



113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Ordinance: 6870

File Number: 2025-539

ADD FLEXIBILITY TO ACCESSORY DWELLING UNITS REGULATIONS TO PROMOTE HOUSING OPPORTUNITIES (AMEND CH. 164 & 171):

AN ORDINANCE TO AMEND SECTIONS 164.19 ACCESSORY DWELLING UNITS AND 171.13 PROPERTY OWNER TO CONSTRUCT SIDEWALK OR CONTRIBUTE COST OF SIDEWALK OF THE UNIFIED DEVELOPMENT CODE TO ADD FLEXIBILITY TO THE REGULATIONS FOR ACCESSORY DWELLING UNITS

WHEREAS, in conjunction with members of Fayetteville’s Planning Commission, the Housing Crisis Task Force, and the development community, an interdivisional group of staff identified three sections of the UDC where amendments may improve the availability and diversity of housing in Fayetteville including regulations on dwelling units; and

WHEREAS, proposed amendments to this section are intended to respond to recent state legislation and common challenges related to ADU construction, address general formatting issues, and increase flexibility for property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 164.19 **Accessory Dwelling Units** and enacts a replacement § 164.19 as described in Exhibit A attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby enacts a new subsection (C) in § 171.13 as follows:

“(C) *Exceptions.* Sidewalk construction is not required for accessory dwelling units; however reconstruction or repairs resulting from the construction of the accessory dwelling unit may be required.”

PASSED and APPROVED on May 6, 2025

Approved:



Molly Rawn, Mayor

Attest:



Kara Paxton, City Clerk Treasurer

This publication was paid for by the City Clerk-Treasurer of the City of Fayetteville, Arkansas. Amount Paid: \$142.88

164.19 Accessory Dwelling Units (ADU)

- (A) *Purpose.* Accessory dwelling units are allowed in certain situations to:
- Create new housing units while respecting the character and pattern of small scale traditional town form;
 - Increase the housing stock of existing neighborhoods in a manner that is compatible with established massing, scale, and development patterns;
 - Allow more efficient use of existing housing stock and infrastructure;
 - Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
 - Provide a broader range of accessible and more attainable housing.
- (B) *Intent.* Planning staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:
- (1) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.
 - (2) A two (2) story accessory dwelling unit shall limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard shall be minimized.
 - (3) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.
- (C) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:
- (1) *Maximum Square Feet.* The accessory dwelling unit(s) shall not be greater than 1,200 square feet of habitable space per lot.
 - (2) *Zoning.* The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building height, building area, bulk and area, and setbacks with the exception of density limits.
 - (3) *Parking.* Additional parking is not required to accommodate an accessory dwelling unit.
 - (4) *Maximum Number of Accessory Dwelling Units per Lot.* A maximum of two (2) accessory dwelling units are permitted provided the combined square footage does not exceed 1,200 square feet. Accessory dwellings may be interior, attached, or detached from the primary dwelling, or attached to each other.
 - (5) *Other Code Requirements.* The accessory dwelling unit shall comply with the requirements of the Arkansas Fire Prevention Code as adopted in Section 173.02 of the Unified Development Code.
 - (6) *Maximum Occupancy of the Accessory Dwelling Unit.* A maximum of one (1) family shall be permitted to reside in an accessory dwelling unit.
- (D) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance to the requirements for size (square feet) and height, where unique circumstances exist and the

effect will not adversely affect adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. No. 6076, §1, 8-7-18; Ord. No. 6520, §§3, 4, 1-18-22)

Editor's note(s)—Ord. No. 6076, §1, adopted Aug. 7, 2018, repealed the former §164.19, and enacted a new §164.19 as set out herein. The former §164.19 pertained to similar subject matter and derived from Ord. No. 5128, adopted April 15, 2008; Ord. No. 5866, §2, adopted April 5, 2016.