

A. Residential Replats are \$250.00. B. Commercial Replats are \$450.00

Fees not listed above for other types of applications will be found in Article 29 – Zoning Ordinance.

ARTICLE 1. GENERAL PROVISIONS

Section 1. Title Upon adoption by the City Council, these Regulations will be known and may be cited as “The Subdivision Regulations for the City of Buffalo” hereinafter referred to as “these regulations.”

Section 2. Authority

A. This Chapter is adopted pursuant to and in accordance with the authority vested in the City Council of the City of Buffalo Wyoming, by the Statutes of the State of Wyoming, Sections 15-1-501 through 15-1-709, and Sections 34-12-101. All previously existing subdivision regulations for the City are hereby superseded with the adoption of these regulations.

B. No plat of a subdivision or creation of a new parcel shall be approved by the Buffalo Planning Department, P & Z Commission, or City Council unless it conforms to the provisions of this Chapter.

C. The reviewing authorities include the City Planning Department, the Development Review Committee, the P & Z Commission and the City Council.

Section 3. Scope/Applicability Any Subdivision of Land and Development Guidelines.

Section 4. Purpose

A. The purpose of this Chapter is to establish a subdivision review and approval process to examine and regulate the subdividing of land within the City limits and jurisdictional boundary. The process of dividing a single parcel of land into separate parcels within the City of Buffalo’s jurisdiction needs to be critically reviewed and examined by City officials, citizens and developers in order to provide the necessary information the City’s governing body needs to make informed and objective decisions in regards to a proposed subdivision.

B. The City of Buffalo understands that subdivision and/or development can potentially impact adjacent property owners, the capacity and safety of public roads, City services and natural resources including groundwater, surface waters, floodplains, wetlands, and drainage.

C. The intent of these regulations is to encourage subdivisions and development which produces a strong viable economy, an attractive community which preserves and protects the City’s natural resources and quality of life, does not impose unreasonable costs upon the City, and is in alignment with the City’s Comprehensive Plan and other planning documents.

D. The elements which make up this code are interrelated and shall not be taken in isolation, but shall be taken within the context and intent of the entire code.

E. The subdivision process of the City of Buffalo is designed to:

1. Protect the health, safety, and general welfare of current and future residents;
2. Ensure orderly, efficient, and integrated development of the City and the one-mile extraterritorial zone (ETZ) by insuring through prescribed rules and standards for the functional arrangements of street lay-outs and open spaces by promoting new ideas, allowing for intelligent and justified flexibility, encouraging innovative and attractive community design and requiring functional city infrastructure;
3. Provide a forum for developers, citizens and city officials to identify and resolve issues related to proposed subdivisions and ensure the fair handling of all subdivision plans by providing uniform procedures and standards;
4. Generate information that allows City officials to make informed decisions on subdivision proposals;
5. Incorporate the objectives and goals identified in the City’s Comprehensive Plan;
6. Safeguard the interests of the present and future residents and the developer by restricting or requiring mitigation for construction occurring in areas poorly suited for structures or infrastructure within new subdivisions;
7. Maintain social and economic diversity, protect the vitality and the cultural and historic character of the City;
8. Encourage the preservation of important and unique natural or scenic features, including but not limited to native or indigenous trees and vegetation, bluffs, hillsides, or similar geologic features, rivers and other bodies of water;
9. Ensure for the provision of an adequate and safe source of water and means of sewage disposal;
10. Establish complete and accurate records of subdivided land within the City limits and the extraterritorial zone;
11. Provide suitable public facilities and services to the existing and future populations; provide the adequate space for development of schools, parks, and other community facilities that serve the population of Buffalo;
12. Provide an integrated transportation system that promotes a recreationally active community, encourages non-motorized modes of transportation, and reduces congestion and air pollution;

13. Encourage the conservation of water and energy with innovative planning techniques;
14. Ensure subdivisions conform to adopted City, County and State public improvement plans.

Section 5. Jurisdiction These regulations shall apply to all land located within the City and the extraterritorial zone (ETZ). These regulations supplement all other regulations, and where conflicts arise with other laws, regulations, ordinances, or resolutions, the more restrictive requirements shall apply.

Section 6. Relationship to Zoning Chapter 29 Subdivided or replatted lands shall conform to the allowable uses, requirements and provisions of the underlying zoning district as provided in the Chapter 29 Zoning Code for the City.

Section 7. Exemptions Whenever any lot, parcel, or tract of land located within the area governed by these regulations has been subdivided, re-divided, replatted or similarly processed and recorded prior to the adoption of these regulations, it shall be exempt from this Chapter and the following exemptions shall also apply:

- Land used for adjusting street or railroad right-of-way, a drainage easement or other public utilities subject to local, state, or federal regulations, where no new street or easement of access is involved;
- The sale of land to Johnson County, State of Wyoming, U.S. Government or any political subdivision thereof;
- Land used for burial lots in cemeteries;
- Any transfer of title of operation of eminent domain or court ordered partition or decree.

Section 8. Construction Timing and Preventative Measures

A. The applicant or his/her contractors shall not proceed with any construction work on a subdivision, including grading and excavation relating to public improvements, until the governing body has given Final Plat approval of the proposed subdivision; the Subdivision Improvement Agreement (SIA) has been signed by all necessary parties; and the Mayor has issued a Permit to Construct. If improvements are initiated prior to Final Plat approval, the subdivider shall assume all risks and liability for error or damage in placement of improvements and the improvements must comply with the conditions and agreements of the Preliminary Plat approval. The City shall require certification of completed improvements by the City's Engineer at the developer's cost if a Permit to Construct has not been obtained by the applicant prior to any construction at the subdivision site that is determined by the City Engineer or Public Works Director to be impacting public infrastructure.

B. The developer shall be required to institute measures and obtain the necessary permits as determined and directed by the Wyoming Department of Environmental Quality (WDEQ) to insure the prevention of wind and water erosion prior to, during, and upon the completion of construction as per WDEQ requirements. The City reserves the right to declare dust, debris, and any unsatisfactorily mitigated wind and water erosion associated with development a nuisance and take appropriate action. **Contractor shall adhere to all other local, state and federal rules and regulations for construction.**

Section 9. Transfer of Title An appropriate plat must be recorded with the Johnson County Clerk and Recorder before title to the subdivided land can be sold or transferred in any manner.

Section 10. Suitability of Land

A. If the City, County or State Staff, the P & Z Commission or City Council after review, finds any portion of a parcel of land proposed to be subdivided unsuitable for subdivision by these standards due to potential hazards such as being situated within areas prone to flooding, subsidence associated with tunnels or mines, land slides, steep slopes, rock falls, shallow groundwater, polluted or non-potable water supply, high pressure gas lines, danger from fire or explosion, proximity to hazardous industrial zones or other features which may be deemed detrimental to the health, safety, or general welfare of existing or future residents, or unreasonably burdensome to taxpayers unless mitigated, they will not approve the subdivision unless the hazards can be eliminated or mitigated through approved design and construction methods.

B. Any piece of land containing such species identified in the Wyoming State Noxious Weed listing shall document eradication of these species prior to petitioning the City Council for adoption of public infrastructure.

C. In reviewing a subdivision and when requiring mitigation, the City Council may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable to the City residents' health, safety and welfare and may prevent approval of a plat.

Section 11. Permission to Enter The governing body or its designated agent(s) may investigate, examine, and evaluate the site of a proposed subdivision to verify information provided by the subdivider. The submission of a Sketch Plat or the process constitutes a grant of permission by the applicant or property owner to enter the subject property for these purposes.

Section 12. Severability If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will affect only the part held invalid.

Section 13. Regulations in Effect Review and action on a subdivision under these regulations may only occur under those regulations in effect at the time an application for approval of a Preliminary Plat or an extension of Preliminary Plat approval is submitted to the governing body.

Section 14. Delayed approval of Subdivision When a public entity proposes a new park, playground, school site or other public site within the boundaries of a proposed subdivision, such land shall be reserved and no action shall be taken towards approval of a Preliminary Plat for a period not to exceed two (2) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

Section 15. Transfer of Water Rights If the City requests or desires the Water Rights of subdivided and/or annexed lands, the City of Buffalo shall pay for the process and the developer shall willingly transfer said Water Rights to the City.

Section 16. Amendments The P & Z Staff, P & Z Commission, City Council or any member of the public may amend these regulations as necessary. Prior to any change being made the same shall have been submitted to the P & Z Commission for a recommendation to City Council for approval and a public hearing shall be required before each entity.

Section 17. Definitions For the purpose of these regulations, the following terms, phrases, words and definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular number shall include the plural and words in the plural shall include the singular.

Access: An entrance or exit to another public roadway or to private or public land from a street or highway.

Accessory Structure: A detached subordinate structure, the use of which is customarily incidental to, and supportive of, the principal structure or use of land and which is located on the same parcel of ground with the principal structure or use.

Accessory Use: A use customarily incidental to, subordinate to, and supportive of the principal use of the parcel.

Adjacent: To be abutting or adjoining. Widths of public rights-of-way, easements, canals, or ditches shall not be counted when determining distance for adjacent properties, uses, etc.

Affordable Housing: A housing unit which a person/family earning 120% or less of the median household income in the City can purchase with a mortgage payment not exceeding 25% of the gross household income; and, a housing unit which this person/family can rent with gross rent and utility payments not exceeding 30% of the gross household income.

Agent/Representative. Anyone appointed by the property owner to represent them on matters regarding their property.

Alley/Service Street: A private or public right-of-way which affords a secondary means of access to adjoining property.

Amended Plat: The final drawing of any change to a subdivision plat filed with the Johnson County Clerk and Recorder.

Appurtenant: Attached to something else; the attachment of a restriction, such as an easement or covenant, to a piece of land, which benefits or restricts the owner of such land in their use and enjoyment.

Applicant: Any person, firm, partnership, joint venture, association, corporation, group or organization who may apply for any permit, approval or decision required by this code.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Buildable Area: The area on a lot or parcel in which all structures and development shall be constructed or occur, unless specifically exempted, including but not limited to excavation, landscaping, building, grading, demolition or filling.

Building Inspector: The person authorized by the City Council to issue Building Permits and inspect construction.

Building Permit: Authorization for the construction of a building issued by the Building Inspector.

Building Setback: The minimum horizontal distance from the lot line as defined in the Zoning Chapter (Chapter 29).

Certificate of Occupancy: As defined in the International Building Code as adopted by the City of Buffalo.

Certificate of Survey: A drawing of a field survey prepared by a registered Wyoming land surveyor.

Comprehensive Plan: A comprehensive document prepared and approved by the P & Z Commission which indicates the general locations recommended for various functional classes of land used, places and structures for the general physical development of the City and includes any unit or part of such plan separately prepared and any amendments.

Commercial Subdivision: A subdivision consisting of lots or parcels for the primary purpose of a business land use.

Common-interest Subdivision/Condominium: Any condominium project, planned development, community apartment project, or stock cooperative.

City: The City of Buffalo, Wyoming.

Condominium: A single-dwelling unit in a multi-unit, five (5) or more structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

Conversion: The process by which an existing structure is subdivided into multiple interests.

County: Johnson County, Wyoming.

Covenant: An written agreement, of two (2) or more parties which any one of the parties pledges something is to be done.

Dedication: The deliberate appropriation of land by an owner for any general and public use, reserving no rights which are incompatible with the full exercise and enjoyment of the public use to which the property has been donated.

Density: The number of dwelling units that are allowed to be constructed on an acre of land.

Design Plan: A rendering or sketch of a proposed development.

Detention Ponds: Ponds designed to accumulate stormwater drainage and release it at a rate previously let undeveloped.

Development Review Committee (DRC): City Staff and any outside agencies required, specifically coming together for the review of new developments within the joint-jurisdiction zone of the City.

Driveway: A private access road or drive pad to a structure.

Duplex: A Two-Family dwelling.

Dwelling, Multiple-Unit: A building or portion thereof designed for occupancy by three (3) or more families living independently in which they may or may not share common entrances and/or other spaces.

Dwelling, Single-Family: A detached dwelling unit designed for occupancy by one family.

Dwelling, Two-Family: A building designed or arranged to be occupied by two (2) families living independently.

Dwelling Unit: A fully functional living space which provides complete living facilities for one (1) or more persons.

Easement: A specific use authorized by a property owner appurtenant to the land.

Environmental Impact Report: A detailed statement by the Wyoming Environmental Quality Act (WDEQ) describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects.

Final Plat: A map establishing real estate interests for recording with the Johnson County Clerk and Recorder prepared by a Wyoming Registered Surveyor. This survey shall be marked on the ground so that streets, blocks, lots and other divisions thereof can be identified and drawn in accordance with the requirements of this code.

Findings of Fact Decision: The decision and justification arrived at by the P & Z Commission and City Council on the issues related to the proposal which was heard by either or both entities.

Fire Flow Survey: The testing of fire hydrants to determine capacity by volume and pressure for fire-fighting purposes.

Floodplain: The area adjoining a watercourse or drainage way which would be covered by the floodwater of a flood of a 100-year frequency. A 100-year flood can be expected to recur on the average of once every one hundred (100) years, i.e. a flood of such magnitude has a one percent (1%) chance of occurring in any given year.

Floodway: The channel of a watercourse or drainage way and those portions of a floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater of any watercourse or drainage way.

Floor Area Interior, Gross: The sum of the areas of floors of a building measured from the exterior face of walls or, if appropriate, from the center line of dividing walls; including courts, decks or porches when covered by a roof.

Floor Area Interior, Net: The sum of the areas of floors of a building measured from the interior face of walls.

Floor Area, Net: For Parking, the floor area of a structure which is readily accessible to patrons or visitors to a business.

Frontage: The width of a lot or parcel abutting a public right-of-way measured along the front property line.

Historic District: A related group of structures, objects, features, and/or areas listed on any registry of Historic Places.

Historic Significance: A structure, park, cemetery, archeological site, landscape or object which is of historic importance.

Improvements: Any structure or facility constructed to serve common use by the residents of a subdivision or the general public. The improvements may include parks, streets, roads, parking areas, sidewalks, curbs and gutters, street lighting utilities and systems for water supply, sewage disposal and drainage.

Legal Access: Where the subdivision abuts a public road or where the subdivider has obtained adequate and appropriate easements across all necessary properties from a public road to the subdivision.

Licensed Engineer: A person licensed as a professional engineer by the State of Wyoming.

Live-Work Units: A structure or portion of a structure combining a residential living space with an integrated workspace principally used by one (1) or more of the residents. The workspace is secondary to the principal residential use.

Lot: A parcel, piece, or portion of land designated by metes and bounds, registered land survey, plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof.

Lot, Corner: A lot located at the intersection of two (2) streets, having two (2) adjacent sides abutting streets; the interior angle of the intersection does not exceed one hundred thirty five (135) degrees.

Lot Coverage: That area of a parcel which may be occupied by principal and accessory structures.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot Line: The property line bounding a lot on all sides.

Lot Line Adjustment: An adjustment between two or more adjacent lots where the land taken from one lot is added to an adjacent lot and does not create additional lots.

Lot Width: The horizontal distance between the side lot lines of the lot measured parallel to the front line of the lot.

Lot Split: A subdivision of land that divides a single contiguous parcel into two (2) individual parcels.

Major Subdivision: A subdivision consisting of six (6) or more proposed lots.

Minor Subdivision: A subdivision consisting of five (5) or fewer proposed lots.

Modular Home: A structure, transportable in one or more sections, which is at least eight (8) feet in width and thirty-two (32) feet in length, which carries an International Building Code (IBC) seal of approval and is designed to be used as a dwelling unit on a permanent foundation, connected to the required utilities.

Monument (Permanent Monument): A structure of a permanent material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

Nuisance: Reference Chapter 15 in the City Code.

Official Map: The map or maps established by the City Council in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.

Off-street Parking: A designated space or area of land with a paved or all-weather surface not within a public street or right-of-way and used for the parking of vehicles.

Open Space: Public or private land or water held under covenants, regulations, easements, or agreements restricting physical structures and prohibiting storage except where accessory to the provision of recreation.

Parcel: An area of land which is capable of being described with such specificity that its location and boundaries may be established and which has been or may be developed as a single unit of land.

Pedestrian Right-of-Way: A right-of-way or easement dedicated for public pedestrian use.

Permit to Construct: Final written documentation issued by the Mayor authorizing the developer to begin construction associated with public improvements within an approved subdivision.

P & Z Commission: The City of Buffalo Planning and Zoning Commission.

Planned Unit Development (PUD): A residential, commercial, or mixed use development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Plat: A map or plan with written provisions that is prepared in compliance with this Chapter which, when approved by the City, is recorded at the Clerk and Recorder's Office of Johnson County.

Preliminary Plat: A formal development submittal reviewed by the City and ruled on by the P & Z Commission and City Council, containing at a minimum the requirements outlined in the appendices of this Chapter.

Public Hearing: A public meeting for which public notice has been given and where public testimony is provided.

Public Improvement: (*See Improvements above*) These are any improvements which the local government may assume the responsibility for maintenance and operation, or for which local government responsibility has been established.

Public Right-of-Way: A dedicated strip or other area of land on, over, or under which the City and/or public may travel or use for passage and within which public utilities and/or streets, alleys, trails, sidewalks, and other ways may be installed.

Public Uses: The public use of land or buildings for such uses as government administration and service, transportation buildings and facilities, utility services and administration, public parking, post offices, fire stations, police stations, libraries, meeting halls, visitor centers, hospitals, essential public facilities and other similar purposes.

Recreational Uses: Land or buildings whose principal use is for recreational purposes.

Representative of the P & Z Commission: The person authorized to administrate and enforce this Chapter.

Resubdivision: The division of an existing parcel within a subdivision plat previously recorded.

Retention Ponds: Ponds designed to hold stormwater drainage until evaporated or soaked into ground, with no release.

Setback: The required distance between a property line and the structure, including any covered portion of the structure.

Sketch Plat: A drawing or sketch with adequate information to evaluate feasibility and design at the beginning stages of development for a proposed subdivision which contains the requirements identified in the appendices of this Chapter.

Sidewalk: The area within the street right-of-way which is designated as a pedestrian way or access for pedestrian traffic.

Site Plan: A plan that outlines the use and development of any tract of land.

Street, Arterial/Major/Thoroughfare: A street which local and collector streets feed into, for high traffic volumes.

Street, Collector: A street which local neighborhood streets feed into, for medium volumes of traffic.

Street, Local/Minor: A neighborhood street which typically feeds into a collector street, for low volumes of traffic.

Street, Cul-de-Sac: A street with only one vehicular ingress and egress, with a turnaround space at the end of the street.

Street, Private: A privately owned and maintained right-of-way/easement for a street, not built to City standards.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built.

Subdivision: The division of any lot, parcel, piece or tract of land into two (2) or more parts, pieces, tracts, parcels or lots for the purpose of separate ownership, lease or building development. The term includes re-subdivision and relates to the process of subdividing land.

Subdivision Improvement Agreement (SIA): A contractual agreement between the City and a project owner/developer documenting an approved subdivision, regulatory approvals, financial assurances, timing and acceptance procedures for physical improvements, noncompliance provisions and any other requirements of the land use approval.

Summary Plat: The consolidation of five (5) or fewer lots into one lot of record, under single ownership.

Survey Control Network: This refers to the current titled Survey Report, City of Buffalo Survey Control Network.

Surveyor: A person duly registered as a professional land surveyor by the State of Wyoming.

Townhouse: A building or structure which contains five (5) or more dwelling units, and where the owner of each unit may exclusively own the land underneath the unit in addition to jointly owning the common areas in the development.

Tract of Record: A parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the Johnson County Clerk and Recorder's office.

Traffic Impact Study (TIS): The gathering and analysis of information that is used to determine the need for any improvements to interior, adjacent, or nearby road systems as a result of the proposed development.

Trail: A marked or dedicated path or way for pedestrian and other non-motorized modes of traffic.

Use: The activity occurring on a lot or parcel for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied, including all accessory uses.

Warranty (Public Infrastructure) Period: The 12 month period commencing upon City Council action on public infrastructure related to a development which is used to determine construction defects, to be fixed at developer's expense.

Zoning District: An area as described by the adopted Zoning Chapter 29 of the City of Buffalo Codes.

ARTICLE 2. ADMINISTRATION & ENFORCEMENT

Section 1. Organization *The administration of this Ordinance is hereby vested in the P & Z Staff, the P & Z Commission and the Buffalo City Council.*

Section 2. Administration *The P & Z Staff shall administer and enforce the provisions of this Ordinance. In performing their duties, they shall:*

A. Receive, review and analyze all zoning applications and research and prepare all zoning case descriptions which apply to this Ordinance, which are to be heard by the P & Z Commission and/or City Council.

B. Make final determinations on all Lot Line and boundary adjustments, sketch plans and plats, re-plats and summary plats where two or more lots are consolidated into one lot of record, under single ownership, and where summary plat does not change or alter any public rights-of-way or easements.

C. Report determinations concerning all cases heard by the P & Z Commission to the City Council.

D. Receive and file copies of written requests for appeals by person(s) aggrieved with cases heard by the P & Z Commission and any other matters relating to the administration and enforcement of this Ordinance, and transmit same to the City Council.

E. Cause inspections of buildings, structures, and uses of land to determine compliance with the provisions of this Ordinance, and where there are violations, initiate action and follow-through to secure compliance.

F. Coordinate and administer all site plan reviews for new residential-commercial, commercial and industrial construction to determine if construction complies with the provisions of this and other City ordinances and City Building Codes.

G. Maintain permanent records of all current and past comprehensive master plans, zoning ordinances, maps, zone changes, special uses, variances, conditional uses, amendments to this ordinance, non-conforming uses, appeals, and applications, to include the recording of zoning district amendments and special uses on the official zoning map.

H. Decide or make recommendations on all other matters under this Ordinance upon which the P & Z Staff is required to act upon on a daily basis.

I. Provide such technical assistance as may be required by the public at large, the P & Z Commission or the City Council in the exercise of their respective duties.

J. Provide public information services relative to matters arising out of this Ordinance.

Section 3. P & Z Commission *The P & Z Commission, being duly appointed, shall:*

A. Receive, hear, and make final determinations on applications for all lot splits and planned unit developments.

B. Receive, hear, and make recommendations to City Council on all major, minor and condominium subdivision preliminary plats, final plats, annexations, and amendments to this Ordinance which come before them in the manner prescribed by the procedures established herein and report determinations and/or make recommendations to City Council.

C. Receive and hear all written requests for appeals by any person(s) aggrieved with the P & Z Staff's decision concerning and related to the administration and enforcement of this Ordinance.

D. Instruct the City Planner, from time to time, to make and initiate studies, draft reports, create strategic and/or master plans concerning issues arising from this ordinance and from any and all other planning and zoning practices.

Section 4. City Council *The City Council, being duly elected, shall:*

A. Receive recommendations from the P & Z Staff and P & Z Commission on all cases required to be heard by them, including major, minor and condominium subdivision preliminary plats, final plats, annexations and requests for amendments to this Ordinance, so Council can hear and make determinations upon same in the manner prescribed by the procedures established by this and other City ordinances and City Code.

B. Receive and hear all written requests for appeals by any person(s) aggrieved with the P & Z Commission's decision concerning and related to the administration and enforcement of this Ordinance.

C. Instruct the City Planner, from time to time, to make and initiate studies, draft reports, create strategic and/or master plans concerning issues arising from this ordinance and from any and all other planning and zoning practices.

Section 5. Development Review Committee (DRC) The DRC shall be comprised of the Public Works Director, Building Inspector, Police Chief, Fire Chief, City Engineer, City Planner and any outside agency with jurisdiction. The committee is responsible for providing information, documenting existing conditions, initiating recommendations, completing comprehensive analysis using review criteria, and critically examining submitted applications and generating a written report to the Planning Department. The City Planner shall call the DRC to meetings as required by cases.

Section 6. Procedures - Generally *Applications for requested amendments to this Ordinance, annexations, and plats shall be made and reviewed according to the following: (See City Code-Chapter 29 "Zoning" for more details)*

A. Amendments to this ordinance, annexations and plats may be initiated and applied for by City Council, the Planning & Zoning Commission and/or staff or any person owning property within the City limits.

B. Applicants shall first confer with the P & Z Staff, which shall initially review the proposed request and provide the approved application forms and methods prescribed by this Ordinance for making application.

C. The applicant shall complete and submit the approved application forms, with help from the P & Z Staff as required, along with the required application and processing fee by the required deadline which is the first Monday of each month.

D. The P & Z Staff shall schedule a plan review for the application with all departments and external entities affected by, or having authority over anything regarding the application. Plan reviews shall be concluded within 10 business days after application deadline to allow time to prepare the case for advertising prior to the P & Z Commission meeting for the month.

E. The P & Z Staff are required to advertise all required cases a minimum of fourteen (14) calendar days prior to the date of the P & Z Commission meeting for that month.

F. The P & Z Staff are required to deliver all cases, the meeting agenda and minutes from the previous P & Z Commission meeting to all commissioners at least 48 hours in advance of the P & Z Commission meeting date and time.

Section 7. Procedures - Public Hearings

A. All P & Z Commission meetings serve as Public Hearings, where the cases are heard publicly and where determinations are made on those cases by the P & Z Commission. All cases heard by the P & Z Commission shall only become effective after a public hearing has been held in which all interested parties and/or citizens have had an opportunity to be heard.

B. Since all P & Z Commission meetings constitute Public Hearings, notice of the time and place of all P & Z Commission meetings (Public Hearings), and all cases to be heard at that hearing, shall be published by the P & Z Staff a minimum of fourteen (14) days prior to the date of the hearing in a newspaper with general circulation within the City limits.

C. For Major and Minor Subdivisions and Annexations, notice of public hearing shall be mailed, to be received a minimum of one week prior to the public hearing, via certified mail - return receipt requested, by the applicant, to the property owners as shown by the records of the County Assessor, of lots or land within three hundred (300) feet of the area under consideration, excluding public rights-of-way. The applicant shall place one (1) sign, as approved by the P & Z Staff, on the subject property, clearly visible from the most traveled street or highway abutting said property, that shall be easily readable and clearly legible by all vehicle operators on that street or highway.

Section 8. Procedures - Voting Requirements

A. Three (3) of the five (5) Commissioners present constitute a quorum and a simple majority of the Commission. A quorum is required to hold a meeting. Approval of a proposed zoning case heard by the P & Z Commission shall require a favorable vote from the majority of the commission members present at the meeting.

B. Written protests against a proposed zoning case from property owners within the 300 foot notification area whose sum of property area exceeds 20 percent of the total area within the 300 foot notification area will require a four-fifths vote (four of the five member Commission or a super-majority), to approve the proposed zoning case. If at least four commissioners are not present at the meeting to form the super-majority, the case shall be postponed until the next regularly scheduled meeting. If the zoning case is appealed to City Council, only a majority vote from City Council is required for approval.

C. Decisions by the P & Z Commission on zoning cases heard by them shall be final and effective after 12:00 noon on the second business day following the Commission meeting. This allows for any appeals to be submitted after the meeting.

D. An appeal of a P & Z Commission decision to the City Council shall stay the effective date of the decision until a decision on the appeal is made by the City Council at the next regularly scheduled City Council meeting.

E. A zoning case denied by the P & Z Commission and/or City Council cannot again be applied for within one year from the date of the denial, unless the new request is determined to be substantially different from the original request submitted to the P & Z Staff. Substantially different means a change in scope, size, use, zoning, design, number of buildings, etc.

Section 9. Procedures - Appeals

A. Generally. Any person(s) aggrieved with a decision of the P & Z Commission, or by a determination made by City staff in the enforcement of this ordinance may appeal the decision or determination in the following manner.

B. Appeal of a City Staff Decision or Determination. Any person(s) aggrieved with a determination made by City staff in the enforcement of this Ordinance may appeal the decision to the P & Z Commission and must file a written notice of appeal, concisely explaining why the appeal is being made with the City Clerk's Office within thirty (30) calendar days following the City staff determination, which shall be heard by the P & Z Commission at its next regularly scheduled meeting. In deciding on the appeal, the P & Z Commission shall consider it, and the determination as presented to the aggrieved person(s), without modification. A decision to approve/modify/deny the appeal shall require a majority vote.

C. Appeal of a P & Z Commission Decision. City staff or any person(s) must file a written notice of appeal, concisely explaining why appeal is being made with the City Clerk's office prior to 12:00 noon on the second business day following the decision. Prior to 5:00 p.m. on the second business day following the date of decision, the appellant shall mail copies of the appeal to all persons supporting the decision. The appeal shall be heard by City Council at the next regularly scheduled meeting and shall require a majority vote to approve/modify/deny the appeal. In deciding on the appeal, City Council shall consider it, and the P & Z Commission determination as it was presented to the P & Z Commission, without modifications.

D. Appeal of a Decision by the City Council. Any person(s) aggrieved with the decision of the City Council may present the decision to Johnson County District Court for review, within the time and in the manner required by state law.

Section 10. Enforcement, Violation and Penalties

A. Upon complaint from any resident of the City or City Official of a violation of these regulations, the City Planner shall investigate and refer the matter to the City Attorney if a violation is suspected.

B. Any person or agent acting on the behalf of another person who transfers, sells, barter or leases any land without first complying with these regulations is in violation of these regulations.

C. The person, firm or corporation violating said regulations shall be fined in accordance with the **General Penalty 14-13** as outlined for **Municipal Court**.

D. Appropriate actions and proceedings 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.

E. After the date of the adoption of these rules and regulations by the P & Z Commission and the adoption of the Subdivision Ordinance by the City Council, no building permit shall be issued for any structure that is located upon a lot in a subdivision that has not been subdivided, or is otherwise in violation of these regulations. This shall not apply to subdivisions or lots of record which were platted prior to the adoption of this Subdivision Ordinance.

ARTICLE 3. MAJOR SUBDIVISIONS

Divisions of land creating six (6) or more parcels must be submitted and reviewed as a Major Subdivision. If any part of the proposed subdivision lies partly within the Extraterritorial Zone of the City, the proposed plat must be submitted and approved in accordance with Article 9 of this Chapter. **Major Subdivisions require the Pre-Application Meeting and Sketch Plat Administrative Approvals. These also require Preliminary Plat and Final Plat P & Z Commission and City Council Final Approvals.**

ARTICLE 4. MINOR SUBDIVISIONS

Divisions of land creating five (5) or fewer parcels must be submitted and reviewed as a Minor Subdivision. Lot splits that do not meet the criteria identified in Article 8 shall adhere to the subdivision process required for this Article. If any part of the proposed subdivision lies partly within the Extraterritorial Zone of the City, the proposed plat must be submitted and approved in accordance with Article 9 of this Chapter. **Minor Subdivisions require the Pre-Application Meeting and Sketch Plat Administrative Approvals. These also require Final Plat P & Z Commission and City Council Final Approvals.**

ARTICLE 5. CONDOMINIUMS & TOWNHOMES – APARTMENTS FOR RENT/LEASE

Condominiums, townhomes, and apartments for rent/lease must be submitted and reviewed according to these regulations. This regulation shall apply to new construction units of five (5) or more units and all conversions. If any part of the proposed subdivision lies partly within the Extraterritorial Zone of the City, the proposed plat must be submitted and approved in accordance with Article 9 of this Chapter. **Condominium & Townhomes and Apartments for rent or lease require the Pre-Application Meeting and Sketch Plat Administrative Approvals. These also require Final Plat P & Z Commission and City Council Final Approvals.**

Conversions: Prior to recording a declaration which could convert an existing multi-unit development to condominium or townhome units, the owner of such property shall meet with the City Planner and Building Inspector regarding the proposed conversion and shall demonstrate that the following provisions have been met:

1. The structure subject to the proposed condominium conversion shall meet current off street parking requirements for the underlying zoning district found in Chapter 29. Each residential condominium unit shall be considered a separate dwelling unit for the purposes of determining parking compliance.
2. A minimum two (2) hour fire wall shall be required between units as a condition of City approval of any conversion.
3. Owners of properties proposed for condominium conversion shall notify all residential tenants in writing of the conversion at least ninety (90) days prior to termination of any residential tenancy. Copies of the notification shall be filed with the City Clerk as proof of notification.

ARTICLE 6. REPLATTING & SUMMARY PLATTING

Replatting and/or summary platting results in an amendment of all or a portion of a recorded subdivision plat for the purpose of correcting a drafting or other technical error or is used to dissolve or rearrange existing lot lines in an existing subdivision which results in an equal number or fewer lots where five (5) or fewer lots are changed. **Re-Plats and Summary Plats require the Administrative Pre-Application Meeting and Final Approvals from the City Planner.**

ARTICLE 7. PLANNED UNIT DEVELOPMENTS (PUD)

Section 1. Purpose PUD districts allow for more of a mixed use and an alternative to conventional zoning by permitting flexibility and innovation in land use, design, placement of buildings, use of open spaces, circulation facilities and off-street parking areas to encourage a more creative approach in the utilization of land. This district permits a more efficient, aesthetic and desirable development characterized by special features of the geography, topography, size or shape of a particular piece of property while simultaneously providing a compatible and stable environment in harmony with largely the same population density and area coverage of adjoining properties. **PUD's require the Pre-Application Meeting and Sketch Plan Administrative Approvals. These also require P & Z Commission Final Plan Approval.**

Section 2. Use Regulations The PUD district permits any use or combination of mixed uses allowed in the various residential, commercial and/or industrial zoning districts established by this Ordinance in accordance with the procedures, requirements, and standards set forth herein.

Section 3. Procedures, Requirements, and Standards *Applications for a PUD district shall meet and follow the same procedures, requirements, and standards as that of a zone change request. In addition, the application for a PUD shall include a development plan that meets the following requirements and standards:*

- A. Ownership.** The tract shall be under unified ownership and shall be planned as a whole. If the tract is to be developed in phases, all phases must be indicated and a schedule shall be provided showing the chronological order of development.
- B. Conformance with the City's Land Use and Thoroughfare Plans.** The development shall conform to the City's Land Use and Thoroughfare Plans for land use, density, streets, and traffic.
- C. Lot Area Regulations.** A residential PUD or one mixed with commercial and/or industrial uses shall be no smaller than five acres in size. A proposed commercial and/or industrial PUD shall be no smaller than two acres in size.
- D. Density.** In a residential PUD with a variety of housing types, the number of dwelling units allowed per net acre shall be as close to that outlined in the Comprehensive Master Plan for the property's current zoning classification. The maximum density standards may be exceeded if it can be demonstrated that a higher density will not adversely affect public facilities, traffic flows, safety or enjoyment of adjacent properties. Open space shall be provided to offset increases in dwelling unit density, if required.
- E. Setbacks.** Building setbacks for all perimeter property lines in the PUD shall blend well with adjacent property setbacks already developed or as set forth elsewhere in this ordinance for the current zoning district classification of the property, whichever one blends best.
- F. Height Restrictions.** Heights of structures shall blend well with adjacent structures already developed or as set forth elsewhere in this ordinance for the height restrictions for the property as currently zoned prior to the approval of the PUD, whichever height restriction is lower.
- H. Streets, Utilities, Services, and Public Facilities.** Because of the uniqueness of each PUD, the specifications and standards for streets, utilities, services, and public facilities may be different from those normally required in this and other ordinances if it can be demonstrated that such variations will not adversely affect the interests of the general public or City. In addition, the PUD proposal shall illustrate how the streets, utilities, services, public facilities and traffic circulation will function and serve the PUD as well as adjacent properties.
- I. Off-Street Parking.** The PUD shall provide the necessary amount of off-street parking spaces and illustrate how such proposed parking will adequately serve the entire development.
- J.** Any other information which allows staff to properly assess the request for the PUD district.

Section 4. Building Permit Requirements

- A.** Exact development information shall be submitted either with the application for a PUD, or separately at a later time as a whole, or in phases, prior to receiving a Building Permit for construction of any structures within the PUD.
- B.** The exact development plan shall be substantially the same as that submitted for the initial PUD request. In addition to the information submitted for the application for a PUD district, the development plan shall include specific details such as, but not limited to: type and placement of buildings/structures; internal building setbacks; building and structure heights; location, number, and operation of off-street parking spaces; street construction, flows and maintenance standards; traffic circulation; pavement and ROW widths; utility and facility type, location and service; easement type, location and service; size and location of open spaces; dwelling unit densities; and any other information which staff may require to assess and approve the request.

Section 5. Decisions and Conditions

- A. Approval.** The PUD request shall be approved after a public hearing by the P & Z Commission, where additional conditions may be imposed to insure the public interest, safety and welfare and where the development plan has been presented to meet the general and/or specific uses, placement of buildings and structures, amount and location of open space areas, street and utility locations and performances, off-street parking areas, and other items essential to the development's operation, performance and ability to blend well with adjacent properties.
- B. Building Permit.** A building permit shall be issued only if the building or structure is in conformance with the approved development plan and only if all site and facility improvements are in place for the building or structure.

ARTICLE 8. LOT SPLITS & LOT LINE/BOUNDARY ADJUSTMENTS

Divisions of land resulting in the net creation of one (1) newly created parcel that is adjacent to and serviceable by existing City water, sewer, storm sewer and transportation infrastructure and will not result in any measurable impact to these basic City services, are exempt from the general subdivision process and shall be submitted to the Planning Department and reviewed as a Lot Split. At no time shall the Lot Split procedure be used intentionally to evade other applicable Subdivision Code. Lot Line/Boundary Adjustments result when the exterior boundary lines of all properties in questions do not increase in total size and the adjustment is required on an internal lot or boundary line(s) only. If any part of the proposed subdivision lies partly within the Extraterritorial Zone of the City, the proposed plat must be submitted and approved in accordance with Article 9 of this Chapter. **Lot Splits require the Pre-Application Meeting and Sketch Plan Administrative Approval. These also require the Final Plan Approval from the P & Z Commission. Lot Line and/or Boundary Adjustments require Administrative Approval from the City Planner.**

ARTICLE 9. SUBDIVISIONS WITHIN THE EXTRATERRITORIAL ZONE (ETZ)

Pursuant to the provisions of W.S. 18-5-308, when any part of the subdivision lies outside of, but within the joint-jurisdictional, extraterritorial zone of the City of Buffalo, that subdivision shall be approved by the applicable requirements for the zoning case as required by Johnson County and the City of Buffalo. The lead agency shall always be Johnson County as the property lies within the County's jurisdiction first, and within the City's ETZ jurisdiction second.

ARTICLE 10. PRE-APPLICATION MEETING & SKETCH PLAT/PLAN APPLICATION

A. Applicant shall meet with the Planning Department to become familiar with the City's application requirements and review process, discuss the design of the proposed subdivision, and any other items needing special consideration. Items discussed at the Pre-application meeting shall not constitute formal approval of any elements of the proposed subdivision.

B. Applicant shall submit a Sketch Plat/Plan to the City Planner to serve as the preliminary schematic of the proposed subdivision with the necessary information for staff to, as thoroughly as possible, examine the potential impacts of the subdivision. The Sketch Plat/Plan shall conform to the requirements of these regulations and include the following:

1. Sketch Plat/Plan showing the proposed number of lots, street layout, building locations and natural features.
2. Any additional supporting information, documents, maps or plans to assist in the review of the plat or plan.
3. Acreage of proposed subdivision, lots, open spaces, parking, landscaping, etc.
4. Any additional information that will assist the staff in making determinations on the proposed subdivision.

C. Upon submittal, and while talking with the applicant, the City Planner shall notify the Applicant of any additional information that may be required to allow for a thorough review of the proposed subdivision.

D. The City Planner shall then distribute copies of the Sketch Plat/Plan and any supporting information to the Development Review Committee (DRC) and schedule a DRC review meeting with all applicable staff and affected outside agencies.

E. During the DRC review meeting, the City Planner will note all comments and recommendations made by the DRC review attendees applicable to the proposed subdivision and draft a letter to be mailed to the applicant within three (3) business days after the DRC review, explaining each of the issues in regards to the proposed subdivision.

F. The DRC review report will be made available to the P & Z Commission and City Council, as required, prior to their review at their regularly scheduled meeting(s). The report will also be posted on the City's Website a minimum of four (4) calendar days prior to the P & Z Commission meeting, whether requiring P & Z Commission and/or City Council approval.

G. If the Applicant wishes to appeal staff's determinations, they may file an appeal as outlined in Article 2, Section 9-B.

H. If staff approves the Sketch Plat, the Applicant may then begin and complete a Preliminary Plat with the assistance of the City Planner. The Preliminary Plat should be submitted to the Planning Department within six (6) months from the date the Sketch Plat was approved. If more than six (6) months is required to complete the Preliminary Plat, the applicant should let the City Planner know when the expected date of completion will be.

ARTICLE 11. SITE PLAN/PLAT REVIEW

The Site Plan/Plat Review procedure allows the City to examine development proposals that potentially impact publicly owned City services. The review process ensures a development submitted under this heading complies with all applicable City Development and/or Building codes. The developer shall be required to obtain the necessary permits as required by

the Wyoming Department of Environmental Quality (WDEQ) to insure the prevention of wind and water erosion prior to, and throughout the completion of construction. The City reserves the right to declare unsatisfactorily mitigated wind and water erosion associated with development a nuisance and take appropriate action.

- A.** A Site Plan/Plat shall be required for all new industrial and commercial construction, multi-family development, new construction exceeding ten-thousand (10,000) square feet, or expansions or additions to existing commercial, multi-family uses increasing square footage by more than one-third (1/3), or footprints of any structure that exceed fifty (50) percent of the buildable lot area. The owner, tenant, or lessee shall file a Site Plan according to the requirements of this section.
- B.** Site Plans/Plats shall be submitted for approval to the Planning Department and shall be accompanied by documentation, maps or other information as needed for the Development Review Committee (DRC) to determine if the proposed development meets the requirements of this Article and all other pertinent and required City Codes.
- C.** The DRC shall review Site Plans/Plats and may require revisions to them. The purpose of this review is to relieve demonstrable adverse impacts of the development upon the public safety, health, and welfare; to protect public investments in roads, drainage facilities, sewage facilities, etc.; to conserve the value of buildings; and to ensure that the regulations of this Ordinance and all other City Codes are upheld.
- D.** Site Plans/Plats shall contain the following information as applicable to allow a detailed review of the development:
1. Name, address and location map of the project or development.
 2. Name, mailing address and phone numbers for the developer, Architects and/or Engineers for the project.
 3. North indicator, scale and all other items typically found on Architectural/Engineering plans or plats.
 4. Zoning classification and proposed use for the building and/or land.
 5. Location of all public and private utilities, easements and public rights-of way.
 6. Topography of the land proposed for development.
 7. Any watercourse or bodies of water and its location to the development or any alterations to same.
 8. Square footage of all buildings and location of all buildings/structures in relation to property lines.
 9. Location and amount and type of landscaping proposed for the development.
 10. Location and number of on-street and off-street parking spaces.
 11. Location of any fences, walls, retaining walls or other obstructions on the site.
 12. Location and elevations of structures in regards to the floodplain and possible considerations for the site.
 13. Drainage of all stormwater off of the site and how it will be addressed.
 14. Any applicable professional seals, signatures and dates as required on the plans for the development.
 15. Any other items or information which will aid in the thorough review of the site plan/plat for development.
- E.** The DRC shall have three (3) business days to respond in writing to the applicant regarding any staff requirements, comments or recommendations resulting from the Site Plan/Plat review. Any appeals of staff determinations shall be submitted and heard in accordance with Article 2, Section 9-B.
- F.** Variance Requests shall be submitted in accordance with the requirements of Article 14 of this Chapter
- G.** In considering applications for Site Plan Approval under this Ordinance, the following criteria shall be considered:
1. The impact and/or effect on the public health, safety, and welfare of current and future residents of the City.
 2. The impact and/or effect on local municipal services, utilities and the natural environment.
 3. Consistency with the current Comprehensive Plan and other developed Plans guiding City policy.
 4. Compliance with this Article and the Development Guidelines and Construction Specifications and City Codes.

ARTICLE 12. PRELIMINARY PLAT APPLICATION & APPROVAL

A. The applicant shall submit a Preliminary Plat application for the proposed Subdivision, as applicable, to the City Planner for review and recommendation. The Preliminary Plat application shall conform to the requirements of these regulations as well as any contingencies, conditions and/or modifications required during the Sketch Plat review.

B. The Applicant shall provide the Planning Department with five (5) 24''x 36'' Preliminary Plats and applications including, if applicable, any required supplemental material and six (6) 11''x 17'' Preliminary Plats and applications including required supplemental material of the proposed subdivision and electronic files of the proposed subdivision. Survey points and electronic files must reference the City's Survey Control Network.

C. The Preliminary Plat submittal shall contain the following, as applicable to the case up for review and approval:

1. All of the information required during the Sketch Plat review as outlined in Article 11.
2. The Preliminary Plat drawn and sealed by a Professional Engineer or Land Surveyor licensed in Wyoming.
3. All information deemed necessary by the PE, PLS and P & Z Staff to facilitate approval by a government entity.
4. All natural features, topography and any artificial features, such as irrigation ditches, septic fields, etc.
5. All necessary site data, including acreage, land use, zoning, layout of all lots, open spaces and parks.
6. Proposed layout and measurements for the waterlines, sewer lines, storm drainage and transportation system.
7. Stormwater drainage reports and any other reports applicable to the Preliminary Plat under review.
8. Existing and proposed street names for roads in and connecting to the subdivision.
9. Location of existing and proposed fire hydrants along with expected fire flow rates and pressures.
10. Existing and proposed covenants or deed restrictions.
11. Subsurface groundwater reports and geotechnical reports as applicable to the Preliminary Plat under review.
12. Traffic Impact Study if requested and required by the Development Review Committee.

D. If after working with the applicant through the application process, the City Planner determines the application is complete; the City Planner shall distribute copies of the Preliminary Plat application to the Development Review Committee (DRC) and schedule a meeting for it to be reviewed.

E. During the DRC review meeting, the City Planner will note all comments and recommendations made by the DRC review attendees applicable to the Preliminary Plat and draft a letter to be mailed to the applicant within three (3) business days after the DRC review, explaining each of the issues in regards to the proposed subdivision. Applicant shall only apply for Wyoming Department of Environmental Quality (WDEQ) and other permits after Preliminary Plat has been approved.

F. The DRC review report will be made available to the P & Z Commission and City Council, as required, prior to their review at their regularly scheduled meeting(s). The report will also be posted on the City's Website a minimum of four (4) calendar days prior to the P & Z Commission meeting, where it is to be heard, prior to receiving City Council approval.

G. The Planning Department shall publish a Public Notice for the Preliminary Plat Public Hearing in the local newspaper of general circulation not less than fourteen (14) calendar days before the P & Z Commission meeting.

H. The P & Z Commission, as the authorized agent of the governing body, shall hold a Public Hearing on all Preliminary Plat applications. In their review of the Preliminary Plat Application the P & Z Commission shall consider the proposed subdivision against the following review criteria:

1. The impact and/or effect on the public health, safety, and welfare of current and future residents of the City.
2. The impact and/or effect on local municipal services, utilities and the natural environment.
3. Consistency with the current Comprehensive Plan and other developed Plans guiding City policy.
4. Compliance with this Article and the Development Guidelines and Construction Specifications and City Codes.

I. The P & Z Commission shall determine if there are any significant adverse impacts and/or effects the subdivision may have based on their review and Staff Recommendation and shall approve, deny, approve with contingencies, or table the Preliminary Plat Application until a specific day and time. If the P & Z Commission does not recommend approval of the Preliminary Plat, the plat may be revised; incorporating the recommendations of the P & Z Commission and a Preliminary Plat may be resubmitted. If approved, the Preliminary Plat shall be heard by the City Council for final approval.

J. If applicant wishes to appeal the P & Z Commission's actions, they may appeal as outlined in Article 2-Section 9.C.

K. After City Council Preliminary Plat approval, the applicant shall submit a Final Plat application to the Planning Department within six (6) months from date of approval. If more than six (6) months is required to complete the Preliminary Plat, the applicant shall request an extension from the P & Z Commission, with justification for the extension.

L. The City Planner shall send the Findings of Fact Decision to the applicant including the P & Z Commission's motion regarding the Preliminary Plat Application as well as any contingencies, conditions and/or modifications required to be addressed with the submittal of a Final Plat. This letter will include any additional studies or documentation that may have been required by the P & Z Commission for the Final Plat Application.

ARTICLE 13. FINAL PLAT APPLICATION & APPROVAL

A. The applicant shall submit to the Planning Department for review and recommendation a Final Plat application of the proposed Subdivision. The Final Plat application shall conform to the requirements of these regulations and will include any contingencies, conditions and/or modifications required during Preliminary Plat review.

B. At the time of the submittal, the applicant shall provide the Planning Department with five (5) 24''x 36'' Final Plats and applications including required supplemental material and six (6) 11''x 17'' Final Plats and applications including required supplemental material of the proposed Subdivision and electronic files of the proposed Subdivision. Survey points and electronic files must reference the City's Survey Control Network.

C. The Final Plat submittal shall contain the following, as applicable to the case up for review and approval:

1. All of the information required during the Preliminary Plat review as outlined in Article 12.
2. A "Notification of Coverage" letter from WDEQ authorizing a "General Permit to Construct".
3. A streetlight plan indicating spacing, types of fixtures/poles in compliance with "Wyoming Night Skies Act".
4. A draft Subdivisions Improvements Agreement and Subdivision Surety for review.
5. Any other conveyances, certificates, affidavits, endorsements or deductions as may be required.

D. If the City Planner determines the application complete the City Planner shall also determine if significant changes have taken place from the approval of the Preliminary Plat to the Final Plat application as submitted. If significant changes have occurred, the City Planner will distribute copies of the Final Plat Application to the Development Review Committee (DRC) and schedule a meeting for the Final Plat to be reviewed one additional time. If an additional DRC review is required, paragraphs D. through F. in Article 12 shall be followed accordingly for the Final Plat approval process.

E. The Planning Department shall publish a Public Notice for the Final Plat Public Hearing in the local newspaper of general circulation not less than fourteen (14) calendar days before the City Council meeting.

F. The City Council shall hold a Public Hearing on all Final Plat applications. In their review of the subdivision the City Council shall consider the proposed subdivision against the following review criteria:

1. The impact and/or effect on the public health, safety, and welfare of current and future residents of the City.
2. The impact and/or effect on local municipal services, utilities and the natural environment.
3. Consistency with the current Comprehensive Plan and other developed Plans guiding City policy.
4. Compliance with this Article and the Development Guidelines and Construction Specifications and City Codes.

G. The City Council shall determine if there are any significant adverse impacts and/or effects that the subdivision may have, based on their review and the Staff and P & Z Commission recommendations, and shall approve, deny, approve with contingencies, or table the Final Plat Application until a specific date and time, and after providing just cause in doing so. If the City Council does not recommend approval of the Final Plat, the City Council may require revisions to be submitted to the Development Review Committee (DRC) prior to taking action on the resubmitted Final Plat. The Final Plat may be revised; incorporating the recommendations of the staff and be resubmitted to the City Council.

H. If the Applicant wishes to appeal the City Council's decision, they may appeal as outlined in Article 2-Section 9.D.

I. The City Planner shall send the City Council's Findings of Fact Decision to the applicant including the City Council's motion regarding the Final Plat Application and related ordinance as well as any contingencies, conditions and/or modifications required to be addressed with the submittal of a revised Final Plat. This letter will include any additional studies or documentation that may have been required by the City Council for a revised Final Plat Application.

ARTICLE 14. VARIANCES AND WAIVERS

A. The P & Z Commission may approve a variance to the zoning and/or subdivision requirements for a property, if the reason for the requested variance is due to the property being of exceptional narrowness, shallowness, shape or having topographical conditions or other extraordinary conditions which prevent the property owner from being able to comply with the subdivision and zoning requirements and, if the strict application of this ordinance would result in a peculiar, exceptional or undue hardship, as opposed to a mere inconvenience upon the property owner.

B. Where the P & Z Commission finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities in proximity to the proposed subdivision, it may waive such requirements.

- C. The applicant for a variance shall be the property owner or agent. Application shall include the following information:
1. The legal and common description of the property to be considered for a variance
 2. The properties present zoning classification.
 3. A site plan drawn to scale showing the subject property and all adjacent properties.
 4. The location, dimensions and square footage of all structures, existing and proposed.
 5. The variance requested and existing hardships that caused the variance request.
 6. Other information the P & Z Commission may need to make a decision.

D. No variance can be approved until a public hearing has been held by the P & Z Commission.

E. The P & Z Commission shall decide whether or not to approve a variance request. In its deliberations, the P & Z Commission shall consider all oral and written statements from the applicant, the public, the City staff, and its own members. The P & Z Commission shall also consider the effect of the proposed variance upon the public health, safety, and welfare of the community, traffic and parking conditions, open space areas, danger of fire, and upon the values of property in the surrounding area. The Commission shall not approve a variance unless it is satisfied that the request will alleviate some unusual hardship, is consistent with the general intent of this Ordinance, that it conforms to the City's Land Use Plan, and that it is in the public interest and is not solely in the interest of the applicant.

F. **Limitations, Amendments, and Revisions.** The P & Z Commission may approve, deny or table a variance request for not more than one regularly scheduled Commission meeting or for a period of time specified at the public hearing. The Commission may stipulate conditions and restrictions upon the property benefited by the variance as may be necessary to comply with the standards set forth in this ordinance, to reduce or minimize the adverse effect the variance may have upon adjacent properties, and to ensure consistency with the general intent of the ordinance.

ARTICLE 15. CONSTRUCTION STANDARDS & BUILDING PERMIT PROCESS

Section 1. Permit to Construct Prior to construction, developer shall obtain a Permit to Construct from City Council, which includes time proposed to commence and finish construction of improvements as stipulated within the Subdivision Improvement Agreement. The construction schedule should include how the developer plans to make up for any time lost due to bad weather days to keep the construction schedule on track for completion. See Article 18 for more information. All construction by the owner/contractor shall adhere to all local, state and federal guidelines and regulations.

Section 2. On-Site Representative Within the Subdivision Improvement Agreement, the developer shall designate the name of the agent who shall be available during its progress and who shall not be replaced without a written notification to the City. The agent will be the developer's site representative and shall have the authority to act on the developer's behalf.

Section 3. Construction Oversight & Standards The developer shall install the improvements identified in Article 16 in a timely manner and in accordance with plans, specifications, and data as approved by the City's designated Engineer.

A. The developer is responsible for retaining an Engineer to observe the installation of improvements and certify to the City that the work is completed in accordance with the plans and specifications. The installation of proposed public infrastructure or any other facility or improvement as may be specified on the Final Plat, Site Plan, Subdivision Improvements Agreement (SIA), or in a Contract and agreed to by the developer, shall be installed under the supervision and inspection of said engineer or his associates. Construction observation reports must be kept and copies furnished to the City's Director of Public Works in addition to other construction oversight measures identified within the SIA.

B. Water and sewer design shall meet all standards and regulations of the Wyoming Department of Environmental Quality (WDEQ), the City Public Works Director and engineer. Developer shall demonstrate submittal to WDEQ for Notification of Coverage has been made prior to obtaining a Permit to Construct from City Council. Plans for street improvements shall comply with the City of Buffalo Construction Standards and Specifications and show all typical cross sections, dimensions and specifications of roads, sub-grade, base, curb, gutter and sidewalk and other proposed construction. Plans shall incorporate any improvements required by the City as a result of the Traffic Accessibility Study, if applicable.

C. After construction is complete, the developer's Engineer shall provide the City with three sets of signed record "As-Built" drawings which show all features of improvements and utility conflicts and electronic media for GIS data. All sheets shall be stamped or visibly marked "record or "As-Built" drawings" and be certified by the developer's Engineer.

Section 4. Warranty of Improvements Upon completion of all public improvements, the developer shall request in a written statement to the City Council, the commencement of a twelve (12) month warranty period for said improvements.

A. The developer shall warrant all improvements with a bond or letter-of-credit equal to ten (10) percent of the value of the improvements for a period of one year following the date of acceptance by the City's Director of Public Works. Any failure, defect or deficiency during the warranty period shall be corrected to the satisfaction of the Director of Public Works at the developer's sole expense. Failure to do so may result in calling of the bond or letter of credit by the City, which shall have the sole right to remove any funding held for such purpose upon request.

B. All publicly owned infrastructure related to the subdivision shall, upon final approval and acceptance by the City, become the property and responsibility of the City.

Section 5. Final Acceptance of Infrastructure Upon completion of the public improvements, the developer shall file with the Public Works Director a written statement dedicating said improvements to the City of Buffalo, together with a statement stipulating the following: **1.** That the developer knows of no defects from any cause in the improvements; and, **2.** That the improvements are free and clear of any encumbrance or lien and all costs of installation have been paid.

A. The City's Public Works Director shall, after making final inspection, produce a written statement either accepting the improvements in compliance with appropriate specifications and requirements or, list the defects and deficiencies in the improvements which shall be repaired and/or replaced by the developer at his/her expense, unless some defects or deficiencies were created or caused by the City.

B. If the contracted improvements are accepted as complete and free from defect, and all other items listed in any agreements between the parties have been addressed to the City's satisfaction, then the City shall accept the dedication of those improvements and no further action is required by either party.

Section 6. Inspections and Test requirements Inspections during construction and final testing of all public improvements shall adhere to the requirements and schedule set forth in the development's SIA. The City's Public Works Director and City Engineer shall have the authority to require additional inspections and/or testing of improvements when they identify a risk to the public health, safety, or welfare.

Section 7. Compliance with Drainage Plans Subdivision drainage patterns, shall comply as specified on the Preliminary and/or Final Plat. Upon completion of final subdivision grading and prior to building permits being issued, a certified topographic survey verifying final grades with proposed grades shall be submitted. Spot elevations shall be given for all inverts, low points and flowing entry and exit points.

Section 6. Building Permit Issuance

A. Building permits may only be issued by the City Building Inspector after all monumentation and staking has been completed, sewer and water improvements installed, subdivision grading is completed, and the warranty period for public infrastructure has commenced. The developer's Engineer shall provide curb elevations for all lots prior to issuance of any foundation permit. Plot plans for Building Permits must show, and be consistent with, the drainage pattern approved for the subdivision. Individual lot drainage patterns included on the Preliminary and/or Final Plat shall also be included on the Final Plat Construction Plans. Certificate of Occupancy (C of O) Permits for buildings shall not be issued until the final grading has been conducted and approved by the City Building Inspector.

B. No C of O for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the City of Buffalo as required in the Final Plat approval except that, in the event of winter freeze occurring prior to the placement of the final pavement on the adjacent street surface, a certificate of occupancy may be issued provided the City's Director of Public Works has certified the following improvements, serving the subject property, have been completed and accepted: Sewage collection system; Water distribution system; Storm drainage facilities; Curbs, gutters and sidewalks; Fire hydrants; Final street and lot grading; Base course; Asphaltic prime coat.

C. The extent of street improvement shall be adequate for vehicular access by the prospective occupant, the police and fire equipment, prior to the issuance of an certificate of occupancy permit.

D. Approval of a temporary street surface shall not relieve the subdivider of the responsibility to complete improvements within the time specified in the Subdivision Improvement Agreement.

ARTICLE 16. GENERAL DESIGN STANDARDS

The following are the minimum design standards. Improvements shall be installed in accordance with adopted engineering standards and specifications, as detailed in the City of Buffalo Construction Standards and Specifications document.

Section 1. General Design Guideline and Improvements In addition to the general requirements of this ordinance, all subdivision plats hereafter approved by the City of Buffalo shall conform to the following laws, rules, regulations and standards, and approval may be withheld by the City if the subdivision is not in conformity with any of the following items: The general policies and land use recommendations of the current Buffalo Comprehensive Plan; Approved plans for streets, water, sewer, drainage, and parks for the City of Buffalo; The Buffalo Zoning Chapter #29; Any applicable laws, regulations or standards adopted by any department of the State of Wyoming having jurisdiction; Rules, codes, regulation, Planning Documents and/or standards adopted by the City of Buffalo; Other rules, regulations or standards recommended by any City agency, board, commission or official so empowered.

Section 2. Required Improvements The developer of any land to be platted as a subdivision shall, at their own expense, install the following improvements to their properties including extending improvements to the outermost boundaries to allow for future connections, according to these Design Standards and the City of Buffalo Construction Standards and Specifications.

A. Replating: No infrastructure improvements shall be required save those required by other laws, regulations, ordinances or resolutions. This includes, but is not limited to, the City of Buffalo Zoning, Building and Fire Codes;

B. Major and Minor subdivisions and Subdivisions for rent or lease:

1. Water distribution system including laterals located to a minimum of two (2) feet into City right-of-way/easement;
2. Adequate water volume and pressure for firefighting purposes, including fire hydrants, control valves, etc.
3. Sewage collection system including laterals located to a minimum of five (5) feet from the lot line of each lot
4. Drainage structures, storm sewers and other drainage facilities;
5. Concrete curbs, gutters and sidewalks as determined during the review process under Article 11;
6. Asphalt or concrete paved streets, alleys, street name signs and street lights in conformance with the American National Standard Practice for Roadway Lighting as approved by City Planner and the appropriate power company.

C. Other improvements may be required by the City Council. Such improvements may be located within the subdivision or offsite, so long as they are rationally related to and proportionate to the impact of the proposed subdivision.

D. The City Council may establish development fees or require money in lieu of any required improvements. The City Council may establish monetary contributions for any infrastructure which may be necessary in whole or in part due to increased demands posed by any proposed subdivision.

E. The developer of any major or minor subdivision shall, at their own expense, cause the installation of the following public utilities and items to be made available to each lot and parcel within the subdivision: Electrical distribution system including streetlights; telephone communication system; and, gas distribution system.

F. All public utilities, including service laterals, shall be installed underground and completed prior to street surfacing.

G. Monuments shall adhere to the “Rules and Regulations adopted by the Wyoming Board of Professional Engineers and Professional Land Surveyors, Chapter 5, Section 4”, which require surveyors to set monuments with metallic identifying markers showing the Wyoming Registration Number. All property corners shall be set within 60 days after improvements are completed and a letter of certification by the land surveyor shall be submitted certifying that the monuments were set. Attached to the letter shall be a list of all block corner coordinates based on the City Survey Control Network to enable future surveyors to re-establish corners that have been removed.

Section 3. Street and Alley Development Standards Streets shall conform to the widths designated herein. All streets and pedestrian ways shall be platted according to the minimum standards in Table 16.1. Increased widths may be required where streets are to serve adjoining commercial or industrial property or where probable traffic conditions warrant.

16.1 TABLE STREET AND EASEMENT WIDTHS

| Street Classification | Developed Street Width BOC-BOC | Right-of-Way Width | Minimum Centerline Curve Radius | Minimum Tangent Between Curves | Maximum Grade | Estimated ADT | Access Spacing Distance C-C |
|---|---------------------------------------|---------------------------|--|---------------------------------------|----------------------|----------------------|------------------------------------|
| Major (Arterial) Streets | * | 150' | 500' | 100' | 7% | 10,000—25,000 | 500' |
| Minor Arterial Streets | * | 100' | 500' | 100' | 7% | 5,000—10,000 | 30' |
| Collector Streets | 42' | 80' | 300' | 100' | 7% | 1,000—10,000 | 150' |
| Local Streets Industrial Areas | 42' | 60' | 150' | 0' | 8% | 0—500 | NA |
| Local Streets, Commercial Areas | 30' or 36' or 42'** | 60' | 150' | 0' | 8% | 0—500 | NA |
| Local Streets, High and Low Density Residential Areas | 30' or 36' or 42'*** | 60' | 100' | 0' | 8% | 0—250 | NA |
| Local Streets, One-way Traffic | 24' | 50' | 75' | 0' | 8% | 0—125 | NA |
| Alleys | 20' | 20' | 75' | 0' | 8% | NA | NA |
| Pedestrian Ways | 5'-12' | 12' | NA | 0' | 8% | NA | NA |
| Cul-de-Sac | 60' radius | 60' | NA | NA | 2% | NA | NA |

* Width determined during application process. ** Width determined by on-street parking status and design criteria

A. Public streets, Right-of-Way and alleys shall be dedicated to the City of Buffalo.

B. The arrangement of streets, in new subdivisions, shall make provision for the continuation of the existing streets and Right-of-Way with adjoining landowners (or their proper projection where adjoining land is not already platted nor being subdivided simultaneously with the new subdivision) insofar as such may be deemed necessary by the City Council for public requirements. The street arrangement must be such as to cause no unreasonable hardship to owners of adjoining property if they were to plat their own adjoining lands and shall seek to provide for convenient access to it.

C. Minor streets shall intersect arterial or collector streets at an angle of not less than eighty (80) degrees.

D. The following design standards shall be applied to all street layouts:

1. Each Major Subdivision shall provide one primary and at least one secondary access route to an approved dedicated public street. Any alternate means of satisfying the secondary access options set forth hereunder shall be approved by the P & Z Commission after considering comments from the DRC.
2. Secondary access route shall provide access to an approved dedicated public street by one of the following methods:
 - a. The physical construction of additional roadway within the boundaries of the subdivision or through adjoining property to the existing public street; or
 - b. Access by means of a physical connection to a transportation corridor shown in the transportation plan adopted by the City of Buffalo.
 - c. Access route confirmed through the adjoining property with the consent of the adjoining landowner. Said access shall be at a minimum defined by written easement, and plans for the construction of the connecting roadway shall be provided by a civil engineer licensed in the State of Wyoming; or
 - d. If a written easement cannot be secured to satisfy alternative (c), above, then the secondary access route requirement may be satisfied only with approval of City Council if the following criteria are satisfied:

- i. Evidence that negotiations were attempted with the adjoining landowners to secure a written easement described in alternative (c), above, but such an easement could not be secured;
- ii. The proposed secondary access point connects to exterior boundary line of the new subdivision in a location which is logical for future road construction/extension through adjoining properties as provided in (c) above;
- iii. Written notice was delivered to the landowners owning property adjoining the possible future secondary access point notifying such landowner of (i) the location of the proposed access point and (ii) that approval of the possible secondary access connection to the adjoining landowner's property is being sought by the City Council and the date of the City Council meeting at which the matter will be reviewed. Such notice must be delivered to the adjoining landowner at least thirty (30) days prior to City Council's review.

E. Any secondary access proposal shall be approved by the DRC, subject to final approval by the City Council. The Council shall consider staff recommendations, the adopted transportation plan, and fire code in making their determination.

F. All connecting roadways shall meet the requirements established in this section of these Subdivision Regulations. The City Council may require any subdivision street, right-of-way or access to be designed to accommodate existing or projected traffic flows as determined by the Traffic Accessibility Study, adopted city transportation plan, or any other relevant investigation or study.

G. Cul-de-sacs shall be no longer than five hundred feet from the center of the turnaround to the centerline of the last intersecting, non-cul-de-sac street. All cul-de-sacs shall have a minimum curb radius of sixty (60) feet, a minimum right-of-way radius of sixty (60) feet and be connected to street right-of-way by a reverse curve of a seventy-five (75) foot radius.

H. Street jogs shall have a center offset of one hundred and fifty (150) feet or more when applied to local streets; in all other cases, they shall be prohibited. Exceptions may be made where lot and block boundaries are in conflict. If a street jogs at an intersecting street and does not continue in a straight alignment, the centerline offset of the two parts of the street approaching the intersecting street shall be not less than one hundred fifty (150) feet.

I. No more than two streets shall intersect at one point.

J. Paved alleys shall be provided in commercial and industrial districts, except that the requirements may be waived where other definite and assured provisions are made for service access to off-street loading and unloading areas and to off-street parking areas, consistent with and adequate for the use proposed. Dead-end alleys shall be prohibited.

K. Where a residential subdivision abuts a major highway, a railroad right-of-way or a limited access freeway, a frontage road may be required.

L. 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 adjacent property is developed and the street is extended. Temporary turnarounds shall meet the minimum radius and dimensions of a cul-de-sac.

M. All changes in street grades shall be connected by vertical curves.

N. Streets platted as extensions of existing streets shall be designed with the same profile as the existing street.

O. No street shall change direction by more than ninety (90) degrees without a change in the street name and all proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with streets or an abutting or neighboring subdivision shall bear the same name.

P. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography, within the allowable street grades in Table 16.1.

Q. Private streets are prohibited, unless part of an approved planned unit development, mobile home park, or condo/townhome/apartment development, in which case the streets shall conform to the approved design criteria of the City.

R. Barricades and reflectors shall be provided along the ends of all dead-ends or streets without turn-arounds, and at the ends of culverts and other dangerous areas as determined by the City's Police Chief.

S. A combination of steep grades and curves shall be avoided. The geometrics of all streets shall be designed to promote vehicular safety by optimizing visibility around curves and on hills, while designing the slope and camber of roads in the best possible way to promote safe vehicular travel.

T. Thirty (30) foot Sight Triangle: To provide clear visibility at intersections, that portion of any corner lot shall be cleared of all growth (dirt, rocks or plant life), structures, signs and/or any other obstructions taller than three (3) feet above the top of the street, for a distance of at least thirty (30) feet from the intersection point of the right-of-way lines at the intersection. If directed, the ground, natural rocks and/or vegetation shall be excavated and removed to achieve visibility. (Exception: isolated trees trimmed clean from the ground, up to a point six feet above finished grade, are acceptable.)

Section 5. Layout of Lots, Blocks and Tracts The lot and block arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Chapter and health regulations or in providing a reasonable grade for safe, all weather driveway access to buildings on such lots from an approved street.

A. Subdivisions shall comprise an integrated and logical arrangement of streets, tracts, blocks and lots. All blocks and all lots within each block shall be consecutively numbered. Numbering of blocks and lots in later phases of a phased subdivision shall continue the sequence established in earlier phases.

B. Lot dimensions and configuration shall comply with the following standards:

1. The depth-to-front ratio of lots shall not exceed 2.5 to 1. An average depth shall be determined for irregularly-shaped lots. In R-1 zones, the minimum lot width at the building setback line shall be sixty feet.
2. The lot size, width, depth, shape and orientation shall be appropriate for the type of development contemplated and shall be such that in constructing a building in compliance with the Zoning Chapter and Building Ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots shall not be of a depth as to encourage the later creation of a second building lot at the front or rear.
3. Corner lots and lots with streets on three sides for residential use shall have extra width to allow for a proper setback from all streets.
4. Double frontage lots shall be avoided except where these lots back upon an arterial street. Where this is the case, access to those lots from the arterial street shall be prohibited.
5. Every platted lot shall have access to a publicly dedicated street or road. Such access shall consist of frontage of at least sixty (60) feet, except in cul-de-sacs or other non-standard lots, subject to P & Z Commission approvals.
6. Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.
7. Whenever a plat is resubdivided, the newly-created lots shall be numbered to avoid duplication of any original lot numbers. A letter may be used in conjunction with a number, for example, Lot "2A." for clarification purposes.

C. Blocks shall meet the following standards:

1. The maximum length of blocks, generally, shall be one thousand three hundred feet and the minimum length of blocks shall be three hundred feet unless a shorter block length is desirable to match existing streets.
2. The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the P & Z Commission in the preliminary plat because of design, terrain or other unusual conditions.
3. Blocks intended for business or industrial use shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.
4. Blocks exceeding six hundred (600) feet in length may be required to provide an easement for underground utilities and pedestrian traffic, if so determined by the P & Z Commission.

D. Reverse-lotting is encouraged where lots would normally front a high traffic roadway.

E. Temporary staking is allowed through the construction period of a subdivision. Final survey monumentation shall be required prior to the commencement of the infrastructure warranty period.

Section 6. Dedication of Easements

A. Easements centered on rear and other lot lines as required shall be provided for utilities where and of the size necessary.

B. Easements shall be provided along each side of the center line of any water course or drainage channel whether or not shown in the Comprehensive Plan, to a sufficient width to provide proper maintenance and protection and to provide for water run-off and installation and maintenance of storm sewer.

C. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Engineer.

D. Where a subdivision proposes a common mail facility or similar public collection point within the boundaries, there shall be provided appropriate documentation of such an easement.

E. Easements shall be provided for the purpose of maintaining proposed detention ponds of similar runoff control structures such as culvert headwalls, riprap slopes, etc..

F. Slope easements shall be provided for the purpose of maintaining roadway slopes outside of the right-of-way.

G. Easements shall be dedicated for the required use on the Final Plat.

Section 7. Mandatory Connection to Sewer and Water

A. All commercial, industrial and residential development property located outside of the City Limits but located within three hundred (300) feet of existing mains shall be required to make provision for connection to the water and sewer system of the City of Buffalo in accordance with the Construction Specification Standards.

B. If sewer and water facilities are not available adjacent to the proposed development, it shall be the responsibility of the developer to extend such lines in a manner satisfactory to the Public Works Director, City Planner and the City's designated Engineer. Where such lines may be determined by the P & Z Commission to serve only the proposed subdivision, it shall be the responsibility of the developer to pay the entire expense of extension of the sewer and water infrastructure to the proposed development. Where such lines may benefit existing or other potential development, the City Council may make such a determination, and participate in financing or make other legal agreements as needed to assist in such construction.

C. Where impractical due to terrain, this requirement may be temporarily waived only by the approval of the City Council. Any alternative method of providing water and sewer service shall be designed by the City Engineer and approved by the City Director of Public Works.

Section 8. Reservation for School Sites

A. Where it is determined that land contained within a subdivision application is required for school sites, the School District, following the Sketch Plat submittal, shall inform the City Planner of the school site requirements. The School District, City Planner, and Applicant shall coordinate to determine the location of the proposed school site which shall be platted on the Preliminary Plat prior to its consideration by the P & Z Commission.

B. The School District shall have not more than two (2) months to negotiate with the developer, unless the P & Z Commission grants an extension to this period.

ARTICLE 17. OPEN SPACE, PARKS, PATHS, TRAILS AND SIDEWALKS

Parks, open space, recreational and other municipal service facilities (MSF) have been determined by the citizens of the City of Buffalo to be desirable and essential features. It has further been determined that land development inherently contributes to increases the City's population and the number of persons visiting the City, thus placing greater demands and pressures on the existing MSF. In order to protect and maintain standards regarding the availability, quality and accessibility of these MSF, the City Council finds it necessary and appropriate to enact land development dedication requirements as provided for in this Article to ensure that new development pays a fair and equitable share of the cost of providing for new MSF and shares in the maintenance costs.

A. Where a new MSF is justified by the P & Z Commission or City Council, the P & Z Commission shall require that such area or areas be shown on Plats in accordance with the requirements specified in this Chapter. Such area or areas shall be dedicated to the City by the Applicant if the City Council approves such dedication.

B. The P & Z Commission shall require that plats show sites of a character, extent and location suitable for the development of a MSF. The P & Z Commission may require that the applicant satisfactorily grade any such recreation areas shown on the Plat. These MSF shall be dedicated as shown in the following example:

Example: Number of Subdivided Lots, divided by the total Subdivision Acreage, multiplied by two (2) equals the percentage (%) of Dedication, i.e. 80 lots divided by 20 acres multiplied by two(2) equals eight percent (8%) to be dedicated. Eight percent (8%) of Acreage Subdivided (20 acres) equals 1.6 Acres (amount to be dedicated to MSF).

D. If the P & Z Commission or City Council determines that a subdivision is too small or in a location that precludes the need an MSF, a recommendation to waive this requirement shall be requested of the City Council by the developer.

E. Cash contributions made in lieu of dedication shall be made to a fund to be known as the Park Land Dedication Fund,

which shall be used only for acquisition and initial development of MSF. Monies from the Fund shall be used only for the specific project for which they are allocated, which allocation shall be made by resolution of the City Council following a public hearing for which notice shall be given.

F. The fair market value (FMV) shall be the value of the land based on the date of the submission of the Preliminary Plat of the subdivision. The FMV shall be established by an appraisal made by two appraisers, one selected and paid by the subdivider and one selected and paid by the City. If the values are not satisfactory to both parties, a third appraiser shall be selected by the two appraisers and the price will be determined by the average of the three appraisals. The appraisal fee for the third appraisal will be paid by the party requesting the third appraisal. The City may elect to accept the value determined solely by the developer's appraiser, in which case the City Council shall approve the choice of appraiser. Such election shall be made before any appraisal(s) and shall be binding.

G. The applicant may be further required to dedicate an easement to be used as a pedestrian pathway. Such parcels to be dedicated shall be located in a position within the development in a manner consistent with the Buffalo Master Trails Plan. Pathways up to 12 feet in width may be required within the subdivision. The easement shall be of a size large enough to allow for such a pathway. The Buffalo Master Trails Plan is the control document for the Clear Creek Trail System. The applicant may be required to install upon the pathway such improvements as determined by the City Council as recommended by the Buffalo Trails Board. All such improvements shall be erected and constructed in accordance with standards established in the Buffalo Master Trails Plan.

H. Sidewalks are a required improvement for all publicly owned streets. However, some circumstances may warrant flexibility if the development has the ability to demonstrate equally accessible non-motorized transportation alternatives that provide similar infrastructure and overall access to the community, and which do not violate the Americans with Disabilities Act (ADA) Standards.

I. Minimum publicly dedicated MSF shall be 20,000 square feet with no dimension less than 100 feet and the average dimension not less than 140 feet. Area calculated shall begin at a point 20 feet from any building wall on adjoining property. Park areas or open spaces shall be accessible from a public street meeting current improvement standards as contained herein. Utilities in the above street or streets will be installed by the subdivider in the same manner as other streets in the subdivision and as approved by the City.

J. Areas occupied by drainage channels, draws, cliffs, easements and land areas with grades in excess of 10% shall not be suitable for MSF dedication. Such areas may be accepted in combination with suitable adjacent land provided the adjacent land area has a grade of 10% or less and a width of at least 100 feet, and in all other respects complies with (B) above. In no case shall the unsuitable portion of the dedicated MSF lands comprise more than 50% of the required park area.

K. Where a subdivision is traversed by a water course or stream, such area shall be designated as open-space.

L. Where determined that a greater amount of land is required for MSF, or where it is determined that land is required for any other type of public facilities, the developer at the time of filing the Final Plat with the P & Z Commission must offer to sell such additional lands to the City at fair market value as described in paragraph F above.

M. The filed Final Plat shall clearly show the amount and location of any MSF lands dedicated, and/or any cash fees paid.

ARTICLE 18. SUBDIVISION IMPROVEMENT SURETY (SIS)

Section 1. Surety Compliance

A. For subdivision regulated under this Chapter, the Developer shall provide financial security to assure the City that the required public improvements and any related subdivision requirements outlined in a Subdivision Improvement Agreement (SIA) are constructed in compliance with City's specifications. The financial security for the construction of said improvements shall be in the amount of 110% of the total cost of construction thereof. The financial security shall be secured and delivered to the City prior to the issuance of a Permit to Construct by City Council.

B. The Developer may submit to the City an agreement between Developer and Contractor bonded by a Wyoming-licensed company to complete the "Permit to Construct" work. No building permits shall be issued in the development until the improvements have been completed, a letter of completion has been submitted, infrastructure has been certified as complete by the City's Engineer and the warranty period has begun.

Should Developer elect to construct a project without a bonded agreement or other form of surety for construction improvements, the Developer shall provide a written affidavit to the City stating no sales or leases of real property within

the subdivision will be closed until after a letter of completion is issued by the City and the warranty period has begun.

C. No building permits will be issued in the development until a letter of completion is issued by the City and the warranty period has begun. If the Developer desire to sell lots and have building permits issued within the project prior to letter of completion or the warranty period starting, the Developer shall be required to fully comply with this section to guarantee financial surety for all public improvements and other subdivision requirements as outlined in the SIA.

Section 2. Financial Security Forms Financial security shall be provided in one of the following forms: An escrow agreement providing for the Developer's line of credit or other assets in an amount/form approved by City; Cash; Performance bonds verified as acceptable by the City Clerk; Unconditional letter of credit subject to the laws and courts of Wyoming in a form approved by City.

Section 3. Construction Costs of Improvements The Developer's engineer shall provide an engineers opinion of probable construction costs to the City for the purposes of determining the amount of the financial security for the construction phase and warranty period of the improvements. All cost estimates shall be supported by documents of the proposed improvements. Construction costs shall include curb, gutter, street pavement, sidewalks, drainage facilities such as storm sewers, water and sewer lines, and any other requirements outlined in the SIA.

Section 4. Release of Financial Guarantee As improvements are inspected and approved by the City Engineer or Public Works Director, the developer may apply for a proportionate release of any collateral deposited with City.

ARTICLE 19. IMPACT FEES (RESERVED)

ARTICLE 20. STORMWATER MANAGEMENT STANDARDS

All developments with excess of 10,000 square feet of impervious surfaces of improvements shall be required to connect to the City's storm sewer system. If this is not feasible as determined by the Development Review Committee (DRC), the development shall adhere to the Design Guidelines of this chapter, City Construction Standards and Specifications, and the following Stormwater Management Standards to adequately address storm water flows arriving on, and generating from the developing property. Further, the City is in the process of creating a Storm Water Master Plan and Storm Water Design Criteria manual for the City of Buffalo. Once these documents are developed and approved by City Council, they will become the guidance and design documents for which all storm water management within the City of Buffalo shall adhere to. Until such time that these documents are adopted, the following stormwater standards shall apply.

Standards All stormwater management facilities and improvements required by this Article shall comply with the following standards:

A. Connection to existing systems. Where connection with an existing storm sewer system is feasible that system shall be utilized so as to provide complete drainage of the subdivision.

B. Limitation of the amount of stormwater runoff. No development or subdivision shall cause adjacent landowners, water courses, channels, or conduits to receive stormwater runoff from the proposed development site at a higher peak flow rate or at higher velocities than would have resulted from the same storm event occurring over the site of the proposed subdivision and/or development with the land in its previous condition. The range of storms considered shall be the 2-year through 100-year event.

C. Stormwater Design Criteria. All stormwater facilities shall be designed to safely convey the 100-year storm. Where these criteria cannot be met, provide details explaining the storm event for which the facility is designed and necessary calculations and rationale to support the design. Facilities that do not convey the 100-year storm will be reviewed on an individual basis.

D. Limitation of the velocity of stormwater runoff. Stormwater runoff shall be managed so that the velocity of the flow does not cause scour or erosion. (Reference the most recent edition of the U. S. Soil Conservation Service Handbook, "Water Management and Sediment Control for Urbanizing Areas.")

E. Stormwater detention basins required. Detention/retention facilities should only be used if no other means of storm water conveyance is possible. Detention basins or equivalent management facilities shall be provided within the development in order to properly limit surface runoff as set forth under this Article.

F. Timing of stormwater management facility construction. Where the development of a site could result in danger to

persons, land, or wildlife due to runoff during construction, the facilities for stormwater runoff control shall be constructed prior to any earth moving or drainage construction on the site.

G. Compliance required for approvals. No application for subdivision or resubdivision shall be approved until such time as the applicant shall have submitted detailed plans and specifications for the construction of stormwater management facilities on the land to be developed.

H. Location within subdivision. All stormwater management facilities shall be constructed within the confines of the proposed development, except in the case of approved regional stormwater detention facilities.

I. Stormwater management plan required. All applicants for development shall submit to the City Planner a stormwater management plan prepared by an engineer or landscape architect licensed in the State of Wyoming and prepared to the level of detail considered necessary by review from a City selected Engineer. Applicants whose development proposals do not affect the grade or ground cover of the land, such as second story additions or development on existing impervious surfaces, are exempt from this requirement. Applicants with development proposals that do affect the grade or ground cover of the land, but appear not to significantly affect the rate of stormwater runoff to adjacent properties, may submit a letter, in lieu of a stormwater management plan, demonstrating that the standards of this Article are met. The City Planner may require the letter to be certified by an engineer or landscape architect licensed in the State of Wyoming if there is reason to believe that calculations are necessary to demonstrate compliance with the regulations.

J. Storage capacity. All stormwater storage facilities shall be designed with sufficient capacity to maintain a post-development runoff rate from a development site that is equal to or lower than the pre-development runoff rate. The stormwater storage facilities shall be designed for the range of storm events from the 2-year through 100-year storm events.

21. **Method of calculation.** The “Rational Method” shall be used to calculate peak flow rates. The “Modified-Rational Method” shall be used to calculate volumetric requirements for drainage areas of ten (10) acres or less. The “Soil Conservation Service” method shall be used to calculate volumetric requirements when the drainage area is more than ten (10) acres. Rainfall depths and intensities for durations from 5 minutes up to 24 hours and recurrence intervals from 2-year up to 100-year are provided in Tables 1 and 2. Calculations for sites known to have greater precipitation shall increase these figures by an appropriate amount.

| Table 1 Precipitation Depth – Duration Depth In Inches | | | | | | | | | |
|--|-------|--------|--------|--------|------|------|------|------|-------|
| Recurrence Interval | 5-min | 10-min | 15-min | 30-min | 1-hr | 2-hr | 3-hr | 6-hr | 24-hr |
| 2-year | 0.18 | 0.23 | 0.27 | 0.39 | 0.61 | 0.70 | 0.78 | 0.96 | 1.44 |
| 5-year | 0.24 | 0.31 | 0.37 | 0.53 | 0.83 | 0.94 | 1.05 | 1.26 | 1.92 |
| 10-year | 0.29 | 0.37 | 0.44 | 0.64 | 1.00 | 1.12 | 1.23 | 1.50 | 2.30 |
| 25-year | 0.36 | 0.46 | 0.55 | 0.79 | 1.24 | 1.38 | 1.50 | 1.80 | 2.88 |
| 50-year | 0.42 | 0.54 | 0.64 | 0.92 | 1.45 | 1.60 | 1.74 | 2.04 | 3.12 |
| 100-year | 0.47 | 0.61 | 0.72 | 1.04 | 1.64 | 1.80 | 1.95 | 2.28 | 3.60 |

| Table 2 Precipitation Intensity – Duration Intensity In Inches Per Hour | | | | | | | | | |
|---|-------|--------|--------|--------|------|------|------|------|-------|
| Recurrence Interval | 5-min | 10-min | 15-min | 30-min | 1-hr | 2-hr | 3-hr | 6-hr | 24-hr |
| 2-year | 2.10 | 1.36 | 1.07 | 0.77 | 0.61 | 0.35 | 0.26 | 0.16 | 0.06 |
| 5-year | 2.86 | 1.84 | 1.46 | 1.05 | 0.83 | 0.47 | 0.35 | 0.21 | 0.08 |
| 10-year | 3.45 | 2.22 | 1.75 | 1.27 | 1.00 | 0.56 | 0.41 | 0.25 | 0.10 |
| 25-year | 4.28 | 2.76 | 2.18 | 1.57 | 1.24 | 0.69 | 0.50 | 0.30 | 0.12 |
| 50-year | 5.00 | 3.22 | 2.54 | 1.84 | 1.45 | 0.80 | 0.58 | 0.34 | 0.13 |
| 100-year | 5.66 | 3.64 | 2.88 | 2.06 | 1.64 | 0.90 | 0.65 | 0.38 | 0.15 |

L. Outlet control structures. Outlet control structures shall be designed as simply as possible and shall operate automatically. They shall be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed the runoff of the site in its pre-development condition.

M. Spillway. Emergency overflow facilities are to be provided unless inflow is controlled to divert flows when the basin is at full capacity.

1. Dry bottom basin. For basins designed without permanent pools:

Interior drainage. Provisions must be made to facilitate interior drainage to include providing natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains.

Multi-purpose features. Dry bottom basins may be designed to serve secondary purposes for recreation, open space, or other types of use which will not be adversely affected by occasional or intermittent flooding.

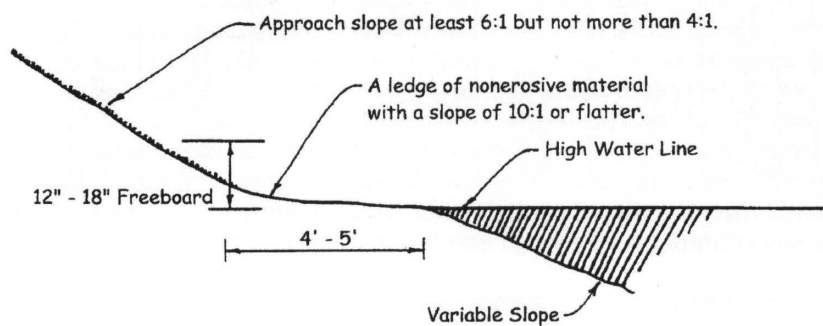
2. Wet basins. Wet basins shall not be considered for river, stream, or lake bank buffer protection. Wet basins require a Reservoir Permit from the State Engineer's Office. For basins designed with permanent pools:

Depth for fish. If fish are anticipated at least one-quarter (0.25) of the area of the permanent pool must have a minimum depth of ten (10) feet.

N. Facilities for emptying. For emergency purposes, cleaning, or shoreline maintenance facilities shall be provided, or plans prepared, for the use of auxiliary equipment to permit emptying and drainage.

O. Safety considerations. Public access to wet basins shall be restricted by appropriately designed and constructed

Figure 2
SLOPE REQUIREMENTS FOR WET STORMWATER BASINS



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(6) f
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porti

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adequate provision shall be made for the storage, treatment, and removal of such pollutants.

S. Inspection of facilities. The developer's engineer or landscape architect shall be required to inspect all drainage facilities under construction and certify in writing, their compliance with approved plans. In addition, a registered engineer, or their designated representative, employed by the City staff shall inspect all drainage facilities while under construction and after completion of construction to ensure that stormwater control facilities are being properly maintained and provided that such inspections shall be conducted during normal weekday working hours. In addition, the City may install hydrological measuring devices in drainage facilities within any development. When facilities are not constructed according to approved plans, the City has the explicit authority to compel compliance and require correction of any situation which is not according to the approved plan. (R.O. 1243 § 1, 6/05).

ARTICLE 21. SUBDIVISION IMPROVEMENT AGREEMENT (SIA)

Section 1. Purpose & Administration A Subdivision Improvements Agreement (SIA) is a written contract between the City and the Applicant providing for conditions of approval for public and private improvements to be constructed as part of the development. SIAs shall be signed by the Applicant prior to City Council approval of any subdivision.

A. It shall at a minimum, set forth construction specifications for required public improvements, provide dates for completion of the improvements, and identify the terms and conditions for the acceptance of the improvements by the City including the nature of the submittal of pertinent construction data of record. It shall also provide financial assurances as necessary per this Chapter, to insure the proper and timely installation of improvements.

B. The improvements completion deadline for subdivisions that has listed lots for sale/lease shall be completed by the subdivider within eighteen (18) months, unless an extension is granted by the City Council.

C. Subdivision plats approved in ordinance form by the City Council, registered with the Johnson County Courthouse, but not listing lots for sale/rent shall not have an improvement completion deadline affixed to the SAI, but shall be required within a SAI to notify the City at the time when lots are proposed for sale/lease. Upon notification, the SAI shall be amended to include the required timeline for improvement construction and applicable financial surety for improvements.

D. Should the Applicant fail to complete the improvements within the specified time, without requesting an extension, the City may, by resolution of the City Council and at its option, cause any or all uncompleted improvements to be completed and the parties executing the security or securities shall be firmly bound for the payment of all necessary costs at the time the City Council passes said resolution.

E. The City's standard Subdivision Improvements Agreement (SIA) may be amended by the City Council prior to the application for a Preliminary Plat for a subdivision and shall address any individual aspects of a development that have been allowed during the Sketch Plat review process. Amendments to the Subdivision Improvements Agreement (SIA) after the document has been executed by both parties shall be dependent upon the approval of both parties to the agreement.

F. Subdivision Improvement Agreement (SIA) Template. Following is the template for the standard SIA:

1: Obligation of Owner It is the owners responsibility to contact adjacent property owners as to the development.

1.1 Surveying

1.2 Construction Sequence

1.3 Certification of Construction; Construction Oversight for Publicly Owned Infrastructure Repair Obligations; Developer's Warranty

1.4 Underground Utilities, Easements, and Streetlights

1.5 Storm-water Management

1.6 Retaining Walls

1.7 Water and Sewer

1.8 Street and Traffic Signs and Controls

1.9 Surety Required

1.10 Miscellaneous Requirements or Deviations from Subdivision Code Requirements Regarding Sale of Lots Prior to Acceptance of Development Etc.

1.11 Open Space Requirements

2: Obligation of City It is the City's responsibility to coordinate public relations for projects involving and SIA.

2.1 Construction Oversight for Publicly Owned Infrastructure

2.2 Submittal Required for Final Acceptance of Subdivision and City Adoption of Infrastructure

3: Specific Enforcement

4: Third-Party Beneficiaries

5: Amendment Process

6: Notarized Signatures

ARTICLE 22. SIGNING AND RECORDATION OF THE FINAL PLAT

A. The Mayor shall endorse approval of the plat after the assurances required by this ordinance, the City Council's approval, and any conditions appropriately established and the required documentation has been signed and approved.

B. It shall be the responsibility of the applicant or designated representative to file the plat with the County Clerk's Office within ten (10) days of the date of signature. Simultaneously with the filing of the plat, the applicant or designated representative shall record such other legal documents as may be required.

C. Upon filing of the plat, the Developer shall furnish a copy of all filed documents to the City Planning Department for City records keeping purposes. (R.O. 1350 10/2011)

