

City of Conway

R-19445

ORDINANCE NO. 0-2001-96

AN ORDINANCE AMENDING ORDINANCE NO. 0-00-03 (SUBDIVISION REGULATIONS) TO INCLUDE ARTICLE IX (LOT MERGERS); REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and City Council desire to amend Ordinance No. 0-00-03 to include Article IX (Lot Mergers);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

Section 1. That Ordinance No. 0-00-03 shall be amended as follows to include Article IX (Subdivision Regulations):

ARTICLE IX LOT MERGEIRS

Doc#2001- 19146 Date 10/16/2001 02:43:49 PM Filed & Recorded in Official Records of Faulkner County SHARON RIMMER FAULKNER COUNTY CIRCUIT CLERK Fees \$23.00 by [Signature]

D.C.

SECTION 1 PURPOSE

The purpose of this Article is to establish procedures other than formal replatting to allow for the merger of lots.

SECTION 2. DEFINITION

For the purposes of Article IX, lot mergers shall be defined as the joining together of any number of platted lots to form a single lot. If the procedures established in Article IX are followed and the lots have been configured and recorded in such a way as to allow the merger, they may be merged without following the replatting procedures established elsewhere in this Subdivision Ordinance. Upon such merger, any dividing lot lines existing prior to the merger that have been removed by the merger shall be considered nonexistent and shall not be considered in any of the requirements of the Conway Subdivision Ordinance, the Conway Zoning Ordinance or any building codes adopted by the City of Conway. Following such a merger, no sale of any portion of the new lot, other than the entire lot, shall take place without the completion, approval by the Planning Commission or Planning Director and filing with the county of a replat to divide the merged lot into two or more legal lots.

Lot mergers under Article IX shall not be used to remove or dedicate any easements or any rights-of-way. If the removal or dedication of any easements or rights-of-way are to take place, they must be accomplished through procedures delineated elsewhere in this Ordinance or through

[Vertical lines]

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other legal avenues, such as the removal of an easement by passage of an ordinance by the City Council.

### **SECTION 3. PROCEDURES**

- (1) When a lot merger as defined above is involved, an applicant shall prepare and submit to the Planning Director an application for approval of a lot merger.
- (2) The application shall not be accepted until the applicant has paid a fee of \$100.00.
- (3) The applicant shall prepare the application to include all the information required in SECTION 4. APPLICATION REQUIREMENTS as shown below.
- (4) The Planning Director is hereby authorized to review the application for a lot merger and provide approval or disapproval. Upon approval, the lot merger shall be filed with Faulkner County. The Planning Director shall inform the full Planning Commission at the next regular meeting if approval is granted for the lot merger.
- (5) Approval or disapproval of the lot merger shall be given based on the following guidelines:
  - a. No new street or alley is required.
  - b. No dedication or vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  - c. Such action will not result in any significant increases in public service requirements, nor will it interfere with maintaining existing public service levels.
  - d. There is adequate street right-of-way as required by this Ordinance and the Master Street Plan.
  - e. All lots created by such lot merger shall have direct access to a public street according to the provisions of this Ordinance.
  - f. No substandard lots shall be created, except the Planning Director may approve lots which are less than one hundred (100) feet in depth at their shallowest point and/or have side lot lines that are not perpendicular or radial to front lot lines and/or double frontage lots and/or may approve existing buildings that are less than the required yard setback from existing lot lines when, in his professional opinion, any such lots are buildable and platting such will create no problems for the owner of such lots or surrounding property owners.

### **SECTION 4. APPLICATION REQUIREMENTS**

The submitted drawing for a lot merger must be drawn in black ink on mylar film, tracing paper or other comparable transparent material and on sheets whose dimensions are either 8 ½" x 14", 18" x 24" or 24" x 36". The scale shall be either 1" = 100' or 1" = 50'. The original tracing or reproducible mylar and twelve (12) prints shall be submitted to the Planning Department. The drawing shall be neat, legible, and suitable for filing for record in the office of the Circuit Clerk-Recorder. Patching and pasting of paper or other attachments to the drawing is not acceptable.

Allowance shall be made for a 1/2" border at the top, bottom, and right edges of the sheets and a 1/2" border at the left edge of the tracing pages.

The drawing shall show the following information:

- (1) Name of the owner and developer.
- (2) Name of the lot merger.
- (3) The identifying numbers of lots and blocks in accord with a systematic numbering system.
- (4) North arrow, scale and date.
- (5) A legal description of the tract.
- (6) If any portion of the property is subject to flooding, the limit of such flooding shall be noted and the appropriate 100 year floodplain and/or floodway shall be identified.
- (7) A minimum building setback line not less than twenty-five (25) feet from any floodway boundary.
- (8) Location of building setback lines (both front and side streets and rear streets if applicable) and other features shall be shown with dimensions.
- (9) The purpose of the existing easements and their location shall be shown on the drawing.
- (10) Dimensions and bearings of all remaining lot lines as they appear on the original, filed plat. The lot lines that are being removed must be shown as dashed lines, but no dimensions or bearings are required to be shown for these lines.
- (11) Addresses as assigned.
- (12) Each drawing shall have the following certifications printed thereon:

a. Certificate of Owner

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have merged the platted lots identified herein into the lot(s) shown on this drawing and do continue all dedications shown on the original subdivision plat or any subsequent replats of these lots and that the sole purpose of this filing is to remove the internal lot lines separating these lots.

Date of Execution: \_\_\_\_\_

Signed: \_\_\_\_\_  
Name and Address

Source of Title: D.R. \_\_\_\_\_  
Page \_\_\_\_\_

b. Certificate of Recording

This document No. \_\_\_\_\_ filed for record \_\_\_\_\_ day, 200\_\_ in Plat Book

No. \_\_\_\_\_ Page \_\_\_\_\_.

Signed: \_\_\_\_\_  
Circuit Clerk

c. Certificate of Merger Approval

Pursuant to the Conway Subdivision Regulations and all other conditions and approval having been completed, this document is hereby accepted. This merger is hereby executed under the authority of the said rules and regulations.

Date of Execution: \_\_\_\_\_

Signed: \_\_\_\_\_  
Conway, Arkansas Planning Director

d. Certificate of Surveying Accuracy

I, \_\_\_\_\_, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Date of Execution: \_\_\_\_\_

Signed \_\_\_\_\_  
Registered Land Surveyor  
No. \_\_\_\_\_  
State of Arkansas

A letter signed by the owner or the owner's legal agent and requesting the review and approval of the proposed merger must accompany the submitted drawing.

**SECTION 5: RECORDING**

Upon approval of the lot merger by the Planning Director, the Planning Department shall have the drawing recorded in the office of the County Recorder. The applicant shall pay all fees in connection with the recording of the drawing.

Upon recording the drawing, the designated City official shall retain the original tracing and one (1) copy for the Planning Commission's files, one (1) copy shall be forwarded to the Tax

Assessor, and one (1) copy shall be returned to the applicant. The remaining copies shall be distributed to appropriate utilities and other agencies.

**Section 2.** That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

**Section 3.** That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 25<sup>th</sup> day of September, 2001.

  
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MAYOR TAB TOWNSELL

ATTEST:

  
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MICHAEL O. GARRETT, CITY CLERK