

ORDINANCE NO. 119

**AN ORDINANCE AMENDING CITY OF GOSHEN
SUBDIVISION REGULATIONS ORIGINALLY
ADOPTED BY ORDINANCE NO. 34 AS AMENDED THEREAFTER,
REGARDING THE PROHIBITION ON GATED ENTRANCES, AND
TO DECLARE AN EMERGENCY 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 and 113, amended the previously adopted Subdivision Regulations; and

WHEREAS, the City Council of Goshen seeks to clarify the current restriction which prohibits gated entrances to subdivisions; 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 and 113 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 of Section 1-14, "Gated subdivisions" and insert in its place the following:

Sec. 1-14. Gated subdivisions.

Due to concern for safety and so as not to restrict access by emergency response vehicles, gated entrances shall not be permitted in any subdivision to which these regulations apply, including, without limitation, any expansion of an existing subdivision. Although existing subdivisions, which previously obtained approval of their gated entrance, may retain their gated entrance, any expansions or additional phases may not provide for additional gated entrances. Additional phases to a subdivision with a gated entrance shall only be approved only if it complies with these regulations, is not otherwise in conflict with other ordinances, and either

proposes to use the existing gated entrance or any additional entrance is ungated.

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.

SECTION 5: EMERGENCY CLAUSE: Because of the concern for fire safety of homeowners who reside in subdivisions and access by other emergency vehicles, the City Council, while believing that the current prohibition is clear, it is important that any ambiguity be clarified so that subdivision developers will know for certain that the prohibition against gated entrances applies to the expansion of existing subdivisions in the same manner as any new subdivision, and because of the keen public interest in this issue, these matters are such pressing business that it is viewed that an immediate solution is necessary thereby creating an emergency. 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 10th day of November, 2015.




Joe Benson, 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

Paula Anderson
Andy Bethell
Brian Buell
Dick Seddon

Names Of Those Voting NAY

Absent

Max Poye
Lanny Samuels

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names Of Those Voting YEA

Paula Anderson
Andy Bethell
Brian Buell
Dick Seddon

Names Of Those Voting NAY

Absent

Max Poye
Lanny Samuels