

ORDINANCE NO. II

ZONING ORDINANCE

TOWN OF GOSHEN, ARKANSAS

WHEREAS, Act 186 of 1957 of the General Assembly of the State of Arkansas, as amended, empowers municipalities to enact a zoning ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, the Town Council deems it necessary for the purpose of promoting the health, safety, morals and general welfare of the Town of Goshen, to enact a zoning ordinance; and

WHEREAS, the Town Council pursuant to the provisions of Act 186 of 1957, as amended, has established a planning commission, which planning commission has divided the Town into districts on a map and has prepared regulations pertaining to such districts in accordance with the general plan for land use; and

WHEREAS, said zoning regulations and map provide for zoning districts of suitable and harmonious uses with the purpose of conserving the value of building and land, preserving the character and quality of life, and encouraging the most appropriate use of land in the municipality;

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOSHEN, ARKANSAS, AS FOLLOWS:

ARTICLE I
INTENT

It is the intent of this zoning ordinance to insure the orderly development of the community; to avoid undue concentration of population; to stabilize property values; and to retain the character and quality of rural living now enjoyed by the citizens of Goshen.

ARTICLE II
DISTRICTS

Sec. 1 General

The Town of Goshen is hereby divided into the zoning districts listed below. No use expressly permitted within one district shall be permitted in another, unless expressly so provided in this chapter.

C- Light Commercial

A- Agricultural

Sec. 2. Zoning Districts

(a) C- Light Commercial. The light commercial district is intended to provide an area for the development of types of commercial activity which do not generate undue amounts of traffic or create parking problems. It is further intended that this commercial district not be enlarged or extended beyond the boundaries of the commercial area as shown on the Goshen Land Use Map.

(1) Permitted Uses: Uses permitted in the light commercial district shall be of the type which do not generate intense traffic or parking problems. Permitted uses shall include businesses and professional offices; services, such as service stations and repair services, also churches and public facilities.

(2) Conditional Uses: None

(3) Minimum Area Requirements: None

(b) A- Agricultural. The agricultural district is intended to provide land for general agricultural activities which does not interfere with the enjoyment of neighboring uses. It is further intended that land designated as agricultural remain agricultural until such time as growth warrants a different use.

(1) Permitted Uses: Any crop growing activity, including forestry; open space; single family dwellings not to exceed one such dwelling for each two(2) acres of land.

(2) Conditional Uses: Livestock and poultry raising, provided that the Planning Commission may prescribe the maximum number of livestock or poultry permitted within a given area.

(3) Minimum Area Requirements: A minimum lot size of two (2) acres with a minimum set back requirement for any structures of sixty (60) feet from any public roads; a minimum of twenty(20) feet will also be required between any said structures.

ARTICLE III
GENERAL REGULATIONS

Sec. 1. Non-Conforming Uses

Any building or use existing at the effective date of this ordin-

ance or amendments which is used or designed for use contrary to these regulations shall be deemed non-conforming and may continue in use. Maintenance and minor repairs necessary for upkeep of the non-conforming building or use shall be permitted.

(a) Abandonment. Whenever a non-conforming use has been abandoned or discontinued for a period of one year, or has been converted to a conforming use, the non-conforming use shall not be reestablished.

ARTICLE IV ADMINISTRATION AND ENFORCEMENT

Sec. 1. Compliance Required

(a) Building Permit. From and after the effective date of this ordinance, no building or other structure shall be erected, moved or altered without a building permit. A building permit may be obtained for ten dollars(\$10.00).

(b) Enforcement. The provisions of this ordinance shall be enforced by an enforcement officer designated by the Town Council.

(c) Notice. If the enforcement officer shall find that the provisions of this ordinance are being violated, he shall notify the party responsible for such violation in writing indicating the nature of the violation, ordering action to be taken to correct it and the time within which correction shall be completed.

(d) Penalty. Each day a violation exists after the time allotted for correction by the enforcement officer, shall constitute a separate violation. Any uncorrected violation will be referred to the Town Attorney who shall apply to the appropriate court for injunctive relief against the violator.

Sec. 2. Board of Zoning Adjustment: The Planning Commissioner shall appoint a three(3) member Board of Zoning Adjustment from the Planning Commission. The Board of Zoning Adjustment shall perform the following functions:

(a) Appeals. The Board of Zoning Adjustment may hear appeals from the decisions of the enforcement officer in regard to the enforcement and application of these regulations and may affirm or reverse, in whole or part, such decisions of the enforcement officer.

(b) Variances. The Board of Zoning Adjustment may hear requests

for variances from the literal provisions of the zoning ordinances in instances where strict compliance may bring about substantial unfairness.

(c) Fees. Appellant shall bear the administrative costs of such appeal.

Sec. 3. Appeals From the Decision of The Board of Zoning Adjustment: The decision of the Board with respect to appeals shall be subject to the Town Council, who may affirm or reverse, in whole or part, such decision. Decisions of the Town Council shall be subject to appeal only to a court of record jurisdiction.

Sec. 4. Amendments: This ordinance may be amended only in accordance with the procedure contained in it's adoption. Such procedure shall include notice of a public hearing and subsequent hearing by the Planning Commission, certification to the Town Council, and adoption by the Town Council.

(a) Changes in Zoning. A change in zoning shall constitute an amendment to this ordinance. Anyone requesting a change in zoning may demand a public hearing before the Planning Commission. The petitioner must reimburse the Town of Goshen for the costs of such hearing.

(b) Appeal. If, after the public hearing before the Planning Commission, the Commission disapproves the petitioner's request for zoning change, the petitioner may appeal the decision to the Town Council of Goshen, provided such appeal is filed with the Town Clerk within thirty(30) days of the Commission's decision.

(c) Fees. Appellant shall bear the administrative costs of such appeal to the Board of Zoning.

Sec. 5. Severability: If any section, paragraph or sentence or clause of this ordinance shall be declared invalid by a court of competent jurisdiction, such determination of invalidity shall not affect the remaining portion of said ordinance.

Sec. 6. Effective Date: It has been found and is hereby declared by the Town Council that this ordinance is immediately required to promote the orderly development of the Town of Goshen. In order to preserve the public peace, health and safety, this ordinance shall be in full force and effect from the date of it's approval.

Passed and Approved this the 25 day of OCTOBER, 1983.

Euel E. Bowen
EUEL E. BOWEN,
Mayor

Attest: Doyle L. Sharp
DOYLE L. SHARP
Recorder

CERTIFICATE

I, Doyle L. Sharp, Recorder in and for the Town of Goshen, Arkansas, do hereby certify that the above and foregoing is a true, perfect and complete copy of an ordinance passed and enacted by the Town Council of the Town of Goshen, Arkansas, at a ^{SPECIAL} regular meeting of said Council, which was held on the 25 day of OCTOBER, 1983, at the Town Hall in said Town, at which meeting a quorum as provided by law was present and voted thereon.

Witness my hand and the seal of said Town, this 25 day of OCTOBER, 1983.

Doyle L. Sharp
DOYLE L. SHARP
Recorder