

SUBDIVISION REGULATIONS

CHAPTER 166 – SUBDIVISION REGULATIONS

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166.01 PURPOSE.

The purpose of this chapter is to provide rules and regulations for the approval of plats, subdivisions, and resubdivisions in the City and of certain areas within two miles of the City limits; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof; all for the purpose of promoting the adequacy, safety and efficiency of the street and road system; and for the purpose of improving the health, safety and general welfare of the citizens; in accordance with the provisions of Section 354.9 of the Code of Iowa.

166.02 TITLE AND JURISDICTION.

These regulations shall be known and may be cited as the "Subdivision Ordinance" of the City. Such Ordinance is adopted by the City governing the subdivision of all lands within the corporate limits of the City, and within two miles adjacent to said corporate limits.

166.03 DEFINITIONS.

For use in this chapter, the following terms or words shall be interpreted or defined as follows.

1. "Alley" means a public right-of-way, other than a street, 30 feet or more in width affording secondary means of access to abutting property.
2. "Block" means a dimensioned parcel of land shown on a subdivision plat with an appropriate ascertainable block number which parcel of land may or may not be further divided into lots. Numbering of blocks shall be such that said number can be used for title transfer and taxing identification of not only the block itself but also the individual lots contained therein.
3. "Building line" (see "setback") is the line established by use of the setback dimensions given in the Zoning Ordinance (Chapter 165 of this Code of Ordinances).
4. "City Engineer" or "engineer" means the engineer or engineering firm duly authorized to represent the City. Said Engineer and/or representatives of said engineering firm shall be licensed in the State in the field

or fields required by the work for which said engineer is retained to design, inspect, oversee and/or pass judgment on.

5. "Cul-de-sac" means a dead-end street.
6. "DCI" means "ductile cast iron."
7. "Easement" means a grant of the right to use a strip of land for the purpose of constructing, reconstructing, operating and maintaining municipal utilities such as, but not limited to, storm sewer, sanitary sewer, water main, gas main, power conductors, telephone conductors, and television conductors.
8. "Lot" means a dimensioned parcel of land shown on a subdivision plat with an appropriate ascertainable lot number and block number which can be used for title transfer and taxing identification.
9. "Metes and bounds description" means a description of a parcel of land using bearings and distances of the boundary of said parcel as opposed to indicating lot and block numbers of a platted subdivision, or by reference to a section, or portion thereof, of land using the section number, township number and range number as established by the rectangular system used in surveying the public lands of the United States.
10. "PCC" means "Portland cement concrete."
11. "Plat" means a drawing on which the subdivider's plan of the subdivision is represented. Said drawing shall comply with provisions required by Chapter 354 of the Iowa Code, as amended, and as required by this chapter.
12. "Setback" (see "building line") means the minimum horizontal distance a structure must be located from the lot line of the lot on which the structure is located. Said distances shall be measured perpendicular to the aforementioned lot line. For purposes of this definition, "structure" includes, but is not limited to, not only the structure proper but all associated appurtenances, both attached and unattached, such as roof overhang, entrance landings and stairs, decks, patios, porches, car ports, gazebos, utility buildings, etc.
13. "Street" means the public right-of-way set aside by platting and/or dedication for public access and shall be synonymous with similar terms such as "avenue," "boulevard," "court," "drive," "road" and "highway."
14. "Street width" means the horizontal width of the street right-of-way as measured perpendicular to the right-of-way centerline.
15. "Subdivide" means the dividing of a tract of land into parcels known as "lots," "blocks," "streets" and "easements" in accordance with Chapter 354 of the Code of Iowa, as amended, and as stipulated in this chapter.
16. "Surveyor" and "land surveyor" mean a land surveyor licensed in the State of Iowa.
17. "VCSP" and "RCP" mean "vitrified clay sewer pipe" and "reinforced concrete pipe," respectively.

166.04 PRE-SUBMITTAL CONFERENCE.

Prior to the preparation of a preliminary plat and the required supporting data it is recommended that the subdivider should meet with the Planning and Zoning Commission with the purpose of outlining the proposed subdivision. At this meeting an exchange of ideas should be made in an effort to assure the inclusion of desirable features and elimination of undesirable features in the proposed subdivision. The Commission shall in no way obligate itself and/or the Council at this pre-submittal conference. Official action will be taken only after the preliminary plat and submittal data are submitted as stated below.

166.05 SUBMITTAL OF PRELIMINARY PLAT.

Whenever the owner of a tract or parcel of land located within the corporate limits of the City and/or of an unincorporated tract or parcel of land located in the County within two miles of the corporate limits of the City, wishes to make a subdivision of said property, said person shall cause to be prepared by a land surveyor a preliminary plat of said subdivision and shall submit four (4) copies of the preliminary plat to the Clerk for presentation to the Commission for its review and approval. The preliminary plat shall be drawn to a scale of 1" = 100' with all lots, blocks, streets, alleys and easements dimensioned. The outside boundary of the subdivision shall be dimensioned and shall have appropriate bearings shown therefor. The subdivision shall be tied to some corner of the congressional division of which it is a part. Boundary lines of the subdivision that are contiguous with other subdivisions shall be identified as such. Streets shall be named in such manner as to be compatible with the City's existing street names (numbering) system. When such naming (numbering) is not applicable, the subdivider may name the street; however, such name must be reviewed and approved by the Commission. The numbering of blocks and numbering of lots within each block shall commence with number one and be progressively numbered. The subdivision shall be named with brevity as a consideration. A north arrow and a graphic scale shall be shown on the plat.

166.06 SUPPORTING DATA.

In addition to the preliminary plat described above, the subdivider shall submit four (4) copies of each of the following supporting data prepared by an engineer:

1. Four copies of a City Plat upon which the proposed subdivision has been added. This drawing is for the purpose of showing the Commission where and how the subdivision fits in with the existing layout of streets, etc. The subdivision as shown on this plat need not be dimensioned and the individual lots need not be shown, but the subdivision shall be drawn to the same scale as the City Map.
2. Four copies of the preliminary subdivision drawing upon which the existing contour lines are shown. Contour intervals shall be determined according to the overall slope of the area being subdivided as follows:

Overall Slope	Contour Interval
0% to 5%	1 foot
5% to 10%	2 feet
10% to 15%	3 feet
15% to 18%	4 feet
18% to 25%	5 feet

Overall slope means the slope as computed using the highest point and the lowest point of the subdivision, and the distance between said points. Elevations shall be based on one of the following datums, which are shown in the order of preference:

- A. Wahpeton City Datum
- B. Dickinson County Datum
- C. Iowa Department of Transportation Datum
- D. U.S. Geological Datum

The elevation and location of not less than three permanent benchmarks (B.M.) shall be shown on the drawing. The drawing shall show, in addition to the contours, the proposed back of curb line and the top of the curb grade (based on a 6-inch curb) at each street intersection (junction) and at each change in street grade. These grades shall be point of intersection (P.I.) grades. The drawing, in addition to the contours and street grades, shall show the location, size and invert elevation of sanitary sewer, storm sewer and water main. Invert elevations for the three utilities shall be shown at all street intersections (junctions) and at each change in street grade and wherever the utility has a change in grade, alignment or size. The location of storm water inlets shall be shown on the drawing along with inlet invert elevations. The size of pipe used to connect the inlet to the storm sewer shall also be shown. If the subdivider so desires, he or she may prepare additional contoured drawings on which each of the three required utility lines are shown, i.e., one for sanitary sewer, one for storm sewer and one for water main. Grades shall be shown to the nearest 0.1 foot. The high water line and the elevation of any adjacent body of water, such as a lake, shall be shown along with a statement pertaining to how said line and elevation was established and verified.

- 3. Four copies of the protective covenants that apply to the subdivision. Said covenants shall include requirements pertaining to "setback," "building line" and shall restrict the erection of buildings and/or fences or other encumbrances such as, but not limited to, trees and bushes on utility easements.

166.07 ACTION BY COMMISSION PERTAINING TO PRELIMINARY PLAT.

The Commission shall, upon receipt of a preliminary plat by the Clerk with the required supporting data listed above, take action thereon within thirty-one (31) days. "Action" means that the Commission shall review said plat and supporting data and submit it to the Council for its review and approval. The Commission shall provide the Council with one of the following three recommendations:

- 1. That the Commission approves the preliminary plat and supporting data as submitted to them and recommends that the Council accept the preliminary plat and authorize the subdivider to proceed with staking the subdivision and preparing the final plat and legal documents required for final platting.
- 2. That the Commission approves the preliminary plat and supporting data, subject to the following additions, deletions and/or changes: [*Commission to list here the additions, deletions and/or changes it recommends and the reasons therefor.*]
- 3. That the Commission recommends that the Council accept the preliminary plat provided the additions, deletions, and/or changes listed above are made and that the subdivider be authorized to proceed with staking the subdivision and preparing the final plat and legal documents required for final platting.
- 4. That the Commission does not approve the preliminary plat and/or supporting data for the following reasons: [*Commission to list here the reasons for not accepting the preliminary plat and/or*

supporting data, and suggestions as to how the plat and/or supporting data can be revised to possibly obtain Commission approval.]

5. That the Commission recommends that the Council not approve the preliminary plat and/or supporting data and that the subdivider be advised of the above suggestions.

166.08 ACTION BY COUNCIL PERTAINING TO PRELIMINARY PLAT.

Upon receipt of the Commission's recommendation, the Council shall, within thirty-one (31) days, take action on said recommendation. The Council's action shall consist of:

1. Approving the Commission's recommendation and taking the action it recommends.
2. Rejecting the Commission's recommendation and the Council taking whatever action it deems to be in the best interest of the City, said action to be such that the subdivider can either resubmit the preliminary plat and supporting data, after appropriate revisions, or subdivider is advised that plat as submitted is unapprovable.

In either case the intent of the action should be clearly spelled out and the reason for said action given.

166.09 FINAL PLAT.

Upon receiving authorization from the City Council to stake the subdivision and prepare the final plat and legal documents required for final platting, the subdivider shall do so within two (2) years of the date of authorization. In the event that the subdivision has not been staked and properly recorded within two (2) years of receiving authorization to do so, all approvals and authorization to proceed shall become null and void. Preparation of the final plat and legal documents for filing said plat shall be in keeping with Chapter 354 of the Iowa Code, as amended, and as specified below:

1. The plat shall show the name of the subdivision. Said subdivision name shall be followed with "Wahpeton, Dickinson County, Iowa."
2. A north arrow shall be shown for orientation purposes along with a graphic scale.
3. The names of all streets shall be shown within the street right-of-ways.
4. All blocks shall be numbered commencing with the number one and running consecutively therefrom.
5. All lots within each block shall be numbered commencing with the number one and running consecutively therefrom.
6. All blocks, lots, streets, alleys and easements shall be dimensioned in feet. Fractional dimensions shall be shown to the nearest 0.01-foot.
7. Lot corners shall be marked with not less than 1/2-inch reinforcing rod 16 inches in length with an appropriate plastic or metal cap giving the land surveyor's license number. Block corners and tangent points of all curves shall be marked with a reinforced concrete monument measuring not less than 3 inches by 3 inches by 3 feet in length. Said monument shall be reinforced for its full length with a 1/2-inch reinforcing rod that protrudes approximately 1 inch from the concrete for receiving an appropriate plastic or metal cap giving the land surveyor's license number.

8. All curves shall be tangent at points of continuation with other curves and/or straight lines. The radius of all curves shall be shown along with the chord distance where applicable.
9. All lot lines, where they intersect the boundary line of a street shall be perpendicular thereto. Where lot lines intersect a curved street boundary line, the lot line shall be located on a radius line of said curve or on the extension of a radius line.
10. The final plat as presented to the City for approval and for recording purposes shall be an inked drawing on mylar (or equal) having a page size of 8 1/2 inches by 14 inches. If the subdivision is of such size that reducing the plat to this size is impractical, the plat shall be divided into as many drawings as are necessary to meet the drawing size criteria. Match points shall be provided on the drawing for purposes of orientation. The reduced drawing shall not have a scale smaller than 1" = 200'. (For purposes of this text, a scale of 1" = 300' would be smaller.) All dimensions, notes, etc., shall be legible.
11. The City's Zoning Ordinance specifies the minimum required lot area, lot width, front yard, side yard and rear yard requirements. (See Chapter 165.)
12. Street right-of-ways shall have a minimum width of 60 feet; however, a 10-foot utility easement shall be provided immediately adjacent to each side of the street giving a total minimum width for utilities of 80 feet (10 + 60 + 10 = 80). The 10-foot utility easements required above shall be used for sanitary sewer mains and gas mains and service lines only. All appurtenances for utilities located in said 10-foot utility easements shall be below ground. Power lines, television lines and telephone lines and associated appurtenances shall be located in utility easements located at the rear of all lots. Said easements shall be not less than 20 feet in width and may be located entirely on one lot or may be located partly on each of the abutting lots. If located entirely on one lot the easement line shall be contiguous with the lot line so that the abutting property has access to the easement. It is recommended that the easement be divided equally between the abutting lots. Appropriate easements shall be provided on the sides of lots to connect the easements located on the rear of the lots to the street right-of-way for purposes of street lighting conductors only. These easements shall have a total width of not less than 12 feet. For a guide to placing these easements it can be assumed however, the subdivider shall confer with the electrical company providing street lighting and with the Council for approval of street light location and easement location. Easements shall not be used for ingress and egress to lots located along the routing of the easement but rather shall be used only for the construction, reconstruction, operation and maintenance of utilities located therein. Under no circumstances will an easement be used as an alley for vehicular traffic other than utility construction and maintenance vehicles.
13. The use of cul-de-sacs with turnarounds is discouraged; however, when found to be absolutely necessary, the street right-of-way for turnarounds shall have a radius of not less than 50 feet and the length of the cul-de-sac shall be not more than 300 feet as measured from the center of the turnaround to the street to which the cul-de-sac connects.
14. It is the intent of this chapter to eliminate the platting of alleys; however, the City realizes that conditions can exist where an alley is desirable. Under these special conditions, platting of an alley will be given consideration provided it is not less than 30 feet in width and is not intended to serve residential garages abutting thereto.
15. All lots shall be so shaped and positioned that they abut a platted public street. The length of the lot line abutting a curved public street shall be not less than 50 feet as measured along said lot line.

The chord width of such a lot shall be not less than 75 feet at the front building line. For the convenience of taxing authorities, etc., the subdivider shall file with the City and County at the time of filing the final plat a schedule showing the area of each lot contained in the subdivision, the area of each block contained in the subdivision, the area of all streets and alleys contained in the subdivision, and the area of the entire tract being subdivided.

16. Block size is no longer an easily definable criteria inasmuch as curved streets with their adjacent lots do not resemble squares and rectangles; however, it is the intent of this chapter to limit the distance between street intersections and/or street junctions to 900 feet. Consideration will be given to wider and/or longer blocks than indicated in the Zoning Ordinance when topography dictates and/or when areas such as ravines, draws, wooded areas, etc., are located within a block and are to be permanently retained as public waterways, parks, green areas, etc.

166.10 REQUIRED UTILITIES AND ASSOCIATED ITEMS.

The contractor shall be responsible for providing at no cost to the City the following utilities and associated items:

1. Sanitary sewer with service lines that terminate at the lot line of the lot it is intended to serve. Sewer to include all appurtenances normally associated with a sanitary sewer such as manholes, etc. Plans and specifications for the sanitary sewer shall be approved prior to construction by A) Iowa Department of Natural Resources, B) Iowa Great Lakes Sanitary District, C) Wahpeton City Council and D) County, State and Federal Agencies having jurisdiction over such utility. All sanitary sewer mains and service lines shall be fabricated of extra strength vitrified clay sewer pipe (VCSP) having factory fabricated joints conforming to ASTM Standard C700 and C425. Subdivider is to provide City with appropriate ties to the location of all ends of service lines. Ties are to be tied to appropriate lot corners. All trench backfill shall be compacted to the same or greater density as the original undisturbed soil.
2. Storm sewer with storm water inlets and connecting pipe, settling basins and associated appurtenances such as manholes, etc. Plans and specifications for storm sewer shall be approved prior to construction by A) Iowa Department of Natural Resources, if applicable, B) Wahpeton City Council, and C) County, State and Federal Agencies having jurisdiction over such utility. All storm sewer mains and service lines serving inlets, etc., shall be fabricated of reinforced concrete culvert pipe (RCP) conforming to ASTM Standard C 76. Storm sewer design shall be based on a rainfall intensity of not less than 2 inches per hour. Higher rates shall be used when appropriate. Joints in storm sewer pipe and associated appurtenances shall be sealed with an appropriate joint sealing compound to prevent both exfiltration and infiltration. All trench backfill shall be compacted to the same or greater density as the original undisturbed soil.
3. Water main with service lines that terminate at the lot line of the lot they are intended to serve and fire hydrants equipped with auxiliary valves. Hydrants are to leave one 4-inch pumper nozzle and two 2 1/2-inch fire hose nozzles. Hydrant threads are to be compatible with fire fighting equipment used by the City. The make of hydrant shall be subject to City's approval. Water mains shall be sized to provide not less than 500 gpm to each fire hydrant located in the subdivision and under no circumstances be less than 6 inches in diameter. All water mains shall be looped. Water mains shall be constructed of ductile case iron (DCI) pipe designed for a working pressure of not less than 150 psi Said pipe and fittings shall have "push-on" or "mechanical" joints. The pipe and fitting shall have standard cement lining with bituminous seal coat and have a wall thickness of not less than 0.34 inch (ANSI Thickness

Class 3). Service lines shall be constructed of soft temper copper tubing and be one inch in size. Service lines shall connect to the main with 1- inch corporation cocks and shall terminate at a point 1 foot onto private property with a 1-inch curb stop. Subdivider is to provide City with appropriate ties to the location of all curb stops. Ties are to be appropriate to lot corners. The new mains shall be appropriately valved. Said valves are to be provided with cast iron valve boxes. All water mains and service lines shall be located to have not less than 6 feet 6 inches of cover after the street and/or easement in which they are located are brought to grade. Fire hydrants shall be located in such a manner that no lot located within the new subdivision is more than 300 feet from a fire hydrant as measured along public street right-of-way. Plans and specifications for the water main and associated appurtenances are to be approved prior to construction by (1) State Department of Natural Resources, (2) the Council, and (3) County, State and Federal Agencies having jurisdiction over such utility. All trench backfill shall be compacted to the same or greater density as the original undisturbed soil.

4. The subdivider shall cause to be installed in the subdivision at no cost to the City, when such utilities are readily available to the area, natural gas mains, electrical lines, street lighting, cable TV lines and telephone lines. As stated above, the gas main shall be located in one of the easements located adjacent to the street right-of-way and the electric, TV and telephone lines shall be located in the easements located at the rear of the lots. All transformer boxes, junction boxes, poles, etc. shall be located at the edge of the easement strip so that access along the easement strip with construction and maintenance equipment is possible. All trench backfill shall be compacted to the same or greater density as the original undisturbed soil.
5. Paving shall be provided by the subdivider at no cost to the City. Paving shall be constructed of Portland cement concrete (PCC) having a cement content of not less than 6 sacks (564 pounds) per cubic yard and an entrained air content of from 6 to 7 percent. The paving shall be 31 feet wide as measured from back of curb to back of curb normal to the payment centerline. Six-inch monolithic curb shall be constructed on each edge of the pavement. Returns at street intersections and junctions shall have radii of not less than 17.5 feet. Handicap ramps shall be provided according to Section 216C of the Code of Iowa. All pavement shall be continuously reinforced with No. 4 reinforcing rods spaced at 3-foot centers transversely, and at 3-foot centers longitudinally in such manner as to have 12 longitudinal reinforcing rods. Pavement shall be provided with transverse sawed contraction joints at 15-foot centers and with longitudinal sawed contraction joints located 5 feet 6 inches from the back of curbs and at the pavement's centerline (total of 3 sawed longitudinal joints). The pavement shall be given an astro-turf finish. All pavement shall be appropriately cured with a commercial curing compound. Plans and specifications for pavement and associated appurtenances to be approved, prior to construction, by the Council.
6. The subdivider shall incorporate in each subdivision storm water management features sufficient to manage and filter a water quantity volume of 1.25 inches of rainfall in a twenty-four (24) hour period. Storm water management features shall utilize infiltration elements to provide for the maximum filtration of suspended solids, to maximize detention time and to reduce the amount and period of runoff, all pursuant to the Iowa Storm Water Management Manual and certified by an Iowa registered engineer, an Iowa registered landscape architect, or by the Dickinson County Soil and Water Conservation District.

(Ord. 121 - Aug. 09 Supp.)

Construction of the required utilities and improvements listed above shall be performed prior to the subdivider submitting to the Council the final plat for approval. The subdivider shall certify to the City that all materials and labor incorporated into said utilities and improvements have been paid for. The subdivider shall cause to

be submitted to the City a certificate from the Engineer in charge of construction that the utilities and improvements were constructed in accordance with the plans and specifications approved by the City. In lieu of constructing all or part of the required utilities and improvements before submitting the final plat to the City the subdivider may establish an escrow account that is supervised (controlled) by the City in an amount equal to 100% of the estimated cost of the utilities and improvements including legal and engineering costs. The estimate shall be prepared by the subdivider and shall require approval of the Council and/or City Engineer to be valid. Funds from the escrow account shall be used to pay for utilities, improvements, legal and engineering costs. Funds will be withdrawn on the basis of the estimate used for establishing the escrow account, i.e., funds will be withdrawn only to the extent of the estimate with the subdivider paying any overrun on an individual item basis. Example: If the cost of providing water main and associated appurtenances amounts to \$100,000 and only \$95,000 was included in the escrow account for said item, only \$95,000 will be withdrawn with the subdivider paying the \$5,000 differential. Funds accumulated from cost under-runs shall be maintained in the escrow account until all utilities and improvements have been completed and approved by the City, after which time it shall be returned to the subdivider. Interest accrued by the escrow account, if not needed for paying for utilities and improvements, shall be returned to the subdivider at the time the unused portion of the escrow account is returned. All utilities and improvements shall be made within two years of the time the escrow account is established and the plat is filed. In the event that said improvements and utilities are not completed in the two-year time limit stated above, the City shall have the right to use the escrow account funds for providing those utilities and improvement not provided and assessing any deficiencies in said funds to property contained in the subdivision and/or the subdivider. The subdivider shall be responsible for any damage caused to utilities and associated facilities, both public and private, caused by the settlement of trenches and/or excavations made in connection with the installation of utilities and associated facilities by the subdivider. Said liability shall also apply to private installations such as driveways that are constructed over and across utility ditches. Liability shall extend for a period of two years

from and after the date of completion and acceptance by the City of each of the utilities constructed in the subdivision. The subdivider or contractor shall furnish a good and sufficient bond in the amount of the contract cost for repairs necessitated by defects in material or workmanship involved in the construction of the required utilities and associated items. Said bond shall run for a period of two years from and after the date of approval of the utilities and associated items by the City.

166.11 FINAL PLAT APPROVAL BY COUNCIL.

Upon completion of staking all lots, blocks, streets and alleys within the subdivision and the boundary of said subdivision as specified above and as required by Chapter 354 of the Code of Iowa, and after installing all of the utilities and associated items required above, the subdivider shall submit to the Council:

1. Two copies of the final plat on mylar as specified above and four blue-line prints of said plat.
2. One set of as-built plans of each of the utilities and associated items constructed within the subdivision. Said plans shall be inked drawings on mylar (or equal) so that they can be readily reproduced. The drawings shall have a statement thereon by the Engineer in charge of the project indicating that the work was performed in accordance with the plans and specifications.
3. A maintenance bond covering the material and workmanship of utilities and associated items as specified above.
4. All other items required by Chapter 354 of the Code of Iowa, as amended, for the platting of subdivisions.

In lieu of providing the "as-built" drawings of installed utilities, the subdivider may provide the funds for an escrow account as described above; however, after construction of the required utilities and associated items the subdivider shall submit the "as-built" drawings required under subsection 2 above and the maintenance bond required under subsection 3 above. Upon receipt of the above items, the Council shall act thereon and within thirty-one (31) days either to approve the final plat, the utilities and associated items constructed therein and the "as-built" drawings and have the subdivider proceed with recording the plat at the County Courthouse as required under Chapter 354 of the Code of Iowa, or the Council shall refuse approval, stating the reasons therefor. In the event that the subdivider prefers to provide an escrow account in lieu of immediately constructing the required utilities and associated items, the Council shall approve or disapprove the plat for platting purposes and at a later date approve or disapprove the utilities, the "as-built" plans thereof and the maintenance bond for said utilities and associated items. The approval of the Council shall in no way relieve the subdivider from the responsibility of supplying and properly installing (constructing) any of the items listed above as a requirement to subdividing.

166.12 VARIANCES.

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured. Provided, however, such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter. In no case shall any variance or modification be more than minimum easing of the requirements and in no instance shall it be in conflict with any zoning ordinance and such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the Council.

166.13 CHANGES AND AMENDMENTS.

Any regulations or provisions of this regulation may be changed and amended from time to time by the Council, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given as required by law.