

ORDINANCE 2007-06-293

AN ORDINANCE AMENDING CHAPTER 152 OF THE TONTITOWN CODE OF ORDINANCES (TONTITOWN SUBDIVISION REGULATIONS); ESTABLISHING A NEW CHAPTER 155; AND DECLARING AN EMERGENCY

WHEREAS, after due notice as required by law, the Tontitown Planning Commission has conducted a public hearing regarding amendments to the city's subdivision regulations;

WHEREAS, it is the desire of the mayor and city council that certain code amendments relative to subdivision regulations be approved and put into effect.

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

SECTION 1. That the index for Chapter 152 of the Code, under *Administration*, is amended by removing the heading: "152.74 Fees."

SECTION 2. That Section 152.21 (B) (14) of the Code is amended to read as follows: "Each lot or parcel shown on the plat shall reflect the acreage and square footage contained therein; provided (1) that in the city limits, minimum lot sizes shall be pursuant to requirements of the zone in which the property is located; and (2) that in that portion of the planning area outside the city limits, the minimum lot size shall be one (1) acre."

SECTION 3. That Section 152.39 (F) of the Code is amended to read as follows: "*Width.* Lots should be wide enough to permit the necessary side yard building lines and have sufficient additional land to compliment the style of structures anticipated. In the absence of other regulations, the lot width shall be a minimum of 100 feet; provided flag lots shall be permitted with a minimum access frontage of 50 feet. In the case of a lot on a cul-de-sac or curve, the width may be measured at the front building line."

SECTION 4. That Section 152.41 (A) of the Code is amended to read as follows: "*Access.* Every lot shall abut a publicly dedicated street."

SECTION 5. That Section 152.55 (A) (1) of the Code is amended to read as follows: "The Planning Commission, in approving a final plat prior to the installation of all required improvements, shall require the subdivide to deposit cash, submit an irrevocable letter of credit (made out to the city), or post a performance bond with the city equal to 125% of the estimated cost of all improvement. Upon satisfactory

completion of the improvements the subdivide may be released from this financial guarantee.”

SECTION 6. That Section 152.56 of the Code, which currently contains sections (A) thru (L), is amended to read as follows: “All street and associated improvements shall be in accordance with Chapter 90 of the Tontitown Code of Ordinances.”

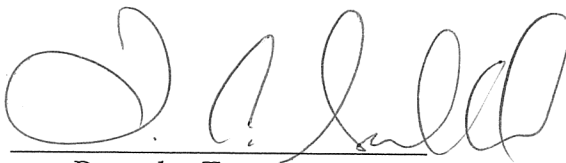
SECTION 7. That the last two (2) sentences of Section 152.57 (A) are amended to read as follows: “All plans and connections shall comply with the regulations of the State Board of Health, as well as those of the Tontitown Water and Sewer Commission. Main water lines installed within subdivisions shall be no less than eight (8) inches in diameter.”

SECTION 8. That the last sentence of Section 152.57 (B) is amended to read as follows: “All plans and connections shall comply with the regulations of the State Board of Health, as well as those of the Tontitown Water and Sewer Commission.”

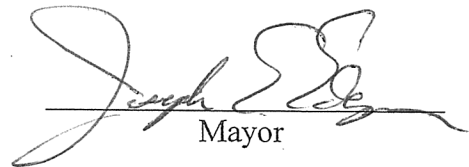
SECTION 9. That Section 152.74 is hereby removed from Chapter 152, and shall be inserted, in its entirety, under a new chapter of the Code to be titled “CHAPTER 155: FEES.”

SECTION 10. Emergency Clause. The City Council hereby finds and determines that due to the urgent and immediate need to provide for orderly growth and development, and to insure consistency with enacted code revisions, these amendments should be made effective immediately; as such, an emergency is hereby declared to exist, and this ordinance being necessary for the preservation of the peace, health, safety, and general welfare, of the citizens of Tontitown, shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 5th DAY OF June, 2007.



Recorder-Treasurer


Mayor

ROLL CALL

SHALL THE ORDINANCE PASS:

	Yea	Nay
Ward 1, Position 1 - Alderman Sunny Hinshaw	<u>✓</u>	___
Ward 1, Position 2 - Alderman Henry Piazza	<u>✓</u>	___
Ward 2, Position 1 - Alderman Arthur Penzo	<u>✓</u>	___
Ward 2, Position 2 - Alderman David Sbanotto	<u>✓</u>	___
Ward 3, Position 1 - Alderman Becky Alston	<u>✓</u>	___
Ward 3, Position 2 - Alderman Scott McNair	___	___
Mayor - Joseph Edgmon	___	___

TOTALS:

5 0

ROLL CALL

SHALL THE ORDINANCE BECOME EFFECTIVE IMMEDIATELY:

Ward 1, Position 1 - Alderman Sunny Hinshaw	<u>✓</u>	___
Ward 1, Position 2 - Alderman Henry Piazza	<u>✓</u>	___
Ward 2, Position 1 - Alderman Arthur Penzo	<u>✓</u>	___
Ward 2, Position 2 - Alderman David Sbanotto	<u>✓</u>	___
Ward 3, Position 1 - Alderman Becky Alston	<u>✓</u>	___
Ward 3, Position 2 - Alderman Scott McNair	___	___
Mayor - Joseph Edgmon	___	___

TOTALS:

5 0