

ORDINANCE NO. 87

AN ORDINANCE TO AMEND BETHEL HEIGHTS SUBDIVISION ORDINANCE NO. 77 FOR THE INCOPORATED TOWN OF BETHEL HEIGHTS, ARKANSAS.

WHEREAS, The Town of Bethel Heights, Arkansas has previously enacted Ordinance No. 77, NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND THE CITY COUNCIL OF THE INCOPORATED TOWN OF BETHEL HEIGHTS, ARKANSAS.

ARTICLE 1: From and after the effective date of this ordinance, Ordinance No. 77 shall be amended to change or add the following:

1. **GENERAL PROVISIONS**

E. **Definitions**

Buffer : Any area of land or an open area used to provide a physical separation or screen between and enhance the compatibility of different types of land use, including but not limited to open spaces, landscaped areas, fences, walls, berm, or any combination thereof.

2. **PROCEDURES**

A. **Lot Split Procedures**

1. **General Procedure**. Applicant is required to meet Lot Split eligibility, as defined in Article 1. GENERAL PROVISIONS, Section E. **Definitions**, **Lot Split** and **Lot Split, Agricultural**.

Information Required For Lot Split: The following information, as well as any additional information that the Planning Commission may require, shall be provided on a form developed by the Planning Commission.

- a. The name and address of each owner of the land to be split,
- b. The name and address of the proposed transferee of the lot to be split off and the family relationship, if any, between the owner and the transferee,
- c. The legal description and street address of the full tract of land owned by the owner,
- d. The legal description of the lot to be split off,
- e. The acreage of the full tract of land owned by the owner,
- f. The acreage of the lot to be split off,
- g. The zoning of the full tract of land,
- h. The number of feet of frontage that the lot to be split off will have on a public street, and the name of that public street,

- i. The number of feet of frontage that the remaining lot will have on a public street, and the name of that public street,
- j. A statement of what utilities are currently available to the lot to be split off and to the remaining lot,
- k. A description of any structures on the lot to be split off and of any structures on the remaining lot.

Approval: Once the applicant has submitted all the necessary information, the Planning Commission shall approve or reject the lot split. Failure to take action on the lot split within (90) days of the date of receipt of all necessary information shall be deemed approval of the lot split. If rejected, the reasons for rejection shall be stated in writing.

2. Correctional Lot Split. When a person wants to convey a portion of a lot to adjoining lots where no new lot(s) are created and all lots at the conclusion of the lot split meet the zoning ordinance, master street plan, and state law requirements, then the following process is provided:
 - a. Complete and file a 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 lot split 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 lot split.

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.

- A. to B. **Pre-Plating Procedures**
- B. to C. **Preliminary Plat Procedures**
- C. to D. **Final Plat Procedures:**

6. ADMINISTRATION

G. Fees

- a. Lot Split Procedures: For each lot split application submitted, the Planning Commission shall collect a fee of \$25.00.
- a. to b. Preliminary Plat:
- b. to c. Final Plat:

Page numbers change from 2-3 to 2-8, two (2) pages added.

ARTICLE 2: THEREFORE, That the remainder of Ordinance No. 77 shall remain in full force and effect.

ARTICLE 3: This ordinance is necessary for the preservation of the health, safety, and welfare of the citizens of Bethel Heights, Arkansas and shall take effect and be in force from and after the date of its passage and approval.

PASSED THIS 18 DAY OF November 1997.

APPROVED: Bonnie K. Ramsey
MAYOR

ATTEST: H. E. [Signature]
CLERK/ RECORDER/ TREASURER