

Accessory Dwelling Unit Code – Mar 24, 2026 Draft

10-13-28: ACCESSORY DWELLING UNITS

- A. Purpose:
1. Provide a limited, neighborhood compatible option for additional housing on existing single family lots.
 2. Ensure external accessory dwelling units remain accessory to and subordinate to the primary dwelling.
 3. Preserve neighborhood character through clear standards for size, placement, parking, and appearance.
 4. Ensure basic life safety and code compliance through required inspection prior to occupancy.
- B. Intent:
- This ordinance is intended to create a regulated conditional use framework for External Accessory Dwelling Units, consistent with River Heights City.
- C. Applicability:
1. An External ADU is allowed only on a residential zoning lot containing a lawfully existing single family detached dwelling.
 2. Only one ADU (internal or external) is allowed per zoning lot.
 3. An External ADU is allowed on lots of 11,000 sqft or larger and may not occupy more than 40% of said lot.
- D. Approval Required:
- A Zoning Clearance Permit is required for construction, conversion, or establishment of an external ADU, in addition to any permits required by the Cache County Building Department.
- E. Ownership and Occupancy Requirements:
1. Owner Occupancy Required. The owner must occupy either the primary dwelling or the ADU as the owner's primary residence.
 2. Shared ownership. The primary dwelling and the ADU must be owned by the same owner or ownership entity.
 3. Temporary Absence. Owner occupancy may be waived during a bona fide temporary absence if:
 - a. The owner provides written notice to the city recorder or zoning administrator prior to or during the absence, including the anticipated absence duration, a forwarding address, and a local responsible agent contact, and
 - b. The absence does not exceed _____ months (suggest 24 to 36 months), and
 - c. The owner intends to return to the residence.
- F. Size and Configuration:
1. Subordinate size. The ADU must be clearly subordinate in size to the primary dwelling.

2. Maximum size. An external ADU may not exceed the lesser of:
 - a. Fifty percent of the gross floor area of the primary dwelling, or
 - b. 1,200 square feet of gross floor area.
 3. Kitchen and Sanitation. The ADU may include one kitchen, one bathroom, and the normal living and sleeping areas typical of a small dwelling.
 4. Occupancy Limits. Occupancy is limited to 2 persons per bedroom and may not exceed more than 6 persons in total. Occupancy to follow same occupancy guidelines found in 10-2-1: Dwelling, Singles.
- G. Placement, Height, and Setbacks
1. Setbacks. The ADU must meet the accessory structure setbacks applicable in the zone per Section 10-12-2 (Area Regulations): 5 feet on side lots and 20 feet on corner lots. No external ADU shall be constructed closer than 30' of a city roadway.
 2. Height. The ADU shall not exceed the height of the primary residence or 15' for a single family residence.
 3. Location on lot. The ADU shall be located to reduce neighborhood impacts where feasible, including consideration of:
 - a. Window placement and privacy
 - b. Access and circulation
 - c. Outdoor lighting
 - d. Snow storage and winter parking needs
- H. Appearance and Neighborhood Compatibility
1. Single family character. The primary dwelling and ADU must be designed and maintained so the property continues to read visually as a single family residential property.
 2. Entrances. Any new entrance added to the primary dwelling for the purpose of establishing an ADU shall be located on the side or rear of the primary dwelling when feasible.
 3. Materials. Exterior materials, roof pitch, and overall design of the ADU must be residential in appearance and compatible with the Primary Dwelling.
- I. Parking
1. Parking required. Two off street parking spaces must be provided for ADU's exceeding 1000 sqft and 1 off street parking space for ADU's less than 1000 sqft. Parking must be in compliance with Chapter 10-14.
 2. Minimum standard. The lot shall provide not less than three off street parking spaces total, unless the Planning Commission requires more based on site specific conditions. Parking location and design must comply with Chapter 10-14.
 3. Parking impacts. The Planning Commission shall consider winter parking conditions, street safety, and neighborhood congestion.
- J. Utilities
1. One service. The primary dwelling and ADU shall share utility services to the maximum extent allowed by the utility provider, including water and sewer service lines.
 2. One billing point. Municipal billing, if applicable, shall be directed to the

property owner.

- K. Rental Term and Leasing
 1. Minimum rental term. The ADU and the primary dwelling may not be rented for periods of time less than 30 days.
 2. If the City requires licensing for ADUs, the owner shall obtain and maintain any required city license.

- L. Life Safety Inspection and Code Compliance
 1. Code compliance. Any new construction, remodeling, or renovation done to create the ADU shall comply with the building code in effect at the time of permit application.
 2. Inspection required. Prior to occupancy of the ADU, the owner shall submit evidence of a building inspection by the applicable building authority. Any required corrections must be completed prior to occupancy.

- M. Permit Does Not Run with the Land
 1. Non transferability. Approval of an External ADU is specific to the owner to whom it is issued.
 2. Termination upon sale. Upon sale or transfer of the property, the ADU approval automatically terminates unless the new owner applies for and receives a new approval.

- N. Additional Conditions

The Planning Commission may impose additional conditions reasonably necessary to protect public health, safety, and neighborhood compatibility, including conditions related to parking, access, screening, and lighting.

- O. Revocation and Enforcement
 1. An external ADU approval may be revoked for noncompliance with the conditions of approval or any provision of Title 10.
 2. Notice and Cure. The city shall provide written notice stating the violation and allowing fourteen days to cure before revocation, unless an emergency condition exists.
 3. Appeal. A decision to revoke may be appealed pursuant to the city's appeal procedures.

Code Changes Affected by the Addition of ADU Code

10-2 DEFINITIONS

Add the following:

ACCESSORY
DWELLING UNIT
(ADU):

A habitable residential dwelling unit added to, created within, or detached from a primary single family dwelling and contained on one lot.

ACCESSORY DWELLING UNIT, EXTERNAL (DETACHED ADU):	A subordinate residential dwelling unit that is detached from the primary single family dwelling, located on the same zoning lot, and that meets all requirements of Title 10, including the requirements of 10-13-28.
PRIMARY DWELLING:	The principal single family detached dwelling on a zoning lot.
OWNER OCCUPIED:	The legal owner of record occupies either the primary dwelling or the ADU as the owner's primary residence.

10-12 ZONE REGULATIONS, Table 1 Land Use Chart

Add column "ADU" with the following zone designations:

A:	C
R:	C
RPUD:	C (optional, if available in RPUDs subject to the RPUD approval)
All other zones:	Not listed

Note: "C" indicates conditional permitted use subject to 10-20-2 and 10-13-28.

10-13-7: ACCESSORY BUILDINGS PROHIBITED AS LIVING QUARTERS

~~Living and sleeping quarters in any building other than the main residential building are prohibited.~~

- A. Living and sleeping quarters in any building other than the main residential building are prohibited.
- B. Exception. An external Accessory Dwelling Unit is permitted only when approved as a conditional use and operated in compliance with Section 10-13-28 of this title."

10-20-1: PERMITTED CONDITIONAL USES

- H. External Accessory Dwelling Units: As provided in 10-13-28 and as indicated as conditional uses in 10-12-Table 1.

*Amend
10-13-3
10-13-4*

Incorporate the Rental Unit Utility Service Charges Policy into 10-13-28:J.