City of Searcy

ZONING CODE

Ordinance: 2024-21
Adoption Date: June 11, 2024

AMMENDMENTS TO THE SEARCY ZONING CODE

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Effective Date: January 1, 2018

Amended by Ordinance:	Effective Date:
Ordinance 2018-33	November 12, 2018
Ordinance 2020-06	March 11, 2020
Ordinance 2020-36 *(Landscape Requirements)*	October 14, 2020
Ordinance 2021-16 *(Solar Energy Systems)*	June 8, 2021
Ordinance 2021-17	June 8, 2021
Ordinance 2022-13 *(Downtown Overlay District)*	June 14, 2022
Ordinance 2022-14	June 14, 2022
Ordinance 2022-22 *(Short-Term Rentals)*	January 1, 2023
Ordinance 2022-23 *(Reasonable Accommodation)*	August 9, 2022
Ordinance 2022-31	October 11, 2022
Ordinance 2023-07 *(Board of Zoning Adjustment)*	February 14, 2023
Ordinance 2023-08 *(Landscape Airport Requirements)*	February 14, 2023
Ordinance 2024-05	February 13, 2024
Ordinance 2024-06 *(Fences)*	February 13, 2024
Ordinance 2024-11 *(Digital Asset Mining, Dumpsters, Commercial Design Standards, Accessory Dwelling Units)*	March 12, 2024
Ordinance 2024-21 *(Accessory Dwelling Units, Overlay District, BZA)*	June 11, 2024

Note: Where the ordinance has been amended, the ordinance number is noted in parenthesis and italics.

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CHAPTER 1: TITLE, PURPOSE, AND JURISDICTION

Art. 1-1: Title

This Code shall be known, cited, and referred to as: “The City Of Searcy Zoning Code.” For the sake brevity, it may be referred to as the “Zoning Code” or within this document as the “Code.”

Art. 1-2: Purpose

The purpose of the Zoning Code is to implement the Comprehensive Plan for City of Searcy and to protect the health, safety, and welfare of its residents.

Art. 1-3: Authority

The provisions contained in the Zoning Code are adopted with the authority given to the city by the General Assembly of the State of Arkansas, A.C.A. §14-54-103, General Powers of Cities and Towns; A.C.A. §14-54-104; and A.C.A. §14-54-416.

Art. 1-4: Jurisdiction

This Code applies within the corporate limits of the City of Searcy.

Art. 1-5: Validity and Repeal

1-5-1: Validity

This Zoning Code and all its parts shall be severable. If any part is judged unconstitutional or invalid, the remainder of the Zoning Code shall remain intact. The City Council of Searcy declares that all remaining parts of this Code would have been adopted irrespective of the validity or invalidity of any parts found to be invalid.

1-5-2: Repeal

All or parts of ordinances in conflict with this Zoning Code or inconsistent with provisions of this Code are repealed to the extent necessary to give this Zoning Code full force and effect upon its adoption by ordinance of the City Council of the City of Searcy.

CHAPTER 2: APPLICATIONS AND APPEALS

Art. 2-1: Applications

In order to obtain zoning changes and certain permits, an applicant must first submit an application to the Administrative Official. The process for filing specific kinds of applications may be found as listed below.

Conditional Use Permit	Article 9-3
Rezoning	Article 9-4
Variance	Article 10-5
Wireless Communication Facilities	Article 5-5 *(Ord. 2018-33)*
Requests for Reasonable Accommodations	Article 9-5 *(Ord. 2022-23)*

Applicants should obtain the forms and directions for all applications at the Code Enforcement Office. The Administrative Official will maintain a calendar showing the required date for all applications.

Art. 2-2: Public Hearings and Notifications

2-2-1: Public Hearing Requirements

Public hearings shall be held for all zoning amendment/rezoning requests, planning commission decision appeals, conditional use permits, Board of Adjustment meetings, amendments to the Comprehensive Plan, and amendments to the Zoning Code.

2-2-2: Public Hearings for Rezonings, Plan Amendments, and Permits

For Comprehensive Plan amendments, rezoning/Zoning Code amendments, conditional use permits, and appeals of decisions of the planning commission; an advertised notice of public hearing is to be placed in a publication of general circulation at least 15 days prior to the public hearing.

2-2-3: Public Hearings for Board of Adjustment Items

Meetings of the Board of Adjustment shall be public hearings and require a notice of public hearing to be advertised 7 days prior to the public hearing.

Art. 2-3: Appeals

2-3-1: Appeals of Planning Commission Decisions

Any person wishing to appeal a decision of the Planning Commission in interpreting any section of this Zoning Code or any decision approving or denying an application may make an appeal to City Council.

1. Notice of Appeal: Notice of an appeal to the City Council of a decision of the Planning Commission to approve, conditionally approve, or deny a request shall be filed with the Administrative Official by the applicant or any other interested party within 30 days of the decision together with an appeal fee.

    A. The Notice of Appeal shall be filed on forms and in a format prescribed by the City. As a minimum, however, the applicant shall provide the following information:

B. Summary of any reasons provided by the Planning Commission concerning the decision made in the case.

C. Reasons why the applicant of the appeal contends that the Planning Commission erred in its decision.

D. Reasons why the applicant of the appeal believes that the public health, safety, and welfare would be better served if the Planning Commission's decision were reversed.

E. Any new and pertinent information bearing on the case which may have been overlooked by the Planning Commission or which may have come to light following the meeting at which the Planning Commission made its decision.

2. Public Notice: Following receipt of the notice of appeal, the City Clerk shall set the matter for consideration on the City Council's next available agenda and give due notice to interested parties of the time and place of the public hearing.

   A. The Administrative Official shall provide notice of the appeal in a publication of general circulation at least 15 days before the hearing at the expense of the individual seeking the appeal.

   B. Also, the City shall require the petitioner to place a sign in an eye-catching place on the site of the property in question, indicating the date, time, and place of the public hearing on the petition. The sign should be placed on the site no fewer than 15 days prior to the date of the hearing.

3. Appeal Hearing: At the time set for the appeal consideration, the City Council shall receive a written report from the Administrative Official on behalf of the Planning Commission setting forth the facts and circumstances of the case and the decision of Planning Commission. The applicant and any other interested party shall have an opportunity to present testimony orally and/or in writing.

   A. If new information is presented to the City Council that was not presented at the public hearing held before the Planning Commission or otherwise considered by the Planning Commission or public, the City Council shall remand the case back to the Planning Commission for reconsideration. For all planning commission decisions that originally required a public hearing, such reconsideration shall require a new public hearing.

   B. The City Council may affirm, reverse, or modify the decision of the Planning Commission. The decision of the City Council shall be final and shall be effective immediately upon pronouncement of the decision.

4. Conditions: The City Council may only impose such conditions on its approval as may be necessary to conform to the Zoning Code and building regulations.

<u>2-3-2: Appeals of Board of Adjustment Decisions</u>

Appeals from the decision of the Board of Adjustment shall be made within 30 days of the decision directly to the court of record having jurisdiction as prescribed by A.C.A. §14-56-416.

2-3-3: Appeals of Administrative Official Decisions

Appeals from the decisions of the Administrative Official shall be heard by the Board of Adjustment. See Article 10-3.

Art. 2-4: Expirations and Extension

Planning Commission and City Council approvals covered by the Zoning Code shall be subject to following expiration requirements.

1. Rezoning – Non PUD: No expiration
2. Conditional Use: No expiration unless the property is rezoned, the use changed, or an expiration is required as a condition of approval. If the approved use ceases for more than 4 consecutive months after commencing, the approval shall expire. Conditional uses which are tied to the construction of a building or site improvements shall expire within 1 year if construction is not commenced, and 2 years if construction has not been completed.
3. Planned Unit Development: See Section 4-4-2.8. *(Ord. 2022-14)*
4. Building Permits: Approvals shall expire within 6 months if construction has not commenced and 2 years if construction is not completed.
5. Variance: Where no building or construction is involved, approvals shall expire within 1 year if the use or activity needing the variance is not begun.
6. Where buildings or construction is involved, if a building permit for the construction ties to the variance is not within 1 year from the date of granting the Variance and not completed within 2 years, the approvals shall expire.
7. Sign Permit: Approval shall expire within 6 months, if construction has not commenced and 1 year if construction is not completed.
8. Tower Use Permit: Approval shall expire within 6 months, if construction has not commenced and 2 years if construction is not completed.

The Administrative Official shall have the authority to extend the approval of any item 1 time by 1 year, provided the request for an extension of approval is made in writing no more than 10 days after the date of the approval's expiration. To extend the approval of an item, the applicant must demonstrate that he or she has made reasonable attempts to abide by the deadlines associated with the approval. Any subsequent extensions shall require approval by the Planning Commission. The Administrative Official shall also have the authority to defer decision regarding the extension of an approval to the Planning Commission.

Art. 2-5: Fees

The City of Searcy shall impose fees for applications and items listed in the Zoning Code according to a schedule adopted by the City Council.

CHAPTER 3: GENERAL PROVISIONS

Art. 3-1 Districts

The City is divided into the following Zoning Districts:

R-1 Multi-Unit Residential *(Ord. 2022-14)*
R-2 Two-Unit Residential *(Ord. 2022-14)*
R-3 One-Unit Residential – Small Lot *(Ord. 2022-14)*
R-4 One-Unit Residential – Medium Lot *(Ord. 2022-14)*
R-5 Estate Residential
R-AH Manufactured Home Residential
U-T Urban Transitional
PUD Planned Unit Development C-1 Downtown Commercial
C-2 General Commercial
C-3 Low Intensity Commercial
C-4 Regional and Open-Display Commercial
I-1 Light Industrial
I-2 General Industrial

Art. 3-2. Zoning Map

The City of Searcy is divided into zoning districts as shown on the Official Zoning Map, which is a part of these regulations. The Official Zoning Map shall be identified by the signature of the Mayor and shall be available for viewing at City Hall.

Art. 3-3: District Boundaries

When uncertainty exists as to the boundaries of the districts shown on the Zoning Map, the following rules shall apply:

1. District boundary lines are intended to follow either the centerline of blocks, highways, streets, alleys, or easements, or the boundary lines of sections, quarter sections, divisions or sections, tracts or lots, or such lines extended unless otherwise indicated.

2. The Planning Commission shall determine the boundary location of a zoning district when it cannot be determined by the provisions of Article 3-3, paragraph 1.

3. Where a lot held in one a single ownership and of record on the effective date of this Code is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district. In cases where uncertainty exists, the Planning Commission shall interpret the intent of the district boundary line.

Art. 3-4: Zoning of Annexed Land

Territory may be annexed to the City of Searcy by one of three methods. These are the election method, the petition method and the annexation of islands by city ordinance. The method of annexation shall determine the manner in which zoning classifications are assigned to newly annexed areas.

An accurate plat of any newly annexed area shall be submitted by the owner(s)/developer(s) to the Planning Commission for the purpose of zoning. No building permits shall be issued prior to the completion of annexation.

3-4-1: Election Method

Territory annexed by the election method will be temporarily zoned UT, Urban Transitional for a period of 60 days following certification of the election. During this time the Planning Commission may conduct a public hearing to discuss the zoning of newly annexed areas and any modifications to the Comprehensive Plan that might be appropriate. Notice of the public hearing shall be advertised in a newspaper of general circulation no less than 15 days prior to the hearing. Following the public hearing, the Planning Commission shall forward a report to the city council proposing changes, as necessary, to the comprehensive plan and recommended zoning classification(s) to the newly annexed property. The City Council shall then act upon the recommendations in accordance with the provisions of Chapter 9. If the Planning Commission has not initiated action for zoning the newly annexed areas within 60 days, the temporary UT Urban Transitional zoning shall become permanent.

3-4-2: Petition Method

Following the entering of an order by the county court granting a petition for re-zoning, and during the 30-day waiting period during which proceedings may be instituted for having the annexation prevented, the planning commission shall conduct a public hearing to discuss the zoning of the proposed annexed areas and any modifications to the Comprehensive Plan that might be appropriate. Notice of the public hearing shall be advertised in a newspaper of general circulation no less than 15 days prior to the hearing.

Following the public hearing, the Planning Commission shall forward a report to the city council proposing changes, as necessary, to the comprehensive plan and recommended zoning classification(s) to the proposed for annexation. It the city council accepts the recommendation; the zoning classifications shall be assigned at the time during which the city council accepts the territory. If no zoning is assigned at this time, the territory shall be classified as UT Urban Transitional.

3-4-3: Island Method

Islands annexed by ordinance shall be assigned a zoning classification consistent with the comprehensive plan and surrounding areas at the same time the city council annexes the territory by ordinance. If the city council does not assign a zoning classification at this time, the territory annexed by ordinance shall be classified as UT Urban Transitional.

Art. 3-5: Scope of Regulations

These regulations shall apply as follows:

1. Except as otherwise provided, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Code.

2. Any lawful building, structure, or use existing at the time of the enactment of this Code may be continued, even though such building, structure, or use does not conform to the provisions of this Code for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions of the Code.

3. All new buildings and structures shall conform to the regulations established for the district in which each building is located, except that parapet walls, chimneys, stacks, and cooling towers, elevator bulkheads, fire towers, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the City of Searcy.

Art. 3-6: Determination as to Uses Not Listed

When a use is not specifically listed as a permitted or conditional use within a particular zoning district, the Planning Commission shall determine if the use is substantially similar in its character and external impacts to the already listed permitted and conditional uses. If the use can be determined to be substantially similar in its character and external impacts, it may be treated as a permitted or conditional use, as determined by the Planning Commission, until such time this code is amended appropriately. If the use cannot be determined to be substantially similar in its character and external impacts, it shall be considered prohibited. A determination to treat a use as a permitted or conditional use shall include written findings to support the Planning Commission's decision.

Art. 3-7: Completion of Existing Buildings

Nothing in these regulations shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the adoption of these regulations.

Nothing in these regulations shall require any change in plans, construction or designated use of a building for which a building permit has been issued within 30 days prior to the adoption of these regulations, provided construction is begun within 90 days of the effective date of these regulations and diligently pursued to completion.

For lands annexed into the City of Searcy after adoption of these regulations, nothing in these regulations shall require any change in plans, construction, or designated use of a building under construction, or any building not under construction that can be determined to be in compliance with Arkansas State Fire Code.

Art. 3-8: Illegal Lot or Yard Reduction

The required lot or yard area for an existing or new building may not be reduced or be allowed to count toward the required lot or yard area for another building or use. The improper reduction of lot or yard area for a building or use is a violation of this Code.

Art. 3-9: Principal Structure on Lot.

In residential districts only one principal structure and its customary accessory structures may be built on any lot unless otherwise provided in this Code. Accessory structures with sinks, cook stoves, other kitchen facilities, and bathroom facilities designed for independent occupancy of a structure shall be considered an Accessory Dwelling Unit. *(Ord. 2024-21)*

Art. 3-10:

Structures, as defined in this code, and fences shall not be permitted in the front yard of any residential district or the C-3 Low-Intensity Commercial District. Any yard, including all paved areas, adjoining a street shall be considered a front yard as defined by this code. *(Ord. 2024-05)*

Art.3-11: Dumpster Enclosure:

No Dumpster shall be permitted to be installed unless the same is enclosed on all sides and a gate made with an opaque material. The enclosure shall have a minimum height of 6 ft. 6 in. or a height which completely conceals the Dumpster. The gate of such enclosure shall be adjacent to the parking area for the building, and away from adjoining property. It shall be the responsibility of the property owner or tenant who rents the dumpster to open the gate by midnight on the day of collection and to close the gate after collection. The clear area for the dumpster enclosure shall be a minimum of 10 ft. x 10 ft. for a single dumpster and 10 ft. x 20 ft. for enclosures with two dumpsters. Enclosure materials shall meet the design standard requirements found in Art. 5-2-5 of this Code. *(Ord. 2024-11)*

Art. 3-12: No Self-Storage Facility 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 6 feet in height, Further, no Self-Storage Facility 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. *(Ord. 2024-05)*

CHAPTER 4: ZONING DISTRICTS

Art. 4-1: Residential Districts

4-1-1: District Descriptions

R-1- Multi-Unit Residential: The R-1 District provides for suitable areas for medium and high-density development. It is the least restrictive residential district in terms of density and is designed to achieve the affordable housing goals of the Comprehensive Plan. *(Ord. 2022-14)*

R-2- Two-Unit Residential: The R-2 District allows for a variety of housing types to allow full development or redevelopment of residential districts that would benefit from a variety of moderated density housing. *(Ord. 2022-14)*

Where housing types are mixed, units will present conformance to common scale and density factors. These will include scale, orientation, design theme, building materials, and appearance. The protection of overall neighborhood stability shall be maintained to the extent possible in this district.

R-3- One-Unit Residential – Small Lot: The R-3 District provides for medium-density residential of one-unit dwellings and complementary land uses. *(Ord. 2022-14)*

R-4- One-Unit Residential – Medium Lot: The R-4 District provides for quiet, low-density residential areas. *(Ord. 2022-14)*

R-5- Estate Residential: The R-5 District is established for large residential tracts that allow low-density residential development.

R-AH – Manufactured Home Residential: The R-AH District provides a medium-density residential district composed of manufactured homes, one-unit dwellings, and complementary land uses. *(Ord. 2022-14)*

4-1-2: Permitted Uses: See Table of Uses Art. 4-5

4-1-3: Area Requirements

All setbacks shall be measured from the property line or projected Master Street Plan right-of-way, whichever is greater. No building shall be built or made larger unless the following area requirements are met:

Zoning District	Minimum Lot Area	Minimum Lot Width	Max. Lot Coverage	Setback Requirements			Max Height Feet
				Front	Side	Rear	
R-1	7,200 sq.ft. + 2,000 sq.ft. for each additional dwelling unit	One-Unit: 65 ft. Multi-Unit: 70 ft. *(Ord. 2022-14)*	25%	25 ft. a	7.5 ft.	10 ft.	48 ft.
R-2	7,200 sq.ft. + 2,000 sq.ft. for Two-Unit Dwellings *(Ord. 2022-14)*	One Unit: 65 ft. Multi-Unit: 70 ft. *(Ord. 2022-14)*	25%	25 ft. a	7.5 ft.	10 ft.	48 ft.

Zoning District	Minimum Lot Area	Minimum Lot Width	Max. Lot Coverage	Setback Requirements			Max Height Feet
				Front	Side	Rear	
R-3	7,200 sq.ft.	One-Unit: 65 ft. *(Ord. 2022-14)*	N/A	25 ft. a	7.5 ft.	10 ft.	48 ft.
R-4	7,700 sq.ft.	One-Unit: 70 ft. *(Ord. 2022-14)*	N/A	25 ft. a	10 ft.	10 ft.	48 ft.
R-5	40,000 sq.ft.	One-Unit: 100 ft. *(Ord. 2022-14)*	N/A	30 ft.	20 ft.	20 ft.	48 ft.
R-AH	6,000 sq.ft	One-Unit: 50 ft. *(Ord. 2022-14)*	N/A	25 ft. a	7.5 ft.	10 ft.	48 ft.
Places of Assembly Places of Worship Educational Facilities	45,000 sq.ft.	100 ft.	35%	25 ft.	25 ft.	25 ft.	48 ft.

Notes:

a. When a majority of the lots on side or street-face of a block have existing principal structures on them and those structures do not meet the minimum required front setback, the required setback may be reduced. In such cases, the setback of all structures on the street-face of the block (no more than 6 adjacent lots) may be measured to determine the average setback. This calculated front setback may be used as the front or side- street setback line for any new construction or expansion of existing structures.
b. Existing platted lots of record that do not meet the above requirements may be used subject to Art. 8-6.

Art. 4-2: Commercial Districts

4-2-1: District Descriptions

C-1– Downtown Commercial: The C-1 District provides for intensive use of the core area or central business area of the City of Searcy. This is the area traditionally regarded as the historic "Downtown" of the city and this code provides different standards to the district as regards parking, setbacks, and height restrictions.

C-2– General Commercial: The C-2 District Provides for appropriate locations for those commercial establishments, which are cohesive, attractive and convenient for vehicular and pedestrian accessibility.

C-3– Low-Intensity Commercial: The C-3 District provides for convenient shopping for residents of the City of Searcy and the motoring public. Uses in the C-3 District shall be low-traffic, low-impact

facilities that will blend with the character of surrounding properties and will serve as a transitional buffer between residential areas and more intense commercial areas.

C-4– Regional and Open-Display Commercial: The C-4 District provides for the business-commercial uses of a regional nature, auto-oriented high traffic generating uses, and uses which give rise to numerous vehicular traffic conflict points. It is the least restrictive of the commercial districts and permits the widest variety of uses. Uses in this district should not reduce the level of service on major or minor traffic arteries.

4-2-2: Permitted Uses: See Table of Uses Art. 4-5

4-2-3: Area Requirements

All setbacks shall be measured from the property line or projected Master Street Plan right-of-way, whichever is greater. No building shall be built or made larger unless the following area requirements are met:

Zoning District	Minimum Lot Area	Minimum Lot Width	Building Site Coverage	Setback Requirements				Max Height Feet
				Front	Side	Side-Street	Rear	
C-1	None	25 ft.	N/A	0 ft. a	0 ft.	5 ft. Max. a	10 ft.	N/A
C-2	10,000 sq.ft.	60 ft.	50%	45 ft. b	10 ft.	45 ft. b	10 ft.	N/A
C-3	9,200 sq.ft. c	70 ft.	20%	45 ft. b	7.5 ft.	45 ft. b	10 ft.	N/A
C-4	10,000 sq.ft.	60 ft.	50%	45 ft. b	0 ft.	45 ft. b	10 ft.	N/A

Notes:

a. Buildings in C-1 are required to be built up to the edge of the front property line, unless the location of the structure would interfere with visibility for traffic or would require a portion of an existing sidewalk to be removed.

b. Setback may be reduced to 15 feet, when off-street parking is placed in the rear or side yard. Setback is 45 feet when off-street parking placed in front of building. No off-street parking shall be permitted in the front 5 feet, which shall be reserved for landscaping and signage.

c. For residential dwellings an additional 2,000 sq. ft. for each additional dwelling unit over 4.

d. For all commercial districts except C-1, a 10-foot buffer shall separate the commercial use from any residential district. *(Ord. 2018-33)*

e. Existing platted lots of record that do not meet the above requirements may be used subject to Art. 8-6.

Art. 4-3: Industrial Districts

4-3-1: District Descriptions

I-1– Restricted Industrial: The I-1 District provides for the restricted industrial, wholesale, and research establishments whose business is conducted principally within an enclosed building.

I-2– Heavy Industrial: The I-2 District provides for those manufacturing and other industrial activities that are not consistent compatible with business or residential use. The I-2 District is intended to provide a place for manufacturing products from raw materials.

4-3-2: Permitted Uses: See Table of Uses Art. 4-5

4-3-3: Area Requirements:

All setbacks shall be measured from the property line or projected Master Street Plan right-of-way, whichever is greater. No building shall be built or made larger unless the following area requirements are met:

Zoning District	Minimum Lot Area	Minimum Lot Width	Building Site Coverage	Setback Requirements				Max Height Feet
				Front	Side	Side-Street	Rear	
I-1	5,000 sq.ft	50 ft.	20%	25 ft. a	6 ft. b	25 ft. a	10 ft. b	48 ft.
I-2	20,000 sq.ft.	100 ft.	20%	25 ft. a	20 ft. c	25 ft. a	20 ft. c	75 ft.

Notes:

a. No off-street parking shall be permitted in the front 5 feet, which shall be reserved for landscaping and signage.

b. When adjoining a residential district or use, the required setback is 25 feet.

c. When adjoining a residential district or use, the required setback is 50 feet.

4-3-4: Standards of Use:

Zoning District	Standards
I-1	All production, processing, servicing, testing, and repair of materials, goods, equipment, or products shall take place within completely enclosed buildings.
	All uses shall comply with all local, state, or federal laws.
	All outdoor storage shall be screened by a site obscuring fence or landscaping when the outdoor storage is within the required front yard and/or adjacent to a Residential District or Residential Use. The use of corrugated tin or “barn tin” is expressly prohibited as a screening material

I-2	All uses shall comply with all local, state, or federal laws.
	All outdoor storage shall be screened by a site obscuring fence or landscaping when the outdoor storage is within the required front yard and/or adjacent to a Residential District or Residential Use. The use of corrugated tin or "barn tin" is expressly prohibited as a screening material.

Art. 4-4: Special Districts

4-4-1: District Descriptions

PUD – Planned Unit Development: The purposes of this zone are to promote flexibility and innovation in design and to encourage innovation in the design of large-scale developments and the use of vacant, in-fill parcels in the built-up portion of the city. The zone also promotes the inclusion of open space in developments.

U-T – Urban Transitional District: The Urban Transitional District is created to prevent premature urban development of certain lands that eventually will be appropriate for urban use, until the installation of streets, utilities, and community facilities make orderly development possible. The UT District is established to insure adequate light, air, and privacy for each dwelling unit, and to provide adequate separation between dwelling units and facilities for limited agricultural pursuits.

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. *(Ord. 2022-13)*

4-4-2: PUD – Planned Unit Development

Includes developments formerly zoned PD

1. General Description: In concept, a Planned Unit Development (PUD) is a combination of zoning designation and development plan. The approval process is designed to encourage innovation by the developer in allowing submittal of engineered plans, known as a final development plan, after approval of a zoning plan to rezone the property. Development must follow the approved final development plan exactly. Failure in this respect can result in revocation of the PUD. Although design innovation is encouraged, and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations.

2. Minimum Size and Criteria: PUD applications shall meet the following criteria before they will be considered for review and approval.

    A. PUDs may be residential, commercial, industrial, or mixed-use in nature.

    B. There are no minimum size restrictions for PUDs; however, the Planning Commission will only consider PUDs of less than 1 acre when it can be demonstrated by the applicant that use of the property cannot be made productive under normal zoning regulations.

3. Development Standards:

    A. Uses Permitted: Permitted uses within a PUD shall conform to the permitted uses within the existing zoning district in which the PUD is being proposed or shall be consistent

with the general character of the land use classification of subject property in the city's Comprehensive Plan.

B. Development Density: The development plan shall clearly depict the proposed density by land use category.

C. Setbacks: Building setbacks will be designed in such a manner that they create a harmonious grouping of buildings, allow all maintenance of streets and utilities, do not violate any safety codes including the Arkansas State Fire Prevention Code, is in compliance with the visibility requirements of Article 5-7 of this code, and do not restrict the provision of emergency or public services.

D. Lot Size and Area Requirements: No minimum lots sizes are established. Housing and development can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of natural features and topography. The following restrictions apply:

   i. Residential Density: Residential density for any development shall not exceed the following standards as measured by dwelling units per developable acre (dua). Calculation shall not include areas devoted to streets and drainage improvements. This shall be computed by the equation below:

      Housing Units / (Developable Land + Common Usable Open Space) = Residential Density

One-Unit: *(Ord. 2022-14)*	8 dua
Two-Unit: *(Ord. 2022-14)*	10 dua
Townhouses/Condominiums:	12 dua
Multi-Unit (1-2 stories): *(Ord. 2022-14)*	18 dua
Multi-Unit (3 stories or more): *(Ord. 2022-14)*	24 dua

E. Open Space Reservation: Land not used by buildings, accessory structures, yards, streets, or drainage, shall be maintained as common usable open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment.

F. Common Usable Open Space – Future Phase Construction: If common usable open space and common space improvements required for a development are planned for construction in future phases, a performance bond shall be required. Prior to the sale of any lot, site, home or other structure, a bond of sufficient surety determined by the Administrative Official shall be posted with the City for completion of said common usable open space improvements. The amount of the bond shall reflect 150 percent of the Administrative Official's estimate for completing the required improvements. The zoning plan shall clearly depict the amount of land to be used and maintained as permanent common usable open space.

G. Bills of Assurance, Covenants, Trusts, and Homeowners Associations: The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, buildings, lighting, security measures, and similar common elements. All legal instruments setting forth a

plan or manner of permanent care and maintenance of such open space, recreational areas, and common owned facilities shall be approved by the City Attorney as to legal form and effect, and by the planning commission as to the suitability for the proposed use of the common owned facilities.

If the common owned facilities are deeded to a homeowner association, the developer shall file with the approved final plat/final development plan a declaration of covenants and restrictions in the bill of assurance. The following is required:

i. The homeowner association must be legally established before building permits are granted.

ii. Membership and fees must be mandatory for each home buyer and successive buyer.

iii. The open space restrictions must be permanent.

iv. The association must be responsible for the maintenance of all common owned facilities covered by the agreement and for all liability, taxes, and other assessments.

v. Homeowners must pay their pro-rata share of the initial cost, the maintenance assessment levied by the association must be stipulated as a potential lien on the property.

vi. The association must be able to adjust the assessment to meet changed needs.

H. Nothing in this Code shall be construed as assigning or assuming any responsibility or liability, on the part of the City of Searcy, for maintenance of any private open areas, parks, or recreational facilities. A hold harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a Planned Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts by council action the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties.

I. Landscaping: Landscaping requirements shall be handled within Art. 6-7 of this code.

J. Private Street Conversion: Private streets that are requested to be converted to public ownership shall be required to be improved to city standards prior to dedication to the city. The owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication and acceptance. The owner shall not be compensated for any street dedicated to public use. Any private street conversion shall be subject to the maintenance bond requirements found in the appropriate section of the City’s Subdivision Code.

K. Land Subdivision: In the construction and installation of all subdivision improvements in the planned development, said improvements shall conform to all requirements and standards as set forth in the City's Subdivision Code.

4. Review and Approval Types:

A. Short Form PUD: Developments contained on one lot that are not intended for resubdivision into additional lots.

B. Long Form PUD: Developments intended to plat property into 2 or more lots.

5. Short Form PUD Review and Approval Procedure:

A. 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. *(Ord. 2022-31)*

B. Zoning Plan Review and Approval: The Zoning Plan shall consist of a Zoning Plan for the development without the submittal of an engineered site plan and construction plans. Approval of the Zoning Plan shall have the effect of rezoning the property.

i. 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. *(Ord. 2022-31)*

ii. 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. *(Ord. 2022-31)*

iii. Within 30 days of the public hearing, the planning commission shall render a decision to approve, conditionally approve, or deny the application. At any point following the public hearing, the applicant may request deferral of a decision on the application to allow modification. Any application which is deferred shall be subject to an additional public hearing to allow public comment. If the request for deferral is made at the same meeting at which the public hearing is made, the planning commission shall allow the public hearing to be continued at the following regular meeting of the Planning Commission without being re-advertised.

iv. For any application that is conditionally approved by the Planning Commission, the applicant shall have 90 days to submit modified plans. These plans shall be reviewed by the Administrative Official to determine if the modified plans comply with the Planning Commission's conditional approval. The Administrative Official shall provide a written report of his/her findings. The city council will not consider any modified plans that are not reviewed by the Administrative Official.

v. An application which is approved or conditionally approved shall be forwarded to the city council for approval. The city council shall render a decision to approve or deny the application by an ordinance to rezone the property. Such decision shall occur within 30 days of a decision of the planning commission or submission of modified plans, whichever is later.

vi. To approve a PUD Zoning Plan, the planning commission shall find the following:

a. The PUD provides public benefits that would not be achievable through the normal zoning regulations.

b. That adequate public utilities are already in place to service the property, or the developer has sufficient plans and private financial commitment in the form of a bond or letter of credit in place to ensure adequate public utilities will be available to service the property.

c. The land use is compatible with surrounding developments.

d. The PUD is compatible with the city's comprehensive plan.

e. The PUD will not endanger the public health, welfare, or safety.

C. Final Development Plan Review and Approval: The Final Development Plan shall consist of a Zoning Plan and submittal of an engineered site plan and construction plans.

Approval of Final Development Plan shall have the effect of permitting development of the property.

i. The applicant shall provide the submittal requirements necessary for a Short Form PUD Final Development Plan.

ii. The Administrative Official and Technical Review Committee shall review the application and provide comments to the applicant for revision of the drawings.

iii. The Administrative Official shall approve or deny the Final Development Plan and provide report of his/her approval to the Planning Commission within 5 business days. The Administrative Official shall not approve a Final Development Plan that contains a Zoning Plan that does not match the Zoning Plan previously approved the Planning Commission and City Council, or that contains construction plans that do not address comments for revision made by the Technical Review Committee.

iv. The Administrative Official shall have the authority to defer approval of a Final Development Plan to the Planning Commission. The Planning Commission shall have the authority to require any Final Development Plan be reviewed for approval by the Planning Commission instead of the Administrative Official, at the time of approval of the Zoning Plan.

v. The applicant, any Planning Commissioner, any City Council member, or any aggrieved party may appeal the decision of the Administrative Official rendered on a Final Development Plan by written request made to the Administrative Official within 15 days of the Administrative Official's decision. The appeal shall be heard by the Planning Commission.

6. Long Form PUD Review and Approval Procedure:

A. 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. *(Ord. 2022-31)*

B. Zoning Plan Review and Approval: The Zoning Plan shall consist of a Zoning Plan for the development without the submittal of an engineered site plan and construction plans. Approval of the Zoning Plan shall have the effect of rezoning the property.

i. 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. *(Ord. 2022-31)*

ii. 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. *(Ord. 2022-31)*

iii. The Administrative Official and Technical Review Committee shall review the application and provide comments to the application for revision of the plans. A public hearing for the Zoning Plan shall be set no later than 60 days after filing the application. The procedures within Section 2.2.2 shall govern the process for arranging the public hearing.

iv. Within 30 days of the public hearing, the planning commission shall render a decision to approve, conditionally approve, or deny the application. At any point following the public hearing, the applicant may request deferral of a decision on the application to allow modification. Any application which is deferred shall be subject to an additional public hearing to allow public comment. If the request for deferral is made at the same meeting at which the public hearing is made, the planning commission shall allow the public hearing to be continued at the following regular meeting of the Planning Commission without being re-advertised.

v. For any application that is conditionally approved by the Planning Commission, the applicant shall have 90 days to submit modified plans. These plans shall be reviewed

by the Administrative Official to determine if the modified plans comply with the Planning Commission's conditional approval. The Administrative Official shall provide a written report of his/her findings. The city council will not consider any modified plans that are not reviewed by the Administrative Official.

vi. An application which is approved or conditionally approved shall be forwarded to the city council for approval. The city council shall render a decision to approve or deny the application by an ordinance to rezone the property. Such decision shall occur within 30 days of a decision of the planning commission or submission of modified plans, whichever is later.

vii. To approve a PUD Zoning Plan, the Planning Commission shall find the following:

a. The PUD provides public benefits that would not be achievable through the normal zoning regulations.

b. That adequate public utilities are already in place to service the property, or the developer has sufficient plans and private financial commitment in the form of a bond or letter of credit in place to ensure adequate public utilities will be available to service the property.

c. The land use is compatible with surrounding developments.

d. The PUD is compatible with the city's comprehensive plan.

e. The PUD will not endanger the public health, welfare or safety.

viii. Following approval of the Zoning Plan the applicant shall submit an application for Preliminary Plat approval. The Preliminary Plat application shall conform to the procedures and requirements of the Searcy Subdivision Code.

ix. An application for a Final Development Plan shall not be accepted by Administrative Official until and unless a Preliminary Plat for the property has been approved.

C. Final Development Plan Review and Approval: The Final Development Plan shall consist of a Zoning Plan and submittal of a Final Plat application. Approval of Final Development Plan shall have the effect of permitting the applicant to sell lots in the development, obtain building permits, or file an application for site plan review.

i. The applicant shall provide the submittal requirements necessary for a Long Form PUD Final Development Plan. The applicant may submit an application for site plan review for concurrent review and approval as part of the Final Development Plan.

ii. The Final Plat application shall be subject to the regulations and requirements of the Searcy Subdivision Code.

iii. The Administrative Official and Technical Review Committee shall review the application and provide comments to the applicant for revision of the drawings.

iv. The Administrative Official shall approve or deny the Final Development Plan and provide report of his/her approval to the Planning Commission within 5 business days. The Administrative Official shall not approve a Final Development Plan that contains a Zoning Plan that does not match the Zoning Plan previously approved the

Planning Commission and City Council, or that contains plans that do not address comments for revision made by the Technical Review Committee.

v. The Administrative Official shall have the authority to defer approval of a Final Development Plan to the Planning Commission. The Planning Commission shall have the authority to require any Final Development Plan be reviewed for approval by the Planning Commission instead of the Administrative Official.

vi. The applicant, any Planning Commissioner, any City Council member, or any aggrieved party may appeal the decision of the Administrative Official rendered on a Final Development Plan by written request made to the Administrative Official within 15 days of the Administrative Official's decision. The appeal shall be heard by the Planning Commission.

7. 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. Plans shall contain the following: *(Ord. 2022-31)*

See Table 4-4-2.7 on the following page:

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		✓		✓

(Ord. 2022-31)

8. Revocation

Revocation of the approval of a PUD shall occur if, by vote of the city council, it is found that the owner, owner's agent, or developer are not developing the property in compliance with the provisions of this Code and other applicable laws, are not complying with the terms of PUD's approval, have not commenced construction within 6 months of approval, have not completed construction within 2 years of approval, are not developing the PUD according to the approved final development plan, or have not received approval for a final development plan within 2 years of approval of a Zoning Plan.

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.

In the event of revocation, any completed portion of the development or those portions for which building permits have been issued shall be treated as a whole and effective development. In such cases, the property within the PUD shall retain the PUD zoning district designation. If no development has occurred, the zoning shall revert back to the zoning district designation(s) which existed for the property prior to the PUD's approval. *(Ord. 2022-14)*

4-4-3: U-T – Urban Transitional District

1. Permitted Uses: See Table of Uses, Art. 4-5

2. Area Requirements:

   All setbacks shall be measured from the property line or projected Master Street Plan right-of-way, whichever is greater. No building shall be built or made larger unless the following area requirements are met:

Location and Use	Minimum Lot Area	Minimum Lot Width	Setback Requirements			Max Height Feet
			Front	Side	Rear	
Permitted Use - Unplatted	5 acres	50 ft.	60 ft	25 ft	50 ft.	48 ft.
Permitted Use - Platted	Recorded Lot Size	Recorded Lot Width	25 ft.	7.5 ft.	10 ft.	75 ft.
Conditional Use	Determined by Conditional Use Permit					

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-2 district may vary if the proposed setback is used for unique applications in use and is aesthetically pleasing. *(Ord. 2024-21)*

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-unit 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.

(Ord. 2022-13)

Art. 4-5: Table of Uses and Use Descriptions

4-5-1: Table of Uses

P = Permitted Use **C = Conditional Use**	**Residential**						**Commercial**				**Ind.**		**Sp. Districts**	
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**	**PUD**
Accessory Buildings *(Ord. 2018-33)*	P	P	P	P	P	P	C	P	P	P	P	P	P	Uses to be proposed by the applicant
Antenna Tower – FCC Jurisdiction	C	C	C	C	C	C	C	C	C	C	P	P	C	
Antenna Tower - Commercial Non-FCC							C	C	C	C	P	P	C	
Antenna Tower - Private	C	C	C	C	C	C	P	P	P	P	P	P	P	
Automobile Repair/Service								P		P				
Automobile Sales and Leasing – Large Scale										P				
Automobile Sales and Leasing – Small Scale								P		P				
Bed and Breakfast *(Ord. 2022-31)*	P	C	C	C	C		P	P	P	C				
Boarding / Lodging House *(Ord. 2022-31)*	C	C	C	C	C	C	C	C	C	C				
Child Care Center – Private							P	P	P	P				

Child Care Center – Public or Non-profit	C	C	C			C	P	P	P	P				
Child Care Family Home	C	C	C			C	P	P	P	P				
Churches and Places of Worship	P	P	P	P	P	P	P	P	P	P				
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**	**PUD**
Commercial – General							P	P	C	P				Uses to be proposed by the applicant
Commercial – Shopping Centers or Big Box Retailers										P				
Commercial – Small Scale							P	P	P	P				
Commercial Parking Lot/Garage							P	P		P				
Contractor or Utility Equipment Parking/Storage Yard								C		C				
Convenience Store								P	P	P				
Digital Asset Mining *(Ord. 2024-11)*							C	C	C	C	C	C		
Dwellings – Manufactured Home		C				P								
Dwellings - Multi-Unit – Large Scale *(Ord. 2022-14)*	P						C	P	P	P				
Dwellings - Multi-Unit – Small Scale *(Ord. 2022-14)*	P						P	P	P	P				
Dwellings - One-Unit *(Ord. 2022-14)*	P	P	P	P	P	P	P	C	C				P	
Dwellings - Two-Unit *(Ord. 2022-14)*	P	P					P	C	C					
Dwellings - Zero-Lot Line – Townhouses/Condominiums	P	P					P							
Hazardous Materials Use or Storage											C	C		
Home Occupations	P	P	P	P	P	P							P	
Hotel/Motel – Large Scale								P		P				
Hotel/Motel – Small Scale	C	C	C				P	P		P				
Industrial											P	P		
Institutional/Public – Large Scale	C	C	C			C		P		P				
Institutional/Public – Small Scale *(Ord. 2022-31)*	C	C	C			C	P	P	P	P				
Manufactured Home Park						C		C						
Mining, Excavation, and Material Storage	C	C	C	C	C	C	C	C	C	C	C	P	C	
Non-Urban													P	
Office – Small Scale							P	P	P	P				
Office – Large Scale and High-rise							P	P		P				

Open Display Commercial – (No permanent - 24 hour - outside storage)							C	P		P				
Open Display Commercial – (With permanent - 24 hour - outside storage)										P				
Personal Care	C	C	C			C	P	P	P	P				
Recreational Vehicle Parks *(Ord.2020-06)*							C	C	C	C			C	
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**	**PUD**
Restaurants and Eating Establishments – Drive through								P		P				Uses to be proposed by the applicant
Restaurants and Eating Establishments – No Drive through							P	P	P	P				
Sales and/or Service Operations							P	P	P	P				
Salvage Yard/Wrecker Service											C	C		
Self-Storage Facilities – External Access								P		P				
Self-Storage Facilities – Internal Access								P	P	P				
Transitional Housing	C	C	C	C	C	C	C	C	C	C				
Veterinarian Clinic – Large Animals								C		P			P	
Veterinarian Clinic – Small Animals – no boarding								P	P	P			P	
Veterinarian Clinic – Small Animals - overnight boarding								C	C	P			P	

Note: All uses are subject to district regulations, off-street parking, and special provisions as specified in the zoning code. No dwellings shall use public parking spaces to meet these requirements.

4-5-2: Use Descriptions

Antenna Tower: FCC Jurisdiction: An antenna tower and related attachments subject to and protected by, the provisions of the federal Telecommunications Act of 1996 and any subsequent amendments.

Antenna Tower: Commercial Non-FCC: A communication or transmitting tower erected in a commercial district, serving as a stand-alone or accessory use for a private business, public, non-profit, or other quasi- public entity and not subject to the provisions or protection of the federal Telecommunications Act of 1996.

Antenna Tower: Private: A communication or transmitting tower erected on residential property as an accessory use to the primary resident, including, but not limited to TV receptors or private (HAM) radio use.

Automobile Repair/Service: This unit includes one automobile repair, body, or service shop per lot and allows an incidental convenience store, with or without gas pumps, as an accessory use to the

automobile repair or service. This unit does not allow the overnight outside storage of vehicles for more than five days. This use unit is generally limited to 10,000 square feet of floor space. This use unit does not permit the permanent (24 hour) outdoor display of merchandise, equipment, or products. This use unit does not involve hazardous materials other than flammable petroleum type products; materials needed for auto body repair, and/or propane refills.

Automobile Sales & Leasing - Small Scale: Any automobile sales and/or leasing establishment one acre or less in size. This unit does not include recreation vehicle, large vehicle, or manufactured home sales.

Automobile Sales & Leasing – Large Scale: Any automobile sales and/or leasing establishment greater than one acre in size. This unit includes recreation vehicle, large vehicle, or manufactured home sales. Any automobile sales and/or leasing establishment shall be allowed to conduct automobile repair and service incidental to the sales and leasing use of the premises.

Bed and Breakfast: An owner-occupied dwelling unit that contains no more than 5 guest rooms where lodging, with or without meals, is provided for compensation. The owner of the inn shall live on the premises or in a residential structure located upon the same lot as the rooms for rent.

Boarding or Lodging Housing: Housing operated as a commercial venture in which lodging and meals are provided on a more or less permanent basis, as distinguished from a Bed and Breakfast.

Child Care Services: Uses that care for children on a daily basis further defined as follows:

> *Child Care Center – Private:* A commercial child care center conducted under private, for profit auspices providing direct care and protection for children.
>
> *Child Care Center – Public or Non-profit:* A child care center conducted by a religious institution, school, or other non-profit organization and providing direct care and protection for children excepting that this definition does not apply to facilities meeting this definition but operating no more than three weeks at a time, specifically including religious study schools and day camps.
>
> *Child Care Family Home:* A situation, arrangement, or agreement by which one or more persons care for six or more children from more than one family but no more than 16 children in the caregiver's own family residence or some other suitable family-type residence.

Churches and Places of Worship: A building set apart for public worship of any religion which, when permanently established, meets all federal, state, and local codes of development and construction.

Commercial - General: Offices, shops (goods or services), restaurants and businesses that exceed the Small Scale Office or Small Scale commercial standards and generally do not exceed 50,000 square feet floor space. This use unit permits one primary building per lot. Unmanned incidental or accessory buildings, such as ATM machines, are permitted on the same lot as the primary building. This use unit does not involve hazardous materials other than flammable petroleum type products and/or propane refills. This use does not permit permanent (24 hour) outdoor display of merchandise, equipment, or products. Light fabrication of non-hazardous products, with incidental retail sales, may be considered a part of the General Commercial Use Unit, provided the light fabrication use does not exceed the General Commercial Use Unit requirements. Convenience

stores with restaurants or which exceed the Convenience Store Use Unit requirements are allowed in this unit.

Commercial - Shopping Centers or Big Box Retailer: Uses that generally exceed 50,000 square feet or more such as big box retailers, shopping centers, and similar facilities. This unit includes truck stops but does not involve hazardous materials other than flammable petroleum type products and/or propane refills. This use unit is generally suited for more than one primary building per lot. Light fabrication of non-hazardous products, with incidental retail sales, may be considered a part of the Shopping Center Commercial Use Unit.

Commercial – Small Scale: One shop (goods or services), or non-drive-through retail establishment, per lot, which generally: does not exceed 12,000 square feet floor space, does not generate more than 100 trip ends per average business day, does not require over 20 parking spaces, is consistent in scale and appearance with surrounding buildings, does not exceed 35 percent lot coverage, and which, during normal business hours, generates sound not exceeding that of an average small retailer, and which is normally closed between 10:00 p.m. and 7:00 a.m. Non-retail uses are permitted drive-throughs and unmanned incidental or accessory buildings such as ATM machines.

Commercial Parking Lot/Garage: Parking lots or garages used commercially to provide off-street parking and storage.

Contractor or Utility Equipment Parking/Storage Yard: The storage or parking of contractor or utility equipment.

Convenience Store – Small Scale: A retail commercial establishment, not exceeding 2,500 square feet in gross floor area, supplying a limited range of food items, magazines, toiletries, and tobacco products to meet the day-to-day needs of residents in the immediate neighborhood and which may or may not include fuel sales. For establishments greater than 2,500 square feet, see "Convenience Store – Large Scale.

Convenience Store – Large Scale: A retail commercial establishment supplying a limited range of food items, magazines, toiletries, and tobacco products and multiple fueling stations designed to meet the needs of the motoring public.

Digital Asset Mining: A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data storage and operations. *(Ord. 2024-11)*

Dwellings - Manufactured home: Manufactured homes as defined by Chapter 11.

Dwellings - Multi-Unit dwellings – Large Scale: Multiple-Unit dwellings 13 – 24 units per acre. The Planned Development District is generally suitable for Multiple-Unit dwellings that exceed the requirements of this Use Unit. *(Ord. 2022-14)*

Dwellings - Multi-Unit dwellings – Small Scale: Multiple-Unit dwellings up to 12 units per acre. *(Ord. 2022-14)*

Dwellings – One Unit: One Unit dwellings. *(Ord. 2022-14)*

Dwellings – One Unit: Two-Unit dwellings. *(Ord. 2022-14)*

Dwellings - Zero-Lot Line – Townhouses/Condominiums: Attached One-Unit dwellings. *(Ord. 2022-14)*

Hazardous Materials Use or Storage: The use or storage of hazardous (i.e. flammable, corrosive, explosive, etc.) materials.

Hotel/Motel – Large Scale: One hotel/motel per lot that exceed the Hotel/Motel – Small Scale requirements.

Hotel/Motel – Small Scale: One hotel/motel per lot, having no more than 30 rooms for rent, all rented on a short-term (30-day maximum) basis, and generating no special sound load. This is intended to include bed and breakfasts.

Industrial: General industrial uses such as manufacturing, assembling, or production of goods.

Institutional – Large: Government offices, schools, tax-exempt institutions, public or private healthcare facilities such as nursing homes, half-way houses, clubs, lodges and similar uses which exceed "small" unit requirements.

Institutional– Small: One tax-exempt public or private institution, public service building *(Ord. 2020-06)*, or public or private non-emergency healthcare facility, club, lodge, or similar use, per lot, which generally: does not exceed 12,000 square feet floor space, does not generate more than 100 trip ends per average business day, does not require over 20 parking spaces, is consistent in scale and appearance with surrounding buildings, does not exceed 35 percent lot coverage, and which, during normal business hours, generates sound not exceeding that of an average small retailer, and which is normally closed between 10:00 p.m. and 7:00 a.m.

Manufactured Home Park: A land-lease park designed to accommodate manufactured homes and comprising a minimum of two acres.

Mining, Excavation, and Material Storage: The extraction, removal, or storage or clay, gravel, or sand; quarrying of rock or stone; earth moving and excavation; depositing of construction material, clay, earth, gravel, minerals, rocks, sand, or stone on the ground.

Non-Urban: Farms, ranches, undeveloped lands. This unit includes field, row, and tree crops as well as dairy farms, and the breeding, training, feeding, display and sale of livestock, including required accessory uses and buildings such as barns, yards, and loading areas. This unit does not include hog farming or the raising of poultry.

Office – Small Scale: One office or studio, per lot, which generally: does not exceed 10,000 square feet floor space, does not generate more than 100 trip ends per average business day, does not require over 20 parking spaces, is consistent in scale and appearance with surrounding buildings, does not exceed 35 percent lot coverage, and which, during normal business hours, generates sound not exceeding that of an average small retailer, and which is normally closed between 10:00 p.m. and 7:00 a.m.

Office: Large Scale or High-Rise: One office or studio per lot that exceeds the Office – Small Scale requirements.

Open Display Commercial (No permanent - 24 hour - outside storage): Commercial uses that have merchandise on display outside during business hours, but that remove the merchandise from outside after business hours for storage. This use unit does not involve hazardous materials other than flammable petroleum type products. This additionally does not include small incidental vending stands or machines that are customary to retail sites.

Open Display Commercial (With permanent - 24 hour - outside storage): Commercial uses that have permanent (24 hour) outdoor storage or display of merchandise, products, or equipment. This unit includes any automobile sales and/or leasing establishment greater than one acre, recreational vehicle sales, large vehicle sales, and manufactured home sales. This use unit does not involve hazardous materials other than flammable petroleum type products and/or propane refills. This additionally does not include small incidental vending stands or machines that are customary to retail sites.

Personal Care: This use unit includes businesses and services providing personal services such as beauty shops, barber shops, tailors, shine parlors and similar businesses, to the individual.

Public/Semi-Public: Parks, community facilities, utility substations, and similar public facilities. This unit does not include sewage treatment plants. These uses generally relate to facilities where location is dictated by the service area and for which alternative locations are not feasible.

Restaurant and Eating Establishment – Drive Through: An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not is also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

Restaurant and Eating Establishment – Non-drive Through: A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Sales and/or Service Operations: This use unit generally includes operations such as heating and air repair and service, office showrooms, office warehouses, and similar facilities. This use unit is generally appropriate for industrial areas and possibly commercial areas, with certain limitations. This use unit generally does not involve hazardous materials other than flammable petroleum type products and/or propane refills.

Salvage Yard/Wrecker Service: Salvage or junk yards and/or associated wrecker services.

Self -Storage Facilities – External Access: Self-storage facilities such mini-storages, mini-warehouses, and similar facilities in which the individual storage bays accessed from the outside of the building.

Self-Storage Facilities – Internal Access: Self-storage facilities such mini-storages, mini-warehouses, and similar facilities in which the individual storage bays accessed only from the inside of the building.

Transitional Housing: Also known as “halfway housing,” housing designed to accommodate a defined group, not all related who are occupying premises and living as a single, nonprofit, managed housekeeping unit, as distinguished from a group occupying a commercial boarding or lodging house.

Veterinarian Clinic – Large Animals: This use unit includes the practice of veterinarian medicine and any associated boarding or kenneling that exceeds the Veterinarian Clinic-Small Animals use unit. Generally, this use unit includes veterinarian clinics that serve or board large animals such as cattle, horses, and other large animals.

Veterinarian Clinic – Small Animals: One veterinarian clinic and any associated boarding or kenneling per lot, which generally: does not serve or board large animals such as cattle, horses, or

other large animals, does not exceed 5,000 square feet floor space, does not generate more than 150 trip ends per average business day, does not require over 20 parking spaces, is consistent in scale and appearance with surrounding buildings, does not exceed 35 percent lot coverage, and which, during normal business hours, generates sound not exceeding that of an average small retailer, and which is normally closed between 10:00 p.m. and 7:00 a.m.

CHAPTER 5: USE STANDARDS AND SPECIAL PROVISIONS

Art. 5-1: Accessory Buildings

5-1-1: Setbacks and Size Requirements

Setback Requirements			
Front	**Side**	**Side-Street**	**Rear**
Same as Zoning District	5 ft.	Same as Zoning District	5 ft.

1. In all residential and commercial districts, no accessory building may be placed closer to the front or side-street property line than is the primary structure.

2. In all Residential Districts, or in any Zoning District in which the property is used primarily for residential purposes, a detached accessory building shall be located more than 10 feet from the principal building on the property, except when the accessory building has a one-hour fire rating wall on the side nearest the residentially used building. Such firewall shall be approved by the Searcy Fire Marshal.

3. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

4. In residential zoning districts, accessory buildings shall be clearly detached from the roof structure, incidental to the main building on the lot, and may have maximum size of 5 percent of the total square feet of the residential lot up to a maximum of 1,200 square feet. Two accessory buildings that do not exceed a cumulative size as thus set forth may be allowed if they meet existing setback requirements. Accessory buildings larger than 1,200 square feet, shall require a conditional use permit. The height of an accessory building shall not exceed 15 feet unless approved as a conditional use. *(Ord. 2024-11)*

5. In addition to these setback requirements, in all residential zoning districts, all accessory structures are required to meet any and all setback requirements and any other restrictions set forth by the subdivision's covenants and restrictions where the property is located. *(Ord. 2024-11)*

5-1-2: Accessory Dwelling Units *(Ord. 2024-21)*

Accessory Dwelling Units are allowed to enable a new housing prototype that respects the look and character of single-dwelling unit neighborhoods while: supporting more efficient use of existing housing stock and infrastructure; providing housing that responds to changing family needs, smaller households, and increasing housing costs; providing accessible housing for seniors and persons with disabilities; and supporting affordable housing goals if it meets the following:

1. An ADU is permitted on a lot that has zoning for single dwelling as the primary use.

2. No ADU shall be permitted in a multi-unit dwelling zone unless the lot is only occupied by a one-unit dwelling.

3. Prior to issuance of building/remodeling permit of an ADU, the owner shall record against the Legal Description on the deed to the subject property, a deed restriction running in favor of the municipality limiting occupancy of either the principal dwelling unit or the ADU to the owner of the property. Proof that such restriction has been recorded shall be provided to code enforcement prior to issuance of building/remodeling permit. In the event the property changes ownership, the new owner shall abide by this deed restriction. Said deed restriction may be removed provided the ADU has been permanently removed.

4. Minimum Lot Area, Floor Area Requirements for ADU:

   A. Whichever is less (a) 60% of the ground floor living area of the primary dwelling unit or (b) up to 800 square feet or 5 percent of the total square feet of the residential lot, whichever is greater, up to a maximum of 1,200 square feet.

   B. Setback requirements will be the same as the primary dwelling unit which include but not limited to City Ordinances or Zoning and/or Subdivision Covenants.

   C. Height requirement on ADU's shall not exceed the height of the primary dwelling unit.

   D. No more than two buildings (whether it is an accessory building(storage) or Accessory Dwelling Unit) with a combined total square foot shall not exceed 800 square feet or 5 percent of the total square feet of the residential lot, whichever is greater, up to a maximum of 1,200 square feet.

   E. Only one ADU shall be permitted on one lot.

   F. May require a conditional uses permit if different than listed above.

5. The ADU or primary dwelling unit may be used for rentals less than 30 days (Short Term Rentals), must be approved per Short Term Rental Ordinance. (Owner must occupy one of the units as their primary dwelling)

6. Upon completion, ADU's are to inspected and receive a certificate of occupancy prior to anyone occupying the unit.

7. ADU's may be a conversion of existing building like a detached garage or may be new construction. If existing structure is to be used and has existing concrete floor or footings, it will be accepted as built providing there are no visible signs of damage or structural issues for safety. All other building code requirements to be inspected by City.

8. ADU's address shall be the same as the primary dwelling unit and end with a "B". Primary dwelling unit and the ADU mail receptacle shall be together in one location.

9. ADU's may have separate utilities or combined with primary dwelling unit. Must provide desired service and proof those services are available at building permit request.

10. Must provide site plan and design plan at time of building/remodeling permit request.

11. No additional parking requirements for ADU.

12. Must not violate any POA, HOA or covenants. Please review your title policy, you will need to sign a statement that you understand you have to meet those requirements upon applying for building permit.

13. Taxed – homestead tax credit percentage – You may lose all or partially lose your homestead tax exemption due to ADU being a rental.

14. The ADU may not be sold separately from the primary dwelling unit

Art. 5-2: Commercial Design Standards

5-2-1: Purpose

The purpose of this section is to create a framework for ensuring that the design of 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 buildings that:

1. Are designed to maintain a visual aesthetic that meets a consistent standard and protects the general welfare of the community.
2. Express individual design and creativity without detracting from the visual environment to the point at which the values of adjoining properties will be negatively affected.
3. Are appropriate to the context in which they reside; and
4. Generally, do not detract from the aesthetics of the location, area, and community as a whole.

5-2-2: Application and Required Information

1. The regulations of Article 5.2 shall apply to all buildings excluding manufactured homes, one-unit dwellings, two-unit dwellings and small-scale multi-unit dwellings, residential accessory structures, and industrial structures. *(Ord. 2022-14)*
2. Compliance with the standards shall be triggered by the following forms of construction activity.
   A. Construction of a new building.
   B. Modification to the exterior façade of an existing structure. (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. *(Ord. 2024-11)*
3. The following information shall be provided by the applicant to determine compliance with these regulations:

A. Rendered drawings of the front and side façade elevations of the building.

B. Materials list for front and side facades, roof structures, and trim.

C. Other pertinent information as may be required by the Administrative Official to determine compliance.

5-2-3: Procedures

1. Administrative Approval: The Administrative Official shall authority to review and approve or deny a building design when it meets all the following conditions.

   A. The design of the building meets all the design standards contained in Article 5-2-5 of this section.

   B. The building does not exceed two stories in height.

   C. The building is part of a building permit application or site plan review which would not otherwise require approval by the planning commission. If the building requires site plan review, its design shall be reviewed as part of the site plan review process. If the building does not require site plan review, its design shall be reviewed as part of the building permit review process.

2. Planning Commission Approval: The Planning Commission shall review building design and approve or deny the design under the following situations:

   A. The design of the building does not meet all the design standards contained in Article 5-2-5 of this section, as determined by the Administrative Official. Such designs shall be treated as a Non-Standard Building and reviewed as such. *(Ord. 2024-11)*

   B. The building exceeds two stories in height.

   C. The building is part of a site plan review application which requires approval by the planning commission.

5-2-4: Review of Building Design for Non-Standard Buildings

When a building design does not meet the design standards it shall require review by the Planning Commission. After submission of the required information and a review period for the Administrative Official, the design shall be placed on the agenda for the next upcoming Planning Commission meeting. The submission deadlines and review period shall conform to the Planning Commission calendar established by the Administrative Official. To approve a design for a Non-Standard Building, the Planning Commission shall be required to find the following:

1. No discernible public benefit would be gained by requiring an alternative design;

2. 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;

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

5-2-5: Design Standards

The following standards must be met to qualify as a Standard Commercial Building.

1. The finished façade of the front or any visible side of the building shall be composed of architectural building materials. This shall include any façade that is visible along any property line that abuts public right-of-way, street, or fire apparatus access lane that is also used for public access, including internal streets developed to serve a multiple building site. Architectural building materials shall include: *(Ord. 2024-11)*

    A. Exterior Insulation Finish Systems (EIFS) of Dryvit

    B. Brick or Brick Panel Systems

    C. Architectural or split concrete blocks excluding precision/standard concrete blocks known as CMU

    D. Glass

    E. Pre-cast Concrete

    F. Native stone or mortar

    G. Wood

    H. Tile

    I. Stucco

    J. Aluminum Composite Panels (ACP)

    K. Hardiplank or Fiber Cement Siding

    L. Metal Paneling with concealed fasteners (May not exceed 30% of the total area of any on façade wall.)

    M. Metal Siding with a sine wave pattern (May not exceed 30% of the total area of any on façade wall.)

2. The building plans shall designate one façade of the building as the front façade of the building. This façade shall have windows and doors comprising no less than fifteen (15) percent of its total square footage.

3. The vertical plane of the façade designated as the front façade of the building shall not be completely flat but shall be broken vertically in a least one location by a minimum of a 1-foot differential in the vertical plane for each 50 feet of horizontal surface or a minimum of 1 time. This requirement may be met by a recessed or extended entrance.

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

5. In general, the building shall no represent a simple box-like structure or resemble a temporary or portable building.

6. Mechanical equipment, whether ground-mounted or roof-mounted on any portion of the building must be placed or screened in such a manner that it is not visible from any public street or fire apparatus lane that is used for public access.

<u>5-2-6: Appeals</u>

Appeal of Administrative Official Decision: Property owners or their agent may appeal decisions of the Administrative 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 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.

Appeal of a Non-Standard Building: When the Planning Commission does not approve the design of a non-standard building, the applicant may appeal the decision to the Searcy City Council provided that the applicant submits a letter stating this intent to the Administrative Official within 10 days of the planning commission decision of denial.

Art. 5-3: Home Occupations:

5-3-1: Policy

The City of Searcy encourages working from home to the extent that it does not diminish the value or use of neighboring residential properties. The reduction of both vehicles use and need for public service constitutes a public benefit.

5-3-2: Standards

Home occupations shall be subject to the following standards:

1. Home occupations are approved administratively by city staff and require a city business license.
2. The home occupation is located completely within the principal dwelling unit.
3. The home occupation is solely operated by the occupant(s) of the dwelling. No non-resident persons are employed.
4. The home occupation is not primarily a retail sales operation. Incidental sales of hand-carried objects, such as sheet music, manuals, musical instrument parts, computer supplies, software, and art supplies, are permitted.
5. The home occupation does not occupy more than 25 percent of the gross habitable ground floor area of the principal dwelling unit.
6. The home occupation does not display merchandise in a manner visible from the street or have outside storage of equipment or materials.
7. The home occupation does not alter the external appearance of the principal dwelling unit.
8. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the principal dwelling unit.
9. The home occupation has no signage visible from the street, excluding temporary signage as otherwise allowed.
10. The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby.

11. The home occupation will not result in more than 2 customer vehicles parked at the principal dwelling unit at a time.
12. The home occupation does not involve the external or visible manufacturing of goods on-site.
13. The home occupation does not require outgoing delivery vehicles and no parked vehicle will serve as advertising for the home occupation.
14. The home occupation does not require pickup of non-household solid waste. No dumpsters are permitted for home occupations.

5-3-3: Examples of Home Occupations

Activities including, and similar to, the following are considered home occupations.

1. Activities conducted principally by phone, internet, or mail.
2. Studios where handicrafts or objects-of-art are produced.
3. Dressmaking or apparel alterations.
4. Bookkeeping services.
5. Music lessons.

5-3-4: Prohibited Home Occupations

Activities including, and similar to, the following are prohibited from operation as home occupations:

1. Bed and breakfast, unless approved as a Conditional Use in a residential district allowing such use.
2. Eating and drinking establishments.
3. Kennels
4. Commercial sales or leasing of vehicles with storage on-site.
5. Rest home or assisted living facility.
6. Clinic, Doctor or Dentist Office.
7. Hostel
8. Any use that requires a building code upgrade (i.e., from residential standards to commercial standards) to accommodate the home occupation.

Art. 5-4: Manufactured Home Parks:

5-4-1: Policy

All new manufactured home parks that are established or existing manufactured homes parks which are expanded after the effective date of these regulations shall comply with all the requirements and standards of this Article.

5-4-2: Standards

The following standards shall apply:

1. A manufactured home park shall contain a minimum of 5 acres.
2. There shall be a maximum of 6 manufactured homes per gross acre.
3. Only 1 manufactured home may be located on a manufactured home site as designated by the required lot size and yard areas.
4. A site development plan shall be submitted to the Planning Commission showing the area and dimensions of the tract of land; the number, locations and size of all manufactured home spaces; the location and width of roadways, walkways, and recreational areas; and the location of service buildings and other proposed structures. If approved, the development shall conform to the site development plan and violation of the plan shall nullify the permit. Existing facilities or rented spaces shall not be expanded without prior consent of the Planning Commission.
5. Each manufactured home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of 32 square feet.
6. Any manufactured home located in this district shall be set up and anchored in accordance with the Rules and Regulations of the Arkansas Manufactured Housing Commission.

5-4-3: Design Requirements

1. Area Requirements: Each manufactured home space shall contain a minimum of 5,000 square feet of site area.

   Each manufactured home space shall have a minimum width of 40 feet.

2. Yard Areas: A manufactured home space shall have yard setbacks of not less than seven and one- half (7½) feet on all sides.

   There shall be a minimum distance of 20 feet between mobile manufactured homes.

3. Parking and Streets: A minimum of 2 improved paved off-street parking spaces shall be provided per manufactured home space.

   All manufactured home spaces shall abut a hard-surfaced driveway of not less than 20 feet in width, which shall have unobstructed access to a public street. The driveways shall consist of a minimum of 2 inches of Hot Mix Asphalt Pavement over a minimum of 6 inches compacted gravel base.

4. Utilities: Each manufactured home space shall be provided with sanitary sewer and water service installed by a licensed professional of the appropriate trade as required by the Codes of the City of Searcy.

   Utility services to each manufactured home space shall be in conformance with the subdivision regulations of the City of Searcy. A 200-amp electrical service shall be provided for each manufactured home space.

5. Screening: Adequate landscaping shall be provided, including trees and shrubs, around the perimeter of the manufactured home park. Landscaping shall be site obscuring, with a minimum of 6-foot screening.
6. Accessory Structures: Each manufactured home space shall be permitted 1 accessory structure in addition to a carport or garage.

Art. 5-5: Wireless Communication Facilities:

5-5-1: Purposes

The purposes of the regulations in this sub-section are described as follows:

1. To establish a system of administering requests for the location of commercial wireless communication towers in accordance with provisions of the Federal Telecommunications Act of 1996.
2. To minimize the number of new towers needed by encouraging the use of existing towers and existing public and private structures.
3. To preserve the stability of land values of properties near and adjacent to proposed commercial tower locations.
4. To protect the public health, safety, and welfare through the use of good engineering and urban design principles.

5-5-2: Location and Application

These regulations shall apply to the location of wireless communication facilities and the application for permits. These regulations apply only to wireless communications facilities falling under FCC jurisdiction. See Section 4-5-2 of this Code. This Section shall additionally not apply to any tower, or the installation of any antenna that is owned and operated solely by a federally licensed amateur radio station operator.

5-5-3: Administrative Approvals

Tower Use Permit (TUP) for the following may be processed and approved, with necessary information and agreements, after administrative review by the Administrative Official, City Engineer, City Attorney and City Planner:

1. An Attached WCF to be attached to an existing monopole, tower, or structure.
2. Support Structures or WCF's to be located in I-1 (Restricted Industrial) and I-2 (Heavy Industrial) zoning districts.
3. Support Structures or WCF's to be located in parks or other public areas upon approval by the City Council and property owner(s).

5-5-4: Additional Review Input

The City may seek, or require at the applicant's expense, additional input in its review of a TUP application such as analysis by structural, electrical, mechanical or geo-technical engineers.

5-5-5: Approvals Requiring a Conditional Use Permit

TUP applications within certain zones require a conditional use permit. See Article 4-5 for the Table of Uses.

5-5-6: Conditions for Review

A TUP application for new tower construction will be considered only after the applicant has demonstrated to the satisfaction of the City Engineer and City Planner that:

1. No existing towers or structures are located within the geographic area that would meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
6. The applicant represents a provider with immediate plans to locate an antenna array. Applications for speculative structures will not be processed.

5-5-7: Other Requirements

All applications shall include, in addition to the other requirements specified herein, if applicable, a scaled site plan, a scaled elevation view and other supporting drawings. The Applicant shall also submit calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning specifications, antenna locations, equipment storage facilities, landscaping, parking, access, fencing, and if relevant as determined by staff, topography, adjacent uses, and existing vegetation.

5-5-8: Development Standards

The following standards apply to development of Wireless Communication Facilities.

1. Height:
    A. An Attached WCF shall not add more than 20 feet in Height to the existing building or structure to which it is attached.
    B. 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. *(Ord. 2022-14)*
    C. The applicant shall assume all responsibility for ensuring compliance with all local, state and federal codes regarding airport runway protection.
2. Setbacks:

A. Attached WCF: Antenna Arrays for Attached WCF are exempt from the Setback provisions of the zone in which they are located. An Attached WCF Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attached Structure so long as the Antenna Array does not encroach upon an adjoining parcel. WCF with Support Structures shall meet the Setback requirements for principal structures of the underlying zone in which they are located, except for residential zoning districts.

B. WCF with Support Structures abutting residential property on any side shall be set back from any adjoining property line a distance at least 50 percent of the Height of the tower measured from the base of the tower to the property line of the residential lot. Guy-wired anchors shall meet the Setback requirements of the specific district in which the WCF is located.

3. Landscaping and Aesthetics:

A. Existing mature tree growth and natural landform on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antenna or inhibits access to the equipment storage may be trimmed. Any trees in excess of 6 inches in diameter to be cut must be indicated on the site plan.

B. WCF shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible. Such requirements shall not interfere with normal functioning of the WCF and may include the use of compatible or neutral colors, or stealth technology.

4. Lighting:

A. WCF shall not be artificially illuminated, directly or indirectly, except as may be required by state or federal law or for security of the equipment building. It shall be the Owner's responsibility to meet FAA lighting requirements, if necessary.

B. WCF shall not display any signage or message of a commercial nature except for an inconspicuous message containing provider identification and emergency telephone numbers.

C. Security Fencing: WCF with Support Structures shall be enclosed by a security fence not less than 6 feet high.

5-5-9: Co-location

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 5-5-6, suitable in terms of its FCC license authority. *(Ord. 2022-14)*

5-5-10: Special Conditions

1. Support Structures for WCF's shall be of the Monopole type construction in all zones except I-1, I- 2, and C-1.

2. Structures in the I-1 and I-2 zones may, in addition to monopoles, be of Derrick Tower or Guy-wired Supported Tower construction.

3. Structures located in the C-1 zone shall use Stealth Technology with a design to be approved by the Planning Commission and the City Council.

5-5-11: Abandonment

Agreements accompanying a request for new Supporting Structures or Attached WCF shall include the following to be executed with the City of Searcy:

1. Any Wireless Communication facility (WCF) whose use is discontinued shall be removed by the owner, and shall be reported to the City of Searcy immediately. All discontinued facilities shall be removed within six months and the site restored to its original condition, all at the owner's expense.
2. Any discontinued WCF not removed within six months may be removed by the City at the owner's expense.

5-5-12: Environmental Impact

Assessments of environmental impact are required by federal law to be prepared by personal wireless service carriers when the following environmental impacts occur. Since these assessments are already required by federal law, these provisions are incorporated into this ordinance and certification of compliance with the National Environmental Policy Act (NEPA) (43 U.S.C. Section 4321) must be provided before any permits will be issued.

1. Facilities are located in officially designated wilderness or wildlife areas.
2. Facilities threaten endangered species or critical habitats.
3. Facilities affect historic sites or structures
4. Facilities are to be located in flood plains.
5. Facilities will significantly change a surface area involving wetlands, deforestation, or water diversions.

5-5-13: Review

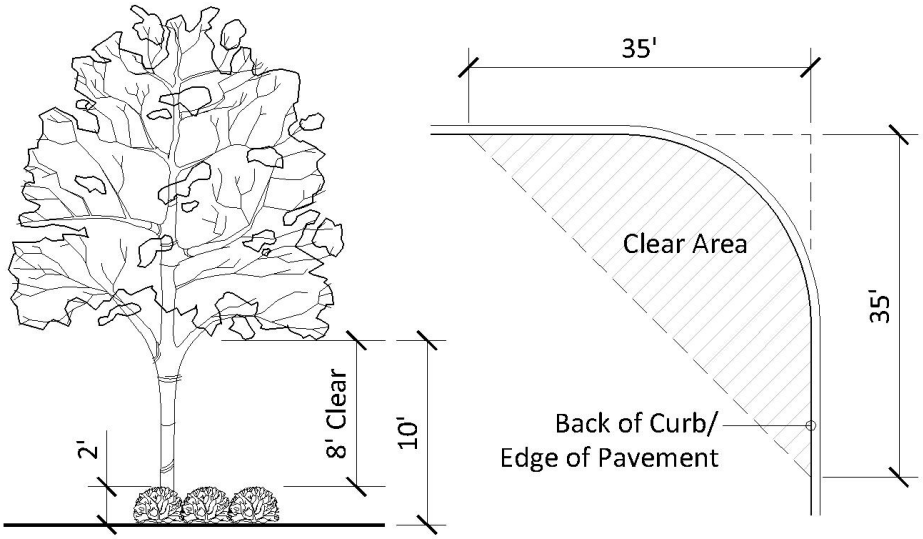
The City of Searcy shall complete final action upon any TUP within 90 days of the filing of the application accompanied by all documentation required by the City unless a request for extension is filed by the Applicant. Any decision to deny a request will be made in writing and communicated to the Applicant.

Art. 5-6: Vehicular Storage and Parking in a Residential Zone:

1. Storage and parking of motor homes, recreational vehicles (RV), trailers (camping, hauling, travel, or other type) at any dwelling or within any residential zone shall comply with the Property Maintenance Code. *(Ord. 2020-06)*
2. The occupancy of camping or travel trailers, recreational vehicles (RVs), or motor homes is not allowed, either temporarily or permanently within the Searcy city limits unless within an approved Recreation Vehicle or Travel Trailer Park.
3. Commercial vehicles less than one and one-half (1.5) tons may be parked in residential zones. Commercial vehicles larger than one and one-half (1.5) tons shall not be parked in residential zones.

Art. 5-7: Visibility at Intersections:

The following shall govern plantings and other obstructions to vision at intersections on city streets: No land uses shall be conducted on public right-of-way. No trees or shrubs shall be allowed to become visual or physical obstacles within the public right-of-way.



(Ord. 2022-31)

Art. 5-8: Airport Zoning:

All structures and uses must comply with the Airport Zoning Code of the City of Searcy found within the City of Searcy Code of Ordinances.

Art. 5-9: One-Unit Development in R-2 and R-AH Districts: *(Ord. 2022-14)*

1. All one-unit dwelling units constructed in, or set up, in this district, whether by new construction, addition to an existing unit, or placement of a multi-section manufactured home shall have a minimum dimension on any one side of 20 feet. *(Ord. 2022-14)*
2. All one-unit dwelling units constructed or set up in this district constructed with a crawl space shall have continuous underpinning around the perimeter of said crawl space. Underpinning shall be of masonry or a material approved by the Board of Zoning Adjustment. *(Ord. 2022-14)*
3. All one-unit dwelling units constructed or set up in this district shall have the front door and/or front porch oriented toward the front yard. *(Ord. 2022-14)*
4. All one-unit dwelling units constructed or set up in this district shall have shingle roofs unless specifically approved by the Board of Zoning Adjustment. *(Ord. 2022-14)*
5. All one-unit dwelling units constructed or set up in this district that do not have a built-in front porch as part of the structure shall have a covered front landing, accessible by stairs with handrails, if necessary. The landing shall be at least six feet by six feet and oriented to the front yard. *(Ord. 2022-14)*

6. All one-unit dwelling units constructed or set up in this district shall have either: *(Ord. 2022-14)*

    A. A carport capable of housing two vehicles with a driveway capable of stacking two more for a total of four off-street vehicle parking spaces; or

    B. A paved drive and parking area capable of providing four off-street vehicle parking spaces.

7. All one-unit dwelling units constructed in this district shall have foundation systems that meet the city's building code or, in the case of a Manufactured Home, be anchored in accordance with the manufacturer's instructions or the regulations of the Arkansas Manufactured Home Commission. *(Ord. 2022-14)*

8. All one-unit dwelling units moved into this district from off-site shall be new and under warranty or inspected by the city's Administrative Official prior to being moved on site to ensure compliance with the following standards. *(Ord. 2022-14)*

    A. All roofing material shall be secure without gaps or damaged shingles

    B. All windows shall be operative without broken panes or damaged trim or screening.

    C. All exterior siding shall be in place and undamaged. No dented, torn, burned, loose or mildewed siding shall be allowed.

    D. All kitchen and bathroom facilities shall be fully operational and mechanical equipment in good working order.

    E. Any attached gutters shall be secure and functional

    F. All cornice materials shall be in place and undamaged.

    G. Paint shall be uniform and unblemished.

    H. Doors shall be plumb and fully operational. No damaged screening or door fixtures shall be allowed.

    I. All flooring shall be structurally undamaged, and secure. Holes in the flooring, or flooring that is missing, dented, broken, or in a state of damage or decay will not be allowed.

Art. 5-10: Solar Energy Systems

5-10-1: Purpose

The following sets forth standards to promote the use of clean energy in the City of Searcy, adding to efficiency and economy in the process of development. Specifically, this section supports sunlight as a safe, clean, and abundant energy source. Further, it supports wise and efficient use of funds through lower energy bills, jobs for system installers and manufacturers, and the generation of electricity without the emissions and pollution associated with fossil fuels.

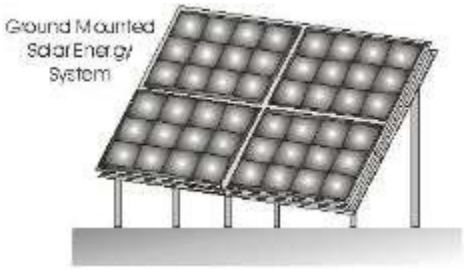
This section also encourages acceptance of solar energy by the community by providing standards designed to maintain good civic design through visual harmony in residential neighborhoods. The regulations support the appropriate use of land by preventing residential properties from being converted to non-residential use.

5-10-2: Definitions

The following definitions apply to solar energy systems

Solar Energy System, General: An energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or a significant part of a structure's energy requirements.

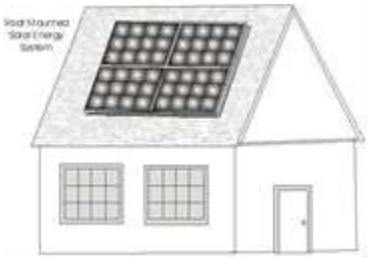
Solar Energy System, Ground Mounted: A solar energy system that is supported by a grid system that is attached to the ground.



Solar Energy System, Pole Mounted: A solar energy system with solar panels attached to the top or side of a vertical pole.

Solar Energy System, Residential: Any ground mounted, pole mounted, or roof mounted solar collection system primarily for on-site residential use, and consisting of one or more free-standing, ground, or roof mounted solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power.

Solar Energy System, Roof Mounted: A solar energy system that is supported by a grid system that is attached to the roof's structural members.



Solar Farms, Residential: Solar energy systems constructed in residential districts for the sole purpose of net metering where no primary building exists that would receive the benefits of power generated therein.

Solar Panels (solar energy systems): A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

<u>5-10-3: Roof-mounted systems</u>

Roof-mounted systems may be installed on any portion of the primary residence and accessory building subject to the following.

1. Roof mounted systems installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation.
2. In no instance shall any part of the system extend beyond the edge of the roof. On residences with flat roofs, the solar panels shall not extend more than five feet above the roof line.

5-10-2: Ground-mounted and pole-mounted panels.

The following shall govern the location of solar panels not mounted on the roof of the principal structure in residential zoning districts.

Residential Solar Systems are permitted in all residential districts subject to the following.

1. Solar farms on vacant lots with no residential structure and which are devoted solely for net metering are considered commercial uses and are not permitted in residential zoning districts.
2. Solar energy systems are prohibited within the front yards of residential lots.
3. The height of ground mounted solar energy systems and systems mounted on non-residential structures shall not exceed 9 feet in height.
4. The height of a pole mounted sign shall not exceed the eave of the roof of a one-story structure or 9 feet, whichever is smaller.
5. Ground-mounted and pole-mounted solar energy systems must reflect a ten-foot side and rear yard setback.
6. Solar energy systems in residential zones shall first provide energy to a primary residential structure before any excess energy produced is utilized for net metering.

(Ord. 2021-16)

Art. 5-11: Short-Term Rentals: (*EFFECTIVE DATE: JANUARY 1, 2023)*

5-11-1: Purpose

The purpose of this section is to set forth guidelines that will balance the right for the city homeowners to utilize the benefits of short-term residential rental units while protecting the health, safety, and welfare of the entire citizenry. Additionally, these provisions seek to protect the users of short-term rentals. These provisions were formed with the goal of being enforceable, equitable and affordable.

1. The public interests to be protected under this Article include the following:
2. Maintaining the quality and character of existing neighborhoods;
3. Controlling the spread of unregulated parking on quiet residential streets;
4. Creating equity in municipal tax collection;
5. Maintaining life-safety standards for visitors to the City of Searcy;
6. Protecting the availability of affordable housing in the City of Searcy;
7. Allowing reasonable latitude for the use of private residences to generate income; and;
8. Documenting accountability for problems associated with short-term rentals.

5-11-2: General Standards

Short-Term rentals are permitted in all zoning districts other than Industrial provided the following:

1. Short-term rental must adhere to all zoning regulations regarding the property's current zoning classification;
2. Short-term rentals must meet all off-street parking requirements found in Chapter 6 of this code;
3. Maximum overnight occupancy shall be two (2) per bedroom, plus two (2).
4. All short-term rentals and vacation rentals, including those classified as bed and breakfast facilities shall collect and pay all appropriate federal, state, and local taxes.

5-11-3 License:

All short-term rentals shall obtain and maintain a business license to operate with the city limits. To obtain a business license for a short-term rental, application shall be made to the City of Searcy Code Enforcement office and the following information is required:

1. Applicant Information: The applicant shall be the property owner or provide written authorization to act on the behalf of the property owner. The applicant shall provide their name, address, applicable business entity information, and authorization of agency.
2. Inspection: The potential short-term rental shall be inspected by the Fire Marshall and Building Inspection Official or his/her designee for compliance with all applicable building codes, including the Arkansas Fire Prevention Code, International Building Code, and National Swimming Pool Code. This inspection will be conducted yearly and will be required prior to renewal of the business license for the unit.
3. Local Property Representative: The applicant shall designate a local property representative who shall be available twenty-four (24) hours per day, seven (7) days per week, for the purpose of:
4. Responding within one (1) hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental;
5. Taking remedial action to resolve such complaints.
6. Contact Information: The name, address, and telephone contact number of the property owner and the local property representative shall be kept on file with the City of Searcy's Code Enforcement office and City of Searcy Police Department. The failure to provide the contact information or failure to keep the contact information current may result in the suspension or revocation of the business license.
7. Fee: An annual fee set according to the fee schedule adopted by the Searcy City Council. The fee shall be submitted at the time of application/renewal for the short-term rental business license.
8. A&P Tax Permit: The applicant shall be required to provide proof of a current Searcy A&P Tax Permit prior to issuance of a business license for short-term rentals.

5-11-4: Information to be Displayed

Information shall be provided to renters and posted noticeably in the common area of the short-term rental, summarizing guidelines and restrictions applicable to the short-term rental use, including:

1. Address of the property;
2. The name and contact information of the owner to whom the license is issued, and the name and contact information for the local property representative;
3. The date of expiration of business license;
4. Information on maximum overnight occupancy;
5. Applicable noise and use restrictions;
6. Location and quantity of off-street parking;
7. Direction that trash shall not be stored within public view, except within proper containers for the purposes of collection, and provision of the trash collection schedule;
8. Evacuation routes;
9. The renter's responsibility not to trespass on private property or to create disturbances; and;
10. Notification that the renter is responsible for complying with these regulations and that the renter may be cited or fined by the city for violating any provisions of this or any other applicable code.

5-11-5: Revocation

Any business license for short-term rentals may be suspended or revoked upon written notice by Certificate of Mailing by the City of Searcy Code Enforcement Department for any of the following:

1. A false material statement or misrepresentation has been made in, or support of, the application;
2. A change occurs in any fact upon which short-term rental business license was issued that has not been reported to the City of Searcy Code Enforcement office as a change to the required applicant materials within thirty (30) days of the change;
3. The short-term rental has been the site of a violation of any provision of law, or otherwise fails to meet sanitation standards, Arkansas Fire Prevention Code requirements regarding all applicable provisions including those for transient accommodation, or other applicable standards established by local, state, or federal law.
4. The local property representative failed to respond within one (1) hour to two (2) or more complaints within any twelve (12) month period.
5. Failure to pay any and all applicable federal, state, and local taxes.

5-11-6: Revocation Appeal

Any holder of a business license operating a short-term rental which has been revoked by the City of Searcy Code Enforcement Department may appeal such decision to the Searcy City Council within thirty (30) days of issuance by Certificate of Mailing of revocation by the City of Searcy Code Enforcement Department. Appeal review by the Searcy City Council shall be on the basis of determining factual compliance by the applicant with the provisions of this Code and in

determining if the severity of noncompliance warrants revocation due to consistent lack of effort by the applicant to correct known issues.

(Ord. 2022-22: ***EFFECTIVE DATE: JANUARY 1, 2023)***

Art. 5-12: Fences:

5-12-1: General Provisions

1. Fence shall not exceed a height of six (6) feet measured from the ground;
2. Fences may not be constructed within any street right-of-way;
3. Fences shall follow the provisions of Art. 3-10 and not be constructed within front yard.
4. Lots that have Side-Street Yards, as defined in Art. 11-3, and are located along collector or arterial streets may construct fences up to the collector or arterial street right-of-way.
5. Tarpaulins, canvas, plastic, oil cloth, sheeting, and other similar materials shall not be used as a permanent material for fencing per Section 9-4-2-1 of the Code of Ordinances.

5-12-2: Permit Required

No fence, wall, or other enclosures shall be constructed unless the contractor or owner shall have first applied for and secured a building permit from the Administrative Official in accordance with these regulations. Application for a permit for the erection, altercation, or relocation of a fence or wall when allowed by this article, shall be made to the Administration Official on such form or forms as may be required to provide the information necessary to administer the provisions of this article. As a minimum, the following information is required:

1. Height of fence or wall;
2. Location of fence or wall in relation to street(s), property line(s), easements(s), buildings, and private drives.
3. Location of any property lines that may be affected by the fence or wall

5-12-3: Fees

Fees for a fence or wall permit shall be collected according to a fee schedule established by the City Council and amended from time to time.

5-12-4: Maintenance

1. All fences and walls shall be maintained in a clean, sanitary, and inoffensive condition and clear of obnoxious substances, rubbish, and weeds. Fences shall be properly maintained at all times.
2. The Enforcement Officer is hereby authorized to order the repair or removal of any fence or wall that is defective, damaged, substantially deteriorated, or presents a public hazard, as defined in the edition of the building code in force in the city.

5-12-5: Appeals

If any of these regulations cause an undue hardship due to circumstances unique to the property under consideration, the applicant may apply to the Board of Zoning Adjustment by following the procedures and requirements as outlined in Chapter 10 of this Code.

(Ordinance 2024-06)

CHAPTER 6: PARKING AND LANDSCAPING

Art. 6-1: General Purpose

It is the intent of this Code to provide for adequate off-street parking, loading, and landscaping in all zoning districts to alleviate or prevent congestion of the public streets.

Art. 6-2: General Provisions

The following general provisions apply to the provision of parking and loading facilities:

1. For all buildings and structures erected and all uses of land established after the effective date of this Code, off-street parking and loading facilities shall be provided as required by this Chapter.
2. There shall be provided permanent off-street parking spaces:
   A. Prior to completion of construction of any building or structure.
   B. Prior to completion, at the time of any principal building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area.
   C. Before conversion from one zoning use or occupancy to another.
3. Parking spaces may not be substituted for a required loading space or a loading space substituted for a required parking space.
4. Vehicular access shall be provided to a public street.
5. Any off-street parking already in use or established hereafter shall not be reduced below the limits required by this Chapter by the construction of any addition to a building or structure, or by the construction of any additional building or structure on the property.
6. Joint Parking Facilities: Off-street parking facilities for different buildings, structures or uses, or for mixed uses may be provided collectively in any nonresidential zoning district, provided that the total number of spaces so located together shall not be less than sixty-six (66%) percent of the separate requirements for each use. To be allowed such facilities shall require a joint parking agreement and filed plat indicating joint-access and parking easements.
7. The perimeters, entrances, and exits of all parking lots for commercial, office, and industrial buildings shall be finished with curbs and gutters designed to specifications in the Searcy Subdivision Ordinance. Multi-Unit developments containing more than four dwelling units shall also meet this requirement. The Planning Commission may grant full or partial exemption to this requirement when topographical or other conditions, unique to the specific property involved, warrant such exemption based on standard engineering principles and with concurrence by the City Engineer. *(Ord. 2021-17)*

Art. 6-3: Paving and Parking Space Design

<u>6-3-1: Paving Materials</u>

All areas used for parking, drives, sales, loading and unloading of any type, and for use by the general public or employees shall meet or exceed pavement with a 2-inch asphalt surface over a 6

inch compacted sub-base, or a 6-inch reinforced concrete surface over a compacted sub-base. As an alternative, other materials such as Geogrid may be used if applied in conformance with accepted construction practices and approved by the City Engineer. Storage areas not accessible to the public or maneuvering areas for large equipment such as farm implements that are known to damage paved surface may be improved with gravel. *(Ord. 2018-33)*

6-3-2: Parking Space Design

Type	Min. Width	Min. Depth	Aisle Width
Parallel	22 feet	9 feet	11 feet
Right Angle	9 feet	20 feet	20 feet
Sixty Degrees Angle	9 feet	18 feet	18 feet
Forty-five Degree Angle	9 feet	18 feet	12 feet

Art. 6-4: Loading Space Design

1. A required loading space shall be in addition to required off-street parking.
2. A loading space shall not project into a public street or alley.
3. A loading space shall be at least 12 feet in width and at least 25 feet in length, with at least 14-foot height clearance; and have adequate maneuvering area so as not to require maneuvering on a public street.

Art. 6-5: Schedule of Parking Requirements

The following standards govern the provision of parking spaces for specific uses.

Use	Parking Standards
C-1 District	No required off-street parking.
Automobile Repair/Service	5 spaces plus 1 space for each 200 square feet of building area exclusive of repair bays.
Automobile Sales & Leasing: Small Scale	5 spaces plus 1 space for each 400 square feet of building area exclusive of repair bays. (All sales/leasing inventory must be placed inside a structure or on a paved surface.)
Automobile Sales & Leasing: Large Scale	10 spaces plus 1 space for each 400 square feet of building area exclusive of repair bays. (All sales/leasing inventory must be placed inside a structure or on a paved surface.)
Child Care Center - Private	1 space for each employee at the center at any one time plus 1 space for each 600 of building area. 1 loading and unloading space each 10 children accommodated.

Child Care Family Home	1 space for each employee at the center at any one time plus 2 spaces. 1 loading and unloading space.
Churches or Places of Worship	1 parking space for each 4 seats based on maximum seating capacity; provided, however, that churches may establish joint parking facilities not to exceed fifty percent (50%) of the required spaces, with entities that do not have a time conflict in parking demand. The joint parking facility shall be located within four hundred (400) feet from the church sanctuary and shall not require pedestrian crossing an arterial road.
Commercial	Retail Uses: 1 parking space for each 300 square feet of floor area devoted to retail sales. 1 parking space for each 400 square feet of floor space in the building.
Contractor or Utility Equipment Storage Yard	Determined through the conditional use process.
Convenience Store – Small Scale	1 space per employee on-site at any one time plus 1 space for each 300 square feet devoted to retail sales. Space at fueling pumps may be counted as ½ space each.
Convenience Store – Large Scale	1 space per employee on-site at any one time plus 1 space for each 250 square feet devoted to retail sales. Space at fueling pumps may be counted as ½ space each.
Dwellings	2 Spaces for each dwelling unit.
Hotel/Motel	1 parking space for each rentable sleeping room, plus 1 parking space per each employee on the largest shift.
Industrial	1 space per 600 square feet of exclusive or areas use storage, utilities, and service area.
Institutional - Large	Determined by Planning Commission
Institutional - Small	Determined by Planning Commission
Office	1 parking space for each 300 square feet of floor area in the building, exclusive of the area used for storage, utilities, and service area.
Open Display Commercial	1 parking space for each 300 square feet of floor area devoted to retail sales. No required parking area may be used for the outside display of merchandise.
Personal Care	2 spaces per employee on-site at any one time.
Public/Semi-Public	Determined by Planning Commission
Recreational Vehicle Park	Determined by Planning Commission

Restaurant and Eating Establishment – Drive Through	1 space per each 100 square feet of building area open to the public, plus, at least 4 off-street stacking spaces per customer service window.
Restaurant and Eating Establishment – Non-Drive Through	1 space per each 100 square feet of building area open to the public.
Sales or Service Operations	1 space per employee on-site at any one time plus 1 space per 1,000 square feet of building area
Self-Storage Facilities – External Access	3 spaces when an on-site office/residence is present.
Self-Storage Facilities – Internal Access	3 spaces when an on-site office present, plus, 1 space for each 100 storage units.
Veterinarian Clinic – Large Animals	1 parking space for each 300 square feet of floor area in the building, exclusive of the area used for storage, utilities, and service area.
Veterinarian Clinic – Small Animals	1 parking space for each 300 square feet of floor area in the building, exclusive of the area used for storage, utilities, and service area.
Other Uses	For all other uses not covered, the Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.
Uses Subject to Conditional Use Permit	Parking requirements shall be determined through review process for the Conditional Use Permit.
Site Plans Reviewed by Planning Commission	As part of site plan review, the Planning Commission may vary, without need of a variance or Board of Adjustment approval, the required number of off-street parking spaces for any use when the applicant can show evidence of the parking demand to be created by the proposed use. Any subsequent change of use or change in the structure, as described in Art. 6-2, will require conformance to the parking standards above.

Art. 6-6: Schedule of Loading and Unloading Requirements

1. Residential: No requirement
2. Commercial: 1 off-street loading space for each establishment, except office buildings, with an additional space for each 10,000 square feet of building space
3. Industrial and Warehousing: 1 off-street loading space for each establishment with one additional space for each 40,000 square feet of floor area

Art. 6-7: Landscaping

6-7-1: Purpose

1. To mitigate the reduction of vegetative cover from the urban landscape.
2. To mitigate the heat generated by the densely built urban landscape, known as the heat island effect.
3. To mitigate the loss of aesthetics associated with the loss of vegetation.
4. To mitigate the increase in the area of impervious surfaces in the urban landscape.
5. To improve the appearance of buildings.
6. To improve the appearance of vehicle use areas.
7. To encourage the preservation of existing trees.

6-7-2: Applicability and Exemptions

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.
   E. The Airport of the City of Searcy. *(Ord. 2023-08)*
2. Prior to requesting a Certificate of Occupancy, the requirements meeting the criteria herein for quantity and quality of plantings shall be met.

(Ord. 2022-14)

6-7-3: Landscape Plan Submittal Requirements

1. All new development and redevelopment must provide a landscape plan meeting the requirements below. Any changes made to the landscaping after the plan has been submitted and permitted must be approved by city prior to obtaining a building permit. Plan shall include:
2. Name and address of Owner / consultant
3. North arrow and scale
4. Property boundary
5. Area designated for development (Developed Land Area)

6. All improvements (buildings, structures, parking, sidewalks, etc.)
7. All proposed and existing landscape
8. Proposed plant's name (common and scientific), size, and quantity
9. Tabulation chart showing quantities and formula of required and provided landscape items
10. Description of how required landscaping is to be regularly watered (location of any proposed irrigation meters or, if watering manually, location of proposed hose bibs)

<u>6-7-4: Criteria for Quantity of Plantings</u>

1. A percentage of the developed land area will be devoted to landscaping. Developer is not required to include portions of the subject property that are undisturbed by the development in the calculation of required plantings.
2. Commercial or Multi-Unit Developments
   A. Total Number of Plantings
      i. Developments 2 Acres and Larger
         a. A minimum of 20% green space with 1 Planting meeting the criteria herein for every 2,000 square feet of developed land area, OR
         b. A minimum of 15% green space with 1 Planting meeting the criteria herein for every 1,500 square feet of developed land area.
      ii. Developments less than 2 acres
         a. A minimum of one new planting meeting the criteria herein for every 1,500 square feet of developed land area. *(Ord. 2022-14)*
   B. Total Number of Trees
      i. A minimum of 25% of plantings required shall consist of trees.
   C. Total Number of other Plantings
      i. The remainder of required plantings shall be shrubs meeting the criteria herein.
      ii. Perennials may be substituted for up to 15% of the required number of shrubs at a ratio of 10 perennials: 1 shrub.
   D. Parking Areas
      i. Parking lots containing 15 or more spaces shall be landscaped with tree islands
      ii. Single bay parking areas shall have tree islands with a minimum width of 10 feet and a minimum length of 18 feet, and an area not less than 180 square feet.
      iii. Double bay parking areas shall have tree islands with a minimum width of 10 feet and a minimum length of 36 feet, and an area not less than 360 square feet.
      iv. A maximum run of 15 parking spaces shall be permitted without a tree island.

v. Each tree island shall have at least one tree planting, and these trees may be counted towards the total number of trees required

3. Industrial Developments

   A. A minimum of one tree meeting the criteria herein per fifteen parking spaces, PLUS

   B. A minimum of one tree meeting the criteria herein per 40 linear feet of street frontage, excluding curb cuts.

4. Credit for Existing Trees

   Credit towards the required number of plantings will be considered for existing trees within 50' of the newly-developed portion of the site provided they meet the following criteria:

   A. They are of desirable type, are healthy specimens, they contribute to the compatibility of the development, and they are not threatened by the construction or placement of the proposed development.

   Existing trees that are damaged or show signs of distress after construction of the project shall not be counted as credit for required landscaping.

   Trees more than 30' from the developed land area of the site shall not be considered.

Preserved Tree Diameter at Breast Height	**Credits Toward**
4-5 inches	2 required trees
6-12 inches	3 required trees
13-18 inches	4 required trees
19-24 inches	6 required trees
25-32 inches	8 required trees
33-48 inches	10 required trees
Above 48 inches	12 required trees

<u>6-7-5: Criteria for Planting Materials</u>

1. Tree Type Requirements

   A. A minimum of 40 percent of trees required shall be native species

   B. No more than 25 percent of trees required shall be ornamental

   C. At least 10% of trees required shall be evergreen.

   D. Trees may be selected from the recommended plants found later in this section.

   E. Trees shall be selected for hardiness in local zones.

   F. The following trees shall not be given planting credits on landscape plans.

      i. Black locust (Robinia Pseqdoacacia)

ii. Cottonwood (Populous Trichocarps)

iii. Bradford pear (Pyrus Calleryana "Bradford")

iv. IMimosa (Albizia Julibirssin)

v. Privet (Ligstrum Sinese)

2. Tree Size Requirements

   A. Deciduous shade trees must be at least 2” caliper.

   B. Deciduous ornamental trees must be at least 1.5” caliper.

   C. Evergreens must be at least 8’ in height above finished grade

3. Tree Location Requirements

   A. Trees shall be equally distributed across the site to the extent possible.

4. Shrub Type Requirements

   A. Shrubs shall be selected for hardiness in local zones.

5. Shrub Size Requirements

   A. Shrubs shall be three-gallon size at a minimum

6. Perennial Requirements

   A. Perennials shall be 6” pot size at a minimum.

6-7-6: Screening

Landscape buffer zones, screening fences, or walls will be required where nonresidential zones abut residential zones. The width of the buffer shall be enough to provide a solid screen and shall be verified by the city. If plants or trees are to be used for screening, they must be evergreen and planted to provide a solid screen within three years.

6-7-7: Installation, maintenance, and replacement

1. Installation - All landscaping shall be installed according to sound nursery practices and in a manner designed to encourage vigorous growth. All landscape material, both living and nonliving, shall be in place prior to issuance of a certificate of occupancy or letter of credit for the full amount of the landscaping provided to the city.

2. Maintenance and replacement - Trees, shrubs, fences, walls and other landscape features, which includes screening depicted on plans approved by the city, shall be considered as elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The landowner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following:

   A. Regular maintenance of all landscaping must be kept in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding,

watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices;

B. Regular watering of all required landscape. There must be a description of how the required landscape shall be watered submitted to the city before approval of the landscape plan.

C. The repair or replacement of required landscape structures e.g., fences and walls, to a structurally sound condition;

D. The regular maintenance, repair, or replacement, where necessary, or any landscaping required by the section; and

E. Continuous maintenance of the site.

3. Nothing contained in this section shall be construed to prohibit any utility from cutting, pruning, trimming or removing trees and other plant materials that encroach or interfere with any electric, gas, water, sewer or other utility lines and pipes, equipment, or infrastructure or access thereto.

6-7-8: Recommended Plant Lists

See next pages for tables:

Shade Trees (2” caliper minimum): **native*

Scientific Name	Common Name
*Acer rubrum	Red Maple
*Acer saccharum	Sugar Maple
Acer x freemanii	Freeman Maple
Cedrus deodara	Deodar Cedar **(Evergreen)**
Ginkgo biloba (male)	Ginkgo
*Gleditsia triacoanthos	Thornless Honeylocust
*Gymnocladus dioicus	Kentucky Coffeetree
*Liriodendron tulipfera	Tulip Tree
*Liquidambar stryaciflua	Sweetgum
*Magnolia Grandiflora	Southern Magnolia **(Evergreen)**
Metasequoia glyptostroboides	Dwan Redwood
*Nyssa sylvatica	Black Tupelo
Pinus nigra	Austrian Pine **(Evergreen)**
*Pinus strobus	Easter Whte Pine **(Evergreen)**
Pistacia chinensis	Chinese Pistache
*Quercus alba	White Oak
*Quercus michauxii	Swamp Oak
*Quercus coccinea	Scarlet Oak
*Quercus falcate	Souther Red Oak
*Quercus imbricaria	Shingle Oak
*Quercus muehlenbergii	Chinkapin Oak
*Quercus nigra	Water Oak
*Quercus palustris	Pin Oak
*Quercus phellos	Willow Oak
*Quercus rubra	Northern Red Oak
*Quercus shumardii	Shumard Oak
*Taxodium distichum	Bald Cypress
Tilia cordata 'Greenspire'	Little Leaf Linden
*Ulmus americana	American Elm (Dutch Elm resistant)
Ulmus parvifolia	Lace Bark Elm
Zelkova serrata 'Green Vase'	Zelkova

Narrow or Columnar Trees (2” caliper minimum): **native*

Scientific Name	Common Name
*Acer sacchuram 'Reba'	Belle Tower Sugar Maple
Carpinus betulus 'Fastigata'	European Hornbeam
Liquidambar styraciflua 'Slender Silhouette'	Columnar Sweetgum
Quercus rour	English Oak
Quercus x Crimson Spire	Crimson Spire Oak
Zelkova serrata 'Musashino'	Columnar Zelkova

Deciduous Ornamental Trees (1.5” caliper minimum): **native*

Scientific Name	Common Name
Acer ginnala	Amur Maple
Acer palmatum	Japanese Maple
Amelanchier arborea	Downy Servicberry
Amelanchier stolonoifera	Running Serviceberry
*Cercis canadensis	Eastern Redbud
*Cercis reuiformis	Oklahoma Redbud
*Chionanthus virginicus	White Fringetree
*Cornus florida	Flowering Dogwood
Cornus kousa	Kousa Dogwood
Magnolia stellate	Star Magnolia
*Magnolia virginia	Sweetbay Magnolia
*Hamamelis virginiana	Common Whitchhazel
Lagerstromia indica	Crape Myrtle (Tree varieties)

Evergreen Ornamental Trees (8’ height above natural grade minimum): **native*

Scientific Name	Common Name
Cryptomeria japonica 'Radicans'	Radicans Cryptomeria
Cryptomeria japonica 'Yoshino'	Yoshino Cryptomeria
*Ilex opaca	American Holly
Ilex vomitoria	Yaupon Holly
Ilex x attenuata 'Fosteri'	Foster Holly
Ilex x attenuata 'Savannah'	Savannah Holly
Ilex x 'Nellie R Stevens'	Nellie Stevens Holly
*Juniperus virginiana	Eastern Red Cedar
Magnolia grandilfora 'Little Gem'	Little Gem Magnolia
Thuja occidentalis 'Smaragd'	Emerald Arborvitae
Thuja standishii x plicata 'Green Giant'	Green Giant Arborvitae

(Ord. 2020-36)

CHAPTER 7 SIGNS

Art. 7-1: General Provisions

The following general provisions govern the permitting of signs in the City of Searcy.

1. A permit shall be required for the erection, alteration, or reconstruction of any sign unless otherwise noted in this section and shall be issued by the Administrative Official in accordance with these regulations.
2. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.
3. Illumination devices shall be so placed and so shielded that rays from the devices or from the sign itself will not be directly cast into any residential district, or sleeping room in any district, or in the eyes of a vehicular driver.
4. Only signs installed or authorized by the State, County, or City may be placed on the public right- of-way.
5. No sign shall be permanently painted, pasted, or similarly posted directly on the surface of any wall, nor shall any sign be permitted to be placed on any wall, fence, or standard facing the side of any adjoining lot located in any Residential District.
6. All signs shall be erected within the property lines of the premises upon which they are located. No portion of a freestanding sign shall extend, be erected, or be placed in any street right-of-way. All structural pylons and supports must be set back from the property line or right-of-way line a distance of at least one-fourth the required building setback of the zoning district or other distance as specified within this article, whichever distance is greater. All structural pylons and supports must be setback a distance of at least five feet from any easement.
7. Signs that, in the opinion of the Administrative Official, may be in conflict with public traffic signals shall not be permitted.
8. No person shall place, maintain, or display any otherwise authorized sign, signal, marking, or device which imitates or resembles an official traffic control device, emergency light, or railroad sign or signal or which has the effect of disrupting the movement of traffic. No person shall place, maintain, or display any sign that hides from view or interferes with the movement of traffic or the effectiveness of any traffic control device or any railroad sign or signal.
9. Signs and sign structures attached to the wall of any building shall not extend more than six feet above the roofline.
10. If required by the Administrative Official, supporting structures will be designed and plans stamped by a Professional Engineer.
11. No sign shall be constructed in such a way as to interfere or extend into contact with any overhead wires.
12. All signs shall comply with Airport Zoning Code found within City of Searcy Code of Ordinances.

Art. 7-2: Exemptions

This article does not relate to building design, nor does it regulate the following:

1. Official traffic or governmental signs;
2. The copy and message of signs;
3. Window displays;
4. Product dispensers;
5. Scoreboards on athletic fields;
6. Flags of any nation, government, or non-commercial organization;
7. Gravestones;
8. Barber poles;
9. Religious symbols;
10. Commemorative signs, tablets, or plaques approved by the Searcy City Council;
11. Signs required to be maintained by law or governmental order, rule, or regulation;
12. The display of street numbers;
13. Any display or construction not defined as a sign.

Art. 7-3: Prohibited Signs

The following signs are prohibited in the City of Searcy.

1. Signs imitating warning signals: No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, nor shall any sign use the words “stop”, “danger”, or any other word, phrase, symbol, or character in a manner that might mislead or confuse a vehicular driver;
2. Signs within street or highway right-of-way: No sign whatsoever, whether temporary or permanent, except traffic signs and signals and traffic-directing signs erected by a public agency, are permitted within any street or highway right-of-way;
3. Certain attached and painted signs: Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings;
4. Fluttering ribbons and banners. Fluttering ribbons and banners and similar devices are prohibited within the front yard setback, except the flags of governments and their agencies;
5. Billboards. Billboards are not permitted within the corporate limits of the city of Searcy;
6. Hand-tacked signs;
7. Projecting signs, except in the C-1 district.

Art. 7-4: Requirements Applying to Specific Signs

The following regulations apply to specific type signs as noted.

7-4-1: Wall Signs

Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

1. The display surface area of such sign shall not exceed ten percent of the square footage of the wall to which it is attached.
2. Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage. One additional wall sign may be added to a wall not fronting on a street. Such sign shall not be larger in area than the allowable area for an approved front wall sign.
3. Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than 24 inches.
4. Such sign placed in the horizontal space between windows of a two story building shall not exceed in height more than two-thirds of the distance between the top of the window below and the sill of the window above.

7-4-2: Pole Signs

Signs on poles where permitted are subject to the following standards:

1. A use shall be permitted to have one ground or pole sign for each street frontage.
2. Such signs shall have a maximum display surface as specifically allowed within Article 7-12: Signs Permitted in Commercial Districts or Article 7-13: Signs Permitted in Industrial Districts.
3. The maximum height of a pole sign shall be 35 feet except that pole signs located within 150 feet of the Highway 67/167 Freeway right-of-way may be a maximum 50 feet in height.

7-4-3: Ground Signs

Ground signs are subject to the following standards:

1. Ground signs may not exceed four feet in height except as allowed in the following section.
2. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of seven feet.
3. Ground signs must be located so that they do not obstruct the view of traffic from any intersection, street, or driveway.

7-4-4: Signs on Work Under Construction

Non-illuminated signs not exceeding 64 square feet in area are permitted upon the premises of any work under construction, alteration, or removal. They shall be set back not less than 15 feet from any property or right-of-way line, whichever distance is greater. Such sign shall be removed within 30 days after completion of the project.

7-4-5: Temporary subdivision signs

Temporary signs not exceeding 64 square feet in area are permitted on the premises of a land subdivision. They shall be set back not less than 15 feet from any property line or right-of-way line, whichever distance is greater. Such signs shall be spaced not less than 500 feet apart within a single subdivision. They shall be removed when 75 percent of the lots are conveyed.

7-4-6: Private Signs

Off-premises signs may be erected and maintained provided:

1. The size of any such sign is not in excess of 6 square feet and not in excess of 4 feet in length;
2. Not more than one such sign is erected on each 500 feet of street frontage; and
3. No portion of the sign extends above 4 feet from ground level;
4. An application for an off-premise sign must be accompanied by written agreement from the property owner of the receiving property agreeing to the placement of the sign.

7-4-7: Neon Signs

Signs which utilize neon lighting, either for the body of the sign or its border, shall comply with all relevant local, state and federal electrical requirements.

7-4-8: Compliance with Electrical Codes

All electrical signs or equipment and devices used in electrical signs shall bear the label of Underwriters Laboratories, Inc., or other recognized independent testing laboratory approved by the Enforcement Officer. All materials and methods used for installation shall comply with the current adopted electrical code.

7-4-9: Portable or Temporary signs

The Administrative Official may issue a temporary permit for the placement of a portable sign or temporary sign on an individual site for a period not to exceed 90 days in any 12-month period. Electrical service for illuminated signs shall meet the provisions of the city building code.

Individual temporary signs are allowed without permit in any zone. Such signs shall not exceed five square feet in in surface area, four feet in height, and are required to be set back at least 10 feet from the property line or right-of-way line, whichever distance is greater.

7-4-10: Balloon Signs

The height of a tethered balloon sign shall not exceed 35 feet at maximum height or shall not possess a tether of such length that, during straight-line winds, the sign would extend beyond any property line of the property containing the sign or into a public sidewalk, whichever is less.

Art. 7-5: Permits

Unless otherwise provided by this article, all signs shall require permits and payment of fees as described in this section. Application for a permit for the erection, alteration, or relocation of a sign, when allowed by this article, shall be made to the Enforcement Officer on such form or forms as may be required to provide the information necessary to administer the provisions of this article. As a minimum, the following information is required.

1. Height of sign;
2. Sign face dimensions;
3. Structure and/or support details;
4. Location of sign in relation to street(s), property line(s), easement(s), buildings, and private drives;
5. Location of any property lines that may be affected by the sign;
6. Copy of agreement with property owner if property is leased;
7. Drawings stamped by a professional engineer, if required;
8. Sign permits are reviewed only by the staff unless the staff determines that issues surrounding an individual sign would require site plan review by the Planning Commission.

Art. 7-6: Signs for which permit is not required:

A permit is not required for the following types of signs in any district.

1. Traffic, directional, warning, or information signs authorized by any public agency.
2. Official notices issued or required by any court, public agency or officer.
3. Individual temporary signs as described in Article 7-4-9.
4. Maintenance of a sign or for a change of copy on painted, printed, or manual changeable copy signs.

Art. 7-7: Fees

Where required, fees for a sign permit shall be collected according to a fee schedule established by the City Council and amended from time to time.

Art. 7-8: Term of Permit

Each permit shall be valid until the sign is removed or altered.

Art. 7-9: Maintenance

1. All freestanding signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish, and weeds. All signs shall be properly maintained at all times. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced.

2. The Enforcement Officer is hereby authorized to order the repair or removal of any sign which is defective, damaged, substantially deteriorated, or presents a public hazard, as defined in the edition of the building code in force in the city.

Art. 7-10: Signs Permitted in All Districts

The following signs are permitted in all districts:

1. All signs not requiring a permit.
2. One sign for each street frontage of a construction project.

Art. 7-11: Signs Permitted in Residential Districts

The following signs may be permitted in all residential districts; all other signs being specifically prohibited:

1. All signs permitted in Art. 7-10
2. Individual temporary signs as described in Article 7-4-9.
3. Signs larger than two square feet but not larger than 32 square feet may be permitted for apartment buildings, schools, churches, hospitals, parks, farms, and other uses approved for the zoning district, excluding one-unit dwellings. *(Ord.2020-06)*

Art. 7-12: Signs Permitted in Commercial Districts

<u>7-12-1: Signs in Commercial "C-1" Districts</u>

In the C-1 District, signs are permitted subject to the following regulations:

All those signs permitted in the residential "R" Districts are allowed in commercial "C" districts.

Projecting signs are allowed but shall not project into any roadway or driveway and shall be placed with the lowest part a minimum 8 feet above the surface of the sidewalk.

<u>7-12-2: Signs in the C-2, and C-4 Districts</u>

In the C-2 and C-4 Districts, signs are permitted subject to the following regulations:

1. All those signs that are permitted in the residential "R" districts are allowed in Commercial "C-2" and "C-4" districts.
2. Freestanding Signs for Single Tenant Structures— Each single tenant structure is allowed freestanding signs provided that the display surface of such signs shall not exceed 80 square feet except that the display surface may be increased two square feet for each foot of street frontage beyond 100 feet to a maximum display area of 120 square feet. The signs must have a setback of at least 10 feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater.

   One free standing sign is allowed per lot or commercial street frontage. For buildings on corner lots, one additional free standing sign is allowed on the additional street frontage. For such corner lots, one frontage must be designated as the main frontage, and one must be designated as the minor frontage. Signs on the minor street frontage must not exceed 75

percent of the size of the display area of the free standing sign on the main frontage. Instead of having one sign on each street frontage, the applicant may opt to have one free standing diagonal sign facing both street frontages, in which the size of the sign may be computed using the longest street frontage.

3. Freestanding Signs for Multi-Tenant Structures and Joint Identification— Each multi-tenant structure or a group of structures may have one incidental or freestanding sign for each street frontage, with a setback of at least 10 feet from adjoining property lines and the front property line or street right-of-way line, whichever distance is greater. There shall be no freestanding sign for individual businesses within a multi-tenant commercial development.

    A. For structures or a group of structures with a street frontage of less than 100 feet, the sign display surface shall not exceed 80 square feet.

    B. For structures or a group of structures with a street frontage of more than 100 feet and less than 300 feet, the sign display surface shall not exceed 80 square feet except that the display surface may be increased two square feet for each foot of street frontage beyond 100 feet to a maximum display area of 120 square feet.

    C. For structures or a group of structures with a street frontage of more than 300 feet, the sign display surface shall not exceed 120 square feet except that the display surface may be increased one square foot for each foot of street frontage beyond 300 feet to a maximum of 300 square feet.

<u>7-12-3: Signs in the C-3 District</u>

In the C-3 District, signs are permitted subject to the following regulations:

1. All those signs permitted in the residential “R” Districts are allowed in commercial “C” districts

2. One wall sign is permitted per principal business use; the size of this sign shall not exceed one square foot for each one linear foot of building facade fronting a public street. Such sign shall be mounted on the principal structure/building.

Art. 7-13: Signs Permitted in Industrial Districts

Signs in the “I-1” and “I-2” districts shall conform to the following regulations:

1. All those signs permitted in the Residential “R” or commercial “C” districts are allowed in industrial “I” districts.

2. The total surface area of a business sign or signs on a building or lot shall not exceed 120 square feet.

3. Sign structures shall be limited to not more than one structure for a lot of 50-foot frontage or less, and to one additional structure for each 50 feet of additional lot frontage. No sign may be erected within 50 feet of an adjoining residential district, if designed to or results in facing into such a district.

Art. 7-14: Signs Permitted in the PUD District

Signs in the PUD districts shall be approved as part of the approval process for the development.

Art. 7-15: Signs Permitted in the U-T District

Signs in the U-T District are restricted to those signs allowed in the residential districts.

Art. 7-16: Violations

The following regulations govern violations of this section.

1. When, in the judgment of the Enforcement Officer, a violation of this article exists, the Enforcement Officer shall issue a written order to the alleged violator. The order shall specify those sections of this article of which the person may be in violation and shall state that the person has 10 days from the date of the order in which to abate the alleged violation or to appeal to the board of adjustment. If the violator fails to appeal or to correct the violation within the time allowed by this section, the sign shall be deemed illegal and removed by the sign owner.

2. If, upon inspection, the Enforcement Officer finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, or is not maintained, such sign or signs shall be deemed illegal and the Enforcement Officer shall issue a written order to the owner of the sign and/or the occupant of the premises stating the nature of the violation and requiring the sign to be repaired in conformance with this article or removed within 10 days of the date of the order.

3. Signs not meeting the provisions herein shall be considered public nuisances. In the event of a failure to comply with the order of the Enforcement Officer, the City may institute legal proceedings including, without limitation, an action to abate the sign as a nuisance. Costs incurred by the City shall be charged to the owner of the sign and/or the owner of the property on which the sign is located. The costs may constitute a lien upon the property and may be collected by any appropriate lawful means.

CHAPTER 8: NONCONFORMING USES AND STRUCTURES

Art. 8-1: Statement of Intent

8-1-1:

Within the Districts established by this Code or amendments that may later be adopted, there exists lots, structures, uses or land and structures, and characteristics of use which were lawful before the Code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Code, or future amendments.

8-1-2:

It is the intent of this Code to permit these nonconformities to continue, but not to encourage their survival. Nonconformities may be permitted to be enlarged or added to, but only in a limited manner, and as provided in this Chapter.

8-1-3:

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Code. To avoid hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building upon which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently.

Art. 8-2: Abandonment or Discontinuance of Use

8-2-1:

Whenever a nonconforming use, or portion thereof, involving an enclosed structure having a value in excess of $1,000 is discontinued for a period of six (6) consecutive months, or changed, the use of such structure thereafter shall be in conformance with the regulations of the District. *(Ord. 2020-06)*

8-2-2:

When no enclosed structure having a value in excess of $1,000 is involved, discontinuance of a nonconforming use for a period of 3 months shall constitute abandonment and shall not thereafter be used in a nonconforming manner.

8-2-3:

Whenever any part of a structure, or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this Code, such premises shall not thereafter be used or occupied by a nonconforming use, even though the structure may have been originally designed and constructed for the prior nonconforming use.

Art. 8-3: Damage or Destruction

8-3-1:

Whenever any structure or portion thereof, which is devoted to a nonconforming use, is destroyed by any means to the extent of more than 70 percent of current replacement value immediately prior to such damage, it shall not be reconstructed or used unless such structure and use thereof

shall conform to all regulations and provisions of this Code, except as provided in the C1, Central Business District.

8-3-2:

Whenever any structure, or portion thereof, which is devoted to a nonconforming use is destroyed by any means to the extent of less than 70 percent of current replacement value immediately prior to such damage, such structure may be reconstructed and used for the same purposes as it was before the destruction, provided such repair or reconstruction is commenced within a period of 90 days and completed within 12 months of the date of such damage or destruction.

8-3-3:

Whenever any residential structure, or portion thereof, which is located in a commercial district is destroyed by any means, such residential structure may be reconstructed and used for the same residential purpose as it was before the destruction, provided such repair or reconstruction is commenced within a period of 90 days and completed within 12 months of the date of such damage or destruction.

Art. 8-4: Alteration, Enlargement, or Renovation of Buildings and Structures

8-4-1:

A building or structure which is conforming as to use, but is nonconforming as to yards, or height, or off- street parking space, may be structurally enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which such building or structure is located.

8-4-2:

No nonconforming structure or building shall be moved, in whole or in part, to another location unless every portion of such building or structure is made to conform to all the regulations of the district in which it is to be located.

Art. 8-5: Continuance of Use

8-5-1:

Any lawfully established use of a structure or land, on the effective date of this Code, or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued except as otherwise provided herein.

8-5-2:

Any legal nonconforming structure may be continued in use, provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.

8-5-3:

All outdoor advertising structures, signs, and business signs existing on or prior to the effective date of the adoption of this Code or amendments hereto, or the effective date of a change in land use classification which may occur hereafter, which does that do not conform to the provisions of this Code relating to the district in which such outdoor advertising structures, signs, and business signs

are located shall be considered nonconforming and may be continued except as otherwise provided herein.

8-5-4:

Any structure for which a permit has been lawfully granted prior to effective date of this Code, or of amendments hereto, may be completed in accordance with the approved plans; provided construction is started within 90 days from the date of adoption hereof and diligently pursued to completion. Such structure shall thereafter be deemed a legal non-conforming use and may remain in existence except as otherwise provided herein.

Art. 8-6: Nonconforming Lots of Record

Any single lot or parcel of land held in one ownership, which was of record at the time of adoption of this Code, that does not meet the requirements of minimum lot width or area specified for the zoning district in which it is located, or which was built upon such that the building setback, yards, open space, building height, or location of parking or loading spaces, do not now comply with the requirements for the District in which it is located, may be utilized for a permitted use with the yards, courts, or usable open spaces reduced to not less than 75 percent of the dimensions specified for the District in which it is located. A change in ownership of the single lot or parcel of land subsequent to the adoption

CHAPTER 9: ADMINISTRATION AND ENFORCEMENT

Art. 9-1: Administration

The provisions of this Code shall be administered by the Enforcement Officer, who shall be designated by the Mayor. Decisions by the Enforcement Officer may be appealed to the Board of Adjustment. The Enforcement Officer shall keep records of all permits issued or denied, all certificates of occupancy issued or denied, and all violation complaints received along with action taken.

9-1-1: Powers and Duties

The Enforcement Officer or designated staff shall enforce the provisions of this Code, and shall have authority to:

1. Examine and approve any application pertaining to the use of land, buildings, or structures to determine if the application conforms with to the provisions of this Code.
2. Issue all zoning approvals.
3. Conduct inspections of buildings, structures, and use of land as is necessary to determine compliance with the regulations of this Code.
4. Revoke permits/licenses associated with zoning approvals where provisions of this Code are being violated.
5. Issue or deny building permits and certificates of occupancy based upon compliance with this Code and other applicable codes. Written notices stating the reasons for denial will be provided with any building permit or certificate of occupancy.

9-1-2: Building Code

All fabrication, erection, construction, enlargement, alteration, repairs of buildings or structures shall meet the Arkansas Fire Prevention Code or other applicable state and city building codes.

9-1-3: Building Permit

The Enforcement Officer will issue a building permit for either the new construction or renovation of a building or structure within the corporate limits of the City of Searcy only when the application has been approved by the Enforcement Officer as meeting the requirements of these regulations.

No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations, or the Searcy Subdivision Regulations, nor shall the municipality have any obligation to issue a certificate of occupancy (COE) or to extend utility services to any parcel created in violation of these regulations or the Searcy Subdivision Regulations.

All applications for building permits shall be accompanied by a plot plan, submitted in two copies, drawn to scale, showing the size and location of the building to be constructed, indicating the setbacks from perimeter property boundary lines, building lines and eave lines, proposed off-street parking, and such other information as may be necessary to provide for the proper administration of these regulations. A record of such application and plot plan shall be filed with the Enforcement Officer. *(Ord. 2024-05)*

9-1-4: Certificate of Occupancy

No building erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy shall have been issued by the Enforcement Officer, stating that the building or proposed use of a building or premises complies with the provisions of these regulations. The Enforcement Officer shall maintain a record of all Certificates of Occupancy. A Certificate of Occupancy may be revoked by the Enforcement Officer when it is found that the building or land does not conform to the use or condition, if any, in the Certificate. Each day a use continues after revocation of the Certificate shall constitute a separate offence and shall be punished as provided herein.

It shall be unlawful for any public or private utility to connect utility service to a building hereinafter erected or structurally altered for which a Certificate of Occupancy has not been issued and evidence of such issuance delivered to the public or private utility.

Art. 9-2: Enforcement

9-2-1: Enforcement Procedure

Enforcement of this Code shall be handled in accordance with enforcement procedures for the City of Searcy Code Enforcement Department which are defined by separate ordinance.

9-2-2: Penalty for Violation

Any person or corporation who shall violate any of the provisions of these regulations or fail to comply with any of the requirements, or who shall build or alter any building in violation of the detailed statement of plans submitted and approved hereunder shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than $25.00 nor more than $100.00. Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part of a building/premises, where anything in violation of these regulations shall be placed, or shall exist; and any architect, builder, contractor, agent, engineer, person, or other corporation employed in connection with and who may have assisted in the commission of any such violation, shall be deemed guilty of a separate offense and upon conviction shall be fined.

9-2-3: Penalty for False Information

Any person who fails to give full and correct information when applying for a permit shall be subject to a fine of not less than $25.00 nor more than $100.00, and the Court, in its discretion, may require that the violation be corrected to comply with the Zoning Code. Any building permit issued upon an incomplete application, regardless of the intent of the applicant, shall be wholly void as though said permit had never been issued, and any construction based upon or resulting from such permit shall be deemed to be construction without a permit.

Art. 9-3: Conditional Use

Because of their unique character and impact on adjacent properties, some uses in this code are designated as conditional uses and require a permit. Depending on the nature of the use, such uses may or may not be desirable and appropriate in all circumstances. Each application must be individually considered by the Planning Commission to provide for a determination of approval, imposed conditions of approval, and any special restrictions. These conditions and restrictions are used to protect the adjacent area where the conditional use will be located. The following regulations control the placement of conditional uses.

9-3-1: Application for Conditional Use Permit

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: *(Ord. 2022-31)*

1. Name and address of the applicant
2. Statement that the applicant is the owner or the authorized agent of the owners of the property for which the Conditional Use is proposed.
3. Address and legal description of the property.
4. A list of the names and addresses of the owners and occupants of properties lying within 200 feet of the subject property certified by an abstractor licensed to do business in the State of Arkansas or obtained from the records of the White County Assessor's Office. *(Ord. 2020-06)*
5. Detailed description of the proposed use of the property and any proposed improvements.
6. Maps of the property as follows:
   A. A vicinity map clearly showing the location of the property. *(Ord. 2022-31)*
   B. 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. *(Ord. 2022-31)*
   C. A digital copy of the legal description of the subject property submitted as a Microsoft Word® document no later than the date on which the application is submitted.
7. The application shall be accompanied by the prescribed fee as indicated in Schedule of Fees.

9-3-2: Hearing on Application and Notice Requirements

1. Upon receipt in proper form of the application, the Administrative Official shall set a date for a public hearing on the proposed Conditional Use according to a monthly schedule to be maintained by the Administrative Official.
2. Notice of such hearing shall be published by the applicant at least one time not less than fifteen (15) days prior to the public hearing in a newspaper of general circulation in the City of Searcy.
3. The cost of the publication of the notice shall be paid by the Applicant.
4. The Administrative Official shall post a suitable and pertinent sign on the property involved giving notice of such hearing not less than 15 days prior to the hearing.
5. The Notice of Public Hearing indicating the date of the hearing, a description of the property, and the proposed Conditional Use shall be given by the Applicant. The Applicant shall, at his/her expense and within 15 days of the hearing date, send to each owner and/or occupant of property located within 200 feet of the subject property. This notice requirement shall be satisfied by notice by certified mail, return receipt requested. At least 7 days in advance of the hearing, the Applicant shall provide evidence of proper notifications.

9-3-3: Standard of Review

The following standards will govern the review of a proposed Conditional Use.

1. The proposed Conditional Use shall be consistent with the goals and provisions of the city's Comprehensive Plan; the provisions of this code and other applicable city, state, and federal codes; and shall protect the health, safety, welfare, and morals of the community;
2. The proposed Conditional Use is planned and designed to be in harmony with other property in the immediate vicinity for the purposes already permitted:
3. The establishment of the Conditional Use will support the normal or orderly development and improvement of the surrounding property for uses permitted in the district;
4. The proposed land use is compatible with other area properties;
5. The proposed Conditional Use will be in conformance with all off-street parking and loading requirements; and ingress and egress, and pedestrian ways will be adequate;
6. Landscaping and screening of the proposed Conditional Use shall be in accordance with this Code;
7. Proposed Conditional Use signs shall be in accordance with this Code;
8. Open spaces located on the proposed Conditional Use shall be maintained by the owner/developer;
9. The size and shape of the site as well as the size, shape and arrangement of proposed structures are in accordance with this Code.
10. The design of the proposed Conditional Use will include safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor.

9-3-4: Conditions of Conditional Use

The Planning Commission may include such conditions or restrictions upon the construction, location, and operation of a Conditional Use, as deemed necessary to secure the general objectives of this Code.

1. Violation of any condition imposed for approval shall constitute grounds for revocation of the Conditional Use Permit.
2. Changes to the use of the property or site not covered by an approved Conditional Use Permit shall require approval of a new Conditional Use Permit. This includes but is not limited to expansion of an existing use, structural changes, additions to structures, changes in off-street parking, etc.

9-3-5: Deadline for Planning Commission Decision

Within 30 days after the close of a public hearing on a proposed Conditional Use, the Planning Commission shall make a written finding of fact with respect to the Application and transmit the same to the Applicant.

9-3-6: Effect of Denial of a Conditional Use

No application for a Conditional Use Permit which has been denied wholly or partly by the Planning Commission shall be resubmitted for a period of 1 year from date of said denial, unless the Planning Commission finds that a substantial change in conditions has occurred.

9-3-7: Lapse of a Conditional Use Permit

A Conditional Use Permit granted hereunder shall lapse and become void:

1. Where no building or construction is involved, if the use of the property which is the subject matter of the Conditional Use Permit shall not have been commenced in accordance with the Conditional Use within 1 year of the date of granting the Conditional Use Permit; or
2. Where buildings or construction is involved, if a building permit for such construction in accordance with the Conditional Use Permit shall not have been issued within 1 year from the date of granting the Conditional Use Permit, and, thereafter, such construction diligently pursued so as to be completed and placed in use within 2 years from the date of granting the Conditional Use Permit.
3. Whether or not building or construction work is involved, if the use of the property as authorized by the Conditional Use Permit, or Modification or Renewal, is commenced and at a later date is discontinued for a period of 6 consecutive months, or there is evidence of a clear intent on the part of the owner to abandon the use of the property in accordance with the Conditional Use Permit, then the Conditional Use Permit, or Modification or Renewal, shall lapse and become void, and thereafter the property shall be used only in conformity with the regulations of the District in which it is located.
4. Whenever a Conditional Use Permit, or Modification or Renewal, has lapsed and become void, then another application for a Conditional Use Permit for the same or a different use may be submitted without regard to the one-year waiting period prescribed in 9-3-6 above.

5. In the case where any of the specific terms and conditions of a conditional use permit are violated, ignored, or otherwise not observed the Enforcement Officer may revoke the permit. A 30-day written notice using certified mail shall be addressed to the applicant indicating the nature of the non-compliance and the applicant's right to file an appeal to the Board of Adjustment. If no appeal is filed within 30-day period, and the non-compliance has not been corrected within 45 days of receipt of the written notice, the permit shall be revoked. Revocation shall be immediate and shall prevent use of the property in a general manner as specified in the original permit. The property shall revert to its use status prior to issuance of the conditional use permit.

Art. 9-4: Amendments

This Code may be amended by changing the text, the Official Zoning Map, or both in accordance with the procedures below. Zoning amendments shall conform to the city's adopted land use plan. If a proposed amendment conflicts with the land use plan, the applicant must request an amendment to the land use plan. The planning commission may allow the submission of a request for a plan amendment simultaneously with a request of the re-zoning of a property. The following may initiate a request to amend this Code.

1. A member or members of the City Council
2. A member or members of the Planning Commission
3. The owner of a property or the owner's appointed agent.

9-4-1: Amendments by the City Council

Amendments by the City Council may be made in the following manner.

1. The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in Article 9-4-2.
2. The City Council may act upon a request to amend this Code in accordance with the provisions of § 14-56-423 of the Arkansas Code, annotated when an emergency exists which threatens the health, safety, welfare, or morals of the citizens of the City. An amendment may be made by ordinance upon the approval of two/thirds of the entire City Council. This City Council may take this action through normal ordinance procedures with no further public hearing or notification.

9-4-2: Amendments by the Planning Commission

Amendments by the Planning Commission may be made in accordance with the procedures outlined as follows.

1. The Planning Commission may consider amendments or additions to the Zoning Code in order to carry out or protect the provisions of its adopted plans.
2. If the proposed amendments are not consistent with any provisions of the comprehensive plan, the Planning Commission shall first consider and adopt any necessary changes to the plan.
3. The Planning Commission shall hold a public hearing to consider amendments to the Zoning Code and amendments to the Comprehensive Plan, if required.

4. 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.

5. Changes in zoning classifications initiated by the Planning Commission shall be considered comprehensive changes affecting the entire city and notice to individual property owners shall be not be made unless the Planning Commission shall make a finding that a substantial public benefit would be attained by such notification. The Planning Commission shall make a map and/or documents indicating the proposed changes available in City Hall for review by interested citizens and property owners at least 15 days prior to the public hearing at which the changes will be considered. Information concerning the proposed plans shall also be posted on the city's web site.

6. Following the public hearing, the proposed amendments may be recommended as presented, or in modified form, by a majority of the entire Planning Commission.

7. Following its adoption of plans and recommendations of ordinances and regulations, the commission shall certify adopted plans or recommended ordinances and regulations to the City Council for its adoption.

<u>9-4-3: Amendments by Property Owners</u>

Amendments by property owners, or their agents, may be made in the following manner.

1. 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. *(Ord. 2022-31)*

2. The application for a Zoning Map Amendment shall contain the following information:

   A. A list of the names and addresses of owners and occupants of properties located within 200 feet of the subject property certified by an abstractor licensed to do business in the State of Arkansas or obtained from the records of the White County Assessor's Office. *(Ord. 2020-06)*

   B. A map of the subject property, delineating:

      i. The dimensions of property

      ii. Approximate location of buildings with appropriate dimensions;

      iii. Land uses of adjacent properties.

      iv. A vicinity map of sufficient clarity to allow location of the property for which a re-zoning request is located.

   C. The application shall be accompanied by the prescribed fee.

3. 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. *(Ord. 2022-31)*

4. Following the public hearing, the proposed amendment or change of district boundary may be approved as presented or in reduced scope by a majority vote of the entire Planning Commission, with recommendation for adoption by the City Council. Such modification shall not include a recommendation to a more, but not less, restrictive zone.

5. If the Planning Commission disapproves a proposed amendment or re-zoning petition, the reason for such disapproval shall be given in writing to the petitioner within 15 days from the date of the hearing.

6. Following disapproval of a proposed amendment or re-zoning by the Planning Commission, the petitioner may appeal such disapproval to the City Council, in accordance with Article 2-3-1.

7. The City Council, by a majority vote, may, by ordinance, adopt a recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.

8. No application for a zoning amendment will be reconsidered by the Planning Commission for a period of 12 months of elapsed time from the date of final disapproval of the proposed amendment, unless the Planning Commission determines by 2/3 majority vote that a substantial reason exists for waiving this mandatory waiting period.

Art. 9-5: Request for Reasonable Accommodations.

A request for reasonable accommodation may be made by an individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or building regulation, policy, practice or procedure restricts fair housing opportunities. In this context, "reasonable accommodation" means alleviating specific regulations, policies and procedures that restrict persons who are handicapped, as defined by the Fair Housing Laws, from housing opportunities. Request for reasonable accommodation applications will be considered by the City of Searcy Planning Commission to provide a determination of approval. The Planning Commission may approve any application that satisfies all of the following conditions:

1. The accommodation will ensure that the City complies with Fair Housing Laws and provides greater housing opportunities for individuals with disabilities.
2. The housing, which is the subject of the request for reasonable accommodation, will be used by one or more individuals with disabilities protected under Fair Housing Laws.
3. The requested accommodation is necessary to make housing available to one or more individuals with disabilities protected under the Fair Housing Laws.
4. The requested accommodation will not impose an undue financial or administrative burden on the City.
5. The requested accommodation will not require a fundamental and unreasonable change in the nature of:
    A. The City's Land Use Plan;
    B. The City's Zoning Plan;
    C. Building Codes;
    D. Any regulation necessary to protect the health and safety of occupants.

<u>9-5-1. Request for Reasonable Accommodation Application:</u>

A Request for Planning Commission Action in a form provided by the City of Searcy Code Enforcement 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 Request for Planning Commission Action has been filed and the applicant shall submit all requested material five (5) business days from the first of the month. Such items shall include:

1. Name and address of the applicant;
2. Statement that the applicant is the owner or authorized agent of the owners of the property for which the request for reasonable accommodation is being made;
3. Address of the property;
4. Detailed description for the request for reasonable accommodation and any proposed improvements required.
5. The application shall be accompanied by the prescribed fee as indicated in the Schedule of Fees.

9-5-2: Appeals.

Appeal process shall be handled within Art. 2-3 of this code.

(Ord. 2022-23)

CHAPTER 10: BOARD OF ZONING ADJUSTMENT *(Ord. 2023-07)*

In accordance with applicable state statutes, this code establishes a Board of Zoning Adjustment.

Art. 10-1: Organization

1. A Board of Zoning Adjustment is hereby established and shall be composed of the members of the Planning Commission as a whole and shall follow all conditions regarding appointments, terms, and any other member requirements set forth in Chapter 21 of the Searcy Code of Ordinances. *(Ord. 2024-21)*
2. All members of the Board shall be residents of the City of Searcy.
3. No members of the Board shall hold an elective office in the city government.
4. Upon appointment and annually thereafter the Board shall meet, elect a chairman and secretary and organize for the coming year or until their successors qualify.

Art. 10-2: Meetings and Hearings

The Board of Zoning Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all finding and decisions. Each session of the Board of Zoning Adjustment shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city, at least 1 time 7 days prior to the meeting.

Art. 10-3: Powers and Duties

1. 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. *(Ord. 2023-17)*
2. The Board of Zoning Adjustment shall not permit as a Variance, any use in a zone that is not permitted under the Code.
3. The Board of Zoning Adjustment may impose conditions in granting of a Variance to insure compliance and to protect adjacent property.

Art. 10-4: Appeals

A decision of the Board of Zoning Adjustment may be appealed to a court of record having jurisdiction in White County, Arkansas.

Art. 10-5: Procedure for Variance Applications

1. 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: *(Ord. 2023-07)*
   A. Name and address of applicant.
   B. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Variance is proposed.
   C. Address or description of the property.

D. A list of the names and addresses of owners of all adjoining properties.

E. A map of the subject property, delineating:

i. the dimensions of property;

ii. approximate location of buildings with appropriate dimensions;

iii. land uses of adjacent properties.

2. 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. *(Ord. 2023-07)*

3. Finding of Fact: For the Board of Zoning Adjustment to approve an application for any proposed Variance, a majority of the entire Board must find that each of the following facts exist with respect to the application:

A. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict letter of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.

B. The conditions upon which a petition for a Variance are based are unique to the property for which the Variance is sought and are not applicable, generally, to other property within the same zoning classification.

C. The purpose of the Variance is not based exclusively upon a desire to increase the value or income potential of the property.

D. The alleged difficulty or hardship is caused by this Code and has not been created by any persons presently having an interest in the property or by any predecessor in title.

E. The granting of the Variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.

F. The proposed Variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood;

G. The proposed Variance complies with the spirit and intent of restrictions imposed by this Code.

4. Conditions of Variances: The Board of Zoning Adjustment may require such conditions or restrictions upon the construction, location, and operation of a Variance, as deemed necessary to secure the general objectives of this Code. Such conditions or restrictions may include, but shall not be limited to, provisions for the protection of adjacent property, the expiration of said Variance after a specified period of time, and off-street parking and loading requirements.

5. Deadline for Zoning Board of Adjustment Decision: Within 30 days after the close of the public hearing, the Board of Zoning Adjustment shall make a written finding of fact and submit its decision to the Enforcement Officer.

6. Effect of Denial of a Variance: No application for a Variance that has been wholly or partly denied by the Board of Zoning Adjustment shall be resubmitted within a period of 1 year from date of said denial.

7. Lapse of Variance: A Variance granted hereunder shall lapse and become void:

   A. Where no building or construction is involved, if the use of the property which is the subject matter of the Variance shall not have been commenced in accordance with the variance within 1 year of the date of granting the Variance; or

   B. Where buildings or construction is involved, if a building permit for such construction in accordance with the Variance shall not have been issued within 1 year from the date of granting the Variance, and, thereafter, such construction diligently pursued so as to be completed and placed in use within 2 years from the date of granting the Variance.

CHAPTER 11: DEFINITIONS

Art. 11-1: General

For the purpose of this Code, the definitions contained in this Chapter shall be observed and applied. Words herein not defined shall be interpreted in accordance with definitions contained in the Webster's Dictionary. Zoning Use Descriptions are found in Section 4-5-2.

Art. 11-2: Interpretation

The following shall apply in order to provide clarity of interpretation:

1. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural, the singular.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the word "parcel." The word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for", "intended for" "maintained for," and "occupied for."

Art. 11-3: Definitions

Access. The way or means by which a piece of property is approached or entered.

Accessory Dwelling Unit. A dwelling unit that is detached from the principal structure that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. *(Ord. 2024-11)*

Accessory Structure. An "accessory structure" is one that:

1. Is clearly incidental and subordinate to and serves a principal building or principal use;
2. Is subordinate in area, extent, or purpose to the principal building or principal use served, as may be more clearly defined in the individual use district sections;
3. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principle use served; and
4. Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off street parking facilities as are permitted elsewhere than on the same zoning lot with the building or use served; and
5. Comprises a total square footage of no more than 30 percent of the area of the rear yard.

Accessory Use. A use of land or of a building or portion thereof customarily clearly incidental and subordinate to the principal use of the land or building and located on the same zoning lot with such principal use.

Acre. A measure of land containing 43,560 square feet.

Addition. Any construction that increases the size gross square footage of the building footprint such as a porch, attached garage or carport, new room or wing.

Administrative Official. The person or persons designated by the Mayor with the responsibility of enforcement and implementation of this Code.

Adult Day Care Center. A center maintained and conducted for the care of elderly during the day, away from the elderly's place of residence.

Aircraft landing facility, private. A private facility for accommodating the landing, departure, and storage of aircraft, as differentiated from a public airport.

Alley. A public way used as a secondary means for vehicular access to abutting property and not intended for general traffic circulation.

Alteration. Any change, addition or modification of an existing building, such as bearing walls, columns, beams, girder, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Amusement Arcade. A building or part of a building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

Amusement Park. An outdoor facility, which may include structures and building, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for show and entertainment.

Antenna Array. One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the Support Structure as defined herein.

Antenna Tower: FCC Jurisdiction. An antenna tower and related attachments subject to and protected by, the provisions of the federal Telecommunications Act of 1996 and any subsequent amendments.

Antenna Tower: Commercial Non-FCC. A communication or transmitting tower erected in a commercial district, serving as a stand-alone or accessory use for a private business, public, non-profit or other quasi-public entity and not subject to the provisions or protection of the federal Telecommunications Act of 1996.

Antenna Tower: Private. A communication or transmitting tower erected on residential property as an accessory use to the primary resident, including, but not limited to TV receptors or private (HAM) radio use.

Apartment Unit. One or more rooms with private bath and kitchen facilities comprising an independent self- contained dwelling unit in a multiple-unit dwelling, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete private kitchen and private bath facilities, permanently installed, must always be included for each apartment.

Attached Wireless Communications facility (Attached WCF). An Antenna Array that is attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water towers, with any accompanying poles or device which attaches the Antenna Array to the existing building or

structure and associated connection cables, and any Equipment Facility which may be located either inside or outside the Attachment Structure.

Automobile Repair, Major. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair, and painting of vehicles.

Automobile Service Station. An establishment, the business of which is the operation of a motor fuel dispensing station, where repair work is limited to lubricating and washing of motor vehicles, changing and minor repairs of tires, and where no body work or major chassis or motor repairs are made, except incidental repairs, replacement of minor parts and motor service to automobiles, but not including any operation specified under "Automobile Repair, Major."

Automobile Wrecking Yard. See: "Junk Yard"

Basement. An underground or partially underground portion of a building or structure designed for human occupancy.

Bed and Breakfast. An owner-occupied dwelling unit that contains no more than 5 guest rooms where lodging and breakfast is provided for compensation. The owner of the inn shall live on the premises or in a residential structure located upon the same lot as the rooms for rent. *(Ord. 2018-33)*

Block. A unit of land bounded by streets or by a combination of streets and public land, railroad right of ways, waterways, or any other barrier to the continuity to development.

Board of Adjustment. An officially constituted body whose principal duties are to:

1. Hear appeals from the decision of the administrative officers in respect to the enforcement and application of the ordinance, and may affirm or reverse, in whole or in part, the decision of the administrative officer: and

2. Hear requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the ordinance.

Boarding or Lodging Housing. Housing operated as a commercial venture in which lodging and meals are provided on a more or less permanent basis, as distinguished from a Bed and Breakfast.

Buildable Area. The area of a lot remaining after the minimum yard and open space requirements of the Zoning Code have been met.

Building. Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, coal bunkers, and other similar structures are not considered as buildings.

Building Accessory. See "Accessory Structure."

Building, Detached. A freestanding building surrounded by open space on the same zoning lot.

Building Height. The vertical distance measured from the average elevation to the highest point of the roof of the finished grade within twenty feet of the structure.

Building Inspector. The person or persons designated by the appointing authority to enforce the provisions of the building code.

Building Line. The line, parallel to the street line that passes through the point of the principal building, nearest the front lot line as measured by from the foundation.

Building Permit. Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

Building, Principal. A building in which is conducted the principal use of the lot on which it is located.

Building Setback Line. A line parallel to the street line at a distance from it, regulated by the setback requirements contained in this Code.

Business Service. Establishment primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, employment service, management and consulting services, protective services, equipment rental and leasing photo finishing, and personal supply service.

Campus. The grounds and buildings of a public or private college, university, schools, or institution.

Caliper. The diameter of a tree measured six inches above the soil.

Call Center. An office set up to handle a large volume of telephone calls, especially for taking orders and providing customer service. *(Ord. 2018-33)*

Carport. A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Child Care Center – Private. A commercial child care center conducted under private, for profit auspices providing direct care and protection for children.

Child Care Center – Public or Non-profit. A child care center conducted by a religious institution, school, or other non-profit organization and providing direct care and protection for children excepting that this definition does not apply to facilities meeting this definition but operating no more than three weeks at a time, specifically including religious study schools and day camps.

Child Care Family Home. A situation, arrangement, or agreement by which one or more persons care for six or more children from more than one family but no more than 16 children in the caregiver's own family residence or some other suitable family-type residence.

Churches and Places of Worship. A building set apart for public worship of any religion which, when permanently established, meets all federal, state, and local codes of development and construction.

Clinic, Medical or Dental. An establishment where patients are admitted for examination and treatment in a common building. A clinic shall not include in-patient care.

Club. An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship.

Co-location or Site Sharing. The use of a common Wireless Communication Facility (WCF) or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.

Commercial Establishment. An economic unit, generally at a single physical location, where business is conducted or service operations performed.

Commercial Use. Activity carried out for pecuniary gain. Any building primarily used for a commercial use may not have more than 50 percent of the ground floor area devoted to storage or purposes incidental to such primary use.

Commercial Vehicle. Any motor vehicle licensed by the state as a commercial vehicle.

Community Center. A building used for recreational, social, educational, and cultural activities, usually owned and operated by a public or non-profit group or agency

Conditional Use. A use that, owing to some special characteristics attendant to its operation or installation (for example: potential danger, smoke, noise or traffic), is permitted in a district subject to approval by the Planning Commission and subject to special requirements, different from those usual requirements for the district in which the Conditional Use may be located.

Condominium. A building or group of buildings, in which units are owned individually while the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a property, such as an apartment or office building. A condominium may include, in addition, a separate interest in other portions of such real property.

Condominium, Commercial. A building (or group or buildings) used for office, businesses, professional services and other commercial enterprise organized, owned, and maintained as a condominium.

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.

Convenience Store – Small Scale. A retail commercial establishment, not exceeding 2,500 square feet in gross floor area, supplying a limited range of food items, magazines, toiletries, and tobacco products to meet the day-to-day needs of residents in the immediate neighborhood and which may or may not include fuel sales. For establishments greater than 2,500 square feet, see "Convenience Store – Large Scale.

Convenience Store – Large Scale: A retail commercial establishment supplying a limited range of food items, magazines, toiletries, and tobacco products and multiple fueling stations designed to meet the needs of the motoring public.

Country Club. A land area and buildings containing recreational facilities, club house, and usual accessory uses, open only to members and their guests for a membership fee.

Derrick Tower. A structure constructed of lattice steel and which is entirely self-supporting.

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

District. A park, zone or geographic area within the municipality within which certain zoning or development regulations apply.

"Drive-in" Type Uses. Sales or service uses which offer goods or services to customers waiting in parked vehicles, such as, but not limited to drive-in restaurants, drive-in banks, and automated car washes. Such uses create numerous vehicular conflict points thereby increasing potential traffic hazards. This Code specifically defines such uses with the intent of limiting their location to areas with adequate road accessibility and with a minimum of traffic conflict.

Dumpster. A container of at least five cubic yards in size that is utilized for collection of garbage and other waste materials that is located upon any property including Commercial Use property and any combination of Apartment Units.

Duplex. See Dwelling, Two-Unit. *(Ord. 2022-14)*

Dwelling. A building or portions thereof designed or used exclusively for residential occupancy, including one-unit dwellings, two-unit dwellings, and multiple-unit dwellings, which structures are approved under the adopted building codes of the City of Searcy. *(Ord. 2022-14)*

Dwellings, Attached. A dwelling that is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached. A dwelling that is entirely surrounded by open space on the same lot.

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. *(Ord. 2022-14)*

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. *(Ord. 2022-14)*

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. *(Ord. 2022-14)*

Dwelling Unit. One or more rooms that are arranged, designed or used as living quarters for one housekeeping unit only. Complete single kitchen facilities, bathroom facilities, and sleeping facilities shall always be included for each dwelling unit. *(Ord. 2022-14)*

Dwelling Unit, Efficiency. A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and bathroom facilities.

Easement. A grant by a property owner permitting the use by the public, a corporation, or person(s) of a portion of land for specific purposes.

Educational Institution. Public, parochial, elementary, secondary schools, or non-profit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

Egress. An exit.

Enforcement Officer. See "Administrative Official"

Equipment Facility. Any structure used to contain ancillary equipment for a WCF.

FAA. The Federal Aviation Administration.

FCC. The Federal Communication Commission

Fence. A man-made barrier constructed to provide privacy or visual separation between one ownership and another.

Flood Insurance Rate Map. An official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated.

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor to ceiling height is less than six feet.

Floor Area Ratio. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FTA. The Federal Telecommunications Act of 1996.

Garage, Private. An accessory building used for the storage only of motor vehicles, without the equipment for operation, repair, hire, or sale.

Garage, Public. A structure for the temporary parking of automobiles in which no servicing, repairs, washing, or reconditioning of motor vehicle is carried on.

Grade. The degree of rise or descent of a sloping surface.

Grade, Finished. The final elevation of the ground surface after development.

Guy-Wired Tower. A structure constructed of lattice steel and supported by guywires extending at angles from the structure to ground anchors.

Height. When referring to a WCF, Height shall mean the distance measured from ground level to the highest point on the WCF, including the Antenna Array. When referring to other structures, height shall also mean the distance measured from ground lever to the highest point of the structure, with regard to airport runway protection, Height shall be defined within the city's runway protection ordinance.

Home Occupation. Any activity carried out for gain by a resident conducted as an accessory use of the resident's dwelling unit.

Hospital or Sanitarium. An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care of not less than 24 hours in a week of 3 or more non-related individuals suffering from illness, disease, injury, or other abnormal physical conditions. The term

"hospital" as used in this Code, does not apply to institutions operating solely for the treatment of the mentally ill, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelters, or boarding homes.

Hotel/Motel. A facility offering multiple transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities with full-time on-site management. *(Ord. 2022-22)*

Housekeeping Unit. Any number of individuals living and cooking together on the premises as a single housekeeping unit. A housekeeping unit shall be deemed to include servants. *(Ord. 2022-14)*

Ingress. Access or entry.

Integrated Shopping Center. An integrated shopping center, for sign regulation purposes, shall mean any parcel of land under one ownership or management which contains 4 or more different types of business uses located in 1 or more buildings.

Junk Yard. Any open space or area where motor vehicles (not in running condition), motor vehicle parts, paper, rags, metal, or similarly used but salvageable materials are bought, sold, exchanges, stored, baled, packed disassembled, or otherwise handled.

Kennel. An establishment which more than six dogs or domesticated animals more than one-year-old are housed, groomed, bred, boarded, trained, or sold.

Land Use. A description of how land is occupied or utilized.

Land Use Plan. A plan showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes.

Laundromat. An establishment providing washing, drying or dry-cleaning machines on the premises for rental use to the general public for laundering or dry cleaning purposes.

Loading and Unloading Space or Berth, Off-Street. An unobstructed, hard-surfaced area of which is for the standing, loading and unloading or motor vehicles, tractors, and trailers, to avoid undue interference with public streets and alleys.

Lot. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law to be used, developed, or built upon as a unit.

Lot Area. The total horizontal area included within the lot.

Lot, Corner. A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot Coverage. The portion of the lot covered by buildings and structures. Lot Depth. The distance measured from the front lot line to the rear lot line.

Lot Frontage. The length of the front lot line measured at the street right or way line. Lot, Interior. A lot other than a corner lot.

Lot Line. A line of record bounding a lot which divided one lot from another lot or from a public or private street or any other public space.

Lot Line, Front. The lot line separating a lot from a street right of way.

Lot Line, Rear. The lot line opposite and most distant from the front lot line. Lot Line, Side. Any lot line other than front or rear lot lines.

Lot of Record. A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

Lot Width. The distance measured as a straight line between the points where the building setback line intersects the side lot lines, or, in the case of a corner lot where the building setback line intersects a side lot line and, when extended, the opposite street right of way line.

Marquee or Canopy. A roof-like structure of a permanent nature which that projects from the wall of a building and overhangs a public way, and is designed and intended to protect pedestrians from adverse weather conditions.

Manufactured Home. A dwelling built in factory in accordance with the Federal Manufactured Home Construction and Safety Standards.

Manufactured Home Park. A parcel of land upon which 2 or more manufactured homes are situated either free of charge or for revenue and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the site.

Mining, Excavation, and Material Storage. The extraction, removal, or storage or clay, gravel, or sand; quarrying of rock or stone; earth moving and excavation; depositing of construction material, clay, earth, gravel, minerals, rocks, sand, or stone on the ground.

Mini-warehousing. The process of storing in structures of a restricted size, merchandise and/or household goods. Structures for this purpose shall be restricted to a 15-foot height, and an interior area of 300 square feet per unit.

Mobile Home. a dwelling that was fabricated in a factory, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards, and consistent with any existing state definitions

Mobile Home Park. (See Manufactured Home Park)

Modular Home. Standardized units other than manufactured homes as defined above which are manufactured elsewhere and assembled at the building site and which meet the city's building code and are acceptable in the residential districts.

Monopole Tower. A Support Structure composed of a single pole without any guy-wired support

Nonconforming Lot. A lot, the area, dimensions or locations of which was lawful prior to the adoption, revision, or amendment of the zoning code, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Code.

Nonconforming structure. A lawful structure which exists upon the adoption or amendment of this Code that could not be built under the terms of this Code by reasons or restrictions on area, lot coverage, height, yards, or other characteristics of the structure, or its location on the lot.

Nonconforming use. The use of any structure or land lawfully occupied and maintained as of the day immediately preceding the adoption of this Zoning Code, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption of this Code or amendments thereto.

Nursing Home, Rest Home, Convalescent Home. A private home for the care of children or aged or infirmed, or a place of rest for those suffering bodily disorders, but not including hospitals and sanitariums.

Off-Street Parking Space. A temporary storage area for a motor vehicle that is accessible to a street or alley and which is not located on a dedicated street right of way.

Offices. A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

Office-At-Home. A home occupation in which a part of a dwelling unit is used as the resident's office. See Home Occupation.

Office Building. A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open Space, Common. Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

Open Space, Green. An open space area not occupied by any structures or impervious surfaces.

Open Space, Private. Common open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

Open Space, Public. Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

Ordinance. A municipally adopted law or regulation.

Outdoor Storage. The keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Parcel. A lot or tract of land.

Park. A tract of land, designated and used by the public for active or passive recreation.

Parking Area. Any private or public land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

Parking Space. A space for the parking of a motor vehicle within a public or private parking area.

Party Wall. A common shared wall between two separate structures, buildings, or dwelling units.

Planned Unit Development. An integrated design, including zoning and site plan, for development of residential, commercial, or industrial uses, or a combination of such uses, in which one or more of the regulations of the zone in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in this code.

Planning Commission. The Planning Commission of the City of Searcy, Arkansas.

Planting, landscape: A tree, shrub, or perennial included as part of a landscape plan.

Plat. A map representing a tract of land, showing the boundaries and location of individual properties, streets, easements and rights of way; a map of a subdivision or accessory use.

Primary Residence. A dwelling unit in which an owner or lessee resides. *(Ord. 2022-22)*

Principal Use. The main use of land or buildings as distinguished from a subordinate or accessory use.

Professional Offices. Offices where no on-premises stock of goods for sale to the general public are maintained (incidental sales of supplies may be allowed) and the operations and services of which are generally of a personal, medical, financial, or legal nature, including, but not limited to, doctors, lawyers, photographers, barbers or beauticians, engineers, or public service companies.

Provider. Refers to a wireless license holder providing wireless communication services through one or more Antenna Arrays.

Public and Community Service Uses. For the purpose of this Code, the term "Public and Community Service Uses" shall include the following: police stations or sub-stations, fire stations or sub-stations, public utility stations or sub-stations, postal stations or sub-stations, sewage pumping stations, public library branch facilities, and other similar uses, including government buildings.

Public Utility. Any person, firm, corporation, or municipal department, duly authorized to furnish under public regulation to the public, electricity, gas steam, telephone, communications, transportation, sewer, or water.

Quorum. A majority of the full membership of a board or agency.

Recreational Facility. A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Recreational Vehicle. A vehicular, portable structure, built on a chassis, with or without complete kitchen, toilet, bath and shower facilities and which is intended as temporary human habitation for travel, recreational, and vacation uses. A "travel trailer" used as a permanent dwelling unit is expressly prohibited by this Code.

Recreational Vehicle Park. A parcel of land in which two or more campsites are designated primarily for temporary occupancy by recreational vehicles for travel, recreational, or vacation uses, or temporary construction facilities in allotted spaces known as "sites" or "campsites." *(Ord. 2020-06)*

Rehabilitative Home. Dwellings established for rehabilitative and/or educational purposes for temporary inhabitants.

Restaurant and Eating Establishment – Non-drive Through. A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non- disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant and Eating Establishment – Drive Through. An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not is also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

Retail Services. Establishments providing services or entertainment as opposed to products to the general public, including: restaurants, hotels and motels, financing, real-estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, and museums and galleries.

Retirement Home. A group of dwelling units designed specifically for the elderly.

Rural Area. A sparsely developed area, with a population density with less than 10 persons per acre, where the land is undeveloped or primarily used for agricultural purposes.

Setback. The distance between the street right or way line and the front line of a building or any projection thereof, excluding uncovered steps.

Setback (Wireless Communications Facility). The required distance from the WCF to the property lines of the parcel on which the WCF is located.

Setback Line. That line that is the required minimum distance from the street right of way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

Short-Term Rental. A lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, that is offered or provided to a transient guest for a fee for less than 30 days each duration. *(Ord. 2022-22)*

Short-Term Rental Local Property Representative. An administrative representative of a short-term rental host who will be available to respond to any problems, issues, or questions that arise during the short term rental of a unit. *(Ord. 2022-22)*

Short-Term Rental Host. Any person, relative, or business entity, including a tenant whose lease extends beyond any short-term rental period, who receives payment for owning or operating a dwelling unit, or portion thereof, as a short-term rental unit. *(Ord. 2022-22)*

Sign: Any outdoor device, figure, painting, message, poster, or other structure which is designed or intended to provide information.

Sign, Billboard. An off-premise sign exceeding 32 square feet in area.

Sign, Balloon. A type of temporary sign that floats and is designed to resemble a balloon, blimp, dirigible, hot air device or other flying object tethered to the ground.

Sign, Canopy. A sign attached to the underside of a canopy.

Sign, Construction. A temporary sign erected on the premises where construction is taking place, during the period of such construction.

Sign, Flashing. Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, Freestanding. Any non-movable sign not affixed to a building.

Sign, Ground. A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground.

Sign, Height. The vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is lower.

Sign, Illuminated. A sign designed to give forth any artificial light or reflect such light from an artificial source.

Sign, Nonconforming: Any sign which is not permitted within the district in which it is located.

Sign, Off-premise. A sign that directs attention to an entity, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Pole. A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is 6 feet or more above grade.

Sign, Political. Temporary sign erected on private property within the City for the purpose of political campaigning regarding a designated election.

Sign, Portable. Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings. Portable signs include movable "reader board" signs which are signs in which the information is provided by digitally active electrical lettering.

Sign, Projecting. A sign which projects from and is supported by a wall of a building and does not extend beyond, into, or over the street right-of-way.

Sign, Roof. A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, Temporary. A sign not constructed or intended for long-term use, and not permanently attached to the ground, a building, or structure. Temporary signs shall include all signs made of non-durable material, including but not limited to cloth, canvas, paper, cardboard, flexible vinyl, nylon, tarpaulin or like material, coated paper or canvas, or organic material. See also: "Balloon Sign."

Stacking Space. A temporary standing space for an automobile, which provides access to a drive-in facility. The term is also used to denote the space for vehicles using a turn-lane or acceleration/deceleration lanes.

Stealth Technology. Systems, components and materials used in the construction of the WCF, which are designed to mask or conceal the WCF to make it compatible with the surrounding property.

Street. A right of way other than an alley, which affords a primary means of access to an abutting property.

Structural Alteration. Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

Support Structure. A structure designed and constructed specifically to support an Antenna Array, and may include a Monopole, Guy-wire Tower, or Derrick Tower. Any device used to fasten an Attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to Support Structures.

Technical Review Committee. The city staff committee responsible for the review and/or approval of certain applications within this Code.

Tower Use Permit (TUP). A permit issued by the City specifically for the location, construction and use of a WCF subject to an approved site plan and special conditions determined by the Planning Commission to be appropriate under the provisions of this section.

Transient Guests. Those who rent accommodations other than their regular place of abode. *(Ord. 2022-22)*

Transitional Housing. Also known as "halfway housing". Housing designed to accommodate a defined group, not all related who are occupying premises and living as a single, nonprofit, managed housekeeping unit, as distinguished from a group occupying board or lodging house.

Travel Trailer or Motor Home. See "Recreational Vehicle."

Truck Stop. Any retail establishment that is greater than 3,500 square feet in gross floor area which offers for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. For establishments 3,500 square feet or less see "Convenience Store"

Vacation Rentals. An entire residential unit that is not a primary residence and is consistently rented to various guest for various periods of time. *(Ord. 2022-22)*

Variance. Permission granted by the Board of Adjustment to depart from the literal requirements of a zoning code.

Warehousing. The process of storing in structures, merchandise, household goods and/or agricultural products.

Wholesaling. Those operations that are engaged in the business of selling to retailers or jobbers rather than consumers.

Wireless Communications. Any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Wireless Communication Facility (WCF). Any unstaffed facility for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

Wires, Overhead: All wires suspended above ground by a utility or other entity so that clearances mandated by current editions of the National Electric Safety Code, the National Electric Code, and other state and local regulations must be maintained.

Yard or Setback. An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed by a structure from its lowers level upward, except as otherwise permitted in this Code, and which extends along a lot line and at right angles thereto a depth or width specified in the yard regulations for the district in which the zoning lot is located.

Yard or Setback, Front. A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the principal building. On corner lots the front yard shall be considered any yard that has street frontage.

Yard or Setback, Rear. The area extending along the full length of the rear lot line between the side lot lines. In all instances, including corner and irregular lots, the rear of the lot shall be that area opposite the front.

Yard or Setback, Side. The area extending along a side lot line from the front yard to the rear yard. Such side yard is unoccupied and unobstructed by a structure from the ground upward except as may be permitted elsewhere in this Code.

Yard or Setback, Side-Street. The area extending along a side lot line from the front yard to the rear yard. Such side yard is unoccupied and unobstructed by a structure from the ground upward except as may be permitted elsewhere in this Code. The side-street yard shall be considered the yard that has street frontage that the primary entrances does not face.

Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building sides rest directly on a lot line.

Zone. Specifically, delineated areas or districts in the City of Searcy within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Zoning Map. The map or maps, which are a part of the zoning Code, and which delineate the boundaries of zoning districts.