o) 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.
- (p) A notation of the total acreage of the subdivision and the total number of lots.
- (q) The boundary of any floodplain shall be shown on the plat.
- (r) A notarized certificate by all parties having any titled interest in or upon the land, consenting to the recording of the Plat and dedicating public ways, grounds and easements. The certificate shall read:

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 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 Lander, and its licensees for perpetual public use all streets, alleys, easements and other public lands within the boundary lines of the plat as indicated and not already otherwise dedicated for public use.

Utility easements as designated on this plat are hereby dedicated to the City of Lander and its licensees for perpetual public use for the purpose of installing, repairing, re-installing, replacing and maintaining sewers, water lines, gas lines, electric lines, telephone lines, cable television lines and other forms and types of public utilities now or hereafter generally utilized by the public.

(On plats containing drainage easements add:)

Drainage easements as designated on this plat are hereby dedicated to the City of Lander and its licensees for public use to accommodate the flow or storage of storm waters and shall be kept free of all structures or other impediments.

(Individuals, where applicable, should add:)

All rights under and by virtue of the homestead exemption laws of the State of Wyoming is hereby waived and released.

Executed this \_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_,

by:

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

STATE OF WYOMING )

) ss.

FREMONT COUNTY )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_. A.D., 19\_\_ by \_\_\_\_\_ as a free and voluntary act and deed.

Witness my hand and official seal.

My commission expires \_\_\_\_\_.

\_\_\_\_\_ Notary Public

(s) 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 City of Lander regulations governing the subdivision of land.

Registered Land Surveyor

(t) Certificate of review of the City Engineer as follows:

Data on this plat reviewed this \_\_\_\_ day of \_\_\_\_\_, 19\_\_, by the City Engineer of Lander, Wyoming.

City Engineer

(u) Certificate of approval by the City of Lander Planning Commission as follows:

This plat approved by the City of Lander Planning Commission this \_\_\_\_ day of A.D., 19\_\_.

Chairman

Secretary

- (v) Certificate of acceptance and approval by the City Council of the City of Lander as follows:

Approved by the City Council of the City of Lander, Wyoming this \_\_\_ day of A.D., 19\_\_.

Mayor

City Clerk

- (w) Certificate for recording by the County Clerk and Recorder as follows:

This plat was filed for record in the Office of the Clerk and Recorder at \_\_\_ o'clock .m., \_\_\_\_\_, 19\_, and is duly recorded in Book \_\_\_\_\_, Page no. \_\_\_\_\_.

County Clerk

- (7) The Final Plat shall be accompanied by the total amount of the Final Plat fee.
- (8) After receipt of the Final Plat, the Department of Planning shall review the submittal for completeness and for conformance with the approved Preliminary Plat. The Department may refer copies of the Final Plat to and seek comment from other officials and agencies. Any such comments should be made known to the Department within fourteen (14) days after the date of submittal of the Final Plat.
- (9) The Final Plat shall be scheduled for consideration of the Planning Commission at its next regular meeting after the minimum fourteen (14) day review period. After due deliberation, the Planning Commission shall approve, conditionally approve or disapprove the Final Plat. Approval of a Final Plat by the Planning Commission shall remain effective for twelve (12) calendar months.
- (10) The subdivider shall be notified of the action of the Planning Commission. If the plat is disapproved, the subdivider may request a hearing before the Planning Commission. If, after the hearing, the decision of the Planning Commission is substantially unaltered from its original decision with which the subdivider disagreed, he may proceed according to the provisions of section 5b of these regulations.

- (11) A complete Final Plat submittal shall consist of the Final Plat and all required supporting materials. Prior to, or upon receiving notification of approval of the Final Plat by the Planning Commission, the subdivider shall submit the following supporting material relating to the Final Plat to the Department of Planning:
- (a) A Final Plat checklist on standard forms provided.
  - (b) Drawings and specifications as prescribed by the City Engineer, showing overlot grading and the size, location and type of water, sewer and drainage lines and facilities.
  - (c) A State of Wyoming Department of Environmental Quality permit for utilities where required.
  - (d) Profiles, cross sections, plans and specifications of roads, streets and bridges as required by the City Engineer.
  - (e) If access to the subdivision or any part thereof must be gained across property outside of the subdivision, a certified copy of an appropriate recorded instrument granting the right of public access shall be submitted.
  - (f) When applicable, a warranty deed conveying to the City of Lander or other appropriate public agency any public lands other than streets, alleys or easements shown on the Final Plat, and title insurance on the subject parcel.
  - (g) Payment of any fees in lieu of public land dedication, or any initial payment and payment schedule keyed to subdivision development.
  - (h) Evidence satisfactory to the City Council that the subdivided land is free of all encumbrances and that the person who offers any part of the subdivision for sale or who solicits any offers for the purchase thereof, directly or through agents, may convey merchantable title, subject only to noted reservations or restrictions of record but free of encumbrances and subject only to a proportionate share of real property taxes or assessments charged or assessed for the year in which any such sale may be legally effected; or that binding arrangements have been made by the person who offers any part of the subdivision for sale, directly or through an agent, to assure purchasers of any part of the subdivision that upon full payment of the purchase price a warranty deed can and will be delivered conveying merchantable title subject only to a proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which such sale may be legally effected. The subdivider will

provide a “Subdivision Guarantee” that is obtained through a valid Title Insurance Company and which verifies the names on the dedication of the plat. This guarantee will state ownership and encumbrances of the land that is to be subdivided.

- (i) If the subdivider proposed to utilize adjoining property for any right-of-way or easement, the subdivider shall provide copies of binding and recorded rights-of-way and easements from each property owner over whose land such services shall extend with all rights-of-way and easements having a width of not less than twenty (20) feet.
  - (j) The original of a brief disclosure statement to be placed on file with the County Clerk pointing out any hazards or problems associated with all or any part of the subdivision. The disclosure statement will note difficult soil conditions, high water tables, excessive slopes or other conditions which might have an adverse impact on the uses intended for the subdivided land. The words in capital letters "DISCLOSURE STATEMENT ON HAZARDS OR PROBLEMS ASSOCIATED WITH THIS SUBDIVISION ON FILE WITH THE COUNTY CLERK" shall appear on all offers, solicitations, contracts, agreements and plats relating to the subdivision. Neither the City, nor its employees, agents, commissions or consultants shall in any way guarantee the reliability of the information contained in the statement, but shall make copies available to interested parties upon request.
  - (k) A performance and payment 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 commitment shall be for one hundred twenty five (125) percent of the cost of improvements as estimated by the subdivider's licensed professional engineer and approved by the City Engineer.
- (12) Upon receipt of all required supporting materials to the Final Plat, the Department shall review them for completeness to determine whether a complete Final Plat submittal has been made and shall refer material to appropriate agencies for review and comment. 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 or Final Plats for which necessary approvals have not been secured shall not be forwarded to Council for action.
- (13) Within a reasonable time after receiving the recommendations of the Planning Commission along with the Final Plat and accompanying

materials, 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.

- (14) Upon approval by the City Council of the Final Plat, the subdivider shall be notified to submit payment for the recording fee to the Department of Planning and the Department shall transmit the subdivider's recording fee and the fully 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.
- (15) As an alternate procedure and at the request of the subdivider, the City Council may approve a Final Plat and instruct the Department of Planning 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 of improvements as set forth in Section 6 c 11 (k) of these regulations. An executed standard contract as approved by the City Attorney regarding installation of improvements shall still be submitted with the Final Plat. The contract shall require that all improvements be completed no later than twenty four (24) months from the date the Final Plat was approved by the City Council. If required by the City Engineer, the subdivider shall also submit with the Final Plat a signed and acknowledged instrument in recordable form dedicating to the City those easements shown on the plat which may be needed in advance of the plat being recorded. The subdivider shall also agree to cooperate with the City Engineer in the necessary inspections of the construction of subdivision improvements. When the completed improvements are inspected and approved by the City Engineer and, if proposed for City maintenance, accepted by the City, the plat shall be recorded and the sale of lots may proceed according to the approved and recorded plat. The City Council may repeal the approval of the plat should the subdivider fail to meet the terms of the contract.
- (16) Building permits shall not be issued until all public improvements have been installed, approved by the City Engineer and accepted by the City Council. However, the subdivider may appeal to the City Council to allow the issuance of building permits only if the subdivider can demonstrate that he is proceeding in good faith and has, at a minimum, installed sewer and water lines as well as has a suitable temporary street surface as determined by the City Engineer. Certificates of occupancy shall not be issued until all public improvements have been installed, approved by the City Engineer and accepted by the City Council.

d. Minor Plats.

For subdivisions consisting of five lots or less, where street dedications are not required, and/or on the determination of the Department of Planning, the subdivider may proceed directly to the preparation of the Final Plat. The Department shall designate those information requirements from the Preliminary and Final Plat processes that will be necessary for the Planning Commission to adequately evaluate the subdivision.

e. Corrected Plats and Resubdivisions

- (1) If, after the approval and recording of a Final Plat, errors are found in the language or numbers on the recorded Plat, 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.
- (2) If, after the approval and recording of a Final Plat, a subdivider wishes to modify the location of lot lines on a part or all of the recorded plat, and if there is no change in the location or size of the dedicated streets, the subdivider shall submit a new Final Plat drawing the lotting arrangement revised. The Planning Director shall determine which of the required supporting documents shall be resubmitted with the revised Final Plat. The plat shall be marked the RESUBDIVISION OF \_\_\_\_\_ under the name of the subdivision and shall be processed as a Final Plat.
- (3) If, after the approval and recording of a Final Plat, a subdivider wishes to substantially change the street and lotting arrangement of a part or all of the platted area, 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, the Planning Director shall determine which of the required supporting documents must be resubmitted. The subdivision shall be identified as the RESUBDIVISION OF \_\_\_\_\_.

f. Planned Unit Development (PUD)

1. Intent - This chapter for planned unit developments (PUD) is intended to provide for the growing demand for housing of all types and designs and for necessary supportive commercial facilities conveniently located to such housing, to create functional and attractive development, to minimize adverse impacts, and to ensure that

projects will be assets to the community. It is the purpose of this chapter:

- (a) To promote and permit flexibility that will encourage innovative and Imaginative approaches in land development and renewal which will result in a more efficient, aesthetic, desirable and economic use of land while maintaining density and intensity of use consistent with the applicable adopted plans, regulations and policies of the city;
- (b) To promote development within the city that can be conveniently, efficiently and economically served by existing municipal utilities and services or by their logical extension;
- (c) To promote design flexibility including placement of buildings, use of open space, pedestrian and vehicular circulation systems to and through the site and off-street parking areas in a manner that will best utilize potential on-site characteristics such as, topography, geology, geography, size and proximity;
- (d) To provide for the preservation of historic or natural features where they are shown to be in the public interest, including but not limited to such features as: drainage ways, flood plains, existing topography or rock outcroppings, unique areas of vegetation, historic landmarks or structures;
- (e) To provide for compatibility with the area surrounding the project site;
- (f) To provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas, and similar open space;
- (g) To minimize adverse environmental impacts of development;
- (h) To improve the design, quality and character of new development.

(2) General - A planned unit development shall be consistent with the statement of purpose for planned unit development and the following criteria:

Density -

- (a) The maximum gross density of the PUD is based on the zone in which it is located. Actual gross density shall be computed by dividing the total acreage of the planned unit development by the number of dwelling units. The density for portions of the PUD may exceed the maximum gross density for the underlying zone as long as the maximum gross density for the entire PUD does not exceed the maximum gross density allowed in that zone. The net density of a particular phase of the PUD shall be computed by dividing the acreage of the phase by the number of dwelling units. The total acreage shall be that area contained in the planned development application and include all proposed streets, common area, public parks and dwelling sites and similar areas within the proposed development. When such computation ends with more than 0.5 of a dwelling unit, the maximum density will be increased to the next whole number;
- (b) The maximum density shall be based on the applicable zoning designation as follows:

Zone	Maximum Density
R-1	4 residential units per gross acre.
R-2	10 residential units per gross acre.
R-3	18 residential units per gross acre.
R-5	44 residential units per gross acre.

For PUDs in the General Commercial District, the maximum density allowed would be the same as the R-3 zone: eighteen residential units per acre;

- (c) Density bonuses may be awarded as set forth in Section 4-12-10(l).
  - i. Ownership. Each application shall be signed by the owners of all the property to be included in the planned unit development. At the time of filing any final development plan under this chapter, the owner shall file a recordable agreement between the owner and the city in the office of the county clerk providing for a mandatory homeowners association when ownership of the property is divided. When used in this chapter, the term "developer" means the same as "owner."
  - ii. Common Areas. Before final plan approval, the developers shall specify the manner of holding title to common areas or facilities of joint use. Such areas and facilities shall be retained in title by the developers of the planned unit development or deeded to an organization composed of all owners in the development. The method used by the developers is subject to approval by the city attorney.

**Standards.** Planned unit developments shall meet the use and development standards in Sections 4-12-10(m)(i) to 4-12-10(m)(ix) of this chapter and all use and development standards and requirements in this code. Where the standards and requirements of this chapter conflict with the requirements of other earlier enacted sections of this code, the provisions of this chapter shall apply.

**Permitted Uses.** Except as otherwise permitted or restricted, all uses permitted in the R-1, R-2, R-3 and R-5 districts are permitted in a PUD provided that any commercial uses proposed for the PUD must meet the satisfaction of the department of planning and that such uses, if any, shall not change, injure, or destroy, temporarily or permanently, the predominantly residential character of the PUD.

- (3) Procedures.
  - (a) Conceptual development plan.
    - (i) The developer may request an informal review of a conceptual plan for a development by representatives of the department of planning-city clerk's office, public works department, water/wastewater department, fire

department and building division.

(ii) Developers seeking a conceptual plan review shall submit the items required in Section 4-12-10 (i) no less than fourteen days before the developer wishes to have a conceptual plan meeting.

(iii) Neither the developer nor the city is bound by any conceptual plan review.

(b) The preliminary development plan.

(i) Not less than 21 days before the regular planning commission meeting at which the developer wants a preliminary development plan to be considered, the developer shall file a preliminary development plan with the city clerk's office. The preliminary development plan shall be considered as filed with the planning commission on the date of the planning commission meeting at which it is presented.

(ii) Before the planning commission makes a recommendation on a preliminary development plan, it shall hold a public hearing giving the same notice as required for a preliminary plat as defined in the City of Lander Subdivision Rules and Regulations.

(iii) After the hearing on the preliminary development plan, the planning commission shall either recommend to the city council (1) preliminary approval of the plan as submitted; (2) preliminary approval subject to specified conditions not included in the plan submitted, or (3) denial of preliminary approval. At the developer's request, action may be postponed.

(iv) Before taking action the city council shall hold a public hearing on the preliminary plan. The city council shall cause notice of such hearing to be given at least fifteen days in advance of the hearing in a newspaper of general circulation in the city. The owner of the property for which the PUD is sought, and all owners of property located within 140 feet of the subject property, excluding streets and alleys, shall be sent a notice of the public hearing by first class mail using either the street address or the address of record in the office of the county assessor.

(v) Following the public hearing, the city council shall act on the recommendation of the planning commission concerning the preliminary development plan within thirty days after the plan is formally presented to the council. The city council shall determine whether the preliminary development plan shall be approved, approved with conditions or disapproved and shall cause notice of its decision to be given to the developer. At the developer's request, action may be postponed.

(vi) If a final plan has not been recorded, as provided by Section (f)(vii), five years after the date of approval of the preliminary plan and plat by the city council, or from the recording date of the last final plan, whichever is later, the preliminary plan and plat shall become null and void and of no further force and effect.

(4) Status of preliminary plan after approval.

(a) An approved preliminary plan shall operate as a plat of the planned unit development for recording purposes. A plan which city council has given preliminary approval as submitted, or which has been preliminarily approved with conditions (and provided that the developer has not

defaulted nor violated any of the conditions of preliminary approval) shall not be modified or revoked nor otherwise impaired by action of the city council pending an application or applications for final approval, without the consent of the developer; provided that an application for final approval is filed, or in the case of phased development, provided that applications are filed within the time or times specified in the granting of preliminary approval.

- (b) If a developer chooses to abandon a plan that has been given preliminary approval he or she may do so before final approval by a signed notice delivered to the city clerk's office in writing. If the developer fails to file an application or applications for final approval within the required time period, the approval shall be deemed to be revoked, and the preliminary development plan shall be null and void.
- (c) Substantial or significant changes in the planned unit development as determined by the department of planning shall be made only after rehearing and reapproval of the preliminary plan. The department of planning shall not approve an increase of more than five percent in the approved residential density of the proposed development nor shall the department of planning approve an increase of more than five percent in the total number of bedrooms of the proposed development.

(5) Filing of statement.

- (a) Within fifteen days after approval of a preliminary development plan by the city council, the developer shall file in the office of the county clerk a statement that such a plan has been filed with the planning commission and has been approved and that such planned unit development is applicable to certain specified legally described land and that copies of the plan are on file with the city clerk. Such statement filed in the office of the county clerk shall specify the nature of the plan, the proposed density or intensity of land use and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan. The recorded statement shall specify that the preliminary development plan shall become binding upon all successors and assigns unless amended in conformance with this ordinance. The recorded statement shall also state that substantial or significant changes in the planned unit development shall be made only after rehearing and reapproval of the preliminary plan. The developer shall be responsible for all costs incurred in filing the statement.
- (b) Before filing an application for final approval the developer shall provide the city clerk with a copy of such recorded statement.

(6) The final development plan.

- (a) At the risk of the developer, the preliminary and final development plans may be filed concurrently for review.
- (b) After receiving notice of the action of the city council approving the preliminary development plan, if a developer desires to proceed, he or she shall file the final development plan with the city clerk's office not less than 21 days before the regular planning commission meeting at which the

developer wants a final development plan to be considered. The final development plan shall be considered officially filed with the planning commission on the date of the planning commission meeting at which such plan is presented.

- (c) A public hearing on the application for final approval of the plan or part thereof shall not be required provided that the plan or part thereof submitted for final approval is in substantial compliance with the plan given preliminary approval as determined by the city clerk's office. The burden shall be upon the developer to show the planning commission good cause for any variation between the plan as preliminarily approved and the plan as submitted for final approval.
- (d) The planning commission shall act on the final development plan within thirty days after official filing, unless the time is extended by agreement with the developer.
- (e) The planning commission shall recommend to the city council whether the final development plan shall be approved, approved with conditions or disapproved. If recommended for approval, the chairman of the planning commission shall affix his or her signature to the plan. If disapproved, the planning commission shall cause the reason for the refusal to be given to the developer in writing within 30 days of the decision.
- (f) The city council shall act on the recommendation of the planning commission concerning the final development plan within thirty days after the planning commission recommendation is formally presented to the city council. If a final development plan is not in substantial compliance with the plan which received preliminary approval, the city council may refuse, after meeting with the developer, to grant final approval if the city council finds that the final plan is not in the public interest. The city council shall advise the developer in writing of the refusal, setting forth the reasons why one or more of the variations are not in the public interest.
- (g) A plan or any part thereof which has been given final approval by the city council, shall be so certified upon the face of the final development plan by the mayor and filed in the office of the county clerk. If the developer chooses to abandon a plan or portion thereof after it has been given final approval, he or she shall so notify the city council in writing. In the event the developer shall fail to commence the planned unit development within eighteen months after final approval has been granted, then such final approval shall terminate and shall be deemed null and void unless the time period is extended by the city council upon written application by the developer.
- (h) The filing of a final development plan for a planned unit development in the office of the county clerk shall not constitute the effective dedication of easements, rights-of-way or access control, nor shall the filed plan be the equivalent of nor substitute for the final platting of land.
- (i) The developer shall record the approved final development plan, as signed by the mayor, in the office of the county clerk within thirty days after the date of approval; otherwise, the approval of the city council shall be deemed to have been withdrawn and the approval shall be null and void.

(7) Alterations of the final development plan - The final development plan, as passed by the council, shall not be altered during the construction of the planned unit development, except as hereinafter set forth:

- (a) Minor alterations in locations, setting, alignments, bulk of structures, placement or types of plant material, changes in grades, heights, or character of structures, an increase by no more than five percent in the approved residential density of the proposed development, an increase by no more than five percent in the total number of bedrooms of the proposed development or other similar alterations may be authorized by the Planning Commission.
- (b) All other alterations in use, intent, rearrangement of lots, realignment of major circulation patterns, density levels, provisions governing common or open space, or the ratio thereof, or any other alterations that, in the discretion of the city clerk's office substantially change the planned unit development must be approved by the planning commission and passed by the council at public meetings for which public notice as required for the preliminary development plan is given. The same type and quality of data shall be required as is necessary for the original final approval and passage.

(8) Fees and advertisement.

- (a) Conceptual Plan – None
- (b) Preliminary Plan - \$200.00
- (c) Final Plan - \$1,000 per phase

(9) Conceptual plan submittal - The conceptual plan submittal shall include:

- (a) A drawing showing the proposed location of the boundaries of the planned unit development, uses of land, major streets, and significant features such as drainages, easements, steep slopes, floodplain, etc.
- (b) A written statement regarding the developer's intent, the site conditions and characteristics, surrounding land uses, available community facilities and utilities.

(10) Preliminary development plan submittal - The preliminary development plan shall include one set and 12 copies of the plat sheet(s) of all of the information required on and filed with a preliminary plat as set forth in the City of Lander Subdivision Rules and Regulations, except lot lines. The preliminary plan shall constitute a preliminary plat. In addition, the preliminary development plan shall include three sets of the following:

- (a) Written Documents.
  - 1. Application forms;
  - 2. A list of the names and addresses of all owners of record of real property within 140 feet of the property lines of the parcel or land for which the planned unit development is proposed, exclusive of rights-of-way;
  - 3. A schedule showing the proposed time and sequence within which the applications for final approval of all portions of the planned unit development are intended to be filed. The development phases as shown

on the schedule shall also be indicated on the plan. As part of the development time schedule each phase shall have a summary of the number of units of each type of use, the number of dwelling units, the acreage devoted to residential, nonresidential, commercial, recreation, open space, common space non-encroachable area, streets (both public and private), off-street parking, and other major land uses, density, public lands (existing and proposed), and the total number of acres contained in each development phase;

4. A summary of the total number of units of each type of use, number of dwelling units, the number of bedrooms per each type of use, the acreage devoted to all major land uses, the acreage of public lands and areas proposed for public ownership, the acreage of the total area proposed to be developed, and the overall net density of the development;

5. A statement as to the form of ownership proposed to own and maintain the common open space, recreation facilities, non-encroachable area and any other area within the area proposed to be developed that is to be retained primarily for the exclusive use and benefit of the residents, lessees and owners of the planned unit development;

6. A statement as to the substance of the covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities;

7. A statement specifying any variances, modifications, reductions and waivers of this code being requested as part of the plan approval and setting forth reasons why, in the opinion of the developer, such should be allowed.

(b) Site Plan.

1. Existing zoning;

2. The type and location of all existing structures including historically significant structures or sites, as listed on federal or state lists of historic places;

3. The location, dimension and capacity of all proposed off-street parking areas in the area to be developed;

4. The location, dimension, acreage, and ownership of all proposed public and private recreation areas, open space and non-encroachable areas;

5. Significant natural features including wildlife areas and vegetative cover;

6. Dimensions and notes adequate to show compliance with the development standards of this chapter;

7. Proposed signs and locations;

8. Snow removal site;

9. Storage of association equipment, such as snow removal equipment, lawn mowers, etc.;

10. Surrounding land uses and zoning within one hundred forty feet of the PUD boundary, exclusive of rights-of-way;

11. Storm water detention areas indicating location and capacity.

(c) Preliminary Landscape Plan.

(d) One rendered set (not folded) each of site plan and landscape drawings shall be submitted following the staff review.

- (e) Eight and one-half inch by eleven inch reduction of all plans and architectural drawings shall be submitted following the staff review.
- (f) Any other information or studies that the planning commission or city council may deem necessary.

(11) Final development plan submittals. The final site plan and supporting information shall include one set of the following information:

(a) Written Documents.

- (i) Application forms;
- (ii) A summary of the total number of units of each type of use, number of dwelling units, the number of bedrooms per each type of use, the acreage devoted to all major land uses, the acreage of public lands and areas proposed for public ownership, the acreage of the total area proposed to be developed, and the overall net density of the development;
- (iii) Proof of the establishment of an entity to own, manage and maintain the common open space, recreation areas, recreation facilities, non-encroachable areas, private streets and any other area within the development that is to be retained for the exclusive use and benefit of the residents, lessees and owners;
- (iv) Copies of all restrictions or covenants that are to be applied to the development area;
- (v) A copy of proposed articles of incorporation and bylaws of any landowners' organization or similar corporation to be organized;
- (vi) Drawings and/or text showing scale, bulk, and architectural character of structures;
- (vii) A statement specifying any variances, modifications, reductions and waivers being requested as part of the plan approval and setting forth reasons why, in the opinion of the developer, such should be allowed, and,
- (viii) A schedule showing the proposed time and sequence within which the applications for final approval of all portions of the planned unit development are intended to be filed. The development phases as shown on the time schedule shall also be indicated on the plan. As part of the development time schedule each phase shall have a summary of the number of units of each type of use, the number of dwelling units, the acreage devoted to residential, nonresidential, commercial, recreation, open space, non-encroachable area, streets (both public and private), off-street parking, and other major land uses, density, public lands (existing and proposed), and the total number of acres contained in each development phase.
- (ix) A performance and payment 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 developer's responsibility. The commitment shall be on one hundred twenty five (125) percent of the cost of improvements as estimated by the subdivider's licensed professional engineer and approved by the city engineer or public works director.
- (x) Building permits shall not be issued until all public improvements have been installed, approved by the City Engineer and/or Public Works

Director and accepted by the City Council. However, the developer may appeal to the City Council to allow the issuance of building permits only if the developer can demonstrate that he is proceeding in good faith and has, at a minimum, installed sewer and water lines as well as has a suitable temporary street surface as determined by the City Engineer and/or Public Works Director. Certificates of occupancy shall not be issued until all public improvements have been installed, approved by the City Engineer and/or Public Works Director and accepted by the City Council.

(b) Final Site Plan. The site plan submitted by the developer as part of his or her application for final approval shall be prepared at a scale no smaller than one inch to one hundred feet on one or more twenty-four by thirty-six inch sheets which include the following information:

- (i) All information required on the preliminary site plan except contours;
- (ii) Lot lines, easements, public rights-of-way per final subdivision plat;
- (iii) The location of each outdoor trash storage facility;
- (iv) Location, width, surfacing and layout of all streets, parking areas and pedestrian walks;
- (v) Area lighting plan;
- (vi) Location, size, height, and orientation of all signs in excess of one hundred forty-four square inches; and
- (vii) Location, height and material of all screening walls, fences, and screen plantings.

(c) Final Landscape Plan.

(d) A typical lot site plan shall be provided for each type of land use (e.g. single-family, multifamily, patio home, etc.).

(e) Final plat.

(f) All documents included in the site plan shall include space for certification of approval in accordance with the form used for subdivision platting including the following statement: "We hereby dedicate to the city of Lander the right to regulate any construction over the area designated as common space, open air recreation area, and non-encroachable area and to prohibit any construction within said areas and spaces inconsistent with the public interest."

(g) One rendered set (not folded) each of site plan and landscape drawings which shall be submitted following staff review.

(h) Eight and one-half inch by eleven inch reduction of all plans and architectural drawings which shall be submitted following staff review.

(i) Any other information or studies that the planning commission or city council may deem necessary.

(12) Density bonuses - Subject to the limitation in subsection (vi) of this section, a residential density bonus shall be given as follows:

(a) If the developer commits to the provision of low income housing units, per HUD Section 8 guidelines (eighty percent of median county income), by assurances submitted to the department of planning and approved by the city attorney, a bonus equivalent to the percentage of the total number of dwelling units for low income housing shall be granted;

(b) If the developer commits to the provision of accessible housing as defined by American National Standards Institute (ANSI) Section A117.1, by assurances

submitted to the department of planning and approved by the city attorney, a bonus equivalent to the percentage of the total number of dwelling units for handicapped accessible housing shall be granted;

(c) If the developer installs automatic fire extinguishing systems in each dwelling unit a bonus of fifteen percent of the total number of dwelling units shall be granted;

(f) If the developer provides additional open space, public or private, over and above the minimum required, a bonus equivalent to the percentage provided above the minimum shall be granted;

(g) A bonus of five percent for every fifty acres included in the development shall be granted;

(h) The total density bonus given by the city shall not exceed fifteen percent of the maximum total density as calculated per Section (b) for the development.

(13) Development standards - The planned unit development shall conform to the following standards:

(a) Minimum Lot Standards. Minimum lot area, width, and yard requirements of other districts do not apply in the PUD.

(b) Open Space.

(i) A minimum of twenty percent of the total land area shall be retained as usable open space. Open space shall be defined as an open area designed and developed primarily for the use and benefit of the residents of the development to include but not be limited to, recreation, whether private or public, courts, gardens, or parking for open space uses; it shall not include space devoted to required yards, streets and parking for residential and nonresidential uses;

(ii) The city may accept or refuse for any reason the dedication of land or any interest therein for public use and maintenance.

(c) Open Space Maintenance and Guarantee.

(i) The developer shall establish an entity for the ownership and maintenance of recreation areas and common open spaces where such are to be retained in private ownership. The developer shall submit to the department of planning and approved by the city attorney a contract providing for the permanent care and maintenance of open spaces, recreational areas and communally owned facilities and parking lots. The final development plan shall not be accepted until the agreement required by this subsection is approved as to legal form and effect. If the common open space is deeded to a homeowners' association, the developer shall file the proposed documents governing the association. Such documents shall meet the following requirements:

a. The homeowners' association must be established before any lots or residences are sold,

b. Membership in the association must be mandatory for each residence owner,

c. Open space restrictions must be permanent and not for a period of years,

d. The homeowners' association must be made responsible for liability insurance, taxes and maintenance of recreational and other facilities,

e. The association must have the power to levy assessments which

can become a lien on individual premises for the purpose of paying the cost of operating and maintaining common facilities, and

f. The governing board of any such association shall consist of at least five members who shall be owners of property in the planned unit development;

(ii) If the entity established to own and maintain the common open space and recreation areas or any successor entity shall at any time fail to fulfill any obligation imposed on such entity as a condition of approval of the planned unit development, the city may give written notice to the entity or to the residents and owners of the planned unit development or both, setting forth the manner in which the entity has failed to fulfill its obligation. The notice shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the city, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space and recreation areas from becoming a public nuisance, may enter upon the common open space and recreation areas and maintain the same and perform the other duties of the entity until the entity shall again resume its obligations. All costs incurred by the city in carrying out the obligations of the entity shall be assessed against the properties within the planned unit development and shall become a tax lien on the properties;

(iii) Open space shown on the approved final plan shall not be used for the construction of any structures not shown on the final plan.

(d) Access. Each PUD shall have at least two direct accesses to a collector or arterial street as designated on the major street and highway plan. No individual residential building lot shall be created that has direct access to a collector or arterial street. Each individual residential lot must have access to a street, public or private, which has been constructed to the public street standards of the city.

(e) Sidewalks. Sidewalks built to city specifications shall be required along one side of all streets, public or private or other approved pedestrian friendly walkway or pathway.

(f) Building Requirements.

(i) The maximum building height shall be the same as for the zone district in which the PUD is located, except that a greater height may be approved if surrounding open space within the PUD, building setbacks, and other design features are used to avoid any adverse impact due to the greater height;

(ii) All individual buildings or structures shall be separated by a minimum distance of ten feet. A waiver from this minimum distance to permit zero lot line developments may be permitted if the structures are designed and constructed to meet more stringent building and fire code requirements as adopted by the city council;

(iii) The front of a dwelling structure shall not face upon the rear of another, unless approved by the city council as part of the plan.

(g) Landscaping.

(i) The landscape plan shall be prepared by a certified landscape architect and shall identify existing and proposed trees, shrubs and ground covers; natural features such as rock outcroppings; and other landscaping elements. Where existing plantings are to be retained, the plan shall include proposed methods of

protecting them during construction. Reasonable landscaping should be provided at site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping required may vary with type of development. All areas not used for buildings, structures, parking, streets, or access-ways shall be landscaped with a sufficient mixture of grass, trees, and shrubs, except those areas designated to be left natural;

(ii) Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture. Trees shall have at least a one and three quarter inch caliper at planting;

(iii) The landscape plan shall be approved by the Planning Commission.

(h) Signs.

(i) Signs within the residential portion of a planned unit development shall be permitted as follows:

a. One ground sign which identifies the development is allowed at each entrance to the development provided such sign does not exceed twenty-four square feet in area, is not located in, or projecting over, a required yard, and is no more than six feet in height,

b. Development identification signs shall follow a design theme that is related and complementary to other elements of the overall site design, as determined by the Planning Commission or his designated representative;

(ii) Signs within the commercial portion of the planned unit development shall be permitted at a location, size and height that is determined by the city council to be appropriate in relation to the residential character of the development.

(i) Perimeter. If topographical or other barriers within thirty-five feet of the boundaries of a planned unit development do not provide reasonable privacy for existing uses adjacent to the development, the city council shall impose either of the following requirements or both:

(i) Structures located along the boundary must be set back from the boundary a distance which is approved by the city council; and

(ii) Structures located along the boundary must be well screened in a manner which is approved by the city council.

(j) Commercial Requirements.

(i) Commercial development shall be deemed to include commercial buildings and associated parking, required yard areas, and all other areas accessory to such commercial usage;

(ii) The developer must show to the satisfaction of the city council that nonresidential uses of a commercial character, if any, shall not change, injure, or destroy, temporarily or permanently, the predominately residential character of the PUD;

(iii) No commercial facilities shall be permitted in any planned residential development which has a gross acreage of less than fifteen acres, or less than one hundred dwelling units, except with prior approval of council;

(iv) Unless approved by the unanimous vote of the city council, no

building permit shall be issued for an approved commercial use until fifty percent of the dwelling units have been constructed and are ready for occupancy.

(l) Off-Street Parking.

(i) Off-street parking shall be provided 2 spaces for residential dwellings in accordance with the requirements of Chapter 17.40 of this code unless the reduced street standards for a PUD are used for the development in which case the one family dwelling off-street parking requirements shall be: 1 - 3 bedroom

4 - 5 bedroom 3 spaces

(ii) Off-street parking spaces for all commercial uses and all nonresidential uses of an educational, cultural, recreational or religious nature shall be the same as set forth for such uses in Section 4-11-10 of this code, unless a reduction is approved by the city as part of the plan.

(m) Buffering standards - Buffering is required with the following factors to be considered in determining the buffer, adequacy of the type and extent of the buffer:

(i) The purpose of the buffer, for example, to decrease noise levels, absorb air pollution, filter dust or to provide a visual barrier or to gradually change the residential density from the existing density abutting the PUD to the proposed density of the development.

(ii) The size of the buffer needed in terms of width and height to achieve the purpose.

(iii) The location of the buffer.

**SECTION 7: DEDICATION OF PUBLIC LANDS AND WATER RIGHTS-**

(a) In any subdivision or resubdivision platted after the effective date of these regulations, lands shall be dedicated, or fees in lieu thereof shall be paid, to the City of Lander in order that adequate open spaces and sites for public use may be properly located and preserved as the City develops, and in order that the cost of providing additional public sites and facilities may be most equitably apportioned on the basis of the additional need created by individual subdivision development.

(b) Consideration shall be given to the adequate provision and location of such public sites and facilities in the design of the subdivision.

(c) In residentially zoned areas, the amount of land to be dedicated shall be computed by calculating, from the plat, the net developable land area (exclusive of proposed or existing streets

and public lands) in each residential zone district and then determining the maximum number of dwelling units which could be allowed in the subdivision. The number of allowable dwelling units shall be multiplied by 2.74 persons per dwelling unit to determine the potential population of the area. One (1) acre of land shall be dedicated for each two hundred (200) persons as determined in this manner.

(d) Any land dedicated to meet the requirements of this section shall be reasonably adaptable for the public use for which it is intended and shall be at a location convenient to the people to be served. When the area designated by the owner is not suitable, or if the site is not consistent with the City plan, the Planning Commission may require that an alternate parcel be dedicated.

(e) In the event that the application of these standards would result in sites too small to be usable, or if the City Council determines that suitable public sites cannot properly be located in the area covered by the plat, then a payment of a fee-in-lieu of the land dedication shall be required for park development.

(f) The amount of the fee shall be \$250 per lot in a subdivision. The land dedication fee is to be set aside for future park land acquisitions. This fee shall be paid prior to the filing of the final plat of the subdivision. **(Section 7(f) amended by Resolution 576, effective 8/27/96)**

(g) If the value of such land cannot be determined satisfactorily by the City and the subdivider, an appraisal board consisting of one appraiser selected by the City at its own expense, one selected by the property owner at his own expense and a third selected by the other two appraisers at City expense, shall determine the value.

(h) Where private open space for park and recreational purposes is provided in a proposed subdivision, such areas may be credited against the requirements for a land dedication provided that the City Council finds that:

- (1) The public interest is adequately served by this arrangement.
- (2) The land is reasonably suitable for the park, recreation or open space use proposed.
- (3) Adequate written assurances are submitted that the open space will be developed in a timely fashion for the open space, park, or recreational activity for which the land is intended.
- (4) The long-term preservation of the open space and its operation and maintenance are provided for in a written agreement, a copy of which shall be recorded with the plat.
- (5) A public park, recreation or open space function other than that proposed by the subdivider is not needed in the area.

i. Prior to acceptance of the Final Plat, by the City Council, the subdivider shall be required to dedicate, transfer and assign to the City of Lander sufficient water to meet all of the anticipated water needs of the subdivision upon full development as determined by the

Engineering Supervisor in accordance with guidelines as approved by the City Council. When it is alleged that the above requirement for conveyance of water will create an unnecessary hardship on the subdivider, application may be made to the City Council for a variance in such requirement. In lieu of meeting such requirement and after the City Council does not grant relief therefrom, either in whole or in part, the subdivider shall pay reasonable costs to the City for the acquisition of such water which the subdivider is unable to provide. The cost of the acquisition of such water shall be determined by the Engineering Supervisor in accordance with guidelines as approved by the City Council. Such fund shall be kept in a separate fund and be used by the City only for the purpose of purchasing water.

## **SECTION 8: DESIGN AND ENGINEERING STANDARDS**

### a. General Standards

- (1) Subdivisions shall comply with the general policy and land use recommendations of the Lander Comprehensive Plan.
- (2) No subdivision shall be approved which includes features not in conformance with the zoning regulations of the City of Lander or which would obviously generate requests for variances from the provisions of the Zoning Ordinance.
- (3) In designing the subdivision, the subdivider shall consider the topography and its influence on street patterns and drainage, the preservation of natural areas, and the separation of pedestrian activities from vehicular activities.
- (4) A drainage report, overlot grading plan, and design drawings of drainage facilities must be submitted for review by the City Engineer.
- (5) Land subject to flooding shall be reserved for uses which do not increase the danger of flooding or are not endangered by flooding which might occur, or they shall be set aside in a designated drainage easement. Subdivisions which include flood plains or designated drainage easements within their boundaries, shall be platted in such a way that the proposed buildable area for habitable structures is outside of the easement or area subject to flooding.
- (6) Lands subject to other natural hazards shall be identified and shall not be subdivided until the hazards have been eliminated or until adequate plans have been submitted and approved for eliminating or ameliorating the hazard.
- (7) Where permanent easements are needed for utility service, they shall be provided ten (10) feet in width of each side of the appropriate rear or side lot lines for a total minimum easement width of twenty (20) feet. If any block of the proposed subdivision does not provide for alleys, then a front

yard utility easement of ten (10) feet in width shall be provided.

- (8) Drainage easements shall be provided where required by the City Engineer. No drainage easement shall be allowed on residential side lot lines unless drainage improvements are placed underground.
- (9) Utility easements for street lights and other electrical services shall be provided where required by the City Engineer.
- (10) All utilities including water lines, gas lines, electrical lines, telephone lines and cable television lines shall be placed underground, except in cases where the City Engineer determines that topography, bedrock or underground water conditions would result in excessive costs to the subdivider.

b. Roads, Streets and Alleys

- (1) The arrangement of arterial roads and streets shall conform to the duly adopted Major Street Plan as it shall from time to time be determined.
- (2) The arrangement of streets in a new subdivision shall make provisions for the continuation of important streets from adjoining areas.
- (3) Streets that are obviously in alignment with already existing platted and named streets shall bear the name of the existing street. Other street names shall be subject to the approval of the Department of Planning.
- (4) To provide for convenient circulation and means of entry for emergency vehicles from a public street.
- (5) Whenever a dedicated or platted half street or alley exists adjacent to the tract to be subdivided, the other half of the street or alley shall be dedicated as a public way.
- (6) Local residential streets shall be planned to discourage through traffic within the subdivision.
- (7) 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, the variation from a right angle shall be no more than thirty (30) degrees.
- (8) Cul-de-sacs shall conform to standards and specifications adopted by the City Council and contained in the City of Lander Engineering Standards and Specifications Manual - Most Recent Addition.
- (9) If a street jogs at an intersection street and does not continue in a straight alignment, the centerline offset of the two parts of the street approaching

the intersection street shall be not less than one hundred fifty (150) feet.

- (10) Platting shall be accomplished in such a way that local streets and driveways access directly onto arterial streets as little as possible.
- (11) No more than two (2) streets shall intersect at one point.
- (12) Alleys shall be provided in commercial and industrial districts unless definite provisions are made for service access. Alleys may be provided in residential districts.
- (13) Alleys shall be permitted only between the rear yards of lots within the same block.
- (14) Where a residential subdivision abuts a major highway, a railroad right-of-way, or a limited access freeway, a frontage road may be required.
- (15) Dead end streets are prohibited except where they may be necessary to provide future access to adjacent undeveloped property. In that event, temporary turn-arounds may be required on the dead end street until the adjacent property is developed and the street is extended.
- (16) The right-of-way and pavement widths for roads, streets, and alleys included in any subdivision shall not be less than the minimum standards and specifications adopted by the City Council and contained in the City of Lander Engineering Standards and Specifications Manual - Most Recent Addition.
- (17) Where the deflection angle in the alignment of a street is more than ten (10) degrees, the minimum centerline radius of curves shall be in accordance with the standards and specifications adopted by the City Council and contained in the City of Lander Engineering Standards and Specifications Manual - Most Recent Addition.
- (18) A tangent of at least one hundred (100) feet shall be provided between all reverse curves.
- (19) All changes in street grades shall be connected by vertical curves. Vertical curves shall be designed according to well established criteria found in standard engineering texts.
- (20) The maximum grade for streets shall be in accordance with the standards and specifications adopted by the City Council and contained in the City of Lander Engineering Standards and Specifications Manual - Most Recent Addition.
- (21) If the developer encourages the use of solar energy within the subdivision, streets should be designed with a predominant east-west configuration.

c. Tracts, Blocks and Lots

- (1) Subdivisions shall consist of, in addition to public ways, an integrated and logical arrangement of tracts, blocks and lots. All blocks and all lots within each block shall be consequently numbered. Numbering of blocks and lots in later phases of a phased subdivision shall continue the sequence established in earlier phases.
- (2) A tract is a land area, usually larger in size than a typical lot, set aside for a special use or not otherwise included within the normal subdivision pattern of blocks and lots. Tracts shall bear a letter designation, such as Tract A. Letter designations of tracts shall be sequential and shall not duplicate designations of tracts in earlier phases of a phased subdivision.
- (3) Blocks in residential subdivisions shall be not less than five hundred (500) feet long and not more than twelve hundred (1200) feet long, except as expressly allowed by the Planning Commission or the City Council.
- (4) In a residential development, the block width shall normally be sufficient to allow two (2) tiers of lots. Blocks for business or industrial use shall be of suitable width and depth.
- (5) In a standard subdivision, the depth to front ratio of lots shall not exceed 2.5 to 1. An average depth shall be determined for irregularly shaped lots. Lot sizes and shapes for cluster development or other innovative subdivision designs shall be judged on their merits.
- (6) The lot size, width, depth, shape and orientation shall be appropriate for the type of development contemplated. Developers encouraging the use of solar energy within the subdivision should consider orienting the length of each lot on an east-west axis.
- (7) Corner lots and lots with streets on three sides for residential use shall have extra width to allow for a proper setback from both streets.
- (8) Double frontage lots shall be avoided, except where these lots back upon a major street. Where this is the case, access to those lots from the major street shall be prohibited.
- (9) Every lot shall abut and have access to an officially approved street or road.
- (10) Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
- (11) Whenever a plat is resubdivided, the newly created lots shall be numbered to avoid duplication of any original lot numbers. A letter may be used in

conjunction with a number, for example lot 2A.

(d) Mobile Home Parks

- (1) Mobile home parks and mobile home subdivisions shall be established only in accordance with all of the provisions of these regulations and the Zoning Ordinance of the City of Lander.
- (2) Mobile home parks may be served by private streets or dedicated streets. Dedicated streets shall be constructed to the standards required by the standards and specifications established by the City Council. Private streets shall have an asphalt or concrete surface of at least twenty-four (24) feet in an access easement of at least forty (40) feet. All such private streets shall have unobstructed access to a public street or highway.
- (3) Each mobile home unit shall have direct access to the public or private street system which serves the mobile home park.
- (4) Each mobile home space shall be conspicuously numbered pursuant to Section 4-11-12.
- (5) Adequate all-weather walkways shall be provided to serve each mobile home unit in the mobile home court.
- (6) Mobile home park areas shall be graded and well-drained and with adequate ground cover in open areas to prevent wind and water erosion of soil.
- (7) Provision shall be made for adequate night lighting for the entire mobile home court area.
- (8) Mobile home parks shall provide on-site fire hydrants as directed by the Fire Department and as provided by the adopted City of Lander Engineering Standards and Specifications Manual - Most Recent Addition.
- (9) Mobile home lots may allow for an east-west placement of mobile homes to maximize solar exposure for each lot.

**SECTION 9: IMPROVEMENTS -**

a. Prior to the approval of any Final Plat by the City Council the subdivider shall either: (1) guarantee the installation of the necessary public facilities by complying with the provisions of Section 6c (11) (k) regarding financial commitments and by executing a standard contract on forms provided by the City or (2) request that Council proceed according to the provisions of Section 6c (15) of these regulations regarding delaying the recording of the Final Plat until improvements are installed and approved. The standard contract shall, among other things, specify that the required improvements be installed within the time stated, in accordance with the

requirements of the City Engineer, and where applicable, the requirements of the Wyoming Department of Environmental Quality. The time specified for the completion of the required improvements shall not exceed twenty-four (24) months from the date the Final Plat was approved by the City Council.

b. As improvements are completed, inspected and approved by the City Engineer, the subdivider may apply to the City for a release of a proportionate part of any collateral deposited with the Council.

c. All public improvements must be designed by a professional engineer licensed to do such work in the State of Wyoming.

d. As provided in the contract, the subdivider shall install the improvements in a timely manner and in accordance with plans, specifications and data as approved by the City Council.

- (1) Monuments at the corners of all tracts, blocks and lots and at all subdivision boundary corners. Permanent concrete monuments shall be accurately set and established at the intersections of all outside boundary lines of the subdivision, at the intersection of those boundary lines with all street lines; at the beginning and end of all curves; at points or curves where the radius of direction changes; and at such other points as are necessary to establish definitely all lines of the plat. Concrete monuments shall be at least thirty-six (36) inches long and at least six (6) inches in diameter, and shall be provided with an appropriate center point. Solid iron pins or iron pipe monuments at least one (1) inch in diameter and at least thirty (30) inches long may be used at all other points.
- (2) Grading, drainage and drainage structures for streets and highways and for areas within the subdivision. Special precautions may be required to prevent erosion during and after construction.
- (3) Road improvements including base, surfacing, gutters and curbs. Sidewalks, where required, shall be not less than four (4) feet wide on local streets nor less than five (5) feet wide on collector and arterial streets.
- (4) Street lights, street name signs.
- (5) Water mains and fire hydrants of a size, type and at locations designated by the City Engineer.
- (6) Sanitary sewer mains, laterals and facilities.
- (7) Storm sewer mains and laterals as approved on the drainage plan.
- (8) Water distribution lines and facilities.
- (9) Utilities such as gas, telephone and electric.

- (10) Other facilities or improvements as may be specified in the contract and agreed to by the subdivider.

e. Prior to the approval of any completed improvements, as built plans must be submitted to the City Engineer. The plans shall be submitted on 24" by 36" mylar and accompanied by two sets of prints. The plan submittal shall contain:

- (1) A cover sheet
- (2) The subdivision plat
- (3) The overall street layout
- (4) The overall water system
- (5) The overall sanitary sewer system
- (6) The overall drainage plan
- (7) Additional detail sheets as necessary at 1"=50' scale, with title block and sheet numbers in the lower right hand corner of each page, and showing the detailed location of all utilities to include service lines to lots. A permanent benchmark shall be described on each sheet.

f. The subdivider will be responsible for any damage incurred, to the improvements, until the same are accepted by the City Engineer.

g. Construction inspection

The subdivider shall pay the estimated cost of inspection by the City, based on the fee rate set in Section 4-11-13 of the City Zoning Ordinance. The subdivider before being issued a construction permit, will sign an agreement with the City on the terms and conditions of inspection and post a bond guaranteeing the agreement.

h. Final Inspection

Upon written notice of completion of all the improvements and submission of "as built" construction plans by the subdivider, the City Engineer will make a final inspection. After correction of any items needing repair, completion or alteration, the City Engineer will advise the City Council that the improvements are accepted.

- (1) At any time after the completion of construction of public streets and their inspection by the City Engineer, the subdivider may request that the City accept maintenance of the streets. The Council may accept the maintenance responsibility at its discretion. The developer shall provide a one year warranty on the construction from the time of the acceptance by the City.

**SECTION 10: SEVERABILITY** - If any section of this regulation be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these regulations said section to be completely severable from the remaining provisions of these regulations and the remaining provisions of these regulations shall remain in full force and effect.

**SECTION 11: LEGAL STATUS** - No Final Plat shall be approved unless it conforms to both these regulations and the Lander Zoning Ordinance. Whenever there is a discrepancy between the requirements of these regulations and any other official City regulations, the most restrictive shall apply.

**SECTION 12: DEFINITIONS** - For the purpose of interpreting these regulations the following definitions shall apply:

- a. ALLEY: A minor public right-of-way which provides secondary access to abutting properties.
- b. BLOCK: A parcel of land, intended for urban development, entirely surrounded by public streets or lands, streams, railroads or highways.
- c. COMMISSION: The City of Lander Planning Commission.
- d. COUNCIL: The City of Lander City Council.
- e. COUNTY: Fremont County, Wyoming
- f. CUL-DE-SAC: A street having one end connected to a public street and being terminated by a vehicle turnaround at its other end.
- g. DEPARTMENT: The City of Lander Department of Planning.
- h. DRAINAGE EASEMENT: A land area designated on a plat and set aside to accommodate the calculated and approved flow or storage of storm waters.
- i. EASEMENT: A designated area on a tract, block or lot of land which the owner has set aside for the use of others, particularly, public utilities.
- j. ENCUMBRANCE: A mortgage or other lien or record securing or evidencing indebtedness and affecting land to be subdivided, including liens for labor and materials. Taxes and assessments levied by a public authority are not an encumbrance, except such taxes and assessments as may be delinquent.
- k. ENGINEER: A licensed professional engineer registered within the State of Wyoming.
- l. IMPROVEMENTS: Man-installed physical features such as pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street

signs, structures, landscaping and other items for the welfare of the property owners and the general public.

- m. OWNER: Any person having a legal or equitable interest in land.
- n. PLAT: A map or drawing prepared in accordance with the adopted subdivision regulations and showing the subdivider's plan for the subdivision.
- o. PROPRIETOR: Any person having a legal or equitable interest in land.
- p. RESUBDIVISION: A resubdivision shall be any amendment to an already approved and recorded plat except for the correction of any drafting or surveying errors.
- q. RIGHT-OF-WAY: A strip of land dedicated for public use.
- r. SELL: Includes sale, contract to sell, lease, assignment, auction, award by lottery, or any offer or solicitations of any offer to do any of the foregoing, concerning a subdivision or any part of a subdivision.
- s. STREET, COLLECTOR: A public street which collects traffic from local neighborhood streets and carries it to a major street or highway as shown on the adopted street plan.
- t. STREET, LOCAL: A street which affords primary access to abutting private properties.
- u. STREET, ARTERIAL; A street of considerable continuity and traffic-carrying capacity connecting the various parts of the City as shown on the adopted street plan.
- v. SUBDIVIDER: Any person who lays out any subdivision or part thereof for the account of the subdivider or others.
- w. SUBDIVISION: The division of a lot, tract, parcel or other unit of land into more than two (2) lots for the immediate or future purpose of sale, building development or redevelopment, for residential, industrial, commercial or public uses. The word "subdivide" or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which constitutes a subdivision of land.

Approved by the City Council of the City of Lander, Wyoming this 23rd day of March 1982.

/s/ Paul J. Freese  
Paul J. Freese, City Clerk

/s/ Del McOmie  
Del McOmie, Mayor



**CITY OF LANDER  
SUBDIVISION AND  
LAND USE  
REGULATIONS**