

ORDINANCE NO. 86

**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, 71 and 75, amended the previously adopted Subdivision Regulations; and

WHEREAS, the City Council of Goshen recognizes that it works a hardship on property owners seeking to obtain lot splits and lot line adjustments to require Planning Commission approval when, on many occasions, the application is without controversy, clearly within the required regulations and approval by the full Commission is a mere formality.

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, 71 and 75 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, 71 and 75, by deleting the definition for "*Subdivision, minor.*"

SECTION 3: Amend Sec. 2-3, entitled "Lot splits and lot line adjustments," of the City of Goshen Subdivision Regulations adopted by reference through Ordinance 34, amended by Ordinances 41, 44, 49, 57, 61, 65, 71 and 75, as follows:

A. By adding the phrase, "transfer of real estate to adjoining property owner," to subparagraph (b) so it reads as follows:

- (b) Lot line adjustment. A lot line adjustment is 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.

B. By adding a new subparagraph (c)

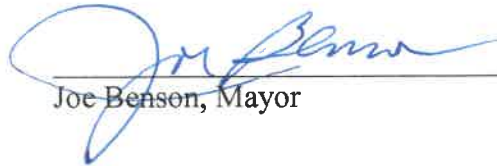
- (c) Assuming all requirements of applicable regulations and ordinances are met, lot splits and lot line adjustments may be approved administratively by the Building Official with the concurrence of the Chair of the Planning Commission as represented by the Chair's signature on the plat. Such administrative approval shall be reported to the Planning Commission at its next meeting.

SECTION 4: 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 5: 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 6: EMERGENCY CLAUSE: 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 October, 2009.



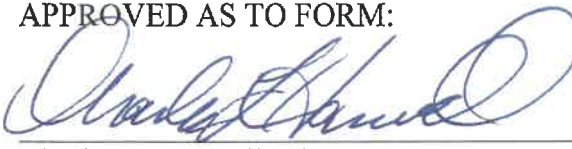
Joe Benson, Mayor

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

Andy Bethell
J.J. Lockhart
Max Poye
Dick Seddon

Absent

Paula Anderson
Brian Buell

Names Of Those Voting NAY

None

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names Of Those Voting YEA

Andy Bethell
J.J. Lockhart
Max Poye
Dick Seddon

Absent

Paula Anderson
Brian Buell

Names Of Those Voting NAY

None