

ORDINANCE NO. 318

AN ORDINANCE AMENDING ORDINANCE NO. 77, SUBDIVISION ORDINANCE, SECTION 1 (E) DEFINITIONS, VARIANCES AND WAIVERS, ADDING FILING REQUIREMENTS FOR SECTION 2 (C)– PROCEDURES – INFORMATION REQUIRED ON PRELIMINARY PLAT, ADDING FILING REQUIREMENTS FOR SECTION 2 (D)- PROCEDURES – INFORMATION REQUIRED ON FINAL PLAT, SECTION 3 (A) TO EXCLUDE R-1 AND R-2 ZONINGS, CHANGING SECTION 4 (A) MODIFICATIONS, AND CHANGING SECTION 5 (D) AND THAT SUBDIVISION REGULATIONS OF THE BETHEL HEIGHTS MUNICIPAL CODE ARE HEREBY AMENDED TO READ AS FOLLOWS

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

Variances: In instances where strict enforcement of said requirements would cause undue hardship due to circumstances unique to the individual property under consideration, and the granting of such variance is demonstrated to be within the spirit and intent of the provisions.

Waivers: When the planning commission determines that certain improvements or requirements are not necessary for the public interest or are inappropriate because connecting facilities on nearby or adjacent property are inadequate or lacking, the commission may waive such improvements or requirements when to do so would be consistent with the spirit and intent.

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

- c. The responsible entity for the maintenance and operation of any building, parks, retention ponds, detention ponds, swales, and other areas held for the common use of the residents of the subdivision shall be designated and the method of securing financing for such maintenance and operation shall be indicated.

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

1. The responsible entity for the maintenance and operation of any building, parks, retention ponds, detention ponds, swales, and other areas held for the common use of the residents of the subdivision shall be designated and the method of securing financing for such maintenance and operation shall be indicated.

Section 2. **PROCEDURES** – (D) (m), shall be read as follows;

The following supporting data:

Section 3. **LARGE SCALE DEVELOPMENT** – (A), shall be amended to read as follows;

A large scale development plan shall be required for all development intended on all parcels of land regardless of size in all Zoning Districts with the exception of R-1 and R-2 zonings, except:

Section 4. **DESIGN STANDARDS** – (A), shall be amended to read as follows;

A. Modifications

If the provisions of these standards are shown by the subdivider to cause undue hardship as they apply to his/her proposed subdivision, the City Planning Commission may grant a waiver to the subdivider from such provision, so that substantial justice may be done and the public interest secured; provided that the waiver will not have the effect of nullifying the intent and purpose of this ordinance.

In granting the waivers and modifications, the Planning Commission may impose such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements so varied and modified.

SECTION 5. (D)(B), shall be amended to the following:

Line item 1 shall be omitted and item 6 shall be moved to item 1 and read as follows;

1. Sidewalks shall be 4 feet wide.

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

PASSED and APPROVED this 19<sup>th</sup> day of November, 2013.

APPROVED: \_\_\_\_\_

*Jeff Hutcherson*  
Mayor

ATTEST: \_\_\_\_\_

*Janet Nels*  
Recorder/Treasurer

