

**ORDINANCE NO. 162**

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**AN ORDINANCE AMENDING ORDINANCE 154;  
AND TO DECLARE AN EMERGENCY AND FOR  
OTHER PURPOSES**

WHEREAS, the City Council of Goshen adopted Ordinance 154 on August 14, 2018 and thereby granted a deviation to Riverside Estates from the established the public policy requiring that no tract of land in the City shall have a minimum area less than two acres, except those which existed prior to the adoption of Ordinance 21; and

WHEREAS, the City Council of Goshen, by resolution, has declared that Goshen, Arkansas is a Tree City and thereby seeks to promote the planting of trees to enhance and maintain the beauty of the City; and

WHEREAS, Riverside Estates is a subdivision being developed within the City with frontage and its entrance along Blue Springs Road; and

WHEREAS, the preliminary plat for the first phase of Riverside Estates originally provided for 72 lots each of them at least two acres in area; and

WHEREAS, the preliminary plat was approved on January 9, 2018 and thereafter the Council suggested that the developer consider realigning the lots closest to Blue Springs Road to provide a landscape buffer between the subdivision and the road; and

WHEREAS, on August 14, 2018 the developer presented a revised plat which provided for common areas of green space adjacent to Blue Springs Road on which a landscape buffer could be placed and in which plat a number of lots were replatted, with seven (7) of those residential lots having an area less than two acres and three lots which were to be deeded to the Property Owners Association also have an area less than two acres; and

WHEREAS, the developer presented to the Planning Commission at its meeting on November 8, 2018 a final plat which again revised the number of lots and reduced the total number of lots as well as the number of lots which were less than two acres but still provided for the green space along Blue Springs Road originally approved by Ordinance 154, which the Planning Commission recommended for approval by the Council; and

WHEREAS, the Council finds that the benefit of creating additional green space with trees and landscaping justifies reducing the size of five (5) of the residential lots in phase one of Riverside Estates below the two acre minimum as required by Ordinance 21.

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

SECTION 1: ORDINANCE 154 AMENDED: Riverside Estates of Goshen, LLC, the developer of Riverside Estates having been previously granted a deviation from the requirements of Ordinance 21, such grant of a deviation is hereby amended based upon the following conditions: specifically Lots 49 and 50 of Riverside Estates upon which residences can be built are hereby approved to be less than two acres; and Lots 1, 28, 51, 52 and 53 shall be deeded to the Property Owners Association with a restriction in such deed to preclude them from ever having a residence being built upon them and require them to be green space, which deed restriction shall run with the land and be binding on any successors or assigns.

SECTION 2: FINAL PLAT APPROVED: The final plat with increased green space as presented by the developer of Riverside Estates is hereby approved. The Mayor is authorized to sign the final plat approved hereby.

SECTION 3: LANDSCAPING PLAN: The Developer previously created a tree planting and landscaping plan for the entire area of green space of Riverside Estates which fronts Blue Springs Road. The Developer presented it to the Planning Commission and it was approved. That plan has now been implemented with the trees planted and other features installed.

SECTION 4: NON-PRECEDENTIAL EFFECT: This Ordinance, while it is binding upon the Riverside Estate development, shall not bind any future City Council to grant a similar deviation for any other development. Any such requests in the future shall be considered based upon the facts and circumstances presented at that time.

SECTION 5: REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. Specifically, those references in Ordinance 154 to specific lot numbers within Riverside Estates are hereby repealed hereby and superceded by the references contained in this Ordinance.

SECTION 6: EMERGENCY CLAUSE: Because the City Council requested the Developer of Riverside Estates to consider replatting the subdivision to create more green space to create a landscape buffer with trees along Blue Springs Road and because the Developer has now completed the construction of the infrastructure pursuant to the preliminary plat previously approved by the City Council, time is of the essence to permit the Developer to benefit from the changes contained in the final plat. This action is necessary to advance the purposes behind the designation of Goshen as a Tree City and without acting immediately, this opportunity will be lost. This matter is such pressing business that it is viewed that an immediate solution is necessary thereby creating an emergency. It is hereby declared that based upon 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 13<sup>th</sup> day of November, 2018.

  
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Max Poye, Mayor

ATTEST:

  
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Sharon Baggett, City Recorder

APPROVED AS TO FORM:

  
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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  
Cathy Oliver  
Lanny Samuels  
Dick Seddon

**ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE**

Names Of Those Voting YEA

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Paula Anderson  
Andy Bethell  
Brian Buell  
Cathy Oliver  
Lanny Samuels  
Dick Seddon