ORDINANCE NO. 1159

CITY OF LOWELL, BENTON COUNTY, ARKANSAS

AN ORDINANCE TO AMEND SECTION 16-199: LOCATION REQUIREMENTS AND STANDARDS AND SECTION 16-200: RESIDENTIAL ACCESSORY USES OF THE LOWELL MUNICIPAL CODE.

WHEREAS, the City Council of the City of Lowell has adopted regulations pertaining to accessory buildings codified in Section 16-199 and Section 16-200 of the Lowell Municipal Code; and

WHEREAS, it has become apparent to the City Council of Lowell that a need exists to amend Section 16-199: Location Requirements and Standards and Section 16-200: Residential Accessory Uses of the Lowell Municipal Code in order to provide updated requirements and standards for accessory buildings in the City of Lowell, as set forth in the attached Exhibit "A"; and

WHEREAS, having held a public hearing on the subject, the Lowell Planning Commission has recommended this change and the City Council has determined it is in the best interest and benefit of the community to amend Section 16-199: Location Requirements and Standards and Section 16-200: Residential Accessory Uses of the Lowell Municipal Code, as set forth in the attached Exhibit "A".

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Lowell, Arkansas:

Section 1. Section 16-199: Location Requirements and Standards and Section 16-200: Residential Accessory Uses of the Lowell Municipal Code is hereby amended, as set forth in the attached Exhibit "A".

Section 2. The rest and remainder of the Lowell Municipal Code not specifically amended herein shall remain in full force and effect.

Section 3. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

PASSED AND APPROVED this 16th of December 2025.

APPROVED:

Chris Moore, Mayor

ATTEST:

Elizabeth Estes, City Clerk

CITY OF LOWELL SEAL CITY CLERK

(SEAL)

Sec. 16-198. General description.

An accessory building is a subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land and located upon the same lot therewith. Subject to limitations herein, accessory buildings and uses are permitted in all zones.

(Ord. No. 754, § 8-171, 7-6-2006)

Sec. 16-199. Location requirements and standards.

(a) An accessory building shall be constructed of materials that complement the existing primary structure and do not violate any existing POA or HOA covenants or restrictions. Accessory buildings shall not be located within a required street (front or street side) setback; shall be subject to the side setback standards of the underlying zoning district; shall be located to the rear of the primary structure (residence) and may not be located on lots without primary, dwelling structures; shall be set back at least seven and one-half feet from a rear lot line; shall not be located within any public easement or over any known utilities or septic system lines; shall not block drainage or impede surface water flow; and shall not occupy more than ten percent of the lot area, or more of the lot than is covered by the principal use, whichever results in less lot coverage. Accessory buildings shall not exceed the floor area of the principal use. Unless otherwise provided herein, and provided site visibility is not obstructed, signs, fences and walls shall be allowed within setbacks. One accessory building shall be permitted on any lot of one-half acre or less. Lots over one-half acre to five acres are permitted two accessory buildings, and lots greater than five acres are permitted three accessory buildings. All accessory buildings must be totally enclosed (no "pole barn" or other open buildings are permitted).

(b) An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building, and shall comply in all respects with the requirements applicable to the principal building; provided that detached, open-sided carports may be located in the side yard, no closer to the front lot line than the front building line of the principal building, and provided required side setbacks are met. Unless attached to the principal structure, accessory buildings shall be located at least ten feet from any other structure. The architecture, building materials, color schemes and roof slopes should match the primary building, unless primary structure is nonconforming, then accessory structure should conform to code.

(c) With regard to height limitations, accessory structures in residential districts shall not exceed 25 feet in height or the height of the principal structure on the lot.

(d) Accessory dwelling units shall follow the minimum dimension requirements of the zoning district. An accessory dwelling unit shall not be restricted to the provisions of an accessory building.

(Ord. No. 754, § 8-172, 7-6-2006; Ord. No. 974, § 2, 6-21-2016; Ord. No. 1068, § 1, 12-15-2020; Ord. No. 1116, § 1, 2-21-2023; Ord. No. 1124, § 1, 5-16-2023)

Sec. 16-200. Residential accessory uses.

Residential accessory uses shall include the following accessory uses, activities, facilities, and structures: accessory dwelling units (subject to limitations outlined in subsection (1) of this section); fences and walls; garages, carports, and off-street parking and loading areas; gardens; gates and guard houses; home occupations (subject to limitations and requirements of subsection (2) of this section); playhouses, patios, cabanas, porches, gazebos and household storage buildings; radio and television receiving antennas; recreational and play facilities for residents;

storm and fallout shelters; and other necessary and customary uses determined to be appropriate, incidental, and subordinate to the principal use on the lot.

(1) *Accessory dwelling unit.* Accessory dwelling units may be allowed ~~as a conditional use~~ in R-1 residential districts, ~~provided that the dwelling unit is used to house immediate family members or employees who work on site. Accessory dwelling units shall not be used for general rental or commercial purposes.~~

(2) *Home occupations permitted.* A home occupation shall be allowed as an accessory use in residential districts subject to compliance with the following requirements, which are intended to balance protection of residential character, with enabling residents to work from home:

a. The home office or business is clearly secondary to the use of the dwelling as a residence and does not change the residential character or appearance of the dwelling or lot in any visible manner.

b. The work done in the home office or business creates no objectionable odor, noticeable vibration, offensive noise that increases a level of ambient sound at the property lines.

c. The home office or business does not involve the external display of goods or services, and does not cause unsightly conditions or waste visible from off the property.

d. The home office or business does not cause interference with radio or television reception in the vicinity.

e. Permitted home occupations shall not routinely include the employment of any persons not residing on the premises in the performance of the occupation.

f. A home occupation shall be carried on wholly within the principal residential structure.

g. The home office or business occupies no more than 25 percent of the total floor area of the residence.

h. There shall be no external alteration of the dwelling, nor storage of supplies or equipment outside.

i. Not more than one truck of not more than 1½-ton capacity and no semi-trailers, incidental to the home occupation, shall be kept on the premises.

j. Parking to serve a home occupation shall be provided off-street, and no such parking shall be permitted in a required setback, other than in a driveway. In no event shall yard areas be converted to off-street parking to serve a home occupation.

(3) *Garage sales and yard sales.* Garage sales, yard sales and rummage sales, which are all included under the term "garage sales" are permitted in any zoning district subject to the following conditions:

a. *Reserved.*

b. *Reserved.*

c. *Reserved.*

d. *Signs.* Two on-site and three off-site temporary signs are allowed to be posted; however, posting may not occur more than two days before the sale begins. Each sign shall not exceed 4½ square feet in area. The off-site signs shall include the address and date of sale. All signs shall be removed by 8:00 a.m. on the day following the sale.

e. *Collection fee.* Any such signs not so removed the following day may be removed by city staff and for any such sign, a collection fee as currently established or as hereafter adopted by resolution of the city council from time to time shall be imposed.

f. *Application.* Application for a garage sale permit should be made to city administration offices as designated by the mayor. The applicant shall be required to provide the information necessary for the enforcement of these provisions. A permit shall be issued by city administration office subject to the conditions described in this subsection after payment of a fee as determined by the city.

g. *Property restrictions.* The sale must be conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.

(Ord. No. 522, § 1, 2-15-2000; Ord. No. 754, § 8-173, 7-6-2006; Ord. No. 1051, § 1, 5-19-2020; Ord. No. 1068, § 1, 12-15-2020)