

CHAPTER 170

SUBDIVISION REGULATIONS

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170.01 PROCEDURE FOR SUBDIVIDING LAND. Every owner of any tract of land situated within the City, or insofar as the same is applicable, within two miles of the corporate limits thereof, pursuant to Section 354.9 of the *Code of Iowa*, who may subdivide the same into two or more parts for the purpose of laying out a subdivision of the City or any addition thereto, or subdivide the same into suburban lots or into streets, alleys, parts, or tracts intended for public use or for the use of purchasers or owners of lots fronting or adjacent thereto shall follow the procedure outlined in this chapter.

170.02 PRELIMINARY PLATS. Each owner of land planning to subdivide shall confer with the Planning and Zoning Commission before preparing the preliminary plat in order to become familiar with the City plan and with any municipal regulations, ordinances, or other conditions affecting the territory in which the proposed subdivision lies. The owner shall submit seven copies of the preliminary plat that shall be filed with the Commission. The Commission shall as soon as practicable consider said reports and approve, recommend modifications, or disapprove the plat. In case of recommended modifications or disapproval it shall give its reasons therefor. The Commission shall after such consideration forthwith submit a copy of the preliminary plat together with the recommendations thereof to the Council. The Council shall then approve or disapprove the preliminary plat as recommended. One copy of the resolution shall be delivered or mailed to the owner. When a preliminary plat has been approved by the Council, the owner shall thereupon prepare a plan of the improvement and the arrangement for the improvements, and submit their recommendations to the Council. Within 180 days after the preliminary plat and the plan of improvement have been approved by the Council, the owner shall then proceed with the preparation of the final plat of the land or a part thereof and file the same with the Commission.

170.03 FINAL PLATS. The final plat shall comply with and conform to the preliminary plat as approved or modified by the Council. Five copies of the final plat shall be submitted to the Commission together with a certificate from a qualified engineer stating that the final plat is substantially in accord with the preliminary plat as approved by the Council. When the final plat has been approved by the Council, the City Clerk shall duly certify or stamp such approval on the five copies of the final plat. One of these copies shall be returned to the owner.

170.04 AUDITOR'S PLATS. No auditor's plats shall be approved by the Commission, except when made in accordance with the laws of Iowa.

170.05 PRELIMINARY PLAT DATA. The preliminary plat shall be plainly marked “preliminary plat” and shall include the following information:

1. The legal description of the property with the boundaries of the proposed subdivision indicated by a heavy line.
2. Name of proposed subdivision (shall not duplicate or resemble existing subdivision names), north point, scale, date and name of surveyor or engineer and the name and address of the owner.
3. Existing structures, surface features, utilities and other rights-of-way.
4. Location, names, and widths of all existing and proposed streets and alleys and how they connect with existing streets and alleys.
5. Location and character of existing and proposed easements.
6. Location and names of all adjoining properties with the names of owners.
7. Proposed lot lines with approximate dimensions.
8. Areas dedicated for public use, such as parks and schools.
9. Contour lines at intervals of not more than two feet.
10. Building setback lines.
11. Location of all subsurface features such as sewers, water mains, culverts, and drain pipes with pipe sizes, grades, and locations indicated.
12. Provisions for storm water drainage, sewage disposal and source of water supply.
13. Vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
14. Location of sidewalks/trails and how they connect with existing sidewalks/trails.
15. Soil percolation tests. Any plat that is not served by public utilities shall include percolation tests of which a copy of the results be provided to the City and permit issued by the Johnson County Health Department.
16. Table of the following:
 - A. Total acreage of the proposed subdivision.
 - B. Total number of lots.
 - C. Minimum, average and maximum lot areas.
 - D. Acreage of public lands to be dedicated or reserved other than streets.

170.06 FINAL PLAT DATA. The final plat shall be made from an accurate survey and drawn to 100 feet to the inch or larger scale by a licensed engineer surveyor. The scale shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided. Sheet size shall be no greater than 24 inches by 36 inches or smaller than eight and one-half inches by 11 inches. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin. An index sheet shall be provided to show the

relationship between the sheets. The final plat shall be clearly marked "Final Plat" and shall include the following information:

1. Name of subdivision, north arrow, date on each sheet and name and address of the owner and subdivider.
2. The final plat shall comply with all requirements of Chapters 354 and 355 of the *Code of Iowa*.
3. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
4. The boundaries of the property, the lines of all proposed streets and alleys with their width, and any other areas intended to be dedicated to public use.
5. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown.
6. All lot lines and easements, with figures showing their dimensions.
7. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved for the common use of the property owners in the subdivision.
8. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Council.
9. The lines of streets and alleys with their width and names.
10. Block and lot numbers.
11. The plat shall be signed and acknowledged by the subdivision land owner and spouse, if any.
12. Complete and correct legal description of the subdivision with certification and name of engineer or surveyor staking the lots bearing the surveyor's Iowa registration number or seal, and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.
13. If a portion of the subdivision is to have access on a State or County jurisdiction road, a written and signed statement permitting the access by the duly authorized officials of the appropriate jurisdiction is required.
14. Specification and engineering construction drawings shall be provided that include cross-sections and details of all public improvements. Elevations shall refer to mean sea level as exhibited in standard U.S. Geological Survey maps.
15. The final plat shall be accompanied with an instrument executed in the form provided by the laws of Iowa, dedicated to the City, title to all property intended for public use.
16. Approval of the final plat by the Council shall be ineffective if the plat and its proceedings are not recorded by the owner in the office of the County Recorder, Assessor and Auditor within one year after date of approval, unless within that time an extension is granted by the Council.

170.07 ATTACHMENTS TO THE FINAL PLAT. The following shall be attached to accompany any final plat:

1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.

(Code of Iowa, Sec. 354.11[1a])

2. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

(Code of Iowa, Sec. 354.11[1b])

3. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

(Code of Iowa, Sec. 354.11[1c])

4. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the *Code of Iowa*.

(Code of Iowa, Sec. 354.11[1f])

5. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

6. A statement by the Auditor approving the name or title on the subdivision plat.

(Code of Iowa, Sec. 354.11[1e])

7. A statement of restrictions of all types that run with the land and become covenants in the deed of lots.

8. A certificate by the City's engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in compliance with the approved preliminary plat. Prior to such certification, as-built plans for all improvements shall have been provided to the City Engineer. One set of as-built plans shall be submitted on Mylar. The as-built plans shall also be submitted electronically in AutoCAD 2000 format for use in creating a City utility map. The electronic plans shall contain all utilities, easements, lot lines, and road surfaces. In lieu thereof, the City Clerk may certify that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider of future property owners in the subdivision.

9. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City Attorney, providing for the construction or reconstruction of any improvements to meet City standards, and the assessment of all costs to the property owners shall be required.

170.08 MINIMUM STANDARDS OF DESIGN AND DEVELOPMENT. No final subdivision plat shall be approved by either the Planning and Zoning Commission or by the Council unless it conforms to the following minimum standards and requirements.

1. Acre Subdivisions. Whenever the area is divided into lots larger than ordinarily used in the area for building purposes, and there is reason to believe that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Easement or deeds providing for the present or future opening and extension of such streets may, at the discretion of the Council, be made a condition of the approval of the plat.

2. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining additions, or their proper projection where adjoining property is not subdivided, insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street and alley arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and need to provide for convenient access to it. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the owner shall dedicate or convey to the City a sufficient area to provide a minimum width street or alley as prescribed in this section.

3. Street and Alley Widths; Profiles.

A. The width of major streets shall conform to the widths designated on the major street plan.

B. The minimum right-of-way width for minor streets shall be 50 feet except that in cases where the topography or special conditions make a street of more or less width more suitable, the Council may, upon recommendation of the Commission, vary this requirement.

C. Cul-de-sac paved area should contain 85 feet hard surface at the bulb. Dead-end streets of less than 300 feet in length shall have a minimum width of 50 feet with 25 feet hard surfaced, unless, because of unusual conditions, the Commission may require a street of a lesser or greater width. A dead-end street shall terminate in a circular right-of-way with a minimum diameter of 100 feet with 70 feet hard surfaced, unless the Commission approves an equally safe and convenient space. No dead-end street shall be longer than 600 feet.

D. Dead end streets in excess of 300 feet in length shall contain a paved intermediate emergency vehicle turnaround near the midpoint of the street. The maximum spacing between the paved turn around areas is 300 feet. The design and location of the paved turnaround areas must be approved by the Fire Chief. Minimum design requirements include 28 feet minimum road width at the

turnaround and a 55-foot minimum radius paved area along one side of the road. The radius is to be measured from the center of the road.

E. The minimum width of an alley in a residential block, when required because of unusual conditions, shall be 20 feet. Alleys are not recommended in residential districts except under unusual circumstances. Alleys, if needed, are required in the rear of all commercial and industrial districts and shall be at least 25 feet wide. A cut-off shall be made at all acute and right angle alley intersections within the block by a curve of not less than a 15-foot radius.

F. Where alleys are not provided, easements to the City of not less than a total of eight feet in width shall be provided on each side of all rear lot lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and other utilities. Construction on and use of the land subject to said easements may be made only upon approval of the Council.

G. Profiles shall be made and submitted to the City of all streets and alleys and shall show street grades, location, size, and grade of all conduits, sewers, and pipe lines to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing and profiles of north and south street shall be drawn so that the south end of the profile shall be at the left side of the drawing.

H. For main, secondary, and minor thoroughfares, the minimum radius of curvature shall be subject to the approval of the City Engineer. The maximum grade so far as practicable shall not exceed six percent for main and secondary thoroughfares. An exception from these requirements may be permitted by the Council to meet existing conditions of topography.

4. Street Names.

A. A street that is obviously in alignment with an existing street shall bear the name of the existing street; otherwise names shall not duplicate or be similar to existing street names.

B. Where it is desired to subdivide a parcel of land which because of its size and location does not permit a normal street arrangement, there may be established a "Place." Such place may be in the form of a court, a non-connecting street, or other arrangement, provided that proper and easy access shall be provided for all of the lots from a dedicated street or court, and the size of the layout shall be such as to assure a building arrangement corresponding to the standard requirements for normal additions conforming to the area.

5. Lots.

A. The side lines of a lot shall be at right angles to straight street lines or radial to curved street lines, unless a variation to this rule will give a better street and lot plan. Lots with double frontage are not permitted except when approved by the Council.

B. The minimum dimensions for any lot shall conform with the standards set forth in the Zoning Ordinance.

C. Lots shall be of a width that will permit the maintenance of all building lines and yard requirements as may be provided by the Zoning Ordinance.

- D. All major street intersections and other points likely to be dangerous shall have a radius of not less than 15 feet at the street corner. All acute angles at street intersections shall be rounded by a radius of not less than 15 feet.
6. Blocks. No block shall be longer than 1,320 feet between street lines.
7. Common Areas for Public Use. In subdividing property consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to conform to the adopted master plan of the City. Any provision for schools, parks, or playgrounds shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.
8. Character of Development. The Commission shall have the right to counsel with the owner regarding the type and character of development that will be permitted in the subdivision, and may urge that certain minimum regulations regarding this matter be incorporated in the restrictive covenant. Such provision is intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate character of development in the property which is subdivided.

170.09 IMPROVEMENTS.

1. Required. Before the final plat of any subdivision is approved and recorded, the owner shall make and install the minimum improvements described in this section. If, at the time of the presentation of the final plat it is not practical or advisable to have the required improvements completed before the plat is accepted and approved, the owner shall enter into a contract with the City to make such improvements at such time as may be therein stated. The performance of the contract shall be secured by the filing of a bond approved by the Council in an amount equal to the cost of the improvements as estimated by the City Engineer. All improvements including the designs for water, sewer, streets, street utilities and grading, drainage, sidewalks and trails, and open space requirements shall be approved by the City Engineer.
2. Water. If an existing public water supply system is available within one mile, then the developer shall provide the subdivision with water from that public water supply system. If the proposed subdivision is greater than one mile from an existing system, or the governing body of the system denies access, the developer shall construct such a system. For subdivisions of eight or more platted lots, a central (public) water system must be planned for the subdivision. The well must be permitted by the Iowa Department of Natural Resources, and must conform to all applicable rules and regulations of the IDNR. For a subdivision of less than eight lots, a central private water system must be provided. Such a system shall conform to all applicable State and County rules on water systems. No subdivision shall be approved until and unless the proposed system for providing water has been approved by the City Engineer. Minimum size for watermains serving subdivisions is six inches.
3. Sanitary Sewers. Adequate provisions for the disposal of sanitary sewage from the platted area shall be provided with due regard being given to present or reasonably foreseeable needs. If an existing public sanitary sewer system is available within one mile, the developer shall connect to the existing system. If the proposed subdivision is greater than one mile from an existing system, or the governing body of the system denies access, the developer shall construct such a system. A subdivision producing more than 1,500 gallons of wastewater per day shall have a central sewage treatment system that meets all applicable State, County, and local approval requirements.

Subdivisions producing less than 1,500 gallons of wastewater per day shall have a central sewage treatment system that meets all local requirements. Minimum size for sewers serving subdivisions is eight inches.

4. Streets. The owner shall grade all the streets to the required full width of the right-of-way including half streets, alleys, and other thoroughfares for public use, established in the subdivision. The owner shall surface all streets and alleys pursuant to a timetable approved by the Council with one of the following types of surfacing (based on future traffic demands):

A. A minimum of six inches of crushed rock mixed with asphalt with double-seal coat in accordance with specifications of the City Engineer, and subject to the Engineer's approval. Seal coat will only be allowed for subdivisions that contain 10 or fewer homes and where the road will not be subject to increased traffic by continuing the road in the future.

B. Such other surface including reinforced concrete pavement with integral curb and gutter or asphaltic concrete pavement with reinforced curb and gutter which shall meet with the approval of the City Engineer. For all subdivisions containing more than 10 homes, or in subdivisions where the road has the potential to be extended to serve more than 10 homes, PCC or HMA surfacing will be required that is designed to handle the future traffic.

5. Street Utilities and Grading. Before the construction of the street surface, the required utilities such as water, sewer, gas and other utilities shall be installed along with connections laid to a point in the street not more than eight feet from the property line. All trenching backfill shall be compacted in accordance with City specifications and the sub-grade made acceptable for street surfacing. The width of the street surfacing shall conform to the traffic requirements of the street and shall in no event be less than 25 feet in width. All street grading and street improvements shall conform to the appropriate standard plans and specifications of the City.

6. Drainage. Adequate provisions shall be made for drainage of surface water subject to the approval of the City Engineer. The developer shall submit a drainage control plan. No preliminary plat shall be approved unless a drainage control plan has been submitted.

7. Utilities. The Commission and the Council may require that such improvements as electric lines, gas mains, and similar facilities in any subdivision shall be arranged for where necessary before the plat is approved.

8. Sidewalks. Sidewalks are preferred in new subdivisions. If included in the proposed development, they shall be constructed on one side of the street in the subdivision, including replats, and shall be no less than four feet in width and no less than four inches in thickness and shall be constructed in accordance with plans and specifications approved by the City Engineer, except, the owner may be granted permission by the Council to omit a sidewalk or sidewalks in a subdivision or any part thereof if in the discretion of the Council the same are found to be unnecessary. If sidewalks are found to be unnecessary, pathways and/or trails connecting other subdivisions shall be included in the proposed development. Pathways and/or trails shall be hard surfaced (asphalt or concrete) and no less than six feet in width and no less than four inches in thickness and shall be constructed in accordance with plans and specifications approved by the City Engineer. When proposing pathways and/or trails

in new subdivisions, the plat shall make provisions for the continuation and extension of the proposed pathways and/or trail.

9. Open Space Requirement. For all subdivisions of five lots or more, one-tenth acre will be provided as common open space per each lot proposed. As a condition of approving all subdivisions, the subdivider shall submit with the final plat a subdivider's agreement regarding the liability for and maintenance of the open space, common ground, or recreation area. The land area required for storm water detention, streets, utilities, and wastewater treatment shall not be included in the land area required to meet the open space requirement. Pathways, however, count towards the one-tenth requirement.

10. Clustering Residential Lot Option. The cluster approach maintains the rural character of the area without sacrificing allowable densities by preserving significant natural features of the landscape as permanent, common open space.

A. The compromise with smaller lots would be that each lot opens up to the common open space. The open space shall be maintained by the neighborhood association unless the City agrees to having the open space dedicated to the City for maintenance. In addition, the open space may be used for on-site storm water management as well as various recreational opportunities.

B. When clustering, lot size may vary anywhere from one-half acre to full acre lots, depending on the appropriateness of the land in the development.

11. Existing Natural Features to Remain. Existing features on the respective tract of land that would add value to the development or the City as a whole, such as trees, watercourses, knolls, valleys, and similar irreplaceable assets, shall be preserved in the design of the subdivision's open space.

170.10 FIRE PROTECTION REQUIREMENTS.

1. Water Reservoir Requirements. Developers shall provide emergency water reservoirs or require builder installation of sprinkler systems that meet current building and NFPA codes for fire protection purposes within subdivisions as follows:

A. Subdivisions from 5 to 50 lots: one 30,000-gallon reservoir or installation of fire protection sprinkler systems that meet current building and NFPA codes.

B. Subdivisions from 16 to 50 lots: one 30,000-gallon reservoir.

C. Subdivision of 51 or more lots: two 30,000-gallon reservoirs.

2. Water Reservoir Location. The tank location shall be determined by the City after receiving a recommendation from the Fire Chief and City Engineer.

A. If one tank is required, the tank shall be located within 1,000 feet of all lots in the subdivision.

B. If two tanks are required, the tanks shall be equally accessible throughout the subdivision with no more than 1,000 feet of unobstructed roadway to a protected structure. This may require more than two tanks.

C. All commercial properties shall install or be within 1,000 feet of a 30,000 gallon underground cistern or protection tank.

3. Specifications.
 - A. Pea gravel bedding will be utilized for backfilling and for base.
 - B. Tanks must be made of fiberglass or alternate material as approved by the City Engineer and installed to manufacturer's specifications.
 - C. The drafting/suction pipe height above the finished roadway surface shall be 24 inches to the centerline of the elbow fitting of the six-inch pipe. A two-inch inspection pipe shall be installed on the vent pipe.
 - D. The drafting pipe shall extend to within 6 inches of the bottom of the tank with a fitted strainer to protect against debris one-half inch or more in size. The length of the draft pipe should be kept to a minimum after meeting the requirements of Paragraph C. The drafting pipe shall be six inches in diameter and shall terminate horizontally with an elbow to accept the six-inch national standard female hydrant fitting with cap and chain.
 - E. A screened, eight-inch cistern site vent pipe with the opening facing downward will be included in all tanks. The vent pipe shall be a minimum of 36 inches above the finished roadway surface. The vent pipe shall have a two-inch capped inspection pipe located at the top.
 - F. A four-inch fill pipe with elbow will be provided by the installer which terminates 24 inches above the finished roadway surface, measured at the pipe with five-inch Storz Connection and cap with two and one-half-inch national standard thread adaptor in the cap connected with a chain.
 - G. The maximum distance from the road edge to the drafting pipe shall not exceed eight feet. This will allow a fire pumper, positioned on the finished road surface using one section of standard hard suction hose, to easily reach the draft pipe.
 - H. All aboveground piping shall be primed and then painted red for suction with a six (6) inch adapter, white for vent, and yellow for fill by the installer before the tank is approved for service and filled.
 - I. A 24-inch man-way with internal ladder which is terminated at the landscaped surface shall be included in all tanks.
 - J. The contractor installing the tank shall also install a "no parking" sign at a location specified by the Fire Department. The sign and installation shall be at the expense of the subdivider.
 - K. The installation shall be made with consideration of the winter temperatures. Steps will be taken to ensure the piping and water in the tank will not freeze during extended periods of below zero weather.
 - L. An automatic fill system for replacing the water in the protection tank shall be installed.
 - M. Maintenance of fire protection tanks or cisterns shall be done at the sole expense of the property owner(s) and/or owners' association.
 - N. Installation of a vent and sight assembly for each tank that allows for drive by checks of tank levels approved by the Jefferson Monroe Fire Department.

4. Administration.
 - A. Inspections.
 - (1) The developer or the installer of the water tank shall notify the Fire Department protecting the fire district in which the subdivision is located of the completion of the installation for purposes of inspection. Forty-eight hour notification shall be provided, and a \$25.00 fee shall be submitted to the Fire Department to cover the cost of inspection. All new or upgraded installations shall require inspection. Once approved, tanks shall be filled by the Fire Department. Water tank inspection forms may be obtained from the City Clerk or Fire Department protecting the district.
 - (2) Fire Protection Sprinkler Systems. A copy of the initial inspection to admit occupancy, along with a copy of all periodic, ongoing inspections to remain in compliance with current building and NFPA codes shall be provided to the City.
 - B. The subdivider or contractor installing the tank shall post with the City a \$5,000.00 bond to be held by the City until the tank has received final Fire Department approval.
 - C. Any municipal or private Fire Department may utilize the water tank for fire protection purposes. All tanks shall be refilled by the department making use of the water. Refilling shall be accomplished as soon as possible.
 - D. The Fire Department having fire protection responsibility for the district in which the subdivision is located shall inspect the water tanks in the spring of each year and shall ensure the water tanks are refilled shortly after each use.
 - E. The lot containing the tank shall have an easement with the City and the Jefferson Monroe Fire Department upon the completion of the development.

(Section 170.10 – Ord. 2024-10 – Nov. 24 Supp.)

170.11 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual size and shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustice, the Council upon recommendation of the Commission may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

170.12 ENFORCEMENT.

1. No plat of any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
2. The Building Official shall not issue any building or repair permits for any structure on any tract of land required to be platted under the provision hereof and of Chapter 409 of the *Code of Iowa*, until this chapter has been complied with.

3. The Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been dedicated after July 1, 1976, unless such subdivision or street has been approved in accordance with the provisions of this chapter.
4. All plats of property situated outside of the corporate limits which require action by the Commission and Council shall comply with the foregoing regulations as far as applicable.

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