

2-City
R 12504

ORDINANCE NO. 0-02-81

AN ORDINANCE AMENDING THE CONWAY SUBDIVISION ORDINANCE TO ALLOW 'ISSUANCE OF PERMITS ON PARCELS CREATED TEN YEARS BEFORE THE CURRENT DATE; TO CREATE A PROCESS TO ALLOW ISSUANCE OF PERMITS ON OTHER PARCELS UNDER CERTAIN CONDITIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

WHEREAS; the general population is not aware of the requirements of the Conway Subdivision Ordinance regarding subdivision of land and this lack of understanding sometimes leads to the illegal subdivision of land that is not discovered until many years after the action and it is often very difficult to legally remedy these situations after many years have passed, and;

WHEREAS, under the current Subdivision Ordinance, building permits can only be issued for lots that have been legally created, for parcels created outside the territorial jurisdiction and for parcels created prior to July 1, 1986 and it would be preferable to allow building permits to be issued on parcels that have been in existence for a significant period of time and to establish a process by which building permits may be issued on other parcels under certain conditions;

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

Section 1: That **ARTICLE VI, ADMINISTRATION AND ENFORCEMENT, SECTION 2. ENFORCEMENT,** (1) of the **SUBDIVISION REGULATIONS, CITY OF CONWAY, ARKANSAS** as adopted by Ordinance Number 0-00-03 on January 25, 2000 is hereby amended to read as follows:

"(1) The Building Inspector shall not issue building permits for any structure on any lot in a subdivision for which the plat has not been approved and recorded in the manner prescribed herein, unless configuration of a parcel of property has been established by deed on a date no less than ten (10) years prior to the date of the issuance of the building permit and the parcel meets all criteria for a lot in that zoning district, or for which the configuration was established outside the planning jurisdiction. A permit may also be issued if the applicant makes a reasonable effort to subdivide or replat the property and, for reasons beyond their control, they are unable to do so and if, after examination of relevant deeds to assure that the creation of this parcel did not result in the creation of any substandard parcels that would not have been approved in a subdivision or replat as lots in the zoning district in which they are located, the Planning Commission votes to allow the issuance of the permit with at least seven of the ten members voting in favor of such issuance."

Section 2: That all 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 public peace, health and safety, and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 1st day of June, 2002.

APPROVED:

Tab Townsell

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk Michael O. Garrett

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