

ORDINANCE NO. 2022-04-987

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**AN ORDINANCE AMENDING SECTION 152.084 REVIEW CRITERIA IN ITS ENTIRETY OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES**

**WHEREAS**, the City Council of the City of Tontitown has determined that in order to protect the health, safety and welfare of the citizens of Tontitown and others, it is necessary to amend the regulations pertaining to incidental subdivisions that are set forth in Section 152.084 REVIEW CRITERIA of the Tontitown Municipal Code; and

**WHEREAS**, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 152.084 REVIEW CRITERIA of the Tontitown Municipal Code should be adopted.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the City Council of the City of Tontitown, as follows:

**Section 1.** That Section 152.084 REVIEW CRITERIA of the Tontitown Municipal Code is hereby amended in its entirety as set forth in the Attached Exhibit "A"

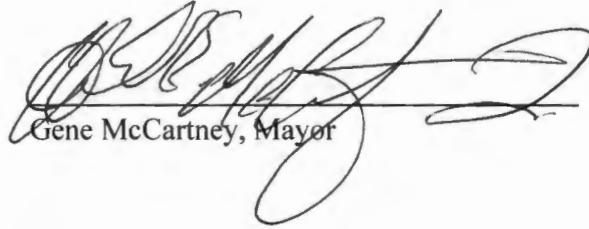
**Section 2.** The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

**Section 3.** 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.

**Section 4.** Declaration of Emergency. It is hereby found and determined that Section 152.084 REVIEW CRITERIA of the Tontitown Municipal Code should be immediately amended in its entirety in order to clarify and amend the regulations pertaining to incidental subdivisions. 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.

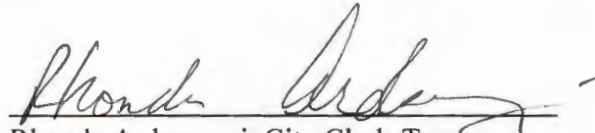
**PASSED AND APPROVED** this 5 day of April, 2022.

APPROVED:



Gene McCartney, Mayor

ATTEST:



Rhonda Ardemagni, City Clerk-Treasurer

## ***INCIDENTAL SUBDIVISIONS***

### **§ 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.