

TITLE 11
SUBDIVISION REGULATIONS

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CHAPTER 1
GENERAL PROVISIONS

Section:

- 11-1-1: Short Title
- 11-1-2: Authority
- 11-1-3: Application And Exemptions

11-1-1: SHORT TITLE:

This title shall be known, cited and referred to as the *SUBDIVISION ORDINANCE OF THE TOWN OF SUPERIOR, WYOMING* . (Ord. 926, 5-12-1982)

11-1-2: AUTHORITY:

This title is adopted pursuant to and in accordance with the authority vested in the town council of the town of Superior by the laws of the state of Wyoming, section 15-1-103; sections 15-1-501 through 15-1-512; sections 15-1-601 through 15-1-611; and sections 34-12-101 through 34-12-115, Wyoming Statutes, 1977, as amended. (Ord. 926, 5-12-1982)

11-1-3: APPLICATION AND EXEMPTIONS:

A. Application:

1. These regulations shall apply to all subdivisions of land within the jurisdictional area of the town council of the town of Superior.
2. Every owner or proprietor of any tract or parcel of land who shall hereafter subdivide or resubdivide his land into three (3) or more parts for the immediate or future purpose of sale, building, development or redevelopment for any residential, condominium, recreational, industrial, commercial, public or other use, shall submit a subdivision plat or plats in accordance with these regulations. No person shall commence the physical layout or construction on the ground of a subdivision without first obtaining the approval of the town council in the form of an approved subdivision plat. None of the provisions of these regulations shall be construed to require replatting in any case in which subdivision plats have been made and 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.

3. No land subject to these regulations shall be conveyed nor shall any contract or agreement be executed to convey such land until a plat for the property in question has been approved by the planning and zoning commission and the town council and filed for record with the county clerk.
- B. Exemptions: Unless the method of the sale of land is adopted for the purpose of evading these regulations, these regulations shall not apply to:
1. The subdivision of land for and the sale of cemetery lots;
 2. The sale of land to an agency of the United States government, the state of Wyoming or any political subdivision thereof;
 3. The sale of land where parcels involved in the sale are thirty five (35) acres or larger;
 4. Railroad rights of way; or
 5. Any designated lot of any already recorded subdivision if the lot is not being altered in any way for the sale. (Ord. 926, 5-12-1982)

CHAPTER 2 **DEFINITIONS**

Section:

11-2-1: Definitions

11-2-1: DEFINITIONS:

For the purpose of interpreting these regulations, the following definitions shall apply:

ALLEY: A minor public right of way which provides secondary access to abutting properties.

BLOCK: A parcel of land, intended for urban development, entirely surrounded by public streets or lands, streams, railroads, or highways.

COMMISSION: The planning and zoning commission of the town of Superior, Wyoming.

COUNCIL: The town council of the town of Superior, Wyoming.

COUNTY: Sweetwater County, Wyoming.

CUL-DE-SAC: A street having one end connected to a public street and being terminated by a vehicle turnaround at its other end.

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.

ENCUMBRANCE: A mortgage or other lien of 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.

IMPROVEMENTS: Man installed physical features such as pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, structures, earthwork, landscaping, and other items for the welfare of the property owners and the general public.

LOT: A defined and numbered parcel of land intended as a unit for transfer of ownership or for development.

MOBILE HOME COURT OR PARK: An area, under a single ownership, designed for and approved by the town of Superior for occupancy by mobile homes and meeting the requirements of the zoning and subdivision ordinances.

PLAT: A map or drawing prepared in accordance with the adopted subdivision regulations and showing the subdivider's plan for the subdivision.

PUBLIC SITES AND FACILITIES: Those land areas and structures customarily used for the benefit of the public including but not limited to the following: schools, police station, fire station, library and utilities.

RESUBDIVISION: A resubdivision shall be any amendment to an already approved and recorded plat except for the correction to any drafting or surveying errors.

RIGHT OF WAY: A strip of land dedicated for public use.

SELL: Includes sale, contract to sell, lease, assignment, auction, award by lottery, or any offer or solicitation or any offer to do any of the foregoing, concerning a subdivision or any part of a subdivision.

STREET, ARTERIAL: A street of considerable continuity and traffic carrying capacity connecting the various parts of the town.

STREET, COLLECTOR: A public street which collects traffic from local neighborhood streets and carries it to a major street or highway.

STREET, LOCAL: A street which affords primary access to abutting private properties.

STREET, MAJOR: An arterial street.

SUBDIVIDER: Any person, firm, business entity, partnership, corporation or other entity who lays out any subdivision or part thereof for the account of the subdivider or others.

SUBDIVISION: The division of a lot, tract, parcel or other unit of land into three (3) or more lots for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses. The word "subdivide" or any derivative thereof shall have reference to the term subdivision, including mobile home courts, and condominium developments the creation of which constitutes a subdivision of land.

TOWN ENGINEER: The engineer employed by or officially representing the town of Superior, Wyoming.

TRACT: A land area, usually larger than the average lot in a subdivision, set aside for a special use and not otherwise in the normal subdivision pattern of lots and blocks. (Ord. 926, 5-12-1982)

CHAPTER 3

PROCEDURES AND REQUIREMENTS FOR PLATTING

Section:

- 11-3-1: Sketch Plat
- 11-3-2: Preliminary Plat
- 11-3-3: Final Plat
- 11-3-4: Corrected Plats And Resubdivisions

11-3-1: SKETCH PLAT:

- A. Required; Contents: Prior to the submission of a preliminary plat as authorized by these regulations, the subdivider shall prepare and submit three (3) copies of a sketch plat to the commission. The sketch plat shall be on a single sheet of paper, drawn to scale, show a north arrow, and contain sufficient information to illustrate the nature of the area to be subdivided and an approximation of how the subdivider intends to subdivide. This information, at a minimum, shall be:
1. Location of the property within the town showing relationship to adjacent properties.
 2. Boundaries of the area to be subdivided.
 3. Topographic contours.
 4. Significant natural features such as woods, lakes, ridges, drainageways, etc.
 5. Significant manmade features such as roads, railroads, buildings, etc.
 6. Tentative street, block and lot layout. Proposed major use areas such as residential, commercial, industrial or public.
 7. Acreage of the proposed development.
 8. How water and sewer are to be provided.
 9. The names and addresses of the landowner, the subdivider and the person or firm responsible for the layout or design and the date of submittal.
 10. Any sequence or timing of development.
 11. Location of existing easements which would affect the property, including those of utilities.
- B. Commission Review: The commission shall review the sketch plat with the subdivider at a regular meeting, and within five (5) days after the meeting at which the sketch plat was reviewed, make known the commission's comments, in writing. A copy of the sketch plat and appropriate commission comments shall be forwarded to the town council for their information.
- C. Required Determinations: As part of this discussion or as a result of his own investigations, the subdivider shall determine for himself:
1. Procedures and requirements for filing the preliminary and final plats.

2. Availability of public water and sewer and public agency requirements if public systems are not readily available.
 3. Zoning requirements on the property.
 4. Requirements of the duly adopted plan for major streets, land use, schools, parks and other public open space.
 5. The location and extent of any floodplains, potential subsidence areas or other hazards as shown by maps available at the town office.
 6. Soil types and problems on the property as shown on available soil survey maps prepared by the soil conservation service.
- D. Purpose: The purpose of this sketch plat procedure is to determine any problems with the proposed development before expenses are incurred in the preparation of a preliminary plat. No official action is required of the commission other than to offer appropriate written comments on the proposal. (Ord. 926, 5-12-1982)

11-3-2: PRELIMINARY PLAT:

- A. Submission: A preliminary plat shall be submitted within one year after the submittal of a sketch plat on the same property. If more than one year has elapsed, then a new sketch plat submittal shall be made to the commission prior to the submittal of a preliminary plat.
- B. Number Of Copies: Preliminary plats shall be submitted in nine (9) copies to the commission. The preliminary plat shall consist of a drawing or drawings and accompanying material and information as prescribed by these regulations.
- C. Scale; Contents:
 1. Scale: The preliminary plat drawing shall be prepared at a scale of one inch equals one hundred feet (1" = 100') or larger for subdivisions with lots averaging less than five (5) acres in size. The scale may be reduced to one inch equals two hundred feet (1" = 200') for subdivisions in which the minimum lot size is five (5) acres or more. If more than one plat sheet is required to show the entire subdivision, each sheet shall contain an index map showing the relationship of the sheet to the entire plat at a scale of one inch equals five hundred feet (1" = 500').
 2. Contents On Face: The face of the drawings shall contain the following information:
 - a. The label "preliminary plat" and the name of the subdivision. The name shall not duplicate nor too closely resemble the name of any subdivision previously filed in the county.
 - b. Date of preparation, a graphic scale and a north arrow. The top of each sheet shall represent north wherever possible.
 - c. A vicinity map drawn at a scale of one inch equals one thousand feet (1" = 1,000') or one inch equals two thousand feet (1" = 2,000') showing the location of the

proposed subdivision in the town and its relationship to surrounding streets and 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. Certification statement by a land surveyor registered to do such work in the state of Wyoming that boundary measurements shown are accurate to at least one part in five thousand (1:5,000).
- g. The boundary lines of the subdivision in a heavy, solid line with references 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. In the field, each corner on the plat boundary shall be marked by a numbered brass cap set in a body of concrete at least one foot (1') in diameter, extending at least two feet (2') below the cap, and containing not less than ten (10) pounds of iron. Each cap shall be set flush with the existing grade at the time of the boundary survey, and if subsequent grade work disturbs any cap, it shall be replaced so that the cap is flush with the final subdivision grade. At least one of these caps shall show the true elevation and shall be identified on the preliminary plat; all cap numbers shall also be shown on the preliminary plat.
- i. Existing contours within the tract and extending at least one hundred feet (100') into unplatted surrounding areas: five foot (5') contour intervals for grades twenty percent (20%) or greater; two foot (2') intervals for grades less than twenty percent (20%). Existing contours shall be indicated with light dashed lines.
- j. Proposed contours within the tract: five foot (5') intervals for grades twenty percent (20%) or greater; two foot (2') intervals for grades less than twenty percent (20%). Proposed contours shall be indicated with heavy solid lines.
- k. General location and extent of any significant natural features such as wooded areas, streams, drainageways or lakes.
- l. Floodplains, potential subsidence areas or other hazards as delineated on the maps available in the town office.
- m. Current zone district categories and use of the property.
- n. Location, size, and elevations of existing sewers, water mains, gas lines, pipelines or other utilities or installations

within the proposed subdivision or immediately adjacent thereto.

- o. Location and dimensions of all easements of record.
 - p. Location and width of proposed streets, alleys, pedestrianways and easements.
 - q. Layout, proposed numbering and approximate dimensions of proposed lots and blocks.
 - r. 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.
 - s. A summary of the total number of acres, number of lots, acreage of open space, amount of land in rights of way and other descriptive material useful in reviewing the proposed subdivision.
- D. Additional Information And Material: The following information and material shall be a part of any preliminary plat submittal and shall accompany the preliminary plat drawing:
- 1. A joint statement explaining how and when the subdivider and any appropriate utility company proposes to install water, sewer, paving, sidewalks, drainageways, and other required improvements.
 - 2. A statement describing the development and maintenance responsibility for any private streets, ways or open spaces.
 - 3. A concept drawing of the entire development and a brief description of any proposed phasing of the development.
 - 4. An application for appropriate town zoning for any area covered by the plat not zoned for the use intended.
 - 5. Payment of the total amount of the preliminary plat fee.
 - 6. Any other information or material as may be required by the commission or authorized staff individual.
- E. Transmittal To Appropriate Agencies And Officials: After receipt of the preliminary plat, the commission 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:
- 1. Town engineer.
 - 2. The soil conservation district.
 - 3. The school district.
 - 4. Town council.
 - 5. Town planner.
 - 6. Utility companies including gas, telephone and electricity.
- F. Reports To Commission: Agencies receiving referral copies of the preliminary plat should return written comments on the plat to the commission within fourteen (14) days after receipt of the plat. Failure to comment on the plat may be construed to indicate approval of the preliminary plat.

- G. Meeting Of Commission: Upon receipt of all of the agency comments, or at most, within twenty one (21) days from the date the preliminary plat was submitted, the commission shall schedule the preliminary plat for discussion at the next regular meeting of the commission which will allow proper notification to the subdivider. The subdivider or his duly authorized representative shall be notified of the meeting date by mail at least five (5) days before the date of the meeting. The subdivider or his representative may be required to be present at the meeting.
- H. Approval/Disapproval By Commission: Within thirty one (31) days from the date of the regular meeting at which the preliminary plat was first discussed, the commission shall either approve or disapprove the preliminary plat and so notify the subdivider, in writing. The commission may attach conditions to its approval. If the plat is disapproved, the commission shall specify conditions under which the plat may gain approval. Conditions of an approval or of a disapproval shall be contained in the written notification to the subdivider. For purposes of clarity, one copy of such a notification and an annotated preliminary plat shall be returned to the subdivider and another copy of the notification and a similarly annotated copy of the preliminary plat shall be retained in the files of the commission.
- I. Request For Rehearing; Appeal To Council: If the subdivider contends that conditions of approval attached by the commission are of such a nature as to make development of his land impractical, if the subdivider contends that disapproval of his preliminary plat by the commission was a wrongful decision, or if the subdivider contends that the commission has failed to act upon his request, he may request a rehearing before the commission to present his arguments. If, after the rehearing, the decision of the commission is substantially unaltered from their original decision with which the subdivider disagreed, he may, in writing, request a hearing before the town council and proceed according to the provisions of subsection 11-7-2A of these regulations.
- J. Term Of Approval; Extension: Approval of the preliminary plat either by the commission or, upon appeal, by the town council, shall be effective for twelve (12) consecutive calendar months from the date of approval. The subdivider may apply, in writing, for and the commission may, for cause shown, grant a six (6) month extension to the twelve (12) month period. If the final plat has not been submitted within this specified period, a preliminary plat must be again submitted for approval. (Ord. 926, 5-12-1982)

11-3-3: FINAL PLAT:

- A. Preparation And Submittal: After approval of the preliminary plat, a final plat may be prepared and submitted. The final plat shall be prepared and certified as to its accuracy by a land surveyor registered 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 in these regulations, the minimum construction standards of the town of Superior (Wyoming public works standard specifications), and to any conditions of approval specified by the commission or, upon appeal, by the town council.

- B. Final Platting Accomplished In Stages: Final platting may be accomplished in stages covering reasonable portions of the area of any 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 plan 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 so that if development of the entire subdivision is interrupted or discontinued after one or more stages is completed, a viable development will result.
- C. Drawing Specifications: The final plat shall be clearly and legibly drawn in black, waterproof 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. Signatures shall also be made in black opaque ink. The sheet size of all final plats shall be twenty four inches high by thirty six inches wide (24" x 36"). Information on the plat shall be so positioned that one and one-half inch (1 1/2") margin remains on the left side of the shorter dimension of the sheet and a two inch (2") margin is left on the three (3) remaining sides. The scale of the final plat shall be one inch equals one hundred feet (1" = 100') or larger. 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 index maps and by match lines on each sheet.
- D. Number Of Copies: The original linen or Mylar, one reproducible copy, five (5) prints of the final plat and two (2) copies of all required supporting material shall be submitted to the commission for their consideration.
- E. Required Information: All final plats shall contain the following information on the face of the plat:
1. The name of the subdivision at the top center of each sheet.
 2. General location of the subdivision by section, township, range, county, and state, entered under the name of the subdivision.
 3. North arrow, date and graphic scale.
 4. Boundary lines of the subdivision in a heavy solid line.

5. Legal description of the subdivision boundary based on an accurate traverse, giving bearing and linear dimensions that result in a maximum allowable error or closure of one part in five thousand (1:5,000).
6. The location and description of the point of beginning and its proper reference to the monumented boundary survey.
7. Location and description of all monuments.
8. Bearings, distances, and curve data of all perimeter boundary lines indicated outside of the boundary lines.
9. On curved boundaries and on all curves within the plat, sufficient data to allow the reestablishment of the curves on the grounds.
10. The location and layout of lots, blocks, tracts, streets, alleys, easements and other public grounds within and immediately adjoining the plat, with accurate dimensions in feet and hundredths of feet, interior angles, length of radii and/or arcs of all curves.
11. Designated floodplains and drainage easements.
12. Designated subsidence areas or other hazards.
13. The names of all streets.
14. All lots and blocks logically and consecutively numbered in the center of the lot or block.
15. All dimensions shown on irregularly shaped lots.
16. Parcels completely or partially surrounded by the area being subdivided shall clearly be marked "EXCEPTED", and the common boundary with the subdivision shown in a heavy solid line with bearings and distances.
17. A notarized certificate signed by all parties having any titled interest in or lien upon the land, consenting to the recording of the plat and dedicating public ways, grounds and easements. The certificate shall read:

Know all men by these presents that the undersigned (official name of 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, Town, 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 utility easements, and

That the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the town for perpetual public use all streets, alleys, easements and other lands within the boundary lines of the plat as indicated and not already otherwise dedicated for public use.

CERTIFICATE OF MORTGAGEE

The _____ Bank hereby certifies that it is the holder of a mortgage upon the property described under the Certificate of Surveyor and does hereby consent to the subdivision and does join in and consent to the dedication of the land and easements thereon as contained under the Certificate of Owner, and agrees that its mortgage shall be subordinated to the dedication and easements shown therein and hereon.

(Individuals, where applicable, should add:)

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

Executed this _____ day of _____ A.D., 20____ , by:

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

STATE OF WYOMING)
) ss.
SWEETWATER COUNTY)

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

Witness my hand and official seal.

My commission expires . _____

Notary Public

18. Certificate of a registered land surveyor as follows:

I, , do hereby certify that I am a registered land surveyor licensed under the laws of the state of Wyoming, that this plat is a true, correct, and complete plat of (Subdivision Name) as laid out, platted, dedicated, and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance with town of Superior regulations governing the subdivision of land.

Registered Land Surveyor
No. _____

19. Certificate of review of the town engineer as follows:

Data on this plat reviewed this _____ day of _____, A.D., 20____, by the town engineer of the town of Superior, Wyoming.

Town Engineer

20. Certificate of approval by the commission as follows:

This plat approved by the town of Superior planning and zoning commission this _____ day of _____, A.D., 20____.

Chairman

Secretary

21. Certificate of acceptance and approval by the town council of the town of Superior as follows:

Approved by the town council of the town of Superior, Wyoming, this _____ day of _____, A.D., 20____.

Mayor

Town Clerk-Treasurer

22. 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._____, , 20____ , and is duly recorded in Book _____, Page No._____ .

County Clerk

F. Supporting Material: Final plats shall be accompanied by the following supporting material:

1. Two (2) copies of the final subdivision grade contour map, drawn to the same scale as the final plat, with five foot (5') contour intervals for grades twenty percent (20%) or greater and two foot (2') intervals for grades less than twenty four percent (24%). New or proposed contours in solid dark lines shall be superimposed over the original contours shown in dashed lines. After acceptance of the final plat by the town council, no point in the subdivision grade may be altered vertically by more than one-half (1/2) of one contour interval from the elevation of that point as shown on the contour map specified herein without prior approval of the commission.

2. Drawings and specifications in accordance with the minimum construction standards of the town of Superior (Wyoming public works standard specifications) showing the size and location of water and sewer lines and facilities.

3. A state of Wyoming department of environmental quality permit for any subdivision proposing ten (10) or more water or sewer hookups.

4. Street plans shall be on standard plan and profile sheets and drawn at scales to clearly show all phases of construction including alignment, street grades, curb grades, and controlling elevations. Necessary details shall be shown and shall conform to the standard details and to requirements of the minimum construction standards of the town of Superior (Wyoming public works standard specifications) with profiles and cross section drawings of roads, streets, and bridges. Construction specifications shall be submitted along with the plans. Soil profile and test data as determined by a qualified laboratory shall be submitted and shall be used as a basis for paving and gravel base requirements.

5. If access to the subdivision or any part thereof must be gained across property outside of the subdivision, an appropriate instrument granting the right of access shall be submitted.

6. When applicable, a warranty deed conveying to the town of Superior any public lands other than streets, alleys or easements shown on the final plat, and title insurance on the subject parcel.

7. Payment of any fees in lieu of public land dedication, or any initial payment and a payment schedule keyed to subdivision development.

8. Evidence satisfactory to the town 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 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. An attorney's title opinion or ownership and encumbrance report shall be considered satisfactory evidence.

9. 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 feet (20') in width for the proposed facilities from each property owner over whose land such services shall extend.

10. A performance and payment bond, an irrevocable letter of credit, funds in escrow or other appropriate commitment to guarantee the complete development of any facilities or improvements which are to be dedicated to the town and are the subdivider's responsibility. The commitment shall be for the full cost of required improvements as estimated by the subdivider's licensed professional engineer and approved by the town council.

11. Any other information or materials as may be required by the commission or authorized staff member.

G. Commission Review: After receipt of the final plat and all supporting documents, the commission shall review the submittal for completeness and for conformance with the approved preliminary plat. The commission may refer copies of the final plat to and seek comment from other officials and agencies. Any such comments shall be made known to the commission within fourteen (14) days after the date of submittal of the complete final plat. Incomplete final plats or final plats for which necessary approvals or supporting documents have not been secured shall not be forwarded to council for action.

H. Public Hearing: The commission shall hold a public hearing on the final plat. The public hearing shall be scheduled for a regular meeting of the

commission to take place after the fourteen (14) day review period referred to in subsection G of this section. The public hearing shall be advertised by the town in a newspaper of general circulation in the town at least seven (7) days prior to the hearing. The subdivider or his authorized representative shall be notified of the meeting date by mail at least five (5) days before the date of the hearing. At the hearing, the subdivider, his representative, citizens or public officials shall be allowed to make their views known regarding the final plat.

- I. Approval/Disapproval By Commission: Within twenty one (21) days after the public hearing, and after considering the comments of all parties at the public hearing, the commission shall either approve or disapprove the final plat and shall forward its reasons for approval or disapproval and any recommendations to the town council. The subdivider shall also be notified, in writing, of the decision of the commission and the reasons therefor.
- J. Council Action: Within thirty (30) days after receiving the final plat and the recommendations of the commission, the town council shall either approve the final plat, or disapprove the final plat and notify the subdivider of any conditions to be met to gain approval.
- K. Recording: Upon approval of the final plat by the town council, the subdivider shall be so notified. The town shall file the approved and signed original of the final plat with the county clerk and recorder. No sale or transfer of all or any part of the land included within the subdivision shall be accomplished before it is officially recorded. (Ord. 926, 5-12-1982)

11-3-4: CORRECTED PLATS AND RESUBDIVISIONS:

- A. Errors In Language Or Numbers: If, after the approval and recording of a final plat, errors are found in the language or numbers on the recorded plat, a corrected or revised original Mylar or linen shall be filed with the commission. The plat shall be noted "CORRECTED PLAT" under the name of the subdivision. The commission shall assure that corrections have been properly made, secure the signatures of the proper public officials on the corrected plat and present the plat to the town 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.
- B. Modification Of Lot Lines; Change In Streets Or Easements: 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 dedicated streets or easements, the subdivider shall submit a new final plat drawing with the lotting arrangement revised. The commission shall determine which of the required supporting documents shall be resubmitted with the revised final plat. The plat shall be

marked "RESUBDIVISION OF A PART OF _____" or the "RESUBDIVISION OF _____" under the subdivision and shall be processed as a final plat.

- C. Substantial Change In Street And Lotting Arrangement: 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 commission shall determine which of the required supporting documents must be resubmitted. The subdivision shall be identified as the "RESUBDIVISION OF A PART OF _____" or the "RESUBDIVISION OF _____". (Ord. 926, 5-12-1982)

CHAPTER 4
DESIGN AND ENGINEERING STANDARDS

Section:

- 11-4-1: General Standards
- 11-4-2: Roads, Streets And Alleys
- 11-4-3: Tracts, Blocks And Lots
- 11-4-4: Fire Protection
- 11-4-5: Mobile Home Parks

11-4-1: GENERAL STANDARDS:

- A. General Policy; Land Use Recommendation Compliance: Subdivisions shall comply with the general policy and land use recommendations of the land use plan, town of Superior.
- B. Zoning Compliance: No subdivision shall be approved which includes features not in conformance with the zoning regulations of the town of Superior or which would obviously generate requests for variances from the provision of title 12 of this code.
- C. Topography: In designing the subdivision, the subdivider shall consider the topography and its influence on street patterns and drainage, the preservation of natural areas, provision of utility services, and the separation of pedestrian activities from vehicular activities.
- D. Flooding; Subsidence: Land subject to flooding and/or subsidence shall be reserved for uses which do not increase these dangers or are not endangered by flooding and/or subsidence which might occur, or they shall not be subdivided until the threat has been eliminated or until adequate safeguards have been taken against objectionable consequences.
- E. Natural Hazards: 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. (Ord. 926, 5-12-1982)

11-4-2: ROADS, STREETS AND ALLEYS:

- A. Compliance With Major Street And Highway Plan: The arrangement of major roads and streets shall conform to the duly adopted town of Superior major street and highway plan as it shall from time to time be modified ¹ .
- B. Continuation Of Existing Streets: The arrangement of streets in a new subdivision shall make provisions for the continuation of important streets from adjoining areas.

¹ See title 7, chapter 2 of this code.

- C. Street Names: 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 commission. No new street names shall be used which will duplicate or be confused with existing street names.
- D. Access To Subdivisions: Access to all subdivisions shall be from a public street and road system.
- E. Half Street Or Alley: Only whenever a dedicated or platted half street or alley exists adjacent to the tract to be subdivided, shall the other half of the street or alley be permitted and dedicated as a public way.
- F. Local Residential Streets: Local residential streets shall be planned to discourage through traffic within the subdivision and designed to minimize maintenance problems for the town.
- G. Intersections:
 - 1. Right Angles: 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 maximum deviation from a right angle intersection shall be thirty degrees (30°). (Ord. 926, 5-12-1982)
 - 2. Centerline Offsets: If a street jogs at an intersecting street and does not continue in a straight alignment, the centerline offset of the two (2) parts of the street approaching the intersecting street shall not be less than one hundred fifty feet (150'), as shown in figure II attached to ordinance 926 on file in the office of the town clerk-treasurer. (Ord. 926, 5-12-1982; amd. 2005 Code)
 - 3. Maximum Streets Intersecting: No more than two (2) streets shall intersect at one point. (Ord. 926, 5-12-1982)
- H. Cul-De-Sacs: Cul-de-sacs shall not be longer than five hundred feet (500') to the end of the turnaround. The turnaround shall have a curb line radius of not less than forty feet (40') and a right of way radius of not less than fifty feet (50'). Standard details for cul-de-sacs are shown in figure I attached to ordinance 926 on file in the office of the town clerk-treasurer. (Ord. 926, 5-12-1982)
- I. Access Onto Major Streets: Platting should be accomplished so that local streets and driveways access as little as possible directly onto major streets.

- J. Access To Private Property: Access to private property shall, at a minimum, be seventy five feet (75') from the intersecting right of way lines of two (2) arterial streets.
- K. Alleys: Alleys shall be provided in commercial districts unless definite provisions are made for access by service vehicles, and in residential subdivisions where the commission determines they are necessary to continue an established development pattern, to provide secondary access or to allow proper placement of utilities.
- L. Frontage Road: Where a residential subdivision abuts a major highway, a railroad right of way, a frontage road may be required to provide local access to abutting property and limit access to the transportation facility.
- M. Dead End Streets: Dead end streets are prohibited except where they may be necessary to provide future access to adjacent undeveloped property. In that event, temporary turnarounds may be required on the dead end street until the adjacent property is developed and the street is extended.
- N. Right Of Way And Pavement Widths: The right of way and pavement widths for dedicated roads, streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as shown below:

Classification	Minimum Pavement Width ¹	Minimum Right Of Way
Freeway/expressway	Variable	Variable
Arterial streets	48 feet	100 feet
Collector streets	42 feet	80 feet
Local streets (commercial, multi-family residential and industrial)	38 feet	60 feet
Local streets (low density residential)	34 feet	50 feet
Alleys	20 feet	20 feet
Cul-de-sacs	38 feet	60 feet

Note:

- 1. Back of curb to back of curb.

- O. Minimum Radii: The following minimum radii will apply at street intersections for property lines and curbs:

Classification	Property	
	Line Radius	Curb Radius
Local street to local street	15 feet	15 feet
Local street to collector street	20 feet	30 feet
Collector street to collector street	15 feet	30 feet
Collector street to arterial street	20 feet	40 feet
Arterial street to arterial street	20 feet	50 feet

Figures III, IV, V, VI, and VII attached on ordinance 926 on file in the office of the town clerk-treasurer show standard details for the various combinations of street intersections. (Ord. 926, 5-12-1982; amd. 2005 Code)

P. Deflection Angle: Where the deflection angle in the alignment of a street is more than ten degrees (10°), the minimum centerline radius of curves shall be as follows:

Arterial streets	300 feet
Collector streets	300 feet
Local streets	100 feet

Q. Tangent: A tangent of at least one hundred feet (100') shall be provided between all reversed curves.

R. Maximum Grade: The maximum grade for streets shall be as follows:

Arterial streets	5 percent
Collector streets	7 percent
Local streets	12 percent

S. Drainage: For adequate drainage, the minimum street and alley grade shall be not less than one-half of one percent (0.5%).

T. Culverts: Culverts shall be installed at street intersections and driveways where cross drainage is necessary. Culvert sizes shall be adequate to accommodate a 10-year frequency storm runoff on collector and local streets and a 50-year frequency storm runoff on major streets. However, in no case shall they be less than twelve inches (12") in diameter. A minimum cover of twelve inches (12") shall be maintained over all culverts. (Ord. 926, 5-12-1981)

- U. Concrete Work: Concrete work for curb and gutter, drainage structures, and other items that may be a part of the road and street construction shall be done in accordance with Wyoming highway department specifications. Both materials and workmanship shall be inspected and checked for conformance. Standard details for curb and gutter design are shown in figures XVI and XVII attached to ordinance 926 on file in the office of the town clerk-treasurer. The choice of the type to be used shall be based on the controlling conditions of the site and as approved by the town engineer.
- V. Design Standards: Road and street design requirements will vary to some extent, depending upon prevailing conditions at the site. In general, specifications for materials and construction work shall conform to applicable sections of the minimum construction standards of the town of Superior (Wyoming public works standard specifications) or figures IX, X, XI, XII, XIII, XIV, XV and XX attached to ordinance 926 on file in the office of the town clerk-treasurer. Compliance shall be verified by review and approval of the town engineer. (Ord. 926, 9-12-1982; amd. 2005 Code)
- W. Changes In Street Grades: All changes in street grades shall be connected by vertical curves of such a length as to provide adequate sight distance as determined by the town engineer.
- X. Sidewalks: Each dedicated street shall have at least two (2) sidewalks, each with a minimum width of four feet (4') from edge to edge. No part of any curb or combined curb and gutter shall be included in the sidewalk measurement when a sidewalk is adjacent to a curb. (Ord. 926, 5-12-1982)
- Y. Street Signs: Street signs shall be placed at all intersections. Within business districts and at major street intersections, two (2) signs are required at diagonally opposite corners and on the right hand side to approaching traffic. In residential districts and at local street intersections, one sign is required. All signs shall be double faced to be read from both directions. Sign construction shall be in accordance with standard design as shown on figure VIII attached to ordinance 926 on file in the office of the town clerk-treasurer. (Ord. 926, 5-12-1982; amd. 2005 Code)
- Z. Street Designations And Naming: Street designations and naming shall meet requirements of the town of Superior roadway naming and property numbering plan. (Ord. 926, 5-12-1982)

11-4-3: TRACTS, BLOCKS AND LOTS:

- A. Generally: Subdivisions shall consist of, in addition to public ways, an integrated and logical arrangement of tracts, blocks and lots. A tract is a land area set aside for a special use, or otherwise not included within the normal

subdivision pattern of blocks and lots. Tracts shall bear a letter designation, such as tract A, while blocks and lots shall be numbered.

- B. Tract Size: Tracts shall normally be larger in size than a typical lot of the subdivision.
- C. Residential Block Size: Blocks in residential subdivisions shall be not less than four hundred feet (400') long and not more than one thousand feet (1,000') long, except as expressly allowed by the commission and the town council.
- D. Residential Block Width; Tiers: In a residential development, the block width shall normally be sufficient to allow two (2) tiers of lots. Blocks for business use shall be of suitable width and depth.
- E. Depth To Front Ratio: The depth to front ratio of lots shall not exceed two and one-half to one (2.5:1). An average depth shall be determined for irregularly shaped lots.
- F. Lots: The lot size, width, depth, shape and orientation shall be appropriate for the type of development contemplated.
- G. Corner Lots: Corner lots for residential use shall have extra width to allow for a proper setback from both streets.
- H. Double Frontage Lots: 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.
- I. Street Access: Every lot shall have access to an officially approved street or road.
- J. Side Lot Lines: Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
- K. Permanent Easements: Where permanent easements are needed for utility service, they shall be provided ten feet (10') in width on each side of the appropriate rear or side lot lines for a total minimum easement width of twenty feet (20'), or, if necessary, ten feet (10') behind front lot lines. (Ord. 926, 5-12-1982)

11-4-4: FIRE PROTECTION:

Subdivisions served by a public water system shall provide fire hydrants at intervals of no more than five hundred feet (500') within public rights of way, and the following other requirements shall be met: (Ord. 926, 5-12-1982)

- A. Flow: Hydrants shall have a minimum fire flow of five hundred gallons per minute (500 gpm). (Ord. 926, 5-12-1982; amd. 2005 Code)
- B. Connection; Gate Valve: In the setting of these required fire hydrants, the connection between a water main and the hydrants shall not be less than six inches (6") in diameter. A gate valve shall also be installed in the area.
- C. Specifications: The fire hydrants shall be a dry barrel type with two (2) 2 1/2-inch outlets and one 4 1/2-inch outlet facing the roadway with national standard threads and left hand opening turning counterclockwise.
- D. Placement: The fire hydrants are to be set plumb with the bottom of the lowest outlet twenty four inches (24") above finished grade or so the safety flange bolts or collar are above finished grade.
- E. Drainage: For drainage considerations, these frostproof fire hydrants shall have a space of two feet (2') in diameter and two feet (2') below the base of the hydrant filled with coarse gravel or stones placed around the bowl of the hydrant to a level of six inches (6") above the waste opening of each fire hydrant. Further, the drain valve of each fire hydrant shall be set free of dirt, and the cement thrust block shall be in place so as to not block the drain hole of each fire hydrant. (Ord. 926, 5-12-1982)

11-4-5: MOBILE HOME PARKS:

- A. Compliance Required: Mobile home parks and mobile home subdivisions shall be established only in accordance with all of the provisions of these regulations, the zoning ordinance of the town of Superior, Wyoming, and other pertaining ordinances of the town of Superior.
- B. Streets: Individual mobile home units in mobile home parks may be served by private streets or dedicated streets. Dedicated streets shall be constructed to the standards required by these regulations for public streets. Private streets shall have an asphalt or concrete surface of at least twenty four feet (24') in an access easement of at least forty feet (40'). All private streets shall have unobstructed access to a public street or highway.
- C. Private Roadways: All private roadways shall be constructed in accordance with the appropriate minimum construction standards of the town of Superior (Wyoming public works standard specifications).
- D. Sidewalks: Sidewalks at a minimum width of three feet (3') shall be provided on both sides of all roadways in the mobile home park. From these, paved walkways shall be provided to serve each mobile home unit in the mobile home park.

- E. Street Access: Each mobile home unit shall have direct access to the public or private street system which serves the mobile home park.
- F. Interior Street System: Whether public or private, the interior street system serving the mobile home park shall have at least two (2) accesses to the surrounding public street system, open at all times.
- G. Drainage; Erosion: 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.
- H. Lighting: Provision shall be made for adequate night lighting for the entire mobile home court area as required by the town.
- I. Water Supply: An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park. Where a public water system is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively.
- J. Fire Hydrants: Mobile home parks shall provide on site fire hydrants as directed by the fire chief and the minimum construction standards of the town of Superior (Wyoming public works standard specifications). Where fire hydrants are installed, water mains shall be a minimum of six inches (6") in diameter. Hydrants, if provided, shall be located along park streets or public ways, readily accessible for fire department use and located within two hundred feet (200') of all mobile home lots. Hydrant hose coupling threads shall be national standard threads. Designated fire lanes and access to fire hydrants shall be open at all times. (Ord. 926, 5-12-1982)

CHAPTER 5
IMPROVEMENTS

Section:

- 11-5-1: Guarantee; Bond
- 11-5-2: Completion Deadline; Inspection
- 11-1-3: Required Improvements
- 11-1-4: Release Of Bond; Warranty

11-5-1: GUARANTEE; BOND:

Prior to the approval of any final plat, the subdivider shall guarantee the installation of the necessary improvements in accordance with the minimum construction standards of the town of Superior (Wyoming public works standard specifications) and, where applicable, the requirements of the Wyoming department of environmental quality, by complying with the provisions of subsection 11-3-3F10 of this title regarding financial commitments. The type of commitment or guarantee or the amount of any bond required by this chapter shall be in accordance with the minimum construction standards of the town of Superior (Wyoming public works standard specification). (Ord. 926, 5-12-1982)

11-5-2: COMPLETION DEADLINE; INSPECTION:

All improvements required by this chapter shall be completed within twenty four (24) months from the date of the guarantee or commitment accepted by the town. A request for an extension of this time period may be submitted to and approved by the town council. As improvements are completed, finally inspected and approved, the subdivider may apply to the town council for a release of a proportionate part of any collateral deposited with the council. Requests for final inspection shall be made by the subdivider to the town engineer, in writing. (Ord. 926, 5-12-1982)

11-5-3: REQUIRED IMPROVEMENTS:

The subdivider shall cause to be installed the following improvements in a timely manner and in accordance with plans, specifications and data as set in the minimum construction standards of the town of Superior (Wyoming public works standard specifications). The town shall be notified of any construction activity related to the improvements at least three (3) days in advance:

- A. Monuments: Monuments at the corners of all tracts, blocks and lots and at all subdivision boundary corners.
- B. Grading, Drainage And Drainage Structures: Grading, drainage and drainage structures for streets and highways and for areas within the subdivision.

- C. Road Improvements; Sidewalks: Road improvements including base, surfacing, gutters and curbs and sidewalks. Sidewalks shall be not less than four feet (4') wide on local streets nor less than five feet (5') wide on collector and arterial streets.
- D. Streetlights: Streetlights in all subdivisions as required by the town of Superior.
- E. Fire Hydrants: Fire hydrants of a size, type and at locations designated by the appropriate minimum construction standards of the town of Superior (Wyoming public works standard specifications).
- F. Sewers: Sanitary sewer mains, laterals, and facilities.
- G. Storm Sewers: Storms sewer mains and laterals.
- H. Water: Water distribution lines and facilities.
- I. Utilities: Utilities such as gas, telephone, and electric.
- J. Other: Other facilities or improvements as may be specified by the town and agreed to by the subdivider. (Ord. 926, 5-12-1982)

11-5-4: RELEASE OF BOND; WARRANTY:

At any time after the satisfactory completion of construction of all or any phase of public improvements and their final inspection and approval by the town engineer, the subdivider may request release of all or a part of his bond and request that the town accept maintenance of the appropriate public improvements. The developer shall provide a one year warranty on the construction from the time of acceptance by the town in the form of a maintenance bond. (Ord. 926, 5-12-1982)

CHAPTER 6
DEDICATION OF PUBLIC LAND

Section:

- 11-6-1: Open Spaces, Public Sites
- 11-6-2: Payment In Lieu
- 11-6-3: Private Open Space

11-6-1: OPEN SPACES, PUBLIC SITES:

- A. Required: In any new residential 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 town of Superior in order that adequate open spaces and public sites for public use may be properly located and preserved as the town 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. Location:
 - 1. Consideration shall be given to the adequate provision and location of such public sites and facilities in the design of the subdivision.
 - 2. The amount of land to be dedicated shall be ten percent (10%) of the gross land area of the subdivision.
 - 3. Any land dedicated to meet the requirements of this chapter 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, the commission and town council may request that an alternate parcel be dedicated. (Ord. 926, 5-12-1982)

11-6-2: PAYMENT IN LIEU:

- 4. When Required: In the event that the application of these standards would result in sites too small to be usable, or if the town 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.
- C. Amount: The amount of the fee shall be negotiated by the town and the subdivider.
- D. Appraisal Board: If the value of such land cannot be determined satisfactorily by the town and the subdivider, an appraisal board consisting of one appraiser selected by the town at its own expense, one selected by the property owner at his own expense, and a third selected by the other two (2) appraisers at town expense, shall determine the value. (Ord. 926, 5-12-1982)

11-6-3: PRIVATE OPEN SPACE:

Where private open space for park and recreational purposes is provided in a proposed subdivision, such areas may be credited against the requirement for a land dedication provided that the town council finds that:

- A. Adequacy: The public interest is adequately served by this arrangement.
- B. Suitability: The land is reasonably suitable for the park, recreation or open space use proposed.
- C. Written Assurances: 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.
- D. Long Term Preservation: 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.
- E. Public Need: A public park, recreation or open space function other than that proposed by the subdivider is not needed in the area. (Ord. 926, 5-12-1982)

CHAPTER 7
ADMINISTRATION AND ENFORCEMENT

Section:

- 11-7-1: Administration
- 11-7-2: Appeals
- 11-7-3: Variances
- 11-7-4: Vacations
- 11-7-5: Enforcement
- 11-7-6: Legal Status
- 11-7-7: Fees
- 11-7-8: Violations And Penalties
- 11-7-9: Civil Enforcement
- 11-7-10: Amendments

11-7-1: ADMINISTRATION:

- A. Designation: These regulations shall be administered and interpreted by the planning and zoning commission of the town of Superior, Wyoming.
- B. Review Prior To Submittal To Council: All plats submitted to the town council shall first have been examined by the commission in accordance with the procedures established by these regulations. As a part of their examination, the commission may consult with other public or private agencies for determining whether or not the plat as proposed will contribute to the orderly growth and development of the town. The commission shall receive all materials required to be submitted by these regulations. Preliminary and final subdivision plats, supporting materials, and the recommendations of any other agency thereon shall be reviewed and evaluated by the commission. After concluding its examination, the commission shall, in the case of sketch plats, notify the subdivider of its decision in writing, and in the case of final plats, communicate its findings and recommendations to the town council in writing. The actions of the commission and the council shall be governed by the procedures and schedules hereinafter set forth.
- C. Subdivisions Outside Town Limits: When any part of a subdivision lies outside of, but within one mile of the boundary of the town of Superior, that subdivision shall be approved by the town council of the town of Superior before it is finally approved by the Sweetwater County board of county commissioners, a subdivision permit issued therefor, and the plat filed in the office of the county clerk. (Ord. 926, 5-12-1982)

11-7-2: APPEALS:

- A. Appeal From Commission Decision:
 - 1. Right To Appeal: Any subdivider or landowner aggrieved by the action of the commission or the administrative staff of the town of Superior in

their administration of these regulations, may request a hearing before the town council.

2. Request For Hearing: The request shall be in writing, shall be submitted within thirty (30) days of the action or decision appealed from, and shall state the specific relief which the subdivider or landowner seeks.
 3. Hearing: Within thirty (30) days of the receipt of such a request, the town 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.
 4. Council Action: 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 his land based upon this decision of the council. This decision shall be binding upon all agencies and administrative personnel of the town of Superior.
- B. Appeal From Council Decision: Any subdivider or landowner aggrieved by the action of the town council in their administration of these regulations may seek judicial review in accordance with the Wyoming rules of civil procedure. (Ord. 926, 5-12-1982)

11-7-3: VARIANCES:

- A. Power To Grant: When it can be shown that in the case of a particular subdivision, the strict application of these regulations would cause undue hardship, the town council may authorize a variance to these requirements.
- B. Required Findings: The granting of any variance shall be based upon findings by the council that:
1. Because of an exceptional shape, unusual topography or other special circumstances associated with the property which are not the result of any action of the subdivider, the use of the property in a manner similar to the use of adjacent or nearby properties is prohibited or severely curtailed.
 2. The variance will alleviate a clearly demonstrable hardship.
 3. The variance will not nullify the intent or purpose of these regulations.
 4. Granting the variance will not be detrimental to the general public health, safety and welfare.
- C. Minimum Adjustment: Any variance granted shall constitute the minimum adjustment necessary to alleviate the hardship.
- D. When Submission Allowed: A request for a variance may be submitted only after the 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.

- E. Submittal Of Request: All requests for variances shall be submitted, in writing, to the town council and shall be referred to the commission for comments and recommendations prior to any action taken by the council.
- F. Additional Conditions: In granting a variance, the council may impose such conditions as will ensure substantial compliance with the objectives and standards of these regulations. The findings and action on each variance and any conditions imposed shall be recorded in the minutes of the council and a copy thereof provided to the subdivider and the commission.
- G. Incorporation Into Final Plat: If the subdivision variance is granted by the town council, the subdivider may incorporate the provisions of the variance into the final plat to be submitted to the commission and to the council for approval. In its review of the final plat, the 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 commission. (Ord. 926, 5-12-1982)

11-7-4: VACATIONS:

- A. Plat Or Portion Thereof: Any plat or any portion of a plat may be vacated by the owners or proprietors thereof at any time before the sale of any lots by submitting a copy of the plat or portion thereof to the 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 or within the portion being vacated if that portion is less than the entire plat. The commission shall make a recommendation on the vacation to the town council and the council shall approve or disapprove the vacation. The recording of an instrument vacating the plat or portion of a plat shall operate to destroy the force and effect of the recording of the original plat or portion so vacated and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in such a plat.
- B. Streets, Alleys And Easements: Streets, alleys and easements 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. (Ord. 926, 5-12-1982)
- C. Rights And Privileges Of Others; Public Highways: Any part of a plat may be vacated under the provisions, and subject to the conditions of this title provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors or owners of easements in said plat; and, provided, further, that nothing contained in this chapter shall authorize the closing or obstruction of any public highways laid out according to law. (Ord. 926, 5-12-1982; amd. 2005 Code)

- D. Assignment Of Vacated Property: When any part of a plat shall be vacated as aforesaid, streets, alleys and other public grounds shall be assigned to all adjoining lots or parcels in equal proportions.
- E. Replatting: 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. (Ord. 926, 5-12-1982)

11-7-5: ENFORCEMENT:

- A. Report Of Violations, Lack Of Compliance: The administrative official or members of the planning commission shall enforce these regulations and bring to the attention of the town council and the town attorney any violations or lack of compliance herewith.
- B. Sale Or Transfer Prohibited: No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the town council in accordance with the provisions of these regulations and filed with the county clerk.
- C. Building Permits: No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivision sold in violation of the provisions of these regulations. (Ord. 926, 5-12-1982)

11-7-6: LEGAL STATUS:

No land shall be subdivided and no final plat shall be approved unless it conforms to both this title and title 12 of this code. (Ord. 926, 5-12-1982)

11-7-7: FEES:

- A. Sketch Plat: There shall be no fees for the submittal and review of a sketch plat.
- B. Preliminary Plat: Each preliminary plat shall be accompanied by a fee of two hundred fifty dollars (\$250.00), payable to the town of Superior.
- C. Final Plat: Final plat submittals shall be accompanied by a minimum fee of one hundred dollars (\$100.00) plus ten dollars (\$10.00) per lot for each lot in excess of ten (10) lots up to a maximum fee of one thousand dollars (\$1,000.00). Fees collected are for the purpose of partially offsetting costs incurred by the town for necessary plat review and shall be credited to the town general fund, payable to the town of Superior.
- D. Recording Fee: As determined by the county clerk. To be submitted by the subdivider to the town with the final plat after approval of the final plat by the town council.
- E. Appeals: There shall be no fees for an appeal from the commission or from the administrative staff of the town with respect to these regulations.

- F. Variances: Each request for a variance shall be accompanied by a fee of thirty five dollars (\$35.00) payable to the town of Superior.
- G. Inspection Fee: The developer shall pay to the town an inspection fee in the amount of two percent (2%) of the total final construction cost of the project. One percent (1%) of the estimated cost shall be paid when final plans are submitted, checked by the engineer and approved by the town council. The remainder of the two percent (2%) of final documented cost shall be paid upon approval and acceptance of the completed project. Fees collected are for the purpose of partially offsetting costs incurred by the town for inspections of required improvements and shall be credited to the town's general fund. (Ord. 926, 5-12-1982)

11-7-8: VIOLATIONS AND PENALTIES:

The violations and penalties in Wyoming Statutes section 15-1-610, as amended, are incorporated herein by this reference and expressly made a part hereof. (Ord. 926, 5-12-1982)

11-7-9: CIVIL ENFORCEMENT:

This title shall be enforceable by the court by injunction, mandamus, abatement or by any other appropriate action or proceeding that may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above. (Ord. 926, 5-12-1982)

11-7-10: AMENDMENTS:

For the purpose of providing for the public health, safety, and general welfare, the planning commission may recommend to the town council proposed modifications and revisions of these subdivision regulations. Public hearings on all proposed amendments shall be held in the manner prescribed by law, after which the town council shall approve, amend or override the planning commission's recommendations. (Ord. 926, 5-12-1982)