

ORDINANCE NO. 117

**AN ORDINANCE AMENDING CITY OF GOSHEN
ZONING REGULATIONS ORIGINALLY ADOPTED
BY ORDINANCE NO. 35 AS AMENDED THEREAFTER**

WHEREAS, the City Council of Goshen, by Ordinance No. 35, did adopt, by reference, zoning regulations; and

WHEREAS, the City Council of Goshen, by Ordinance No. 49, did amend Ordinance 35 and the Zoning Regulations; and

WHEREAS, the City Council of Goshen, by Ordinance No. 58 did adopt changes to the zoning regulations and did adopt the document known as the "City of Goshen Amended Zoning Regulations"; and

WHEREAS, the City Council of Goshen, by Ordinance No. 87 did adopt changes to the zoning regulations; and

WHEREAS, the City Council of Goshen finds it necessary to amend the Zoning Regulations once again so as to amend those portions of the Zoning Regulations which address conditional use permits and changes in the zoning map; and

WHEREAS, pursuant to Ark. Code Ann. § 14-56-423 and Section 11 b of the Goshen Zoning Regulations, the City Council has the power by majority vote to change the Zoning Regulations; and.

WHEREAS, after due notice as required by law, the Goshen Planning Commission has heard all persons desiring to be heard regarding the amendments contained herein; and

WHEREAS, all comments, views, suggestions and recommendations have been considered and addressed, and minor changes made as deemed appropriate; and

WHEREAS, after conducting its public hearing in accordance with law, the Goshen Planning Commission reviewed the matters contained in the attached amendments and made certain recommendations regarding them to 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 Zoning Regulations," adopted by Ordinance 35 on June 10, 2003 and subsequently amended by Ordinances 49, 58, 64, and 87 is

hereby amended as reflected in Sections 2, 3, and 4 hereof. All changes to said ordinances and regulations are incorporated in the previously adopted “City of Goshen Zoning Regulations.”

SECTION 2: Amend Section 8, Subsection c. 2., by **deleting** the last unnumbered paragraph of that subsection and **substituting** the following language in its place, leaving unamended the remaining unnumbered paragraphs at the beginning of this subsection:

The applicant shall present evidence to the Zoning Official, at least ten (10) days prior to the required public hearing, that all property owners within two hundred feet (200') of the boundaries of the subject property, as well as any property owner's association of a subdivision of which the property is a part, have been notified of the proposed use, and of the time, date, and place of the public hearing. Such evidence shall consist of postmarked, certified receipts and/or return receipts and/or dated, signed acknowledgments of receipt of notification; and shall be accompanied by a plat map showing the location of those properties, the owners of which the applicant certifies have been so notified. In addition to the notice requirements stated herein, if the property for which a conditional use is sought is part of a subdivision which has a website, Facebook page or other social media outlet by which the applicant can electronically contact all property owners in that subdivision, the applicant shall electronically send a copy of notice of the application, of the proposed use, and of the time, date, and place of the public hearing to all property owners in that subdivision and provide evidence of having done so.

SECTION 3: Amend Section 8, Subsection c. 3., by **deleting** the first two unnumbered paragraphs of that subsection and **substituting** the following language in their place, leaving unamended the remaining two unnumbered paragraphs at the end of this subsection:

3. The Planning Commission shall review conditional use permit applications at its regularly scheduled monthly meeting, at which time interested persons may appear at the required public hearing and offer information in support of or against the proposed condition use. Following the public hearing, the Commission may table it with cause for a period not to exceed two (2) months, deny the application, or refer it to the City Council with recommendations for final disposition. The action by the Commission shall require an affirmative vote of a majority of the those in attendance at the meeting of the Commission. Only the City Council shall have the authority to approve a conditional use permit application.

In approving such conditional uses, the Council shall impose such conditions and restrictions upon the premises as it deems necessary to reduce or minimize the adverse effects of the use. Compatibility with surrounding property shall be insured to the maximum extent practicable.

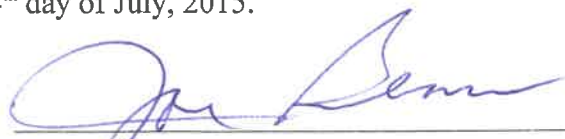
SECTION 4: Amend Section 11, Subsection d., by **deleting** that subsection and **substituting** the following language in its place:

- d. Individual property owners applying for changes to the Official Zoning Map shall present evidence, at least ten (10) days prior to the required public hearing, that all property owners within two hundred (200) feet, as well as any property owner's association of a subdivision of which the property is a part, have been notified of the proposed change and of the time, date, and place of the public hearing. Such evidence shall consist of postmarked, certified receipts and/or return receipts and/or dated, signed acknowledgments of receipt of notification; and shall be accompanied by a plat map showing the location of those properties, the owners of which the applicant certifies have been so notified. In addition to the notice requirements stated herein, if the property for which a change in zoning is sought is part of a subdivision which has a website, Facebook page or other social media outlet by which the applicant can electronically contact all property owners in that subdivision, the applicant shall electronically send a copy of notice of the application, of the proposed change, and of the time, date, and place of the public hearing to all property owners in that subdivision and provide evidence of having done so.

SECTION 5: That the City Attorney and Recorder are directed to include the above referenced amendments into the current zoning regulations and create a document which shall be known as the "City of Goshen Zoning Regulations" and shall also reflect the original effective date and the dates of any amendments.

SECTION 6: 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.

PASSED AND APPROVED this 14th day of July, 2015.




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

Paula Anderson
Max Poye
Lanny Samuels
Dick Seddon

Names Of Those Voting NAY

Absent

Andy Bethell
Brian Buell