

ORDINANCE NO. 19.30

AN ORDINANCE ESTABLISHING GUIDELINES FOR ACCESSORY STRUCTURES FOR THE CITY OF GRAVETTE,  
ARKANSAS

WHEREAS, residents in the city have use for accessory structures;

WHEREAS, the city finds it necessary to establish guidelines for construction and/or placement of accessory structures;

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

**DEFINITIONS:**

*Accessory structure* means a building or structure not used for human occupancy and which is physically separated from buildings intended for human occupancy and the use of which is incidental and subordinate to the use of the principal structure.

- a. Accessory structures shall include storage sheds, shops, lean-tos, small pole barn, garden sheds, or the like.
- b. Accessory structures shall not include carports or garages that are physically detached from the principal structure and primarily intended for storage of a vehicle, boat, RV, or similar. Nor shall it include items whose primary use is for aesthetics or shade, like a gazebo or pergola.

*Construction* means work undertaken for the purposes of, and any work-product resulting from, making, fabricating, erecting, placing, or demolishing, part or all of any building or other improvement upon land.

*Floor area* means the total surface area of all floors of a building except the cellar but measured from the exterior faces of the exterior walls, or from the outer edges of the roof where covered areas are without exterior walls.

*Setback* means a line on a lot or parcel indicating a limit beyond which no building or structure may be erected.

**Section 1.** That accessory structures are permitted in all zoning districts provided the following is met:

- A. The lot contains a principal dwelling or building on the lot that is in full compliance with zoning codes.
  - a. Exception: lots zoned Agricultural may contain accessory buildings without a principal structure.
- B. C-1, C-2, C-3, C-4, C-5, C-6, and I-1 may contain a maximum of 3 accessory structures per one-acre of land.
- C. R-1, R-4, R-5, and R-O may contain a maximum of two accessory structures per lot.
  - a. If a lot is larger than one-acre, then two accessory structures per acre shall apply.
- D. R-2, R-3 may contain a maximum of two accessory structures per building unit.
- E. This section shall not be applied to properties zoned agricultural, commercially leased mini self-storage facilities, or businesses which sell or rent non-habitable storage buildings

**Section 2.** That accessory structures and uses shall be subject to the general conditions established below:

- A. No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure has been approved by the Planning

Commission for conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.

- a. Exception: Lots zoned agricultural may contain accessory buildings without a principal structure.
- B. Accessory structures ten feet or less in height shall be set back a minimum of three feet from any side property line and five feet from any rear property line, and further as necessary to clear any public right-of-way.
- C. Accessory structures with a height greater than ten feet shall meet the setback requirements of the zoning district in which it is located.
- D. The accessory structure shall be separated from the principal structure by at least ten feet for accessory structures greater than 200 square feet floor space and at least eight feet for accessory structures with less than 200 square feet floor space. Accessory structures primarily used as a carport or garage shall be at least five feet from the primary structure.
- E. No part of the accessory structure shall be located closer to the front setback than the front facing wall of the principal structure.
- F. The floor area of the accessory building shall have floor space no greater than 25% of the total floor area of the principal dwelling or building on the same lot.
- G. That before construction or placement of an accessory structure, a building permit is required.
  - a. Accessory buildings 200 square feet and smaller shall be permitted through an accessory building permit. The permit fee is \$10.00 per structure.
  - b. Accessory buildings larger than 200 square feet shall be permitted through a building permit and subject to all applicable building codes. The permit fee is calculated as indicated on the building permit form.
- H. This section shall not be applied to properties zoned agricultural, commercially leased mini self-storage facilities, or businesses which sell or rent non-habitable storage buildings

**Section 3.** That any person seeking an exception from this Ordinance may make a written request to the City Council and that the City Council shall have the authority to approve or deny such request.

**Section 4.** If for any reason any portion of this Ordinance is found to be invalid, such invalidity shall in no way affect the remaining portions thereof which are valid but said valid portions shall be and remain in full force and effect.

**Section 5.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 6.** That this Ordinance is necessary to preserve the public peace, health, safety, and welfare, and because of such, an emergency is declared to exist, and this Ordinance shall be in full force and effect from the date of its passage.

PASSED AND APPROVED THIS 24<sup>th</sup> DAY OF October, 2019.

APPROVED:

MAYOR

ATTEST:

STATE OF ARKANSAS  
CITY OF GRAVETTE

CITY RECORDER

CERTIFICATE OF RECORDER

I, Mike VonRee, Recorder of the City of Gravette, Benton County, Arkansas

In and for the City of the State aforesaid, do hereby certify that this

instrument of writing is a true and complete copy, and the same appears of

record of Accessory Structures Ord

being on file in my said office. I have here unto set my hand this 24<sup>th</sup>

day of Oct., 20 19

Mike VonRee, Recorder

City of Gravette, Benton County, AR

By [Signature]