

ORDINANCE NO. 282

AN ORDINANCE AMENDING ORDINANCE NO. 77, SUBDIVISION ORDINANCE, SECTION 1 (E) DEFINITIONS, PROPERTY LINE ADJUSTMENT, ADDING FILING REQUIREMENTS FOR SECTION 2 – PROCEDURES – APPROVAL, CORRECTING THE DESCRIPTION FOR SECTION 2 – (2), CORRECTIONAL LOT SPLIT, ADDING SECTION 2-(3), LOT SPLIT, PROPERTY LINE ADJUSTMENT AND SECTION 6 (G) FEES AND THAT TITLE 15, SUBDIVISION REGULATIONS OF THE BETHEL HEIGHTS MUNICIPAL CODE IS HEREBY AMENDED TO READ AS FOLLOWS

Section 1. – (E) **Definitions**, shall be amended to include the following,

Lot Split, Correctional: A transfer of property or adjustment of a property line to correct a mistake in the legal description of a lot or parcel, providing that the correction meets the zoning ordinance, the master street plan, and state law requirements.

Property Line Adjustment: A transfer or adjustment of a property line between adjoining property owners which does not create a separate new lot and all lots at the conclusion of the lot split meet the zoning ordinance, master street plan, and state law requirements.

Section 2. **PROCEDURES** – (1), shall be amended to read as follows;

1. Lot Split and Agricultural Lot Split Procedure.

Section 2. **PROCEDURES** – Approval shall be amended to include;

After approval by the Planning Commission, the applicant will be required to return two (2) Circuit Clerk file-stamped copies to the Bethel Heights Planning Office within 30 calendar days to have the approval complete. If the file-stamped copies are not received, then the lot split procedure shall be denied and the applicant will be required to begin the lot split procedure anew.

Section 2. **PROCEDURES** – (2), shall be amended to read as follows;

2. Correctional Lot Split Procedure. Applicant is required to meet Lot Split eligibility, as defined in Article 1. GENERAL PROVISIONS, Section E. Definitions, Lot Split Correctional.

If a mistake has been made in the legal description of a lot or parcel, no new lots or parcels are created and all lots at the conclusion of the correctional lot split meet the zoning ordinance, master street plan, and state law, then the following process is provided:

- a. Complete and file a correctional lot split application

- including the appropriate fee with the enforcement official
- b. Submit a survey of all lots involved in the split
- c. Submit necessary easements; and
- d. Submit necessary right-of-way dedication.

The enforcement official shall check the correctional lot split application and all documents submitted and when all requirements have been met the enforcement official shall stamp the survey, "Approved by the Bethel Heights Planning Commission, No Plat Required". The enforcement official shall have the survey signed by an officer of the Planning commission and may then release the correctional lot split.

If any of the requirements of a. through d. above are not complied with, the enforcement official shall submit the correctional lot split to the Planning Commission for their review and approval. If the Planning Commission denies the correctional lot split, the applicant may appeal the decision to the City Council by submitting a letter of appeal to the City Clerk within fifteen days of the date of the Planning Commission denial.

Following Planning Commission or City Council approval the same process of stamping and signing the survey shall be followed.

The following section shall be added;

Section 2. **PROCEDURES** – (3) Property Line Adjustment Lot Split Procedure.

1. Applicant is required to meet Lot Split eligibility, as defined in Article 1. GENERAL PROVISIONS, Section E. Definitions, Lot Split, Property Line Adjustment.

If adjoining property owners wish to transfer or adjust a property line(s) between lots or parcels which does not create a separate, new lot or parcel and all lots or parcels at the conclusion of the lot split meet the zoning ordinance, master street plan, and state law requirement, then the following process is provided:

- a. Complete and file a property line adjustment application including the appropriate fee with the enforcement official
- b. Submit a survey of all lots involved in the property line adjustment
- c. Submit necessary easements; and
- d. Submit necessary right-of-way dedication.

The enforcement official shall check the property line adjustment and all documents submitted and when all requirements have been met the enforcement official shall stamp the survey, "Approved by the Bethel

Heights Planning Commission, No Plat Required". The enforcement official shall have the survey signed by an officer of the Planning Commission and may then release the property line adjustment.

If any of the requirements of a. through d. above are not complied with, the enforcement official shall submit the lot split to the Planning Commission for their review and approval. If the Planning Commission denies the lot split, the applicant may appeal the decision to the City Council by submitting a letter of appeal to the City Clerk within fifteen days of the date of the Planning Commission denial.

Following Planning Commission or City Council approval the same process of stamping and signing the survey shall be followed.

The following section shall be amended and include (c) Property Line Adjustment;

SECTION 6. (G) **Fees** (a) shall be amended to the following:

(a) Lot Split Procedures & Correctional Lot Split Procedures: For each lot split & correctional lot split application submitted, the Planning Commission shall collect a fee of \$50.00.

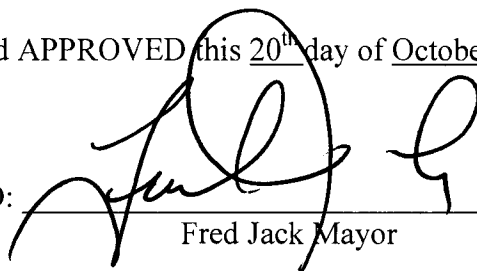
SECTION 6 (G) **Fees** the following shall be included:

(c) Property Line Adjustment. For each property line adjustment application submitted, the Planning Commission shall collect a fee of \$50.00

THEREFORE, that the remainder of Ordinance No. 77 shall remain in full force and effect.

PASSED and APPROVED this 20<sup>th</sup> day of October, 2009.

APPROVED:

  
Fred Jack Mayor



ATTEST:

  
Janet Nelson Recorder/Treasurer