

ORDINANCE NO. 1028

AN ORDINANCE AMENDING ARTICLE IV: DESIGN OVERLAY DISTRICT (I-49 AND STATE HIGHWAY 264, AND 71B AND E. MONROE AVENUE) OF CHAPTER 10: COMMUNITY DEVELOPMENT OF THE LOWELL MUNICIPAL CODE OF ORDINANCES IN THE CITY OF LOWELL, ARKANSAS AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Lowell has adopted the Lowell Municipal Code; and

WHEREAS, it has come to the attention of the City Council of the City of Lowell that ARTICLE IV: DESIGN OVERLAY DISTRICT (I-49 AND STATE HIGHWAY 264, AND 71B AND E. MONROE AVENUE) of CHAPTER 10: COMMUNITY DEVELOPMENT of the Lowell Municipal Code needs to be amended in the order to clarify and maintain design standards implemented by the City of Lowell; and

WHEREAS, having fully reviewed the proposed amendment, the Lowell City Council has determined that ARTICLE IV: DESIGN OVERLAY DISTRICT (I-49 AND STATE HIGHWAY 264, AND 71B AND E. MONROE AVENUE) of CHAPTER 10: COMMUNITY DEVELOPMENT of the Lowell Municipal Code should be revised and amended, as set forth herein below.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Lowell, Arkansas as follows:

Section 1. Section 10-55.-Purpose of the Lowell Municipal Code is hereby revised and amended and shall now read as set forth below:

Sec. 10-55. - Purpose.

The purpose of establishing a design overlay district for the I-49, State Highway 264 corridor, the 71B corridor, Pleasant Grove Road, North Goad Springs Road, and E. Monroe is as follows:

- (1) To protect and enhance the distinctive scenic quality of the I-49, State Highway 264 corridor, the 71B corridor, Pleasant Grove Road, North Goad Springs Road, Dixieland Road, and E. Monroe by providing for nonresidential developments which will maximize preservation and enhancement of the natural, rural, and open character of the terrain and foliage.
- (2) To address the issues of traffic and safety.
- (3) To address environmental concerns which include but are not limited to, soil erosion, vegetation preservation, drainage and heat islands.
- (4) To preserve and enhance the economic value and viability of property within and near the overlay district for the I-49 and State Highway 264 corridor, 71B corridor and E. Monroe Avenue.

Section 2: Section 10-56.-District Boundaries Delineated of the Lowell Municipal Code is hereby revised and amended and shall now read as set forth below:

Sec. 10-56. - District Boundaries Delineated.

The overlay district encompasses all lands lying within three hundred (300') feet of each side of the rights-of-way of State Highway 264, Highway 71B, south of Pleasant Grove Road in the area west of Concord Street, each side of N. Goad Springs Road, and E. Monroe from Highway 71B to the railroad tracks, within the city limits and all lands lying within six hundred sixty (660') feet of each side of the right-of-way of I-49 within the city limits. In cases where only the frontage portion of a lot lies within the district boundary area, the district regulations shall apply as follows:

As the intent of the district stated above in section 10-55 is to provide design standards for the corridors listed in this section, the regulations shall be applied only to the portions of the properties which lie within the district boundaries **or** to areas beyond the boundaries (but are still part of the same lot or property) that may have specific impact to the look or some other essential goal of the corridor in regard to the intent of the overlay design district regulations. In these cases, the district regulations shall apply only to those areas within the district boundaries unless the Planning Commission determines that the regulations should be applied beyond those boundaries in order to address direct and substantial aesthetic impacts on the corridor, in accordance with the original intent of these regulations.

Section 3: Section 10-57.-Application of District Regulations and Standards of the Lowell Municipal Code is hereby revised and amended and shall now read as set forth below:

Sec. 10-57. - Application of District Regulations and Standards.

The regulations and standards contained herein shall apply to all new development of nonresidential properties located within the overlay district boundaries. In the case of the expansion of an existing development, the following district regulations and standards shall apply when the development principal structure is redeveloped or remodeled by altering the interior by seventy-five percent (75%) or more, or when the development footprint is increased by fifty-one percent 51% of the existing development footprint. Such regulations and standards shall be in addition to and shall overlay all other ordinance regulations and standards, including, but not limited to, nonresidential zoning district and signage regulations and standards. Should the regulations and standards of the underlying and overlay districts conflict, the overlay district regulations and standards shall control.

Section 4: If any part of this ordinance shall be deemed illegal or unconstitutional for any reason, the remaining part of this ordinance shall remain in full force and effect and any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 5. Emergency Clause. The City Council for the City of Lowell finds that revised and amended design regulations and standards should be implemented in the City of Lowell, through changes to this ordinance, is imperative to preserve the orderly growth of the City of Lowell and that these changes should go into effect immediately, therefore, an emergency is declared to exist, and this ordinance shall go into effect immediately upon its passage.

PASSED and APPROVED this 26th day of March, 2019.

APPROVED:

CHRIS MOORE, Mayor

ATTEST:

ELIZABETH ESTES, City Clerk
(SEAL)