



ORDINANCE NO. 2024-11-1122

File 2024-00031273

CITY OF TONTITOWN, WASHINGTON COUNTY, A

AN ORDINANCE TO AMEND SUBPARTS 153.212(Q)(2) & (3) OF SECTION 153.212 LANDSCAPING, SCREENING, FENCING, AND BUFFERING OF THE TONTITOWN MUNICIPAL CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City of Tontitown has adopted regulations to set forth certain landscaping and dedication requirements for developments that is codified in Section 153.212: Landscaping, Screening, Fencing, and Buffering of the Tontitown Municipal Code; and

WHEREAS, the City Council of Tontitown has determined that it is necessary to amend Subparts 153.212(Q)(2) & (3) of Section 153.212: Landscaping, Screening, Fencing, and Buffering in order to update ratios for dedication and fee in lieu payment amounts for developments; and

WHEREAS, after thorough review of the proposed amendments, the City Council has determined that it is necessary and in the best interest and benefit of the community to amend Subparts 153.212(Q)(2) & (3) as set forth in the attached Exhibit "A".

NOW, THEREFORE, BE IT ENACTED, by the City Council of the City of Tontitown, Arkansas:

Section 1. Subparts 153.212(Q)(2) & (3) of Section 153.212: Landscaping, Screening, Fencing, and Buffering of the Tontitown Municipal Code is hereby amended, 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 Subparts 153.212(Q)(2) & (3) of the Tontitown Municipal Code should be immediately amended in order to provide updated regulations for ratios of land to be dedicated with developments and the fee in lieu payments for parks and trails. 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 19 day of November 2024.

APPROVED:


Angela Russell, Mayor

ATTEST:

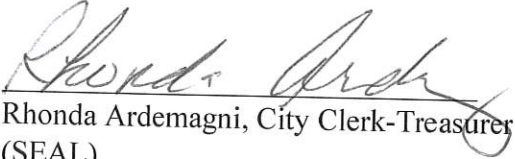

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)



Exhibit "A"

(Q) *Dedication and landscaping of neighborhood parks.*

....

(2) *Ratios for dedication.*

(a) Developers of residential developments with more than five lots/units shall dedicate, in perpetuity, to the city, land area exclusive of streets, for a park and/or trails within the development. Land shall be dedicated at a ratio of .03 acres (1307 square feet) of land for each single-family and duplex dwelling unit and .01 acres (435 square feet) for each multi-family dwelling unit (including triplex and quadplex units). If the dedicated land area will be less than one acre in size, the "in lieu of fee" will automatically be required.

(b) *Dedication.* Dedication of land must be made before the city signs the final plat or the building permit is issued for the development. Deeded land is dedicated park land and is not subject to any right of reversion or refund.

(3) *Fee payment in lieu of land conveyance.* In lieu of land dedication, the developer shall contribute to the City Parks and Trails Development Fund \$750 for each single-family or duplex unit and \$200 for each triplex, quadplex, or multi-family unit. The city shall review the designated fees every two years and make adjustment suggestions to the City Council.

(a) *Use of fees.* Fees in lieu of dedication for parks shall be deposited in the City Parks and Trails Development Fund and shall only be used for park or trail acquisition, development, maintenance, or upgrades, as determined by the city.

(b) *Fees.* Intention for fees in lieu of dedication shall be included in the development



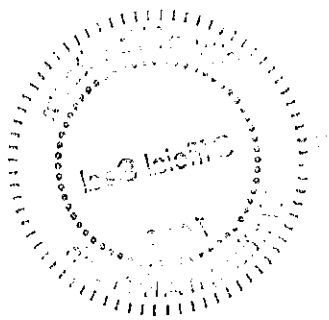


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(2) *Ratios for dedication.*

(a) Developers of residential developments with more than five lots/units shall dedicate, in perpetuity, to the city, land area exclusive of streets, for a park and/or trails within the development. Land shall be dedicated at a ratio of ~~.02~~.03 acres (870 square feet) of land for each single-family and duplex dwelling unit and .01 acres (435 square feet) for each multi-family dwelling unit (including triplex and quadplex units). If the dedicated land area will be less than one acre in size, the "in lieu of fee" will automatically be required.

(b) *Dedication.* Dedication of land must be made before the city signs the final plat or the building permit is issued for the development. Deeded land is dedicated park land and is not subject to any right of reversion or refund.

(3) *Fee payment in lieu of land conveyance.* In lieu of land dedication, the developer shall contribute to the City Parks and Trails Development Fund \$~~750~~250 for each single-family or duplex unit and \$~~2~~400 for each triplex, quadplex, or multi-family unit. The city shall review the designated fees every two years and make adjustment suggestions to the City Council.

(a) *Use of fees.* Fees in lieu of dedication for parks shall be deposited in the City Parks and Trails Development Fund and shall only be used for park or trail acquisition, development, maintenance, or upgrades, as determined by the city.

(b) *Fees.* Intention for fees in lieu of dedication shall be included in the development



Washington County, AR
I certify this instrument was filed on
11/27/2024 09:15:32 AM
and recorded in Real Estate
File Number 2024-00031273
Kyle Sylvester - Circuit Clerk

by 