

**ORDINANCE NO. 123**

**AN ORDINANCE AMENDING CITY OF GOSHEN  
SUBDIVISION REGULATIONS AND CERTAIN DEFINITIONS  
THEREIN ORIGINALLY ADOPTED BY ORDINANCE NO. 34  
AS AMENDED THEREAFTER 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 and 122 amended the previously adopted Subdivision Regulations; and

WHEREAS, the City Council of Goshen has concerns about lot splits that result in tandem lots, i.e. lots which do not front an existing street, due to fire safety concerns; and

WHEREAS, there is a need to address requests for a lot line adjustment to insure that tandem lots have the access to an existing street, due to fire safety concerns; 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 and 122 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: Replace the previous definitions of *Lot Split* and *Lot Line Adjustment* in **Section 1-2, Definitions.**

*Lot Split* shall mean subdividing property which involves the dividing or redesigning of an existing lot or lots and which does not involve the dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley or easement. A lot split shall not be permitted if it seeks to divide a tract of land into more than five tracts. A split of a lot in an existing subdivision shall require that the owner have prepared and present a re-plat of such subdivision or of the lot affected, but the fee for a lot split shall be inclusive and no separate fee for re-plat shall be required. A property owner, or in the case of a change in ownership of tract land, a subsequent owner, may not seek successive lot splits so as to avoid compliance with the subdivision regulations. No more than

two (2) such splits in eighteen months, even if there have been different owners, shall be allowed before the property owner shall be required to apply for preliminary and final plat approvals for a subdivision. No parcel resulting from a lot split shall be less than the minimum area required by ordinance. A lot split which creates a tandem lot shall require that:

(1) before a building permit will be issued for a residential or commercial structure upon any lot resulting from such lot split, the owner shall present sufficient documentation that all the requirements of subsection (3) shall have been met; or

(2) in the case of a parcel outside the corporate limits of Goshen, but within the City's planning jurisdiction, the owner will sign a covenant with the City of Goshen in a form provided by the City, which shall include the legal description of the tandem lot(s) provided by the owner and which shall be suitable for filing in the deed records of Washington County, which covenant shall run with the land; shall be binding upon all heirs, successors and assigns; and shall provide that: (i) before any residential or commercial structure may be built thereupon, all the requirements of subsection (3) shall have been met; and (ii) if the covenant be breached that the City may seek to enforce the covenant by court action and obtain a mandatory injunction requiring the owner(s) to comply herewith, in which the City shall also recover its attorney's fees for having to pursue such action;

(3) all resulting lots shall have access to a public street or an approved private street by a recorded access easement with a minimum width of 25 feet and which access easement shall have sufficient base material as determined by the planning commission, in consultation with the Goshen Fire Department, as necessary for the reasonable ingress and egress of traffic and public safety equipment, including emergency and service vehicles. All tandem lot owners shall be responsible for maintaining the access easement so that all vehicles have safe access to any structures located on the lot. The tandem lot owners shall have title to, or a perpetual easement filed of record for the access easement and shall provide evidence of such as a condition of obtaining approval of the lot split.


*Lot Line Adjustment* shall mean the adjustment of the boundary line between adjacent property owners. The result of the transfer shall not cause either the receiving tract or the tract from which it is taken to be below the minimum lot area standard within the City unless the current lot size of affected lots are already less than minimum lot area, in which case, the lot line adjustment shall only be permitted to correct errors in survey, building placement which created insufficient yard area, set back issues, transfer of real estate to adjoining property owner or any other circumstances of a similar nature. In the event of a lot line adjustment which creates a tandem lot or which modifies an existing tandem lot which might otherwise be considered exempt from regulation because it existed prior to the implementation of the ordinance, the owner shall be required to meet the requirements stated in the definition of a Lot Split in this Section 1-2 the same as if it was a lot split creating a tandem lot.

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 9<sup>th</sup> day of February, 2016.

  
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Joe Benson, Mayor

ATTEST:

  
\_\_\_\_\_  
Sharon Baggett, City Recorder

APPROVED AS TO FORM:

  
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Charles L. Harwell, City Attorney

**ROLL CALL VOTE ADOPTING THE ORDINANCE**

Names Of Those Voting YEA

Max Poye  
Lanny Samuels  
Dick Seddon  
Mayor Joe Benson

Names Of Those Voting NAY

Absent

Paula Anderson  
Andy Bethell  
Brian Buell