

Sec. 11-79. Exemptions.

(a) The intent of these exemptions is to achieve the following:

- (1) To balance private and public interests;
- (2) To expedite the review and approval process for subdivisions that may have a low impact on public resources, facilities, and services and/or the need for them;
- (3) To expedite the distribution of land among family members;
- (4) To promote safety;
- (5) To monitor the growth and development of the county;
- (6) To ensure proper legal descriptions, identification and recordation of subdivided land boundaries; and
- (7) To protect natural resources.

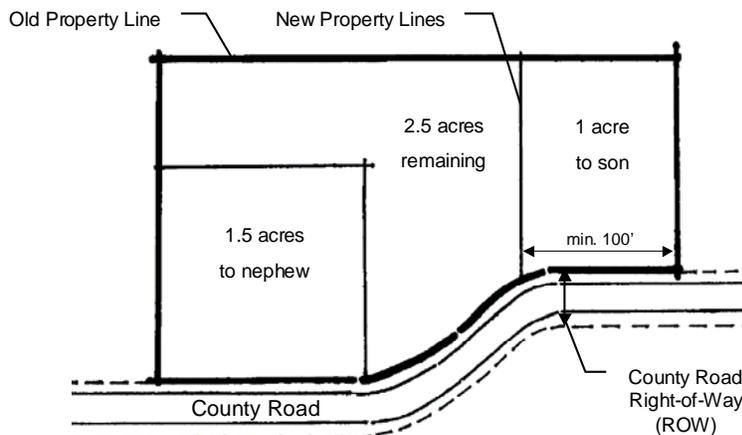
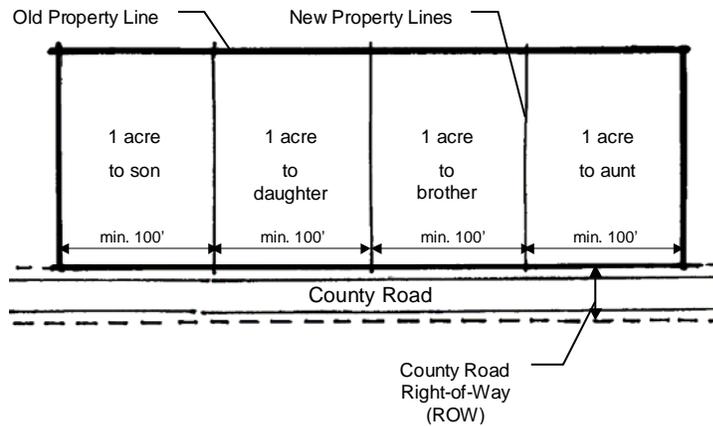
All Exempt Splits are subject to rules found in d.

(b) The following are exempt from the provisions specified in the county development regulations:

- (1) The division of land into parcels for the purpose of selling or donating the parcels to family members. Only one (1) such division shall be allowed per family member and all parcels must be at least one (1) acre in size.

This exemption is subject to rules found in c

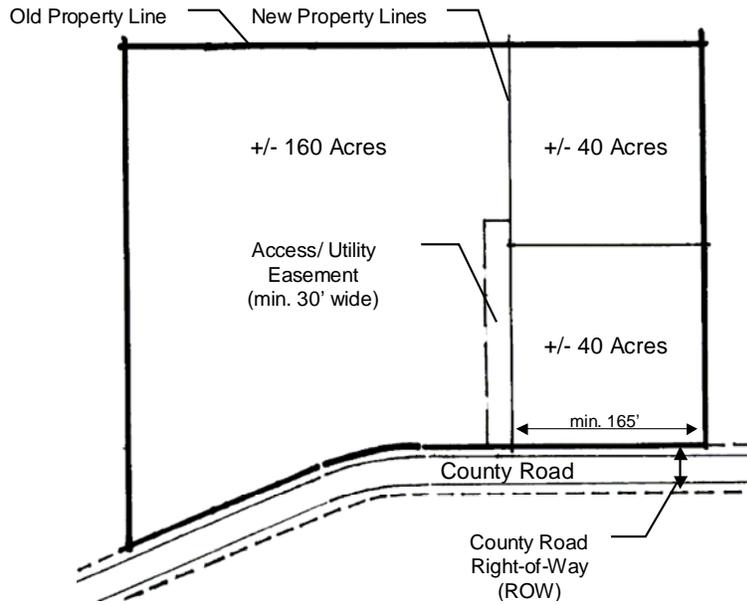
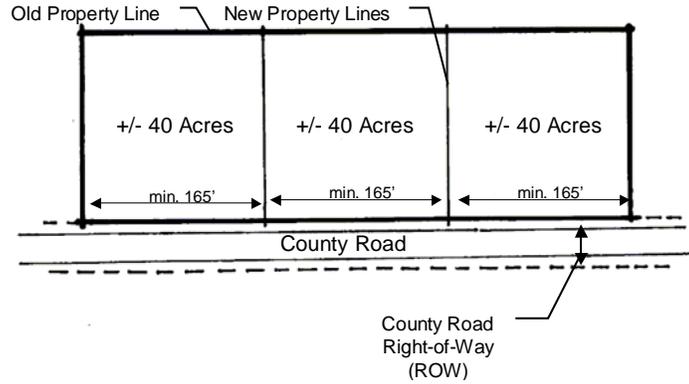
EXAMPLES:



- (2) The division of land into an unspecified number of tracts, each of which are at least forty (40) acres, more or less, in size.

This exemption is subject to rules found in c

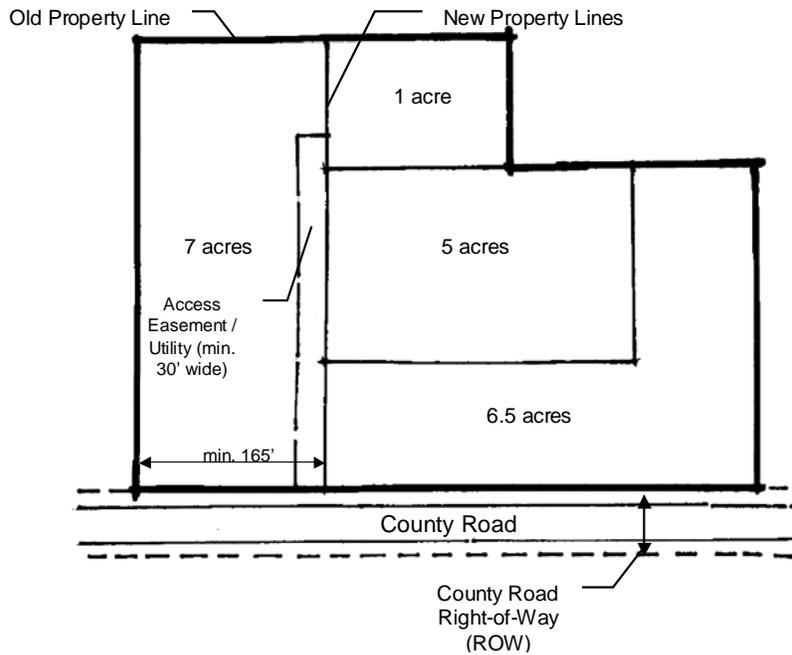
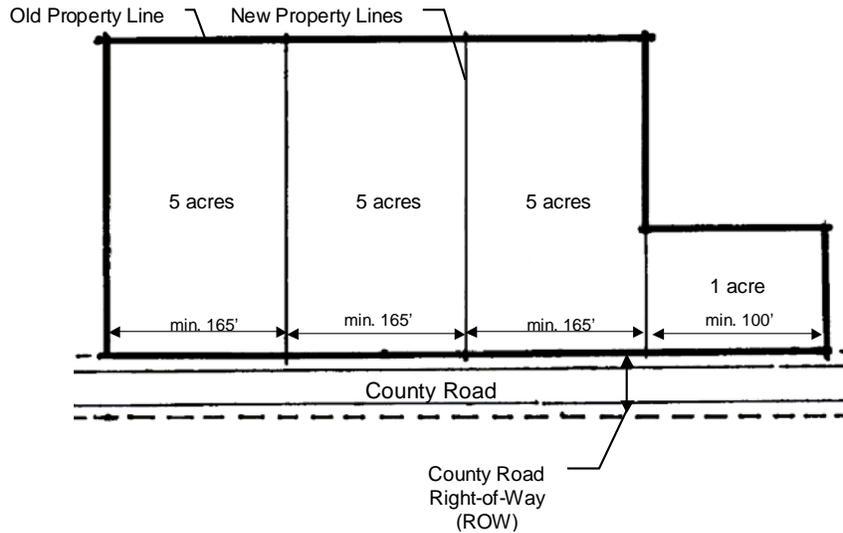
EXAMPLES:



- (3) The division of land into four (4) parcels, three (3) of which must be at least five (5) acres, and one which may be at least one (1) acre. Previous divisions for family members shall not be counted toward the four parcels exempted in this section.

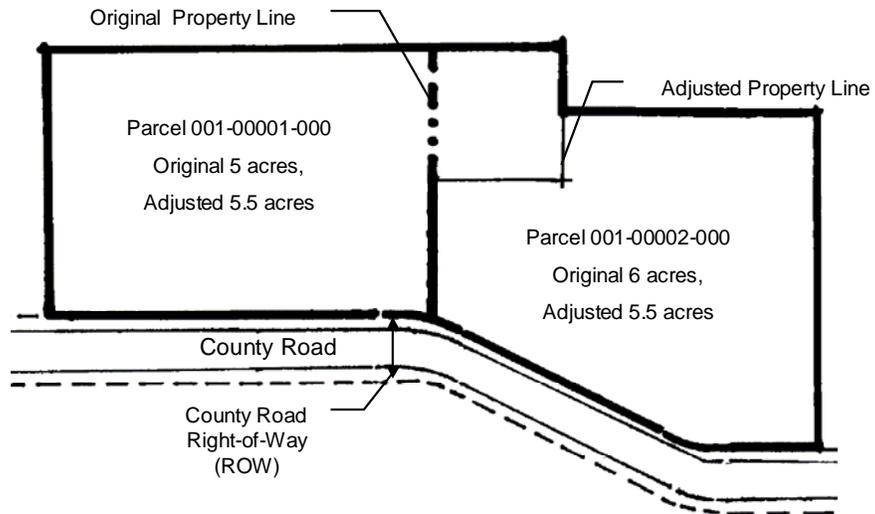
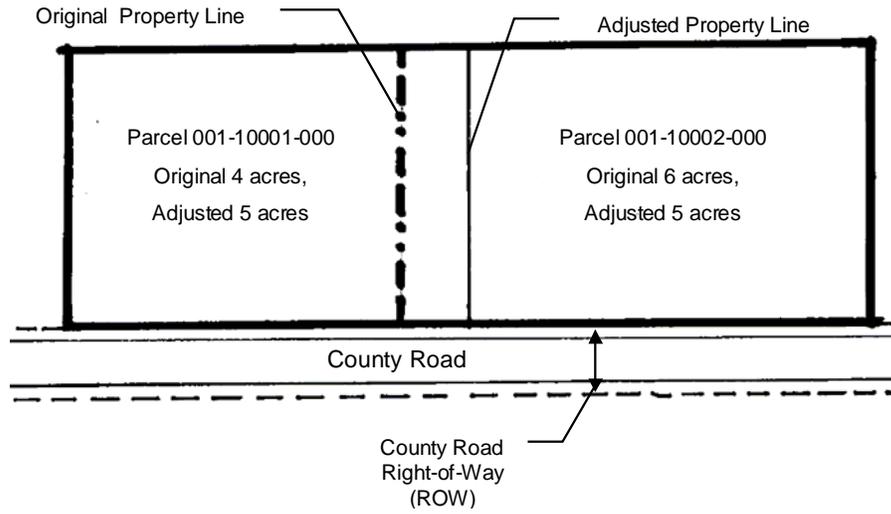
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EXAMPLES:



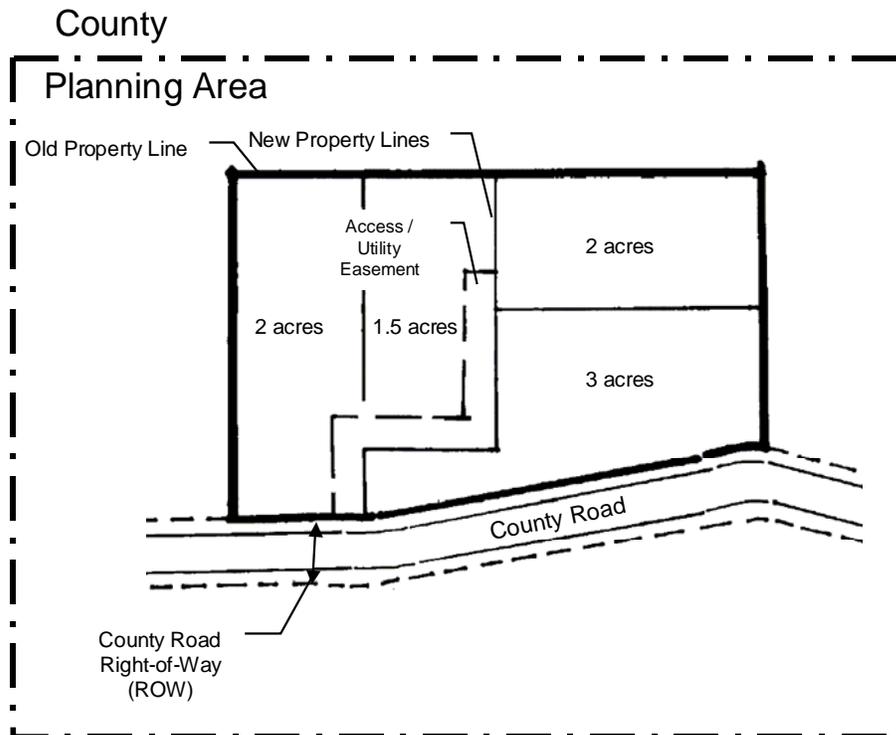
- (4) The division of land for the sale or exchange of tracts between adjoining landowners, where such sale or exchange does not create additional lots.

EXAMPLES:



- (5) The division of land which may be ordered by a court.
- (6) The division of land which is to be used for cemetery purposes, and the division of land to create burial plots in a cemetery.
- (7) The public acquisition of strips of land for the widening or opening of streets and/or easements.
- (8) The transfer of an interest in land for mortgages, liens or deeds of trust provided that the division of land is not the result of a seller-financed transaction.
- (9) A division of land for the purpose of conveying a parcel(s) to a public service, nonprofit organization.
- (10) A conveyance made to correct errors in prior conveyances.
- (11) The division of land creating no more than four (4) lots, regardless of size and public road frontage, that is in a territorial planning area pursuant to Ark. Code Ann. § 14-56-413 and has been approved by the Planning Commission of the appropriate city.

EXAMPLE:

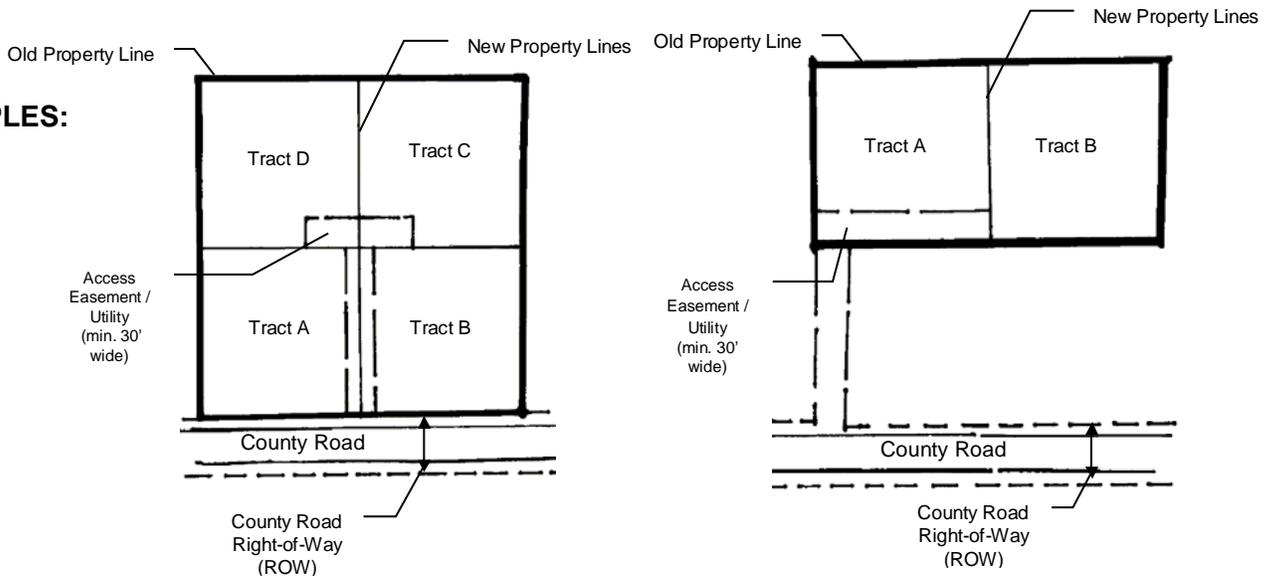


(c) Exemptions (1) through (3) above are subject to the following:

- (1) Owners are not required to improve, maintain or dedicate right-of-way along existing public roads, except that the County Road Superintendent may set the standard for drainage tiles. There shall be a deed restriction with each land conveyance stating that no new improvements will be constructed on any new or existing parcels within a sufficient distance (as determined by the County road plan) from the centerline of any existing public road to accommodate future road improvements.

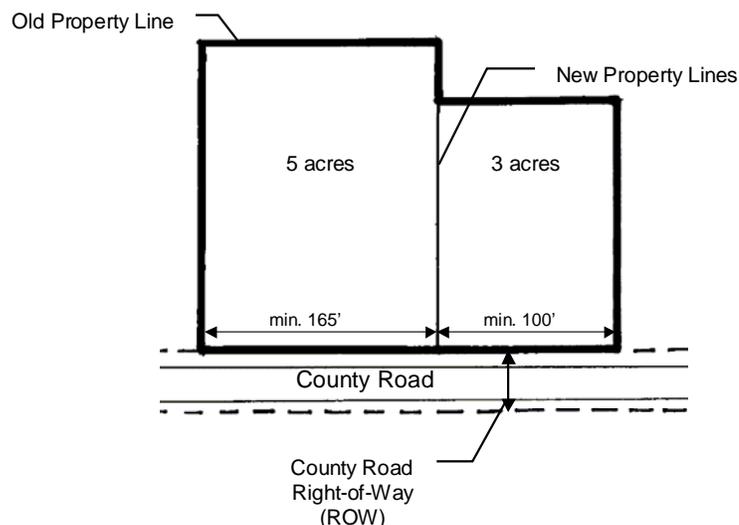
- (2) Only two (2) parcels may be created without public road frontage. Parcels not fronting a public road must be connected to a public road with an easement for ingress, egress and utilities. The easement must be a total width of thirty (30) feet, and can be a shared easement (see the definition of "shared easement").

EXAMPLES:



- (3) Parcels fronting a public road must have at least one hundred (100) feet of frontage if they are less than five (5) acres in size, and at least one hundred sixty-five (165) feet of frontage if they are five (5) acres or greater in size.

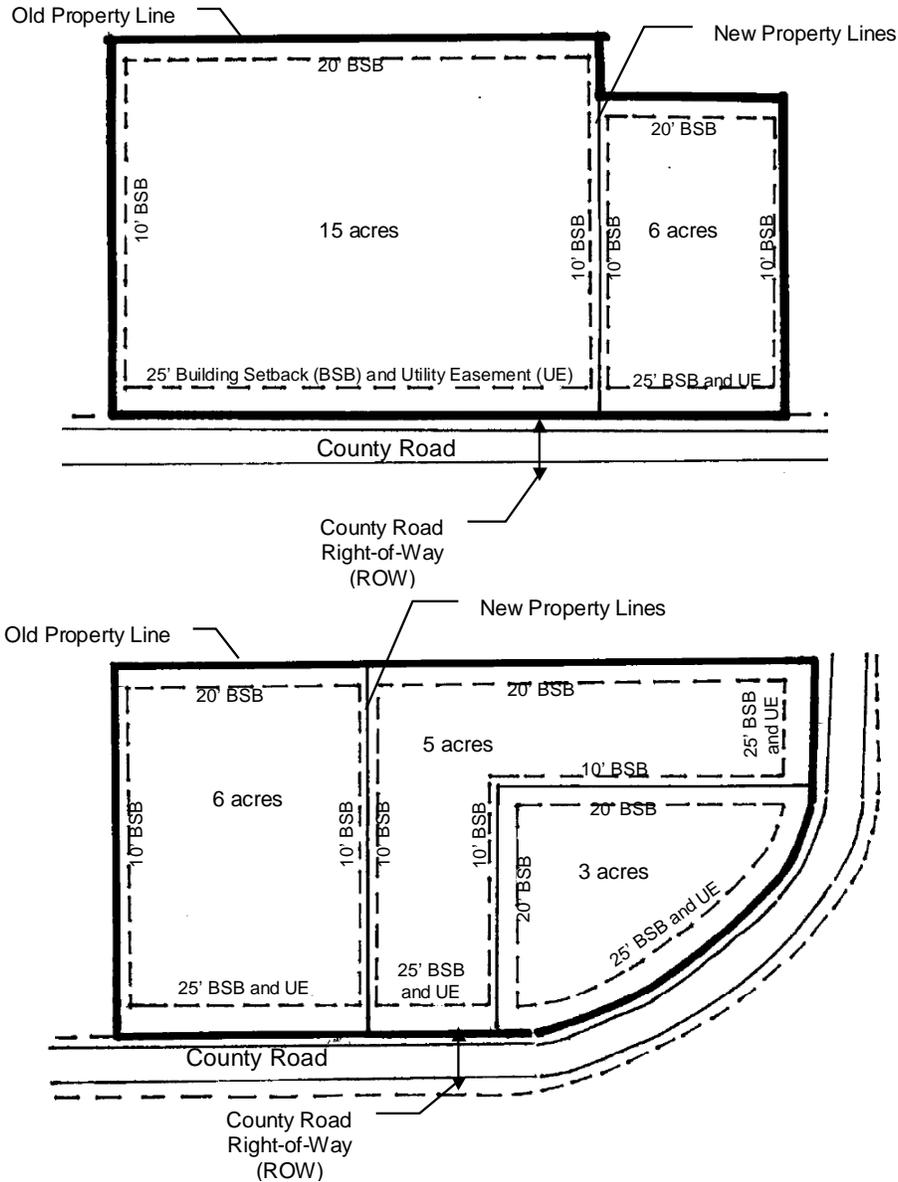
EXAMPLE:



(d) Ordinance 2006-74: **A survey is required for lots less than 20 acres.** **Please note that your survey is not required to show the remainder tract (defined as the tract retained by the owner of the property who is seeking the split) unless the tract is less than 5 acres in size. However, a new legal description is required for this tract. Setbacks must be shown* (please depict these as lines on the survey-as well as text):

- 20' from the rear property line,
- 10' from the side property line(s), and
- 25' from the front of the property and from any road right-of-way (ROW)- this 25' front/ROW setback must also be dedicated as a Utility Easement.
- *If in a city planning area, setbacks may be varied based on that city's requirements.*

EXAMPLES:



Before a transaction can be considered exempt, such must be approved by the Planning Administrator.

(Ord. No. 98-10, Art. 1, 3-12-98; Ord. No. 99-9, Arts. 1, 2, 3-11-99; Ord. No. 99-32, Art. 1, 7-8-99; Ord. No. 2002-34, Art. 1, 9-12-02)