

ORDINANCE NO. 2022 - 13

AN ORDINANCE AMENDING THE SEARCY ZONING CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Planning Commission for the City of Searcy, Arkansas, has, pursuant to Article 9-4-2 of the Searcy Zoning Code, conducted a public hearing upon proposed amendments to the Zoning Code text and the Zoning Map heretofore adopted by the City Council for the City of Searcy; and

WHEREAS, the Planning Commission for the City of Searcy, Arkansas, has upon conclusion of the said public hearing, made a finding of fact that the amendments to the Zoning Code text and the Zoning Map are consistent with the purposes of the Zoning Code and Plans adopted by the said Planning Commission; and

WHEREAS, upon the aforesaid finding of fact, the Planning Commission has recommended to the City Council the amendments to the Zoning Code text and Zoning Map; and

WHEREAS, the City Council has reviewed and requested code changes.

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

SECTION 1. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Add the following description and section to Article 4-4 Special Districts:

4-4-1: District Descriptions

DS-O – Downtown Searcy Overlay District: The purpose of establishing the DS-O district is to protect and enhance the visual appearance and character of historic downtown Searcy. It will also provide opportunities for the mixed use of commercial and residential spaces within the district boundary to attract and promote both business during regular weekday business hours as well as weeknight and weekend activities.

4-4-4: DS-O – Downtown Searcy Overlay District

1. General Description: The Downtown Searcy Overlay District establishes a boundary around the downtown area that surrounds the historic White County Court Square. Within this boundary are a mix of buildings old and new some of which are historic and other are iconic to the look and feel of downtown Searcy. This overlay is established to not only protect, but to enhance the visual look and character of downtown Searcy. Also the regulations established within this district are used to promote a working, living, vibrant downtown during all parts of the day and week.

2. District Name and Boundaries: The district shall be known as the Downtown Searcy Overlay District and shall be further described as: Beginning at a point on the centerline of South Main Street 205 feet south of the intersection of South Main Street and West Woodruff Avenue; thence West, 1460 feet to a point at the approximate midblock between South Apple Street and South Elm Street; thence North, 2390 feet to a point at the approximate midblock between West Vine Avenue and West Academy Avenue; thence East, 2360 feet to a point at the approximate midblock between North Oak Street and North Charles Street; thence South, 2390 feet; thence West, 900 feet to the Point of Beginning.
3. Application of District Regulations: The regulations in this overlay district shall be in addition to and shall overlay all other zoning districts and other ordinance requirements regulating the development of land so that any parcel of land lying in the overlay district shall also lie within one or more of the other underlying zoning districts. Therefore, all property, with the exception of One-Unit Dwellings, within this overlay district will have requirements of both the underlying and overlay zoning district in addition to other ordinance requirements regulating the development of land. In case of conflicting standards between the overlay district requirements and other city ordinances, the overlay requirements shall control. Compliance with the standards shall be triggered by the following forms of construction activity:
 - a. Construction of a new commercial or industrial building and/or development.
 - b. Modification to the exterior façade of an existing structure, with the exception of any building that is a part of the National Register of Historic Places and National Landmarks Program. (The Administrative Official shall have the authority to waive these requirements in situations where compliance would detract from the visual appearance of the building due to the planned modifications being limited to only small portions of the building.)
 - c. When a nonconforming structure is otherwise required to come into compliance with the provisions of this Zoning Code due to destruction or other reason.
 - d. Construction of any new fence in view from the public right-of-way that requires permitting, with the exception of existing One-Unit Dwellings within the District.
4. Design and Development Standards: Development shall support the look and character of the historic downtown area. Key design elements should relate to

those of surrounding buildings including, but not limited to windows, doors, façade design, detailing, roof forms, exterior materials, and colors, all with area ratios and proportions similar to those on adjoining buildings.

a. Size and shape:

- i. Buildings shall avoid long uninterrupted façade planes of the exterior walls shall be varied in depth and/or direction.
- ii. Setback requirements for buildings in the C-1 district may vary if the proposed setback is used for unique applications in use and is aesthetically pleasing.
- iii. To avoid a monolithic appearance, the design should attempt to break down buildings into smaller sections, with each section varying in type, material, and/or color.
- iv. Site-specific architectural design is desired. Rather than adapting a standard design, floor plans and elevations that are unique to the community and are not a corporate or franchise design are encouraged. The only franchise identifying feature should be minor façade details, and the company's logo and signs.

b. Building Material:

- i. Metal siding, when used as the primary sheathing is prohibited when visible from the public realm or residential areas. Other forms of metal, when used as an architectural treatment or aesthetic accent, may cover up to 20% of any façade.
- ii. Masonry shall occupy no less than 51% of any façade of any structure. Brick or brick-like units should be the dominate masonry material. Split-face block or other textured concrete CMU block should be used as a base or façade accent only. Durable fiber cement board, cast concrete, poured concrete, stone, and cultured stone materials are acceptable masonry materials.
- iii. Unpainted, unstained, and/or otherwise untreated precision concrete block is prohibited.

c. Pedestrian Circulation:

- i. Areas in and around buildings shall be designed with the pedestrian in mind. Landscaping and pedestrian scaled

elements such as awnings or trellises shall be integrated into the elevation and the passageway should be safely lit.

- ii. Clearly defined pedestrian walkways or paths shall be provided from parking areas to primary building entrances. Design walkways and parking lots so that pedestrians will not have to cross parking aisles and landscape islands to reach building entries.
- iii. Raised walkways, decorative paving, landscaping, and/or bollards shall be used to separate pedestrians from vehicular circulation to the maximum extent possible.

d. Fencing:

- i. Fencing shall be decorative and built with high quality materials and shall support the look and character of the downtown area. All fencing material shall be properly and regularly maintained as needed, both aesthetically and structurally, by the property owner.
- ii. Razor, barbed wire, and/or chain link fences are prohibited if visible from public right-of-way or a residential area.
- iii. Masonry columns at fence corners and spaced along fence in 50 foot intervals are encouraged. Height of columns should be appropriate in relationship with the height of the fence. Unpainted, unstained, and/or otherwise untreated precision concrete block is prohibited.

e. Mechanical and Utility Equipment:

- i. All mechanical and utility equipment located on the wall, roof, and/or on the ground shall be screened from view when visible from the public realm or residential areas.
- ii. All roof-mounted utilities and mechanical equipment shall be screened on all sides by incorporating screening into the structure utilizing materials compatible with the supporting building.

5. Mixed-Use Developments: Mixed-use developments are allowed and encouraged within the Overlay District with the exception of the areas zoned industrial. These uses may be oriented vertically or horizontally on the site and may or may not be in different structures. Mixed-use projects should be designed to provide a harmonious environment for both commercial users and residents. Noise, traffic, lighting, and other elements that may negatively

affect the residential environment should be located where the elements will have minimum impact. All mixed use developments should also adhere to the multi-family and commercial guidelines within this document.

- a. With the exception of on-street parking, all parking areas should be provided to the rear of the structure where feasible. This is especially important on vertically oriented mixed-use projects.
 - b. Private, communal open space, accessible only by building residents, should be provided.
 - c. Commercial and residential parking areas should be clearly delineated through dedicated signs, street markings, or other methods.
 - d. Horizontal mixed-use developments should be designed using consistent materials and architectural style. If the intent is to differentiate between uses, some deviation is permissible.
 - e. When multiple uses are proposed in a single building, separate and convenient entrances for each use shall be provided.
6. Multiple Building Sites: In the case of nonresidential development multiple building sites, whether one or more platted lots, the requirements of this section shall apply to the development as an entire tract rather than to each platted lot. If any part of the development lies within the corridor overlay district, the entire development shall be subject to the provisions of this section.
7. Required Information: Applicant shall supply all plans/documents for commercial or residential developments required by current zoning code and/or the land development and subdivision code as well as any additional material such as rendered architectural building elevations, materials list with percentages, and any other pertinent information as may be required by the Administrative Official to determine compliance.
8. Review Procedure:
- a. Administrative Approval: The Administrative Official shall have the authority to review and approve any proposed Downtown Searcy Overlay Development Plan when it meets the following conditions.
 - i. The Development Plan meets all the design and development standards within Article 4-4-4 of this section.
 - ii. The development is part of a permit application which would not otherwise require approval by the Planning Commission.

- b. Planning Commission Approval: The Planning Commission shall review any Downtown Searcy Overlay Development Plan and approve or deny the plan under the following situations:
 - i. The Development Plan does not meet all the design and development standards as determined by the Administrative Official and the applicant has requested an appeal.
 - ii. The development is part of a plan review application which requires approval by the Planning Commission.
- 9. Appeals: Property owners or their agent may appeal decisions of the Administration Official to the Searcy Planning Commission within 30 days of the decision by submitting a written appeal to the Administrative Official. The Planning Commission shall hear the appeal at the next scheduled meeting. Decisions of the Planning Commission may be appealed to the Searcy City Council by submitting a written appeal with 30 days of the date of the Planning Commission decision. The appeal will be placed on the City Council agenda in accordance with its adopted rules but no less than 60 days following the Planning Commission decision.

SECTION 2. The Zoning Map for the City of Searcy, Arkansas be and it is hereby amended for the purposes of adding an Overlay District as to the described properties being situated in Searcy, White County, Arkansas, as described in Exhibit A attached herewith:

SECTION 3. The regulation and preservation of property uses and values in accordance with a Comprehensive Plan and the continued utilization of lands within the City of Searcy in accordance therewith being necessary for the preservation of the public peace, health, safety, and welfare, an emergency is hereby declared, and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED THIS 14th DAY OF JUNE, 2022

**/s/ Kyle Osborne
Mayor of Searcy**

ATTEST:

**/s/ Jerry Morris
City Clerk**

