

AN ORDINANCE DELETING ADA COUNTY CODE SECTION 8-5-3-40 ENTITLED DWELLING, SECONDARY ATTACHED OR DETACHED AND ADOPTING A NEW ADA COUNTY CODE SECTION 8-5-3-40 ENTITLED DWELLING, SECONDARY ATTACHED OR DETACHED: TO PROVIDE FOR APPLICABILITY, GENERAL STANDARDS, NUMBER OF ADDITIONAL DWELLINGS ALLOWED, OCCUPANCY REQUIREMENTS, AND PROPERTY AND DIMENSIONAL STANDARDS; TO PROVIDE FOR DESIGN STANDARDS; TO PROVIDE FOR CONVERSION OF EXISTING STRUCTURES; TO PROVIDE FOR DEED RESTRICTIONS FOR ONE DWELLING TO BE PROPERTY OWNER OCCUPIED; AND AMENDING ADA COUNTY CODE TABLE 8-5A-1 ENTITLED ACCESSORY USES AND REQUIRED APPROVAL TO PROVIDE THAT NO ZONING CERTIFICATE OR ADMINISTRATIVE APPROVAL NEEDED FOR SOLAR ROOFTOP OR GROUND INSTALLATIONS AND TO PROVIDE THAT A TEMPORARY CONSTRUCTION OFFICE REQUIRES A ZONING CERTIFICATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT ADA COUNTY CODE, TITLE 8, CHAPTER 5, SECTION 40 AND ADA COUNTY CODE TITLE 8, CHAPTER 5, ARTICLE A, TABLE 8-5A-1 BE AMENDED AS FOLLOWS:

**Section 1:** Deleting Ada County Code Section 8-5-3-40 as to requirements for “Dwelling, Secondary Attached or Detached and adopting a new Ada County Code Section 8-5-3-40 as to requirements for “Dwelling, Secondary Attached or Detached” as follows:

**8-5-3-40: DWELLING, SECONDARY ATTACHED OR DETACHED:**

- A. Applicability. This section applies to any secondary attached or detached dwelling and details the standards required to ensure these dwelling types remain incidental and subordinate to the principal permitted dwelling.
- B. General Standards.
  - 1. Principal Dwelling: A principal permitted dwelling with a valid zoning certificate and certificate of occupancy, or a principal permitted dwelling under construction with a valid building permit, must be present on the subject property.
  - 2. Number Allowed: No more than one permanent additional dwelling including, but not limited to, an additional farm dwelling, caretaker dwelling, or a secondary dwelling shall be permitted on a property. Conversion of an existing attached garage or basement of the principal permitted dwelling counts as the allowed one permanent additional dwelling.
  - 3. Occupancy: Either the principal dwelling or the secondary dwelling must be continuously occupied by at least one (1) person having ownership interest in the subject property.

4. Property Size: The subject property shall have a minimum property size of at least six thousand (6,000) square feet.
5. Dimensional Standards. All secondary dwellings shall meet the dimensional standards for the applicable zoning district.

C. Design Standards.

1. Size. A secondary dwelling may be between three hundred fifty (350) square feet up to a maximum of one thousand two hundred (1,200) square feet or sixty percent (60%) of the square footage of above-ground living space of the principal dwelling, whichever is less. Garage and/or shop space included in an accessory structure containing a secondary dwelling shall not count against the allowed square footage of the secondary dwelling.
  - a. 60% Calculation: The square footage of covered outdoor space, basements or attached/detached garages associated with the principal dwelling must be excluded from the 60% calculation.
2. Bedrooms: Secondary dwellings are limited to a maximum of three (3) bedrooms. A bedroom includes enclosed conditioned spaces over 70 square feet with a privacy door and separate means of emergency escape.
3. Parking. Off street parking shall be provided as per section 8-4G-6 of this title in addition to the required off street parking for the principal dwelling.
4. Appearance. The secondary dwelling should be complementary with the principal permitted dwelling in that it:
  - a. has a similar roof pitch; and
  - b. has a compatible color scheme.
5. Facilities. The secondary dwelling shall have separate kitchen and bathroom facilities from the principal permitted dwelling.
6. Utilities: The secondary dwelling shall be provided with utilities which may be metered separately - including gas, electric, communications, water and sewer all subject to the approval of applicable utility companies and public agencies.
7. Entry: Secondary dwellings shall be provided with a primary point of ingress and egress separate from the principal dwelling.
8. Emergency Access: Secondary dwellings shall be provided with a separate address, a unique identifier, or other means to enable emergency service providers to identify and distinguish the dwelling unit from the principal dwelling. Adequate physical access for emergency services to both the principal and secondary dwellings shall be provided.
9. Foundation: Secondary dwellings shall be placed on a foundation.

CI. Additional Standards for Detached Secondary Dwelling Units.

1. Location: A secondary dwelling shall not be located in the front yard unless the principal dwelling, and its address indicator can remain unobscured, and one or more of the following can be demonstrated:
  - a. The depth of the lot or parcel is two hundred fifty feet (250') or less; or

- b. The configuration of the property and location of the principal dwelling would preclude the location of the secondary dwelling to meet the required back yard and/or side yard setbacks.
  2. Outdoor Space. A minimum of 50 square feet of outdoor space like a porch, patio, or balcony shall be provided for the exclusive use of the residents of the dwelling. This square footage shall not count against the allowed square footage of the secondary dwelling.
- E. Conversion of an existing structure.
  1. An existing garage, basement or a detached accessory structure may be converted into a secondary dwelling, provided that the conversion or structure meets the standards of this section, except for the requirements of section 8-5-3-40.C.4.
  2. If such conversion requires exterior work and/or an addition to the existing garage, basement, or detached accessory structure such exterior work and/or addition should be complementary to the existing building construction.
  3. Such conversion shall comply with all applicable requirements of the Ada County building code, as set forth in title 7, chapter 2 of this code, any applicable plumbing or electrical code requirements, and any applicable off-street parking requirements for both the principal and secondary dwellings.
- F. Deed Restriction. A recorded deed restriction is required ensuring compliance with the following requirements and shall be submitted prior to issuance of a certificate of occupancy or final building permit inspection.
  1. Document Requirements: The deed restriction or covenant shall address the following topics:
    - a. The secondary dwelling shall not be sold or owned separately from the principal dwelling.
    - b. The secondary dwelling may be utilized as habitable space, only so long as either the principal dwelling or the secondary dwelling is occupied by at least one individual with ownership interest in the property.
    - c. In the event that a minimum of one (1) person having ownership interest in the property ceases to occupy a dwelling on the property, the secondary dwelling shall automatically become non-habitable space, shall not be used as a dwelling and shall not be rented or leased for any purpose.
    - d. The above restrictions shall be binding upon any successor in ownership of the property as long as the secondary dwelling exists on the property.

**Section 2:** Amending Ada County Code Section 8-5A-2 as to Table 8-5A-1 “Accessory Uses and Required Approval” as follows:

**8-5A-2: APPLICABILITY:**

These regulations apply to any property in unincorporated Ada County where an accessory use is allowed under the regulations of this title and where the property has an established principal

permitted use. The following table indicates accessory uses requiring a zoning certificate and/or approval by the Director:

TABLE 8-5A-1: ACCESSORY USES AND REQUIRED APPROVAL

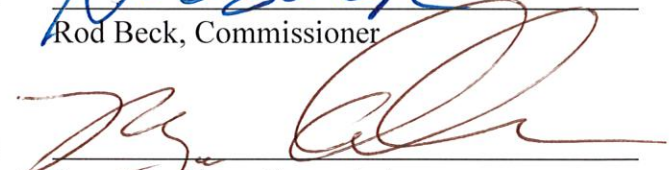
| Accessory Use  | Required           |                         |
|--|--------------------|-------------------------|
|  | Zoning Certificate | Administrative Approval |
| Accessory structure, 200 square feet or less   | No                 | No                      |
| Accessory structure, >200 <1,500 square feet   | Yes                | No                      |
| Accessory structure, >1,500 square feet  | Yes                | Yes                     |
| Agricultural produce stand   | Yes                | Yes                     |
| Agricultural structure   | Yes                | No                      |
| Automotive, hobby  | Yes                | No                      |
| Daycare, family daycare home   | Yes                | No                      |
| Daycare, group daycare facility  | Yes                | Yes                     |
| Distributed power facility, solar rooftop, solar ground, solar integrated, or solar pole | Yes                | No                      |
| <u>Distributed power facility, solar rooftop, solar ground</u>                           | <u>No</u>          | <u>No</u>               |
| Distributed power facility, wind rooftop (1 accessory only)                              | Yes                | Yes                     |
| Dwelling, additional farm  | Yes                | Yes                     |
| Dwelling, caretaker for an approved use  | Yes                | Yes                     |
| Dwelling, secondary attached or detached   | Yes                | Yes                     |
| Fence, barbed wire, electric wire, or other  | No                 | No                      |
| Fuel cell  | Yes                | No                      |
| Gasoline, diesel, or alternative fuel sales  | Yes                | No                      |
| Home occupation, large   | Yes                | Yes                     |
| Home occupation, small   | Yes                | No                      |
| Kennel, hobby  | Yes                | Yes                     |
| Livestock confinement facility, 300 AU or fewer  | No                 | No                      |
| Mortuary   | No                 | No                      |
| Office, relating to an approved use  | No                 | No                      |
| Office, temporary construction   | Yes <del>No</del>  | No                      |
| Outdoor storage  | No                 | No                      |


|   |  |     |
|---|--|-----|
| Pit, mine, or quarry                                | Yes                                    | Yes |
| Portable classroom                                  | Yes                                    | Yes |
| Produce stand, agricultural                         | Yes                                    | No  |
| Produce stand, roadside                             | Yes                                    | Yes |
| Retail sales, relating to an approved use           | No                                     | No  |
| Roadside produce stand                              | Yes                                    | Yes |
| Sign, administrative approval not required          | No                                     | No  |
| Sign, administrative approval required              | Yes                                    | Yes |
| Small wireless facilities                           | Yes                                    | No  |
| Swimming pool, private                              | Yes                                    | No  |
| Temporary living quarters                           | Yes                                    | Yes |
| Temporary use                                       | See chapter 4, article L of this title |     |
| Tower or antenna structure, private, 6 feet or less | Yes                                    | No  |
| Tower or antenna structure, private, > 6 feet       | Yes                                    | Yes |

ADOPTED this 13<sup>th</sup> day of March, 2024

**Board of Ada County Commissioners**

By:   
Rod Beck, Commissioner

By:   
Ryan Davidson, Commissioner

By:   
Thomas Dayley, Commissioner

ATTEST:

  
Trent Tripple, Ada County Clerk

BY HEATH RIBORDY, ASSISTANT DEPUTY CLERK

SUMMARY OF ADA COUNTY ORDINANCE NO. 970

AN ORDINANCE DELETING ADA COUNTY CODE SECTION 8-5-3-40 ENTITLED DWELLING, SECONDARY ATTACHED OR DETACHED AND ADOPTING A NEW ADA COUNTY CODE SECTION 8-5-3-40 ENTITLED DWELLING, SECONDARY ATTACHED OR DETACHED: TO PROVIDE FOR APPLICABILITY, GENERAL STANDARDS, NUMBER OF ADDITIONAL DWELLINGS ALLOWED, OCCUPANCY REQUIREMENTS, AND PROPERTY AND DIMENSIONAL STANDARDS; TO PROVIDE FOR DESIGN STANDARDS; TO PROVIDE FOR CONVERSION OF EXISTING STRUCTURES; TO PROVIDE FOR DEED RESTRICTIONS FOR ONE DWELLING TO BE PROPERTY OWNER OCCUPIED; AND AMENDING ADA COUNTY CODE TABLE 8-5A-1 ENTITLED ACCESSORY USES AND REQUIRED APPROVAL TO PROVIDE THAT NO ZONING CERTIFICATE OR ADMINISTRATIVE APPROVAL NEEDED FOR SOLAR ROOFTOP AND SOLAR GROUND INSTALLATIONS AND TO PROVIDE THAT A TEMPORARY CONSTRUCTION OFFICE REQUIRES A ZONING CERTIFICATE; THAT A VIOLATION OF COUNTY ZONING REGULATIONS IS A MISDEMEANOR.

ORDINANCE NO. 970 SHALL BE EFFECTIVE UPON PUBLICATION. A FULL TEXT OF THE ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE ADA COUNTY CLERK, 200 W. FRONT STREET, BOISE, IDAHO.

APPROVED BY THE BOARD OF ADA COUNTY COMMISSIONERS THIS 13<sup>th</sup> DAY OF March, 2024.

**Board of Ada County Commissioners**

By:   
Rod Beck, Commissioner

By:   
Ryan Davidson, Commissioner

By:   
Thomas Dayley, Commissioner

ATTEST:



Trent Tripple, Ada County Clerk

BY HEATH RIBORDY, ASSISTANT DEPUTY CLERK

PUBLISHED: 3/17/24

SUMMARY OF ADA COUNTY ORDINANCE NO. 970

STATEMENT OF APPROVAL

I, Trent Tripple, Ada County Clerk, do hereby declare that the attached summary of the Ada County Ordinance No. 970 is true and complete and provides adequate notice to the public, pursuant to Idaho Code § 31-715A.



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Trent Tripple  
Ada County Clerk

[SEAL]

BY HEATH RIBORDY, ASSISTANT DEPUTY CLERK

## LEGAL NOTICE

### SUMMARY OF ADA COUNTY ORDINANCE NO. 970

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APPROVED BY THE BOARD OF ADA COUNTY COMMISSIONERS THIS 13th DAY OF MARCH, 2024.

Board of Ada County Commissioners  
By: /s/ Rod Beck, Commissioner  
By: /s/ Ryan Davidson, Commissioner  
By: /s/ Thomas Dayley, Commissioner

ATTEST: Trent Tripple, Ada County Clerk

March 17, 2024

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