

## § 153.216 SIDEWALKS.

- (A) ~~(A) Multi-family Residential~~ and commercial development. Sidewalks shall be required for all multi-family residential developments that contain five lots/units or more. Sidewalks ~~may be~~shall be required through the site plan approval process for commercial developments.
- (B) *Construction standards.* Sidewalks shall be constructed in accordance with all applicable city standards and specifications, and with all applicable ADA (Americans with Disabilities Act) requirements. Sidewalks ~~must~~shall be setback at least five (5) feet from the back of the curb or pavement and such sidewalks shall have a minimum width of five (5) feet, or as shown on the Typical Street Sections approved as part of the Master Street Plan and listed in table 90.900.2. ~~This specification shall be the city's standard requirement.~~ Provided, however, that under unique circumstances, exceptions may be made through site plan approval, for a sidewalk to be attached to the curb or be located closer than five feet to the curb.
- (C) *Timing of installation.* Required sidewalks shall be installed prior to occupancy of any structure.

(D) Reference Article 90.900, Sidewalks for additional requirements.

## § 153.217 STREET FRONTAGE-ACCESS EASEMENT.

- (A) Each lot created in the City of Tontitown shall have access to a public street. This shall include direct access or access via an access easement that connects to a public street, when certain conditions are met.
- (B) Refer to Appendix B and Appendix C for the minimum Lot Width requirement for each zoning district. This is the minimum street frontage required for each lot. Each lot in R-1 and R-2 zoning districts shall have a minimum street, or dedicated access easement frontage of 50 feet, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have not less than 35 feet of street frontage with the two side lot lines intersecting the street diverging until they are separated by the minimum required lot width at the building line. Each lot in the remaining zoning districts shall have a minimum of 35 feet of street, or dedicated access easement frontage.
- (C) Access easements shall be a minimum of fifty (50) feet in width and shall only serve three (3) lots without direct access to a public street.

## **INCIDENTAL SUBDIVISIONS**

### **§ 152.080 APPLICABILITY.**

(A) This section of the subdivision regulations is designed to expedite the platting and recording of minor subdivisions, lot splits and certain other dividing or adjustment of land area defined hereafter.

(B) For the purposes of these regulations, incidental subdivisions include the following:

(1) *Lot split.* A lot split in which a lot, located in an already existing recorded subdivision is divided into three lots or less, and where rights-of-way and/or utility easements are being dedicated to the city. A property cannot be divided into more than three separate tracts within a five-year time period.

(2) *Minor subdivision.* A minor subdivision in which a lot, tract, or parcel is divided into three lots or less and does not require dedications, vacations, reservations, changes in alignment of easements or rights-of-way, or extensions of utilities. A property cannot be divided more than once in a five-year time period.

(3) *Property line adjustment.* A property line adjustment in which a property line(s) is moved or relocated but does not create an additional lot. A property line adjustment may or may not dedicate rights-of-way and/or utility easements.

(4) *Correction plat.* A correction plat in which a correction to an existing plat is necessary due to an incorrect legal description or scrivener's errors. The correction plat does not change the boundaries, does not change the subdivision name and does not create new lots. The correction plat may or may not create new utility easements.

### **§ 152.081 APPLICATION FOR APPROVAL.**

(A) The application shall be submitted to the Planning Department for administrative review and approval, and shall consist of the following:

(1) *Application.* Completed and signed application form.

(2) *Fee.* Payment of the filing fee as specified in the application or schedule of fees.

(3) *Survey.* Survey of the property signed and sealed by a registered land surveyor with the state showing the information as required on the application.

(4) *Plat.* Provide the number of copies of the plat as indicated in the application. The plat shall be drawn clearly to include the information as required in §§ [152.115](#) through [152.117](#).

(5) *Deed.* Copy of land deed showing ownership of property.

## **§ 152.082 REVIEW AND APPROVAL.**

### *(A) Review.*

(1) *Applicability.* The Planning Department and City Engineer as needed shall review lot splits, minor subdivisions, property line adjustments and correction plats. All applications for waivers shall require approval of the Planning Commission.

(2) *Action.* The Planning Department shall approve with conditions, or disapprove said plat. After formal approval by the Department, a building permit can be issued after the applicant records the plat at the office of the Washington County Circuit Clerk and provides the city with two copies. If the plans are approved with conditions, the conditions shall be set forth in written form to the owner/developer. The signature of the owner/developer on the form setting forth the conditions of approval shall be deemed his or her agreement to comply with said conditions, whereupon a building permit may be issued. If the plat is disapproved, the reasons for such action shall be provided in written form to the developer.

(3) *Additional review.* If the planning staff determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he or she shall notify the developer in writing within 30 days of receipt of plans that a decision will not be made within the 30-day time period, what the reasons are for the delay and the date at which a decision can be expected; the developer may be assessed additional engineering and professional review fees. If the developer objects to such an extension, the objection shall be heard as a priority item at the next regularly scheduled Planning Commission meeting.

(4) *Approval signatures.* All approvals to any plat shall be signified by the signature of the Planning Commission Chairman upon the development plan.

*(B) Planning Commission action.* The Planning Commission shall review any incidental subdivision after administrative review as set forth in division (A) within 120 days of receipt thereof, otherwise the incidental subdivision shall be deemed to have been approved. Approval of the incidental subdivision by the Planning Department shall not constitute the acceptance by the public of the dedication of any streets or other public ways or grounds.

*(C) City Council action.* Any incidental subdivision that dedicates street rights-of-way or easements shall be reviewed by the City Council.

## **§ 152.083 RECORDING.**

If approved, and after all conditions have been met, the applicant shall submit the plat for recording with the Washington County Circuit Clerk. Two copies and digital copy in AutoCAD (DWG) and PDF format on CD of the final recorded plat shall be furnished by the applicant to the Planning Official.

## § 152.084 REVIEW CRITERIA.

Approval or disapproval of incidental subdivisions shall be given based on the following threshold guidelines:

- (A) No new street or alley is required or proposed.
- (B) No new public infrastructure is required.
- (C) No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
- (D) Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
- (E) There is adequate street right-of-way as required by these regulations and the Master Street Plan.
- (F) All easement requirements have been satisfied.
- (G) All lots created by such split or readjustment shall have access on a public street, either by directly accessing a public street with adequate street frontage or via an access easement. Access easements shall be a minimum of fifty (50) feet in width and shall only serve three (3) lots without direct access to a public street.
- (H) No substandard sized lots or parcels shall be created.
- (I) No waivers or variances from these regulations are requested.