

Article 16-7

ADMINISTRATION AND ENFORCEMENT

Sections:

- 16-701 Administration.**
- 16-702 Variances.**
- 16-703 Vacations.**
- 16-704 Penalties.**
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16-701 Administration.

(A) These regulations shall be administered and enforced by the Planning Department or other agency as designated by the Council.

(B) All subdivision plats submitted to the City of Rock Springs shall first have been examined by the Planning Department and the Commission in accordance with the procedures established by these regulations, whether located inside of or, pursuant to Wyoming Statute §34-12-103, located outside of, but within one mile of, the City. As part of their examination, the Department and the Commission may consult with other public or private agencies to determine whether or not the plat, as proposed, will contribute to the orderly growth and development of the City. The actions of the Department, the Commission and the Council shall be governed by the procedures and schedules set forth.

(C) The City shall not extend utilities and services and shall not approve any proposed subdivision of land which, by itself or as a part of a larger tract, is contiguous to the boundaries of the City unless the Preliminary Plat submitted to the Planning Department is accompanied by a properly acknowledged petition for annexation to the City and a separate application for proper zoning.

(D) The Planning Department shall review both the annexation petition and the Preliminary Plat for accuracy and completeness and shall process the plats as if the land were already part of the City. The

required plats and the annexation petition may be considered by the City simultaneously, however, final action by the Council on the annexation petition and zoning shall precede or be taken concurrently with final action on the Final Plat.

16-702 Variances.

(A) When it can be shown that in the case of a particular subdivision, strict compliance with the provisions of these regulations would cause undue hardship, the Council may authorize a variance to these regulations provided that the general intent of these regulations are preserved, that public interest is protected, and that such variances do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance. The granting of a variance shall be based upon finding by the Council that:

(1) The subdivider is proceeding in good faith.

(2) There are unusual topographical or other special circumstances associated with the property which are not the result of any action of the subdivider and which prohibit the use of the property in a manner similar to the use of adjacent or nearby properties.

(3) The variance is necessary for reasonable development of the property in question and will alleviate a clearly demonstrable hardship.

(4) The variance will not nullify the intent or purpose of these regulations.

(5) Granting the variance will not be detrimental to the general public health, safety and welfare.

(B) Any variance granted shall constitute the minimum adjustment necessary to alleviate the hardship.

(C) A request for variance may be submitted only after the Commission has formally reviewed the Preliminary Plat and has either (1) recommended disapproval because the Plat does not conform to these regulations, or (2) conditionally approved the Plat specifying those amendments which must appear on the Final Plat in order for it

to be approved. The subdivider may then seek relief from the specific provisions of these regulations with which he cannot comply.

(D) All requests for variances shall be submitted in writing to the Council and shall be referred to the Commission for comments and recommendations prior to any action taken by the Council. In granting a variance, the Council may impose such conditions as will ensure substantial compliance with the objectives and standards of these regulations. The findings and action on each variance and any conditions imposed shall be recorded in the minutes of the Council and a copy thereof provided to the Planning Department.

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

16-703 Vacations.

(A) Any plat may be vacated by submitting an application for vacation. The application shall be signed by all of the owners of lots within the plat and all of the holders of any interest in the easements and public dedications contained on the Plat. The Commission shall make a recommendation on the vacation to the Council, and the Council shall approve or disapprove the vacation, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat and provided, further, that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law.

(B) Streets and alleys platted and laid out under the provisions of these regulations or laid out under any prior law of the State

of Wyoming may be altered or vacated in the manner provided by law for the alteration or discontinuance of highways.

(C) Deleted.

(D) When any part of a plat shall be vacated, streets, alleys, and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions unless waived by an adjacent property owner. When any part of a plat shall be vacated, the part vacated shall remain inside of the plat so vacated.

(E) The Sweetwater County Clerk shall write in plain, legible letters across that part of said plat so vacated, the word "vacated" and also make a reference on the same to the volume and page in which the said instrument of vacation is recorded.

(F) Land covered by a vacated plat may subsequently be subdivided in accordance with these regulations.

(G) Resubdivision.

(1) When vacating all or part of a recorded subdivision by resubdivision, the vacation shall be accomplished through the appropriate subdivision application process based on the number of lots involved. As noted in Section 16-503(F), the plat shall be marked "A RESUBDIVISION OF _____" under the subdivision name and a Declaration Vacating Previous Platting shall be provided on the plat in accordance with Section 16-503(F)(26).

(2) With the recording of the resubdivision, the County Clerk shall write or cause to be written in plain legible letters across that part of said original plat so affected by the vacation "Vacated by and Subject of a Resubdivision recorded on Page ___ in the Book of Plats in the records of the Sweetwater County Clerk."

(H) Review.

(1) The City Planner and the City Engineer shall determine which of the required supporting documents shall be submitted with an application for vacation. After receipt of a complete application, the Planning Department shall submit copies to the Utility Review Committee for their review and shall request that comments be

returned within 7 days. Members of the Utility Review Committee who do not return comments within 7 days will be considered to be in supports of the vacation.

(2) After receipt of comments from the Utility Review Committee, the vacation shall be scheduled for review and consideration at the next regular meeting of the Commission.

(3) At least seven days prior to the date of the Commission meeting, the Planning Department shall notify the property owners within 200 feet of the proposed vacation of the time and date of the meeting.

(4) In its deliberations, the Commission shall consider oral or written statements from the applicant, the public, City Staff, and its own members. The Commission may recommend approval, conditional approval, disapproval, or may table the application. The Commission shall notify the Council in writing of its recommendation.

(5) The Council shall hold a public hearing on the application for vacation. A notice of the time, date, place and purpose of the hearing shall be published in the official newspaper of the City of Rock Springs at least 15 days prior to the date of the hearing. In its deliberations, the Council shall consider oral or written statements from the subdivider, the public, City staff, and its own members. The Council may approve, deny, or table the request to vacate property. Upon approval, the applicant shall prepare and record the documents required to complete the vacation.

16-704 Penalties.

Any person who violates any provision of these regulations and any person who, as an agent for a subdivider, developer or owner of subdivided lands, offers for sale any subdivided lands or subdivisions without first complying with the provisions of these regulations shall upon conviction be fined not more than \$500.00 or be imprisoned in a county jail for not more than 30 days or be punished by both fine and imprisonment. Each day of violation

constitutes a new offense.

16-705 Administrative Liability.

The City shall hold harmless all City agencies and officials, and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by these regulations, or for the omission of any act on the part of the Department, agency or official or their authorized agents in the discharge of their duties hereunder. Any suit brought against the City or the City Administration because of any such act or omission in the carrying out of the provisions of these regulations shall be defended by the City's legal department through final determination of such proceedings.

(Ord. 2019-14, 7/16/2019)