

ORDINANCE NO. 2025- 13

AN ORDINANCE TO AMEND ACCESSORY DWELLING UNIT
REQUIREMENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE
GROVE, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2025 ADU
Amendment.

Section Two: Section 4.3 of the Development Code Amended. Section 4.3 of the
Prairie Grove Development Code is amended to add a new definition of Accessory
Dwelling Unit and to amend the definition of Accessory Structure or Use to read
as follows:

Accessory Dwelling Unit

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.

Accessory Structure or Use

A subordinate structure located on the same lot with the main structure, (except in the case of off-street parking space) or a subordinate use of land, either of which is customarily incidental to the main structure or the principal use of the land.

Accessory dwelling units, storage buildings, garages and carports, hobby shops and similar facilities, either portable or affixed to a permanent foundation, ham radio towers, and swimming pools, both below-ground and above-ground when some type of permanent structure is affixed (e.g. decking) are examples of accessory structures. Where a substantial part of the wall of the accessory structure is a part of the wall of the main building or where an accessory structure is attached to the main building in a substantial manner, as by a roof, such accessory structure shall be counted as a part of the main structure.

A portable accessory structure is one not affixed to any footing, foundation or any other method of securing it to the ground in a semi-permanent fashion.

An accessory use includes, but is not limited to the following:

Keeping of domestic animals for personal enjoyment or household use, but not including a commercial stable or kennel.

Domestic or agricultural storage.

Home occupation (See definition in this Section.)

Incinerator or compost shed incidental to a principal use.

Storage of merchandise normally carried in stock in connection with a commercial or manufacturing use.

Accessory signs.

Section Three: Section 4.7 of the Development Code Amended. Section 4.7

of the Prairie Grove Development Code is amended to read as follows:

SECTION 4.7 ACCESSORY STRUCTURES and ACCESSORY DWELLING UNITS

4.7.1 Accessory Structures & Uses in Residential Zones shall be subject to the applicable use conditions set forth in the zoning district within which they fall and to the following general conditions:

- (1) No part of an accessory structure may extend beyond the front face of the primary structure.
- (2) Accessory structures greater than one hundred and sixty (160) square feet shall be located at least ten (10) feet from any existing dwelling or dwelling under construction. This separation shall be a minimum of eight feet (8') for smaller structures.
- (3) Accessory structures shall not infringe on any easement or right-of-way, except as allowed in subsection (6) below and shall comply with all applicable setback requirements for the parcel.
- (4) If on a corner lot, shall not project in front of the front building line required on any adjacent lot, nor closer than thirty feet (30') from the street line from which vehicular access is gained.
- (5) No portable buildings exceeding a hundred and sixty square feet (160) square feet are allowed.
- (6) A portable structure may be placed within a utility easement or established setback line, however the property owner agrees to move any such structure at their

expense to allow utility easement access; and ensures the building will not cause any adverse effect on neighboring properties

(7) Residential accessory structures shall be compatible with and harmonize with the general character of the buildings in the district. Truck trailers, metal storage containers, or other types of containers that are not buildings will not be considered accessory structures and will not be considered compatible in residential or mixed use zones, except for temporary storage when in no case shall the use exceed six (6) months.

(8) Accessory dwelling units ("ADU") shall meet all requirements applicable to the zoning classification, the above requirements applicable to all accessory structures, and the following:

(A) The total coverage of all buildings and structures on any lot shall not exceed 50% of the total square footage of the lot itself.

(B) The ADU shall be constructed to meet all current building and fire codes.

(C) Portable buildings may not be used as a ADU. ADUs must be permanent structures.

(D) The ADU may not exceed 75% of the gross floor area of the primary dwelling unit or 1,000 square feet, whichever is less.

4.7.2 Accessory Structures and Uses in Commercial Zones shall be subject to the applicable use conditions set forth in the zoning district within which they fall and to the following general conditions:

(1) Accessory buildings are allowed when there is a need for additional space outside of the main commercial occupancy for general merchandise, storage of materials or equipment or similar equipment or products.

(2) Accessory buildings shall be compatible with and harmonize with the general character of the buildings in the district.

(3) Truck trailers, metal storage containers, or other types of containers that are not buildings will not be considered accessory structures and will not be considered compatible in commercial zones, except for construction purposes and in no case shall the use exceed six (6) months.

(4) Accessory structures shall meet the same building setback as other buildings in the zoning class they are located in, and shall be at least 10' from any other existing building on the lot.

(5) No accessory building shall be constructed in a way to allow runoff, rainfall, seepage, or any other detrimental conditions to negatively affect adjoining properties.

4.7.3 Deleted

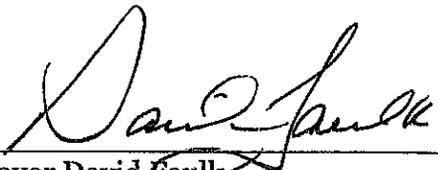
Section Four: Effective Date. This Ordinance shall become effective from and after 60 days following its posting unless an emergency clause is attached.

Section Five: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith are hereby repealed.

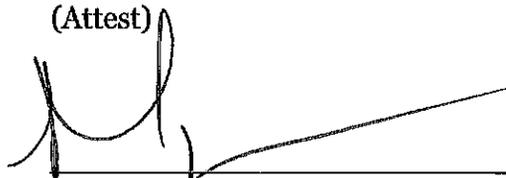
Section Six: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Seven: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 20th day of May 2025.



Mayor David Faulk

(Attest)


Melissa Dodson, City Clerk