

ORDINANCE NO. 122

**AN ORDINANCE AMENDING CITY OF GOSHEN
SUBDIVISION REGULATIONS AND CERTAIN DEFINITIONS
THEREIN 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, 93, 105, 108 and 113, amended the previously adopted Subdivision Regulations; and

WHEREAS, the City Council of Goshen has concerns about lot splits that result in tandem lots, i.e. lots which do not front an existing street, due to fire safety concerns; and

WHEREAS, the City Council of Goshen has concerns about the current definition of subdivision because certain transactions are exempt from regulation but do not address access for fire department equipment to those exempt tracts and thereby insure fire safety for any structures built on those tracts; and

WHEREAS, Washington County Planning Regulations require that Goshen indicate its approval of any lot split before the County will approve it and allow the filing of plats and deeds reflecting lot splits, and that the current definition of subdivision in Goshen's subdivision regulations causes confusion for all involved in creation of new tracts which are exempt from such regulations, and

WHEREAS, there is a need to address requests for a combination of lots which under the current regulations is accomplished by a lot line adjustment and a replat; so it is appropriate to create a definition of a lot combination and thereby provide appropriate guidance to property owners as to how to accomplish such action; and

WHEREAS, there is a need to create a definition for re-plat and thereby provide appropriate guidance to property owners as to how to accomplish such action; and

WHEREAS, there is a need to create a definition for tandem lot and thereby provide appropriate guidance to property owners as to how to accomplish such action; and

WHEREAS, pursuant to Ark. Code Ann. §14-56-423, the Goshen City Council has the authority to make changes to its subdivision regulations.

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, 93, 105, 108 and 113 is hereby amended as reflected in Section 2 hereof. All changes to said ordinances and regulations are incorporated in the previously adopted "City of Goshen Subdivision Regulations."

SECTION 2: Replace the previous definitions of *Lot Split* and *Subdivision*; add definitions for *Lot Combination*, *Re-plat* and *Tandem Lot* by inserting the following provisions in **Section 1-2, Definitions**.

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 or if any resulting tract does not front an existing street shown on the master street plan. A split of a lot in an existing subdivision shall require that the owner have prepared and present a re-plat of such subdivision or of the lot affected, but the fee for a lot split shall be inclusive and no separate fee for re-plat shall be required. 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. A lot split which creates a tandem lot shall require that the owner present sufficient documentation that all resulting lots have access to a public street or an approved private street by an access easement with a minimum width of 25 feet and which access easement shall have sufficient base material as determined by the planning commission, in consultation with the Goshen Fire Department, as necessary for the reasonable ingress and egress of traffic and public safety, including emergency and service vehicles. All tandem lot owners shall be responsible for maintaining the access easement so that all vehicles have safe access to any structures located on the lot. The tandem lot owners shall have title to, or a perpetual easement for the access easement.

Subdivision shall include all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether for immediate or future sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided however, that the following shall not be within this definition, nor be subject to the subdivision rules and regulations of the city:

- (1) The public acquisition by purchases or dedication of parcels of land for the widening or opening of street or other improvements.
- (2) Conveyances from an estate. There shall be no prior approval required, nor shall

there be restrictions on recording any property deeds measured in metes and bounds as a result of the distribution of a decedent's estate in a whole tract or a tract split to any heirs of such decedent, except if such distribution creates a tandem lot, before any structure may be built thereupon the owner shall present sufficient documentation that the lot has access to a public street or an approved private street by an access easement with a minimum width of 25 feet and which access easement shall have sufficient base material as determined by the planning commission, in consultation with the Goshen Fire Department, as necessary for the reasonable ingress and egress of traffic and public safety, including emergency and service vehicles. All tandem lot owners shall be responsible for maintaining the access easement so that all vehicles have safe access to any structures located on the lot. The tandem lot owners shall have title to, or a perpetual easement for the access easement. Moreover, the heirs who become owners of the resulting tracts must comply with all Goshen ordinances.

Lot Combination shall mean the combining of two or more existing tracts, parcels or lots into one lot. A lot combination may only occur if the tracts are owned by the same individual(s) or entit(ies) and if they are adjoining such that the resulting lot or tract can be described legally as one tract which is a single enclosed area and does not have a dedicated or existing street which bisects it. A lot combination of lots in an existing subdivision shall require that the owner have prepared and present a re-plat of such subdivision or of the lots affected, but the fee for a lot combination shall be inclusive and no separate fee for re-plat shall be required. Approval of a lot combination shall be sufficient without requiring a lot line adjustment. No parcel resulting from a lot combination shall be less than the minimum area required by ordinance.

Re-plat shall mean a changing of the boundaries of one or more lots in an existing subdivision, i.e. one which has received final plat approval. Whether the plat to be presented for approval must include the entire subdivision or only the affected lots shall depend upon whether all the lots in the subdivision are affected either by boundary changes or numbering as result of the requested change or such other reason as shall be deemed necessary within the discretion of the Planning Commission.

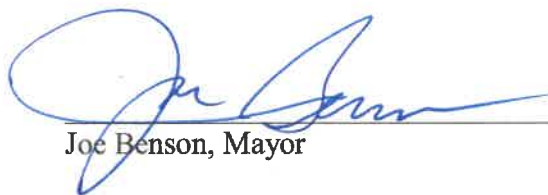
Tandem Lot is a lot which does not have the required frontage on a public street or on an approved private street, and which is located behind a lot or a portion of a lot which does have frontage on a public street or and approved private street.

SECTION 3: 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 4: 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 5: EMERGENCY CLAUSE: Because of the concern for fire safety regarding adverse conditions created by lot splits where the resulting tracts are not accessible from existing public streets and because of the keen public interest in this issue, these matters are such pressing business that 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 10th day of November, 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
Andy Bethell
Brian Buell
Dick Seddon

Names Of Those Voting NAY

Absent

Max Poye
Lanny Samuels

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names Of Those Voting YEA

Paula Anderson
Andy Bethell
Brian Buell
Dick Seddon

Names Of Those Voting NAY

Absent

Max Poye
Lanny Samuels