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WASHINGTON CO AR
K. HARNESS

ORDINANCE NUMBER 11
PLANNED UNIT DEVELOPMENT REGULATIONS
CITY OF GOSHEN, ARKANSAS

BE IT ORDAINED AND ENACTED by the City Council of the City of Goshen, Arkansas:

WHEREAS, This Ordinance is designed to promote the health, safety, and general welfare of the citizens of Goshen, Arkansas, and to insure the development of the City in accordance with present and future needs, morals, order, convenience, prosperity, and the general welfare of the City in the process of its development.

SECTION 1 -- GENERAL PROVISIONS

1.1 Purpose. The purpose of this Ordinance is to encourage the unified design of housing, commercial, office, recreational, and institutional areas and facilities, and the combination thereof, to provide for integrated development of large scale tracts having harmony of designed varieties of function, innovative and imaginative site planning, conservation of natural resources, and minimum waste of land. This Ordinance provides for a greater flexibility in the design of buildings, yards, common recreational areas, and traffic circulation, than would otherwise be possible through the strict application of existing subdivision regulations. This Ordinance is further intended to produce:

- A. A maximum choice in the types of environment and living units available to the public;
- B. Open space and recreation areas;
- C. A pattern of development which preserves trees, outstanding natural topography, geological features, controls flooding, and prevents soil erosion;
- D. A creative approach to land use and physical development;
- E. An efficient use of land, resulting in reduced networks of utilities and streets; and

- F. An environment of safe and stable character in harmony with surrounding development.

1.2 Definitions. The definitions set forth in Section 1.2 of Ordinance Number 10 of the City of Goshen are, by this reference, incorporated into this Ordinance and made a part hereof. Definitions of additional terms used in this Ordinance are as follows:

- A. CLUSTER. Cluster shall refer to a contiguous grouping of one type of land use, whether it be single-family dwellings, multi-family dwellings, commercial uses, recreational uses, office uses, institutional uses, or open spaces, which are delineated by some natural or artificial boundary. Such boundaries may be streets, rivers, open spaces, or recreational areas between groupings of dwellings, commercial use areas, office use areas, or institutional use areas.
- B. DEVELOPER. Any person, corporation, partnership, limited liability company, association, or combination thereof, owning or possessing a property right or interest in a tract of land for which a Planned Unit Development is proposed, may act as the developer in filing the Letter of Intent and the Preliminary Plan with the Planning Commission.
- C. PROJECT. Project shall refer to the overall development of the Planned Unit Development.

1.3 Minimum Site Size. The minimum size of the total area of land upon which a Planned Unit Development shall be located is as follows:

- A. Not less than seven hundred fifty (750) acres in size for residential developments.
- B. Not less than five (5) acres for commercial or office development.
- C. Not less than ten (10) acres for educational, medical, or other types of institutional development.
- D. If a project involves a combination of land use types, the largest site requirement shall apply.

1.4 Minimum Recreational Area. A minimum size of two hundred (200) acres of land upon which a Planned Unit Development shall be located shall be set aside and used solely for common use recreational facilities and greenspace, such as those uses set forth in Section 2.2(A) through (F) of this Ordinance, for the

common use and enjoyment of the residents and guests of the Planned Unit Development, or as permitted by the property owner's association.

1.5 Design Characteristics. The proposed Planned Unit Development shall be designed to provide for the unified development of the area and in accordance with the spirit and purposes of the area in which the Planned Unit Development is located. The design shall provide for the yard, setback, height requirements, density, and intensity of use for the Planned Unit Development as set forth in Sections 2.1 and 4.4 of this Ordinance.

1.6 Property Owners Associations. A homeowner's or property owner's association shall be created if other provisions satisfactory to the Planning Commission have not been made for improving and maintaining common facilities, including streets, drives, service and parking areas, and recreation areas. The property owner's association may also provide for adequate water and sewage facilities.

1.7 Management Companies. A management company may be utilized for improving and maintaining common facilities, including streets, drives, service and parking areas, water facilities, sewage facilities, and recreation areas. A management company may either be one of the developers or hired by the developer. Such management company may be used in lieu of or in conjunction with a property owner's association.

1.8 Phases. The Planned Unit Development may be developed in one or more stages. If plans for subsequent phases of the project are not submitted to the Planning Commission when the initial Preliminary Plat is filed with the Planning Commission, the developer shall file a Preliminary Plat and a Final Plat for approval by the Planning Commission and the City Council for each phase of the Planned Unit Development.

SECTION 2 -- PERMITTED USES IN PLANNED UNIT DEVELOPMENTS

2.1 Residential Uses. Residential areas within a Planned Unit Development shall be clustered by the types of residential housing within the Planned Unit Development. The permissible types of residential housing are as follows:

- A. Single-Family Detached Dwellings. Single-family detached structures which are intended for individual lot ownership are permitted. Single-family detached dwellings shall have an average density within each cluster of dwelling units of not more than four (4) dwelling units per acre.

- B. Single-Family Attached Dwellings. Single-family attached structures which are intended for individual lot ownership, also known as "patio homes" are permitted. Single-family attached dwellings shall have an average density within each cluster of dwelling units of not more than five (5) dwelling units per acre.
- C. Condominiums. Condominiums are intended for individual ownership of dwellings within either single-family or multi-family structures on land owned in common. Condominiums shall have an average density within each cluster of condominiums of not more than ten (10) dwelling units per acre.
- D. Multi-Family Dwellings. Multi-family dwellings are intended to provide apartment housing for either rental or individual ownership. Multi-family dwellings shall have an average density within each cluster of multi-family dwelling units of not more than twenty (20) dwelling units per acre.
- E. Mobile Homes. No mobile homes, manufactured homes, or trailers shall be permitted within a Planned Unit Development.

2.2 Commercial, Recreational, Office, and Institutional Uses. Commercial, recreational, office, and institutional uses consistent with the overall theme of the Planned Unit Development are permitted. Permitted commercial and recreational uses which may be included within a Planned Unit Development are:

- A. Golf courses, together with clubhouse facilities; maintenance facilities, including barns and sheds for the storage of equipment and supplies; and golf practice ranges.
- B. Tennis courts.
- C. Swimming pools.
- D. Basketball courts.
- E. Baseball diamonds.
- F. Football stadiums.
- G. Hotels.
- H. Conference and meeting centers.
- I. Churches.

J. Schools.

K. Accessory commercial uses customarily incident to the principal uses included within the Planned Unit Development. Accessory commercial uses shall be designed primarily for the service, convenience, and benefit of the residents, guests, and users of the Planned Unit Development. Such accessory commercial uses shall be designed and located within the Planned Unit Development in such manner as to be compatible with the residential and recreational uses of the Planned Unit Development. Such accessory commercial facilities which may be included within the Planned Unit Development are:

1. Retail bakery;
2. Banks, including drive-in banks;
3. Barber shop;
4. Beauty shop;
5. Book stores;
6. Confectionery stores;
7. Convenience stores and services;
8. Dairy stores;
9. Drug stores;
10. Dry cleaners and laundries;
11. Eating places, other than drive-ins, such as coffee shops, cafeterias, delicatessens, and restaurants;
12. Food specialty shops;
13. Florists;
14. Gasoline stations;
15. Gift shops;
16. Grocery stores;
17. Health food stores;
18. Ice cream stores;
19. Laundromats;
20. Minor emergency clinics;
21. Newsstands;
22. Novelty shops;
23. Private clubs;
24. Professional offices, such as physician, dentist, or attorney offices;
25. Realty offices;
26. Souvenir shops;
27. Tobacco shops; and
28. Any commercial business which provides goods or services primarily for the convenience and benefit of residents and guests of the Planned Unit Development.

SECTION 3 -- PROCEDURE

3.1 Preliminary Plan. Whenever a developer elects to submit a plan under this Ordinance, the developer shall file a Letter of Intent and a Preliminary Plan with the Planning Commission. The developer shall pay a filing fee of \$100.00 with the filing of the Letter of Intent and Preliminary Plan. The Letter of Intent shall indicate the type of development planned, the concept of the Planned Unit Development, a general description of the land to be developed, and a statement that the developer is electing treatment of the plan as a Planned Unit Development. Two (2) copies of the Preliminary Plan shall be filed with the Planning Commission. One (1) copy shall be retained by the Planning Commission.

A. The Preliminary Plan shall give the following information:

1. Identification of each phase of the Planned Unit Development and the area involved in each phase of the Planned Unit Development.
2. Location of all streets and alleys adjacent to or connecting with the Planned Unit Development.
3. The general location of arterial streets within the Planned Unit Development.
4. The proposed location of fire hydrants within the Planned Unit Development.
5. The general location of clusters of each type of use, i.e., single-family detached dwellings, single-family attached dwellings, condominiums, multi-family dwellings, recreational use areas, commercial use areas, office use areas, and institutional use areas; the number of acres which each cluster will occupy, and the number of dwelling units within each cluster.
6. The general location and number of acres of open space within the Planned Unit Development.
7. The total size of the Planned Unit Development.
8. The legal description of the property upon which the Planned Unit Development will be located.
9. A map showing the location of the Planned Unit Development in relation to the remainder of the City.

- B. The Planning Commission shall advise the developer in writing within thirty (30) business days after filing the Letter of Intent and the Preliminary Plan that the developer may prepare the Preliminary Plat. The Planning Commission shall return one (1) copy of the Preliminary Plan to the developer with corrections and changes marked upon the Preliminary Plan.

3.2 Temporary Construction Permit. The Planning Commission may issue a temporary construction permit at any time and prior to the submission of the Preliminary Plan to permit the developer to begin grading of the area on which the Planned Unit Development will be located and to permit construction of land use intensive recreational facilities such as golf courses. The intent of the issuance of the temporary construction permit is to allow the developer to begin layout and construction of such recreational facilities as golf courses since the location of the recreational facilities will govern the location and layout of other land uses within the Planned Unit Development for purposes of the Preliminary Plan and the Preliminary Plat.

3.3 Preliminary Plat. The developer shall file five (5) copies of the Preliminary Plat with the Planning Commission at least fifteen (15) days prior to the Planning Commission meeting at which the Preliminary Plat is to be reviewed. The developer shall submit a Preliminary Plat for each phase of the Planned Unit Development at the time such phase is proposed to be developed.

3.4 Information Required for the Preliminary Plat. The Preliminary Plat shall be drawn to scale not to exceed one inch (1") equals two hundred feet (200'). The developer shall give the following information on the Preliminary Plat:

- A. Name of the Planned Unit Development.
- B. Boundary of the proposed phase of the Planned Unit Development with a description of the enclosed property.
- C. The names and addresses of the owner(s), the developer(s), and the surveyor(s).
- D. The total acreage in the proposed phase of the Planned Unit Development.
- E. The date, location map showing the section or sections in which the proposed phase of the Planned Unit Development is located, the Plat scale, legend, and an arrow indicating north.
- F. The location of all streets, with names stated, alleys, and easements within, connecting, and bordering the

proposed phase of the Planned Unit Development. Use of street names shall be subject to approval by Washington County 911 Operations.

- G. Dimensions of streets, alleys, easements, blocks, parcels, lot lines, and subtended angles.
- H. The bearing of all lines not parallel or perpendicular to lines of known bearing. Interior angles of lots may be given in lieu of bearings. All bearings shall be referenced to true north.
- I. The location of building lines.
- J. The proposed use for each cluster of lots or parcels, whether for single-family, multi-family, recreational, open space, commercial use, office use, or institutional use.
- K. Size of setbacks for each lot.
- L. The location of open space within the proposed phase of the Planned Unit Development.
- M. The location of fire hydrants within the proposed phase of the Planned Unit Development.
- N. The location of water impoundments and water courses within the proposed phase of the Planned Unit Development.
- O. The location of other property owned by utilities if within the proposed phase of the Planned Unit Development, and the location of utilities to be buried in existing roadways.
- P. Set of protective covenants.

3.5 Preliminary Plat Approval. If all plans, requirements, and conditions marked upon the Preliminary Plan have been met, the Planning Commission shall approve the Preliminary Plat and instruct the developer to proceed with preparation of the Final Plat. Any additional conditions or changes required by the Planning Commission shall be marked on at least one (1) copy of the Preliminary Plat. One (1) copy of the Preliminary Plat with such additional conditions or changes marked upon the Preliminary Plat shall be returned to the developer.

3.6 Expiration. Preliminary Plat approval shall expire three (3) years from the date of approval by the Planning Commission if the Final Plat has not been filed for approval with the Planning

Commission. The Planning Commission may extend the time for filing the Final Plat upon written request by the developer.

3.7 Final Plat. The developer shall file one (1) original and five (5) copies of the Final Plat with the Planning Commission at least fifteen (15) days prior to the Planning Commission meeting at which the Final Plat is to be reviewed. Upon fulfilling the conditions and changes set forth in the approval of the Preliminary Plat and the submission of any other required documents, the Planning Commission may approve the Final Plat. Upon approval by the Planning Commission, the Final Plat shall be filed with the City Clerk, who shall place the Final Plat on the agenda of the next regular meeting of the City Council for the approval and acceptance of the Final Plat by the City Council. Upon acceptance and approval of the Final Plat by the City Council, the developer shall file the Final Plat with the Circuit Clerk and Ex-Officio Recorder of Washington County.

3.8 Information Required for the Final Plat. The Final Plat shall be drawn to scale not to exceed one inch (1") equals two hundred feet (200'), on stable base material using waterproof ink. The developer shall give the following information on the Final Plat:

- A. Name of the Planned Unit Development.
- B. Boundary of the proposed phase of the Planned Unit Development with a description of the enclosed property.
- C. The names and addresses of the owner(s), the developer(s), and the surveyor(s).
- D. The total acreage in the proposed phase of the Planned Unit Development.
- E. The date, the Plat scale, legend, and an arrow indicating north.
- F. The location of all streets, with names stated, alleys, and easements within, connecting, and bordering the proposed phase of the Planned Unit Development. Use of street names shall be subject to approval by Washington County 911 Operations.
- G. Dimensions of streets, alleys, easements, blocks, parcels, lot lines, and subtended angles.
- H. The bearing of all lines not parallel or perpendicular to lines of known bearing. Interior angles of lots may be given in lieu of bearings. All bearings shall be referenced to true north.

- I. The location of monuments.
- J. The proposed use for each cluster of lots or parcels, whether for single-family, multi-family, recreational, open space, commercial use, office use, or institutional use.
- K. Size of setbacks for each lot.
- L. The location of building lines.
- M. Location and area of open space within the proposed phase of the Planned Unit Development.
- N. The location of fire hydrants within the proposed phase of the Planned Unit Development.
- O. Location and area of water impoundments and water courses within the proposed phase of the Planned Unit Development.
- P. The location of other property owned by utilities if within the proposed phase of the Planned Unit Development, and the location of utilities to be buried in existing roadway.
- Q. The lot and block of each lot or parcel.
- R. Set of protective covenants.
- S. Certification of the registered engineer.
- T. Dedication of streets, alleys, and easements for public use.

3.9 Covenants. The City of Goshen shall be made beneficiary of the covenants pertaining to matters such as location of uses, density, height of structures, setbacks, screening, access, and any other conditions which shall have been made as qualifications to the approval of the Planned Unit Development. Such covenants shall provide that the City of Goshen may enforce compliance with such covenants at its discretion, and shall provide for remedies if the property owner's association should fail to maintain streets, water facilities, and sewage facilities. The developer shall submit the set of proposed covenants to the Planning Commission for approval together with and as part of the Preliminary Plat. Material changes to the covenants caused by conditions unforeseen at the time of initial approval shall be submitted to the Planning Commission by the developer for review and approval of the changes.

3.10 Zoning. Upon approval of the Final Plat by the City Council, the zoning map of the City of Goshen shall be amended to conform with the uses of land as set forth in the Planned Unit Development.

3.11 Amendments. Changes in a platted phase of the Planned Unit Development may be authorized by the Planning Commission upon review and approval of an amended Plat incorporating such changes. The amended Plat shall be submitted and approved in accordance with the procedures set forth in Sections 3.2 through 3.7 of this Ordinance.

3.12 Building Permits. After the filing of the approved Final Plat with the Circuit Clerk and Ex-Officio Recorder of Washington County, building permits shall be issued on land within the approved phase of the Planned Unit Development for all construction which is included within the approved Final Plat.

3.13 Abandonment. Abandonment of a Planned Unit Development after approval by the City Council shall require the approval of the City Council after a recommendation for abandonment by the Planning Commission. Approval of the abandonment by the City Council shall repeal the amendment to the zoning map caused by the original approval of the Planned Unit Development. If the Final Plat of the Planned Unit Development has been recorded with the Circuit Clerk and Ex-Officio Recorder of Washington County, abandonment shall also require vacation of the Final Plat.

SECTION 4 -- STANDARDS

4.1 Streets. The purpose of this Ordinance is to allow flexibility and creativity in the design of the Planned Unit Development. The developer should follow these general standards in the design of streets within the Planned Unit Development:

- A. The pattern of arterial streets within the Planned Unit Development should be such that traffic within the Planned Unit Development is uniformly routed from feeder streets to intersections with roads outside of the Planned Unit Development so that points of traffic congestion do not occur within the Planned Unit Development at peak usage times.
- B. Long sections of straight streets within the Planned Unit Development such as would encourage speeding are discouraged.
- C. Street locations should be such as to provide each lot with the desirable elevation, size, and shape which will

permit proper setback of structures and satisfactory placement on the lot.

- D. Grades of streets shall be determined according to existing terrain and shall be sufficient to provide adequate drainage. The maximum grade shall be twelve (12) percent.
- E. The minimum paving width for arterial streets within the Planned Unit Development shall be thirty-six (36) feet from back of the curb to the back of the curb.
- F. The minimum paving width for feeder streets within the Planned Unit Development shall be twenty-four (24) feet.
- G. Dead end streets and cul-de-sacs shall have a sufficient radius to permit vehicular turnaround by tanker trucks used by the Fire Department.
- H. All streets shall be constructed in accordance with the Roadway Base and Pavement Specifications for Land Development, Article 4, Sections 4.01 through 4.15, of the Regulations, Standards, and Specifications for the Division, Development, and Improvement of Unincorporated Land in Washington County, Arkansas.
- I. The developer shall install street signs which conform to City standards and which are consistent with the theme and decor of the Planned Unit Development.
- J. The developer shall establish a 911 address for each lot. All addresses shall be subject to approval by Washington County 911 Operations.

4.2 Blocks. The layout of blocks within the Planned Unit Development shall be consistent with location of open space, recreational areas, and clusters of each type of use.

4.3 Residential Lots. The shape, size, and density of lots shall be consistent with the type of use within each cluster and with the location, shape, and size of open spaces and recreational areas.

4.4 Minimum Bulk and Area Requirements. The minimum bulk and area requirements within the Planned Unit Development are as follows:

A. For Single-Family Detached Dwellings:

1. Minimum lot width: Fifty-five (55) feet;
2. Minimum lot area: Five thousand (5,000) square feet;
3. Minimum land area per dwelling unit: Six thousand two hundred fifty (6,250) square feet;
4. Minimum front yard: Twenty (20) feet;
5. Minimum side yard: Five (5) feet;
6. Minimum rear yard: Twenty (20) feet;
7. Internal side yards may be waived on one side to permit zero lot line development, provided that the side yard opposite the zero lot line is at least ten (10) feet. On the periphery of the Planned Unit Development, no structure shall be placed closer than ten (10) feet to a side property line.
8. A minimum of ten (10) percent of the land area of each lot shall be landscaped open space.

B. For Single-Family Attached Dwellings:

1. Minimum lot width: Fifty-five (55) feet;
2. Minimum lot area: Five thousand (5,000) square feet;
3. Minimum land area per dwelling unit: Five thousand (5,000) square feet;
4. Minimum front yard: Twenty (20) feet;
5. Minimum side yard: Five (5) feet;
6. Minimum rear yard: Twenty (20) feet;
7. Internal side yards may be waived on one side to permit zero lot line development, provided that the side yard opposite the zero lot line is at least ten (10) feet. On the periphery of the Planned Unit Development, no structure shall be placed closer than ten (10) feet to a side property line.
8. A minimum of ten (10) percent of the land area of each lot shall be landscaped open space.

C. For Condominiums:

1. Minimum front yard: Twenty (20) feet;
2. Minimum side yard: Eight (8) feet;
3. Minimum rear yard: Twenty (20) feet;
4. Internal side yards may be waived on one side to permit zero lot line development and to permit common walls between condominiums. There shall be no specific requirements as to minimum lot width,

minimum lot area, or minimum area per dwelling unit for condominiums. On the periphery of the Planned Unit Development, no structure shall be placed closer than eight (8) feet to a side property line.

5. A minimum of ten (10) percent of the land area of each lot shall be landscaped open space.

D. For Multi-Family Dwellings:

1. Minimum lot width: Ninety (90) feet;
2. Minimum lot area: Eight thousand (8,000) square feet;
3. Minimum land area per dwelling unit: One thousand (1,000) square feet;
4. Minimum front yard: Twenty (20) feet;
5. Minimum side yard: Eight (8) feet;
6. Minimum rear yard: Twenty (20) feet;
7. Internal side yards may be waived on one side to permit zero lot line development, provided that the side yard opposite the zero lot line is at least fifteen (15) feet. On the periphery of the Planned Unit Development, no structure shall be placed closer than eight (8) feet to a side property line.
8. A minimum of ten (10) percent of the land area of each lot shall be landscaped open space.

E. For Commercial, Recreational, Office, and Institutional Uses:

1. Minimum setback from street right of way: Thirty-five (35) feet;
2. Minimum setback from side property line: none;
3. Minimum setback from side property line when contiguous to a residential area: Fifteen (15) feet;
4. Minimum setback from back property line: Fifty (50) feet.
5. One parking space shall be provided for each two hundred (200) square feet of floor area;
6. A minimum of ten (10) percent of the land area of each lot shall be landscaped open space.

4.5 Maximum Height Regulations. Buildings containing multi-family dwellings shall have a permissible height of forty-five (45) feet or three (3) stories. Any building containing multi-family dwellings which exceeds the height of forty-five (45) feet shall be set back from any boundary line a distance of one (1) foot for each foot of height in excess of forty-five (45) feet. Any building, other than buildings which contain multi-family dwellings, which exceed the height of twenty (20) feet shall be set back from any

boundary line a distance of one (1) foot for each foot of height in excess of twenty (20) feet.

SECTION 5 -- PUBLIC SERVICES

5.1 Water. The developer shall install all improvements for the delivery of water service. Water service shall be adequate for the needs of residents, businesses, and fire protection services within the Planned Unit Development. Fire hydrants shall be located every one thousand (1,000) feet.

5.2 Sewage. The disposal of sewage shall be in accordance with standards established by the Arkansas State Board of Health.

5.3 Stormwater Drainage. Surface water within the Planned Unit Development shall be properly handled by stormwater maintenance facilities which shall discharge stormwater into natural drainage ways. Land subject to flooding within the Planned Unit Development shall not be developed until necessary corrective steps are taken and a registered professional engineer certifies that such land is no longer subject to flooding.

5.4 Police Services. The Planned Unit Development may provide for private security services.

5.5 Monuments. Monuments shall be placed within the Planned Unit Development.

- A. Concrete monuments shall be four (4) inches in diameter or four (4) inches square, and thirty-six (36) inches long with four (4) one-fourth inch or one-half inch metal reinforcing rods embedded in the monument. The length of the monument shall be placed with the top flush to the ground at the corner of each forty (40) acre tract within the Planned Unit Development and at all points at which the boundary of the Planned Unit Development intersects with a boundary line of a forty (40) acre tract.
- B. The location of all monuments shall be shown on the Final Plat.

5.6 Easements. Areas of suitable size and location shall be allocated for utility easements when necessary. Utility easements shall be located on the front of the lot or the back of the lot, as appropriate, and the combined total width of each utility easement shall be twenty-five (25) feet. Utility easements may be located on side lot lines when necessary or if requested by utility companies.

SECTION 6 -- SEVERABILITY

If any court of competent jurisdiction determines that any section, paragraph, clause, phrase, or provision of this Ordinance is invalid or unenforceable for any reason, all remaining sections, paragraphs, clauses, phrases, and provisions of this Ordinance shall remain in full force and effect and the validity of such shall not be affected.

PASSED AND APPROVED this 15 day of October, 1998.

Euel E Bowen
EUEL E. BOWEN, Mayor

Attest:

Dolores Varner
Dolores Varner
City Clerk



FILED
'98 OCT 8 PM 3 27
MARILYN EDWARDS
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF THE PETITION OF CERTAIN
PROPERTY TO THE CITY OF GOSHEN, WASHINGTON
COUNTY, ARKANSAS;

R. J. HISSOM

PETITIONER

CASE NO. CC 98-12

ORDER FOR ANNEXATION

On this 8th day of October, 1998, is presented the Petition filed herein by R. J. Hissom seeking to annex certain real property into the City of Goshen, Washington County, Arkansas. Based upon the record, statements of counsel and evidence presented, the Court being well and sufficiently advised finds:

1. That Petitioner is the owner of record of certain tracts of real property contiguous to and adjoining the City of Goshen, Washington County, Arkansas, more particularly described as follows:

All that part of the Northwest Fractional Quarter of Section 2 in Township 16 North, Range 29 West of the Fifth Principal Meridian lying North and West of White River;

5.04 chains of equal width off the East side of that part of the Northwest Fractional Quarter of Section 3 in Township 16 North, Range 29 West of the Fifth Principal Meridian lying North of the channel of White River;

All that part of the Northeast Fractional Quarter of Section 3 in Township 16 North, Range 29 West of the Fifth Principal Meridian lying North of the channel of White River;

Order for Annexation
Page 1

32 acres, of equal and uniform width off the West side of the East Half of the Northwest Fractional Quarter of Section 3 in Township 16 North, Range 29 West of the Fifth Principal Meridian, except 1 3/4 acres lying on the South side of White River;

and

The fractional West Half of the Northwest Quarter of Section 3 in Township 16 North, Range 29 West, less and except 20 acres of equal width across the South side thereof, leaving 23.46 acres, more or less. ("Property").

2. That a true and correct copy of a map of the Property showing that it is contiguous to and adjoining the City Limits of the City of Goshen has been filed with this Court.

3. That the Property is located in Washington County, Arkansas and this Court has jurisdiction to hear this Petition pursuant to Ark. Stat. Ann. § 14-40-601 (1998).

4. That Petitioner has requested this Court to annex the Property into the City of Goshen, Washington County, Arkansas.

5. That Ball & Mourton, Ltd., PLLC, is authorized by Petitioner to act on its behalf as attorney of record and to prepare and file any pleadings, publish notices, and make appearances before this or any other Court, or to perform any other service required to effect such annexation.

6. That good and sufficient notice was published in the Morning News of Northwest Arkansas on September 4, 1998, September 11, 1998, and September 18, 1998 pursuant to the requirements of Ark. Code Ann. § 14-40-602 (1998).

7. That more than thirty (30) days have passed since the filing of the Petition and no objections have been filed against the annexation.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED and DECREED that said petition be, and the same hereby is, granted; and that the above-described Property should be and hereby is annexed into the City of Goshen, Washington County, Arkansas.


Charles Johnson
Washington County Judge

11-A Filed

FILED FOR RECORD
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WASHINGTON CO AR
K. HARNESS

ORDINANCE NUMBER 11-A
AMENDMENT TO
PLANNED UNIT DEVELOPMENT REGULATIONS
CITY OF GOSHEN, ARKANSAS

BE IT ORDAINED AND ENACTED by the City Council of the City of Goshen, Arkansas:

WHEREAS, This Ordinance is designed to promote the health, safety, and general welfare of the citizens of Goshen, Arkansas, and to insure the development of the City in accordance with present and future needs, morals, order, convenience, prosperity, and the general welfare of the City in the process of its development.

SECTION 1 -- PURPOSE

The purpose of this Ordinance is to amend Section 1.3 of Ordinance Number 11, also known as the Planned Unit Development Regulations of the City of Goshen, which was passed and approved by the City Council of the City of Goshen on October 15, 1998. Section 1.3 of Ordinance Number 11 defines the minimum site size for a Planned Unit Development.

SECTION 2 -- AMENDMENTS

Section 1.3 of Ordinance Number 11 is hereby amended as follows:

1.3 Minimum Site Size. The minimum size of the total area of land upon which a Planned Unit Development shall be located is as follows:

- A. Not less than seven hundred (700) acres in size for residential developments.
- B. Not less than five (5) acres for commercial or office development.
- C. Not less than ten (10) acres for educational, medical, or

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other types of institutional development.

- D. If a project involves a combination of land use types, the largest site requirement shall apply.

SECTION 3 -- SEVERABILITY

If any court of competent jurisdiction determines that any section, paragraph, clause, phrase, or provision of this Ordinance is invalid or unenforceable for any reason, all remaining sections, paragraphs, clauses, phrases, and provisions of this Ordinance shall remain in full force and effect and the validity of such shall not be affected.

PASSED AND APPROVED this 9th day of ~~February~~, 1999.
MARCH

Euel E. Bowen
EUEL E. BOWEN, Mayor

Attest:

Dolores Varner
Dolores Varner
City Clerk

(CITY SEAL)

