

ORDINANCE NO. 136

**AN ORDINANCE AMENDING ORDINANCE NO. 135 AMENDING
CITY OF GOSHEN SUBDIVISION REGULATIONS AS ORIGINALLY
ADOPTED BY ORDINANCE NO. 34 AS AMENDED
THEREAFTER AND CERTAIN PROVISIONS
RELATED TO CONSERVATION SUBDIVISIONS
AS ORIGINALLY ADOPTED BY ORDINANCE NO. 44
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, 113, 122, 123 and 135 amended the previously adopted Subdivision Regulations; and

WHEREAS, the City Council of Goshen has concerns about the Regulations pertaining to conservation subdivisions as first established in Ordinance 44; and

WHEREAS, there is a need to address portions of the Regulations pertaining to conservation subdivisions to provide clarification; 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, 113, 122, 123 and 135 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: Delete the language in **Section 4-4, E., 3.**, and replace it with the following language


3. If no Plan is on file with the City, the City may request the homeowners' association to prepare a Plan in accordance with these regulations, which Plan will then be considered by the City Council. Any deficiencies in the Plan shall be noted by the Council with an opportunity given to the Plan's submitter to correct such deficiencies. If the party submitting the Plan does

not correct such deficiencies, the City Council may approve the Plan with such corrections as it may deem appropriate. If the homeowners' association does not submit a Plan within the time frame requested, then the City Council may cause such plan, as it deems appropriate, to be presented for approval by the City Council after providing at least thirty (30) days notice to the homeowners' association. The Mayor or the Mayor's designee shall provide notice to the homeowners' association once the Plan is approved. A Plan, once approved, shall be kept by the City Recorder and made available to any party seeking a copy. Any changes to the Plan may be proposed by the homeowners' association, or by the City. The City Council may consider such proposals after providing at least thirty (30) days notice to the homeowners' association. In order to receive any notice contemplated by this subsection, all homeowners' associations for a conservation subdivision shall provide current contact information to the City Recorder. Otherwise, notice shall be sent to the address on file at the County Assessor's office which reflects the owner of the property burdened by the conservation easement.

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.

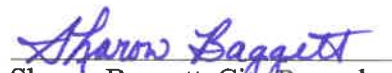
SECTION 4: That all regulations and ordinances adopted and in effect prior to the effective date of this Ordinance, are amended as necessary to give effect to this ordinance.

PASSED AND APPROVED this 9th day of May, 2017.



Max Poye, 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
Brian Buell
Cathy Oliver
Lanny Samuels
Dick Seddon

Names Of Those Voting NAY

Absent

Paula Anderson