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ORDINANCE NO. 0-01-~~124~~

AN ORDINANCE AMENDING THE ZONING ORDINANCE, THE SUBDIVISION ORDINANCE AND BUILDING CODES TO ALLOW THE CONSTRUCTION OF BUILDINGS ACROSS LOT LINES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

WHEREAS; buildings are often built across lot lines, and;

WHEREAS; these lot lines present problems regarding required building setbacks and the need for fire resistant construction along and in proximity to those lot lines;

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

Section 1: That ARTICLE 401, ZONING DISTRICT REGULATIONS of the ZONING ORDINANCE for the City of Conway as adopted by Ordinance No. 0-94-54 on September 27, 1994 is hereby amended to add SECTION 401.3.1 - CONSTRUCTION ACROSS LOT LINES that shall read as follows:

SECTION 401.3.1 - CONSTRUCTION ACROSS LOT LINES

When two abutting lots or parcels are under the same ownership and when a building is built so that it extends across the property line separating the two lots or parcels so that the building is located on both lots, no setbacks from that property line shall be required. For the purposes of this ordinance, these two lots or parcels shall be considered merged at that point and ownership of the lots or parcels shall not be conveyed separately without a subdivision or replat that shall divide the merged lots or parcels into separate lots but providing that no separated conveyance under any existing, merged or replatted lot configuration shall be made unless the resulting buildings meet all fire code requirements. The property line dividing the two lots or parcels may be disregarded for the purposes of requiring fire resistant construction, unless a wall is built along that property line separating the part of the building on one lot or parcel from the part of the building on the other lot or parcel, in which case, fire resistant construction as required along the property line shall be provided.

Upon issuance of any building permit for any building that is to be built across a lot line, the city department issuing that permit shall prepare a document recording the issuance of the permit and the subsequent merging of the lots and assure that a copy of the document is submitted to the city department that maintains plat information and that document shall be filed with the appropriate plat."

**Section 2:** That **ARTICLE IX, LOT MERGERS** of the **SUBDIVISION ORDINANCE** for the City of Conway as adopted by Ordinance No. O-00-03 on January 25, 2000 as amended is hereby amended to add **SECTION 6 – CONSTRUCTION ACROSS LOT LINES** that shall read as follows:

**“SECTION 6 – CONSTRUCTION ACROSS LOT LINES**

*When two abutting lots or parcels are under the same ownership and when a building is built so that it extends across the property line separating the two lots or parcels so that the building is located on both lots, for the purposes of this ordinance, these two lots or parcels shall be considered merged at that point and ownership of the lots or parcels shall not be conveyed separately without a subdivision or replat that shall divide the merged lots or parcels into separate lots but providing that no separated conveyance under any existing, merged or replatted lot configuration shall be made unless the resulting buildings meet all fire code requirements. Upon issuance of any building permit for any building that is to be built across a lot line, the city department issuing that permit shall prepare a document recording the issuance of the permit and the subsequent merging of the lot and assure that a copy of the document is submitted to the city department that maintains plat information and that document shall be filed with the appropriate plat.”*

**Section 3:** That the building codes for the City of Conway and their requirements for fire construction shall be amended to provide that when two abutting lots or parcels are under the same ownership and when a building is built so that it extends across the property line separating the two lots or parcels so that the building is located on both lots, the property line dividing the two lots or parcels may be disregarded for the purposes of requiring fire resistant construction, unless a wall is built along that property line separating the part of the building on one lot or parcel from the part of the building on the other lot or parcel, in which case, fire resistant construction as required along the property line shall be provided.

**Section 4:** That all ordinances in conflict herewith are hereby repealed to the extent of that conflict.

**Section 5:** 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 18<sup>th</sup> day of December, 2001.

APPROVED:

Tab Townsell

Mayor Tab Townsell

ATTEST:

Michael O. Garrett

City Clerk Michael O. Garrett