

ORDINANCE NO. 2022 - 31

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. 4-4-2.5.A: Amend to read: “Pre-application Conference: Before submitting an application for PUD approval, the owner, authorized agent, or developer shall confer with the Administrative Official. The intent of this conference is to provide guidance to the applicant prior to incurring substantial legal and engineering expense in the preparation of plans. The staff will also provide a submittal packet outlining the PUD application process.

The Administrative Official will discuss the applicant’s potential application and inform the applicant of any perceived potential problems that might arise in the development process. The Administrative Official may refer the applicant to the Technical Review Committee for additional advice.”

SECTION 2. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 4-4-2.5.B.i: Amend to read: “A Request for Planning Commission Action, in a form provided by the Planning Office shall be provided no later than the end of the first business day of the month preceding the month in which Planning Commission Action is requested. The applicant shall submit all requested material 5 business days from the first of the month preceding the month in which Planning Commission Action is requested except for a proof of publication of the required public hearing notice and proof of certified mail deliveries. Those

items must be filed with the Planning Office no later than 7 business days before the Planning Commission meeting at which the request is to be heard. See section 4-4-2.7 below for submittal requirements for Short Form PUD Zoning Plan applications.”

SECTION 3. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 4-4-2.5.B.ii: Amend to read: “Hearing on Application: Upon receipt in proper form of the application for a Zoning Plan Approval, the Administrative Official shall fix a date for a public hearing according to a monthly schedule maintained in the Planning Office.

Notice of such hearing shall be published at least one time not less than 15 days prior to the date of the public hearing in a newspaper of general circulation in the City of Searcy. The applicant shall bear the cost of such advertising.

Notice of such hearing shall be given by posting a suitable and pertinent sign on the property involved by the applicant not less than 15 days prior to the hearing. Posting of the sign by the prescribed time shall be the responsibility of the city.

Notice of the Public Hearing prescribing the date of the hearing and including a description of the property and of the proposed Amendment relating thereto shall be given by the Applicant, at his expense, to each owner/or occupant of property located within 200 feet of the property which is the subject matter of the application within 15 days of the hearing date. This notice requirement shall be satisfied by notice by certified mail, return receipt requested.

No less than 7 days prior to the public hearing, the applicant shall submit supplementary materials to the Planning Office consisting of the following.

- a. Proof of publication that the required public notice has appeared in a newspaper of general circulation at least 15 days prior to the public hearing.
- b. Return receipts from certified mailing to owner/occupants within 200 feet of the property which is the subject matter of the application.

The applicant shall then be placed on the Planning Commission agenda for the meeting on which the public hearing is to be held.”

SECTION 4. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 4-4-2.6.A: Amend to read: “Pre-application Conference: Before submitting an application for PUD approval, the owner, authorized agent, or developer shall confer with the Administrative Official. The intent of this conference is to provide guidance to the applicant prior to incurring substantial legal and engineering expense in the preparation of plans. The staff will also provide a submittal packet outlining the PUD application process.

The Administrative Official will discuss the applicant’s potential application and inform the applicant of any perceived potential problems that might arise in the development process. The

Administrative Official may refer the applicant to the Technical Review Committee for additional advice.”

SECTION 5. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 4-4-2.6.B.i: Amend to read: “A Request for Planning Commission Action, in a form provided by the Planning Office shall be provided no later than the end of the first business day of the month preceding the month in which Planning Commission Action is requested. The applicant shall submit all requested material 5 business days from the first of the month preceding the month in which Planning Commission Action is requested except for a proof of publication of the required public hearing notice and proof of certified mail deliveries. Those items must be filed with the Planning Office no later than 7 business days before the Planning Commission meeting at which the request is to be heard. See section 4-4-2.7 below for submittal requirements for Long Form PUD Zoning Plan applications.”

SECTION 6. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 4-4-2.6.B.ii: Amend to read: “Hearing on Application: Upon receipt in proper form of the application for a Zoning Plan Approval, the Administrative Official shall fix a date for a public hearing according to a monthly schedule maintained in the Planning Office.

Notice of such hearing shall be published at least one time not less than 15 days prior to the date of the public hearing in a newspaper of general circulation in the City of Searcy. The applicant shall bear the cost of such advertising.

Notice of such hearing shall be given by posting a suitable and pertinent sign on the property involved by the applicant not less than 15 days prior to the hearing. Posting of the sign by the prescribed time shall be the responsibility of the city.

Notice of the Public Hearing prescribing the date of the hearing and including a description of the property and of the proposed Amendment relating thereto shall be given by the Applicant, at his expense, to each owner/or occupant of property located within 200 feet of the property which is the subject matter of the application within 15 days of the hearing date. This notice requirement shall be satisfied by notice by certified mail, return receipt requested.

No less than 7 days prior to the public hearing, the applicant shall submit supplementary materials to the Planning Office consisting of the following.

- a. Proof of publication that the required public notice has appeared in a newspaper of general circulation at least 15 days prior to the public hearing.
- b. Return receipts from certified mailing to owner/occupants within 200 feet of the property which is the subject matter of the application.

The applicant shall then be placed on the Planning Commission agenda for the meeting on which the public hearing is to be held.”

SECTION 7. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 4-4-2.7: Amend to read: Application Requirements: Application shall include both digital and printed plans. Digital plans can be delivered by email and shall be in PDF form. Long Form PUD submittals shall also include a CAD file of the Final Plat in .dwg form. Printed plans should include 2 full-size sets for initial submission and then 2 full-size sets plus 10 11x17 sets after Technical Review meeting comments have been addressed for Planning Commission consideration.”

SECTION 8. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 4-4-2.7: Amend table as shown in Exhibit A attached herewith:

SECTION 9. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 4-5-1: Amend portions of table as shown in Exhibit B attached herewith:

SECTION 10. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 5-7: Amend detail as shown in Exhibit C attached herewith:

SECTION 11. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 9-3-1: Amend to read: “A Request for Planning Commission Action shall be submitted, in a form provided by the Planning Office, no later than the end of the first business day of the month preceding the month in which Planning Commission Action is requested. The staff will provide a submittal packet when a Request for Planning Commission Action has been filed. The applicant shall submit all requested material 5 business days after the first of the month preceding the month in which Planning Commission Action is requested except for a proof of publication of the required public hearing notice and proof of certified mail deliveries. Those items must be filed with the Planning Office no later than 7 business days before the Planning Commission meeting at which the request is to be heard. Such items shall include:”

SECTION 12. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 9-3-1.6.A: Amend to read: “A vicinity map clearly showing the location of the property.”

SECTION 13. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 9-3-1.6.B Amend to read: “A plot plan or site layout of the subject property to scale or clearly dimensioned, showing the zoning of adjacent properties, existing buildings, parking, sidewalks, street access, and landscaping and, if applicable, a site plan of any proposed improvements. Site plan should be to scale and show proposed building locations with applicable building setbacks, parking, and circulation patterns.

SECTION 14. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

Art. 9-4-3.1: Amend to read: “A Request for Planning Commission Action shall be submitted, in a form provided by the Planning Office, no later than the end of the first business day of the month preceding the month in which Planning Commission Action is requested. The staff will provide a submittal packet when a Request for Planning Commission Action has been filed. The applicant shall submit all requested material 5 business days after the first of the month preceding the month in which Planning Commission Action is requested except for a proof of publication of the required public hearing notice and proof of certified mail deliveries. Those items must be filed with the Planning Office no later than 7 business days before the Planning Commission meeting at which the request is to be heard.”

SECTION 15. The Zoning Code text of the City of Searcy, Arkansas be amended as follows:

9-4-3.3: Amend to read: “Hearing on Application: Upon receipt in proper form of the application for a Zoning Map Amendment, the Administrative Official shall fix a date for a public hearing according to a monthly schedule maintained in the Planning Office.

Notice of such hearing shall be published at least one time not less than 15 days prior to the date of the public hearing in a newspaper of general circulation in the City of Searcy. The applicant shall bear the cost of such advertising.

Notice of such hearing shall be given by posting a suitable and pertinent sign on the property involved by the applicant not less than 15 days prior to the hearing. Posting of the sign by the prescribed time shall be the responsibility of the city.

Notice of the Public Hearing prescribing the date of the hearing and including a description of the property and of the proposed Amendment relating thereto shall be given by the Applicant, at his expense, to each owner/or occupant of property located within 200 feet of the property which is the subject matter of the application within 15 days of the hearing date. This notice requirement shall be satisfied by notice by certified mail, return receipt requested.

No less than 7 days prior to the public hearing, the applicant shall submit supplementary materials to the Planning Office consisting of the following.

- a. Proof of publication that the required public notice has appeared in a newspaper of general circulation at least 15 days prior to the public hearing.

- b. Return receipts from certified mailing to owner/occupants within 200 feet of the property which is the subject matter of the application.

The applicant shall then be placed on the Planning Commission agenda for the meeting on which the public hearing is to be held.”

SECTION 16. 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 11th DAY OF OCTOBER, 2022

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

ATTEST:

**/s/ Jerry Morris
City Clerk**

EXHIBIT A:

Art. 4-4-2.7: Amend table as shown:

PUD Application Requirements				
Type of Submission	Short Form Zoning	Short Form Final Development Plan	Long Form Zoning	Long Form Final Development Plan
REQUIREMENTS				
Planning Commission Action Form; Written description of the character and intent of the development.	✓		✓	
Proposed/Final Bill of Assurance, Restrictive Covenants, or other legal instruments set up to fulfill Section 4-4-2. Item 3.G.		✓		✓
Vicinity Map	✓	✓	✓	✓
Names, addresses, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project (including individual lot across streets and rights-of-way).	✓	✓	✓	✓
North arrow, scale, date of preparation, and existing zoning classification.	✓	✓	✓	✓
Boundary Survey of the property and written legal description of the property.	✓	✓	✓	✓
Source of title to property giving deed record book page number or instrument number	✓	✓	✓	✓
Location of all existing and proposed easements.	✓	✓	✓	✓
Area and dimensioned length and width for each lot in the proposed development.	✓	✓	✓	✓
Proposed building footprint(s) with all proposed setbacks dimensioned.	✓	✓	✓	✓
Lighting plan showing street lighting and exterior lighting quantity, direction, and pattern.		✓		✓
Proposed permitted uses and location of permitted uses.	✓	✓	✓	✓
Proposed residential density of the dwelling as calculated by Section 4-4-2-Item D.	✓	✓	✓	✓
Proposed setbacks and buffer areas shown with dimensions.	✓	✓	✓	✓
Existing structure(s) and general indication of any significant vegetation.	✓	✓	✓	✓

Existing and proposed topographic information including two-foot contour interval for areas with a slope of less than 10%, five-foot contour interval for areas with a slope of more than 10%.		✓		✓
Existing significant drainage features on the site.		✓		✓
Location of all flood hazard areas within a 100-year floodplain and/or floodway. Reference the FIRM panel number and effective date. Note regarding wetland, if applicable. Note if Corps of Engineers determination is in progress.	✓	✓	✓	✓
Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a Professional Engineer, with points of entry and exit for the development, show flood hazard area.		✓		✓
Soil tests as may be required or requested.		✓		✓
Location, size, and materials of all proposed utilities.		✓		✓
Location of parking areas, vehicle maneuvering areas, and any proposed access drives.	✓	✓	✓	✓
Location of access drives for adjacent properties, including those across the street, street intersections. Items dimensioned relative to each other.	✓	✓	✓	✓
Proposed sidewalks and streets.	✓	✓	✓	✓
Street names, rights-of-way (existing and proposed), centerlines, and easements bordering or traversing the property.	✓	✓	✓	✓
Open Space Plan indicating the size and proposed use for common useable open space areas.	✓	✓	✓	✓
Landscaping Plan as may be required by Section 6.7 of this code.		✓		✓
Certificate of Owner	✓	✓	✓	✓
Certificate of Surveying Accuracy	✓	✓	✓	✓
Certificate of Engineering Accuracy		✓		✓

EXHIBIT B:

Art. 4-5-1: Amend portions of table as shown:

Use Type	R-1	R-2	R-3	R-4	R-5	R-AH	C-1	C-2	C-3	C-4	I-1	I-2	U-T
Boarding House/Bed and Breakfast	P	C											
Bed and Breakfast	P	C	C	C	C		P	P	P	C			
Boarding or Lodging House	C	C	C	C	C	C	C	C	C	C			
Institutional/Public – Small Scale	P	P	P			P	P	P	P	P			
Institutional/Public – Small Scale	C	C	C			C	P	P	P	P			

EXHIBIT C:

Art. 5-7: Amend detail as shown:

