

## Family Exclusion Requirements

### 1.9 E. Exclusions

The requirements of this Ordinance shall be varied as specified herein for the subdivision of land for transfer of the subdivided lots for residential purposes to immediate family members when no new public roads are required for access to any of the subdivided lots. Immediate family members shall be limited to parents, grandparents, brothers and sisters, children, (including stepchildren), grandchildren and the spouse of the Owner. Prior to a transfer of a subdivided lot to a person who is not an immediate family member, the Owner or transferee shall comply with all applicable requirements of this Ordinance. The Pulaski County Planning Board shall grant a variance of the requirements of this Ordinance if the following conditions are met:

1. The Owner shall submit an application for a variance to the Pulaski County Planning Board which includes:
  - a. A copy of the instrument which identifies the legal description of the property before the proposed transfer and the ownership interest of the Owner;
  - b. A survey which shows the boundaries and legal description of the proposed lots in the subdivision and the location of existing public roads and which includes a certification by the Owner that all of the proposed lots have access to existing public roads and that no new public roads will be constructed;
  - c. Proof the proposed lot(s) are adequate in size to meet the Arkansas Department of Health requirements for septic service;
  - d. The names and addresses of the individuals to whom the property will be transferred, including copies of the birth certificate(s), adoption record(s) or other official records which demonstrate that the transferees are immediate family members;
2. The variance shall be signed by the Director of the Pulaski County Planning and Development Department and by the Owner, and shall include the survey and list of transferees as attachments, and shall include the following statement: “The subdivision of land described in the survey attached hereto and incorporated herein is exempt from the requirements of the Pulaski County Subdivision Ordinance, Ordinance No. 09-OR-28 through a variance approved by the Pulaski County Planning Board on (date). This variance expires upon transfer of any lot within the subdivision to a person who is not identified on the list of transferees as an immediate family member of one of the listed transferees. Prior to a transfer of a subdivided lot to a person who is not identified as an immediate family member

of one of the listed transferees, the Owner or transferee must comply with all of the applicable provisions of the Pulaski County Subdivision Ordinance, Ordinance No. 09-OR-28.”

3. A written statement must be signed by all parties involved which in effect states that the property must remain in the immediate family or all the subdivision rules and regulations will apply. Signatures of all parties involved must be on the written statement and signed before a notary.
4. If any lot of the proposed subdivision would result in a landlocked parcel, then an ingress/egress easement must be granted and shown on the survey/plat.
5. The variance shall be filed with the Pulaski County Circuit Clerk in the deed records.
6. If a lot created by a family exclusion is further subdivided for SALE to someone outside the family as defined by this code, the newly created lot must comply with the requirements of a subdivision as established in this code.
7. If a lot created by a family exclusion is transferred outside of the family, the lot must be platted per the final plat requirements established in this code.

## Family Exclusion Variance

“The subdivision of land described in the survey attached hereto and incorporated herein is exempt from the requirements of the Pulaski County Subdivision Ordinance, Ordinance No. 09-OR-28 through a variance approved by the Pulaski County Planning Board on (     ). This variance expires upon transfer of any lot within the subdivision to a person who is not identified on the list of transferees as an immediate family member of one of the listed transferees. Prior to a transfer of a subdivided lot to a person who is not identified as an immediate family member of one of the listed transferees, the Owner or transferee must comply with all of the applicable provisions of the Pulaski County Subdivision Ordinance, Ordinance No. 09-OR-28.”

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Pulaski County Planning Director

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Date of Signature

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Property Owner

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Date of Signature

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Property Owner

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Date of Signature

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Property Owner

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Date of Signature

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Property Owner

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Date of Signature

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Property Owner

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Date of Signature

## Family Exclusion Agreement

I \_\_\_\_\_, \_\_\_\_\_ do hereby agree that in accordance with the Family Exclusion granted by the Pulaski County Planning Board on ( \_\_\_\_\_ ) that the property included in said agreement/variance must remain in the immediate family or all the subdivision rules and regulations will apply.

### ACKNOWLEDGEMENT

STATE OF ARKANSAS)

)

COUNTY OF PULASKI)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public, duly commissioned, qualified and acting, within and for the County and State aforesaid, appeared in person the within named \_\_\_\_\_, \_\_\_\_\_ to me personally well known, who stated that he/she is the owner of property in Pulaski County referenced above, was duly authorized in his/her capacity to execute the foregoing instrument, and further stated and acknowledged that he/she had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

(SEAL)

**Pulaski County Family Exclusion Checklist**  
**PLANNING AND DEVELOPMENT**  
**3200 BROWN STREET**  
**LITTLE ROCK, AR 72204**  
**501-340-8260**

DATE: \_\_\_\_\_

DEVELOPMENT: \_\_\_\_\_

LOCATION: \_\_\_\_\_

SURVEYOR: \_\_\_\_\_

PLANNING JURISDICTION: \_\_\_\_\_

Van McClendon

Planning & Development Director

**The family exclusion shall indicate the following information:**

- 1)     \_\_\_\_\_ 1.9.E.1.a.     A COPY OF THE INSTRUMENT WHICH IDENTIFIES THE LEGAL DESCRIPTION OF THE PROPERTY BEFORE THE PROPOSED TRANSFER AND THE OWNERSHIP INTEREST OF THE OWNER.
  
- 2)     \_\_\_\_\_ 1.9.E.1.b     A SURVEY WHICH SHOWS THE BOUNDARIES AND THE LEGAL DESCRIPTION OF THE PROPOSED LOTS IN THE SUBDIVISION AND THE LOCATION OF EXISTING PUBLIC ROADS AND WHICH INCLUDES A CERTIFICATION BY THE OWNER THAT ALL OF THE PROPOSED LOTS HAVE ACCESS TO EXISTING PUBLIC ROADS AND THAT NO NEW PUBLIC ROADS WILL BE CONSTRUCTED.
  
- 3)     \_\_\_\_\_             15 COPIES OF THE PROPOSED SURVEY.
  
- 4)     \_\_\_\_\_ 1.9.E.1.c.     PROOF THAT THE LOT(S) IS ADEQUATE IN SIZE TO MEET THE ARKANSAS DEPARTMENT OF HEALTH REQUIREMENTS FOR SEPTIC SERVICE.
  
- 5)     \_\_\_\_\_ 1.9.E.1.d.     THE NAMES AND ADDRESSES OF THE INDIVIDUALS TO WHOM THE PROPERTY WILL BE TRANSFERRED, INCLUDING COPIES OF THE BIRTH CERTIFICATE(S), ADOPTION RECORD(S), OR OTHER OFFICIAL RECORDS WHICH DEMONSTRATE THAT ALL THE TRANSFEREES ARE IMMEDIATE FAMILY MEMBERS.
  
- 6)     \_\_\_\_\_ 1.9.E.2.       OWNER-SIGNED FAMILY EXCLUSION VARIANCE.
  
- 7)     \_\_\_\_\_ 1.9.E.3.       SIGNED AND NOTARIZED WRITTEN STATEMENT FROM ALL PARTIES STATING THE PROPERTY MUST REMAIN IN THE IMMEDIATE FAMILY OR ALL SUBDIVISION RULES APPLY.
  
- 8)     \_\_\_\_\_ 1.9.E.4.       LEGAL INGRESS AND EGRESS SHOWN TO ALL LOTS.

**Staff Comments:**

**Additional Staff Comments:**

**Staff Recommendation:**