

ORDINANCE NO. 166

AN ORDINANCE AMENDING ORDINANCE NO. 60 KNOWN AS "THE TONTITOWN SUBDIVISION ORDINANCE"; AND ORDINANCE NO. 138 KNOWN AS "AN INTERIM ORDINANCE SETTING SITE DEVELOPMENT STANDARDS AND CONSTRUCTION AND APPEARANCE DESIGN STANDARDS FOR COMMERCIAL STRUCTURES AND FOR OTHER PURPOSES"; AND ORDINANCE NO. 99 KNOWN AS AN ORDINANCE SETTING FEES FOR ELECTRICAL, PLUMBING, GAS, AND HEATING AND AIR CONDITIONING PERMITS AND INSPECTIONS WITHIN THE CITY OF TONTITOWN, ARKANSAS"; AND TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of Tontitown, Arkansas deems it necessary from time to time, to clarify language, and adjust certain standards for development, which could be implemented in keeping with it's adopted Land Use Ordinances; for the purposes of promoting the health, safety, and general welfare of the citizens of Tontitown, Arkansas; and;

WHEREAS, the Tontitown City Council has prepared an ordinance amending Ordinance No. 60 , the same being the Ordinance Regulating the Subdivision of Land in the City of Tontitown, Arkansas and; Ordinance No. 99, the same being the Ordinance setting mechanical permit fees and; Ordinance No. 138, the same being the ordinance setting site development standards and design standards for Commercial stuctures and for other purposes.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS IN REGULAR SESSION ASSEMBLED AS FOLLOWS:

SECTION 1. Ordinance No. 60 of the City of Tontitown, being an ordinance providing for regulation of the subdivision of land within the City of Tontitown and for other purposes is amended as hereinafter set forth.

1. Replace Page 12 - "Street Specifications" with the following phrases:

a. Refer to Ordinance No. 153 for minimum Street Standards.

b. All local streets shall have a minimum pavement width of 28 feet, exclusive of guttering.

SECTION 2. Ordinance No. 99 of the City of Tontitown, the same being the Ordinance setting mechanical permit fees for other purposes is amended as hereinafter set forth:

1. Add the following phrase to SECTION I: Mechanical Permit and Inspection Fees.

The following fee schedule, "or as modified or amended", shall be followed when issuing permits for initial installation, alterations, or repair for electrical, gas, and heating and air conditioning work.

SECTION 3. Ordinance No. 138 of the City of Tontitown, the same being the Ordinance setting site development standards and design standards for Commercial structures and for other purposes is amended as hereinafter set forth.



Doc ID: 004346510004 Type: REL
Recorded: 03/04/2003 at 03:24:10 P
Fee Amt: \$17.00 Page 1 of 4
Washington County, AR
Bette Stamps Circuit Clerk

File **2003-00015270**

Add SECTION 1 - A. to include the following paragraphs:

1. Non residential Site Design and Development Standards.

- A. Green Space. A minimum of 25 feet of landscaped green space exclusive of right-of-way shall be provided along the highway right-of-way and any public street to which the development has frontage. Parking lots shall not encroach into the green space. The green space area must contain at least one tree per 30 linear feet of street frontage.
- B. At least one-third of the trees required by this section shall be hardwoods and no more than one-third of the trees shall be of the same species, and the trees shall be a minimum of 12 feet in height when planted.
- C. If any tree dies or is removed from the property, it shall be replaced at the owner's expense, thereby keeping the property in compliance with the requirements of this section.

2. Curb Cuts.

- A. Curb cuts on the highways are subject to approval by the Arkansas Highway and Transportation Department. Curb cuts can be no less than 200 feet apart and no closer than 100 feet from the closest side lot line except by joint access agreement with the adjoining property owner. No curb cuts shall be allowed within 250 feet of any intersection. These regulations apply to all parcels regardless of size.

3. Lighting.

- A. Parking lot lighting shall be designed and located in such a manner to preserve the scenic appearance of the corridor. Lighting shall be shielded and directed downward to the parking lot and light spread shall not reflect into the adjacent neighborhood. When a parcel abuts residential property, no light source shall be visible, in a direct line of sight, from the residential area behind the front building line. Lighting shall not exceed 35 feet in height and shall utilize sodium lighting fixtures.

4. Screening.

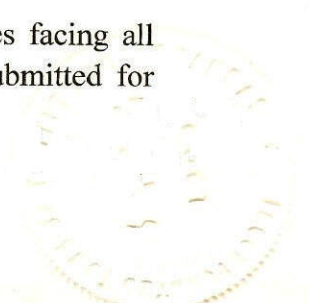
- A. All mechanical and utility equipment, trash enclosures, and parking lots shall be screened in the following manner:

- 1. Equipment. All mechanical and utility equipment on the side of the building and/or on the ground shall be screened by fencing and/or vegetation sufficient to prevent it from being visible from the highway/street right-of-way or residential property. Screening of roof-mounted utilities shall be incorporated into the structure, utilizing materials compatible with the supporting building.

- 2. Trash. Trash enclosures shall be screened on three sides with the access not visible from the street.

5. Exterior Appearance.

All structures shall be architecturally designed to have front facades facing all street and highway right-of-way. An elevation drawing shall be submitted for each side of the building that faces a street or highway.



11. Plans and drawings required.

a. The following plans and drawings shall be submitted prior to large-scale development review and approval:

1. Landscaping plan.
 2. Screening elevation.
 3. Front elevation.
 4. Monument sign elevation.
 5. Scaled drawings of signage.
 6. Large scale development plan, along with plans for drainage.
- (Drawings, plans and elevations may be combined when possible.)

12. Non residential developments and multiple building sites.

In the case of non-residential development involving multiple building sites, whether on one or more platted lots, the above-described regulations shall apply to the development as an entire tract rather than to each platted lot.

13. Large scale development.

All large-scale development shall be reviewed and shall meet all those requirements regulating large-scale developments regardless of the size of tract. The fee for said review shall be \$300.00. All fees are payable prior to the large-scale review and are not refundable in any case.

14. Variances.

Nothing contained herein shall limit or prohibit property owners from utilizing the variance provisions of Ordinance No. 138.

15. Severability.

If any section or portion of this ordinance is overturned or repealed, the remaining sections or portions of the ordinance shall continue in full force and effect.

16. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed, only to the extent of the conflict.

17. Emergency Clause.

The City Council hereby determines that this Ordinance is immediately required for the purposes of setting site development standards, and appearance and design standards for commercial structures within the city limits of Tontitown Arkansas, to protect and enhance Tontitown's appearance, identity, natural and economic vitality, and to protect and preserve the aesthetics and scenic resources of the City and to preserve property values of surrounding properties within the City of Tontitown, Arkansas; and that provision of this Ordinance is essential to protect the health, safety, and welfare of the public; and that the immediate passage of this Ordinance is necessary to adequately accomplish these purposes. Therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the public welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 4th DAY OF FEBRUARY 2003.

ATTEST: Frances Franco
RECORDER/TREASURER

Daniel R. Watson
MAYOR