

ORDINANCE NO. 21

AN ORDINANCE ESTABLISHING AND DECLARING PUBLIC POLICY; AND TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the lawsuit, *Andy Bethell, et al. v. Town of Goshen, AR, et al.*, Case No. CV-02-621, in the Circuit Court of Washington County, Arkansas has resulted in an agreed order to be entered by the Circuit Court of Washington County on October 9, 2002, which order invalidates all zoning ordinances, subdivision restrictions, lot size restrictions, building code restrictions and building permit requirements and fees; and,

WHEREAS, the City of Goshen has retained the services of the Northwest Arkansas Regional Planning Commission to assist in accomplishing the necessary steps to enact all the necessary and appropriate ordinances to replace those rendered invalid by the Court's order; and,

WHEREAS, as a result of the process described above, there may be a time period when the City of Goshen will have no zoning ordinances in place, and as such, would subject the City and its citizens to development that would not preserve and promote a wholesome, serviceable, and attractive community, and generally tend to diminish the well-being of the City and its residents; and,

WHEREAS, it is the desire of the City of Goshen to preserve the status quo of development within the corporate limits of the City and its planning area for the above purposes, until such time as new zoning ordinances, rules, and regulations come into effect, and,

WHEREAS, the Court's order in *Andy Bethell, et al. v. Town of Goshen, AR, et al.*, Case No. CV-02-621, in the Circuit Court of Washington County, Arkansas creates a need to address the planning issues of the City of Goshen in an expedited manner, thereby creating an emergency; and,

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

SECTION 1. Pursuant to the general police power granted to the City of Goshen, independent of zoning or subdivision regulations, it is declared to be the policy of the City of Goshen, in order to avoid undue concentration of population; maintain property values and to retain the character and quality of rural living now enjoyed by the citizens of Goshen, that no tract of land shall have a minimum area less than two acres, except those which existed prior to the adoption of this ordinance.

SECTION 2. 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 8th day of October, 2002.

Euell E Bower
Mayor

ATTEST:

Sharon D. Baggett
City Recorder

APPROVED AS TO FORM:

Charles Harwell
Charles Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

James Boyd

Jim Northup

Max Poye

Fred Wizer

Names Of Those Voting NAY

Andy Bethell