

Title 16SUBDIVISIONSChapters:

- 16.04 General Provisions
- 16.08 Definitions
- 16.12 Administration and Enforcement
- 16.16 Design Standards
- 16.20 Vicinity Sketch Map
- 16.24 Preliminary Plat
- 16.28 Final Plat
- 16.32 Improvements, Reservations and Dedications
- 16.36 Variances

Chapter 16.04GENERAL PROVISIONSSections:

- 16.04.010 Construction and interpretation.
- 16.04.020 Severability—Invalid provision.
- 16.04.030 Severability—Invalid application of provision.

16.04.010 Construction and interpretation. In the interpretation and application of the provisions of this title, in addition to the provisions of Title 1, the following regulations shall govern:

- A. The particular controls the general.
- B. The provisions of this title shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This title shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.
- C. Whenever both a provision of this title and any other provision of this title or any provision in any other law, ordinance, resolution, rule or regulation of any kind shall contain restrictions covering the same subject matter, whichever restriction is more restrictive or imposes higher standards or requirements shall govern.
- D. This title is not intended to abrogate or annul any permits issued before the effective date of the ordinances codified in this title or any easement or covenant

16.04.020—16.08.010

or other private agreement entered into before the effective date of the ordinances codified in this title.

E. A building or structure includes any part thereof. A building includes all other structures of every kind, regardless of similarity to buildings. The term building, includes all structures, and the term, structure, includes all buildings.

F. The phrase, “used for” includes arranged for, designed for, intended for, maintained for, and occupied for.

16.04.020 Severability—Invalid provision. If any provision of this title is declared invalid by any court of competent jurisdiction, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid. Such decision shall not affect, impair or nullify this title as a whole or any other part thereof, and the rest of this title as a whole or any other part thereof, and the rest of this shall continue in full force and effect.

16.04.030 Severability—Invalid application of provision. If the application of any provision of this title, to any improvement, development, or tract of land is declared to be invalid by any court of competent jurisdiction, the effect of such decision shall be limited to that tract of land, improvement or development immediately involved in the proceeding in which such decision was rendered. Such decision shall not affect, impair, or nullify this title as a whole or the application of any provision thereof to any other improvement, development or tract of land.

Chapter 16.08

DEFINITIONS

Sections:

- 16.08.010 Streets and alleys.
- 16.08.020 Subdivider.
- 16.08.030 Subdivision.

16.08.010 Streets and alleys. For the purposes of this title:

“Alleys” are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

“Collector streets” are those rights-of-way which carry traffic from local streets to the system of major streets and highways and move local traffic to parks, schools and shopping centers.

“Local streets” are those rights-of-way which are used primarily for access to the abutting properties.

“Major streets” are those rights-of-way which are used primarily for fast moving, heavy traffic, which may or may not be destined to stop in the Powell region.

“Marginal access streets” are local streets which are parallel to an adjacent to expressways or major streets and which provide access to abutting properties and protection from through traffic.

“Street” means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated. (Ord. 6-1993 § 1 (part), 1993)

16.08.020 Subdivider. “Subdivider”, or “developer”, means any person, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

16.08.030 Subdivision. “Subdivision”, means the division of a lot, tract or parcel of land into three or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development.

## Chapter 16.12

### ADMINISTRATION AND ENFORCEMENT

#### Sections:

16.12.010	Authority.
16.12.020	Control over platting.
16.12.030	Jurisdiction.
16.12.040	SubdivisionS within one mile of city limits.
16.12.050	Amendments.
16.12.060	Violation—Penalty.

16.12.010 Authority. No final plat of a subdivision shall be approved by the Planning and Zoning Commission and

accepted by the governing body unless it conforms to the provisions of this title.

**16.12.020 Control over platting.** A. All plats of subdivisions of land requiring approval of the governing body shall be filed and recorded only after having been approved by the governing body with such approval entered in writing on the plat and signed by the Mayor.

B. No building shall be erected on any lot in any subdivision, nor shall a building permit be issued for a building unless the street giving access to the lot upon which such building is proposed to be placed shall have been approved by the governing body as a part of an official subdivision.

C. Any proposals or agreements submitted to the governing body requesting and/or pertaining to any waiver, modification or variance of any requirement pursuant to this title shall be submitted to the Planning and Zoning Commission for its review and recommendation. (Ord. 6-1993 § 1(part), 1993)

**16.12.030 Jurisdiction.** This title applies to all land located within the legal boundaries of the City and all land located within one mile of the City, the subdivision of which requires approval of the governing body, and for advisory purposes only, all land located between one mile and three miles of the City.

**16.12.040 Subdivision within one mile of City limits.** The following standards shall be applied by the City in determining whether to approve or disapprove plats of subdivisions located within one mile of the corporate limits of the City:

A. Property that meets the requirements for annexation pursuant to state law will not be approved for subdivision without being annexed to the City.

B. Subdivision of land which is not contiguous to the City but meets the other requirements for annexation pursuant to state law will not be approved for subdivision if it appears that the intervening property owners are willing to join and cooperate in an annexation upon reasonable terms.

C. Proposed annexations within a one mile radius of the City shall otherwise conform to all of the subdivision requirements of the City, and the City shall further require a written enforceable and recordable agreement that All of the property within the area of such subdivision will be voluntarily annexed to the City upon demand by the City when it becomes contiguous to the corporate limits of the City, and improvements required by the City shall

further be installed at the expense of the owners and in accordance with City specifications as provided in Section 16.32.010, and amendments and modification thereof.

D. Such agreement shall further provide that all construction within the area of such subdivision shall conform with all ordinances, rules and regulations of the City and be subject to inspection by the City, all as if it were located within the corporate limits of the City.

E. All such developments within the area of one mile of the corporate limits of the City shall conform to the Master Plan, projected zoning expectations, the Master Street Plan, and shall, upon demand, participate as if they were located within the corporate limits of the City in all public health and safety measures of the City, such as, but not limited to, mosquito control, inspection and regulation of underground tanks for the storage of petroleum and other hydrocarbon products, disposal of dead animals, disposal of sewage and garbage, and other such regulations.

16.12.050 Amendments. Amendment to this title shall be in accordance with the laws of the State and all other applicable City laws and shall require the following action:

A. Study and recommendation concerning the proposed amendment by the Planning and Zoning Commission;

B. Completion of a public hearing before the governing body after at least fifteen days' notice of the time and place of such hearing shall have been given by at least one publication in a newspaper of general circulation within the City.

16.12060 Violation—Penalty. It is unlawful for any person, being the owner, or agent of the owner, of any land located within a subdivision or addition to transfer or agree to sell or negotiate to sell any land by reference to or exhibition of or by use of a plan or plat of a subdivision or addition before such plan or plat has been approved by the Planning and Zoning Commission and governing body and recorded or filed in the office of the County Clerk. For each lot or parcel so transferred or sold or agreed or negotiated to be sold a separate violation shall be deemed to have been committed. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or from the remedies provided in this title.

Chapter 16.16

DESIGN STANDARDS

Sections:

- 16.16.010 Site considerations.
- 16.16.020 Streets, alley and easements.
- 16.16.030 Blocks.
- 16.16.040 Lots.

16.16.010 Site considerations. A. Unstable land and areas having inadequate drainage shall be noted and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such areas shall not be platted for residential occupancy.

B. Any land subject to flooding or in a natural drainage channel shall not be platted for residential occupancy unless adequate provisions to eliminate or control flood hazards are made and approved by the City Administrator.

C. Where a residential subdivision borders a railroad right-of-way, a parallel street or buffer strip shall be required. (Charter Ordinance 1-1989 § 3(part), 1989)

16.16.020 Streets, alleys and easements. A. Streets shall conform to the comprehensive street and highway plan for the City and surrounding region.

B. Streets and easements shall be aligned to join with planned or existing streets and easements.

C. Streets shall have a logical relationship to the topography.

D. Intersections shall be at right angles wherever possible.

E. Jogs in streets shall be at least one hundred twenty-five feet apart.

F. Local streets shall be designed to discourage through traffic.

G. Cul-de-sacs shall be permitted, provided they are not more than five hundred feet in length, including the area at the end of such cul-de-sac, and further provided that the area at the end of each such cul-do-sac shall have a diameter of not less than one hundred thirty feet from property line to property line. Surface drainage shall be toward the intersection streets, or if this is not possible a drainage easement shall be required through the cul-doe-sac. Design specifications for curb, gutter, sidewalk

and distance from property line to sidewalk shall be in accordance with such design specifications as shall be recommended from time to time by the City.

H. Dead-end streets and dead-end alleys (with the exception of cul-de-sacs) shall be prohibited unless they are designed to connect with future streets or alleys in adjacent land that has not be platted.

I. Restriction of access shall be required when a subdivision or portion thereof adjoins a major street. Marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation, deep lots or similar treatment shall be required to reduce the impact of the traffic on residential properties and to avoid interference with the movement of the traffic on thoroughfares.

J. Half streets shall be prohibited. When a proposed half street in one subdivision is adjacent to another property, the approval of the adjacent owner shall be obtained and the entire street shall be platted. The responsibility for acquiring the additional right-of-way shall be the subdivider's. Permanent improvement of a street shall not proceed until the full width is dedicated.

K. Reverse curves on major streets shall be joined by a tangent at least two hundred feet in length.

L. Reverse strips, controlling access to streets, are permitted only when the control of such strips is given to the City.

M. Street, alley and easement right-of-way widths and grades shall be as follows:

<u>Classification</u>	<u>Width</u>	<u>Minimum Right-of-way</u>	<u>Minimum Grade</u>	<u>Maximum Grade</u>
Major streets	100'		0.3%	5%
Collector streets	80'		0.3%	8%
Local streets	60'		0.3%	8%
Marginal access streets	40'		0.3%	8%
Alleys	20'		0.3%	8%
Easements	20'		0.3%	8%

N. Alleys and Easements.

1. Alleys may be required in residential subdivisions, and where required shall meet all specifications of the City;

2. Alleys shall be provided in business and industrial areas, except that this requirement may be waived where other provisions are made and approved for service access;

16.16.020—16.20.010

3. Easements of not less than ten feet (totaling twenty feet) shall be provided on each side of rear lot lines and along certain side lot lines for utilities where alleys are not provided; where rear lot lines face the external boundary of subdivisions, easements of not less than twenty feet shall be provided along the rear lot lines, and no half easements shall be permitted under any circumstances. In subdivision designs which do not contain alleys utility easements of five feet in width shall be provided along the front line and adjacent to the street if the City so designates;

4. Alleys that intersect at right angles to form a “T” (i.e. “T” – alleys) shall, in addition to the minimum right-of-way width, be constructed to provide five-foot corners on each side of the intersection at the base of the “T”. (Ord. 6-1993 §1(part), 1993)

O. Vehicle-drive approaches within all City zoning districts shall be limited in their length to no greater than one-half of the total lot width as it abuts any street. No vehicle-drive approach shall be located within 50 feet (50’) from any intersection within the B-G, I-L and I-G zoning districts. (Ord. 1-2007)

16.16.030 Blocks. Blocks shall be more than four hundred feet in length but not more than one thousand three hundred twenty feet.

16.16.040 Lots. A. Lot dimensions and sizes shall be at least as large as required by applicable zoning requirements.

B. Each lot shall have access to a public street.

C. Lots with frontage on two parallel streets shall be avoided, except where essential to provide separation from major arterial streets.

D. Side lot lines shall be substantially at right angles to straight streets or radial or curved streets.

Chapter 16.20

VICINITY SKETCH MAP

Sections:

16.20.010 Vicinity sketch map.

16.20.010 Vicinity sketch map. In order to properly evaluate a prospective area for subdividing, a vicinity sketch map shall be prepared at a scale of not less than one inch equals four hundred feet, extending at least one quarter mile surrounding the proposed subdivision, and showing existing streets and highways, natural drainage courses, and similar major natural or man-made features of

the area. In addition, existing and proposed major use areas for residential, commercial, industrial and public purposes shall be shown on the map. This sketch map shall be presented to the City Administrator prior to submission of the preliminary plat. (Charter Ord. 1-1989 §3 (part), 1989)

Chapter 16.24

PRELIMINARY PLAT

Sections:

16.24.010	Required.
16.24.020	Purpose.
16.24.030	Procedure.
16.24.040	Preparation.
16.24.050	Information—Required.
16.24.060	Additional data required.

**16.24.010 Required.** After the subdivider has reached preliminary conclusions concerning the feasibility and design of the proposed subdivision, he shall prepare a preliminary plat and required supplemental material for presentation to and approval of the Planning and Zoning Commission. The preliminary plat may be prepared to meet the requirements of the final plat and be submitted as both a preliminary and a final plat at the risk of the subdivider.

**16.24.020 Purpose.** The purpose of this preliminary planning is to check the proposed subdivision against City design standards and improvement requirements and to be sure that City zoning and Master Plan standards can be met. Thorough analysis of the problems at this stage will expedite approval of the final plat and will prevent the repeating of expensive calculations and drafting required for the final plat.

**16.24.030 Procedure.** The preliminary plat shall be processed as follows:

A. Ten copies of the preliminary plat and required supplemental material shall be presented by the subdivider to the City Administrator. If the plat is in acceptable condition according to these regulations, the City Administrator shall immediately notify the Secretary of the Planning and Zoning Commission that the plat has been filed and shall furnish the following agencies with a copy for their review and comments:

1. City Engineer;
2. Health Officer;
3. Water Commissioner;
4. Municipal Electric System;
5. Wyoming State Highway Department (when appropriate);
6. Park County Commissioners or Zoning Board;
7. Fire Chief.

B. The above agencies shall have ten days from the day they receive the plat to review and return it to the City Administrator. Failure to return the plat or otherwise to notify the City Administrator's office shall constitute approval of the agency.

C. Promptly upon expiration of the ten-day period, the City Administrator shall submit the preliminary plat and all comments received from the various agencies to the Planning and Zoning Commission.

D. The Planning and Zoning Commission shall consider the comments of the other agencies before reaching its decision to approve, conditionally approve or disapprove the plat.

E. Within forty-five days after receiving the preliminary plat, the Planning and Zoning Commission shall notify

16.24.030—16.24.050

the subdivider of its approval, conditional approval or disapproval. When circumstances require an additional period of time for review, the Planning and Zoning Commission shall notify the subdivider in writing of the extended time period required. If the plat is conditionally approved or disapproved, the reasons shall be noted in writing, and, if possible, recommendations made whereby the plat might gain approval. Approval of the preliminary plat shall be valid for no longer than one year. A six-month extension of time may be granted on the basis of unforeseen circumstances.

F. Whenever a preliminary plat is conditionally approved or disapproved, the subdivider or an interested official agency may request in writing a further review and hearing before the Council. (Ord. 12-1998 § 1, 1998; Charter Ord. 1-1989 §3(part), 1989)

16.24.040 Preparation. The preliminary plat shall be prepared as follows:

A. The design shall be in accord with the subdivider's plans for actual development and therefore shall be a true representation of the subdivision which may eventually be recorded.

B. The drawing shall be made at a scale of not less than one inch equals one hundred feet, on a reproducible medium with outer dimensions of not more than forty inches by thirty-five inches. (The final plat shall be twenty-two inches by thirty-six inches.)

16.24.050 Information—Required. The preliminary plat shall contain the following information:

A. Proposed name of subdivision, which shall not conflict with any existing recorded subdivision in the County;

B. Location and boundaries of the subdivision as a part of some large subdivision or tract of land;

C. Names and addresses of the subdivider, the designer of the subdivision, and the engineer or surveyor (who shall be licensed by the Wyoming State Board of Examiners for Engineers and Land Surveyors);

D. Date of preparation, scale, and north sign (designated as true north);

E. Total acreage of the subdivision;

F. Location and principal dimensions for all existing streets (including their names), alleys, easements, water courses, and other important features within and adjacent to the tract to be subdivided;

G. Location and principal dimensions for all proposed streets ( including their names), alleys, easements, lot lines, and areas to be reserved or dedicated for parks, schools and other public uses;

H. Topography at two-foot intervals;

I. Designation of areas subject to inundation;

J. Site data, including the number of residential lots and typical lot sizes;

K. Proposed site, if any, for two-family or multiple-family residential use, business areas, industrial areas, churches and other non-public uses exclusive of one-family residential areas;

L. Zoning on and adjacent to the tract;

M. The name of abutting subdivisions or the names of the owners of abutting unplatted property;

N. The location and size of existing utilities within or adjacent to the tract.

(Ord. #1 – 2005)

16.24.060 Additional data required. The preliminary plat shall be accompanied by the following:

A. Such additional information as may be required by the Planning and Zoning Commission in order to adequately describe proposed utility systems, including water line design, surface improvements, or other construction projects contemplated within the area to be subdivided;

B. Application form for rezoning, if required for the development of the subdivision;

C. Proposals involving the development of townhouses, condominiums, and other such multi-family dwellings shall be accompanied by a draft proposal of protective covenants and the necessary documents for the creation of a homeowner's organization providing adequate assurance of the perpetual care and maintenance of all areas in common use or common ownership within the subdivision.

## Chapter 16.26

### CONSTRUCTION PLANS

#### Sections:

16.26.010 Construction Plans – Required.

16.26.020 Construction Plans – Purpose.

16.26.030 Construction Plans – Procedure.

16.26.040 Construction Plans – Preparation.

16.26.050 Construction Plans – Information required.

16.26.060 Construction Plans – Additional Data required Post Construction.

16.26.010 Construction Plans – Required. After, or in conjunction with, the subdivider having approval, conditional approval, or disapproval of his preliminary plat, and before the final plat is submitted to the City Administrator, construction plans shall be prepared and submitted to the City Engineer for design approval. (Ord. 18-2005)

16.26.020 Construction Plans – Purpose. The purpose of the construction plans is to check the proposed development against city design standards and improvement requirements and to be sure the City zoning and master plan standards can be met. Thorough analysis of the problems at this stage will expedite approval of the final plat. (Ord. 18 - 2005)

**16.26.030 Construction Plans – Procedure.** The construction plans shall be processed as follows:

- A. Three (3) copies of the construction plans and required supplemental material shall be presented by the subdivider to the City Engineer for review.
- B. The City Engineer shall have fifteen (15) working days from the day received to review and return it to the subdivider. At this time, the City Engineer shall notify the subdivider of any comments or modifications to the design. If modifications are needed, the subdivider shall make the required changes and resubmit to the City Engineer.
- C. When all necessary comments are addressed, the subdivider may submit the final plat to the City Administrator as per Chapter 16.28. (Ord. 18 – 2005)

**16.26.040 Construction Plans – Preparation.** The construction plans shall be prepared as follows:

- A. The design shall be in accordance with the current City of Powell standards. The City Engineer shall reserve the right to modify or add to the current standards if the need arises. The City Engineer shall resolve any discrepancy in design standards.
- B. The drawing set shall be made at a scale of not less than one inch equals fifty feet (1"=50'), on a reproducible medium with minimum dimensions of twenty-two inches by thirty-four inches (22"x34") and maximum dimensions of thirty inches by forty-two inches (30"x42"). (Ord. 18 – 2005)

**16.26.050 Construction Plans – Information Required.** The construction plans shall, at a minimum, contain the following information:

- A. Date of preparation, scale, and north sign (designated as true north).
- B. Location, principal dimensions, sizes, and types for all existing streets (including their names), alleys, easements, water courses, sanitary sewer, water distribution, storm drainage, and other important features within and adjacent to the tract to be subdivided.
- C. Location, principal dimensions, sizes, and types for all proposed streets (including their names), alleys, easements, lot lines, sanitary sewer (including services), water distribution (including services), storm drainage, and areas to be reserved or dedicated for parks, schools, or other public uses.
- D. Plan and profile sheets of all proposed streets within the development to include all principal dimensions. Plan information shall include, at a minimum, bearing and distance of street centerlines, stationing, and horizontal curve information. Existing ground at centerline shall be indicated within the profile. Proposed curb and gutter flowlines shall be included on the profile sheets including any "catch-up" slopes at street intersection. Profile information shall include, at a minimum, grade, grade breaks, and vertical curve information.
  - 1. Type A curb and gutter shall be used on all major (arterial) and secondary (collector) streets, and within all business, commercial and industrial areas.
  - 2. Type B curb and gutter may be used on local (residential) streets, and shall not allow driveway cuts.
  - 3. All valley gutters shall be a minimum eight (8) feet wide.
  - 4. The maximum grade break allowed before a vertical curve is required shall be 0.75% (0.0075 ft/ft).

E. Plan and profile sheets of underground utilities including sanitary sewer, water, and storm drain shall include all principal dimensions to street sections and other underground utilities. All existing and proposed utilities that will cross proposed utilities shall be indicated within the profile including distance between such utilities.

1. Utilities shall be extended to edge of proposed subdivision.
2. If numerous utility cuts are to be made across an existing street, a half-street rebuild will be required.

F. A drainage plan and report according to the current drainage policy is required. (Ord. 18 – 2005)

**16.26.060 Construction Plans – Additional data Required Post Construction.** Following construction, the following additional information shall be provided by the subdivider/ developer:

A. Record (as-built) drawings shall be submitted after construction of said development before the final acceptance will be issued and building permits released. These shall include an electronic file (AutoCAD format) of such drawings.

B. A drainage certification letter or statement shall be submitted attesting to the construction of storm drainage structures and apparatus. The certification shall be signed and sealed by a professional engineer licensed in the State of Wyoming. (Ord. 18 – 2005)

Chapter 16.28

FINAL PLAT

Sections:

- 16.28.010 Procedure.
- 16.28.020 Preparation.
- 16.28.030 Information required.
- 16.28.040 Additional data required.

**16.28.010 Procedure.** The final plat shall be processed as follows:

A. Not more than twelve (12) months after approval of the preliminary plat, the original and two copies of the final plat and required supplemental material shall be presented by the subdividers to the City Administrator.

B. Design of the final plat shall conform to the approved preliminary plat and shall include all changes specified thereon.

C. Within ten days the City Administrator shall review the final plat to assure its acceptability and at least seven days prior to the next regular Planning and Zoning Commission meeting, the City Administrator shall present the plat to the Planning and Zoning Commission which, at such meeting, shall approve conditionally, approve or disapprove the final plat.

D. After a final plat is approved, conditionally approved or disapproved by the Planning and Zoning Commission, it shall be submitted to the governing body for acceptance

or rejection. If the plat is conditionally approved or disapproved, the reason shall be noted in writing, and, if possible, recommendations made whereby the plat might gain approval.

E. The final plat shall be recorded in the office of the County Clerk and recorded within one hundred (100) days after approval by the governing body, or the approval shall be considered null and void unless written application for an extension is made to and granted by the governing body during this time. (Ord. 6-1993 §1(part), 1993; Charter Ord 1-1989 §3(part), 1989) (Ord. 19-2005)

**16.28.020 Preparation.** The final plat shall be prepared as follows:

A. The design shall conform to the preliminary plat as conditionally approved, except that the final plat may constitute only that portion of the approved preliminary plat which is proposed for immediate recording.

B. The drawing shall be made at a scale of not less than one inch equals one hundred feet (1"=100'), on mylar or vellum with outer dimensions of not less than twenty-two by thirty-four inches (22"x34"). (Ord. 19-2005)

**16.28.030 Information required.** The final plat shall contain the following information:

- A. The proposed name of the subdivision;
- B. Scale, north sign, and date of preparation;
- C. Legal description of the property;
- D. Primary control points, or description and "ties" to control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
- E. Tract boundary lines, right-of-way lines of streets, easements and other right-of-ways, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs or chords and central angles of all curves;
- F. Right-of-way widths for each street or other right-of-way;
- G. Names for each street with nature or geographical terms preferred;
- H. Location, dimensions and purpose of any easements;
- I. Number to identify each block and each lot or site;
- J. Location and description of monuments;
- K. Certification of title showing that applicant is the land owner;
- L. Statement by owner dedicating streets, right-of-ways and any sites for public use;
- M. Certification by surveyor or engineer certifying to accuracy of survey and plat;
- N. Certifications for approval by the Planning and Zoning Commission, by the governing body, and, when appropriate, by the County Commissioners.

**16.28.040 Additional data required.** The final plat shall be accompanied by the following:

- A. A statement that required improvements are in place; or
- B. A completion bond, a certified check, or such other financial arrangements as may be required by the governing body to guarantee that all required improvements will be constructed according to City specifications;

C. In the event of a townhouse, condominium, or other comparable development, the final plat shall be accompanied by covenants to run with the land and the necessary documents for the creation of a homeowners association, prepared in accordance with the requirements of the City, containing adequate provision for the perpetual care and maintenance of those portions of the subdivision which are to be in common use or ownership, and specifically providing that no provision thereof may be modified, changed, added, or deleted without first having been approved by the City, and such documents shall be submitted for recordation at the same time as the final plat is recorded.

### Chapter 16.32

#### IMPROVEMENTS, RESERVATIONS AND DEDICATIONS

##### Sections:

16.32.010	Improvements.
16.32.020	Reservations.
16.32.030	Dedications.
16.32.040	Release of guarantee for improvements.

**16.32.010 Improvements.** If the area of an addition or subdivision is within or is to be annexed to the City, the following improvements shall be constructed by the developer, annexer or subdivider, all referred to in this section as developer, according to specifications approved by the City;

A. Permanent survey monuments shall be set at all subdivision boundary corners and at points within the subdivision not more than one thousand three hundred twenty (1320) feet apart and placed in such locations so as not to be disturbed during construction. Such monuments shall be of concrete installed at least thirty-six (36) inches in depth and four (4) inches square, with three (3) inch aluminum cap with suitable center point. Suitable survey markers shall be placed at all lot corners where they intersect with street right-of-ways and at right-of-way point of intersections, point of curvature and point of tangency. (Ord. 20-2005)

B. Curbs, gutters and sidewalks shall be constructed in all zoning districts as designed in Section 17.12.010 of the Powell City Code excepting therefrom the A-C Agricultural-Cultivation District. (Ord. 2-2007)

C. Streets shall be constructed and paved.

D. Street name signs shall be installed at all intersections.

E. Sanitary sewers shall be constructed according to the specifications of the City and shall connect each lot with mains connected to the City system. Sanitary sewer mains shall not be less than eight (8) inches in diameter. (Ord. 20-2005)

F. Storm water drainage shall be constructed as required by the City and in accordance with the specifications of the City, separate from the sanitary sewer.

G. Water line shall be designed and constructed to connect each lot with mains of not less than eight (8) inches in diameter connected with the City system. All such water lines and mains shall be constructed in accordance with the specifications of the City.

H. Fire hydrants shall be installed at necessary intervals and provided with standard hose connections as specified by the Fire Department.

I. All open drains and irrigation ditches shall be covered.

J. Other improvements, such as bridges, culverts, etc., not specifically mentioned herein but found necessary by the City due to conditions found on the site shall be constructed.

K. Upon completion by the developer of the improvements herein required, the City shall construct and maintain all platted streets existing within the corporate limits of the City at the first reading of the City zoning and subdivision ordinance, to-wit upon October 4, 1965; and the City will maintain all additional streets thereafter annexed to the City after such additional streets shall have been constructed according to City specifications.

L. 1. All street lighting and extensions of the electrical and telecommunication distribution system of the City, including all hardware, equipment, and wiring in connection therewith shall be constructed and installed at the full expense of the developer and according to City specifications.

2. In the event of annexation to the City of property already having complete electrical and telecommunication distribution systems, the City will bear the cost of any changes to the existing system to render it compatible with the City's electrical distribution system.

3. In the event of a subdivision annexation where no electrical or telecommunications distribution exists, the subdivider shall bear the costs of the installation for the electrical and telecommunication distribution systems or the completion thereof. In the event that any labor or equipment for the installation or completion of an electrical distribution system is provided by any party other than the City, the proposal shall first be reviewed by the City. Any changes imposed by the City for services and all equipment provided pursuant to this section shall be paid in full to the City before the electrical distribution system is energized or otherwise upon demand by the City after completion. (Ord. 19-2007) (Ord. 16-2009)

M. All improvements including parks required to be made or paid by any developer shall be dedicated to the City in writing by the developer in the plat, and such dedication shall be a condition precedent to any annexing of any territory to the City limits of any subdivision offered to the City for approval.

N. The requirements of this section shall apply to all property annexed to the corporate limits of the City except annexations initiated by resolutions of the governing body, and shall further apply to subdivisions of property already within the corporate limits of the City. Every party petitioning for annexation shall specifically request that all City services including electric power service, be provided by the City to the territory proposed for annexation.

O. This section shall not be construed to require the City to make improvements listed herein when annexation is by resolution of the City. The improvements required by this section may be waived by the City when property that is already developed for residential or commercial use is annexed by resolution of the City and when property that has already been subdivided pursuant to County regulations is annexed by resolution of the City.

P. In the event of annexation of property the development of which is to be delayed or accomplished in phases, the construction of all the improvements herein required except those in subsection A of this section may be delayed in conformance with improvement deadlines and other terms negotiated with the City and reduced to written agreement in a preannexation or presubdivision contract, taking into consideration the nature and type of the subdivision or addition, and the point in time and development at which the installation of various improvements will be necessary for the health, safety and welfare of the occupants of the area of the subdivision or addition and of the occupants of the rest of the City, and with due consideration of further annexations and developments of properties made contiguous by the new annexation and the desirability of linkage of utilities, streets, sidewalks and the like to such area. (Ord. 16-1994, §1, 1994)

16.32.020 Reservations. Reservations of sites for schools or other public uses shall be mutually agreed upon by the subdivider and the public agencies involved prior to the acceptance of the final plat.

16.32.030 Dedications.

A. Dedications of right-of-ways for public streets and for utility easements shall be required.

B. If the area is to be annexed to the City, the subdivider shall give and grant to the City an option for a period of ten years to purchase for the sum of one dollar, a park site equivalent in area to at least six (6) percent of the total area being subdivided, provided such park land is located within one half mile of all lots in the proposed subdivision and is approved by the Council as to location; or, at the option of the City, the subdivider shall, in lieu of such option, pay to the City a cash amount equal to at least ten (10) percent of the raw land value of the total land area in the proposed subdivision. The price of such land shall be established and agreed upon by the City and the subdivider prior to accepting the final plat of such subdivision. If the City and subdivider fail to agree on the value of said land, the value shall be established by three independent appraisers mutually acceptable to the subdivider and the City. Such payment shall be used only for acquisition or development of parks, playgrounds or other similar public purposes. (Ord. 20-2005)

16.32.040 Release of guarantee for improvements. As each stage of improvements is completed and accepted, any guarantee bond, certified check, or irrevocable letter of credit which may have been posted for that stage of improvements shall be released upon written request to the governing body.

Chapter 16.36

VARIANCES

Sections:

16.36.010 Criteria for variances.

16.36.010 Criteria for variances. A. Variances from these regulations may be granted in cases where, due to exceptional topographical conditions or other conditions peculiar to the site, an unnecessary hardship would be placed on the developer. A variance shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this title.

B. Application for any such variance shall be made to the Building Official of the City, and a recommendation thereon shall be made by the Planning and Zoning Commission of the City to the governing body following a hearing by the Planning and Zoning Commission, notice of which shall be published in a newspaper of general distribution in the City not less than ten days prior to the date of the hearing. No public hearing or notice shall be required for action by the governing body after receiving recommendation of the Planning and Zoning Commission.

C. Conditions may be imposed upon any authorized variance, and any such conditions recommended by the Planning and Zoning Commission shall be forwarded together with the recommendation of the Planning and Zoning Commission to the governing body. Any such recommendation imposed by the governing body upon granting such a variance shall be incorporated into the minutes of the meeting of the governing body. Any variance so granted shall be deemed to be null and void unless the grantee complies with any and all conditions so imposed.