

**ORDINANCE NO. 1032**

**CITY OF LOWELL, BENTON COUNTY, ARKANSAS**

**AN ORDINANCE AMENDING LOWELL MUNICIPAL CODE SECTION 16-145 TO REQUIRE A CONDITIONAL USE PERMIT FOR WAREHOUSES IN COMMERCIAL ZONING DISTRICTS AND FOR OTHER PURPOSES.**

**WHEREAS**, it has come to the attention of the City Council of the City of Lowell that SECTION 16-145: OFFICE, RETAIL, COMMERCIAL, TOWN CENTER, AND INDUSTRIAL DISTRICT USES PERMITTED of ARTICLE III: ZONING of CHAPTER 16: LAND DEVELOPMENT CODE of the Lowell Municipal Code needs to be amended in the order add the requirement of a Conditional Use Permit for warehouses in commercial zoning districts where warehouses are permitted; and

**WHEREAS**, public hearing was held before the Lowell Planning Commission and after hearing public comment, the Lowell Planning Commission has recommended making the revision to the Schedule of Uses contained in the Land Development Code to reflect the requirement of a Conditional Use Permit for the use of warehouses in commercial zoning districts; and

**WHEREAS**, having fully reviewed the proposed amendment, the Lowell City Council has determined that SECTION 16-145: OFFICE, RETAIL, COMMERCIAL, TOWN CENTER, AND INDUSTRIAL DISTRICT USES PERMITTED of ARTICLE III: ZONING of CHAPTER 16: LAND DEVELOPMENT CODE 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.** The Schedule of Uses contained in the Lowell Land Development Code, Section 16-145, shall hereby be amended to reflect that the use of “warehouse” shall require a Conditional Use Permit (“CUP”) in any zone where it is currently permitted.

**Section 2.** Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

**Section 3.** In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not have an effect on the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

**Section 4.** Emergency Clause. The City Council for the City of Lowell finds that revised and amended land development definitions should be implemented by 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 16<sup>th</sup> day of April, 2019.**

APPROVED:

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CHRIS MOORE, Mayor

ATTEST:

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ELIZABETH ESTES, City Clerk  
(SEAL)