

ORDINANCE NO. 2020-10-901

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**AN ORDINANCE AMENDING SECTION 152.144
STREETS, OF CHAPTER 152 DEVELOPMENT AND
SUBDIVISION REGULATIONS, OF THE TONTITOWN
MUNICIPAL CODE AND DECLARING AN EMERGENCY**

WHEREAS, the City Council of Tontitown has adopted regulations pertaining to the design standards for streets codified in Section 152.144 STREETS of Chapter 152: DEVELOPMENT AND SUBDIVISION REGULATIONS of the Tontitown Municipal Code; and

WHEREAS, the City Council of the City of Tontitown now finds it to be in the best interest of the citizens of the City of Tontitown to amend Section 152.144 STREETS of Chapter 152: DEVELOPMENT AND SUBDIVISION REGULATIONS of the Tontitown Municipal Code; and

WHEREAS, the Tontitown Planning Commission has reviewed the amendment, and following a public hearing regarding the same, voted to recommend its approval; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 152.144 STREETS of Chapter 152: DEVELOPMENT AND SUBDIVISION REGULATIONS, of the Tontitown Municipal Code should be revised and restated as incorporated herein below.

NOW THEREFORE, BE IT ENACTED, by the Tontitown City Council (the “City Council”) of the City of Tontitown, as follows:

Section 1. Section 152.144 STREETS of Chapter 152: DEVELOPMENT AND SUBDIVISION REGULATIONS of the Tontitown Municipal Code is hereby revised to read and as attached hereto as Exhibit “A”.

Section 2. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 3. Declaration of Emergency. It is hereby found and determined that Section 152.144 STREETS of Chapter 152: DEVELOPMENT AND SUBDIVISION REGULATIONS of the Tontitown Municipal Code should be immediately amended in order to better clarify the design standards for streets within the city. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

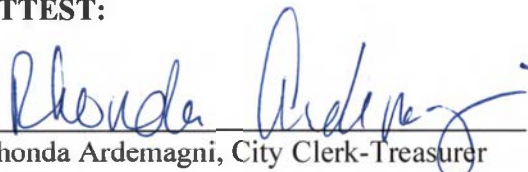
PASSED AND APPROVED this 6th day of October, 2020.

APPROVED:



Paul Colvin, Jr., Mayor

ATTEST:



Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

EXHIBIT "A"

§ 152.144 STREETS.

(A) *Standard street specifications.* All streets shall be constructed in conformance with at least the requirements of the city's current adopted Master Street Plan. standard specifications for streets.

(B) *Right-of-way dedication.* Subdivisions and large-scale developments shall dedicate sufficient right-of-way to bring those streets which the Master Street Plan shows to abut or intersect the development into conformance with the right-of-way requirements of the Master Street Plan for said streets; provided the Planning Board Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.

(C) *Coordination.* The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned street outside of the subdivision as provided in this section.

(D) *Connectivity.* Local and residential streets shall connect with surrounding streets to permit the safe and convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

(1) *Gated communities.* To ensure public safety with easy access to residential neighborhoods by police, fire and ambulance services and to maintain neighborhood connectivity as described above, gated communities are prohibited.

(a) In cases where site conditions do not allow for adequate connectivity, a waiver may be requested in accordance with § 152.026. The waiver shall be reviewed based on the following criteria:

1. The development is adjacent to developed land that does not provide locations for connection of the street system.
2. The development is adjacent to topography with slopes greater than 17%.
3. The property does not include a collector, minor or principal arterial shown on the Master Street Plan.

(E) *Street stubs.* Wherever a proposed development abuts un-platted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the Planning Board Commission to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with temporary turn-around or cul-de-sacs unless specifically exempted by the City Engineer or Planning Board Commission, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

(F) *Street intersections.* Street intersections shall be designed to ensure safety. Because steep grades at intersections reduce sight distances and hinder vehicle control, street grades shall be flattened out within 100 feet of intersections according to AASHTO geometric design guidelines for highways and city streets.

(G) *Additional safeguards.* These requirements shall be considered minimums, and where deemed necessary by the Planning Board Commission for the interest of public health, safety, and welfare, additional safeguards may be required.