

ORDINANCE NO. 2018-04

**AN ORDINANCE TO AMEND TITLE 9
STREETS AND SIDEWALKS, CHAPTER 9.04
DESIGN AND CONSTRUCTION, SECTION
9.04.02 DESIGN OF THE JOHNSON
MUNICIPAL CODE TO ADD A PAY-IN-LIEU-
OF OPTION TO IMPROVEMENTS OF
SUBSTANDARD ROADS; DECLARING AN
EMERGENCY TO EXIST AND FOR OTHER
PURPOSES.**

WHEREAS, the Johnson Municipal Code (JMC hereinafter) requires developers to make improvements to certain substandard roads in the development process;

WHEREAS, such improvements do not always apply to an entire road section of a substandard road and it may be an impractical or a poor use of time and resources to make partial improvements at the time of such development;

WHEREAS, the Planning Commission upon being advised by City staff and consultants should have the option to negotiate payment of the costs of the required improvements rather than require actual construction of those improvements at the time of development;

WHEREAS, payment of the improvement costs directly related to serving the proposed development as a fee to the City will be preferred by developers in certain instances; and,

WHEREAS, the Planning Commission has studied language to amend the JMC to accomplish this goal and now recommends adoption of an Ordinance to that effect.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF JOHNSON, ARKANSAS, that:

Section 1: Title 9 Streets and Sidewalks, Chapter 9.04 Design and Construction of Streets, Roads and Storm Drainage, Section 9.04.02 Design, Subsection G. Requirements for Improving Substandard Roads is hereby amended by adding the following paragraph at the end of Subsection G., as follows:

“However, the Planning Commission may, based upon advice of City staff and the City engineer, request that the developer deposit with the City Recorder-Treasurer a fee-in-lieu-of constructing the above-required adjacent and/or offsite street/road improvements. The fee shall include a reasonable amount to offset inflation increases for a five (5) year period. The fee and the amount shall be agreed to in writing between the City and the developer prior to approval of the Preliminary Plat, P.U.D. or Large Scale Development plan and approval stage. The Planning Commission shall review such written agreement and either accept or reject same.

The fee-in-lieu-of, as approved by the Planning Commission, shall be paid as follows:

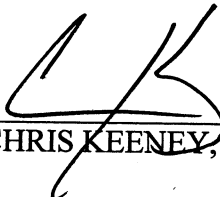
- a) Twenty-five percent (25%) prior to the start of construction; and
- b) The entire balance before the final plat of the development is presented to the Planning Commission or any Certificate of Occupancy is issued.”

Section 2: The funds from the fee-in-lieu-of shall be maintained by the City in an account other than the general fund and dedicated to use upon the street(s) and/or roads adjacent to and serving the development of the developer who paid the fee-in-lieu-of monies.

Section 3: In all other respects Section 9.04.02 is affirmed and not otherwise amended.

Section 4: As development increases and begins to pick up it will be more important to provide the fee-in-lieu-of option to the Planning Commission and developers to maximize opportunities to improve streets and roads to insure that new developments are adequately and properly served upon the development being fully occupied; therefore, an emergency is hereby declared to protect and preserve public safety along with the health and welfare of our citizens and this Ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED this day 7th of May, 2018.


CHRIS KEENEY, Mayor

ATTEST:


JENNIFER ALLEN, Recorder-Treasurer