

ORDINANCE NO. 105

**AN ORDINANCE AMENDING CITY OF GOSHEN
SUBDIVISION REGULATIONS ORIGINALLY
ADOPTED BY ORDINANCE NO. 34 AS AMENDED THEREAFTER AND
TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, the City Council of Goshen, by Ordinance No. 34, did adopt, by reference, the City of Goshen Subdivision Regulations; and

WHEREAS, the City Council of Goshen, by Ordinance Nos. 41, 44, 49, 57, 61, 65, 75, 86 and 93 amended the previously adopted Subdivision Regulations; and

WHEREAS, the City Council of Goshen recognizes that there is confusion about what is required to obtain approval for lot splits and lot line adjustments; and

WHEREAS, after notice to the public as required by Ark. Code Ann. §14-56-422, the Goshen Planning Commission held a public hearing on September 3, 2013 consistent with the statute and additionally has met several times to discuss the issues, at their meeting on January 7, 2014 recommended this ordinance for adoption by the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GOSHEN, ARKANSAS:

SECTION 1: That the document entitled: "City of Goshen Subdivision Regulations" adopted by Ordinance 34 on June 2, 2003 and subsequently amended by Ordinances 41, 44, 49, 57, 61, 65, 75, 86 and 93 is hereby amended as reflected in Sections 2 and 3 hereof. All changes to said ordinances and regulations are incorporated in the previously adopted "City of Goshen Subdivision Regulations."

SECTION 2: Amend Sec. 1-2, entitled "Definitions," of the City of Goshen Subdivision Regulations adopted by reference through Ordinance 34, amended by Ordinances 41, 44, 49, 57, 61, 65, and 75, by adding the following definitions for *Lot Line Adjustment*, *Lot Split*, and *Survey for Lot Split or Lot Line Adjustment*:

Lot Line Adjustment shall mean the adjustment of the boundary line between adjacent property owners. The result of the transfer shall not cause either the receiving tract or the tract from which it is taken to be below the minimum lot area standard within the City unless the current lot size of affected lots are already less than minimum lot area, in which case, the lot line adjustment shall only be permitted to correct errors in survey, building placement which created insufficient yard area, set back issues, transfer of real estate to adjoining property owner or any other circumstances of a similar nature.

Lot Split shall mean subdividing property which involves the dividing or redesigning of an existing lot or lots and which does not involve the dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley or easement. A lot split shall not be permitted if it seeks to divide a tract of land into more than five tracts. A property owner, or in the case of a change in ownership of tract land, a subsequent owner, may not seek successive lot splits so as to avoid compliance with the subdivision regulations. No more than two (2) such splits in eighteen months, even if there have been different owners, shall be allowed before the property owner shall be required to apply for preliminary and final plat approvals for a subdivision. No parcel resulting from a lot split shall be less than the minimum area required by ordinance.

Survey for Lot Split or Lot Line Adjustment shall mean a finished drawing showing completely and accurately all legal and engineering information and certifications necessary for recording, and such other information as the Planning Commission in their discretion shall require.

SECTION 3: Amend Section 2.1, by deleting the following language:

The conditions above apply to lot splits and minor subdivisions.

SECTION 4: Amend Section 2, PLATTING PROCEDURES by deleting Sections 2-3, 2-4 and 2-5 inserting the following substitute language:

Sec. 2-3. Re-platting.

The re-plat shall meet all requirements for a new subdivision that may be pertinent. A fee in the amount specified herein shall be collected for each re-plat that does not require a preliminary plat. If a preliminary plat is required, the fee for the re-plat shall be the same as required for a preliminary plat. The re-plat will not be reviewed or considered in any respect until such fee has been collected

Sec. 2-4. Schedule of fees.

The fees to be charged for various provisions of the subdivision regulations shall be those as set by the Goshen City by ordinance as it may be amended from time to time.

DIVISION 1-A

Sec. 2-5. Lot splits and lot line adjustments.

- (a) Lot split. A property owner seeking to accomplish a lot split shall make application and pay the required fee. A lot split request shall include a survey with a legal description and a scaled drawing of the parcel being split, showing dimensions of the new parcels created and shall include all the requirements for a Lot Split Survey as

provided herein. A lot split shall not be permitted if it seeks to divide a tract of land into more than five tracts. A property owner, or in the case of a change in ownership of tract land, a subsequent owner, may not seek successive lot splits so as to avoid compliance with the subdivision regulations. No more than two (2) such splits in eighteen months, even if there have been different owners, shall be allowed before the property owner shall be required to apply for preliminary and final plat approvals for a subdivision. No parcel resulting from a lot split shall be less than the minimum area required by ordinance. Lot splits shall be processed in an expedited manner by considering the Lot Split Survey approval or disapproval at the same meeting. The property owner shall be required to fulfill all regulations of this chapter that shall apply.

- (b) Lot line adjustment. A lot line adjustment is the adjustment of the boundary line between adjacent property owners. A property owner seeking to accomplish a lot line adjustment shall make application and pay the required fee. A request for a line line adjustment shall include a survey with a legal description and a scaled drawing of the parcel being split, showing dimensions of the new parcels created and shall include all the requirements for a Lot Line Adjustment Survey as provided herein. The result of the transfer shall not cause either the receiving tract or the tract from which it is taken to be below the minimum lot area standard within the City unless the current lot size of affected lots are already less than minimum lot area, in which case, the lot line adjustment shall only be permitted to correct errors in survey, building placement which created insufficient yard area, set back issues, transfer of real estate to adjoining property owner or any other circumstances of a similar nature.
- (c) Assuming all requirements of applicable regulations and ordinances are met, lot splits and lot line adjustments may be approved administratively by the Building Official or the Mayor or by the Chair of the Planning Commission. Whichever official approves it, such approval shall be represented by that official's signature on the survey. Such administrative approval shall be reported to the Planning Commission at its next meeting.

Sec. 2-6. Form and contents of Lot Split or Lot Line Adjustment Survey.

- (a) The survey shall be prepared by a licensed and qualified engineer or land surveyor.
- (b) The accuracy of all survey data must be certified by a licensed land surveyor.
- (c) The survey shall be prepared in compliance with these regulations, as the Planning Commission shall require in its discretion, but at a minimum shall contain the following:
 - (1) Blueline or blackline prints of the proposed subdivision drawn to a scale of

- not greater than one hundred (100) feet to the inch.
- (2) The original surveys shall be submitted as follows: seven copies 18" x 24" and two reduced copies on 8 ½" x 11".
 - (3) Whenever two (2) or more sheets are required, they shall be accompanied by an index sheet showing the entire subdivision layout on one (1) sheet.
 - (4) The survey shall have or be accompanied by this information:
 - a. A key or vicinity map showing the tract and its relation to the surrounding area.
 - b. The name of the property owner.
 - c. The name of the registered land surveyor responsible for the survey and contour information on the survey.
 - d. The 911 address of the property, if one has been designated.
 - e. North point, date, graphic scale, indicating the scale used.
 - f. Existing and proposed restrictive covenants and restrictions which can be graphically depicted.
 - g. The location, name, and width of all existing streets, alleys, and easements within or adjacent to the proposed subdivision or within a distance of two hundred (200) feet of the property. Names, locations and dimensions of all streets, rights-of-way, alleys, setbacks, utility easements, drainage easements, and other easements on the property.
 - h. The survey shall show the actual boundary survey and legal description of both the original tract, only if the original tract is less than 20 acres, and any tracts that result from the split or the line adjustment. The acreage of each resulting tract shall be shown.
 - i. The assessor's parcel number for the parent tract(s) shall be depicted.
 - j. Names of any legal streams on or adjacent to the lot, and also, designation of any property located in 100-year floodplain or floodway.
 - k. Building setback lines with dimensions.
 - l. Location of all permanent structures, to include roof or other overhanging portions of such structures if such structures or portions are within the applicable setback.
 - m. Use of each structure by labeling (e.g. residence, pool, covered porch, deck, storage shed, etc.).
 - n. Distances from front, rear, and each side property line to all structures. The distance is measured from the point where the measurement form a right angle with the property lines.
 - o. Location of existing driveway and its width at the right of way (property line). Also show the driveway location from the street to the structure.
 - p. Location and dimension of any other paved areas.
 - q. Location of tank and lateral lines of septic system, if applicable.
 - r. City of Goshen boundary lines, if available and if within a distance of

- two hundred (200) feet of the property
- s. Names and county assessor's parcel numbers of adjoining property owners.
- t. Signature block with signatures of all owners of record.

(d) The following certificates shall be placed on the survey:

(1) Certificate of Survey Approval.

"All requirements of the Goshen Subdivision Regulations relative to the preparation and submittal of a Survey having been fulfilled, approval of this Survey is hereby granted.

This certificate shall expire _____
Date

(Signed)

Date of Execution

Goshen Mayor or Chairman
Goshen Planning Commission
Either may sign"

(2) Engineering Certificate (if prepared by an Engineer).

"I, _____, hereby certify that this proposed Survey correctly represents plans and specifications completed by me, or under my supervision on _____, 20__; that the boundary shown hereon corresponds with the description in the deeds cited in the above Source of Title; and that all monuments which were found or placed on the property are correctly described and located.

(Signed)

Date of Execution

Name - Registered
Professional Engineer No. ____, Arkansas"

(3) Surveyor's Certificate (if prepared by a surveyor).

"I, _____, hereby certify that this proposed Survey correctly represents a survey completed by me, or under my supervision, on _____, 20__; that the boundary lines shown hereon correspond with the description in the deeds cited in the above Source of

Title; and that all monuments found or placed on the property are correctly described and located.

(Signed)

Date of Execution

Name- Registered Land Surveyor
No. _____, Arkansas”


SECTION 5: That Section 2-6, Procedure for Approval, of the existing regulations, shall be renumbered Section 2-7 and all sections within Section 2, PLATTING PROCEDURES, that follow shall be renumbered accordingly.

SECTION 6: That the City Attorney and Recorder are directed to include the above referenced amendments into the current subdivision regulations and incorporate them into the document known as the “City of Goshen Subdivision Regulations” which shall also reflect the effective date of this Ordinance.

SECTION 7: That all regulations and ordinances adopted and in effect prior to the effective date of this Ordinance, are amended as necessary to give effect to this ordinance.

SECTION 8: EMERGENCY CLAUSE: Because lot splits and lot line adjustments are important and because the current subdivision regulations have confusing language regarding the requirements to be included in a survey, therefore making it very difficult for the citizens of Goshen to submit their lot split proposals and lot line adjustments and for the planning commission to address such proposals and adjustments, it is viewed that an immediate solution is necessary thereby creating an emergency. It is hereby declared that based on the conditions set forth herein, an emergency exists and this Ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Goshen, Arkansas, shall be in effect immediately upon its passage, approval, and publication.

PASSED AND APPROVED this 14th day of JANUARY, 2014.



Joe Benson, Mayor

ATTEST:


Sharon Baggett, City Recorder

APPROVED AS TO FORM:


Charles L. Harwell, City Attorney

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names Of Those Voting YEA

Names Of Those Voting NAY

Paula Anderson
Andy Bethell
Brian Buell
Max Poye
Lanny Samuels
Dick Seddon

None

Absent

None

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names Of Those Voting YEA

Names Of Those Voting NAY

Paula Anderson
Andy Bethell
Brian Buell
Max Poye
Lanny Samuels
Dick Seddon

None

Absent

None