

ORDINANCE NO. 2006-13

AN ORDINANCE AMENDING PORTIONS OF ORDINANCE 683, THE SEARCY ZONING CODE, WITH RESPECT TO AMENDING PORTIONS OF THE CODE, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the Planning Commission of the City of Searcy, Arkansas has recommended certain revisions to the Zoning Ordinance in order to carry out or protect the provisions of the comprehensive plan; and

WHEREAS, after proper advertisement and notice, a public hearing was conducted before the Planning Commission on June 6, 2006 at which time all public views on this issue were allowed to be expressed; and

WHEREAS, the City Council has reviewed the requested zoning changes.

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

SECTION 1. Ordinance No. 97-06 and Ordinance No. 97-17 are hereby repealed in their entirety and replaced by the following sections so long as they are deemed enforceable.

SECTION 2. Chapter III, Sub-paragraph II, "Definitions" of the Searcy Zoning Code is hereby amended to add the following definitions thereto:

A. Dumpsters shall mean and include containers of at least 5 cubic yards in size which are utilized for collection of garbage and other waste materials which are located upon any property including Commercial Use property and any combination of Apartment Units.

B. Cost, Replacement – The cost of creating a new structure and other improvements having the same or equivalent utility using current standards of materials and design based on current prices for labor and material.

SECTION 3. Chapter X shall be amended by adding the following section.

Section V. Commercial Building Design – Statement of Purpose

The purpose of this section is to create a framework for ensuring that the design of commercial buildings will either meet minimum design standards adopted by the community or be subject to public review by the Planning Commission. This section further seeks to maintain good civic design and arrangement within the commercial corridors and neighborhoods of the city thereby assuring a desired aesthetic environment and a stable

economic environment. It is the intent of this section to promote the development of commercial buildings that:

- A. Are designed to be in visual harmony with buildings either in the same vicinity or along the same commercial corridor;
- B. Express individual design and creativity without detracting from the visual environment to the point at which the values of adjoining properties will be negatively recognized.
- C. Are appropriate to the context in which they reside; and
- D. Generally do not detract from the aesthetics of the location, area, and community as a whole.

VI. Procedures for Obtaining Commercial Building Permits

Persons desiring to obtain a building permit for development of a new building or the renovation or expansion of an existing building by following one of two tracks.

A. Track One: Applicants who meet all of the following conditions may apply for a building permit through the existing administrative procedure.

1. The design of the building conforms to the design standards outlined in Section IX, below.
2. The footprint of the primary building does not exceed, in square footage, that of primary buildings on adjoining properties by more than 50 percent.
3. The primary building is not more than two stories in height.

B. Track Two: Applicants who do not meet the specifications of VI.A above shall submit an application for a building permit for a Non-Standard Commercial Building to the Mayor's Office no less than 10 days before the next planning commission meeting. The application shall contain the following, as a minimum.

1. All information required for a standard commercial building permit
2. Front and side elevations of all structures.
3. Materials list for front and side facades, roof structures, and trim.
4. Any other material supporting the proposed design of the building.

VII. Review of Building Permits for Non –Standard Commercial Buildings

The Planning Commission shall review the proposed design during the next planning commission meeting and allow public review of the proposed design. Public comments shall be allowed although an advertisement for a public hearing is not required. The Planning Commission shall approve the submittal of the building permit through the normal process after reviewing the proposed submittal and determining:

A. The proposed design represents an innovative use of non-standard building materials to the extent that it is in harmony with the visual aspects of the location, area, and community as a whole;

B. No discernable public benefit would be gained by requiring an alternative design;

C. The size and bulk of the proposed building is comparable to other buildings within the immediate area; and

D. The proposed construction meets the spirit and intent of this section of the Zoning Code.

VIII. Appeal of Planning Commission Review of a Non-Standard Commercial Building

When the Planning Commission does not approve the design of a Non-Standard Commercial Building, the applicant may appeal the decision to the Searcy City Council provided that he submits a letter stating this intent to the Mayor's Office within 10 days of the planning commission meeting at which time the design was denied.

IX. Design Standards

Adherence to the following standards shall qualify a proposed structure as a Standard Commercial Building.

A. The finished façade of front or visible side of the building shall be composed of building materials selected from the list at the end of this section. This includes any side of the building that fully faces a public street or the front of a building facing any other fire apparatus access lane that is also used for public access. The visible side of the building shall mean the forward eight feet of any side perpendicular to a street and all of a side on an angle of less than 90 degrees as measured from the street or fire apparatus access lane to the side of the building. Acceptable building materials for the affected portions of buildings as defined in this section shall include:

1. Exterior insulation finish systems (EIFS)
2. Brick
3. Architectural or split concrete blocks to the exclusion of precision concrete blocks.
4. Glass
5. Pre-cast concrete
6. Native stone or mortar
7. Wood
8. Tile
9. Stucco

B. The building plans shall designate one facade of the building as the "front" of the building and this facade shall have windows and doors comprising no less than 15 percent of its total square footage.

C. The vertical plane of the side designated as the front of the building shall not be completely flat but shall be broken vertically in at least one location by a minimum of a one-foot differential in the vertical plane for each 50 feet of horizontal surface or a minimum of one time. This requirement may be met by a recessed or extended entrance.

D. The front entrance to the building shall be covered and well articulated and shall not consist solely of a door opening into a flat vertical plane.

E. The building does not exhibit a metal mansard roof or metal parapets around the roof.

F. Roofs may be of metal.

G. Accent trim on roofs, windows and doors may be of metal or wood.

H. There shall be no illustrative designs on any visible façade material

I. In general, the building shall not represent a simple boxlike structure or resemble a temporary or portable building.

J. Mechanical equipment, whether ground-mounted or roof-mounted on any portion of a commercial building must be placed or screened in such a manner that it is not visible from a street.

X. Exempted Structures

A. Special Development Districts: From time to time, the planning commission and city council may designate an area as a Special Development District to serve as an incubator area for new businesses. Such districts shall be exempted from the requirements of this section.

B. Renovations: Any proposed renovation or expansion of a commercial building estimated by the Building Official to cost in excess of 50 percent of the replacement cost of the building or to replace 50 percent of the front façade of the structure shall be subject to the regulations of this section. Renovations estimated to cost less than 50 percent of the replacement cost are exempted from this section but are subject to all other building codes adopted by the State of Arkansas or the City of Searcy unless otherwise exempted by those codes.

XI. Outparcels

All facades of commercial structures located in shopping center outparcels are subject to the provisions of Section IX.

XII. Appeals

Property owners may appeal decisions of the Building Official to the Searcy Planning Commission by submitting a written appeal within 30 days to the Office of the Mayor of Searcy. The Planning Commission shall hear such appeal at the next scheduled meeting. Owners may appeal decisions of the Planning Commission to the Searcy City Council by submitting written appeal within 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 4. Chapter X Paragraph I, C; Chapter X Paragraph II,C; Chapter X Paragraph III C: and Chapter X, Paragraph IV, C are each amended by adding the following new Sub-paragraph 4 to each such provisions:

4. No dumpster shall be permitted to be installed, or to remain, unless the same is enclosed on at least three sides by an enclosure of a height which completely conceals the Dumpster, the open side of such enclosure to be adjacent to the parking area for the building, and away from adjoining property.

SECTION 5. Chapter X, Paragraph II, C, and Chapter X Paragraph IV,C, are further amended by adding the following new Sub-paragraph 5 to each such provision:

5. No Mini-warehouse shall be permitted unless there shall be constructed, along the front, and any side of the property adjoining a Residential Zoning Classification, a privacy fence of no less than 5 feet in height. Further, no Mini-warehouse shall be permitted unless the same is

served by at least two vehicular entrances to the property, each of which shall be at least 20 feet in width.

SECTION 6. Chapter VII, Paragraph I, F of the Searcy Zoning Code is amended by the addition of the following new Sub-paragraph 3:

3. No building shall be permitted to be constructed, renovated, reconstructed, or remodeled which does not adhere to the following:

A. The finished façade of front or visible side of the building shall be composed of building materials selected from the list at the end of this section. This includes any side of the building that fully faces a public street or the front of a building facing any other fire apparatus access lane that is also used for public access. The visible side of the building shall mean the forward eight feet of any side perpendicular to a street and all of a side on an angle of less than 90 degrees as measured from the street or fire apparatus access lane to the side of the building. Acceptable building materials for the affected portions of buildings as defined in this section shall include:

- 1.) Exterior insulation finish systems (EIFS)**
- 2.) Brick**
- 3.) Architectural or split concrete blocks to the exclusion of precision concrete blocks.**
- 4.) Glass**
- 5.) Pre-cast concrete**
- 6.) Native stone or mortar**
- 7.) Wood**
- 8.) Tile**
- 9.) Stucco**

SECTION 7. Except as specifically set forth herein, no portion of Ordinance No. 683 or its subsequent amendments is amended or modified hereby.

SECTION 8. If any provision hereof should be determined to be unenforceable, such determination of unenforceability shall not affect the remaining portions hereof or of Ordinance 683.

SECTION 9. If Sections 2 through 6 should be determined to be unenforceable in their entirety, Ordinances 97-06 and 97-17 shall be thereafter reinstated.

SECTION 10. The regulation and preservation of property uses and values and the ensuring of good civic design in accordance with a comprehensive plan and the continued utilization of lands within the City of

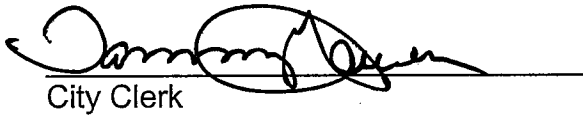
Searcy in accordance therewith being necessary for the preservation of the public peace, health, safety and welfare, an emergency is hereby declared, and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED THIS 13th DAY OF June, 2006.



Mayor

ATTEST:



City Clerk