

**TOWN OF SARATOGA
ORDINANCE NO. 25-880**

AN ORDINANCE TO AMEND THE TOWN OF SARATOGA, TOWN CODE, TITLE 17 SUBDIVISIONS. AN ORDINANCE AMENDING AND CLARIFYING THE PROCESS OF SUBDIVIDING LAND OR ALTERING EXISTING SUBDIVISIONS WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF SARATOGA, AS WELL AS THE REQUIREMENTS AND PROCESSES FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS OF SAID SUBDIVISIONS. AND TO PROVIDE AN EFFECTIVE DATE.

WHEREAS, The Town Council and the Mayor of The Town of Saratoga, has determined that in the best interest of its residents that the above mentioned Town Code Section(s) be amended.

WHEREAS, The Town of Saratoga Planning Commission held a public hearing on January 14, 2024 and made an official recommendation of these amendments to the Saratoga Town Council.

WHEREAS, The Town Council and the Mayor of The Town of Saratoga, finds it appropriate and necessary to establish a clear process for the development of land within the municipal boundaries of The Town of Saratoga.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Town Council of Saratoga, Carbon County, Wyoming.

SECTION 1: That Title 17 Subdivision that exists prior to the passage of this ordinance is hereby repealed in full. This ordinance is intended to replace the current Title 17 in its entirety.

SECTION 2: That Saratoga Town Code Title 17 Subdivisions is hereby amended to read as follows:

CHAPTER 17.04 GENERAL PROVISIONS

§ 17.04.010. Title.

These regulations shall be known and may be cited as “the Subdivision Regulations of Saratoga, Wyoming.”

§ 17.04.020. Authorization.

Authorization for these subdivision regulations is contained in W.S. 1977, Sections 15-1-501 through 15-1-512 for municipalities and W.S. 1977, Sections 34-12-101 through 34-12-115 on platting and dedication.

§ 17.04.030. Purpose.

The purposes of the regulations are to promote the public health, safety and general welfare of residents and visitors alike. The overall objective of these regulations is; to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the land within the Planning Commission’s jurisdiction.

1. Streets shall be of such width, grade and location to accommodate prospective traffic, provide adequate light and air, and to provide access by service and emergency vehicles.
2. Land of suitable location, size and character for utility or drainage easements or public community services shall be shown on the subdivision plat wherever appropriate.
3. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health and welfare from flooding, fire contamination, erosion and other menace.
4. The development of any subdivision should avoid unnecessary environmental degradation, pollution of air, streams, ponds, and so on, and be in harmony with the natural environment.
5. Protect and conserve the value of land and buildings throughout The Town and minimize conflicts among the uses of land and buildings.
6. Provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation and other public requirements, facilities and open space needs as will accommodate the anticipated rate of development.
7. Establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and insurance of proper legal descriptions and placement of monuments of subdivided land to provide adequate records for land titles. Avoid excessive expenditure of public funds for the supply of public services.

§ 17.04.040. Applicability.

These regulations apply to all subdivisions of land within the jurisdictional area of the governing body of Saratoga, Wyoming.

§ 17.04.050. Conflicting provisions.

These regulations supplement all other laws, regulations, ordinances or resolutions. The more restrictive requirements shall apply where they are at variance with other laws, regulations, ordinances or resolutions.

§ 17.04.060. Amendments.

For the purpose of providing for the public health, safety and general welfare, the Planning Commission may recommend to the local government body of The Town proposed modifications and revisions of these subdivision regulations. Public hearings on all proposed amendments shall be held in the manner prescribed by law, after which The Town Council shall approve, amend or override the Planning Commission's recommendations.

§ 17.04.070. Compliance with conditions.

The developer shall comply with reasonable conditions laid down by the Planning Commission for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of The Town and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.

§ 17.04.080. Severability.

The invalidity of any provisions of these regulations shall not invalidate any other part thereof which is not itself invalid.

§ 17.04.090. Saving provision.

These regulations shall not be construed as abating any action now pending under, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of The Town under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of The Town except as shall be expressly provided for in these regulations.

CHAPTER 17.08 DEFINITIONS

§ 17.08.010. Usage generally.

1. For the purpose of these regulations, certain numbers, abbreviations, terms and words used in this title shall be used, interpreted and defined as set forth in this section.
2. "Person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
3. "Shall" is a mandatory requirement, "may" is a permissive requirement and "should" is a preferred requirement.
4. "Used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."
5. "Lot" includes the words "plot" or "parcel."
6. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words in the plural number include the singular; "herein" means "in these regulations"; "regulations" means "these regulations."
7. "Building" includes "structure"; "building" or "structure" includes any part thereof.

§ 17.08.020. Alley.

"Alley" means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

§ 17.08.030. Amended Subdivision Plat

"Amended Subdivision Plat" is a Plat portraying the alterations that have been made to lots in an existing subdivision. All alterations to existing subdivisions shall be in accordance with this Title and all other applicable provisions of the Saratoga Town Code.

§ 17.08.040. Applicant.

"Applicant" means the owner of land proposed to be subdivided or his or her representative. Consent shall be required from the legal owner of the premises.

§ 17.08.050. Block.

"Block" means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of municipalities.

§ 17.08.060. Bond.

"Bond" means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the governing body. All bonds shall be approved by the governing body wherever a bond is required by these regulations.

§ 17.08.070. Building.
“Building” means any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and includes any structure.

§ 17.08.080. Chairman.
“Chairman” means the elected chairman of the Planning Commission or, in his or her absence, the vice chairman or other delegate.

§ 17.08.090. Commission.
“Commission” means the Planning and Zoning Commission administering these regulations.

§ 17.08.100. Construction plan.
“Construction plan” means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of approval of the plat.

§ 17.08.110. County.
“County” refers to the territory of Carbon County.

§ 17.08.120. Density.
1. “Density” means a unit of measurement; the number of dwelling units per acre of land.
2. “Gross density” means the number of dwelling units per acre of the total land to be developed.
3. “Net density” means the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

§ 17.08.130. Designated engineer.
“Designated engineer” refers to the engineer responsible for preparation of cost approximations and certification as to the improvements being in conformance with the construction drawings and specifications.

§ 17.08.140. Developer.
“Developer” means any individual, firm, association, corporation, governmental agency or any other legal entity commencing proceedings under these regulations to carry out the development of land as defined herein, for him or herself or for another.

§ 17.08.150. Easement.
“Easement” means authorization by a property owner for the use by another and for a specified purpose of any designated part of his or her property.

§ 17.08.160. Engineer.
“Engineer” means any person licensed to practice professional engineering in the state as specified in W.S. 1977, Section 33-29-113.

§ 17.08.170. Escrow.
“Escrow” means a deposit of cash with The Town Council in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Zoning Officer in a separate account.

§ 17.08.180. Frontage.
“Frontage” means any street to be constructed by the developer or any existing street in which development shall take place on both sides. The place where the lot lines meet those street(s) is where the lot is considered to have frontage. A lot with streets in the rear of the lot and front of the lot would be considered to have frontage on both sides.

§ 17.08.190. Grade.
“Grade” means the inclination from the horizontal of a road, unimproved land, etc., and is expressed by stating the vertical rise or fall as a percent of the horizontal distance. See Figure 1.

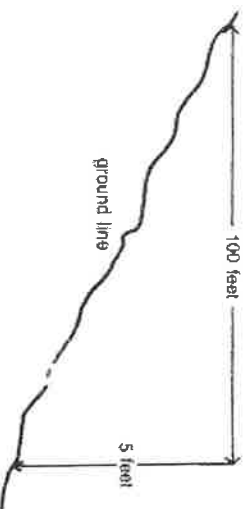


Figure 1. Diagram showing a 5% slope

§ 17.08.200. Improvements.
“Improvements” means street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping and other related matters normally associated with the development of raw land into building sites.

§ 17.08.210. Joint ownership.

“Joint ownership” among persons shall be construed as the same owner; “constructive ownership” for the purpose of imposing subdivision regulations.

§ 17.08.220. Local street.

“Local street” means a road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes.

§ 17.08.230. Lot—Parcel.

“Lot” or “parcel” means a portion of land in a subdivision or plat of land, separated from other lots or portions of land by description as on a subdivision or record of survey map or by metes and bounds for the purpose of sale, lease or separate use.

§ 17.08.240. Lot area.

“Lot area” means the amount of surface land contained within the property lines of a lot, including the land within easements on the lot, but excluding any land within the street right-of-way or public open space.

§ 17.08.250. Lot depth.

Lot depth of a lot shall be considered the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

§ 17.08.260. Lot improvement.

“Lot improvement” means any building, structure, place, work of art or other object, or improvement of land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in section(s) 17.28.100 and 17.28.110 of these regulations.

§ 17.08.270. Lot, minimum area of.

“Minimum area of lot” means the area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

§ 17.08.280. Lot measurements.

A lot shall be measured as follows:

1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line; provided, however, that the width between side lot lines at their foremost points (where they intersect with street lines) shall not be less than eighty percent of the required lot width.

§ 17.08.290. Lot of record.

“Lot of record” means a lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been recorded.

§ 17.08.300. Lot types.

Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows:

1. A “corner lot” is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lots lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.
2. An “interior lot” is a lot other than a corner lot with only one frontage on a street.
3. A “through lot” is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as “double frontage lots.”
4. A “reversed frontage lot” is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

§ 17.08.310. Lot width.

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line; provided, however, that the width between side lot lines at their foremost points (where they intersect with street lines) shall not be less than eighty percent of the required lot width.

§ 17.08.320. Master plan.

“Master plan” means a comprehensive plan for development of the local government, prepared and adopted by the Planning Commission, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan or parts thereof.

§ 17.08.330. Master street plan.

See official Saratoga major street plan adopted by the Saratoga Town Council. (Ord. 356 Ch. 6 § 2, 1979)

§ 17.08.340. Monuments.

“Monuments” means permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment.

§ 17.08.350. Official map.

“Official map” means the map established by the governing body pursuant to law showing the streets and setback lines theretofore laid out, adopted and established by law and any amendment or additions thereto adopted by the governing body or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.

§ 17.08.360. Off-site.

“Off-site” means any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

§ 17.08.370. Open space.

“Open space” means an area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts or any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation and the like shall not be included.

§ 17.08.380. Ordinance.

“Ordinance” means any legislative action instated by a local government which has the force of law, including any amendment or repeal of any ordinance.

§ 17.08.390. Out lot.

“Out lot” means property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

§ 17.08.400. Owner.

“Owner” means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

§ 17.08.410. Parking space, off-street.

For the purpose of these regulations, an “off-street parking space” consists of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

§ 17.08.420. Performance bond—Surety bond.

“Performance bond” or “surety bond” means an agreement by a subdivider or developer with The Town for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to the plans and specifications within the time prescribed by the subdivider’s agreements.

§ 17.08.430. Planning Commission.

“Planning Commission” means The Town’s Planning and Zoning Commission established in accordance with law.

§ 17.08.440. Plat Types.

“Plat” means a map or layout of a subdivision indicating the location and boundaries of individual properties.

1. “Preliminary plat” means the preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.
2. “Final subdivision plat” means the final map, drawing or chart upon which the subdivider’s plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted to the county clerk for recording.
3. “Amended subdivision plat” means a proposed and or approved map of a change in an existing subdivision. See 17.08.025, 17.08.530

§ 17.08.450. Principal arterials streets.

“Principal arterials” means street and highways serving major metropolitan activity centers, the highest traffic volume corridors, the longest trip desires and high proportion of total urban area travel on a minimum of mileage. Service to abutting land should be subordinate to the provision of travel service to major traffic movements. This system carries the major portion of trips entering and leaving the urban area, as well as the majority of through movement desiring to bypass the central city.

§ 17.08.460. Public facility.

“Public facility” means any use of land, whether publicly or privately owned, for transportation, utilities or communications or for the benefit of the general public, including by not limited to libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

§ 17.08.470. Public improvement.

“Public improvement” means any drainage ditch, roadway, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly assured.

§ 17.08.480. Public way.

“Public way” means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right or which are dedicated, whether improved or not.

§ 17.08.490. Re-subdivisions.

“Re-subdivisions” means a change in map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Plats approved for re-subdivisions shall be Titled as “Amended Subdivision Plat”. See 17.08.025, 17.08.480

§ 17.08.500. Right-of-way.

“Right-of-way” means a strip of land occupied or intended to be occupied by a street, crosswalk, rail-road, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use. The usage of the term “right-of-way” for land platting purposes means that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

§ 17.08.510. Road right-of-way width.

“Road right-of-way width” means the distance between property lines measured at right angles to the centerline of the street.

§ 17.08.520. Sale—Lease.

“Sale” or “lease” means any immediate or future transfer of ownership or any possessory interest in land, including contract of sale, lease, devise, intestate succession or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or other written instrument.

§ 17.08.530. Same ownership.

“Same ownership” means ownership by the same person, corporation, firm, entity, partnership or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations in which a stockholder, partner or associate, or a member of his or her family, owns an interest in each corporation, firm, partnership, entity or unincorporated association.

§ 17.08.540. Sidewalk.

“Sidewalk” means that portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.

§ 17.08.550. Subdivider.

“Subdivider” means any person who lays out any subdivision or parts thereof either for the account of the subdivider or others.

§ 17.08.560. Subdivision.

“Subdivision” means the division of a tract or parcel of land into two or more parts for immediate or future sale or building development.

§ 17.08.570. Thoroughfare—Street—Road-(Types).

1. “Thoroughfare,” “street” or “road” means the full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:
 - a. “Alley” means a minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
 - b. “Collector streets” means streets penetrating neighborhoods, collecting traffic from local streets in the neighborhoods and channeling it into the arterial system. A

minor amount of through traffic may be carried on collector streets, but the system primarily provides land access service and carries local traffic movement within neighborhoods, commercial and industrial areas.

c. “Cul-de-sac” means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

d. “Dead-end street” means a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

e. “Local street” means a road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes.

f. “Major street (principal arterial)” means a general term denoting a highway primarily for through traffic carrying heavy loads and large volume of traffic, usually on a continuous route. “Principal arterials” means street and highways serving major metropolitan activity centers, the highest traffic volume corridors, the longest trip desires and high proportion of total urban area travel on a minimum of mileage. Service to abutting land should be subordinate to the provision of travel service to major traffic movements. This system carries the major portion of trips entering and leaving the urban area, as well as the majority of through movement desiring to bypass the central city.

g. “Marginal access street” means a local or collector street parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called “frontage streets”).

h. “Perimeter street” means any existing street on which the parcel of land to be subdivided abuts on only one site.

§ 17.08.580. Town.

“Town” refers to the incorporated area of The Town of Saratoga as it existed at the time of the adoption of these regulations and including revisions thereto.

§ 17.08.590. Unit.

“Unit” means a portion of a subdivision selected for development as one of a series of stages.

§ 17.08.600. Variance.

“Variance” is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardships.

17.08.610. Vicinity map.

“Vicinity map” means a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby development or landmarks and community facilities and services within Carbon County in order to better locate and orient the area in question.

§ 17.08.620. Walkway.

“Walkway” means a dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

§ 17.08.630. Yard.

“Yard” means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward, provided accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. As listed in Title 18 of the Saratoga Town Code.

1. Yard, Front. “Front yard” means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. Yard, Rear. “Rear yard” means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. Yard, Side. “Side yard” means a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

§ 17.08.700. Zoning Officer.

“Zoning Officer” means the person designated by The Town Council to enforce the zoning and subdivision regulations.

CHAPTER 17.12 ADMINISTRATION AND ENFORCEMENT

§ 17.12.010. Administration.

These regulations shall be administered by the Saratoga Planning Commission and their designated Zoning Officer.

§ 17.12.020. Enforcement generally.

1. The administrative official (Zoning Officer) to the Planning Commission shall enforce these regulations and bring to the attention of The Town attorney any violations or lack of compliance herewith.
2. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by The Town Council, in accordance with the provisions of these regulations and filed with the county clerk.
3. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivision sold in violation of the provisions of these regulations.

§ 17.12.030. Violations—Penalties.

W.S. 1977, Section 18-5-314, specifies the penalties for violators of the county subdivision laws and regulations. W.S. 1977, Sections 15-1-511 and 15-1-512, provide the penalty for violators of The Town planning and subdivision laws and regulations.

1. Civil Enforcement. 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.
2. Any person, firm, partnership, association or corporation who violates any of the provisions of this title shall upon conviction be fined not more than one hundred dollars or imprisonment not exceeding sixty days together with court costs not exceeding ten dollars. Each day's violation of this title constitutes a separate offense.

CHAPTER 17.16 APPLICATION AND GENERAL PERMIT PROCEDURE

17.16.010. General Procedure

The Planning Commission shall receive applications and make determinations for all new subdivisions and alterations of existing subdivisions withstanding the following exemptions; exemptions allowed by Wyoming State Code, aggregation of existing lots of record into lots of conforming size and shape, and lot line adjustments that do not affect exterior lot lines of the subdivision and that do not change any lot size more than 30 percent. The procedure below outlines the process for non-exempt divisions and alterations of land.

1. Schedule and attend a pre-application meeting with staff.
 - a. The purpose of this meeting is to go over the required process of subdividing land, identify which types of public improvements may be required. Identify the correct contacts for discussions on design of identified improvements. Clarify procedural timelines and answer questions. If an individual is contemplating the subdivision of land within the community fully reviewing Title 17 in its entirety is required by the developer and or his/her agent.
2. Applicant must submit the following to the Zoning Officer.
 - a. An application for subdivision permit provided by The Town.
 - b. The current application fee as established by resolution of the Town Council.
 - c. A Preliminary Plat as described in chapter 17.20.
 - d. Construction plans for applicable improvements identified in chapter 17.28. developed by a licensed engineer in the State of Wyoming.
 - i. If the application is one for an alteration of an existing subdivision, and any number of the lots are to become their own subdivision, this process shall include a hearing and approval of vacation of the lots of the newly proposed subdivision from the existing subdivision. If the lots are to remain within their prescribed subdivision the plat shall be created as an Amended Subdivision Plat and no vacation procedure is required.
 - A. i.e. if Bob buys a tract of land containing an undeveloped 5 acres and 7 lots of an existing subdivision and wished to turn all the purchased property into one subdivision, the 7 existing lots must be vacated from their existing subdivision.
 - ii. The vacation procedure shall run concurrent with process described in this section 17.16.010.
 - e. If the location of the development, size of the development triggers an environmental review due to any state or federal requirement, the developer shall provide their contact and procedural plan to complete the review.
3. Schedule and attend a post filing meeting with staff.
4. Within 30 days of the application filing, the Planning Commission shall review the Preliminary Plat for its adherence to the code. No public hearing will be required for the

review of a Preliminary Plat. Any alterations required by the Planning Commission shall be finalized before the submission of a Final Plat Application. Preliminary Plat approvals are valid for one year. Determinations on Preliminary Plats shall be made in writing and delivered to The Town Clerk and Applicant. The document shall state the date of approval, denial, and any changes required.

5. After administrative review by the Zoning Officer of the final version of the Preliminary Plat, application, construction plans and any other relevant documents, the applicant may file with The Town an application for Final Plat Approval. The applicant shall submit a Final Plat as described in section 17.20 along with any construction plans for the required public improvements identified in section 17.28 including but not limited to water, sewer, roads, lighting, signage, fiber, gas, curb and gutter, and open space.

6. At a regularly scheduled meeting, the Planning Commission shall hold a public hearing on the proposed Final Plat application. The Zoning Officer shall publish notice in the newspaper of record, the time and date of the public hearing. Two notices shall be published, one of which shall be a minimum of 15 days prior to the hearing.

- a. If the subdivision requires improvements, approvals of the proposed design(s) must be received by the appropriate body before this hearing on the Final Plat.
 - i. i.e. the Saratoga Carbon County Impact Joint Powers Board will need to approve the design for sewer and water extensions.

7. After the completion of the public hearing reference above, the Planning and Commission may approve with conditions, approve without conditions, or deny with reason. The decision shall be delivered in writing to The Town Council, and developer. The Planning Commission may table the application after the hearing. The Planning Commission shall make a determination on the Final Plat no later than 30 days after the public hearing on said Plat. If deemed necessary, the Planning Commission may hold a special meeting to deliberate on the application. Public notices shall be provided for the special meeting as required by Wyoming State Code.

- a. If the Planning Commission deems substantial changes are required for the Final Plat to be in compliance with these regulations steps 5-6 of this process shall be repeated. The publication requirements in line 5 shall apply. Examples of substantial changes include addition or reduction of Public Rights of Way, increase in the amount of lots with a decrease in lot size etc.

- b. If the Planning Commission recommends approval of a Final Plat and the subdivision requires public improvements and or open space dedication as defined in this title, the applicant will work with Town Staff and Town attorney to draft a development agreement for the construction, acceptance and dedication of all proposed public improvements and open space.
 - i. This agreement must be drafted before The Town Council holds a hearing or makes a decision on the Final Plat.
 - ii. If no public improvements are required for the subdivision this step is not applicable. For reference even a 10 foot extension of water mainline would be considered a public improvement.

8. The Final decision of the Final Plat rests with The Town Council. After receiving the recommendations from the Planning Commission, The Town Council, at a regular scheduled meeting, shall make a determination on the application. The Town Council shall not be required, but may choose to hold an additional public hearing on the application. The publication requirements in 17.16.010.6 of this section shall be adhered to.

- a. Approval of a Final Plat shall be made by a resolution of The Town Council.
 - b. If the development of the subdivision requires improvements, no Final Plat shall be recorded at the office of the County Clerk until a development agreement has been approved by The Town and Developer describing the improvements required, the methods of acceptance upon completion, and necessary financial assurances as described in section 17.28.
 - c. Any denial of the Final Plat by The Town Council shall be returned to the applicant with findings supporting the decision.
 - d. A determination on the Final Plat, and any other applicable agreements shall be made within 45 days of receiving written recommendations from the Planning Commission. The meeting date in which the determination on the Final Plat was made by the Planning Commission shall constitute the delivery of written recommendations.

9. The Town Council will endorse approval on all Final Plats by signing alongside the mayor, three mylar copies of the Final Plat. This endorsement shall include the signing of any necessary development agreements pertaining to the Final Plat. One copy shall be returned to the applicant, one filed at Town Hall and one copy for recordation by the Zoning Officer.

10. Upon approval and withstanding any provisions of any development agreement. The Zoning Officer shall record the Final Signed Plat and any relevant agreements, deeds, etc. at the office of the Carbon County Clerk, within 30 days of approval by The Town Council.
11. No Final Plat shall be recorded until all costs are reimbursed to The Town by the applicant. These costs shall include but are not limited to the permit application fee, copies, publication, postage, and recording fees. The Zoning Officer shall invoice the developer for these costs.
12. Upon approval of The Town Council, a subdivision permit shall be issued to the developer. This permit shall not be construed to be used as a permit to construct any facilities that require approval from additional entities. i.e. permit to construct a water main line when a permit to construct is required by the Wyoming Department of Environmental Quality. Nor shall it be construed as an approval to install improvements in a way that is in conflict with the future owner of facilities. i.e. plan and profile for the water line shows a new gas line at a 3-foot depth. The gas utility provided requires a minimum bury of 4 ft. Approval of the subdivision and construction plans does not constitute an approval of the 3ft bury depth. It shall be the responsibility of the developer to construct facilities in compliance with state standards as well the construction standards of all future owners of said facilities.
 - a. All uses of subdivided land within a particular zoning district must comply with the requirements of this title as well as all other titles of the Saratoga Town Code. i.e. off street parking, setbacks, use, building height, industrial waste discharge, noise ordinances etc.
13. While required development improvements are being constructed and prior to full acceptance of said improvements, the issuance of building permits and certificates of occupancy have special provisions. (See 17.28.260)

§ 17.16.020. Planned unit development.

These regulations may be modified by the degree necessary to accomplish the objectives and standards required for the planned unit development of residential or commercial subdivisions, or a mixture, in accordance with Chapter 18.51 of this code. A developer is not exempt from meeting the requirements of these regulations.

§ 17.16.030. Vested rights.

No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by The Town Council. All requirements, conditions or regulations adopted by The Town Council applicable to the subdivision or on all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the Final Plat by The Town Council.

CHAPTER 17.20 PLATS AND CONSTRUCTION PLANS

§ 17.20.010. Plat(s)

1. Preliminary Plat: The initial Plat submitted with the subdivision application shall be titled Preliminary Plat.
2. Once this Preliminary Plat has completed the Preliminary Plat process described in section 17.16.010, The Plat that is then submitted for final approval and recordation with the County Clerk it shall be submitted as and titled as a Final Plat. All alterations to Final Plats will be made prior to the publication of the hearing for said Plat.
3. Both Preliminary Plats and Final Plats shall contain the contents described in Section 17.20.020
4. If the Proposed Plat is one altering an existing subdivision it shall be title an Amended Subdivision Preliminary Plat when submitted for preliminary approval as described in the General Procedures of this title, or it shall be title and Amended Subdivision Final Plat when submitted for Final Plat approval as described in the General Procedure (17.16.010) of this Title.

§ 17.20.020. Plat content requirements

1. Include all land which the applicant proposes to subdivide and all land immediately one hundred feet therefrom, or of that directly opposite thereto, extending one hundred feet from the street frontage of such opposite land.
2. Name of subdivision, date, graphic scale, north arrow;

3. Name and address of property owner, subdivider (if other than owner) and developer;
4. Location dimensions and names of existing streets, railroads, easements, municipal boundaries or other public properties and significant features shall be shown within and adjacent to the plat;
5. Name, address and seal of registered professional engineer or land surveyor responsible for preparation of the plat and certification that the plat represents a survey by him or her and that all monuments shown actually exist and their location, size and material are correctly shown.
6. All exterior plat boundary lines with lengths of courses and bearings as determined by an accurate survey in the field. The plat shall be prepared at a scale of not smaller than one hundred feet per inch.
7. Exact location, right-of-way and names of all streets within and adjoining the plat.
8. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs and lengths and bearings of chords of all applicable streets within the plat area.
9. Location and dimensions of all easements right-of-way when provided for or owned by public utilities, with the limitations of the easement rights definitely stated on the plat.
10. If the subdivider proposes to make any streets, alleys or roadways private, then the subdivider shall submit to the governing body properly acknowledged written certification that certain streets, alleys or roadways within the subdivision shall remain private and The Town Council shall be under no obligation to repair, maintain or accept any dedication of such roads to the public use. If no such public maintenance is contemplated, the subdivider shall put a legend on the plat of the subdivision, on the advertisements for the subdivision and on the contracts or agreements for the sale and purchase of lots within the subdivision showing the streets, alleys and roadways showing in capital letters "NO PUBLIC MAINTENANCE OF STREETS OR ROADS." It should be noted that there is no mandate for The Town to provide police protection on private roads. This shall only be done in congruence with section 17.28.060.1.c.
11. Location of lots and blocks showing dimensions to nearest one hundredth foot, bearing of lot lines, building setback and identification by consecutive lot number or letter designation.
12. Legal description of the tract being subdivided and reflecting the boundary survey and including the section, township and range.
13. Location of and dimensions of existing and proposed parks.
14. A certificate signed and acknowledged by all parties having any recorded title in the land subdivided shall appear on the Final Plat offering for dedication of all parcels of land shown in the Final Plat and intended for any public dedication, except those parcels other than streets which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
15. A certificate shall appear on the Final Plat stating that a registered land surveyor in the state is responsible for the survey and that the Final Plat accurately depicts the subdivision and the survey. A statement by the land surveyor explaining how bearings were determined shall be included in the plat. The signature of such surveyor shall be accompanied by his or her registration number.
16. A sanitary statement describing what entity if any will be providing sewer and water services to the property.
17. The designated engineer shall prepare and submit written cost estimates for the construction of all required subdivision and off-site improvements.
18. Any other information consistent with these regulations and the governing body's published rules and regulations which the governing body deems pertinent or relevant to the evaluation of the application.
19. Evidence satisfactory to The Town Council that:
 - a. The subdivided land and appurtenances will be conveyed free of all encumbrances and that the person who offers any part of this subdivision for sale or who solicits any offers for the purchase thereof, directly or through agents, may convey merchantable title, subject only to noted reservations or restrictions of record, but free of encumbrance and subject only to a proportionate share of real property taxes or

assessments charged or assessed for the year in which any such sale may be legally effected.

- b. Binding arrangements have been made by the person who offers any part of the subdivision for sale, directly or through an agent, to assure purchasers of any part of the subdivision that upon full payment of the purchase price a deed can and will be delivered conveying merchantable title subject only to noted reservations or restrictions of record and free of encumbrances not specifically assumed by the purchaser, subject only to a proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which such sale may be legally effected;
20. If the development requires easements through adjacent properties, or if the development requires any other easements to comply with the requirements of this code they must be executed in full and delivered to The Town to be recorded along with any the Final Plat prior to recordation of said Plat.
21. Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the zoning ordinance rendering the plat nonconforming as to bulk or use; provided, that final approval is obtained within the one-year period.

§ 17.20.030. Construction Drawings

As a part of any application for subdivision or re-subdivision when required; construction drawings shall accompany the application along with the proposed plat. Along with any additional information required by the future owner of the improvements, construction drawings should include the following:

1. The drawings shall show all physical features such as streams, wooded areas and existing structures.
2. Existing topographic contours at an interval of not greater than five feet shall be shown.
3. Location of existing utilities, including but not limited to sewers, water mains, storm drains, power transmission lines with capacities and direction of flow within and adjacent to the tract and showing proposed connections.
4. Proposed installation of utilities shall have plan and profile as a part of the construction plans.
5. Location, right-of-way and pavement width of proposed streets and utility easements laid out according the requirements of this title and any other applicable local, state and federal regulations.
6. If required portray the grade adjustments required to comply with the Town's floodplain ordinance.

CHAPTER 17.28 DEVELOPMENT STANDARDS

§ 17.28.010. Compliance with rules and regulations.

In addition to the requirements established in the Saratoga Town Code, all subdivisions shall comply with the following laws, rules and regulations:

1. All applicable statutory provisions;
2. The Saratoga zoning ordinance, building codes and all other applicable laws of The Town;
3. The official master plan, official map, public utilities plan and major street plan of The Town, including all streets, drainage systems and parks shown on the official map or master plan as adopted;
4. The special requirements of these regulations and any rules of the health department and/or appropriate state agencies;
5. The rules of the State Highway Department if the subdivision or any lot contained therein abuts a state highway or connecting street;
6. The standards and regulations adopted by The Town and all boards, commissions, agencies and officials of the local government; and
7. Plat approval may be withheld if a subdivision is not in conformity with the guides or policy and purpose of these regulations.

§ 17.28.020. Land and Lot Layout

1. Unsuitable land.
Land which the Planning Commission finds to be unsuitable for subdivision development due to flooding, improper drainage, steep slopes, rock formations,

adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision or its surrounding areas, shall not be developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of the designated engineer to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

2. Soils data.
The subdivider shall obtain and review recommendations from the local conservation district regarding soil suitability, erosion control, sedimentation and flooding problems. The subdivider shall provide these recommendations to the Zoning Officer and Planning Commission. The subdivider shall provide evidence that recommendations from the local conservation district have been taken into account in the design of the proposed subdivision.

3. Subdivision name.
The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations. The Planning Commission shall have final authority to designate the name of the subdivision which shall be determined at Preliminary Plat Review.

4. Lot and Block Layout
 - a. Lot Arrangement. The lot 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 ordinance and health regulations and in providing driveway access to buildings on such lots from an approved street.

- b. Lot dimensions shall comply with the minimum standards of the zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the zoning ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial or curving street lines) unless a variation from this rule will give a better street or lot plan. Depth and width of properties shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance.

- c. Through Lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

- d. Blocks.
 - i. The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the Planning Commission because of design, terrain or other unusual condition.
 - ii. Blocks intended for business or industrial use shall be designed specifically for such purpose with adequate space set aside for off-street parking and delivery facilities.

§ 17.28.060. Streets, Alleys and Access

1. Layout and Design
 - a. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) in so far as such may be deemed necessary by the Planning Commission for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they Plat their own land and seek to provide for convenient access to it.
 - b. Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees.
 - c. Street Dedication. Streets in year-around subdivisions shall be dedicated to The Town as public streets.
 - d. Arterial and Collector Streets. Arterial and collector streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where such street plan

has not been completed at the time the preliminary plan is submitted to the Planning Commission, arterial or collector streets shall be provided as required by the Planning Commission with minimum right-of-way widths of one hundred feet for arterial streets and eighty feet for collector streets.

e. Local Streets. Local streets shall have a minimum right-of-way width of sixty feet, except that minor terminal streets and loop streets serving not more than ten lots may have widths of not less than fifty feet.

f. Minor Terminal Streets.

- i. Minor terminal streets (cul-de-sacs) shall be no longer than four hundred feet to the beginning of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred twenty feet in diameter. If surface water drainage is into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided. Any street that is to be permanently terminated and no future road expansion designed shall be designed in in congruence with this section.
- ii. Where a street is designed to remain only temporarily as a dead-end street, an adequate temporary turning area with a radius of no less than 40 feet shall be provided at the dead-end thereof to remain and be available for public use so long as the dead-end condition exists.

g. Street Grades. Except where due to special circumstances, street grades over any sustained length shall not exceed the following percentages:

- i. On major public streets, four percent;
- ii. On collector streets, eight percent;
- iii. On local and subdivision streets, ten percent;
- iv. On private streets, fifteen percent.

h. Alleys. Alleys shall have a minimum width of twenty feet. Alleys may be required in the rear of business lots. Lots with abutting rear yards shall be separated by alleys to provide utility access.

2. Access to Lots

a. Access from Principal and Minor Arterials. Lots shall not in general derive access exclusively from a principal or minor arterial street. Where driveway access from a principal or minor arterial street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on principal or minor arterials.

§ 17.28.090. Dedication of land—Open Space—Schools.

1. When Land Dedication Required

- a. If a ½ acre park does not exist withing 1/2 mile of a newly proposed subdivision; every subdivider who subdivides land for residential uses shall dedicate a portion of such land for the purpose of providing park and recreational facilities to serve future residents of such subdivisions. If the above condition exists, the developer shall pay a fee in lieu of dedication as set forth in this section.
 - i. As it pertains to Open Space requirements a subdivision shall be considered newly proposed if it meets the following criteria.
 - A. It is not exempt from the requirements of this title as described in section 17.16.010 “General Procedure” of this Title.
 - B. It involves the creation of more than 4 new lots.
 - C. Requires public improvements

b. Net area shall include the combined acreage of platted lots in a subdivision. This area does not include streets or alleys.

c. The amount of land required to be dedicated by a subdivider pursuant to this title shall be based on the net area included in the subdivision. The zoning district in which the land is currently zoned shall be a part of the overall requirement determined by the following formula:

Zoning District	Percentage of Net Area of Subdivision When Park Land Is Dedicated.
RD 6000	3.9
RD 7200	3.4
RD 9000	3.9

RD 9002	3.9
RD 14000	1.73

2. Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to subsection 1.a of this section. The amount of such fee shall be a sum equal to the fair market value of the amount of land required in accordance with the formula in subsection c of this section. The fees paid to The Town in lieu of land dedication shall be used to improve the park within the ½ mile boundary described in subsection 1.a.
- a. Fair market value shall be determined prior to approval by The Town Council of the Final Plat in accordance with the following:
- i. The Town and subdivider may agree as to the fair market value;
- ii. If the subdivider objects to such an arrangement he or she may, at his or her own expense, obtain an appraisal of the property by a qualified real estate appraiser approved by The Town, which appraisal may be accepted by The Town Council if found reasonable. The Town Council reserves the right to reject the appraisal if it is found to be unreasonable.
3. All land and fees received under this title shall be legally transferred to The Town prior to the recording of the Final Plat with the Carbon County Clerk.
- a. If the developer is paying a fee in lieu of dedicating land determined by this title they may be given a period of 1 year to deposit the funds. This shall be delineated in a development agreement and only done if the developer pledges as collateral, land of equal value to the fee should the developer fail to provide the funds within one year.
- b. Land being dedicated as a park shall be legally transferred by deed.
4. Where it is determined that a greater amount of land than that required in this title is required for parks and open spaces to meet the master plan requirements for that area of The Town; or a school site is required, the Planning Commission after so apprising the appropriate agency, shall so indicate the open space or school site requirements to the subdivider on the approved Preliminary Plat.
- a. The subdivider at the time of filing the Final Plat with the Planning Commission must offer to sell at a fair market price to The Town or other appropriate public agency within one year immediately following the recording of the Final Plat, any land so designated for school sites or any land designated for park or open space in excess of that required by the provisions of this title.
- b. If any such proposed public areas or school sites have not been purchased by the appropriate agency within one year after the recording of the Final Plat, such areas may be subdivided into lots and blocks in accordance with the requirements of this title.

§ 17.28.100. Required improvements.

If found to be required by The Town, the owner of any land to be platted as a subdivision shall at his or her own expense, install certain public improvements. This section may also be applicable to the development and or alterations of existing subdivisions. All state, federal and local regulations shall be adhered to in the construction of said improvements. The improvements shall be designed by a licensed engineer in the state of Wyoming and during construction under the inspection of said engineer, or/his or her representative. Utility installation locations shall be decided where the greatest distances from opposing utilities can be achieved. Allowing for safer more convenient future excavation. Where required the following improvements shall be installed;

1. Water Supply.
- The subdivider shall install lines throughout the subdivision in conformance with The Town's adopted master water and sewer plan and the specifications of the Director of Public Works. Main lines shall be installed along a lot line of every lot in the subdivision and shall be run a minimum of ten feet along said frontage of a lot in order for a lot to install a services line to said lot. (see Figure 2 below). The subdivider shall furnish to The Town plans showing the location and size of proposed water lines and fire hydrants and also existing water lines to which a connection is to be made. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished. The Public Works Director may require hydraulic modeling to verify the finished system is in compliance with all state federal and local regulations.
- a. The developer shall install adequately sized services taps from all main water lines to each individual lot in order for lot owners to access The Town's water system. This will be done to eliminate the need of excavation in new asphalt roads constructed in the subdivision. Service lines shall be constructed to the specifications required by The Town of Saratoga at the time of the development.
- i. Service lines shall terminate no more than 5 feet from the property line of the lot to be served.

- ii. An impact fee shall be paid into the water enterprise fund by the developer upon acceptance of the newly constructed sewer infrastructure by the local government. The fee to be paid will be the current impact fee established by resolution at the time of acceptance of improvements.

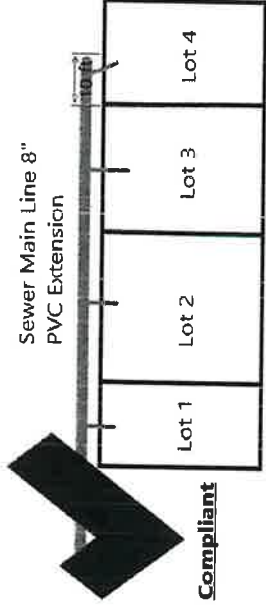


Figure 2. Diagram showing compliant main line extension

2. Sewage Disposal.

The subdivider shall connect with The Town sewer system and must provide sewer lines throughout the subdivision in conformance with The Town’s adopted master water and sewer plan and specifications of the Public Works Director. Main lines shall be installed along a lot line of every lot in the subdivision and shall be run a minimum of ten feet along said frontage of a lot in order for a lot to install a services line to said lot. (see figure 17.28.100.1.a.iii above).

- a. The developer shall install adequately sized services taps from all main sewer lines to each individual lot in order for lot owners to access The Town’s sewer system. This will be done to eliminate the need of excavation in new asphalt roads constructed in the subdivision. Service lines shall be constructed to the specifications required by The Town of Saratoga at the time of the development.

- i. Service lines shall terminate no more than 5 feet from the property line of the lot to be served.
- ii. An impact fee shall be paid into the sewer enterprise fund by the developer upon acceptance of the newly constructed sewer infrastructure by the local government. The fee to be paid will be the current impact fee established by resolution at the time of acceptance of improvements.

3. Power. The subdivider shall be required to install underground power in such a manner that each new lot has direct access from one or more lot lines. This access point shall terminate within 8 feet of said lot line.

4. Natural gas. The subdivider shall install appropriately sized gas lines within the subdivision as determined by the gas supplier. If the gas supplier operating the natural gas system within the community cannot at the time of the development provide enough gas to serve the subdivision the developer shall be required to install the appropriate appurtenances as determined by the supplier should the supply issue be corrected in the future. The gas supply shall be installed in a manner that each new lot has direct access from one or more lot lines. This access point shall terminate within 8 feet of said lot line.

5. Fiber Optic. The subdivider shall install underground fiber optic cable in such a manner that each new lot has direct access from one or more lot lines. This access point shall terminate within 8 feet of said lot line. If fiber optic is not available to the subdivision the developer shall install a duct in which fiber can be ran to each lot in the future.

6. Street Grading and Surfacing. All public and private streets and private access rights-of-way within the proposed subdivision shall be graded and surfaced with asphalt pavement in accordance with the Town of Saratoga’s Street design specifications.

7. Curbs and Gutters. Curbs and gutters shall be installed on existing and proposed streets by the subdivider, where in the opinion of the Planning Commission and designated engineer they will be necessary to remove surface water or for safety or other reasons. Curb and gutters shall be required when the newly proposed subdivision is being created adjacent to an existing subdivision currently containing curb and gutter.

- a. Adjacent means the existing subdivision shares at least one property line 60 ft or greater in length. To be required existing curb must terminate within

The Town Council in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event exceed two years from date of final approval.

- ii. Extensions of this period shall be granted only upon timely application by the subdivider to the Town Council and upon consent of the issuer of the assurance.
- iii. The Town Council may at any time during the period of such bond accept a substitution of principal of sureties on the bond upon recommendation of the Planning Commission.

b. Escrow account

The subdivider shall deposit cash or collateral readily convertible to cash at face value either with The Town Council or in escrow with a bank. The use of collateral other than cash and the selection of the bank with which funds are to be deposited are subject to the approval of The Town Council. When an escrow account is to be employed, the subdivider shall file with The Town Council his or her agreement with the bank guaranteeing the following:

- i. That the funds in the escrow account are to be held in trust until released by The Town Council and may not be used or pledged by the subdivider as security for an obligation during that period;
- ii. And that in case the subdivider fails to complete the required improvements, the bank shall immediately make the funds in escrow available to The Town for the completion of these improvements.

c. Trust agreement.

The subdivider shall place on deposit in a bank or trust company in the name of The Town and approved by The Town attorney in a trust account a sum of money equal to the estimated cost of all site improvements required by this resolution. The cost and time of completion shall be estimated by the designated engineer and approved by The Town. Selection of the trustee shall be executed on the form approved by The Town and approved as to form and legality by The Town attorney. Periodic withdrawal shall be based on progress work estimates and approved by the designated engineer. All such withdrawals shall be approved by the trustee and the governing body.

d. Special trust agreement.

The developer will establish a trust account for the assignment of funds to be used for subdivision improvements. A title insurance company, bank or any other fiduciary institution approved by The Town shall act as trustee. Funds shall be withheld and impounded from the cash sales of lots in the subdivision to cover improvement costs on a prorated basis. In the event of a sale for part cash, the balance on a deferred basis, a specified monthly sum from the installment will be withheld and impounded. Periodic withdrawals may be made from the trust account for a progressive payment of installation costs with the concurrence of the trustee and the governing body. If the developer completes the improvements as required, the trust funds shall be returned to him or her. If the developer does not complete the improvements, then The Town may direct that the funds in the trust account be transferred to The Town. The Town may require that improvements be installed in stages and that lots be sold in stages. The number of lots involved shall be determined at the discretion of The Town.

e. Third party trust agreement.

The subdivider may place title to the subdivided property in trust with a third party escrow agency or trust company authorized and licensed to do business in the state. The trust shall include an agreement between the trustee and The Town that title to any lot or parcel within the subdivision shall not be transferred until all improvements required by these regulations have been installed and accepted by The Town, or any particular lot or parcel, with written approval for release to the escrow agency or trust company holding the property in trust. The agreement shall contain special conditions providing for authorization of The Town to abandon and re-subdivide the property should the required improvements fail to be installed in compliance with standard specifications.

f. Construction prior to Final Plat recordation.

If the subdivider chooses to construct the required improvements prior to the recording of the Final Plat, he or she shall submit the construction plans to the designated engineer. A certificate by the engineer on the as-built plans stating the construction conforms to the specification and standards contained in or referred to in this title must be presented to the Planning Commission and The Town Council prior to the recordation of the Final Plat.

§ 17.28.230. Inspection.

General Procedure and Fee. If the designated engineer finds upon inspection that any of the required improvements have not been constructed in accordance with The Town Council's construction standards and specifications, the applicant shall be responsible for completing the improvements.

1. Release on Reduction of Improvement Guarantee.
 - a. Certification. Upon completion of these improvements, the designated engineer or other knowledgeable official as specified by the governing body shall file with The Town Council a statement either certifying that the improvements have been completed in the specific manner or listing the defects in those improvements.
2. Upon completion of the improvements, the subdivider shall file with The Town Council a statement stipulating the following:
 - a. That all required improvements are complete;
 - b. That these improvements are in compliance with the minimum standards specified by The Town Council for their construction;
 - c. That the subdivider knows of no defects from any cause in these improvements.
 - d. And that these improvements are free and clear of any encumbrance lien.
3. In addition to the above statement, upon completion of all improvements, the subdivider shall submit to The Town as-built drawings for a permanent record of actual construction.
4. If the designated engineer, applicable boards and appropriate Town Department Head(s) have certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed in this section, The Town shall accept the dedication of those improvements by official resolution of The Town Council. The Town may accept the dedication of any portion of the required improvements; provided, that all statements and agreements specified in this section have been received for that portion of the improvements.

§ 17.28.240. Maintenance.

The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until initial acceptance of the improvements by The Town Council.

§ 17.28.250. Deferral or waiver when.

The Planning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities. This waiver shall not constitute a conflict with any section of Title 6 of the Saratoga Town Code.

§ 17.28.260. Building Permits and Certificate of Occupancy Issuance—Completion required.

1. Building permits for subdivisions under development shall only be issued for properties that have financial assurances in place and a Final Plat recorded at the office of the Carbon County Clerk. Subdivisions using the “construction prior to final recording” assurance method are not eligible to have building permits issued. Building permit issuance shall adhere to the following provisions:
 - a. The extent of street improvement shall be adequate for vehicular access by the prospective occupancy and by police and fire equipment, prior to the issuance of an occupancy permit.
 - b. No building permit shall be issued for more than 20 percent of lots in a subdivision, until all public improvements required by the Planning Commission for the Final Plat have been fully completed and dedicated to the local government.
 - c. If the calculations arise at an un-whole number for the amount of lots it shall be rounded up to the nearest whole number pertaining to the amount of lots as it pertains to this section.
2. Certificate of Occupancy.

The issuance of certificate of occupancy prior to completion of required improvements is highly discouraged. Whenever by reason of the season of the year any improvements required by the subdivision regulations cannot be performed the Zoning Officer may nevertheless issue a certificate of occupancy; provided there is no danger to health, safety or general welfare. The guaranteed assurance shall remain in full force and effect. Issuance of a certificate of occupancy to a property owner does not require The Town to take any specific action upon the developer should the developer fail to comply with the terms of any development agreement and or this Title.

 - a. Prior to any certificate of occupancy the structure shall have adequate access to fully functioning water, sewer, and power. Street improvements at a minimum be surfaced with road base and graded to drain not hindering vehicular access by emergency personnel.

§ 17.28.270. Development Agreement

Prior to the approval of a Final Plat of a subdivision requiring the installations of improvements described in this title; the developer shall engage into a contract concerning all public improvements and assurances required thereto. The contract shall describe in detail the plans, means and methods of construction as well as the assurances for such improvements. Such contract shall impose no additional requirements not contained in this title.

CHAPTER 17.32 VARIANCES

§ 17.32.010. Generally.

Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and public interest secured, if such variance does not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall not approve variances unless it finds based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property; or
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property; or
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or
4. The variances will not in any manner vary the provisions of the zoning ordinance, master plan or official map.

§ 17.32.020. Conditions required.

In approving variances, the Planning Commission may require such conditions as will in its judgment secure substantially the objectives of the standards or requirements of these regulations.

§ 17.32.030. Procedures.

A petition for any such variance shall be submitted in writing by the subdiviver at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

SECTION 3: REPEALED

All other prior Ordinances or Parts Thereof that are in conflict herewith are hereby repealed.

SECTION 4: METHODOLOGY

For purposes of clarifying the amending procedures all code sections are listed in full in the above sections.

SECTION 5: SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, or its application to any Person or circumstances is held invalid, the remaining portion of this Ordinance shall remain in full force and effect, and the application of the provision to other persons or circumstances shall not be affected.

SECTION 6: This ordinance shall be in full force and effect upon passage, approval, and publication.

PASSED ON FIRST READING on the __day of November, 2024.

PASSED ON SECOND READING on the __day of November 2024.

PASSED, AND ADOPTED ON THIRD READING on the __day of December, 2024.

ATTEST:

Jenn Anderson, Town Clerk

APPROVED:

Chuck Davis, Mayor

(Stamp Town Seal Here)