

Ordinance No. 441

An Ordinance amending the Code of Ordinances of the City of Wyoming, Iowa by amending Chapter 166 "Subdivision Regulations", adding language providing for review and comment on plats and/or subdivision plats, both within the City limits and within those areas lying outside of but within two miles of the City limits, generally described as the "Two-Mile Jurisdiction".

Be it enacted by the City Council of the City of Wyoming Iowa as follows:

Section 1. Section Added. Chapter 166 "Subdivision Regulations" is hereby amended by adding Section 166.01A, which shall be adopted to read as follows:


166.01A Platting Required. Platting of land is required under the following circumstances:

1. Every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat the same for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the City, and every owner of any tract or parcel of land who intends to file a declaration under Chapter 499B of declaration to submit property to regime shall cause a plat of such tract or parcel of land to be made in the form and containing the information as hereinafter set forth and as required by the Code of Iowa before selling any lots therein contained or placing the plat or declaration on record.
2. Pursuant to authority granted by Section 354.9 of the Code of Iowa, or any amendments thereto, every owner of any tract or parcel of land who has subdivided or shall hereafter subdivide or plat the same for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within two miles of the City limits or who intends to record a declaration to submit property within two miles from the corporate limits of the City to regime shall cause a plat of such area to be made in the form, and containing the information, as hereinafter set forth and as required by the Code of Iowa before selling any lots therein contained or placing the plat on record.
3. No owner of any tract or parcel of land shall allow the construction of a building intended for use as a residence or commercial building or other habitable structure if any boundary of the lot is located closer than 1,000 feet from the Wyoming sewage treatment plant or sewage treatment lagoon. When the above separation distance cannot be maintained for the expansion, upgrading or replacement of existing City sewage treatment facilities, the separation distance shall be maintained at no less than 90 percent of the existing separation distance on the sewage treatment site, providing no data is available indicating that a problem has existed or will be created. The separation distance set forth above may be modified but only by an agreement between the City and lot owner that is in writing and recorded in the office of the Jones County Recorder. A violation of this subsection shall be a municipal infraction and shall subject the violator to the remedies set forth in Chapter 3 of this Code of Ordinances; and a violation of this subsection shall be a nuisance and shall subject the violator to the remedies provided by law for the abatement of nuisances.

Section 2. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

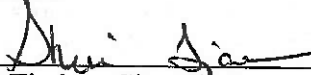
Section 3. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 10th day of January, 2023, and approved this 10th day of January, 2023.



Steve Agnitsch, Mayor

ATTEST:



Sheri Tjaden, City Clerk

First Reading: November 8, 2022

Second Reading: December 13, 2022

Third Reading: January 10, 2023

I certify that the foregoing was published as Ordinance No. 441 on the 20 day of January, 2023.

posted



Sheri Tjaden, City Clerk