

LAND DEVELOPMENT REGULATIONS

Article VI PLATTING AND LAND RECORDS

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DIVISION 6000 PURPOSE, APPLICABILITY AND EXEMPTIONS

SECTION 6010 PURPOSE

The subdivision of land is achieved by obtaining a Development Plan permit, pursuant to Section 51200, Development Plan, and recording of a Final Plat, pursuant to this Article. The Town has adopted these platting and land development standards set forth within this Article to:

- A. Protect public health, safety and welfare. Protect the public health, safety, and welfare of the residents of the Town;
 - B. Organize land records. Assure well-organized and uniform land records to facilitate the transfer, development and devolution of land.
 - C. Safeguard interests. Safeguard the interests of the public, landowner, and subdivider; and
 - D. Ensure equitable processing. Ensure equitable processing of all subdivision applications through the establishment of uniform procedures and standards.
- (Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

SECTION 6020 APPLICABILITY

- A. Platting. All subdivision of land, including condominium and townhouse subdivisions, shall comply with Section 51200, Development Plan, and this Article.
 - B. Land records. Boundary adjustments to all property shall comply with this Article.
- (Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

SECTION 6030 EXEMPTIONS

Section 51200, Development Plan and this Article shall not apply to the following:

- A. Exempted by Wyoming Statutes. Any land division expressly exempted by Section 18-5-303, Wyoming Statutes, as amended. This includes but is not limited to:
 - 1. Cemetery lots. The subdivision of land for cemetery lots;
 - 2. Sale of land to State or political subdivision. The sale of land to the State of Wyoming or any political subdivision of Wyoming;
 - 3. Sale for agricultural purposes. The sale of land for agricultural purposes;
 - 4. Sale of thirty-five (35) acres or greater. The sale of land where the parcel involved in the sale is thirty-five (35) acres or larger;
 - 5. Statutory rights-of-way. Statutory and authorized rights-of-way.
 - 6. Alignment for agricultural purposes. Alignment of property lines for agricultural purposes;
 - 7. Sale of platted lot. The sale of any parcel(s) of land which may be shown as lot(s) of a subdivision for which a plat has been recorded in the office of the Clerk of Teton County.
- B. Conservation easements. The division of a parcel of land such that any portion is smaller in size than the minimum lot size in the zoning district in which it is located, for conveyance of

such nonconforming parcel in fee simple to a qualified non-profit organization in connection with the conveyance of a perpetual conservation easement to which it is appurtenant, provided that the parcel of land so conveyed in fee simple is subject to the same or similar conservation easement restrictions.

- C. Minor boundary adjustment. Any boundary adjustment described in Division 6300, Minor Boundary Adjustments.
(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

SECTION 6040 SALE OF LAND IN UNAPPROVED SUBDIVISION

No owner or agent of an owner of any land shall transfer, sell, agree to sell, or negotiate a binding agreement to sell any land by reference to, exhibition of, or by the use of a plan or plat of subdivision before such plan or plat has been approved and recorded in the manner prescribed in this Article. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this Article. Notwithstanding the foregoing, in the case of condominium or townhouse type developments, an owner may enter into binding agreements to sell lots or units subsequent to approval of a Final Development Plan. Conveyance of individual lots or units; however, shall not occur until approval and recordation of Final Plat. (Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

DIVISION 6100 FINAL PLAT

The processing, design and layout of all final plats shall conform with the standards of this Division.

SECTION 6110 PROCEDURE

- A. Review of applications. The submission of, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing on an application for Final Plat shall comply with the procedures in Section 5120.D, Common Procedures for Review of Applications.
- B. Application requirements for Final Plat. The Final Plat for a subdivision shall be prepared by a Wyoming registered land surveyor. The Final Plat shall be clearly and legibly drawn on a sheet size and format conforming with Section 33-29-139, Wyoming Statutes. A Final Plat shall meet the requirements of all applicable Sections of these Land Development Regulations, and the following:
 1. Conformance with approved Final Development Plan. The Final Plat of subdivision shall conform with the approved Final Development Plan and all of the requirements and conditions of the approval, except for minor deviations authorized by the Planning Director pursuant to Section 51200.J, Minor Deviations.
 2. Notice of Intent to Subdivide. Evidence that the applicant has published a "Notice of Intent to Subdivide" once each week for two (2) weeks within thirty (30) calendar days prior to filing an application for subdivision, pursuant to Section 18-5-306(a)(ix), Wyoming Statutes.
 3. Form of Final Plat. The Final Plat shall be prepared and submitted in black, indelible ink, on a mylar or tracing linen sheet, or sheets, twenty-four (24) inches in height and thirty-six (36) inches in width. The mylar shall be no less than four (4) mils thick; the tracing linen shall be durable and approved by the County Clerk. The Final Plat shall conform with the margin requirements of Section 33-29-139(a), Wyoming Statutes. The scale shall be not less than one (1) inch equals fifty (50) feet unless the Town Engineer has approved a lesser scale, and sufficient detail can be legibly shown at the lesser scale to fully satisfy the information requirements below.
 4. Contents of Final Plat. The Final Plat shall contain the information required in Section 51200.D.1, Substantive Requirements on the Plan, unless waived by the Planning Director, and Section 18-5-306, Wyoming Statutes, as well as the following:
 - a. Survey in digital format. At the time the Final Development Plan is submitted for final approval, unless the applicant or agent can demonstrate to the Town Engineer that considerable practical difficulty or financial hardship would result from the application of this requirement, the following information shall be submitted on a floppy disc or other approved media in digital format.
 - (1) ASCII coordinates. ASCII coordinates of all lot corners, boundary corners, and controlling corners in the following or similar format:

Point No. (space) Northing coordinate (space) Easting coordinate (space)
Elevation (if applicable) (space) Description.

Each point will occupy one line in the file.

Coordinates shall be State plane coordinates, NAD 1983.

- (2) DXF format file. An Autocad(R) compatible dxf format file or an Autocad(R) drawing file with layer separation for each plan view sheet which defines ownership boundaries. The development boundary, the individual lot or unit boundary lines, easement lines, and line annotation shall be provided on separate working layers from other sheet information.
 - (3) Survey ties. A survey tie, or ties, to a corner of the Public Land Survey System (1/4, 1/16, or section corners).
- b. Standard certifications. The following certifications shall be on a Final Plat:
- (1) Legal description included. Legal description of the land included in the subdivision and included in the Certificate of Surveyor or Certificate of Owner;
 - (2) Certificate of surveyor. Certificate of Surveyor, signed by a Professional Land Surveyor registered in the State of Wyoming and certified in accordance with Section 33-29-124, Wyoming Statutes.
 - (3) Certificate of owners. Certificate of Owner(s) in accordance with Section 34-12-103, Wyoming Statutes.
 - (4) Certificate of acceptance of mortgagees. Certificate of Acceptance of Mortgagees, if any, of the lands included in the subdivision;
 - (5) Acknowledgments. Acknowledgments of the above in accordance with Section 34-12, Wyoming Statutes.
 - (6) Certificate of approval. Certificate of Approval by the Mayor of the Town or designee, Planning Director or designee, Town Clerk or designee, and Town Engineer or designee;
 - (7) Certification of water rights distribution system. Certification of the adequacy and workability of a water rights distribution and conveyance system in accordance with Section 18-5-306 (xi), Wyoming Statutes; and
 - (8) Certification of sewage disposal and water supply. Certification of adequacy and safety of sewage disposal and water supply systems by a licensed Wyoming Engineer, or statements per Sections 18-5-306(a) (iv), (v), (vi), (vii), and (viii), Wyoming Statutes, regarding provisions for water, wastewater, and road maintenance.

C. Applicant correction of technical errors. Within thirty (30) calendar days from the date of approval, the applicant shall satisfactorily address all comments made by the Town of Jackson and other reviewing entities and submit the corrections to the Planning Department. The Planning Director shall then determine if the corrections have been made. If corrections have not been made or no corrections are submitted, the application shall be considered withdrawn. At the discretion of the Planning Director, an extension may be granted if the applicant requests in writing that additional time is needed to make corrections. The Planning Director may require additional documentation, including but not limited to a title report. (Ord. 979 § 1, 2010; Ord. 865 § 1, 2005; Ord. 489 § 2, 2005)

- D. Decision by Town Council. At the public hearing on the Final Plat, pursuant to Section 51200, Development Plan, the Town Council shall consider the application, the relevant support materials, the Staff Report, and the public testimony given at the public hearing. Within thirty (30) calendar days of the public hearing, the Town Council shall approve, approve with conditions, or disapprove the Final Plat based on the standards in this Article. If the Final Plat is disapproved by the Town Council, such disapproval shall state in writing the reasons for the disapproval. An applicant may resubmit an application for Final Plat provided that all deficiencies causing the original application to be disapproved have been substantially corrected and the Final Development Plan approval upon which the Final Plat is based has not expired.
- E. Standards. The issuance of a subdivision permit shall be dependent upon findings that the proposed subdivision fully complies with all the standards of these Land Development Regulations and the approved Development Plan.
(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

SECTION 6120 DIMENSIONAL LIMITATIONS

All lots of a subdivision, except those expressly exempted by this Article, shall conform to the dimensional limitations set forth in Article II, Zoning District Relations, including lot area and minimum yard setbacks. (Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

SECTION 6130 GENERAL DESIGN AND LAYOUT STANDARDS

- A. Lot access. All lots shall abut a public street, private street, or be served by an access easement.
- B. Minimum required lot size. Remnant areas of land, with an area less than that required for the minimum lot size of the zoning district in which the subdivision is located, shall not be permitted.
- C. Double or reverse frontage lots. Double frontage or reverse frontage lots shall be prohibited, except where necessary to limit vehicular access to arterial roads and highways, to provide separation of development from through traffic, or to overcome specific disadvantages of topography or other natural features of the site.
- D. Access easement not counted in lot area. An off-site access easement to a lot shall not be included in determination of compliance with the minimum lot area requirements set forth in Article II, Zoning District Regulations.
(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

SECTION 6140 SUBDIVISION IMPROVEMENTS AGREEMENT CONTRACT AND GUARANTEE

- A. Developer's responsibility for improvements. The construction of the following improvements shall be the responsibility of the developer and shall be provided for in a Subdivision Improvements Agreement, which shall be approved with each Final Plat. The Subdivision Improvements Agreement shall be provided in a manner which is consistent with adopted standards. No improvements shall be made until required plans, profiles and specifications have been submitted and approved for the following:

1. Roads. Roads, streets, and alleys, and sidewalks or pathways in accordance with the adopted standards;
 2. Street signs and street lights. Street signs and street lights;
 3. Sanitary collection. Sanitary collection system;
 4. Water distribution. A water distribution system, including water for fire fighting purposes;
 5. Storm drainage. A storm drainage system and/or irrigation system, as required;
 6. Utilities. Utilities, such as telephone, cable TV, electric and gas services. All utilities shall be installed underground. Where applicable, utilities shall be in place prior to street or alley surfacing. Aboveground facilities necessary to serve underground facilities, other installation of peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk or feeder lines may be allowed;
 7. Monuments. Permanent reference monuments and monument boxes;
 8. Park improvements. Park improvements to include parking, lawns, sprinkler/watering systems, and landscaping; and
- B. Contents of contract. Prior to the approval of any Final Plat by the Town Council, the subdivider shall guarantee the installation of the required improvements by providing a performance and payment bond, an irrevocable letter of credit, funds in escrow, or other appropriate commitment approved by the Town Council to guarantee the complete and timely development of any facilities or improvements which are the subdivider's responsibility. The commitment shall be for one hundred twenty-five (125) percent of the cost of improvements, as estimated by the subdivider's licensed professional engineer and shall be approved by the Town Engineer. The subdivider may be required to execute a Subdivision Improvement Agreement contract form provided by the Town. The standard contract shall, among other things, specify that the required improvements be installed within the time stated, in accordance with the approved plans and the requirements of the Town Engineer and, where applicable, the requirements of the Wyoming Department of Environmental Quality, and be warranted by the subdivider for a period of one (1) year from the date of acceptance by the Town. The contract shall be reviewed and approved by the Town Attorney prior to consideration by the Town Council. The time specified for the completion of the required improvements shall not exceed twelve (12) months from the date the Final Plat was approved by the Town Council. The Planning Director may require the contract be recorded.
- C. Oversize and off-site improvements. The Town Council may require installation and construction of utilities, pavement and other land improvements in excess of subdivision design needs, to assure adequate service to future development areas. Such oversize improvement requirements shall be determined by the Town Council. Such requirements shall be subject to the following conditions:

1. Off-site extensions. If streets or utilities are not available or adequate for services at the boundary of a proposed subdivision, the subdivider may be required to obtain necessary easements or rights-of-way and construct and pay for any extensions necessary to connect the proposed subdivision to adequate utility lines.
 2. Cost of oversize improvements. The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers or water lines which are necessitated by and are serving the proposed subdivision, as determined by the Town Engineer. The Town Engineer and subdivider shall mutually establish a proportionally distributed cost sharing arrangement that considers other persons who will benefit from such oversize improvements constructed to ultimately service the surrounding area.
 3. Oversize reimbursement. Reimbursement for the installation of oversize improvements shall be effected only after such time as the Town accepts the subdivision improvements, a written request for reimbursement is submitted to the Town by the subdivider, and the Town Council, acting on the advice and recommendation of the Town Engineer, authorizes the reimbursement.
- D. Professional engineer. All public improvements must be designed by a professional engineer licensed to do such work in the State of Wyoming.
(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

SECTION 6150 COMPLETION OF IMPROVEMENTS

- A. Commencement of Construction. No construction of required public improvements shall commence until after approval of a Final Development Plan and approval of all design and construction drawings by appropriate agencies.
- B. Installation. As provided in the contract, the subdivider shall install the required improvements in a timely manner and in accordance with plans, specifications and data as approved by the Town Engineer. The developer shall provide a one (1) year warranty on the construction from the time of the acceptance by the Town.
- C. Release of improvements guarantee
 1. Release. As improvements are completed, the developer may submit a written request to the Town Engineer for a release of part or all of the guarantee. Upon inspection and approval, the Town Engineer shall release the requested amount of the guarantee. If the Town Engineer determines that any of the improvements are not constructed in substantial compliance with approved plans and specifications and/or requirements, the Town Engineer shall furnish the developer a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure compliance. If the Town Engineer determines that the developer will not construct any or all of the improvements in accordance with all of the specifications and/or requirements, the Town Engineer shall draw and expend from the bond, letter of credit, deposit of collateral or other form of financial assurance, such funds as may be necessary to construct the improvements.

2. No implied certification of compliance. Release of the improvements guarantee does not constitute certification of compliance with the standards of these Land Development Regulations or any applicable code or other requirement or a release of the responsibility of the subdivider.

D. Acceptance by the Town

1. Prior to acceptance. The Town shall not have any responsibility with respect to any street, or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement has been formally accepted by the Town.
2. Request for acceptance. Upon completion of the improvements, the subdivider may request, in writing, their acceptance by the Town. This request shall be accompanied by proof that there are no outstanding judgements or liens against the land upon which the public improvements are located.
3. Final inspection. Upon receipt of a written request for acceptance from the subdivider, the Town Engineer will conduct a final inspection of the public improvements and will furnish a written list of any deficiencies noted. The Town Engineer will base the inspection on compliance with the approved construction plans, profiles and specifications, as required by the Land Development Regulations. Upon satisfactory completion of all construction in accordance with the approved plans, profiles, and specifications, as certified by a registered engineer in the State of Wyoming, and receipt of reproducible record drawings and satisfactory test results, the Town Engineer will notify the developer in writing of the Town's approval of the public improvements and schedule the request for acceptance for review by the Town Council.
4. Record drawings. Prior to the acceptance of any completed improvements, record drawings and specifications for streets, water, sewer, drainage and other facilities must be submitted to the Town Engineer. The plans shall be submitted on twenty-four (24) inches by thirty-six (36) inches mylar and shall be accompanied by two (2) sets of prints and computerized electronic media format deemed suitable by the Town Engineer. The plans shall show the detailed location of all utilities including service lines to lots. A permanent benchmark shall be described on each sheet.
5. Certification. The following certification by the project engineer shall appear on the face of the record drawings:

Records Plans Certificate

These record plans were prepared under my direct supervision and control and are an accurate representation of the public improvements shown hereon as they were constructed. The improvements as installed conform to the requirements of the Wyoming Department of Environmental Quality, the Wyoming Department of Transportation, the Town of Jackson, and other applicable agencies. Where the improvements were

constructed in a different manner, form, type, alignment, location, or material than as originally approved, they have been so noted.

(Engineer's Signature)

(Engineer's Name, Printed) Date

Wyoming P.E. No.

6. Notification of acceptance. Upon action of the Town Council to accept the improvements, the Town Engineer shall notify the subdivider in writing of the Town's acceptance.
7. Responsibility to maintain. Upon acceptance by the Town, all responsibility for the improvements shall be assumed by the Town, except that the developer shall be subject to a one (1) year warranty on the construction of the improvements from the time of acceptance by the Town.

(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

DIVISION 6200 VACATIONS/MODIFICATIONS TO FILED PLATS

- A. Vacations. Vacations and partial vacations of Final Plats as authorized by Section 34-12-106 through 34-12-111, Wyoming Statutes are permitted as follows.
1. Complete vacation of an existing plat. Complete vacation of an existing Final Plat shall be accomplished by the filing of an affidavit with the County Clerk signed by all owners of interest, including easements, contained within the Final Plat.
 2. Complete vacation of an existing plat to amend configuration. Complete vacation of an existing Final Plat for the purpose of amending the configuration of any part of a Final Plat materially and adversely affecting all, or substantially all, of the lot owners shall be accomplished by the filing of an amended plat or replat of the subdivision.
 - a. Name. The Final Plat shall carry the name of the original subdivision, followed by "Amended," or "Second Amended," etc;
 - b. Vacation. The Certificate of Owners on the amended Final Plat shall have a clause vacating the original Final Plat, signed by all owners of an interest in the existing Final Plat;
 - c. Process. If the Planning Director determines that the proposed amended Final Plat has significant impacts on road, water, sewer, or utility or infrastructure design, or significantly changes the location of building sites, or changes the scenic or environmental aspects of the subdivision, or the number of lots in the subdivision, or changes the allowable uses in the subdivision, then the amended Final Plat shall be reviewed and approved as a new subdivision and a Development Plan permit shall be required.
 3. Partial vacation. The partial vacation of a recorded plat is permitted for the purpose of changing the lot configuration and/or roadway location in a limited part of the subdivision, adjusting the boundary lines between platted lots, adjusting boundary lines between platted lots and unplatted lots, or revising building envelopes or notes shown on the plat. The partial vacation shall be accomplished in accordance with Section 34-12-108, Wyoming Statutes, and with the following:
 - a. New plat recorded. The area to be altered shall be vacated and a new plat made of record.
 - b. Vacation. The Certificate of Owners on the new plat shall have a clause vacating the area to be redesigned, signed by all owners of interest, including pathways, of the lots involved.
 - c. More than one (1) owner. If there is more than one (1) owner of the vacated portion of the plat instruments shall be recorded conveying ownership of individual parcels resulting from the replat.

- d. Name. If only one (1) subdivision is involved, the name shall be the name of the original subdivision, followed by a numerical designation. The resulting (new) lots shall be numbered consecutively with numbers different from the original subdivision. If two (2) or more neighboring subdivisions are involved, then the new plat shall have a name materially different than any of the original plats.
- e. Adjusting boundary with an unplatted parcel. The boundary between a platted lot and an unplatted parcel may be adjusted, provided no additional lot or parcel is created. The adjusted unplatted parcel is not required to become a part of the subdivision, however the new configuration of the unplatted parcel shall be shown on the plat, to the satisfaction of the Town Engineer, and an instrument acceptable to the Town Attorney and the Town Engineer shall be recorded to establish the newly adjusted parcel. (Ord. 865 § 1, 2008.)
- f. Conformance with zoning district. Each of the resulting lots or parcels shall conform with the zoning district in which it is located, or the degree of nonconformity of any lot or parcel shall not be increased, except for cases involving lots or parcels that do not conform to the minimum lot size standard in Table 2400, Schedule of Dimensional Limitations. In such cases, a lot or parcel may be made more noncompliant in order to make another lot or parcel more compliant, provided the Town Council makes the following findings:
 - (1) Improves situation. The benefit of the increased compliance of one lot or parcel outweighs the detriment of the increased noncompliance of another lot or parcel, resulting in a greater overall compliance with the intent and/or the standards of these Land Development Regulations.
 - (2) Buildability. The overall capability of the lots or parcels to safely accommodate development is improved or not diminished, particularly by providing needed land area for water supply and wastewater systems.
 - (3) No net increase in density. The acreage transferred from one lot or parcel to another does not allow for increased density on the subject lots or parcels. (Ord. 865 § 1, 2008.)
- g. No significant impacts, minimal change. The application for a partial vacation and a new Final Plat shall not create impacts on utilities that are significantly different from the original plat and only minimally change the layout and configuration of lots. (Ord. 865 § 1, 2008.)
- h. Review of applications. The submission of an application for a partial vacation and new Final Plat, the determination of its sufficiency, staff review of, and notice and scheduling and procedure of a public hearing on an application shall comply with the procedures of general applicability established in Section 5120, Provisions of General Applicability. (Ord. 865 § 1, 2008.)
- i. Significant impacts, more than minimal change. If the Planning Director determines there are significant new impacts on infrastructure, neighboring lots, or nearby

properties, or if the number of resulting lots is greater than the number of lots currently recorded in the area vacated, then the applicant shall submit an application for a Final Development Plan pursuant to Section 51200, Development Plan. (Ord. 865 § 1, 2008.)

- j. Decision by the Town Council. At the public hearing on the application for partial vacation and new Final Plat, the Town Council shall consider the application, the relevant support materials, the Staff Report, and the public testimony given at the public hearing. Within thirty (30) calendar days of the public hearing, the Town Council shall approve, approve with conditions, or disapprove the application based on the standards in this Division. If the application for partial vacation and Final Plat is disapproved by the Town Council such disapproval shall state in writing the reasons for the disapproval. An applicant may resubmit a new application provided that all deficiencies causing the original application to be disapproved have been substantially corrected and the Final Development Plan approval upon which the Final Plat is based has not expired. (Ord. 865 § 1, 2008.)

B. Corrections. Corrections of Final Plats shall be effected as follows:

1. Minor typographical errors or omissions. In cases of minor typographical errors or omissions such as a distance(s) or bearing(s) or a necessary signature, the Professional Land Surveyor shall file an affidavit stating the corrections to be made, or referencing an additional affidavit to be filed by the person(s) where a signature was omitted. The County Clerk shall mark the changes or corrections, or reference the filed affidavit(s) on the original plat in reproducible pencil. If the corrections or changes required are greater than five (5) in number, an amended Final Plat shall be filed, subject to review by the Planning Director and review and approval with or without conditions or denial by the Town Council.
2. Incorrect or erroneous survey. Where the exterior boundaries of the subdivision are changed due to an incorrect or erroneous survey, or an omission of a strip of land between the subdivision boundary and an aliquot part line or right-of-way line, an amended plat shall be filed subject review by the Planning Director and review and approval with or without conditions or denial by the Town Council.
3. Omission of easements. Where the filed plat omitted easements for sewer, water, or utility lines, or access easements to the subdivision or to lots of the subdivision, or through the subdivision to adjoining lands, an amended plat shall be filed. If the required modifications are sufficient in scope or number to materially alter the configuration or design of the subdivision, as determined by the Planning Director, the subdivision shall be procedurally treated as a new subdivision and a Development Plan shall be required. If the Planning Director determines the modifications do not materially alter the configuration or design of the subdivision, the Final Plat shall be reviewed by the Planning Director and review and approval with or without conditions or denial by the Town Council.

(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

DIVISION 6300 MINOR BOUNDARY ADJUSTMENTS

- A. **Applicability.** Only those boundary adjustments specified below shall be permitted as a minor boundary adjustment according to this subsection. All other boundary adjustments shall comply with Division 6200, Vacations/Modifications to Recorded Plats.
1. Adjustment for encroachment, setback violation and boundary dispute. A minor boundary adjustment necessitated by encroachments, setback violations, bona fide boundary disputes, or similar circumstances.
 2. Adjustment to combine with an adjacent parcel. The adjustment of the boundary of a parcel not within a platted subdivision for the purpose of combining portions thereof with an adjacent parcel subject to the following:
 - a. Merge divided portion. The divided portion shall be totally merged with and combined into the adjoining parcel so that no additional lots parcels are created, and the resulting parcel shall be established as a single parcel for all purposes, by means of an acceptable recorded instrument;
 - b. Conformance with zoning district. Each of the resulting parcels shall conform with the zoning district in which it is located, or the degree of nonconformity of either parcel shall not be increased, except for cases involving parcels that do not conform to the minimum lot size standard in Table 2400, Schedule of Dimensional Limitations. In such cases, a parcel may be made more noncompliant in order to make another parcel more compliant, provided the Planning Director makes the following findings:
 - (1) Improves situation. The benefit of the increased compliance of one parcel outweighs the detriment of the increased noncompliance of the other parcel, resulting in a greater overall compliance with the intent and/or the standards of these Land Development Regulations.
 - (2) Buildability. The overall capability of the lots or parcels to safely accommodate development is improved or not diminished, particularly by providing needed land area for water supply and wastewater systems.
 - (3) No net increase in density. The acreage transferred from one parcel to another does not allow for increased density on the subject parcels.
 3. Adjustments between public and private land. The conveyance of a parcel from a public agency to a private party who owns land which is contiguous to the conveyed public land, shall be treated as a boundary adjustment to the contiguous private land and not as the creation of a separate legal building lot. (Ord. 865 § 1, 2008.)

- B. **Procedure.** An application for minor boundary adjustment shall include a Title Report and a Map of Survey containing a Certificate of Surveyor, Certificate of Owners, and a Certificate of Acceptance of Mortgagees signed by any holders of Mortgages of the properties being adjusted. These documents shall be appropriately acknowledged and complying with the applicable sections of Wyoming Statutes, including but not limited to 33-29-134, 34-2-114, et seq., 34-12-101, submitted in conjunction with an application for a Zoning Compliance Verification pursuant to Section 5170, Zoning Compliance Verification. Upon issuance of a Zoning Compliance Verification, the applicant shall be authorized to record the minor boundary adjustment with the County Clerk. No minor boundary adjustment shall be recorded by the County Clerk prior to issuance of a Zoning Compliance Verification.
- C. **Applicant correction of technical errors.** Within thirty (30) calendar days from the date of approval, the applicant shall satisfactorily address all comments made by the Town of Jackson and other reviewing entities and submit the corrections to the Planning Department. The Planning Director shall then determine if the corrections have been made. If corrections have not been made or no corrections are submitted, the application shall be considered withdrawn. At the discretion of the Planning Director, an extension may be granted if the applicant requests in writing that additional time is needed to make corrections. The Planning Director may require additional documentation, including but not limited to a title report. (Ord. 980 § 1, 2010; Ord. 865 § 1, 2005; Ord. 489 § 2, 2005)

(Ord. 865 § 1, 2008; Ord. 489 § 2, 1994.)

DIVISION 6400 CONDOMINIUM AND TOWNHOME SUBDIVISION

SECTION 6410 GENERAL

Condominium and townhouse subdivisions require approval of a Final Plat pursuant to this Division, an approved Final Development Plan for a change of use, and compliance with all other applicable provisions of these Land Development Regulations.

SECTION 6420 PROCEDURE

- A. **Final development plan required.** Final Plats for condominium and townhouse subdivisions shall comply with Section 6110, Procedure.
- B. **Subdivision agreement generally not required.** Notwithstanding Section 6140, Subdivision Improvements Agreement Contract and Guarantee, such an agreement and guarantee is required only when improvements are proposed and approved as part of a Final Plat for a condominium or townhouse subdivision.

SECTION 6430 SUPPLEMENTARY REGULATIONS

- A. **Building and fire code applicability.** Condominium and townhouse subdivisions constitute a change of use under the currently adopted building and fire codes as well as these LDR. The conversion of dwelling units to condominiums or townhomes shall comply with the currently adopted building and fire codes.
- B. **Report on building required.** To ensure compliance with the currently adopted building and fire codes, a written and graphic report shall be professionally prepared by an individual qualified by the Town Building Official and submitted to the Building Official for review. The report shall identify any conditions of the existing structure(s) that do not conform to the currently adopted building and fire codes and the alterations required to bring the structure(s) into compliance with the codes. A structural analysis of the existing building(s) shall not be required unless the Building Official determines the structural integrity of the building(s) is questionable under the authority granted to the Building Official by the currently adopted building and fire codes.
- C. **Necessary building upgrades.** The Town Building Official shall review the report, and structural analysis when required, and inspect the building(s) to determine any alterations to the building(s) necessary to comply with the currently adopted building and fire codes.
 - 1. **Fire sprinkler system.** Condominium and townhouse subdivisions shall not require installation of a fire sprinkler system in the building(s) unless the subdivision includes significant alteration to the existing building(s) that require a fire sprinkler system pursuant to the currently adopted building and fire codes.
 - 2. **Construction plans.** Construction plans to complete any required alterations shall be submitted to the Town Building Official for review and approval, approval with conditions or denial.

D. **Tenant notification.** The owner proposing a condominium or townhouse subdivision shall notify the current tenants of the dwelling units, provide the tenants the opportunity to purchase their unit, and provide a grace period to relocate.

1. **Notice to tenants.** The owner of a proposed condominium or townhouse subdivision shall notify the current tenants, in writing, via certified and U.S. mail, of the plans to convert the development to condominiums or townhouses and provide the tenants the opportunity to purchase the unit they occupy. The tenants shall be given a minimum of thirty (30) days to decide if they wish to purchase the unit they occupy. This written notice and thirty (30) day decision period may run concurrently with the Final Development Plan and Final Plat applications.
2. **Grace period to relocate.** If any tenant decides to not purchase their unit or does not respond, in writing, within thirty (30) days to the offer to purchase their unit, the owner of the development shall provide a written notice to the tenant, via certified and U.S. mail, to vacate the unit and provide a minimum of sixty (60) days from receipt of said written notice to relocate.

(Ord. 915 § 1, 2009.)