

ORDINANCE NO. 41

**AN ORDINANCE AMENDING ORDINANCE NO. 34,  
ADOPTING, BY REFERENCE, CERTAIN SUBDIVISION REGULATIONS;  
BY ADOPTING, BY REFERENCE, AMENDMENT 1 TO THE  
CITY OF GOSHEN SUBDIVISION REGULATIONS;  
AND TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, the City Council of Goshen, by Ordinance No. 34, did adopt by reference certain subdivision regulations, and

WHEREAS, after due notice as required by law, the Goshen Planning Commission has heard all persons desiring to be heard regarding this Amendment 1 of the subdivision regulations previously adopted; 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 has adopted the attached "Amendment 1 to the City of Goshen Subdivision Regulations" and recommended them to the City Council; and

WHEREAS, pursuant to A.C.A. 14-55-207, public notice was given of the City's intent to adopt said amendment to the subdivision regulations by reference, and advised that three (3) copies of each document were on file and available for public review and examination in the Office of the Recorder-Treasurer.

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

SECTION 1. That the document entitled: "Amendment 1 to the City of Goshen Subdivision Regulations" be and is hereby adopted by reference; and as such, the Zoning Regulations adopted by Ordinance 34 are amended to include this Amendment 1, to be read as consistent therewith whenever possible and if not possible, then any conflicts in the language of each to be resolved by giving effect to the more recent enactment and the earlier provision to be amended in conformity with the later.

SECTION 2. 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 3. 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 January, 2004.

  
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Andy Bethell, Mayor

ATTEST:

  
\_\_\_\_\_  
Sharon Baggett, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Charles Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

Names Of Those Voting NAY

Joe Benson  
Bob Brake  
Chuck Huskey  
Dick Seddon  
Albert Skiles

AMENDMENT 1 TO THE CITY OF GOSHEN  
SUBDIVISION REGULATIONS

Section 1. Amend Section 1-13(d) of the City of Goshen Subdivision Regulations adopted by reference through Ordinance 34 (hereinafter "Subdivision Regulations"), as follows:

Substitute "these regulations and any subsequent amendments thereto" for the two occurrences of the words, "this chapter." Section 1-13(d) of the Subdivision Regulations shall now read as follows:

(d) *Dedication of land not a condition of plat approval.* In no event shall dedication or non-dedication of land for public or private purposes, including open space, be a consideration for plat approval or disapproval, other than as specifically required in these regulations and any subsequent amendments thereto. However, the above shall not relieve the subdivider or developer from dedication requirements as specifically set out in these regulations and any subsequent amendments thereto for land to be dedicated for such uses as streets, utility easements, nor open space requirements under any other section which sets out specific amounts of land designated for open space.

Section 2. Add to Section 3-16 of the Subdivision Regulations a subsection (e) to read as follows:

Section 3-16(e) In all new subdivisions, a utility easement for the general use of the public shall be provided by the subdivider or developer to permit the extension of water lines across the property being developed so as to allow further expansion of water service to adjacent properties.