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## CHAPTER 15.16: SUBDIVISION

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### 15.16.010 INTENT<sup>1</sup>

This Article is intended to promote the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of Laramie by:

1. Promoting compact, well-defined, sustainable neighborhoods that enhance the City's character and are compatible with adjoining lands;
2. Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
3. Encouraging the proper alignment of streets in relation to existing or planned streets and ensuring streets facilitate safe, efficient, and pleasant walking, biking, and driving;
4. Providing a variety of lot sizes and housing types in every neighborhood;
5. Protecting sensitive natural and historic areas and the City's environmental quality;
6. Providing for adequate and convenient open spaces for traffic, utilities, access of fire apparatus, recreation, light, and air for the avoidance of congestion for the population;
7. Providing protection from natural hazards and flood prone areas;
8. Ensuring compliance with the Laramie Comprehensive Plan; and
9. Regulating such other matters as the city council may deem necessary in order to protect the best interest of the public.

### 15.16.020 APPLICABILITY

#### 15.16.020.A. Generally

No person shall subdivide any tract of land that is located within the City, except in conformity with the provisions of this title. (Prior code § 35-2).

#### 15.16.020.B. Approvals Required<sup>2</sup>

Before a preliminary plat for a subdivision shall be approved, the owner or his or her authorized agency shall apply for and secure approval pursuant to Section 15.06.060 Subdivisions, Major; Subdivisions, Minor; or Other Land Adjustments and Lot Consolidations.

#### 15.16.020.C. Exemptions<sup>3</sup>

The standards of this Article shall not apply to:

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<sup>1</sup> We have added the Intent provision to articulate the policy reasons behind many of the subdivision design requirements.

<sup>2</sup> The Approvals provision is new and is intended to guide the user to the subdivision review and approval procedures in Chapter 15.06. Sections 16.16 Preliminary Plat and 16.20 Final Plats have been moved to the procedural section.

<sup>3</sup> The Exemptions provision is new and is intended to reflect to common situations where subdivision approval is not necessary.

1. Creation, realignment, or extinguishment of an easement; or
2. Adjustment of the boundary line or the transfer of land between two adjacent property owners that does not result in the creation of any additional parcels.

#### **15.16.020.D. Plats - Generally<sup>4</sup>**

No plat of any subdivision shall be accepted by the City until it has been approved in the manner prescribed in this chapter and also is in compliance with Wyoming State Statutes.

#### **15.16.020.E. Plats - Changes or Revisions**

1. No changes, erasures, modifications, or revisions shall be made in any recorded plat of a subdivision, unless such plat is first resubmitted to the applicable reviewing body, and recorded as a revised plat. No replat shall be approved unless the previous, recorded final plat or portion thereof has been properly vacated. Vacation may be accomplished by written statement on the replat meeting the requirements of Section 15.16.060.T Vacations, Subdivisions. The filing of any instrument of conveyance with the county clerk, that conveys a portion less than the whole of a platted lot within the City, and does not have endorsed thereon the approval of the city council, shall be deemed a change, modification, or revision of the recorded plat of which the lot is a part, and therefore is prohibited under provisions of this chapter.
2. Any person or entity recording a deed in violation hereof shall not be entitled to a building permit for the property in question. Any building permit contrary to these provisions shall be considered null and void. (Ord. 1001 § 1, 1990; Ord. 771 § 1, 1984; prior code § 35-7).

### **15.16.030 TYPES OF LAND DIVISION<sup>5</sup>**

#### **15.16.030.A. Subdivision<sup>6</sup>**

"Subdivision" means improved or unimproved land or lands divided for the purpose of financing or sale, whether immediate or future, into three or more lots, tracts, or parcels of land. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing three or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided. The procedure for creating a subdivision is located in Section 15.06.060.O Subdivisions, Major. The procedure for creating a condominium subdivision is located in Section 15.16.060.T Subdivisions, Condominium.

<sup>4</sup> These are sections 16.04.020 – 030 in the current code with minor grammatical edits.

<sup>5</sup> This new section identifies the types of subdivision procedures governed by this section and where the procedural requirements are located.

<sup>6</sup> These definitions are also included in the Definition section to replace the existing definitions and eliminate any potential inconsistencies.

### **15.16.030.B. Minor Subdivision**

A minor subdivision is a subdivision that creates two lots, tracts, or parcels. The procedure for creating a minor subdivision is located in Section 15.06.060.P Subdivisions, Minor.

### **15.16.030.C. Other Land Adjustments and Lot Consolidations**

Additional land adjustments include lot line adjustments and lot consolidations. The procedures for these actions are contained in Section 15.06.060.Q Other Land Adjustments and Lot Consolidations.

## **15.16.040 PLAT REQUIREMENTS<sup>7</sup>**

### **15.16.040.A. Minimum Standards**

The design standards in this section are minimum standards. The City may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design practices or other standards in this Code or in Wyoming State Statutes.

### **15.16.040.B. Compliance With Comprehensive Plan And Development Code<sup>8</sup>**

All subdivisions shall comply with all other applicable zoning, design, and development regulations set forth in this Code, including but not limited to:

1. The Laramie Comprehensive Plan;
2. The requirements of the zoning district in which the property is located (Chapter 15.08, 15.10, and 15.12); and
3. Applicable development and design standards (Chapter 15.14).
4. Subdivision improvement standards (Chapter 15.18)

### **15.16.040.C. Suitability For Subdivision**

Land subject to hazardous conditions such as floods, mud flows, rock falls, possible mine subsidence, mine shafts, shallow water table, open quarries, and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been mitigated or will be mitigated by the subdivision and improvements.

### **15.16.040.D. Exceptions<sup>9</sup>**

The design requirements of Chapter 15.18 Subdivision Improvements shall apply to all subdivisions within the City unless unusual conditions warrant an exception from such requirements. Unusual conditions may include but are not limited to:

1. Unusual shape, exceptional topographic conditions, geological problems, or other extraordinary situation or condition in connection with a specific piece

<sup>7</sup> Sections A, B, and C are new provisions that we have added to identify all applicable standards, the level of applicability, and restrictions on land that should not be subdivided.

<sup>8</sup> This new section provides an explicit reference to the other parts of the Code where applicable development standards have been identified. These standards are important to meet the requirements of two parts of the Diagnosis. First, Section 15.14.050 Transportation, Mobility, and Connectivity provides standards that break-up long, uninterrupted blocks and discourage cul-de-sac development patterns as discussed on page 37 of the Diagnosis. And second, there are standard improvements required for all development, whether involving a subdivision or not, also as identified on page 37 of the Diagnosis.

<sup>9</sup> Previously Section 16.12.010. We have modified it to replace the term "Variance" and avoid confusion with the term (and process) used elsewhere in the Code.

of property where the literal enforcement of this Code would involve difficulties or result in an undesirable plat; or

2. The granting of the exception results in better lot design than previously existed. Better lot design is defined as: larger in area, more practical site design because of topography, wetlands, or other environmental constraints, or that the lot design will result in lots closer to conformance to required standards; and
3. The granting of the exception will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity of which the subject property is located.

Exceptions from the requirements of sections listed below may be granted by the decision-making body upon recommendation by the Director and the signature of a professional engineer employed or retained by the City. Applicants may seek changes to sections not listed here through Section 15.06.060.D Variance, Section 15.06.060.J Minor Administrative Modification, or Section 15.06.060.K Alternative Equivalent Compliance.

1. Section 15.18.20.A.4 Streets--Dead-ends;
2. Section 15. 18.20.A.5 Streets--Intersections;
3. Section 15. 18.20.A.7 Streets--Grade--Generally, provided that an exception of more than ten percent from the specifications of this section requires approval of the city council;
4. Section 15. 18.20.A.8 Streets--Grade--Intersection approaches;
5. Section 15. 18.20.A.3 Lots--Lines;
6. Section 15. 18.20.A.4 Lots--Reversed corner;
7. Section 15. 18.20.A.6 Blocks--Dimensions.

#### 15.16.040.E. Lots<sup>10</sup>

All lots shall conform to the requirements of the zone district in which they are located and the following additional standards.<sup>11</sup>

#### 15.16.040.F. Lines

Lot lines shall be designed in conjunction with existing topography. (Prior code § 35-3(m)).

#### 15.16.040.G. Reversed Corner

No reversed corner lots or through lots shall be platted following the effective date of this Code. See Figure 15.14.040.G-1.

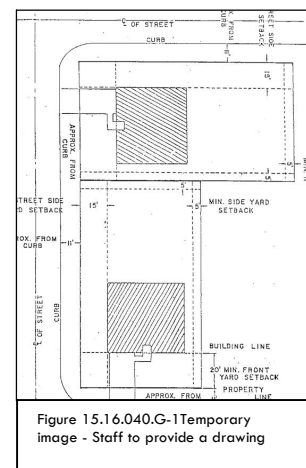


Figure 15.16.040.G-1 Temporary image - Staff to provide a drawing

<sup>10</sup> Previously sections 16.12.140 - .190. Section 16.12.140 has been replaced by Section 15.16.020.C, and we have eliminated Section 16.12.150 Lots – Dimensions and moved the minimum lot width requirements into Section 15.12.000 Table of Dimensional Standards.

<sup>11</sup> Pursuant to the Diagnosis (pg. 48), this new provision provides reference to the standards created in the zone districts.

#### **15.16.040.H. Frontage**

All lots shall front on a public street, highway or a marginal access street.

#### **15.16.040.I. Block Dimensions<sup>12</sup>**

Blocks for residential use shall be more than 450 feet in length and generally less than 600 feet in length to conform to the requirements of Section 15.14.060.E.2.b.

#### **15.16.040.J. Reservation of Property<sup>13</sup>**

1. If the Laramie Comprehensive Plan or other applicable adopted City plan contains proposals for drainage rights-of-way, school sites, parks, playgrounds or other public areas within a proposed subdivision, before approving the subdivision the city council, upon recommendation of the planning commission, may require that drainage rights-of-way, school sites, parks, playgrounds or other public areas shown on the public plan be shown in locations and sites suitable for their intended sizes.
2. This reservation may be in addition to any required dedication as required pursuant to the requirements of Chapter 15.14 Development Standards.
3. Such reservation shall be for a period of three years after the approval of the final plat or such further time as may be agreed to by the subdivider. At the end of the three-year period or extension thereof the city council or school board shall enter into a contract to purchase or institute condemnation proceedings according to law for such drainage rights-of-way, school sites, parks, playgrounds or other public areas shown on the master plan; otherwise, the subdivider shall no longer be bound by the reservation.
4. A reserved area on a plat may be preliminary platted for the purposes of a preliminary development plan; however, it shall be clearly stated on the preliminary plat that the subject lands are subject to reservation and no final plat shall be filed for reserved lots until the reservation period has expired.
5. This provision shall not apply to the streets and roads or drainage rights-of-way required for final approval of any plat and deemed essential to the public welfare. (Prior code § 35-3 (t)).

#### **15.16.040.K. Communication and Power Lines to be Underground<sup>14</sup>**

All telecommunication, television, and electrical power lines shall be placed underground, in streets, alleys or easements in a manner approved by the city engineer. (Prior code § 35-3 (u)).

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<sup>12</sup> We have reduced the maximum block length to 600 feet (from 900) feet to make this section work with the connectivity requirements.

<sup>13</sup> We have renamed existing section 16.12.220 from Master Plan – Generally to Reservation of Property to more accurately reflect the purpose of this provision. We have also eliminated the existing section 16.12.210 Conformance with City Plans and replaced it with section 15.16.040.B, above.

<sup>14</sup> Existing section 16.12.220. We have removed subsection (d) that required that these provisions would be applicable prior to the issuance of a building permit even if the property is not being subdivided. Those properties that do not require subdivision will now be reviewed for compliance with improvement requirements through the site plan review procedure in Section 15.06.060.N, and the Development Standards in Chapter 15.14, both of which will be amended to include reference to subdivision standards. These changes follow the instructions of the Diagnosis at page 37.