

**ORDINANCE NO. 2022 - 14**

**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 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 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

**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:

**Art. 11-3: Definitions:** Change dwelling types to read:

Dwelling, One-Unit: A structure located on a single site and designed and permitted for the purpose of providing a residence containing cooking, eating, living, sleeping and sanitary facilities for one housekeeping unit.

Dwelling, Two-Unit: A structure located on a single site designed and permitted for the purpose of providing residences containing separate cooking, eating, living, and sanitary facilities for two separate housekeeping units.

Dwelling, Multi-Unit: A structure located on a single site within a structure or multiple structures designed and permitted for the purpose of providing individually addressed residences containing separate cooking, eating, living, and sanitary facilities for more than two housekeeping units.

Omit and change wording in appropriate sections of the Zoning Code to reflect new definitions.

**Art. 9-4-3: Amendments by Property Owners**

9-4-3.1: Change from 10th of month to five business days from first of month for information packet submittal. Add: Any plans or construction drawings to be in digital format with five hard copies. All other submittals to be in digital format with one hard copy.

**Art. 2-4: Expirations and Extensions**

Change Number 3 to read:

See: Section 4-4-2.8

**Art. 4-4-2.8: Planned Unit Development. Revocation:** Add:

If an approved PUD has not progressed according to the foregoing requirements the staff shall forward to the property owner a Notice of Revocation stating the date on which the PUD zoning will cease. The applicant may request extensions in writing if one or more of the following has occurred:

- A. Work on completion of PUD elements, including all phases, has progressed with consistent and measurable results during the period involved and was progressing when the allotted time expired.
- B. Weather conditions at critical periods have caused unforeseeable delays.
- C. Unique conditions at the local, state, or federal level, over which the applicant had no control, contributed to a general slowdown of developments within the city or region.
- D. Completion of the PUD has suffered from criminal activity as documented by police reports.

The applicant must request an extension by the end of the fifth business day of the month prior to the one in which the planning commission will consider the request.

The property shall retain its PUD designation until the Notice of Revocation has been delivered and processed and until the zoning map has been amended to reflect the original zoning classification of the property.

**Art. 5-5-8.1.B:** Amend to read:

“WCF with Support Structures shall have a maximum Height of 200 feet in all zoning districts except C-1 subject to structural design data that may be required, at the applicant’s expense by the planning commission. The maximum height in the C-1 district shall be 100 feet unless a greater height is specifically permitted based on a finding of facts during the Conditional Use process.

**Art. 5-5-9 Co-location:** Amend to read:

It is the intent and policy of the city that the number of wireless communication towers within the city be held to a minimum. To this end, applicants must demonstrate to the planning commission that co-location is not, under the provisions of Article 8-5-6, suitable in terms of its FCC license authority.

**Art. 6-7-2:** Amend to read:

The requirements of this chapter shall apply to all public, private, and institutional developments, including any new parking lot or expansion approved after the date that this ordinance is adopted.

1. Exemptions
  - a. Any One-unit and Two-unit Dwellings and their developments.
  - b. Improvements or repairs to existing development that do not result in an increase in building floor area of 20% or 2,000 sq. ft., whichever is less, in any one expansion.
  - c. Improvements or repairs to existing development that do not result in an increase in the lot coverage area in any one expansion.
  - d. Developments within the C-1 District and in which buildings front on the street right-of-way and utilize more than 75% of the property.
2. Prior to requesting a Certificate of Occupancy, the requirements meeting the criteria herein for quantity and quality of plantings shall be met.

**Art. 6-7-4.2.a.II: Developments less than 2 acres:** Amend number 1. to read:

A minimum of one new planting meeting the criteria herein for every 1,500 square feet of developed area.

**SECTION 2.** 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 14<sup>TH</sup> DAY OF JUNE, 2022**

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

**ATTEST:**

**/s/ Jerry Morris**  
**City Clerk**