

**ENROLLED ORDINANCE NO. 15-010**

**AN ORDINANCE AMENDING TITLE 15 “BUILDINGS AND CONSTRUCTION” TO REVISE CHAPTER 15.20 “DEVELOPMENT PROJECT APPROVAL REQUIREMENTS”, SECTION 15.20.050 “APPROVAL – CRITERIA FOR GRANTING – APPEALS”, OF THE RIVERTON MUNICIPAL CODE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIVERTON, FREMONT COUNTY, WYOMING:**

**Section 1. Section 15.20.050 of the Municipal Code for the City of Riverton, Wyoming is hereby amended to read as follows:**

**15.20.050 Approval—Criteria for granting—Appeals.**

A. ~~Commencing April 15, 1980, no~~ *No* building permit shall be issued for the addition, alteration or repair within any twelve (12)-month period exceeding fifty (50) percent of the assessed value or market value, whichever is greater, of an existing building or structure other than a single-family or duplex dwelling, or in connection with the commencement of any permitted or conditional zone use as described in Title 17, unless:

1. The applicant submits three copies of a site plan drawn to scale showing: name of applicant, address and phone, name and location of development (including subdivision, lot number and address), proposed use or uses, zoning district, all streets, alleys and other public rights-of-way abutting property, existing and proposed utility easements, topography at two-foot intervals, current and proposed, lot area and required and proposed building setbacks, building size (total floor area), types of uses, their areas and locations, location of all existing utilities adjacent to site and proposed connection routes, adjacent land uses and improvements, traffic and parking plan-aisle, stall, curb cut and sidewalk locations and dimensions, drainage plan, landscaping and screening plan, lighting plan, ultimate water and sewer demands of development, proposed fire protection plan and construction schedule;

2. The applicant agrees to install curbs and gutters along adjacent streets not having curbs and gutters, to pave ~~one-half~~ the width of *adjacent* unpaved streets *at a minimum of 24 feet, which is to include a 12 foot travel lane opposite the centerline*, and/or the full width of alleys contiguous to the tract to be developed in accordance with the standards applicable to the type of development planned on the subject property, to provide sewer and water lines as necessary to serve the development, to dedicate to the city utility easements, street easements according to the adopted master street plan, as necessary, to dedicate easements for drainage purposes at such locations as the city may require in order to accommodate expected run-offs as determined according to generally accepted drainage accommodation principles and to develop the site and construct all buildings and improvements in strict conformity to the tendered site plan; provided, however, the city may require the developer to enter into an improvement district agreement or ~~provide cash escrow payments equal to that amount determined to be the estimated~~ *establish an escrow account equal to one hundred fifteen (115) percent the amount determined to be the estimated* cost for installation of curbs, gutters and street paving when it is determined that a delay is appropriate prior to the commencement of the construction of these improvements;

3. The development application and accompanying documents have been transmitted by the developer to and reviewed by the state department of highways when the proposed

development borders on the state highway, the state department of environmental quality when any new water and wastewater facilities are proposed, to all utility companies or agencies serving the subject property, to all concerned city departments, and to the county planner when the property borders or is served by a county roadway or other county facilities;

4. The city finds that the building site is not subject to natural hazards and that the building site is capable of accommodating the proposed structure without danger to users of the site or to the citizens of the city; and

5. If prior agreements exist for ~~utility~~ improvements benefiting the subject property, the applicant shall reimburse any landowner according to the terms of such agreements.

*A. Prior to the issuance of a building permit, the applicant may be required to pave unpaved streets outside the tract of land to be developed at a minimum width of 24 feet, including a 12 foot travel lane opposite the centerline, when such improvements are rationally related and proportionate to the impact of the proposed development. This pavement shall extend from the nearest existing edge of pavement up to and through the tract of land to be developed in order to provide a paved ingress and egress. The entire cost of such improvements shall be paid by the applicant. The applicant may request an agreement with the city for reimbursement when future development applications are made along the improved area. Such agreements shall provide for a construction charge per square foot, and if so collected by the city, shall be paid to the original installer as provided in the agreement. In no event shall the payments described herein exceed the original installation cost of such pavement improvements. Any such agreements shall not include payments or collections for improvements made outside of the applicant's original improved area. The city shall promulgate procedures for such agreements and establish a fee to be paid to the city to cover administrative costs of such an agreement. An applicant's right to reimbursement shall not exceed ten years from the date of acceptance of the completed pavement unless a longer reimbursement period has been allowed by resolution of the governing body. All payments to the original installer shall cease at the time specified in the written agreement for reimbursement regardless of the amount of money received by the original installer.*

B. Any person aggrieved by his or her inability to obtain a building permit pursuant to this section or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of this section may appeal to the planning commission, which appeal must be made in writing and filed with the planning commission within seven days after the action or decision appealed. Hearings on the appeals shall be held within thirty (30) days of the filing of the appeal, pursuant to public notice requirements. Those persons entitled to written notice shall be the applicant and the owners of real property within one hundred forty (140) feet of the property for which development is proposed. A person aggrieved by a decision of the planning commission may appeal such decision within seven days from the entry of same to the city council. Hearings on the appeals shall be held within thirty (30) days of the filing of the appeal, pursuant to public notice requirements. The city council will issue the decision on such appeal within thirty (30) days of the filing of same and upon the same notice required for the hearing before the planning commission. The decision of the city council shall be final, but appeal may be taken to an appropriate court of law.

C. No certificate of occupancy shall be issued until the applicant has fulfilled all requirements and agreements, and shall not be issued if there is any major variance from the site plan. (Prior code § 7A-5)

**Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3.** This ordinance shall take effect from its adoption and publication as required by law and the ordinances of the City of Riverton.

PASSED ON FIRST READING                      August 4, 2015  
PASSED ON SECOND READING                      August 18, 2015  
PASSED ON THIRD READING                      September 1, 2015  
PASSED AND APPROVED this 1<sup>st</sup> day of September, 2015.

CITY OF RIVERTON, WYOMING

By: \_\_\_\_\_  
John L. Baker  
Mayor

ATTEST:

\_\_\_\_\_  
Courtney V. Bohlender, City Clerk  
Administrative Services Director

**ATTESTATION**

I, Courtney V. Bohlender, Clerk of the City of Riverton, attest that Ordinance# 15-010 was passed, approved, and adopted by the Governing Body of the City of Riverton on this 1<sup>st</sup> day of September, 2015. I further certify that the above ordinance was publicized at least once in the Riverton Ranger, a newspaper of general circulation within Riverton, Wyoming, the effective date of publication, and therefore the effective date of enactment being \_\_\_\_\_.

\_\_\_\_\_  
Courtney V. Bohlender  
City Clerk/Administrative Services Director