

That which is underlined is added; that which is stricken through is deleted.

## **ORDINANCE NO. 6155**

### **AN ORDINANCE AMENDING CHAPTER 130 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; TO COMPLY WITH THE PROVISIONS OF ACT 313 OF 2025.**

**WHEREAS**, the Arkansas General Assembly recently passed Act 313 of 2025, which amended the law concerning municipal regulations and prohibited certain restrictions on the regulation of accessory dwelling units;

**WHEREAS**, the provisions of Act 313 of 2025 have been codified at Ark. Code Ann. § 14-56-205, and Chapter 130 of the Code of Ordinances of the City of Springdale, Arkansas, should be amended to comply with Act 313 of 2025, as of January 1, 2026; and

**WHEREAS**, a public hearing was held before the Springdale Planning Commission on November 4, 2025, after notice of said hearing was published as required by the Code of Ordinances of the City of Springdale, Arkansas.

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

**Section 1:** Article 6, Section 2.7 of Chapter 130 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

- 2.7.1** Accessory structures. Accessory structures and uses shall be subject to the applicable use conditions set forth in this article.
- A. General conditions.
1. Permanent structures.
    - a. Located on the rear two-thirds (2/3) of the lot, but limitation shall not apply to carports, and garages provided that the required front yard is observed.
    - b. Shall be located in accordance with adopted fire codes from any existing dwelling or dwelling under construction and all setback requirements.
    - c. Shall not exceed sixteen (16) feet height.
  2. Portable structures.
    - a. May not exceed one hundred twenty (120) square feet or they shall meet the requirements for the location of permanent structures.

- b. Not allowed in the front yard or side yard. On a corner lot, it may be located in one side yard.
  - c. May be placed within the setbacks and/or utility easements as long as the structure is on skids and moveable with the understanding by the property owner that should work be required in the easement the structure will be moved at the owner's expense.
  - d. Cannot be connected to any utilities.
  - e. Shall not exceed ten (10) feet in height.
  - f. Shall not be located within ten (10) feet of any other portable structure or permanent building on the same lot.
- B. Multi-family districts. Permitted accessory uses in multi-family districts shall include accessory commercial uses of the types included in use unit 16 and 17 provided that such uses:
- 1. Are located entirely within a multi-family dwelling or office building as an accessory use for the convenience of the occupants of said building.
  - 2. Do not occupy more than ten (10) percent of the gross floor area of the building in which located and must have access only through the interior of the structure with the exception of a service entrance;
  - 3. Have no signs or other advertising visible from outside the lot on which located;
- C. Manufactured home park. In a manufactured home park containing at least one hundred (100) improved manufactured home spaces there may be provided accessory commercial uses for the convenience of the residents of the development, provided that:
- 1. All such uses are operated within an enclosed structure.
  - 2. The gross floor area of such accessory uses shall not exceed twenty-five (25) square feet for each manufactured home space in the park.
  - 3. No such structure shall be closer than thirty (30) feet to any property in a residential district outside the development.
- D. Single family. Permitted accessory uses in commercial districts shall include accessory residential uses, provided that such uses:
- 1. Are limited to single family residences.
  - 2. Are occupied by the owner or operator of the business on premises.

2.7.2 Accessory dwelling units. Subject to the following regulations, accessory dwelling units shall be allowed by right on a lot or parcel that contains a single-family dwelling:

- A. An accessory dwelling unit may be attached, detached, or internal to the single-family dwelling on a lot or parcel;
- B. If the accessory dwelling unit is detached from or attached to the single-family dwelling, it shall not be more than seventy-five percent (75%) of

the gross floor area of the single-family dwelling or one thousand square feet (1,000 sq. ft.), whichever is less;

- C. The maximum building heights, minimum setback requirements, minimum lot sizes, maximum lot coverages, or minimum building frontages for the accessory dwelling unit will be the same as the primary single-family dwelling unit on the lot;
- D. An accessory dwelling unit is not required to:
1. Have additional parking to accommodate the accessory dwelling unit;
  2. Match the exterior design, roof pitch, or finishing materials of the single-family dwelling unit on the lot;
  3. Be occupied by the owner;
  4. Have a familial, marital, or employment relationship between the occupants of the single-family dwelling and the occupants of the accessory dwelling unit;
  5. Make improvements to public streets or sidewalks as a condition of permitting an accessory dwelling unit, except as necessary to reconstruct or repair a public street or sidewalk that is disturbed as a result of the construction of the accessory dwelling unit;
  6. Have separate water and sewer from the primary structure. However, an accessory dwelling unit shall have either :
    - a. A will-serve letter from both a municipal water system and a municipal sewer system; or;
    - b. Approval from the Department of Health where a municipal water service or municipal sewer service is not available.
- E. The development impact fees assessed to an accessory dwelling unit under Chapter 118 herein shall not exceed two hundred fifty dollars (\$250);
- F. A restrictive covenant concerning an accessory dwelling unit on a parcel zoned for residential use by a single-family dwelling is not required; however restrictive covenants concerning accessory dwelling units may be entered into between private parties;
- G. An accessory dwelling unit may be a conversion of an existing building such as a detached garage or may be new construction. If an 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;
- H. The applicant for an accessory dwelling unit must provide a site plan and a design plan at the time of the building/remodeling permit request. The application fee for reviewing applications to create an accessory dwelling unit shall not exceed two hundred fifty dollars (\$250) for each accessory dwelling unit, and shall be in addition to any usual building or permit fees assessed by the City;
- I. An accessory dwelling unit shall be subject to all other Building Code and Fire Code permits/fees/requirements; must be inspected by the City, and

upon completion, the accessory dwelling unit must receive a certificate of occupancy prior to the occupancy of the accessory dwelling unit;

J. An accessory dwelling unit's address shall be the same as the primary dwelling unit and end with a "B".

K. The primary dwelling unit and the accessory dwelling unit's mail receptacle shall be together in one location.

L. An accessory dwelling unit must not violate any POA, HOA or covenants of record which apply to the lot or parcel that contains the single-family dwelling.

**Section 2:** Article 11 of Chapter 130 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to revise the following definitions as follows:

*Accessory building, structure, or use* means a building, structure, or use which:

1. Is 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;
3. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; ~~and~~
4. Is located on the same site as the principal building or principal use; and.
5. Is not an accessory dwelling unit as defined herein.

*Accessory dwelling unit* means a self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable regulatory requirements pursuant to Ark. Code Ann. §14-56-205 ~~separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single family structure.~~

~~*Accessory residential dwelling unit* means an independent dwelling unit which is subordinate and incidental to an attached principal commercial use located on the same lot.~~

**Section 3:** All other provisions of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended by this ordinance shall remain in full force and effect.

**Section 4:** The provisions of this Ordinance shall become effective on January 1, 2026.

**PASSED AND APPROVED** this 10<sup>th</sup> day of November, 2025.

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Doug Sprouse, Mayor

ATTEST:

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Sabra Jeffus, City Clerk

APPROVED AS TO FORM:

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Ernest B. Cate, City Attorney