

Accessory Dwelling Unit Code Draft  
May 12, 2026

**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 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 framework for accessory dwelling units, consistent with River Heights City regulations.
- C. Applicability:
1. A detached accessory dwelling unity (DADU) is allowed only on a residential zoning lot containing a lawfully existing single family dwelling.
  2. Only one ADU (internal or detached) is allowed per zoning lot.
  3. A DADU is allowed on lots 11,000 square feet 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 ADU, in addition to any permits required by the Cache County Building Department.
- E. Ownership and Occupancy Requirements:
1. Shared Ownership. The primary dwelling and the ADU must be owned by the same owner or ownership entity.
  2. Owner Occupancy Required. The owner must occupy either the primary dwelling or the ADU as the owner's primary residence.
  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 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. A DADU 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. If the ADU is an extension of or part of

an accessory building, the DADU portion shall be no more than 1,200 sq ft.

The design and size of the ADU shall conform to all applicable standards for fire, building, and health.

3. Living Space. The DADU shall maintain complete independent living facilities for one or more people including permanent provision for living, sleeping, eating, cooking, and sanitation on a year-round basis.
4. Occupancy Limits. Occupancy is limited to two (2) people per bedroom and may not exceed more than four (4) related people. Singles are limited to three (3) occupants (see 10-2-1: Dwelling, Singles).

#### G. Setbacks, Height, and Placement

##### 1. Setbacks.

- a. Side Yard: DADU building must be located at least 10 feet from the primary building and have a minimum side yard of five (5) feet except the street side yard on a corner lot shall be a minimum of twenty (20) feet.
  - b. Front Yard: If the DADU is in a side yard, setback must meet the front setback requirement of the primary building in the residential zone where it is located. Side yard must be at least five (5) feet.
  - c. Rear Yards: Five (5) feet. Corner lots rearing on the side yard of another lot, the minimum rear yard shall be ten (10) feet.
  - d. DADUs are not allowed in any utility easement and shall be located five (5) feet from such.
- ##### 2. Height.
- The DADU shall not exceed the height of the primary dwelling. If above an accessory building (shop or garage), thirty five (35) feet or whichever is lower.
- ##### 3. Placement on lot.
- The DADU shall be located to reduce neighborhood impacts and shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics of surrounding the DADU, including:
- a. Window placement and privacy
  - b. Landscape screening
  - c. Fencing
  - d. Door placement
  - e. Access and circulation
  - f. Outdoor lighting
  - g. Snow storage and winter parking needs

#### H. Appearance and Neighborhood Compatibility

1. The street view of a DADU shall be substantially similar in design as the street view of the primary dwelling unit.
2. Entrances. Any new streetside entrance added to the primary dwelling lot for the purpose of establishing an ADU access shall be located on the side or rear of the primary dwelling when feasible.

#### I. Parking

1. Parking required. Two off-street parking spaces must be provided for an ADU. Parking must follow Chapter 10-14.
2. Minimum standard. The lot shall provide not less than three off-street parking spaces total, unless the City requires more, based on site-specific conditions. Parking location and design must comply with Chapter 10-14.
3. Parking impacts. Winter parking conditions, street safety, and neighborhood congestion shall be considered.

#### 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 sanitary sewer service lines.
2. Residential units that use an existing septic tank for sewer must obtain a permit from the health department for a DADU.
3. One billing point. Municipal billing shall be directed to the property owner.
4. Owner will be billed for each separate dwelling on the property on one bill.
  - a. Water: Billed at the monthly base rate times the number of units. Overage credit will be given for each unit.
  - b. Sewer: Billed the monthly rate times the number of units.
  - c. Garbage: Billed for the number of cans on the property.
  - d. 911 charge: Billed the monthly rate times the number of units.

**K. Rental Term and Leasing**

Minimum rental term. The ADU and the primary dwelling may not be rented for periods of time less than ninety (90) days.

**L. Revocation and Enforcement**

1. DADU 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 allow 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.  |
| DETACHED ACCESSORY DWELLING UNIT, (DADU): | 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. |
| INTERNAL ACCESSORY DWELLING UNIT (IADU):  | A second dwelling unit that is part of the home on a parcel.   |
| 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.  |

**10-12-1: ZONE REGULATIONS, Table 1 Land Use Chart**

| Land Use Description                 | A | R-1-8    | R-1-10   | R-1-12   | PUD |
|--------------------------------------|---|----------|----------|----------|-----|
| <u>Accessory Dwelling Unit (ADU)</u> |   | <u>P</u> | <u>P</u> | <u>P</u> |     |

**10-12-A: AREA REGULATIONS, Table 2, Residential Space Requirement Chart**

| Residential Uses                   | A | R-1-8     | R-1-10    | R-1-12    | PUD      |
|------------------------------------|---|-----------|-----------|-----------|----------|
| <u>Detached Accessory Dwelling</u> |   |           |           |           |          |
| <u>Uses (in feet)</u>              |   |           |           |           |          |
| <u>Front Yard</u>                  |   | <u>20</u> | <u>20</u> | <u>25</u> | <u>*</u> |
| <u>Side Yard<sup>4</sup></u>       |   | <u>5</u>  | <u>5</u>  | <u>5</u>  | <u>*</u> |
| <u>Side Yard on a Street</u>       |   | <u>20</u> | <u>20</u> | <u>20</u> | <u>*</u> |
| <u>Rear Yard<sup>5</sup></u>       |   | <u>5</u>  | <u>5</u>  | <u>5</u>  | <u>*</u> |
| <u>Height<sup>6</sup></u>          |   |           |           |           | <u>-</u> |

Superscript 4: DADU must be located at least Ten (10) feet from primary building.

Superscript 5: Corner lot rearing side of another lot, minimum rear yard shall be 10 feet.

Superscript 6: Reference 10-13-28:G.2.

**~~10-13-3: YARD SPACE FOR ONE BUILDING ONLY~~**

~~No required yard or other open space around an existing building, or hereafter provided around any building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established.~~

**~~10-13-4: EVERY DWELLING TO BE ON A ZONING LOT~~**

~~Only one building which contains a dwelling shall be located and maintained on a "zoning lot", as defined in section 10-2-1 of this title, except for dwellings within a planned unit development.~~

**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. A detached accessory dwelling unit (DADU) is permitted only when approved by the City and operated in compliance with Section 10-13-28 of this title."