

ORDINANCE NO. 152

**AN ORDINANCE ESTABLISHING A MORATORIUM
ON APPROVAL OF ANY COMMERCIAL DEVELOPMENT
WITHIN THE CORPORATE LIMITS OF THE
CITY OF GOSHEN, ARKANSAS; AND TO DECLARE AN
EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Goshen desires to study the issue of commercial development within the City and the manner in which such development should be regulated and the procedures that should be followed to obtain approval of a commercial development; and to that end the Mayor has appointed a task force to study the issue and make recommendations to the Planning Commission and City Council;

WHEREAS, the City Council seeks to ensure that no commercial development occurs that would subject the City and its citizens to development that would not preserve and promote a wholesome, serviceable, and attractive community, and generally tend to diminish the well-being of the City and its residents; and,

WHEREAS, it is the desire of the City of Goshen to preserve the status quo of commercial development within the corporate limits of the City for the above purposes, until such time as the City Council can complete its study and enact revisions to the subdivision ordinances, rules, and regulations.

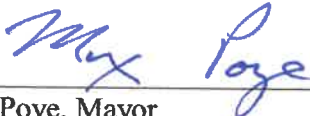
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GOSHEN, ARKANSAS:

1. That a moratorium on the approval of any aspect of a commercial development, whether under the City's subdivision or zoning regulations, or other ordinances, within the corporate limits of the City of Goshen shall be in effect for a period of sixty-five (65) days following the date of the enactment of this Ordinance, and that the Planning Commission of the City of Goshen, its Chair, or the Mayor shall not take any further actions to consider any request related to a commercial development, during such time.
2. That the moratorium period as established in this Ordinance may be extended if, at the expiration of such period, the Council still sees a need to enact ordinances, rules, and regulations for the City. If not extended, this Ordinance shall expire on midnight of the 65th day after its enactment.
3. For purposes of this ordinance, commercial development shall be defined as any activity requiring some action by the staff of the City, the Mayor, the Planning Commission, its Chair, or the City Council to approve a request from a landowner or developer with respect to a planned improvement or development of property within either of the commercial zones of the

City of Goshen, Neighborhood Commercial District (B-1) or General Commercial District (B-2), including, but not limited to, the issuance of a building permit, approval of any of the following: a lot split, lot line adjustment, lot combination, replat, preliminary plat for a subdivision, rezoning, request for conditional use, request for rezoning, request for variance, or request for deviation. No property in any zones, other than the two commercial zones is affected by this moratorium, except to the extent a landowner is seeking to rezone property as one of the commercial zone to which request this moratorium would apply.

4. EMERGENCY CLAUSE: Market conditions have caused an increase in real estate sales and the result is that there is more expressed interest in development generally, which is likely to trigger more interest in commercial development within the City. But it is recognized by the Council that there are some shortcomings in the current framework related to what standards should be in place and what procedures should be followed to obtain the necessary review by the City of commercial development within the City's corporate limits. 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 13th day of March, 2018



Max Poye, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles L. Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

Andy Bethell
Brian Buell
Cathy Oliver
Lanny Samuels
Dick Seddon

Names Of Those Voting NAY

Absent

Paula Anderson

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names Of Those Voting YEA

Andy Bethell
Brian Buell
Cathy Oliver
Lanny Samuels
Dick Seddon

Names Of Those Voting NAY

Absent

Paula Anderson