

STAFF REPORT
Amendments to Sections 11-2-6, and 11-3-4 and Tables 11-2-1, 11-3-3 of the Comprehensive Zoning Ordinance Pertaining to the Accessory Dwelling Units (ADUs)
February 15, 2021



Community
Development
Services

Applicant: City of Idaho Falls

Project Manager:
Caitlin Long

Attachments:
1. Proposed Amendment Language

Staff Recommendation: To recommend approval to the Mayor and City Council of the amendment to Sections 11-2-6, and 11-3-4 and Tables 11-2-1, 11-3-3 of the Comprehensive Zoning Ordinance.

Staff Comments: Accessory Dwelling Units were introduced with the city-wide code changes in April 2018. With the anticipated adoption of the Imagine IF Comprehensive Plan, an action item in the plan was to permit ADUs in all residential zones. The proposed amendment would change the following to achieve this action item:

- Section 11-2-3: Allowed uses in Residential Zones, Table 11-2-1: Allowed Uses in Residential Zones – Permit ADUs in RP, R1, and RMH which would then allow ADUs in all residential zones.

In addition to permitted ADUs in all residential zones, other proposed amendments are also included:

- Section 11-2-6: Standard for Allowed Land Uses, addition of the following in subsection (N)(2)(h): “Recreation vehicles shall be prohibited for use as an accessory dwelling unit.”

-Section 11-2-6, subsection (N)(3) clean up of language for parking on the lot to permit parking to include the driveway space as an acceptable parking space for the ADU.

-Section 11-2-6, subsection (N)(5) addition of language “Accessory dwelling units shall not be counted in density calculations.”

-Section 11-2-6, subsection (N)(d) addition of language to clarify ADUs for caretakers in industrial zones

- Section 11-3-4 Dimensional Standards for Residential Zones, subsection (C)(2) addition of R2 and TN to included in lot coverage requirement to only include those areas under roofs for single unit residential zones.

- Section 11-3-4 subsection (D) Table 11-3-3: Dimensional Standards for Accessory Structure in Residential Zones removal of Lot Coverage of Rear Yard for all residential zones.

The changes made reduces barriers for ADUs to be built, by reducing limitations on lot coverage in rear yards and ensuring lot coverage for the lot overall only include areas under roofs. Also not including ADUs in density requirements ensure ADUs are not only available in all residential zones but also plausible for most of the homes in these zones.

Table 11-2-1: Allowed Uses in Residential Zones

P = permitted use. C1 = administrative conditional use. C2 = Planning Commission conditional use. C3 = City Council conditional use. A blank denotes a use that is not allowed in that zone. *Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.								
Proposed Land Use Classification	Low Density Residential			Medium Density Residential			High Density Residential	
	RE	RP	R1	R2	TN	RMH	R3	R3A
Accessory Use	P	P	P	P	P	P	P	P
Agriculture*	P							
Animal Care Clinic					p*			P
Artist Studio					p*			
Bed and Breakfast*								P
Boarding /Rooming House							P	P
Day Care, Center*			C ₂	P	P		P	P
Day Care, Group*	C ₁		C ₁	P	P	C ₁	P	P
Day Care, Home	C ₁		C ₁	P	P	C ₁	P	P
Dwelling, Accessory Unit*	P	<u>P</u>	<u>P</u>	P	P	<u>P</u>	P	P
Dwelling, Multi-Unit*				P*	P		P	P
Dwelling, Multi-Unit Attached*				P	P		P	P
Dwelling, Single Unit Attached*			P	P	P	P	P	P
Dwelling, Single Unit Detached	P	P	P	P	P	P	P	P
Dwelling, Two Unit				P	P		P	P
Eating Establishment, Limited					p*			P
Financial Institutions					p*			P
Food Processing, Small Scale					p*			
Food Store					p*			
Fuel Station					p*			
Health Care and Social Services					p*			P
Home Occupation*	C ₁		C ₁	C ₁	C ₁	C ₁	C ₁	C ₁
Information Technology								P
Laundry and Dry Cleaning					p*			P
Live-Work*					C ₁			P
Manufactured Home*	P	P	P	P	P	P	P	P
Mobile Home Park*						C ₂		C ₂
Mortuary								P
Park and Recreation Facility*	P	P	P	P	P	P	P	P
Parking Facility								P
Personal Service					p*			P
Planned Unit Development*	C ₃	C ₃	C ₃	C ₃		C ₃	C ₃	C ₃
Professional Service								P
Public Service Facility*	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂
Public Service Facility, Limited	P	P	P	P	P	P	P	P
Public Service Use								P

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11-2-6: STANDARD FOR ALLOWED LAND USES

(N) Dwelling, Accessory Unit.

- (1) The accessory dwelling unit may be configured as follows:
 - (a) As an integral portion of a principal dwelling unit on any floor or basement; or
 - (b) As an attached structure to the principal dwelling unit; or
 - (c) As a separate structure; or
 - (d) As [a caretaker's residence, when accessory and incidental to a permitted use and constructed as](#) an integral portion of any floor of a structure in an Industrial or Commercial Zone.
- (2) The accessory dwelling unit shall comply with the following dimensional and design requirements, except for those units that fall under 11-2-6(N)(1)(d): (Ord. 3218, 9-13-18)
 - (a) The maximum size of the accessory dwelling is seven hundred and fifty (750) sq. ft., and not more than one (1) bedroom.
 - (b) The structure that contains an accessory dwelling shall meet all required dimensional standards for the zone
 - (c) The accessory dwelling structure shall be well-matched in height, bulk, and site location with the adjoining neighborhood.
 - (d) As an attached structure the accessory dwelling unit shall be designed together with the principal dwelling in such a way as to resemble that of a single-unit dwelling.
 - (e) As an attached or separate structure the accessory dwelling unit shall be designed with the same architectural design, style and appearance of the principal dwelling unit.
 - (f) If included as part of the primary structure, only one (1) entrance to the primary structure may be located on the front building elevation except for structures where multiple entrances already exist. If multiple entrances exist then the accessory dwelling may utilize an existing entrance on the front building elevation.
 - (g) The accessory dwelling unit shall have a separate entrance from the primary dwelling, meet the building code requirements for a separate unit, and be functionally separate from the primary dwelling.
 - (h) [Recreational vehicles shall be prohibited for use as an accessory dwelling unit.](#)
- (3) One (1) parking space shall be required [on the lot where](#) ~~for~~ the accessory dwelling [is located](#) in addition to the existing minimum parking requirement for the principal dwelling unit. A driveway ~~apron~~ may be used for this requirement. Conversion of a garage into an accessory unit is not permitted unless required parking can be provided on the lot.
- (4) The property owner shall occupy either the principal dwelling unit or the accessory dwelling unit as their primary residence, except for units accessory to nonresidential uses. This requirement shall be enforced through recordation of a deed restriction with the Bonneville County Recorder.(Ord. 3218, 9-13-18)
- (5) Only one (1) accessory dwelling unit shall be permitted on a lot of a principal dwelling unit. [Accessory dwelling units shall not be counted in density calculations.](#)

- (6) The accessory dwelling unit shall not be sold separately or converted to any form of legal ownership different from the principal dwelling unit.

11-3-4: DIMENSIONAL STANDARDS FOR RESIDENTIAL ZONES.

Table 11-3-1: Standards for Residential Zones

	RE	RP	R1	R2	TN	R3	R3A	RMH
Lot Area								
Lot Area Minimum in ft ²	1 acre*	12,000	7,000	6,000*	3,000*	5,000*	5,000	5,000
Lot Area Maximum in ft ²			13,500*					
Site Width								
Site Width at Front Setback, Minimum in ft.	150	60	50	50	25	50	50	50
Setbacks, Minimum in ft.								
Front	40	30*	25*	20*	15*	15	15	30
Front Maximum in ft.					20*			
Side	20	7.5/10*	6	6	5	6	6	10
Rear	40	25	25	25	10	25*	25*	25*
Lot Coverage, Building Height, and Density								
Maximum Lot Coverage in %	30	40	40	80	50	80	80	40
Maximum Building Height in ft*	24	24	24	36	*			24
Maximum Density in net units/acre	1	4	6	17	15	35	35	8
*See explanations, exceptions and qualifications in Section 11-3-4A,B,C of this Zoning Code.								

(Ord. 3218, 9-13-18)(Ord. 3310, 6-18-20)

(A) Minimum and Maximum Lot Area.

- (1) In the R1 Zone, the maximum lot size shall be thirteen thousand five hundred square feet (13,500 ft²), except for corner lots, wedge-shaped lots in cul-de-sacs, or other unusual shaped lots. This shall also not apply to conditional uses such as schools and religious institutions.
- (2) In the R2 zone, seven hundred and fifty square feet (750 ft²) shall be added to the minimum required area for each additional dwelling unit.
- (3) In the TN Zone, the maximum average lot area for subdivisions approved after the adoption of this Code, April 12, 2018, shall be six thousand two hundred and fifty square feet (6,250 ft²) in order to encourage a mix of lot sizes and dwelling types. (Ord. 3210, 8-23-18)

(B) Minimum and Maximum Setbacks.

- (1) Properties zoned RP and RP-A prior to the adoption of this Zoning Code shall meet the setbacks required at the time they were approved. A listing of applicable subdivisions can be found in the Section 11-7-2. The applicable setbacks required at the time they were approved are as follows.

Table 11-3-2: Prior RP & RP-A Setbacks

	RP	RP-A
Setbacks – Minimum in ft.		
Front	30	30
Side	20	10
Rear	25	25

- (2) In the RP and R1 Zones, a minimum front setback of twenty feet (20') is permitted for lots which have their principal frontage on a turning circle of a cul-de-sac or the bulb of a ninety degree (90°) turn.
- (3) In the RP Zone, the side setback shall be a minimum of seven and a half feet (7.5') for single-story structures and a minimum of ten feet (10') for two-story structure.
- (4) In the TN Zone, the maximum front yard setback may be exceeded for residences that face a common open space area that fronts on the contiguous street and as otherwise permitted by Supplemental Standards for the TN Zone.
- (5) In the RMH Zone, a minimum rear yard of fifteen feet (15') may be permitted, if one of the required side yards is a minimum twenty five feet (25').
- (6) In the R3A Zone, non-residential buildings shall have a rear setback of at least ten feet (10'). (Ord. 3210, 8-23-18)
- (7) When a multi-unit dwelling or commercial use is developed on a property that adjoins a property zoned RE, RP, R1, R2, TN or unincorporated land designated for Low Density Residential in the City's Comprehensive Plan and the height of the building is over twenty-four feet (24'), every one foot (1') of additional building height requires an additional two feet (2') in setback with the minimum setback being thirty feet (30'). (Ord. 3233, 12-20-18)(Ord. 3310, 6-18-20)

(C) Maximum Lot Coverage, Building Height, and Density.

- (1) Public use, public service facility, school and religious institutions may be erected to any height, provided the building is set back from the required building setback lines at least one foot (1') for each additional foot of building height above the maximum height permitted in the Zone.
- (2) In the RE, RP, R1, [R2, TN](#) and RMH Zones lot coverage [for single unit residential uses](#) shall only include those areas under roofs.
- (3) For multi-unit or commercial uses lot coverage shall include all areas under roofs and paved surfaces, including driveways, walks, and parking areas. The remaining lot area shall be landscaped as required by this Code.
- (4) When a multi-unit dwelling or commercial use is developed on a property that adjoins a property zoned RE, RP, R1, R2, TN, or unincorporated land designated for Low Density Residential in the City's Comprehensive Plan and the height of the building is over twenty-four feet (24'), every one foot (1') of additional building height requires and additional one foot (1') in setback. (Ord. 3310, 6-18-20)

(D) Dimensional Standards for Accessory Structures in Residential Zones.

Table 11-3-3: Dimensional Standards for Accessory Structures in Residential Zones

	RE	RP	R1	R2	TN	R3	R3A	RMH
Setbacks – Minimum in ft.								
Front	40	30	25	20	15	15	15	25
Side	20	0/7.5*	0/6*	0/6*	0/5*	0/6*	0/6*	0/10*
Rear	40*	0*	0*	0*	0*	0*	0*	0*
Building height- Maximum in ft.		12/24*	12/24*	12/24*	12/24*			12/24*
Lot coverage of the rear yard, maximum %	30	30	30	30	30			30
*See explanations, exceptions and qualifications that follow in Section 11-3-4D (1-5) of this Zoning Code.								

- (5) In residential zones, accessory structures which are more than twelve feet (12') in height must meet the same setbacks as primary buildings.
- (6) In all residential zones, except the RE Zone, side yard requirements for accessory buildings shall be the same as for main buildings, except that no side yard shall be required for accessory buildings which are located more than twelve feet (12') in the rear of the main building.
- (7) The rear yard setback shall be three feet (3') on lots in any residential zone in which the rear yard is contiguous to an alley.
- (8) In the RMH Zone, a minimum rear yard of fifteen feet (15') is permitted if one (1) of the required side-yards is a minimum of twenty-five feet (25').
- (9) Properties zoned RP and RP-A prior to the adoption of this Zoning Code shall meet the setbacks required at the time they were approved. A listing of applicable subdivisions can be found in the