

ORDINANCE NO. 49

**AN ORDINANCE AMENDING ORDINANCES NO. 34, 35 AND 41; AND
TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, the City Council of Goshen, by Ordinance No. 34, did adopt, by reference, subdivision regulations, and

WHEREAS, the City Council of Goshen, by Ordinance No. 35, did adopt, by reference, zoning regulations, and

WHEREAS, the City Council of Goshen, by Ordinance No. 41, did amend, by reference, Ordinances No. 21 and 34, and

WHEREAS, after due notice as required by law, the Goshen Planning Commission has heard all persons desiring to be heard regarding the amendments contained herein; and

WHEREAS, all comments, views, suggestions and recommendations have been considered and addressed, and minor changes made as deemed appropriate; and

WHEREAS, after conducting its public hearing in accordance with law, the Goshen Planning Commission rejected the attached amendments and did not recommend them to the City Council.

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

SECTION 1: Section 2-2(a) of the City of Goshen Subdivision Regulations is hereby amended to add “(13) Elevations with respect to the site plan perimeters to allow the staff the opportunity to understand any structures, fences, barriers, berms, or enclosures intended with respect to any boundary of the site plan.”

SECTION 2: Section 2-7(c)(4) of the City of Goshen Subdivision Regulations is hereby amended to add subsection “(y) Elevations with respect to the site plan perimeters to allow the staff the opportunity to understand any structures, fences, barriers, berms, or enclosures intended with respect to any boundary of the site plan.” The Planning Commission may reject any proposal which violates the spirit of the Conservation Subdivision ordinance.

SECTION 3: Section 10(g) of the City of Goshen Zoning Regulations is hereby amended as follows:

Section (g)(5) shall be added “Fences shall be defined to include any man-made barrier, whether constructed of wood, metal, masonry, and shall specifically refer to any subdivision

entrance. The definition of fence shall include a segment of any such barrier and need not be an enclosure.”

SECTION 4. Appendix A: Conservation Subdivisions, Section 1-4B is amended to add Section 7: The open space shall not be enclosed by any barrier which shall obstruct the scenic impact particularly along primary arterial, minor arterial and collector streets. Any barrier or fence (as defined in the City of Goshen Zoning Regulations) must be approved by the Planning Commission.

SECTION 5. 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 6. 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 14th day of December, 2004.



Andy Bethell, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

Joe Benson
Chuck Huskey
John Meek
Dick Seddon
Albert Skiles

Names Of Those Voting NAY