

ORDINANCE NO. 2026-05-1284

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

**AN ORDINANCE AMENDING SECTION 153.172 OF THE TONTITOWN MUNICIPAL CODE REGARDING DETACHED ACCESSORY DWELLING UNITS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Tontitown, Arkansas, has determined that amendments to the City's zoning regulations concerning Detached Accessory Dwelling Units ("ADUs") are necessary to ensure compliance with applicable changes to state law and to promote clarity and consistency in the administration of the City's development regulations; and

**WHEREAS**, the City Council finds that the amendments set forth herein are in the best interests of the public health, safety, and welfare of the citizens of Tontitown.

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

**SECTION 1. Amendment of Code.** Section 153.172 of the Tontitown Municipal Code is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

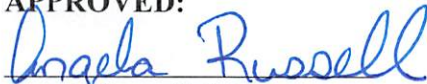
**SECTION 2. Repealer.** All ordinances, resolutions, codes, and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 3. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.

**SECTION 4. Emergency Clause.** The City Council has determined that immediate adoption of these amendments is necessary for the orderly administration of the City's zoning regulations and to ensure consistency with applicable law; therefore, an emergency is declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage and approval.

**PASSED AND APPROVED** on this 19 day of May 2026.

**APPROVED:**



Angela Russell, Mayor

**ATTEST:**

Rhonda Ardemagni  
Rhonda Ardemagni, City Clerk-Treasurer  
(SEAL)

**SPONSORSHIP AND LEGISLATIVE HISTORY**

Sponsor (Initiated By): Mayor Russell  
Motion to Introduce Made By: Larry Ardemagni  
Seconded By: Daniel Montez  
Adopted / Passed: PASSED  
Vote: Ayes 5 Nays     Abstain     Absent 1

This requirement is in addition to, and does not supersede, any authentication, attestations, or signature requirements imposed by state law or other provisions of the Tontitown Municipal Code.

## § 153.172 DETACHED ACCESSORY DWELLING UNITS.

All detached accessory dwelling units (ADU) must conform to the following standards:

- (A) *Parking.* No additional parking spaces shall be required for an accessory dwelling unit beyond the parking required for the primary dwelling.
- (B) *Unit size.* An accessory dwelling unit shall not exceed seventy-five percent (75%) of the gross floor area of the primary residence or one thousand (1,000) square feet, whichever is less. An accessory dwelling unit shall not have a required minimum floor area.
- (C) *Setbacks.* An accessory dwelling unit shall comply with the minimum setback requirements applicable to the zoning district, provided that such setback requirements shall not be applied in a manner that has the effect of prohibiting the construction of an accessory dwelling unit on an otherwise lawful space. Setbacks for ADUs shall not be more restrictive than those applicable to the primary dwelling.
- (D) *Separation.* The ADU shall meet all state and city regulations for separation of structures.
- (E) *Existing development on lot.* A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory unit.
- (F) *Number of accessory units per parcel.* Only one accessory dwelling unit shall be allowed for each parcel.
- (G) *Deed restrictions.*
  - 1) No deed restriction, restrictive covenant or recorded instrument shall be required as a condition of approval for an accessory dwelling unit, except as provided in Paragraph 4 herein.
  - 2) The City may require a recorded restriction stating that an accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling unless the property is lawfully subdivided in compliance with applicable zoning and subdivision regulations.
  - 3) No condition of approval for an accessory dwelling unit shall require owner occupancy of either the primary dwelling or the accessory dwelling unit.
  - 4) No permit, approval, or recorded restriction related to an accessory dwelling unit shall be conditioned upon limitations on rental duration, identity of tenant or owner, or continued ownership by the original applicant, except as otherwise provided by state law.

- (1) **Density.** In the single-dwelling zones, ADUs shall not be counted toward minimum or maximum density requirements.
- (H) **Private Covenants.** Nothing in this Ordinance shall be construed to authorize the City to enforce private covenants or the rules of any homeowners' association.
- (I) **Residential Impact Fees.** The City shall not assess development impact fees of an accessory dwelling unit in excess of two hundred fifty dollars (\$250), provided that this limitation shall not prohibit the City from imposing its standard building permit fees or other generally applicable charges.
- (J) **Utility Availability and Service Requirements:** The City may require, as a condition of approval for an accessory dwelling unit, the submission of a will-serve letter from both the municipal water system and the municipal sewer system demonstrating the availability of adequate service to the proposed unit.