

**ORDINANCE #25-13**

**AN ORDINANCE AMENDING THE WYOMING LAND USE AND DEVELOPMENT CODE TO CLARIFY THE PROCEDURES FOR MINOR SUBDIVISIONS INVOLVING THE PARTITION, COMBINATION, AND/OR LINE ADJUSTMENT OF THREE PARCELS OR LESS AND OTHER HOUSEKEEPING AMENDMENTS REGARDING THE PROCEDURES AND COMPOSITION OF THE PLANNING AND ZONING COMMITTEE**

**WHEREAS**, the Town of Wyoming is authorized pursuant to Chapter 33 of the Town of Wyoming Charter to regulate the combining, partitioning, and subdivision of land in the Town of Wyoming;

**WHEREAS**, the Town of Wyoming adopted the Wyoming Land Use and Development Code August 3, 2009;

**WHEREAS**, in the opinion of the Town Council, the Wyoming Land Use and Development Code needs to be amended to create simplified procedures for the combining, partitioning, and adjusting of lot lines in the Town of Wyoming where three (3) lots or less will be involved; and

**WHEREAS**, in the opinion of the Town Council, additional changes are needed to created consistency between the Wyoming Land Use and Development Code and Town and State regulations.

**BE IT HEREBY ENACTED** by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that the Wyoming Land Use and Development Code be hereby amended as follows:

**Section 1.** Amend Article 16, Definitions, of the Wyoming Land Use and Development Code by inserting the following after the definition of "Subdivision":

SUBDIVISION, MINOR – The combination, partition, and/or lot line adjustment of three (3) parcels or less where all such parcels are located on an existing street, or on an approved street in an approved subdivision, and do not involve any new street or road or the extension of public utilities including, but not limited to, water, sewer, and electric services.

**Section 2.** Amend Article 11, Subdivision and Land Development, by inserting a new section as follows:

## § 11-11. Minor Subdivisions.

- A. A plot for a minor subdivision can be submitted to the Town's Planning and Zoning Committee for administrative review and approval if the following conditions are met:
1. The lots to be adjusted are recorded lots in the Office of the Recorder of Deeds for Kent County.
  2. No more than three (3) lots will be created, including the existing lot, with no more than a total of three (3) existing or proposed individual dwelling units.
  3. All lots involved will comply with this Land Use and Development Code and the official zoning map.
  4. The adjusted lot lines will not interfere with any existing utilities that are contained within any easement area.
  5. A six-foot drainage and utility easement shall be recorded on all side and rear property lines that do not currently have recorded easements.
  6. All lots shall front on an existing street.
- B. Submission to the Town shall include the following:
1. Completed application form.
  2. The number of prints of the minor subdivision plot required by the Town.
  3. Plot review fee per the Town's fee schedule.
- C. The Town's Planning and Zoning Committee shall review the proposed minor subdivision plot for compliance with this Land Use and Development Code and any other applicable laws or regulations and issue a written approval or disapproval of the plot. If the plot is not approved, the Town shall inform the applicant, in writing, of the reason for the denial.
- D. Upon receipt of the Town's approval, the applicant shall, within 60 calendar days, furnish four sets of prints of the plot for the Town's approval signature by the Mayor. The plot shall contain the following notation: "The revised plot has been approved by the Town of Wyoming pursuant to the Wyoming Land Use and Development Code." The plot shall also state that the revised plot shall be considered an amendment to any previously recorded plot.
- E. The Town shall retain one set of prints of the signed and approved plot, and all others will be returned to the applicant. The applicant shall record the minor subdivision plot in the Office of the Recorder of Deeds in and for Kent County within thirty (30) calendar days of the date of the approval signatures. All costs associated with recordation of the plot will be at the expense of the applicant. The applicant shall provide the Town with a recorded copy of the final approved plot.
- F. If the applicant fails to record the approved plot within this time period, the Town's approval of said plot shall be null and void, unless an extension of time is granted in writing by the Town after receipt of a written request from the applicant to do so.
- G. Any subsequent, additional subdivision, major or minor, which increases the total number of lots that were approved as a minor subdivision to more than three (3), shall immediately classify that most recent and all previous subdivisions as one major subdivision, and the subdivision procedures under the Land Use and Development Code shall apply.

**Section 3.** Amend Article 15, Procedures and Administration, by inserting the following after §15-3.A.3.b:

c. Exception – When a proposed development is for a minor subdivision as defined by this Land Use and Development Ordinance.

**Section 4.** Amend Article 2, Administrative Responsibilities, § 2-1.B.1. by making insertions as shown by underlining and deletions as shown by ~~strike through~~ as follows:

1. Members—The Planning and Zoning Committee shall consist of 5 ~~6~~ members.

**Section 5.** Amend Article 2, Administrative Responsibilities, § 2-1.B.4. by making insertions as shown by underlining and deletions as shown by ~~strike through~~ as follows:

4. Appointments—Pursuant to Title 22, Section 701 of the *Delaware Code* and Wyoming Town Ordinance #19-11 7, Amendment 1 (effective June 15, 1998), the Mayor, subject to confirmation by the ~~and~~ Town Council, shall appoint Planning and Zoning Committee members as follows.

a. ~~Five (5) members of the Planning and Zoning Committee shall have voting privileges.~~

b. ~~A sixth, non-voting member shall serve as chairperson.~~

**Section 6.** Amend Article 2, Administrative Responsibilities, § 2-1.B.5. by making insertions as shown by underlining and deletions as shown by ~~strike through~~ as follows:

5. Chairperson and Secretary.

a. Chairperson—Pursuant to Wyoming Town Ordinance #19-11, 7, Amendment 1 (effective June 15, 1998), the chairperson shall be responsible for coordinating meetings and keeping the Town Council informed on land-use and development matters.

b. Secretary—Pursuant to Title 22, Section 701 of the *Delaware Code*, members shall elect annually a chairperson and a secretary from among themselves.

**Section 7.** Amend Article 2, Administrative Responsibilities, § 2-1.D.4.a. by deleting subsection “a” in its entirety and replacing it with the following:

a. A majority vote of the entire Planning and Zoning Committee is required to take official action, irrespective of the number of members actually present at a meeting.

**Section 8.** This ordinance shall be effective upon the date of its adoption.

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## Synopsis

This ordinance amends the Wyoming Land Use and Development Code to create a procedure for the combining, partitioning, and adjustment of lots lines where three lots or less will be involved. These procedures only apply when the lots front on an existing street and new streets will not be needed and public utilities will not need to be extended. All lots created must comply with the Land Use and Development Code, and this amendment establishes procedures to have these minor subdivisions administratively approved by the Town. This ordinance prohibits future subdivisions of a minor subdivision without re-classifying the subdivision as a regular subdivision, subject to the subdivision procedures under the Wyoming Land Use and Development Code. This ordinance clarifies that the Planning and Zoning Committee consists of 5 members who are selected by the Mayor, subject to Council confirmation. This ordinance clarifies that the chairperson is selected from amongst the Committee members, and it clarifies that a majority of the Committee is needed to take action, regardless of how many members are present at a meeting.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on November 4, 2013.

Attest: Pamela B. Haddick Trante Dale Ruff  
Town Clerk Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on 11/5, 2013.

11/5/13 So Certifies: Pamela B. Haddick  
Date

