

**ORDINANCE NO. 2023 – 07**

**AN ORDINANCE AMENDING THE SEARCY ZONING  
CODE; PROVIDING AMENDED APPLICATION  
PROCEDURES FOR THE SEARCY BOARD OF ZONING  
ADJUSTMENT; DECLARING AN EMERGENCY; AND  
FOR OTHER PURPOSES**

**WHEREAS**, the Board of Zoning Adjustment for the City of Searcy, Arkansas, has, pursuant to Article 10-2 of the Searcy Zoning Code, established rules and procedures for the conduct of its business; and

**WHEREAS**, after regular review of said rules and procedures have proposed amendments to the Searcy Zoning Code; and

**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

**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 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:

**Amend CHAPTER 10 title to read: “CHAPTER 10: BOARD OF ZONING ADJUSTMENT”**

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

**Art. 10-3-1: Amend to read:** “The Board shall hear appeals from the decision of the Administrative Official in respect to the enforcement and application of said Code; and may affirm or reverse, in whole or in part, said decision of the Administrative Official.”

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

**Art. 10-5-1: Amend to read:** “Application: An application for a Variance or Administrative Appeals shall be filed at the Planning Office no later than 14 days prior to meeting date. At the time of filing, the applicant shall tender the application fee and the following documents:”

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

**Art. 10-5-2: Amend to read:** “Hearing on Application: Upon receipt in proper form of the application, the Administrative Official shall fix a date for a public hearing on the proposed Variance or Administrative Appeal according to a monthly schedule maintained in the Planning Office.

Notice of such hearing shall be published at least one time not less than 7 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 7 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 Variance or Administrative Appeal relating thereto shall be given by the Applicant, at their expense, to each owner/or occupant of property adjoining the property which is the subject matter of the application within 7 days of the hearing date. This notice requirement shall be satisfied by notice by certified mail, return receipt requested.

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 7 days prior to the public hearing.

B. Return receipts from certified mailing to owner/occupants adjoining the property which is the subject matter of the application.

The applicant shall then be placed on the Board of Zoning Adjustment agenda for the meeting on which the public hearing is to be held.”

**EMERGENCY CLAUSE.** The City Council finds that in light of the need to provide for the public peace, health, safety and welfare of the Citizens of Searcy, Arkansas, an emergency exists and that this ordinance shall be in full force and effect immediately upon the passage of this ordinance and this emergency clause.

**PASSED AND ADOPTED THIS 14<sup>th</sup> DAY OF FEBRUARY, 2023**

**/s/ Mat Faulkner**

**Mayor of Searcy**

**ATTEST:**

**/s/ Jerry Morris**

**City Clerk**