

ORDINANCE NO. 2025-24

**AN ORDINANCE OF THE
CITY OF FAIRFIELD BAY, ARKANSAS,
TO AMEND THE MUNICIPAL CODE;
AMENDING TITLE 14 OF THE MUNICIPAL CODE
- ZONING; AMENDING SECTION 14.04.03 –
DEFINITIONS;
AMENDING SECTION 14.04.20 – ACCESSORY
USES;
SETTING APPLICATION FEE FOR ACCESSORY
DWELLING UNITS;
DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES**

WHEREAS, The City Zoning Code has long protected city residents, citizens, and property owners with a comprehensive zoning code;

WHEREAS, the State of Arkansas General Assembly recently enacted Act 313 of 2025, adding Arkansas Code Section 14-56-205 (Accessory dwelling units) to allow for development of single-family residential property, if not prohibited by restrictive covenants, and to require that City’s authorize Accessory Dwelling Units in its Municipal Ordinances and Codes; and

WHEREAS, the City is addressing the issues presented by Act 313 of 2025, and generally updating its Municipal Code and Ordinances, accordingly; and

WHEREAS, The City Zoning Code is designed to meet certain objectives to protect the quiet enjoyment and property values of residential areas, and to allow for growth in a manner that meets zoning requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS, that the following amendment is made to TITLE 14 of the Municipal Code, by amending Sections 14.04.03, and 14.04.20 of the Municipal Code (additions to the Municipal Code set for in *bold italics*, deletions in bold interlineations like ~~deleted~~):

SECTION 1: Municipal Code Section 14.04.03 – Definitions, be, and it is hereby, AMENDED by adding the following definition at the appropriate location (in the alphabetical list of defined terms):

* * *

Accessory Dwelling Unit – has the meaning set forth in Arkansas Code Annotated Section 14-56-205(a) (as of August 6, 2025): '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. Accessory Dwelling Units shall not be authorized in any zoning districts except Districts A, R-1A, and R-1B.

* * * *

SECTION 2. Municipal Code Section 14.04.20 – Accessory Uses, be, and it is hereby, AMENDED, by amending the following subsection C (additions set forth in ***bold italics***):

C. **Districts A, R-1A, R-1B, and R-2:**

* * *

5. Accessory buildings One building or shed, not exceeding ten by twelve feet in floor size and not exceeding ten feet in height may be located in the rear yard for purpose of personal use by the resident but not for residential or commercial use, provided that the Board of Zoning Adjustment may, upon application of the property owner, and after appropriate notice and public hearing, approve a detached accessory building not exceeding twelve by sixteen feet in floor size and ten feet in height to be located in a rear yard provided these conditions are met:
 - a. The building materials are the same as or are of similar appearance to the residence;
 - b. The architectural style is the same as or in harmony with the residence;
 - c. There is open space of sufficient size and topography that will accommodate the building without adverse effect on neighboring property; (Ord. No. 98-58, Sec. 1.) ***and***
 - d. ***A parcel or lot in zones A, R-1A and R-1B, does not have an "Accessory Dwelling Unit" and further that upon filing a successful application for an "Accessory Dwelling Unit" the authorization for an "Accessory building" shall be withdrawn,***

and the "Accessory building" structure removed, permanently.

SECTION 3. Municipal Code Section 14.04.20 – Accessory Uses, be, and it is hereby, AMENDED, by adding the following subsection K:

K. *Accessory Dwelling Units in Districts A, R-1A, and R-1B.*

- 1. *The City, through its Building Official and Code Enforcement Office, shall determine whether the site plan for an application for an Accessory Dwelling Unit conforms with the applicable regulatory requirements, including:***
 - a. *Compliance with the Arkansas Fire Prevention Code;***
 - b. *Any locally adopted ordinances and amendments to ordinances, including the Municipal Code of the City of Fairfield Bay;***
 - c. *Applicable zoning ordinances and conditions;***
 - d. *Applicable design standards; and***
 - e. *Any other state and local laws, rules, and ordinances applicable to the plan, permit, or application in question.***
- 2. *The City shall require that every application state, under oath by all applicants, that the application for an Accessory Dwelling Unit does not conflict with the covenants and restrictions applicable to the real property location where the Accessory Dwelling Unit is proposed. Covenants and restrictions include those of any applicable Homeowners' Association, as well as any Property Owners' Association.***
- 3. *The City shall determine that the Accessory Dwelling Unit proposed does not exceed more than seventy-five percent (75%) of the gross floor area of the single-family dwelling, or one-thousand square feet, whichever is less.***
- 4. *The City shall require approval from the Department of Health on any site where sewer service is not available.***
- 5. *Accessory Dwelling Unit application fee: The City shall require the payment of an application fee of two-hundred and fifty dollars (\$250.00) for every application for an Accessory Dwelling Unit. This application fee is in addition to the City's usual building fees, and is in addition to any development impact fees that the City may adopt or otherwise impose in the future.***
- 6. *The City prohibits more than one (1) Accessory Dwelling Unit per lot or parcel.***

7. *The City shall not authorize an Accessory Dwelling Unit in violation of any applicable covenants and restrictions on the real property. Applications for Accessory Dwelling Units that contain invalid sworn statements that the application does not violate applicable covenants and restrictions shall be void, ab initio, and applicant(s) shall forfeit the \$250.00 application fee without further notice. A copy of these limitations should accompany every application.*
8. *Accessory Dwelling Units under this sub-section of the Municipal Code shall be considered an "Accessory building" as set forth in this Municipal Code Section 14.04.20(C)(5), thereby precluding the residential property from having any "Accessory building" other than the Accessory Dwelling Unit under this Municipal Code.*

SECTION 4: NOT TO BE CODIFIED: THE MUNICIPAL CODE OF THE CITY OF FAIRFIELD BAY BE, AND IT IS HEREBY, AMENDED ACCORDINGLY. Items set forth, above, in ***bold italics*** shall amend the Municipal Code. Items set forth, above, in boldface interlineations (like the word: ~~deleted~~) shall be deleted from the Municipal Code, and repealed to the extent necessary to accomplish the purposes herein.

SECTION 5: NOT TO BE CODIFIED: **SUPPLEMENTAL**: This Ordinance, and the changes set forth herein, are meant to be supplemental to the Municipal Code, and the Ordinances of the City of Fairfield Bay, and do not repeal any part of the Municipal Code, unless specifically set forth herein by interlineation of a specific provision (including a punctuation mark). No Ordinances are repealed by this Ordinance.

SECTION 6: **NOT TO BE CODIFIED**: No part of this Ordinance shall be construed to repeal, replace, alter, or revise any private COVENANTS, RESTRICTIONS, OR OTHER LIMITATIONS ON USES OF REAL PROPERTY, currently in place as of the effective date of this Ordinance, or that were previously in-place, effective, or applicable to real property in the City of Fairfield Bay, Arkansas, prior to the effective date of this Ordinance. To the extent not otherwise set forth, this Ordinance shall be construed harmoniously with covenants, restrictions, and other private limitations on real property to provide the most quiet level of useful enjoyment of real property to all property owners.


SECTION 7: NOT TO BE CODIFIED: **CONFLICT RESOLUTION**: To the extent that any provision of this Ordinance is found to be in conflict with prior provisions of municipal law, including prior Ordinances, and prior provisions of the Municipal Code, such conflict shall be resolved as follows: (a) in priority of the provision of law that provides for more quiet operation, utilization, or other use; then (b) in priority of the provision of law with the more specific requirement over a general requirement; and then (c) if neither a, nor b, previously

provide a satisfactory resolution, the law enacted later in time shall control. General conflicts principles shall control when the foregoing are inadequate to address the specific issue.

SECTION 8: NOT TO BE CODIFIED: EMERGENCY CLAUSE: Because of the potential danger to public peace, health, and safety, and in particular as a result of the need for implementation of changes to address changes to state law, in order to protect the residents, voters and taxpayers from diminution of property values, **AN EMERGENCY IS HEREBY DECLARED TO EXIST**, and this Ordinance being necessary for the peace, health, safety, and general welfare of the City and its Citizens, taxpayers, residents, lenders, visitors, tenants, and other occupants, **IT SHALL BE IN FULL FORCE AND EFFECT** at 11:59 pm, on December 31, 2025, and thereafter.

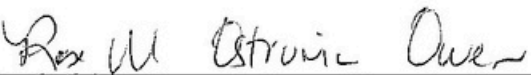
SECTION 9: NOT TO BE CODIFIED: SEVERABILITY CLAUSE: If any provision of this Ordinance, or the application thereof, to any person or circumstance, is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance, are declared severable.

Dated this 8th Day of December, 2025.



Honorable Seth J. Connell
Mayor, City of Fairfield Bay, Arkansas

Attest, a true copy:



Honorable Rose O. Owen, Recorder-Treasurer

Drafted by:

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