

ORDINANCE NO. 2022-04-988

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE AMENDING SECTION 152.080 APPLICABILITY 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 152.080 APPLICABILITY of the Tontitown Municipal Code; and

WHEREAS, having fully reviewed the proposed amendment, the Tontitown City Council has determined that Section 152.080 APPLICABILITY 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 152.080 APPLICABILITY of the Tontitown Municipal Code is hereby amended in its entirety as set forth in the Attached Exhibit "A"

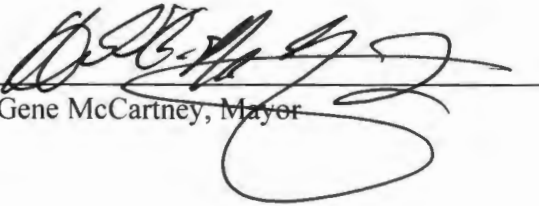
Section 2. The rest and remainder of the Tontitown Municipal Code not specifically amended herein remains in full force and effect.

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 152.080 APPLICABILITY 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.

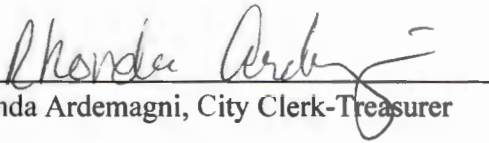
PASSED AND APPROVED this 5 day of April, 2022.

APPROVED:



Gene McCartney, Mayor

ATTEST:



Rhonda Ardemagni, City Clerk-Treasurer

INCIDENTAL SUBDIVISIONS

§ 152.080 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 into more than three separate tracts within 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.